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Micaiah Titus Ragins  
Compliance Coordinator  
Public Disclosure Commission

TRANSMITTED BY EMAIL TO [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

November 28, 2018

Re: Response to PDC complaint # 42988 – Erickson

Dear Ms. Ragins,

In response to the PDC complaint filed by Mr. Erickson, referenced above, we respond as follows:

The stated statutory provisions do not apply to the campaign advertising placed at issue by the complaint.

The major theme of the complaint is that the advertising at issue had to comply with certain alleged disclosure requirements, namely and particularly, that the advertising had to contain disclosures of the top 5 contributors to the campaign. The complaint errantly makes this claim, as the “top 5” disclosure requirements do not apply in this setting. The “Top 5” requirement applies to so-called “independent” campaign ads. None of the ads at issue fall into that category. All were sponsored by the candidate committee, the campaign committee, using funds raised by the committee. There was no independent sponsorship. Without such independent sponsorship, there was no need to include the top five contributors to the campaign in the ad. This interpretation is supported by the attached PDC guidance documents relating to this issue. These include the Political Advertising Guide (the “PAG”)(also referenced online as the “Brochure”), which states as follows:

A political committee must include its Top 5 contributors' names when sponsoring an ad about a ballot measure with a cost of at least \$1,000 in the aggregate, or when making an independent expenditure for or against a candidate. (Top 5 = the five largest contributors who gave more than \$700 during the 12 months before the ad appears.

This advertising was not for a ballot measure.

Additionally, and similarly, this interpretation is supported by the related online document on the PDC website entitled "Independent Expenditure Ads & Electioneering Communications"; this document is linked online to the PAG. An Independent Expenditure is one paid by someone other than the candidate or the candidate's committee. Also, according to the same document, any ad of this type would have to have the following legend: "No candidate authorized this ad. It is paid for by (name, address, city, state)". Under these circumstances, were this type of legend to appear on the ads at issue, *that* would be false and misleading.

To summarize and repeat, because none of the ads placed in issue by the complaint were independent expenditures or about a ballot measure, the information demanded by the complaint is not required. There was compliance with the pertinent rules and statutes.

#### Omission of sponsorship on October 27, 2018 Whidbey News-Times front page

The complaint does correctly point out that sponsorship information was omitted from the October 27, 2018 front page advertisement on the Whidbey News-Times front page. This was an editorial error. If one examines the other ads which are provided in the complaint, one will see a photograph similar to that which appears on the front page article, except that it is larger and extends further down towards Mr. Seguire's feet. In those other advertisements, the reader can see that the sponsorship information is included in that segment of the ad copy. During the preparation of the front page advertisement for October 27, the campaign marketing representative interacting with the newspaper instructed the newspaper to crop the photograph so that it would fit in the space that was at the bottom of the paper. That person did not realize, in doing that, that the newspaper would then crop off the sponsorship information. It was only upon receipt of the complaint that we realized this had occurred. Attached to this correspondence are several emails which occurred at the time which show that this is what happened. There was no ulterior purpose on the part of the campaign to omit this information. It was nothing more than an oversight, and a byproduct of last-minute editing.

Other advertising identified in the complaint

The complaint presents as evidence other advertisements that supposedly are in violation of the sponsorship disclosure rules. They are presented, presumptively, from the standpoint of not including the “top 5” as discussed above. But quite to the contrary of the complaint, these additional ads show that the campaign was, aside from the October 27, 2018 ad, meticulously and consistently providing the required disclosure information. It is on every other ad copy provided in the complaint.

We sincerely hope this sufficiently addresses the concerns in the complaint and we thank Mr. Erickson for bringing the October ad to our attention. Please advise whether you require further information from us.

Sincerely,

  
Tom Seguire

Enclosures:

Email chain concerning cropped photo with sponsorship copy at bottom



Tom Seguire <northcascadeslegal@gmail.com>

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## Fwd: Quote for Tom Seguire Order

1 message

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Cat <catweech@comcast.net>  
Reply-To: Cat <catweech@comcast.net>  
To: Tom Seguire <northcascadeslegal@gmail.com>

Wed, Nov 14, 2018 at 6:41 PM

Hello Tom!

Sorry to learn of the Vendor error. I did find this email below (highlighted in yellow) instructing Sound Publishing to resize the art from our billboard art File (attached), which of course included the disclaimer and your website. I also attached a digital ad that ran in the horizontal format, (I believe I sent as lay out example later)

As you know, we were diligent in our media purchases with paperwork that requested proper ad copy to run as required. All media reps knew we required our **Paid for By Committee To Elect Tom SeGuine Judge, Washington Court of Appeals/ TomSeguire.Com** in print, digital and radio ads.

My guess is this "Vendor Error" occurred when an early version of a proof that was resized by a 3rd party Graphic Artist inadvertently left the disclaimer off during resizing, then went to print . This was unintentional of course. I would think that all of the other ads that ran with appropriate disclosure would show this was an error and not intentional.

In addition, our ads include the website address. Your supporters were listed on the Website, including the Republican Party (under endorsements). The campaign was very transparent in who supported it, and followed the disclosure rules as presented. If there's something else needed on this matter, let me know.

Sincerely,

Cat Weech

Marketing Specialist

**C.reative A.dvertising T.echniques**

c: 360-708-2756

f: 360-299-0410

e: [catweech@comcast.net](mailto:catweech@comcast.net)

m: PO Box 2028, Anacortes Wa 98221



----- Original Message -----

From: Kimberly Winjum <[kwinjum@whidbeynewsgroup.com](mailto:kwinjum@whidbeynewsgroup.com)>

To: Catherine <[catweech@comcast.net](mailto:catweech@comcast.net)>

Date: October 2, 2018 at 7:04 AM

Subject: Re: Quote for Tom Seguire Order

also I cant use a PNG if you could sent a PDF

**Kimberly Winjum**

Associate Publisher

Direct: 360-632-7510

Internal: 35004

Fax: 360-679-2695

[31955 SR 20 Suite 4](#)

[Oak Harbor , Wa](#)

Mailing address:

PO BOX 1200

Coupeville,wa 98239

***Whidbey Island's Community Newspapers***

[Whidbey News-Times](#) • [Whidbey Crosswind](#)

[Whidbey Examiner](#) • [South Whidbey Record](#)

*Sound Publishing, Inc*

[Map](#) [Print Rates](#) [Online Rates](#) [Media Kit](#) [Sound Info](#)

On Mon, Oct 1, 2018 at 3:53 PM Cat <[catweech@comcast.net](mailto:catweech@comcast.net)> wrote:

Our strategy is to hit with traditional paid media from the week the Ballots are Mailed through election Monday an ad window of October 15 through November 5th. It looks like you charge a lot for color.....So I want two proposals...ONE with BW ads, second with Color.....ALSO we DO get the Multi Paper Discount even if Political Correct? Rate card says 20% with 4 or more papers....which we hit. Sooner you get me the numbers, sooner I get approval and check. Please respond to me directly.

**Island County Voters:**

As WNT only publishes Sat & Wed, we want:

Ads in the WNT on **Saturdays** as follows:

Oct 20= 4 column x 3"

Oct 27= the front cover banner ad as reserve

Nov 3= 4 column x 3"

ART: Resize billboard art to make **4 col x 3"** (I have link to native file coming)

ART: For the **FRONT COVER BANNER**.....Rework Billboard Art so the **ELECT TOM SEGUINE BOX** to the left of art above and the attached experience chart is to the right.....that should extend the width of the art for across the page..Then Move the ..... /30 years court experience matters!/ under the line /FOR the PATH Ahead/ and crop Tom's lower legs etc to make it work in the new horizontal format.

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**2 attachments**

**Tom Seguire Sample for BHAM.JPG**  
55K



Tom Seguire LONG AD Sample.JPG  
90K