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August 10, 2017

Kurt Young  
Washington State Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

RE: Case No. 22929

Dear Mr. Young:

I represent Keith Effler in the matter of PDC Case No. 22929, and I am replying to Fox Blackhorn's August 2, 2017 email request for a response to complaints filed with your office by Matthew Burdine and Sydnee Galusha. This response will only address facts and circumstances related to the alleged violations of RCW 42.17A.235, 42.17A.310, and WAC 390-16-207.

The complaint concerns the publication and distribution of the publication called the Rain Shadow Report (RSR) which is included in the complaint documents. The RSR features stories including interviews with direct quotes from five of the six candidates that filed for Yakima City Council Position 4. The RSR appears to have reached mailboxes on or around July 18, 2017

Mr. Effler was one of a number of people that came up with the concept of the RSR publication roughly one year ago. It was intended to be a regional current events periodical including political coverage.

In May of 2017, Mr. Effler made the decision to run for Yakima City Council Position 4 and filed during filing week. At that point in time, Mr. Effler decided he could not in any way be associated with the editorial or news content of the RSR that covered the race for Position 4. Mr. Effler has never had an ownership interest in the RSR or any entity that did.

Subsequently, during the first week of July 2017 Mr. Effler was interviewed by the RSR for a story on the races for Position 4. The RSR then purchased photos from Mr. Effler for publication. He was also asked to assist in formatting the publication which he did. At no time did he alter, edit, adjust or influence the written articles of the publication. The RSR ultimately included a disclaimer (attached with the complaint) that his company, Caffery photo media, assisted as described.

On advice of counsel, Mr. Effler contacted the PDC via email on July 31, 2017 describing the facts and circumstances of his involvement with RSR. Mr. Effler then received an email from your office suggesting that it appeared Mr. Effler's campaign received \$315.00 in value from publication of the RSR by Conquest Church LLC, and that amended C-4 reporting was required. Mr. Effler amended the 7-day Pre-Primary Election C-4 as advised on August 1, 2017.

Mr. Effler then received an email from your office that same day indicating that since Conquest Church LLC had contributed the maximum contribution allowed for the Primary Election, that the value of the publication to Mr. Effler's campaign should be refunded which he did that same day. At the direction of your office he then sent an email to [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) describing this transaction and indicating that the Post-Primary Election C-4 should reflect this adjustment.

Though Mr. Effler followed advice provided by your office, he did so out of an abundance of caution and does not necessarily agree that a contribution of some value was made to his campaign. RCW 42.17A.005(13)(b)iv) states that a contribution does not include:

*A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;*

While Mr. Effler is no longer involved with the RSR in any way, it was the intent in the early planning stages for the RSR that multiple, regular editions be produced and that may continue to be the case. In addition, as mentioned earlier, Mr. Effler does not have any control over the RSR nor its content or funding. All of the other candidates for Yakima City Council Position 4 were aware of the publication and four other candidates consented to be interviewed. Finally, no express advocacy for or against a candidate is present in this publication.

I hope this information is useful. Please contact me with any questions.

Sincerely,



Dan Brady  
WSBA #33731