

RECEIVED

AUG - 4 2010

Office Use Only: No. \_\_\_\_\_



Public Disclosure Commission

**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION  
COMPLAINT FORM**

*(See instructions on the last page.)*

**Description of Complaint**

**1. RESPONDENT:**

**Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.**

*Example #1: Joe Public, Mayor of My Town,*

*123 Main Street, Your Town, State, Phone: 555-123-4567, Email: unknown*

*Example #2: The Political Action Group (instead of P.A.G.), 123 Main Street, Your Town, State,*

*Phone: 555-123-4567, Email: pag@pag.org*

Kevin McCann - Citizens to Elect Kevin McCann P.O. Box 2093 Tacoma, WA 98401

**2. ALLEGED VIOLATIONS:**

**Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17 or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed.**

See Attached

Kevin McCann's campaign mailed a campaign advertisement which was received by a large number of voters on or about July 28, 2010. In this advertisement Mr. McCann is pictured wearing a judicial robe in what appears to be a courtroom with a nameplate in front of him and the United States flag and the flag of Washington State in the background. The caption reads "Kevin McCann preparing for a case as a Pro Tem Judge".

Under PDC Interpretation 00-03 which was approved July 25, 2000. The Commission found that it was a violation of RCW 42.17.530 for a judicial candidate who does not hold a judicial office to be photographed in a robe, because such a picture would falsely suggest incumbency. Mr. McCann has blatantly violated this rule.

It is not known what courtroom was used for this picture. Under the same PDC Interpretation the use of a courtroom in a photo including photographs from the bench is not prohibited if the facility is available on a non-discriminatory equal access basis. Mr. McCann needs to state what courtroom he is using for this photograph and also establish that the courtroom is available to everyone on an equal basis for the purposes of photography. If indeed this was not a courtroom and a staged event, then the caption indicating that he is getting ready to hear a case would be false and deceptive. If this photograph does not depict a courtroom then the facility would not be non-discriminatory equal access location.

The same PDC determination indicates that using public property for campaigns is prohibited. It is not known if the robe Mr. McCann is wearing is from a public entity or his own property. Mr. McCann needs to state whether or not the judicial robe he is wearing is public property or his own.



**Certification**

**In signing this complaint:**

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will promptly update that information if it changes.

Your name (print or type) Thaddeus Martin IV

Street address 4928 109<sup>th</sup> St SW

City, state and zip code Lakewood, WA 98499-3731

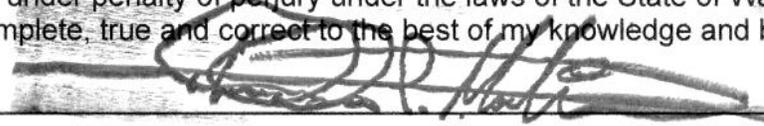
Telephone number (including area code) (253) 682-3420

E-mail address (optional) thad@thadlaw.com

**Oath**

**Required for complaints against elected officials or candidates for elective office:**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.\*

Your signature 

Date signed 8/03/10

Place signed (city and county)  
Lakewood Pierce  
City County

**Attachments**

Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

\*RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."