

August 13, 2018 (Amended August 16, 2018)

Naomi Evans

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Bremerton, WA 98312

Public Disclosure Commission

Attn: Tabatha Blacksmith, Compliance Coordinator

PO Box 40908

Olympia, WA 98504-0908

Dear Tabatha Blacksmith,

This letter is my official response to PDC complaint case number 38589.

-Allegation: Alleged violation of RCW 42.17A.235 for failure to report distribution of campaign-related image in July 2018 newsletter as an in-kind contribution from ARC of the Peninsulas.

After reviewing the complaint as submitted by Mr. Robert Parker, and was sent to me via email from the PDC, I would respectfully deny the allegations that I failed to report an in-kind contribution for the distribution of a campaign related image with the following explanation.

I am employed by The Arc of the Peninsulas as the Parent 2 Parent Coordinator. One of my job requirements is to write a monthly newsletter “blurb” specifically for that program. I submit the “blurb” via email to another Arc employee who is responsible for putting together the finished product. Aside from writing the “blurb” for my program, I am not in any way responsible for or involved in its final production or dissemination.

Unfortunately, this last July 2018 Arc newsletter was created using a picture of mine that was taken without my permission or knowledge from my campaign Facebook page as is shown in the complaint. I was not aware of this unauthorized use of my private intellectual property until some time after the Arc newsletter was disseminated via email and have since asked the Arc for an explanation of this unauthorized use of my property which I am attaching for reference.

I am not aware of any monetary value for the unauthorized dissemination of my picture that was used, and therefore did not report its use as an in-kind contribution.

Amendment added August 16th, 2018:

Upon further review of applicable RCW and PDC interpretations, I am amending my prior statement to include the following.

RCW 42.17A.005(13)(a) defines "contribution" and includes:

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

In comparison of the legal requirements vs. the facts

- There was no known expenditure made by the Arc in it's unauthorized republication of my picture within the July Newsletter.

-The picture was used without my permission, knowledge, or authorization, and does not meet the requirement of "in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate".

- To my knowledge and understanding, the picture in question, was not used as a Political Advertisement on my Facebook page (where the Arc employee obtained the picture) or within the Arc July Newsletter, however, if it were interpreted as such; the fact that the use of this picture was not used in "cooperation, consultation, or concert with, or at the request or suggestion of (me) the candidate", still does not meet the requirement of being a contribution and is further supported by PDC Interpretation No. 16-01 which concludes: "In the absence of coordination as described in RCW 42.17A.005(13)(a)(ii) and WAC 390-05-210(3), copying graphic content from a campaign website and using the content in other political advertising does not constitute a contribution as described in RCW 42.17A.0015(13)(a)(iii)."

Respectfully submitted this 13th day of August 2018.

Naomi Evans