



**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

October 2, 2017

Delivered electronically to “mayorstevepeterson@yahoo.com”

Subject: Friends of Town Square (3), PDC Case 23289

Dear Friends of Town Square:

Enclosed is a copy of a letter sent to Brian Cuda concerning a complaint filed with the Public Disclosure Commission (PDC) on 8/2/17. The complaint that Friends of Town Square may have violated RCW 42.17A.205 for failure to accurately list committee officers on the C-1pc, RCW 42.17A.320 for failure to list Sponsor ID on political advertising in July edition of Splash newspaper, and RCW 42.17A.335 for false statements of endorsement in political advertisement. A copy of the complaint was previously sent to you.

As noted in the letter to Brian Cuda, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980, toll-free at 1-877-601-2828, or by e-mail at fox.blackhorn@pdc.wa.gov

Sincerely,

Fox Blackhorn
Compliance Coordinator

Endorsed by,

Peter Lavalley
Executive Director

Enclosure: Letter to Brian Cuda



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October 2, 2017

Delivered electronically to "brian@briancuda.com"

Subject: Complaint regarding Friends of Town Square (3), PDC Case 23289

Dear Brian Cuda:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on 8/2/17. Your complaint alleged that Friends of Town Square may have violated RCW 42.17A.205 for failure to accurately list committee officers on the C-1pc, RCW 42.17A.320 for failure to list Sponsor ID on political advertising in July edition of Splash newspaper, and RCW 42.17A.335 for false statements of endorsement in political advertisement.

PDC staff reviewed your allegations, and as a result of staff's initial review, we found the following:

- The alleged violations of RCW 42.17A.205 and RCW 42.17A.320 were previously addressed by a formal written warning issued in Friends of Town Square (2), PDC Case 23059.
- While Friends of Town Square admits to making false statements of endorsement in their political advertisement, to constitute a violation of RCW 42.17A.335, such statements must be made with "actual malice" and constitute "libel or defamation per se."
 - Per RCW 42.17A.005(1), actual malice means "to act with knowledge of falsity or with reckless disregard as to truth or falsity."
 - Once the falsity was brought to their attention, Friends of Town Square edited their ad to remove the names.
 - Per RCW 42.17A.335(2), libel or defamation per se means "statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation."
 - The individuals listed in the July advertisement had previously given their support, so listing them a second year could not have led to the injury contemplated above.
- Per RCW 42.17A.335(4), violation of this section must be proven be clear and convincing evidence, a burden which is not met by the evidence presented in this case.

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980, toll-free at 1-877-601-2828, or by e-mail at fox.blackhorn@pdc.wa.gov.

Sincerely,



Fox Blackhorn
Compliance Coordinator

Endorsed by,



Peter Lavallee
Executive Director

cc: Friends of Town Square