



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 11-006
WITH RCW 42.17)	
)	
Shawn Bunney)	REPORT OF INVESTIGATION
)	
_____ Respondent)	

I.
BACKGROUND

- 1.1 Shawn Bunney served as a Pierce County Councilman 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. His second term expired in December, 2010.
- 1.2 In 2008, Mr. Bunney ran for Pierce County Executive but was defeated.
- 1.3 In 2010, Shawn Bunney was a candidate for State Representative in the 31st Legislative District. He filed a Candidate Registration (PDC Form C-1) on February 8, 2010 for his 2010 campaign for state representative in the 31st Legislative District.
- 1.4 In 2010, the 31st Legislative District covered portions of Pierce and King Counties. In 2010, all of Pierce County Council District 1 was located within the 31st Legislative District boundary.
- 1.5 The 2010 Primary election was held on August 17, 2010.
- 1.6 Mr. Bunney's opponent, Cathy Dahlquist, was elected as State Representative in the 31st Legislative District in the 2010 General election, held on November 2, 2010.
- 1.7 The PDC received and consolidated two separate complaints concerning Shawn Bunney: the first filed by Kristine Smith on July 19, 2010, and the second filed by Jeffrey Coats on July 25, 2010.

II.
ALLEGATIONS IN COMPLAINT

- 2.1 On July 19, 2010, Kristine Smith, of Tacoma, Washington filed a complaint against Shawn Bunney. **(EXHIBIT 1)**

- 2.2 In her complaint, Ms. Smith alleged that Mr. Bunney used public funds to assist his campaign for state representative by producing and mailing a flier shortly before the primary election using public funds. The flier was portrayed as being paid for by Pierce County, however she alleged that the message “had obvious political overtones beyond the usual scope of council business.” In addition, she stated that the mail piece was a full-color mail piece rather than the traditional newsletter style used in previous mailers.
- 2.3 On July 26, 2010, Jeffrey Coats of Enumclaw, Washington filed a complaint against Shawn Bunney. Mr. Coats also alleged that Mr. Bunney used public funds to produce and mail a campaign flyer in which he outlined his accomplishments as a council-member and discussed his fiscal responsibility and the need to create jobs. **(EXHIBIT 2)**
- 2.4 In his complaint letter, Mr. Coats also referenced a robo-call. However, he did not allege a violation of 42.17, therefore those allegations were not investigated.

III. FINDINGS

- 3.1 Susan Long, Administrator for Legal and Operations for the Pierce County Council, informed PDC staff that each Pierce County Council-member is allotted a district budget as part of the overall Council budget. Several expenditures come from the district budget, the majority of which is spent on salary and benefits for the council-member’s assistant. The district budget can also be used for training, supplies, dues, printing, mail processing, newsletters, etc. Expenditures from this fund are at the discretion of the council-member and pre-approval is not required from county administration or other council members.
- 3.2 For mailers, council-members are not required to seek review or obtain approval for content, design, vendors, or recipients from county administration or other council members. It is suggested, but not required, that council-members choose a vendor with an existing service contract with the county.
- 3.3 Until October, 2010, Pierce County policy allowed county council-members to send mailers to constituents by July 31 in a year in which their name appeared 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 their Ethics Code to adjust this mailing deadline to May 31.
- 3.4 Shawn Bunney filed a written response to the complaints on August 20, 2010. In his response, Mr. Bunney stated that the “newsletters ... are part of the normal operations of the Council authorized by the Council administrator for such matters.” **(EXHIBIT 3)**

July 2, 2010 Mailer

3.5 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. **(EXHIBIT 4)**

3.6 The July 2, 2010 mailer is letter-size, double-sided, full color and printed on card-stock weight paper. The addressee side of the mailer features a letter signed by "Shawn Bunney, Pierce County Councilmember, District 1." Mr. Bunney begins the letter 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. Thank you for allowing me to serve as your representative to the County Council."

In the letter, Mr. Bunney describes three of his accomplishments as a county councilman: "a responsible county budget," "Lake Tapps," and "Regional Highways."

3.7 Regarding the timing of the newsletter and his farewell/thank you message, Mr. Bunney stated to PDC staff, "Given that I was completing almost a decade of public service, saying "thank you" seemed appropriate regardless of what month the elected official mailer was sent." **(EXHIBIT 5)**

3.8 Next to Mr. Bunney's letter is 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 section describes three ways to create jobs.

3.9 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 handled budget priorities. The lower-right corner contains a picture of Shawn Bunney and provides his county council contact information.

Mailer Expenditures

3.10 Alex Hays designed the mailer and facilitated its production. Pierce County paid \$2,400 to Mr. Hays for his design and project management services. **(EXHIBIT 6)**

3.11 Mr. Hays stated, in a conversation with PDC staff, that although he does not have an ongoing contract with Pierce County, he has previously designed and facilitated mailers for Mr. Bunney (in his Pierce County Council role) and for other Pierce County councilmembers.

3.12 For the July, 2010 mailer, Mr. Hays stated that Mr. Bunney asked him to create and facilitate the mailer because they worked together in the past on county council mailers.

Mr. Hays stated that he had similar responsibilities for Mr. Bunney's 2008 campaign for county executive.

- 3.13 The mailer was printed by ABC Printing of Lacey, Washington. Pierce County paid \$3,039.63 for the printing cost of the mailer. **(EXHIBIT 7)**
- 3.14 Mr. Hays stated that he chose the printing vendor, ABC Printing. He stated that the bid from a vendor that Pierce County often worked with came in much higher than the bid he obtained from ABC Printing. He said he was granted permission from Pierce County to use ABC Printing because of the cost savings. **(EXHIBIT 8)**
- 3.15 TEKS Services of Puyallup, Washington provided address and mailing services for the mailer. The cost of the address and mailing services was \$5,822.18. **(EXHIBIT 9)**
- 3.16 Mr. Hays stated that he chose to use TEKS Services as the mailing vendor, although they were already a "standard vendor" for Pierce County.
- 3.17 TEKS received payment for their services in the form of postage stamps. The postage stamps were paid for by Pierce County. In December, 2009, Mr. Bunney's Council office was issued \$10,388 worth of postage stamps. **(EXHIBIT 10 & 11)**
- 3.18 Doug Brady, of TEKS Services, stated in a phone conversation with PDC Staff that TEKS has accepted payment for services in the form of postage stamps in the past. He stated that, in these instances, TEKS will use the stamps for other projects. He confirmed that Mr. Bunney's mailer was paid for using first-class postage stamps.

County Council Mailers Sent To Voters

- 3.19 The recipient list used for Mr. Bunney's July 2, 2010 mailer was obtained from the Pierce County Auditor's Office (Elections Division) by staff from TEKS Services, the mailing vendor.
- 3.20 Mr. Bunney stated that the voter list was narrowed using voting history criteria in order to meet the mailing quantity his budget would allow, which was 22,000 pieces. He stated that the following narrowing criteria was used in order to reach 22,000 pieces: voters who voted in 4 out of 4 elections, then voters who voted in 3 out of 4 elections, and finally, a random selection of voters who voted in 2 out of 4 elections, to reach the target number. **(EXHIBIT 12)**
- 3.21 In response to PDC staff's request, Mr. Bunney provided details concerning past mailers that were produced and distributed on his behalf as Pierce County Councilman. He submitted a two-page document, "Pierce County Council District 1 Mailer History." **(EXHIBIT 13)**
- 3.22 The Mailer History document summarizes five mailers which were produced between 2003 and 2008 for Councilman Bunney. As part of this summary, Mr. Bunney provided

information concerning cost, vendors, number of pieces mailed, and “targets” (the term Mr. Bunney used to identify to whom the mailers were sent).

3.23 The following table summarizes the “targets,” as described by Mr. Bunney, for his county council mailers:

Mailing Period	“Targets”
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

3.24 Mr. Bunney stated that it has been his “historical practice” to use voter lists for mailer recipients, as opposed to another method. **(EXHIBIT 14)**

3.25 Two examples of past mailers sent on behalf of Shawn Bunney, during his tenure as a Pierce County Councilmember, include:

- “Volume III,” dated December, 2006 **(EXHIBIT 15)**, and
- “Volume IV,” dated December, 2007 **(EXHIBIT 16)**.

The 2006 and 2007 mailers are similar to each other in design and take the form of a four-page newsletter-style mail piece. Both contain a letter signed by Mr. Bunney. The majority of each newsletter highlights different topics such as county budget, transportation, schools, and parks.

3.26 Mr. Bunney stated that the July 2, 2010 mailer was “not different in any significant way” from past mailers he sent as a Pierce County Councilman. (See EXHIBIT 5)

Campaign Vendors

3.27 Mr. Bunney’s 2010 legislative campaign also used vendors: Alex Hays, ABC Printing, and TEKS Services. The following is a summary of Mr. Bunney’s 2010 campaign expenditures to these vendors, based on his C-4 – Schedule A expenditure reports **(EXHIBIT 17)**:

Vendor	Expenditure Dates (2010)	Total Amount (campaign)
ABC Printing (printing)	August 12 October 21 November 15	\$9,440.46
Alex Hays (consulting)	July 28 December 23	\$8,750.00
TEKS Services (mailing)	July 27 August 4, 9, 12 October 14, 21	\$28,142.85

3.28 Mr. Hays stated that Mr. Bunney did not hire him as a campaign consultant for his 2010 campaign until several weeks after the July, 2010 Pierce County mailer was completed.

- 3.29 Mr. Bunney's 2008 county executive campaign also used vendors: Alex Hays, ABC Printing, and TEKS Services.
- 3.30 Mr. Hays stated that it is not uncommon for him, or for those with similar expertise (mailers, messaging, etc.) and experience, to provide services for someone in both their elected capacity and for their campaign. He stated that there are a limited number of people with this type of experience.

IV.
SCOPE

- 4.1 PDC Staff reviewed the complaint and documentation submitted on July 19, 2010 by Kristine Smith and on July 26, 2010 by Jeffrey Coats.
- 4.2 Staff reviewed responses submitted by Shawn Bunney.
- 4.3 Staff reviewed past mailers sent by Pierce County Councilman Bunney. Staff also reviewed past mailers sent by other Pierce County council-members.
- 4.4 Staff communicated with Susan Long, Administrator for Legal and Operations for Pierce County Council and Jeff Cox, Public Records Officer for Pierce County Council.
- 4.5 Staff communicated with Shawn Bunney.
- 4.6 Staff communicated with Alex Hays.
- 4.7 Staff communicated with TEKS Services, mailing vendor.

V.
LAW

- 5.1 **RCW 42.17.130** states: "No elective official nor any employee of his [or her] office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency."

Respectfully submitted this 9th day of November, 2011.



Kristin Murphy
Political Finance Specialist

EXHIBIT LIST

- Exhibit 1** Complaint filed by Kristine Smith, Tacoma, Washington, on July 19, 2010
- Exhibit 2** Complaint filed by Jeffrey Coats, Enumclaw, Washington, on July 26, 2010
- Exhibit 3** Response letter submitted by Shawn Bunney on August 20, 2010
- Exhibit 4** July, 2010 mailer sent on behalf of Pierce County Councilman Shawn Bunney
- Exhibit 5** Follow-up response from Shawn Bunney, received on October 19, 2011
- Exhibit 6** Invoice and Pierce County payment voucher for Alex Hays
- Exhibit 7** Invoice and Pierce County payment voucher for ABC Printing
- Exhibit 8** Email exchange between Alex Hays and Pierce County staff regarding printing vendor
- Exhibit 9** Invoice from TEKS Services and email confirming details of project
- Exhibit 10** Pierce County postage invoices
- Exhibit 11** Email from Shawn Bunney concerning use of postage stamps
- Exhibit 12** Email from Shawn Bunney regarding voter mailing list
- Exhibit 13** "Pierce County Council District 1 Mailer History" document produced and submitted by Shawn Bunney
- Exhibit 14** Shawn Bunney email – responding to question about voter lists usage
- Exhibit 15** December, 2006 mailer sent on behalf of Pierce County Councilman Shawn Bunney
- Exhibit 16** December, 2007 mailer sent on behalf of Pierce County Councilman Shawn Bunney
- Exhibit 17** PDC Form C-4 and relevant Schedule A forms filed by Shawn Bunney's legislative campaign