



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

January 22, 2019

Delivered electronically to "ltreat@nelsonnygaard.com"

Subject: PDC Case 43047

Dear Nelson/Nygaard Consulting Associates:

Below is a copy of an electronic letter sent to Mark Obtinario concerning a complaint filed with the Public Disclosure Commission (PDC) as it pertains to his allegations against Nelson/Nygaard Consulting Associates.

As noted in the letter to Mark Obtinario, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter, as it relates to Nelson/Nygaard Consulting Associates.

If you have questions, you may contact Phil Stutzman at 1-360-664-8853 toll-free at 1-877-601-2828, or by e-mail at [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Phil Stutzman  
Compliance Officer

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



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January 22, 2019

Delivered electronically to "mobtinario@yahoo.com"

Subject: Complaint regarding Nelson/Nygaard Consulting Associates, PDC Case 43047

Dear Mark Obtinario:

The Public Disclosure Commission (PDC) has completed its review of the portion of the complaint you filed on October 24, 2018 that pertains to Nelson/Nygaard Consulting Associates. Your complaint alleged that Nelson/Nygaard Consulting Associates may have violated: (1) RCW 42.17A.255 by failing to report, as an independent expenditure, its costs to create a website at [LewisCountyTransitMeasure.com](http://LewisCountyTransitMeasure.com), and its costs to create and send a mailer, both promoting Proposition 1, a ballot measure on the November 6, 2018 general election ballot, concerning a sales and use tax to finance public transportation within the boundaries of the Lewis County Transportation Benefit Area; and (2) RCW 42.17A.320 by failing to include proper sponsor identification on the website and the mailer. Your complaint also alleged that officials of Twin Transit may have violated RCW 42.17A.555 by using or authorizing the use of the public facilities of Twin Transit to promote Proposition 1. That portion of your complaint is being investigated separately under PDC Case 43055.

PDC staff reviewed your allegations concerning Nelson/Nygaard Consulting Associates, the applicable statutes, rules and reporting requirements, and as a result of staff's review, we found the following:

- RCW 42.17A.255 requires persons, including individuals and entities, to file PDC form C-6 within five days of making an independent expenditure of \$100 or more in support of or in opposition to any candidate or ballot proposition that is not otherwise required to be reported under RCW 42.17A.220, .235, and .240.
- Nelson/Nygaard Consulting Associates was under contract with Twin Transit to assist the agency's efforts to present information to the public concerning Proposition 1, and developed the website and mailer at the direction of Twin Transit officials. Therefore, the website and mailer are the responsibility of officials of Twin Transit. Nelson/Nygaard Consulting Associates was not required to file a C-6 report of Independent Expenditures or include their name as the sponsor of political advertising.
- As noted above, the issue of whether the website and mailer were prohibited under RCW 42.17A.555 is being investigated under PDC Case 43055.

Based on these findings, staff has determined that the alleged failure of Nelson/Nygaard Consulting Associates to file a C-6 report of Independent Expenditures and to include its name as the sponsor of political advertising on Twin Transit's website and mailer concerning Proposition 1, is not an actual material violation warranting further investigation.

Based on this information, the PDC has dismissed this matter, as it relates to Nelson/Nygaard Consulting Associates, in accordance with RCW 42.17A.755(1), and will not be conducting a more formal investigation into your complaint against Nelson/Nygaard Consulting Associates or pursuing enforcement action against this Respondent in this case.

If you have questions, you may contact Phil Stutzman at 1-360-664-8853, toll-free at 1-877-601-2828, or by e-mail at [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov).

Sincerely,

/s \_\_\_\_\_

Phil Stutzman  
Compliance Officer

Endorsed by,

/s \_\_\_\_\_

Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director

cc: Nelson/Nygaard Consulting Associates