

Cornejo, Juan (Thu, 21 Mar 2019 at 4:09 PM)  
notified to: "PDC Support" <cdc@cdc.wa.gov>

Dear Tabatha,

I am providing this response on behalf of The Olympian as requested to the Complaint and three allegations filed by Andrew Saturn and assigned PDC Case Number 47514.

**Response to Allegation One:**

The Newspaper did not violate RCW 42.17A.345. Section .345 allows for “public inspection during normal business hours during the campaign period and for a period of no less than three years after the date of the applicable election” of documents and the book of account specifying the name and address of the person from whom it accepted political advertising, the exact nature and extent of the services rendered, and the total cost and manner of payment for the services. Such requests need to be clearly and explicitly made in person at the Newspaper’s office. Requests to an employee by email are not a proper means of obtaining public inspection.

Mr. Saturn’s first two emails, to the same editorial Olympian employee who has no responsibility for advertisements, asked for information about ad purchases by “Linda” without a last name, and appear to be asking for dates his political opponent was going to be running ads into the future, and the size of such ads, so he could purchase a competing ad buy on the same days or for bigger or more ads than his opponent. His latter email of February 12, 2019, again to an editorial Olympian employee, who has no responsibility for advertisements, listed a last name for “Linda” but again sought information beyond what Section .345 allows, for example “campaign communications” (an undefined term) or “revisions, variations, etc.” of ads as well as the final printed/displayed ads – and again was not a proper means of obtaining public inspection. Mr. Saturn's emails to Olympian employees were not a proper means of securing access to records under Section .345, which allows solely for public access in person at the newspaper’s office during normal business hours. His emailed requests further sought information beyond what Section .345 allows to be inspected, including details of advertisements not yet run for the purpose of buying ads on the same day or larger or more ads, and drafts and revisions of ads that did not run or had not yet run. Section .345 is not meant to allow an opponent to obtain copies of advertisements his opponent will run before they are published or earlier drafts and revisions of ads the opponent chose not to publish. Section .345 is to allow for public inspection showing who paid for ads and what was paid, which does not seem to have been the goal, or focus, of Mr. Saturn’s emailed requests.

Mr. Saturn’s complaint alleges an interest solely in details of the political advertisements regarding candidate Linda Oosterman reflected in an 10/9/18 expenditure from her campaign reported on a PDC report. The Newspaper disputes that Mr. Saturn clearly and explicitly requested these records in person at the Olympian office as the statute requires. Nonetheless, with this Response, the Newspaper is providing these records here to the Commission. The records attached are those specified to be maintained by Section .345. The Newspaper disputes that Section .345 requires a Newspaper to provide anyone drafts or amendments to

advertisements that were not run or details of advertising to be run by a candidate prior to it being run or the service provided, which seemed to be the focus of Mr. Saturn's request.

**Response to Allegation Two:**

The Newspaper did not violate RCW 42.17A.335. The Newspaper disputes that its editorial or any of its writings about Mr. Saturn constitute libel or defamation per se or that any statement about Mr. Saturn was made with actual malice. Mr. Saturn has not identified any such factual, provably false, statement, and any attempt to punish the Newspaper's speech through his PDC Complaint, rather than a full and fair evaluation in a superior court, would violate the First Amendment to the United States and Article I Section 5 of the Washington Constitution as well as conflict with the Uniform Correction or Clarification of Defamation Act passed by the Washington State Legislature to address disputes related to publications by the print news media. See RCW 7.96 et seq.

**Response to Allegation Three:**

The Newspaper did not violate RCW 42.17A.320. The advertisement Mr. Saturn attaches to his Complaint lists the sponsor's name and address. Mr. Saturn seems to allege the Newspaper designed ads for free for the candidate, but all ad design was paid for and appropriately documented in the materials maintained at the Olympian office related to political advertisements.

regards,

Juan Cornejo  
Assistant General Counsel  
McClatchy  
2100 Q Street  
Sacramento, CA 95816-6899  
tel: (916) 321-1848  
[jcornejo@mcclatchy.com](mailto:jcornejo@mcclatchy.com)

## Order Confirmation

**Customer**

RE-ELECT LINDA OOSTERMAN

**Customer Account**

697250

**Customer Address**

4714 DURHAM STREET SOUTHEAST  
LACEY WA 98503 USA

**Customer Phone**

REDACTED

**Customer Fax**

**Sales Rep**

kmccclennen@theolympian.com

**Payor Customer**

RE-ELECT LINDA OOSTERMAN

**Payor Account**

697250

**Payor Address**

4714 DURHAM STREET SOUTHEAST  
LACEY WA 98503 USA

**Payor Phone**

REDACTED

**Customer EMail**

**Order Taker**

kmccclennen@theolympian.com

<u>PO Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
	Electronic Bank Draw		0	0	0

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$670.00	\$0.00	\$670.00	\$1,420.00	-\$750.00

<u>Ad Order Number</u>	<u>Order Source</u>	<u>Ordered By</u>	<u>Special Pricing</u>
0003894007			
<u>Invoice Text</u>			<u>Promo Type</u>
A1 Premium Strip 10/23/18			
<u>Package Buy</u>			<u>Materials</u>

### Ad Order Information

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0003894007-01	TAC-Retail Display	Undefined	A-1 Strip Ad

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
6 X 2.00"	Black+3

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
TAC-OL-The Olympian	TAC-ALL-Main -	1	\$670.00

<u>Run Schedule Invoice Text</u>	<u>Position</u>
	TAC-ALL-Main Frt Str -

<u>Run Dates</u>
10/23/2018

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kmccclennen@theolympian.com

<u>PO Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
	Electronic Bank Draw		0	0	0

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$750.00	\$0.00	\$750.00	\$0.00	\$750.00

<u>Ad Order Number</u>	<u>Order Source</u>	<u>Ordered By</u>	<u>Special Pricing</u>
0003894015			
<u>Invoice Text</u>			<u>Promo Type</u>
			<u>Materials</u>

**Package Buy Information**

<u>Package Name</u>	<u>Start Date</u>	<u>Stop Date</u>	<u>Package Cost</u>
TAC-Branding Pkg Standard	10/15/2018	10/21/2018	\$750.00

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REDACTED

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**Order Taker**

kmccclennen@theolympian.com

<u>PO Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
	Electronic Bank Draw		0	0	0

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$500.00	\$0.00	\$500.00	\$500.00	\$0.00

<u>Ad Order Number</u>	<u>Order Source</u>	<u>Ordered By</u>	<u>Special Pricing</u>
0003926545			
<b><u>Invoice Text</u></b>			<b><u>Promo Type</u></b>
			<b><u>Materials</u></b>

**Package Buy Information**

<u>Package Name</u>	<u>Start Date</u>	<u>Stop Date</u>	<u>Package Cost</u>
TAC-Branding Pkg Standard	10/29/2018	11/05/2018	\$500.00

Published  
Oct 23<sup>rd</sup>

\$670.00

# VOTE LINDA on November 6<sup>th</sup>

- Experience.
- Integrity.
- Conservation.

Safe drinking water is a value we all share. It's imperative to ensure our children have safe, clean, plentiful water to drink. Public utilities must be efficient, effective and transparent.

**THURSTON COUNTY  
PUD COMMISSIONER, DISTRICT 1**

Linda  
Oosterman  
for Thurston PUD Commissioner Dist 1  
www.reelectlinda.com



PAID FOR BY RE-ELECT LINDA OOSTERMAN • 4714 Durham Street SE, Lacey WA 98503 • LEARN MORE AT: [WWW.REELECTOOSTERMAN.COM](http://WWW.REELECTOOSTERMAN.COM)



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Linda Oosterman  
Thurston County PUD Commissioner

Re-Elect  
**LINDA**  
on  
November 6th

[Click Here To Learn More](#)

Thurston County  
PUD Commissioner

Paid for by Re-Elect Linda Oosterman,  
4714 Durham Street SE, Lacey WA 98503

Published Oct 15 - 21<sup>st</sup> 2018  
online \$750.00

Campaign Extension > 10/29 - 11/5 2018  
\$500