



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

February 4, 2014

MARK KELLY
PUTTING PEOPLE FIRST
825 DUNDEE NW
OLYMPIA WA 98502

Subject: Complaint Filed by Jim Lazar, PDC Case No. 13-025

Dear Mr. Kelly:

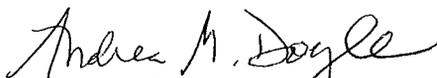
With the concurrence of the Chair of the Public Disclosure Commission, I have dismissed the complaint filed against Putting People First by Jim Lazar on August 2, 2012. Enclosed is a copy of the dismissal letter sent to the complainant.

Although the complaint was dismissed without formal enforcement action, please be advised that our investigation into this matter will remain on file and may be considered in the event of future allegations against the committee. You are cautioned to take care to timely report all future committee expenditures and encouraged to contact PDC if you have questions about how to properly do so.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2012 election season.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,


Andrea McNamara Doyle
Executive Director

Enclosure



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February 4, 2014

JIM LAZAR
1063 CAPITOL WAY S #202
OLYMPIA WA 98501

Subject: Complaint filed against Putting People First, PDC Case No. 13-025

Dear Mr. Lazar:

The Public Disclosure Commission (PDC) has completed its investigation of your complaint received on August 2, 2012, alleging that Putting People First violated RCW 42.17A.320 and RCW 42.17A.260 by failing to include proper sponsor identification on political advertising, and by failing to timely file a C-6 report of independent expenditures.

Your complaint was considered in light of the following statutes:

RCW 42.17A.005(19) defines an "electioneering communication" to include a United States postal service mailing that (a) clearly identifies a candidate for local office; (b) is mailed within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and (c) either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

RCW 42.17A.305 requires sponsors of electioneering communications to electronically file special reports with the Commission within 24 hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, or otherwise published.

RCW 42.17A.320(2) requires electioneering communications sponsored by any person other than a bona fide political party to include the statement, "*No candidate authorized this ad. It is paid for by (name, address, city, state).*" In addition, if the advertisement or communication is sponsored by a political committee, it must include the statement "*Top Five Contributors,*" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under RCW 42.17A during the twelve-month period before the date of the advertisement or communication.

PDC staff reviewed your complaint, and the formal responses to the complaint by Mark Kelly, Putting People First's treasurer. Staff reviewed PDC reports and data, and the mailing at issue in your complaint. As a result of our review, we found the following:

- On July 18, 2012, Putting People First sponsored a mailing supporting Karen Rogers and opposing Ken Jones in the August 7, 2012 primary election race for Thurston County Commissioner. The mailing was valued at \$3,661.18. It included the sponsor's name and address.
- Putting People First received in-kind contributions from three sources to pay for the cost of the committee's July 18, 2012 mailing. Two of these contributions exceeded \$700; however, the mailing's sponsor identification did not include a listing of these top contributors, as required by RCW 42.17A.320(2).
- Based on its value, medium, and timing, Putting People First's mailing met the definition of an electioneering communication, and was therefore required under RCW 42.17A.305 to be disclosed on PDC form C-6 by July 19, 2012, or within 24 hours of the date it was presented to the public. The committee reported the in-kind contributions to pay for the mailing four days later, on a Campaign Summary Receipts & Expenditures Report (C-4 report) filed on July 23, 2012. The committee also reported the associated expenses on form C-6 on August 9, 2012, 21 days after the C-6 report was due.
- The committee's treasurer explained that the C-6 report submitted by Putting People First on August 9, 2012 inadvertently undervalued the expenses associated with the mailing by \$1,501.39 due to an irregular invoice prepared by the printing vendor. When the committee realized this error, the C-6 report was amended on May 6, 2013 to reflect the full value of the electioneering communication.
- Mark Kelly acknowledged his committee's lapses in disclosure, but stated that that there was no intent to deceive any person, or flaunt PDC requirements. He stated that due to his inexperience, he was unaware of the "top 5 contributors" requirement for independent expenditures and electioneering communications, or the C-6 filing requirement. He stated that he mistakenly believed that in-kind contributions were only required to be disclosed on the C-4 report.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation. Putting People First did not file a timely C-6 report to disclose its electioneering communication in the 2012 election; however, the in-kind contributions that constituted the communication were disclosed on PDC form C-4 four days after the due date for the C-6 report, and more than two weeks before the August 7, 2012 primary election. Putting People First's mailing failed to include a complete statement of sponsor identification as required for electioneering communications; however, the committee was a new committee in the 2012 election, and had no history of political advertising infractions. In accordance with PDC practice in such cases, a political advertising warning letter has been issued to the committee regarding the sponsor identification violation.

Jim Lazar

Complaint filed against Putting People First – PDC Case #13-025

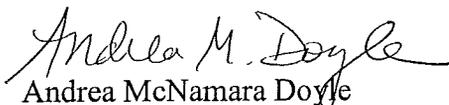
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Based on the facts surrounding the committee's late reporting of the electioneering communications, I have determined that formal enforcement action is not warranted under these circumstances. I am therefore dismissing your complaint against Putting People First with the concurrence of the Chair of the Public Disclosure Commission.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of campaign restrictions and prohibitions. I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2012 election season.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Andrea McNamara Doyle
Executive Director

c: Mark Kelly