



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action  
Against:

Shawn Bunney

Respondent.

PDC Case No. 11-006

Notice of Administrative Charges

IT IS ALLEGED as follows:

**I. Jurisdiction**

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

**II. Allegations**

2. Staff alleges that Shawn Bunney, a 2010 candidate for State Representative in the 31<sup>st</sup> Legislative District, violated RCW 42.17.130 by using, or authorizing the use of, Pierce County facilities to produce and distribute a Pierce County mailing that assisted Mr. Bunney's campaign for State Representative by: (a) highlighting his accomplishments as a member of the Pierce County Council; (b) sending it to registered voters; and (c) timing the July 2, 2010 mailing close to the August 17, 2010 Primary election.

**III. Background and Facts**

3. Shawn Bunney served on the Pierce County Council in District 1 for two terms. He was elected in 2002 and re-elected in 2006. Pierce County Council members are limited to two terms in office, and his second term expired in December 2010. During 2010, Mr. Bunney was a candidate for State Representative in the 31st Legislative District. He appeared on the

August 17, 2010 Primary election ballot and was defeated in the November 2, 2010 General election.

4. Each Pierce County Council-member is allotted a district budget as part of the overall council budget. The budget can be used for salary and benefits for an assistant, training, supplies, dues, printing, mail processing, etc. Expenditures from this fund are made at the discretion of each individual council-member. Pre-approval is not required by other council members or county administrators. For mailers, council-members are not required to seek review or obtain approval for content, design, vendors, or recipients from other council members or county administrators.
5. Prior to October 2010, Pierce County policy allowed council-members to send mailers to constituents, but no later than July 31 in a year the council-member's name appears on the ballot. This mailing deadline was put in place when the Primary election was held in September. The date of the Primary was changed to August beginning in 2007. In October 2010, Pierce County updated its Ethics Code to allow council-members to send mailers to constituents, but no later than May 31 in a year a council-member's name appears on the ballot.
6. On July 2, 2010, a mailer featuring Shawn Bunney was sent to 22,000 recipients located within the boundaries of Pierce County Council District 1. The mailer was paid for by Pierce County. The mailer was sent out six weeks before the August 17, 2010 Primary election and four weeks before ballots were made available to voters.
7. The mailer was targeted to registered voters within the boundaries of Pierce County Council District 1. Those registered voters are also within the boundaries of the 31<sup>st</sup> Legislative District. The mailer was sent to all "four-of-four" voters.<sup>1</sup> The remaining mail pieces were

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<sup>1</sup> Terms such as "4 of 4" voters or "3 of 4" voters refer to a description of how many times a person has voted in a given number of previous elections. For example, a "4 of 4" voter could be a person who has voted in 4 of the previous 4 primary, general or special elections.

sent to “three-of-four” voters and “two-of-four” voters. In past years, Mr. Bunney’s mailers to constituents were sent to:

<b>Mailing Period</b>	<b>“Targets”</b>
2003	“don’t know”
2004	2 of 4 voters
2005	2 of 4 voters
2006	2 of 3 voters
2007-2008	1 of 3 voters plus new voters
2009-2010	4 of 4 voters with remaining going to 3 of 4 and 2 of 4 voters

8. The mailer was letter-size, double-sided, full color and printed on card-stock weight paper. Prior newsletters, such as those sent in 2006 and 2007, were printed on lighter-weight paper, not card-stock weight, and were designed to be a four-page newsletter-style piece. A majority of the 2006 and 2007 newsletters highlighted topics such as the county budget, transportation, schools and parks. They did not contain campaign-style marketing photographs. The format for the July 2010 mailer looked like a campaign mailer. The piece began by stating, *“My term as your representative on the Pierce County Council is coming to an end. This is my last newsletter to the district. This letter is in some ways a farewell note but also a thank you note...”* Mr. Bunney described three of his accomplishments as a Pierce County councilman, as: *1) a responsible county budget; 2) Lake Tapps; and 3) Regional Highways.* Next to the letter, he included a highlighted section entitled, *“Focus on Job Creation”* which states, *“The economic downturn is the single greatest challenge facing our families and our county government. Councilmember Bunney has promoted job creation through three major policies.”* The mailer describes Councilmember Bunney’s major policies as: *1) simpler, more effective rules and regulations; 2) lower fees and taxes; and 3) job corridors.*
9. The other side of the mailer features a woman holding a one-hundred dollar-bill with the heading, *“Stretching Your County Tax Dollar.”* The text discusses the “economic downturn”

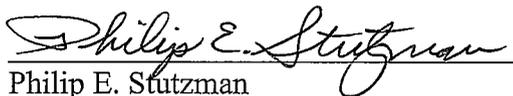
in the United States and ways that Pierce County has handled budget priorities. The lower-right corner contains a picture of Shawn Bunney and provides his county council contact information.

10. Councilmember Bunney spent \$11,261.81 of Pierce County funds to design, print, and mail the 22,000 pieces. The costs included \$2,400 for design work (paid to Alex Hays), \$3,039.63 for printing (paid to ABC Printers), and \$5,822.18 for mailing services (paid to TEKS Services).
11. Alex Hays, who designed the July 2010 mailer, also provided campaign services during Mr. Bunney's 2010 legislative campaign. He was formally hired by the campaign within weeks after the July 2, 2010 Pierce County mailer was sent out. Mr. Bunney's campaign reported total expenditures to Mr. Hayes in the amount of \$8,750. In addition, Mr. Bunney's legislative campaign reported total expenditures to ABC Printing in the amount of \$9,440 and total expenditures to TEKS Services in the amount of \$28,143.

#### IV. LAW

**RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of November 2011.

  
Philip E. Stutzman  
Director of Compliance