



**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: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

July 24, 2019

Delivered electronically to "lakotalegends@comcast.net"

Subject: Complaint filed by Conner Edwards, PDC Case 35439

Dear Carolyn Merrival:

Below is a copy of an electronic letter sent to Conner Edwards concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Conner Edwards, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning failure to disclose sponsor identification on political advertising. Staff expects you to timely, accurately, and completely disclose sponsorship information on any future political advertising. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by email at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s

---

Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

---

Peter Lavalley  
Executive Director



**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](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

July 24, 2019

Delivered electronically to “cg.edwards53@gmail.com”

Subject: Complaint regarding Replace Mark Lindquist: Restore Integrity to the PCPAO,  
PDC Case 35439

Dear Conner Edwards:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on April 18, 2018. The complaint alleged that Replace Mark Lindquist may have violated RCW 42.17A.205 for failure to file a Political Committee Registration (C-1pc report) within two weeks of the expectation of contributions or expenditures in an election campaign; RCW 42.17A.235 for failure to timely and accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the Campaign; and RCW 42.17A.320 for failure to disclose sponsor identification on political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by John Dempsey and Carolyn Merrival; and the production of commercial advertiser records for the Facebook page Replace Mark Lindquist: Restore Integrity to the PCPAO, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- The Facebook page Replace Mark Lindquist: Restore Integrity to the PCPAO (the Page) ran two paid advertisements in opposition to candidate Mark Lindquist, but failed to include sponsor identification, including the name and address of the sponsor, as required by RCW 42.17A.320.
- The Page was created by Carolyn Merrival on February 2, 2018, and John Dempsey was added as an administrator to the page shortly thereafter.
- From March 10 through March 13, 2018, the Page ran its first paid advertising, generating 667 impressions, and targeting members of the public between 18-65+ years old, living in Washington, with interests in: “*Sentence (law), Prosecutor, Tax, Evidence (law), or Real property.*”
- From March 13 through March 16, 2018, the Page ran its second paid advertising, generating 3,406 impressions, and again targeting members of the public between 18-65+ years old, living in Washington, with interests in: “*Sentence (law), Prosecutor, Tax, Evidence (law), or Real property.*”
- In total these two advertising campaigns cost \$30, and they were paid by Carolyn Merrival using a PayPal account.

- This complaint was initially served to John Dempsey on May 16, 2018, based on the similar design and style of graphics on both the Page and Dempsey's website in opposition to candidate Mark Lindquist.
- John Dempsey responded on July 16, 2018, *"My response remains that I have no information regarding any purchased exposure on Facebook from this group. I have never paid Facebook a dime for anything. I've never done any "administrative" thing in this group. You might need to ask someone else about this."*
- From September 10 through October 1, 2018, PDC staff made three written requests to Facebook via counsel for production of records limited to locating the name of the person behind the Page but did not receive the requested information as required of a commercial advertiser under RCW 42.17A.345.
- On February 15, 2019, PDC staff served Facebook with a subpoena duces tecum for production of records related to the Page, and an amended subpoena duces tecum on February 20, 2019, including the URL along with the name of the Page.
- On March 8, 2019, Facebook provided the required information, which showed Carolyn Merrival as the sponsor of the advertising, including dates of paid advertising, targeting information, number of impressions, and manner of payment.
- On March 11, 2019, PDC staff served a copy of the complaint to Carolyn Merrival for a response to the allegations.
- On April 9, 2019, Carolyn Merrival responded to the complaint stating, *"I don't think that when I started that page that I intended to do any post boosting, but I guess that I got caught up. I will do whatever is necessary to deal with this issue.... I had no intentions to hide myself. Truthfully, I believed that everyone knew that it was me since I was very vocal about the issue. John Dempsey [sic] had access to contribute to the page but I don't believe he boosted any posts."*
- On April 10, 2019, John Dempsey acknowledged designing the banner used by the Page, which contributed to the similar styles of the Page and Dempsey's website, but denied involvement with the paid advertising effort, stating, *"I'm an administrator there who never used any administrator powers. I presume this includes adding members, buying boosts, changing banners, and other powers. Nor did I post there, as myself or as the group name. I may have been given contribution power, but I never used it in any capacity."*
- PDC staff found that the evidence shows that Carolyn Merrival sponsored paid political advertising in opposition to candidate Mark Lindquist and failed to include sponsor identification as required by RCW 42.17A.320, requiring a year of investigation and the use of subpoena to discover the identity of the sponsor.
- The evidence does not show that Carolyn Merrival solicited contributions from any outside sources to finance this political advertising, which would require registration and reporting under RCW 42.17A.205 and .235; and the total spend on the political advertising did not exceed the \$100 threshold requiring reporting of independent expenditures in accordance with RCW 42.17A.255.

Based on our findings staff has determined that, in this instance, failure to disclose sponsor identification on paid political advertising does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), Carolyn Merrival will receive a formal written warning concerning failure to disclose sponsor identification on political advertising. The formal written warning will include staff's expectation that Carolyn Merrival timely, accurately, and completely discloses sponsorship information on any future political advertising. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

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 [fdc@fdc.wa.gov](mailto:fdc@fdc.wa.gov).

Sincerely,

/s

Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s

Peter Lavalley  
Executive Director

cc: Carolyn Merrival, for Replace Mark Lindquist: Restore Integrity to the PCPAO