



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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October 6, 2016

nikiandkook@yahoo.com

Nicole Kuchenbuch, President
Okanogan County Farm Bureau

Subject: Complaint regarding Represent Okanogan County, PDC Case 6037

Dear Ms. Kuchenbuch:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 16, 2016. Your complaint alleged that Represent Okanogan County (ROC) may have violated RCW 42.17A.205, .235, and .240 by failing to register and report as a political committee. You alleged that ROC was created in 2015 for the purpose of replacing the incumbent Okanogan County Commissioners. You alleged that ROC was soliciting contributions to create a website and pay for radio, newspaper, and billboard advertising that criticized the actions of the County Commissioners, and sought to replace those Commissioners, two of whom were up for re-election in 2016, Ray Campbell and Sheilah Kennedy.

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

- Gay Northrup, President of ROC, contacted you, President of the Okanogan County Farm Bureau, and said she was calling on behalf of the League of Women Voters to solicit funds for activities concerning the 2016 Okanogan County Commissioner elections. Ms. Northrup states that she contacted you as a private individual, not as a representative of ROC, to secure a pledge to defray the costs expected to be incurred by the League of Women Voters in sponsoring a non-partisan candidate forum for Okanogan County Commissioner candidates. Ms. Northrup stated that she was not soliciting a contribution for ROC.
- The complaint alleged that ROC was running newspaper, radio, and billboard ads that included talking points from the ROC website, in an effort to undermine the incumbent Okanogan County Commissioners, and to encourage people to run against the incumbent Commissioners. The complaint alleged that these activities made ROC an unregistered political committee with reporting requirements.
- The ROC website, newspaper ads, and billboards included the statement, "Wanted New County Commissioners." The ROC radio ads described issues facing Okanogan County, such as the vacation of roads with access to public lands, the need to set aside agricultural

land in accordance with the Growth Management Act, and the need to establish good wildfire management practices. The ROC website also included statements criticizing the incumbent Commissioners.

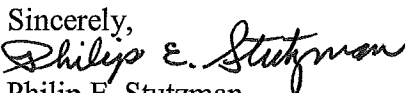
- Incumbent Sheilah Kennedy and Chris Branch will face each other in the general election in District 1. Incumbent Ray Campbell was defeated in the primary election in District 2, meaning that Andy Hover and Ashley Thrasher will be on the general election ballot. Ms. Northrup denied that Represent Okanogan County was ever named Replace Our Commissioners, as was suggested in your complaint.
- ROC stated that prior to receiving your complaint, they believed they had no PDC reporting requirements. Following receipt of your complaint, ROC hired an attorney to assist them in responding to the complaint. ROC sent its initial response on June 27, 2016, stating that ROC was created to increase civic participation and educate voters about issues facing Okanogan County. It stated that ROC had no intention to advocate for the election of any candidates, and thus did not meet the definition of a political committee. It said all of ROC's fundraising was intended to support ROC's public participation and voter registration work, and none of the funds were being raised to support or oppose candidates. The response stated that ROC had educated voters about the opportunity to run for the County Commission, and about the issues facing Okanogan County. It said ROC had conducted non-partisan voter registration and information campaigns, such as the non-partisan candidate forum discussed in the complaint.
- On July 28, 2016, PDC staff replied to ROC's response by summarizing the definition of a political committee, including PDC Interpretation 07-02, "Primary Purpose Test" Guidelines, and provided an analysis, concluding that ROC was a political committee with an obligation to register and report. Staff asked ROC to report all activity from its inception through the 2016 elections.
- On August 5, 2016, Claire Tonry, an attorney for ROC, reiterated ROC's position that it did not meet the definition of a political committee. Ms. Tonry then said that in a spirit of cooperation and transparency, and out of over-abundance of caution, ROC was willing to file a political committee registration. Ms. Tonry said this willingness should not be taken as an admission that ROC is or was a political committee. She said that once ROC registers as a political committee, it may consider itself a political committee and conduct itself accordingly. Ms. Tonry said that due to certain ROC members' travel schedules and a serious family health situation, the earliest ROC anticipated it could file its political committee registration was August 31, 2016.
- On August 11, 2016, PDC staff informed ROC that because of its efforts to replace two incumbent Okanogan County Commissioners in 2016, ROC was required to report all contributions received and expenditures made since its inception. Staff asked ROC to clarify by August 19, 2016 whether they were willing to report all contribution and expenditure activity since its inception.
- On August 15, 2016, Gay Northrup replied, stating that ROC was happy to report all contributions received and expenditures made since its inception. She stated that ROC

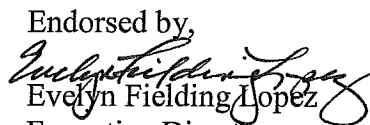
was working diligently to determine all donor information, and hoped to file all reports by August 31, 2016.

- On August 22, 2016, PDC staff thanked Ms. Northrup for ROC's willingness to file, and offered filing assistance to ROC's treasurer.
- On August 30, 2016, ROC filed its political committee registration and its reports of contributions and expenditures. Ms. Northrup stated that until recently ROC did not know they would be deemed a political committee. She acknowledged that ROC was unable to identify the names and addresses of all donors, resulting in some anonymous contributions.
- PDC staff reviewed ROC's reports, and determined that contributions were deposited timely for five of the 15 C-3 reports, with contributions on the remaining 10 C-3 reports deposited from 1 to 40 days late. C-3 reports were filed between 7 and 232 days late. ROC filed 10 C-4 reports between 1 and 264 days late. ROC stated that depositing contributions late, and late reporting of C-3 and C-4 reports, happened because at the time the money was solicited and received, ROC did not believe they had a PDC reporting requirement.
- A review of C-3 reports showed contributions totaling \$10,211.01. Included in this amount were anonymous contributions totaling \$1,250.00. The limit for anonymous contributions for ROC is \$300.00, and ROC has agreed to forfeit \$950.00 in excess anonymous contributions to the state general fund in accordance with RCW 42.17A.220(4).
- Represent Okanogan County is a first-time committee with no previous warnings or violations of PDC requirements.

Based on these initial findings, I have determined that Represent Okanogan County's failure to register and report as a political committee when it first organized in 2015 does not amount to a material violation warranting further investigation. Once PDC staff informed ROC of staff's conclusion that it was a political committee, ROC filed the required reports. While the reports were filed late, ROC did not initially understand that it had a filing requirement. Following staff's July 28, 2016 request that ROC register and report as a political committee, ROC filed the required forms and reports on August 30, 2016, two months before the November 8, 2016 general election.

The PDC has closed this matter, and will not be conducting a more formal investigation into your complaint or pursuing formal enforcement action in this instance. If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Sr. Compliance Officer
cc: Represent Okanogan County

Endorsed by,

Evelyn Fielding Lopez
Executive Director