



**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 • Website: www.pdca.wa.gov

September 30, 2021

Delivered electronically to stumpphil@gmail.com

Subject: PDC Case 97379

Dear Phil Mark:

Below is a copy of an electronic letter sent to Nicolas Duchastel de Montrouge concerning a complaint filed August 8, 2021 with the Public Disclosure Commission (PDC) alleging a violation of RCW 42.17A.320 for failing to include the complete sponsor identification on political advertising sponsored by the 2021 campaign.

In addition, the complaint alleged use of a city-issued email account, which is covered by RCW 42.17A.555, using public facilities to promote election activities.

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

PDC staff reminds you about the importance of full compliance with statutes and rules regarding the use of public facilities, including a city-issued e-mail account, and expects you to review RCW 42.17A.555 and PDC Interpretation [01-03 Guidelines for Local Government Agencies in Election Campaigns](#) to ensure any future campaign-related activities fully comply with PDC statutes and rules.

If you have questions, contact Alice Fiman toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

/s

Kim Bradford
Deputy Director
For 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 • Website: www.pdc.wa.gov

September 30, 2021

Delivered electronically to nduchast@hotmail.com

Subject: Complaint regarding Phil Mark, PDC Case 97379

Dear Nicolas Duchastel de Montrouge:

The Public Disclosure Commission (PDC) completed its review of the complaint you filed August 8, 2021. The complaint alleged Phil Mark, a Woodinville City Council member and current candidate for Position 1, violated RCW 42.17A.320 by failing to include the complete sponsor identification on political advertising sponsored by the 2021 campaign.

The complaint also included an allegation of RCW 42.17A.555 by using public facilities to promote a candidate, specifically allegations Mark used a city-issued email account on a campaign website.

PDC staff reviewed the allegations; the applicable statutes, rules, and interpretations, the evidence provided in the complaint and a response from Phil Mark, to determine whether the record supports a finding of one or more violations.

We found the following:

- According to PDC records, there are two registered candidates for City of Woodinville, Pos. 1, indicating there was no primary election for this office on August 3, 2021.
- Phil Mark was appointed to the Woodinville City Council in July 2021. The current campaign is Mark's first campaign for public office.
- In response to the alleged violations of RCW 42.17A.320, a review of the website <https://philmark-woodinville.com/> found the proper sponsor identification listed "This site paid for by Phil Mark for Woodinville Council 13407 NE 146th St., Woodinville, WA 98072."
- In response to the allegation of using government resources for election campaigns, Mark stated "I paid the photographer for a headshot photograph for personal use, taken at the same sitting as the city shoot. I have a paid receipt for that, and, per guidance of the rules of a Mini campaign, it will be available for inspection."

- Mark also stated, “Other photos on my website were all downloaded from the Internet, sourced from the public domain, and were not given to me by the City of Woodinville.”
- As noted in his response, Mark filed under the mini-reporting option, which is available to candidates who will raise and spend no more than \$5,000, in addition to the amount spent on their filing fee, and who will receive no more than \$500 from any one contributor other than themselves.
- A candidate who chooses mini reporting does not file contribution and expenditure reports but must file a registration statement and keep record of their contributions and expenditures. During the 10 days preceding a primary, general, or special election in which the candidate's name is on the ballot, the campaign's books of account showing all contributions received, expenditures made and outstanding debts, must be opened for public inspection. More information about the public inspection of campaign records is available on the PDC website at <https://www.pdc.wa.gov/learn/publications/candidate-instructions/public-inspection-campaign-records>.
- The complaint also included an allegation of Mark using his city-issued email on his campaign website. In response, Mark stated it was “a webmaster error. It was up for approximately two weeks, we discovered it when I asked about the lack of response (no emails received at that link), and it was corrected.”
- Mark has no prior PDC violations.

Based on these findings, PDC staff has determined that, in this instance, the use of a city-issued email account on a campaign website does not amount to a violation warranting further investigation.

PDC staff is reminding Phil Mark about the importance of statutes and rules regarding the use of public facilities to promote a candidate and expects Mark to review RCW 42.17A.555, PDC Interpretation 01-03: Guidelines for Local Government Agencies in Election Campaigns and ensure any future campaign-related activities fully comply with PDC statutes and 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, contact Alice Fiman toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

/s

Kim Bradford
Deputy Director
For Peter Lavalley
Executive Director