

September 27, 2017

Mr. Peter Lavalley
Executive Director
Public Disclosure Commission
711 Capitol Way #206
P.O. Box 40908
Olympia, WA 98504-0908
pdc@pdc.wa.gov

Dear Mr. Lavalley:

It has come to our attention that Friends of Jinyoung Englund (the “Committee”), the candidate committee of Jinyoung Englund, is engaged in a course of conduct designed to deceive and willfully withhold vital information from voters, in violation of the Public Disclosure Commission’s (“PDC”) rules governing political advertising. As the Committee’s advertisements deliberately mask Englund’s Republican Party preference, the PDC should immediately initiate an investigation and take all other steps consistent with the Commission’s authority – including issuing an order for direct and expeditious removal of offending campaign materials and assessing appropriate statutory fines – to ensure that Friends of Jinyoung Englund complies with the disclosure rules.

Section 390-18-020 of the PDC’s regulations requires “sponsors of advertising supporting or opposing a candidate who has expressed a party or independent preference on the declaration of candidacy [to] clearly identify the candidate’s political party or independent status in the advertising.” Although the regulation does not elaborate on the term “clearly identify,” the most reasonable interpretation of the phrase, as supported by common dictionary definitions, is that a candidate’s party preference must be easily and readily identifiable, with no attempt at concealment.¹ Indeed, guidance issued by the PDC states that party preference must be shown on the first page of a multiple-page ad, and that sponsors must use “at least 10-point type” for such information in print ads and websites and “type that is at least 10% of the largest size type used” in billboards and posters.² The PDC has taken concerted action to require disclosure of party preference. The Commission’s guidance clearly states: “All political advertising about a candidate for partisan office must identify the candidate’s party preference. There are no exemptions.”³

As shown in the exhibits that are attached to this complaint, Friends of Jinyoung Englund has purposefully tried to obscure the fact that she is a Republican in its political advertising, in direct contravention of the rule.⁴ These advertisements contain a very small, disguised “(R)” in the

¹ See, e.g., Macmillan Dictionary, *Identifiable*, <http://www.macmillandictionary.com/us/dictionary/american/identifiable>.

² Public Disclosure Commission, *Sponsor Identification*, <https://www.pdc.wa.gov/learn/publications/political-committee-instructions/political-advertising/sponsor-identification>.

³ Public Disclosure Commission, *Political Advertising*, <https://www.pdc.wa.gov/learn/publications/political-committee-instructions/political-advertising> (emphasis added).

⁴ Public Disclosure Commission, Form C-1 (Jinyoung Englund), Apr. 11, 2017 (“Political Party: Republican”).

upper right corner, next to Ms. Englund's name. The symbol strongly resembles the registered trademark symbol,⁵ is neither "at least 10-point type," nor is it type that is "at least 10% of the largest size type used" in the advertisements. The symbol is by no means easily and readily identifiable. To see and understand it requires careful study and attention, and above-average vision. The advertisements do not comply with Section 390-18-020.

There is substantial circumstantial evidence that the Committee has willfully violated the Commission's regulation. First, by including the symbol at all, the Committee has indicated its awareness of the regulation. Second, by selecting a party identification symbol that closely resembles the registered trademark symbol in size, placement, and general appearance, the Committee appears to have tried to confuse voters about Ms. Englund's announced party preference. Third, as the PDC is aware, the Committee has a history of playing fast and loose with Section 390-18-020, having been the subject of at least one previous complaint on this same requirement.⁶ And, fourth, hiding Ms. Englund's party preference from Washington voters is consistent with the Committee's general strategy of disguising Ms. Englund's record, which has included deleting tweets about issues like climate change, which are important to voters but inconvenient to her campaign.

Having hidden Ms. Englund's Republican affiliation in a tiny trademark-like symbol, it is clear her campaign has willfully evaded its disclosure obligation. We therefore ask the Commission to initiate an investigation and take all other steps within the Commission's authority to ensure that Friends of Jinyoung Englund ceases its flagrant violations of the disclosure rules.

Sincerely,



Kurt Fritts
New Direction PAC
119 1st Ave South
Seattle, WA 98104

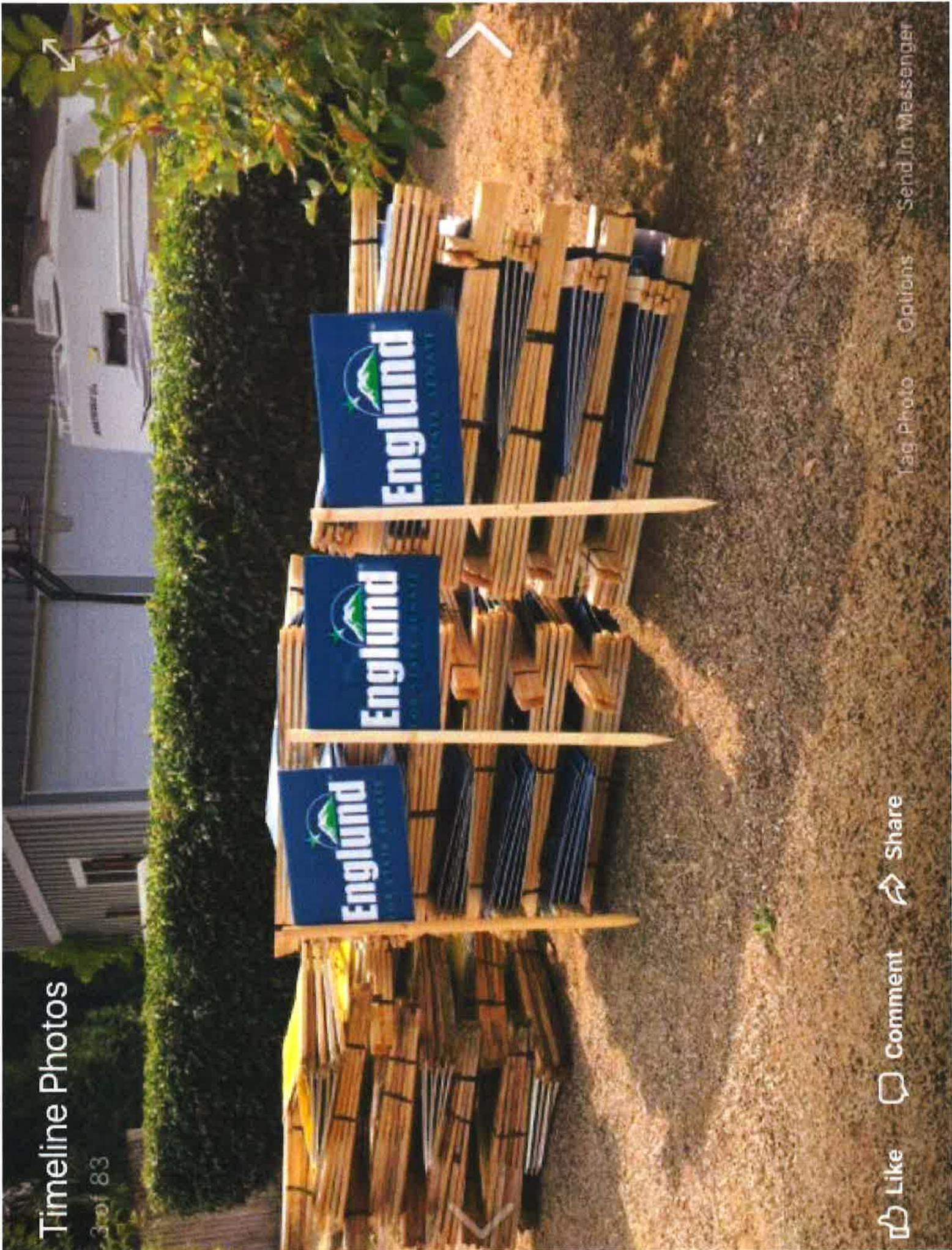
⁵ See International Trademark Association, *Introduction to Trademarks*, <http://www.inta.org/TrademarkBasics/FactSheets/Pages/TrademarkSymbolsFactSheet.aspx>.

⁶ See Public Disclosure Commission, Ticket No. 21391 (July 6, 2017) (official candidate website omitted party preference).

PUBLIC DISCLOSURE COMMISSION  711 CAPITOL WAY RM 206 PO BOX 40008 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828		<h1>Candidate Registration</h1>		<h1>C1</h1> (1/2008)	100756228 04-11-2017
Candidate's Name (Give candidate's full name.)				Telephone Number	
JINYOUNG ENGLUND				425-420-5345	
Candidate's Committee Name (Do not abbreviate.)				Fax Number	
FRIENDS OF JINYOUNG ENGLUND					
Mailing Address				Candidate's E-Mail Address	
PO BOX 302				JINYOUNG@JINYOUNGENGLUND	
City		County		Zip + 4	
WOODINVILLE		KING		98072	
1. What office are you running for?				Do you now hold this office?	
STATE SENATOR		LEG DISTRICT 45 - SENATE		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
2. Political party (if partisan office)				3. Date of general or special election	
REPUBLICAN				11/07/2017	
4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.					
<input type="checkbox"/> Option I MINI REPORTING: In addition to my filing fee of \$_____, I will raise and spend no more than \$5,000, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$500 in the aggregate from any contributor except myself.					
<input checked="" type="checkbox"/> Option II FULL REPORTING: I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.					
5. Treasurer's Name and Address. Does treasurer perform <u>only</u> ministerial functions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> . See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet.				Daytime Telephone Number	
TOM PERRY PO BOX 1283, PUYALLUP WA 98371				253-988-2455	
6. Persons who perform only ministerial functions on your behalf <u>and</u> on behalf of other candidates or political committees. List name, title and address of these persons. See WAC 390-05-243 and next page for details. <input type="checkbox"/> Continued on attached sheet.					
7. Committee Officers and other persons who authorize expenditures or make decisions on your behalf. List name, title and address. See next page for definition of "officer," <input type="checkbox"/> Continued on attached sheet.					
HUN KIM, DEPUTY CAMPAIGN MANAGER, 15007 WOODINVILLE REDMOND RD NE UNIT A, WOODINVILLE WA 98072					
8. Campaign Bank or Depository		Branch		City	
BANK OF AMERICA		WOODINVILLE		WOODINVILLE	
9. Related or Affiliated Political Committees. List name, address and relationship. <input type="checkbox"/> Continued on attached sheet.					
10. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.					
Street Address, Room Number, City where campaign books will be available for inspection 15007 WOODINVILLE REDMOND RD NE UNIT A, WOODINVILLE In order to make an appointment, contact the campaign at (telephone, fax, e-mail): 253-988-2455 DAWGPERRY@GMAIL.COM					
11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge.					
Candidate's Signature JINYOUNG ENGLUND				Date 04-11-2017	

Timeline Photos

3 of 83



Like Comment Share

Tag Photo

Options

Send To Messenger





FOR STATE SENATE



(R)

Englund

FOR STATE SENATE



360 Security



09:02

Thursday, 09/21



RAM



STORAGE



BATTERY

JINYOUNG LEE
Englund
FOR STATE SENATE

⋮ Jinyoung Lee Englund

Learn more

File a Formal Complaint -

[Shawn Roland](#) reported 8 days ago (Wed, 28 Jun at 12:00 AM) via Portal Meta

The campaign website for Friends of Jinyoung Englund (<https://jinyoungenglund.com>) fails to identify the political party preference of the candidate.

RCW 42.17A.320 states that “[f]or partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation **shall be clearly identified** in electioneering communications, independent expenditures, or political advertising.”

The only attempt at identification to a political party is at the bottom of the page and included in the "Paid for by" disclosure requirement: "Paid for by Friends of Jinyoung Englund (GOP), P.O. Box 302 Woodinville, WA 98072". Notably, the "Paid for by" disclosure also improperly identifies the campaign as "Friends of Jinyoung Englund (GOP)" when the name filed on the C1 dated 4/11/2017 indicates the name as "Friends of Jinyoung Englund".



JINYOUNG LEE
ENGLUND
FOR STATE SENATE

JOIN US FOR THE KIRKLAND 4TH OF JULY PARADE!

JOIN US FOR THE KIRKLAND 4TH OF JULY PARADE!

Protecting Washingtonians from a new state income tax, fully funding education, reducing traffic congestion, and grounding skyrocketing car tabs.





Our community is known for its diversity and innovative spirit. We're home to startups that are today's leading global companies, vibrant neighborhoods, award-winning wineries, and some of the best schools in the nation. Let's join forces to harness this spirit and stand up to issues that threaten our way of life. Together, we can, and will, accomplish far more for our community than if we remain divided.

DONATE

JOIN US





Hello, I'm Jinyoung, and this is my husband, Geoff.

I'm the daughter of immigrants, a second generation military spouse, and entrepreneur. We are both proud alumni of the University of Washington who believe in paying forward the opportunities we have been afforded as Americans.

Growing up, Geoff and I were taught to work hard, think twice before complaining, and to make the most of what we have. As a result, we learned to be resilient, scrappy, and work collaboratively. If you're a parent, student, or a professional, these skills may be familiar to you as well.

The power of local government is the ability to solve real problems

that directly affect our community.
As your state senator, I am
committed to listening, focusing on
issues that matter, and reaching
across the aisle to design
innovative solutions that directly
impact our lives.

It's up to us to ensure Washington
continues to be the best state to
live, work, learn, and raise our
families. I hope you'll join our
efforts to shape the future of our
great state. #NXTGENWA

Jinyoung Lee Englund

T W I T T E R F A C E B O O K

Media Contact:

press@jinyoungenglund.com

General Inquiries:

hello@jinyoungenglund.com

Volunteer / Sign-up for Updates:

[Click Here](#)

Invite Jinyoung to your event: [Click Here](#)

Office Phone: (425) 420-5345

Email Address *

SUBSCRIBE FOR UPDATES

Paid for by Friends of Jinyoung
Englund (GOP)
P.O. Box 302 Woodinville, WA
98072