

Response to Allegations of Marcus Naylor's Campaign Manager

Iknowshayna is the campaign manager for one of my primary opponents, Marcus Naylor. This nuisance complaint is a direct response to a complaint that my campaign and I filed with the King County Bar Association's Fair Campaign Practices Committee pointing out that Mr. Naylor fraudulently and deliberately misrepresented his endorsements and made use of expired judicial ratings on both his website and his Facebook page. That complaint was originally filed on May 5 and was re-filed on July 20 when Mr. Naylor continued to misrepresent his endorsements on his Facebook page. That complaint is still unresolved.

Iknowshayna makes use of ridiculous hyperbole when she alleges in her complaint that the violations were based upon flagrant disregard of the law and that they obfuscated the public's right to know how I was spending my campaign's funds. My experience as a prosecutor, judge pro tempore, and industrial appeals judge noted by Iknowshayna made me the most experienced judicial candidate, but have nothing to do with my campaign's compliance with disclosure laws. While I admit there were some missed deadlines, all documentation *was* filed and all necessary disclosures were made. To the extent there were violations, they were de minimis and not willful. Moreover, I did not advance out of the primary election and, as a result, while there may have been violations of statutory requirements, there is no ongoing issue as my campaign is in the process of wrapping up.

My campaign was run on an all-volunteer basis including my campaign treasurer. In preparation for the campaign, my treasurer attended the PDC's ORCA training and was in contact with the PDC on several occasions to ensure that he was filing the correct paperwork. He pointed out that one problem that he had with filing deadlines was the fact that the deadlines were of different lengths and moved around not on set, specific dates each month.

What follows is a response to each of the alleged violations:

Violations 1-3. These violations are admitted. I would suggest that the violations were neither willful nor flagrant, but rather de minimis.

Violations 4 & 9. These violations are admitted. My treasurer, a volunteer with limited experience in dealing with the PDC, was not aware that he needed to be more specific with the descriptions. There was nothing willful or nefarious about the violations. The fact that he made the same error on both C4 reports corroborates his lack of malicious intent.

Violation 5. This violation is denied. The debt did not come due (and full amount owing was unknown) until the signs were picked up on July 18, 2018. As a result, there was nothing to report in the C4 for June 1, 2018, through July 16, 2018.

Violation 6. This violation is partially admitted. Iknowshayna suggests that I had three web presences. In fact, I had two. I had a web site and a Facebook page. The web site was open to the public and was a purchased advertisement. I admit that the web site was missing

statutorily required information. I suggest that while this is a violation of the statute, it was not committed willfully or with malicious intent. I would also note that the public policy behind the statute is to make transparent the people behind a particular ad. In the case of the web site, my name was on every page. Anyone interested could have found my campaign very easily through the PDC web site.

The FB page was not an advertisement and did not cost any money to create—the statute does not apply. The Facebook page was a place that I could use to thank organizations and people for their support and to update friends of the campaign with the goings on of the campaign.

Violation 7. This violation is neither admitted nor denied. Iknowshayna uses three photos alleged to be ads run on Facebook. According to Facebook, neither of the first two photos (of a marked ballot) were accepted as ads. It had nothing to do with not having “Paid for by:” language. Facebook refused to allow me to post *any* political advertising because the address on my driver’s license did not match my home address; I could not prove my identity to Facebook’s satisfaction. To the best of my knowledge, neither of the photos were published as advertisements. It is unclear where the photos came from, so I cannot give any more complete explanation. The third photograph depicts a statement I posted having to do with the City of Seattle’s decision to vacate simple possession of marijuana convictions. The statement was not an advertisement, but rather a statement of opinion to inform and generate public discourse.

Violation 8. This is not an alleged violation. Iknowshayna’s motivation in filing this complaint becomes clear with this “violation.” Without any evidence or facts, she tries to create a violation out of thin air. In fact, the haircut and tie were purchased for a different photo shoot done by a campaign volunteer. This can be shown by the fact that my campaign photo was changed in July.

Violation 10. This violation is neither admitted nor denied. A campaign volunteer created the logo, the walk card, and did the original set up of the web site. The campaign volunteer is not a graphic designer, nor does he work in the tech field. He was not paid anything for his assistance. Even in Iknowshayna’s own complaint, she references the skills of a professional designer. No such person was involved in my campaign. Similarly, the volunteer treasurer was not a financial professional. He is simply a friend who offered to learn what to do and do it. If either of those scenarios constitutes an in kind contribution for which a value needed to be reported, then the violation would be admitted. I would suggest that any violation was not willful, particularly where the complainant seems to misread the statute herself.

Obviously, mistakes were made and for that I am sorry and apologize on behalf of myself and my campaign. I can assure the PDC that, were I ever to run for election again, I would make sure that my campaign would be much more diligent in its compliance with statutory requirements.

Respectfully,

Mychal H. Schwartz