

De'Sean Quinn
4636 S. 150th Street
Tukwila, WA 98188
(206) 331-5939
deseanquinn@gmail.com

October 6, 2017

VIA EMAIL

Tony Perkins
Investigator, Campaign Finance Office
Washington Attorney General's Office
PO Box 40100
Olympia, WA 98504-0100

Re: Citizen Action Notice – De'Sean Quinn (6)

Dear Mr. Perkins:

I am writing in response to the most recent complaint filed against me by Glen Morgan on September 22, 2017. Again thank you for the opportunity to respond.

1) Failure to file accurate, timely C3 and C4 reports (Violation of RCW 42.17A.235)

As you are aware, this is the sixth complaint filed against me by Mr. Morgan. Because of these complaints, myself and my campaign team, including my Treasurer, Garrett Havens, have read through and discussed the Public Disclosure Commission's Candidate's Guide extensively which clearly states the reporting requirements for each period. The Reports & Dates section of the Guide states:

Reports & Due Dates

The Index of Forms explains the purpose of each report and when it is due. The PDC calendar shows actual report due dates. Reporting dates are also programmed into the ORCA software. Generally,

- Deposits or expenditures made before the campaign registers are disclosed when the C-1 is filed.
- Through May of the election year, deposits and expenditures are reported on the 10th of each month. A candidate that deposits or spends less than \$200 in a month, can choose not to file a monthly report until the contributions or expenditures to be reported exceed \$200. **A candidate who does not appear on the primary election ballot continues to file monthly reports through the end of August.**
- Starting in June, each deposit is reported on the following Monday.

- Expenditure reports are filed 21 and 7 days before the election and on the 10th of the month following the election.

[Emphasis added.]

When I received this complaint my campaign Treasurer, Garrett Havens, immediately contacted Chip Beatty at the PDC. Mr. Beatty informed me that each deposit is required to be reported on the following Monday. I directed Mr. Beatty to the language above and he acknowledged that the guide there is some ambiguity as it relates to exactly when the reports are due.

The guide referenced above is the guide that my campaign Treasurer was instructed to use when he attended training put on by the PDC last year. It would be one thing if the language was a bit confusing, but the current wording does not leave any room for misinterpretation. It clearly states that a candidate who does not appear on the primary election ballot continues to file monthly reports.

Again, I have not intentionally filed my reports late. I relied upon the PDC's Candidates Guide. In addition, as of the submission of this letter, we have consulted with the PDC and made all the recommended adjustments to my campaign PDC reports including the reports at issue.

2) State law requires that all political advertisements contain sponsor identification, which includes the sponsor's name and address. (Violation of RCW 41.17A.320)

The complaint alleges that "De'Sean Quinn's Facebook page fails to include sponsor identification. A video produced by Quinn and circulated via his FB page also fails to include sponsor identification."

To address the allegation that my Facebook page is a "political advertisement" and is subject to RCW 42.17A.320, and therefore must contain sponsor identification, including the sponsor's name and address please note that in the "About" section of the Facebook page states in the "About Me" section that the page was created and is maintained by People to Elect De'Sean Quinn. https://www.facebook.com/pg/ElectDeSeanQuinn/about/?ref=page_internal Therefore I believe that my Facebook page complies with RCW 42.17A.320.

To address the allegation that a video produced by me and circulated via my Facebook page also fails to include sponsor identification, the "video" in question is not a "paid ad" on Facebook. It is a post on my candidate Facebook page. Candidate pages, like all Facebook pages are free to the entire general public. There is not now nor has there ever been a cost associated with generating a Facebook page nor posting.

Second, Facebook *does* have a separate system of buying ad space. However, this was not a "paid ad."

Facebook does have a way of "boosting" posts. Posts that start as free can be "boosted" for a fee. The "video" in question was not boosted. Facebook keeps an account of all paid ads/boosted posts for the user. We can clearly show that no funds were paid for this FREE post.

In the complaint, Mr. Morgan refers to the post as a video. This is not true. The post is actually a slide show of three still photos. This is an option in Facebook when the user wishes to post more than one picture. Rather than individual posts of pictures, the system offers to post pictures in a slide show and rotate through them.

I do not believe that I am required to post a sponsorship tag line since this post is and always has been a free service open to the general public. We refer to the PDC's own rules on this issue. We refer in fact to the PDC's "media exemption," which can be found on the PDC's website.

Media Exemption and Disclaimers. Under statute, there is a "media exemption" from what is considered a campaign contribution (thus reporting and disclosure requirements do not apply). See answers to Questions # 7 and # 8. Under current rule, "political advertising" does not include "letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or television broadcast where payment for the space or time is not normally required." WAC 390-05-290. This rule applies to online publications as well.¹

Political advertising clearly does not include ANY media "where payment for the space or time is not normally required." The exemption clearly states that this rule applies to online publications.

Since Facebook is specifically free for everyone and always has been, it meets the burden of "not normally" requiring payment. Since this post was a free and not a paid post, no payment was ever expected by Facebook. Again, no payment would ever normally be required for any free post. Since Facebook is not mention by name as being exempt from this exemption, I believe it falls under the category of "online publications" which is covered in the relevant exemption language.

Therefore I do not believe that there could have been an expectation of payment and therefore there is no expense and no sponsorship. Having established this, I believe that I have not violated RCW 42.17A.320.

I believe I have been very transparent with the PDC and the Attorney General and have timely and thoroughly responded to each complaint. I continue to make every effort to completely understand the complexities of the RCW and the PDC reporting instructions. I continue to make good faith attempts to comply with the law. I have corrected all of the mistakes that have been brought to my attention immediately as I have become aware of them. I believe I continue to

¹ <https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/online-campaign-activities>

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been extremely forthcoming in acknowledging my mistakes and have made every effort to correct them. I have been diligent in communicating with and seeking the assistance of the PDC staff to correct and amend my campaign reports. Nothing I have done has been done with any ill intent or any attempt to deceive.

As you know, complaints to the PDC are made public. I would like to reiterate that Mr. Morgan's very detailed complaints to the Attorney General combined with his use of inflammatory and untrue statements and innuendos leads the public to believe that his accusations are true.

All along my goal has been and continues to be to file reports that are accurate and thorough and not subject to misinterpretation and to be compliant with PDC rules and the RCWs. His goal is to mislead and plant seeds of distrust because of his belief that people that do not share his views cannot be of service to their community.

I trust that I have satisfied your request and would make myself available to provide more information it is important to me to comply with not only the PDC but your office as well.

Sincerely,

De'Sean Quinn