

RE: PDC - Nelson/Nygaard Consulting Associates: Alleged violations of RCW 42.17A.255 for failure to timely report independent expenditures, and RCW 42.17A.320 for failure to disclose sponsor ID on political advertising.

Leah Treat

To

"PDC Support" <pdcc@pdcc.wa.gov>

Cc:

derrick@twintransit.org

(Mon, 26 Nov 2018 at 2:23 PM)

Dear. Mr. Blackhorn,

Thank you for sending me the information relative to PDC Case Number 43047. Any and all actions taken by Nelson\Nygaard within the work surrounding Lewis County Proposition 1 was accomplished at the direction and under the direct supervision of Twin Transit, specifically the General Manager, Derrick Wojcik-Damers. We have no duty under the referenced statutes, and any issues in respect to compliance should be had with Twin Transit.

Having said that, we believe that under applicable law all materials provided under contract to Twin Transit comply with RCW, WAC and PDC guidelines in that Twin Transit provided a "a viewpoint neutral fact sheet to the public, as it is authorized to do under [RCW 42.17A.555](#) pursuant to [PDC Interpretation 04-02, Guidelines for Local Government Agencies in Election Campaigns](#)."

The mailer, under close scrutiny will be found to comply with the guidelines of being a "neutral fact sheet." We contend that Twin Transit was acting according to this passage from "Guidelines for Local Governments in Election Campaigns" quoted below. Furthermore, the mailer does not meet the definition of "political advertising" in that it did not "appeal, directly or indirectly, for votes or for financial or other support or opposition in an election campaign" as required by RCW 42.17A.005(39).

"The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election."

Therefore, Nelson\Nygaard requests that we be dropped from any further inquiries into this PDC case.

Regards,
Leah Treat

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Managing Director
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