



**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

January 30, 2023

Delivered electronically to Mark Kroese at markkroese@gmail.com

Subject: Complaint filed by Marilyn Adams, PDC Case 144170

Dear Mark Kroese:

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

As noted in the letter to Ms. Adams, the PDC has dismissed this matter following 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, per WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to provide complete sponsor identification on political advertising as noted in the enclosed letter sent to Ms. Adams. Staff expects that in the future you will follow all applicable laws, rules, and guidelines related to political advertisements. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

If you have questions, you may contact Tanya Mercier by e-mail at pdc@pdc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavalley
Executive Director



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January 30, 2023

Delivered electronically to Marilyn Adams at lyn_adams@msn.com

Subject: Complaint against Mark Kroese, PDC Case 144170

Dear Marilyn Adams:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaint you filed on October 25, 2023. The complaint alleged that Mark Kroese, a candidate for the position of City Council Member in the City of Clyde Hill, may have violated RCW 42.17A.320 for failure to provide complete sponsor identification on political advertising during the 2023 election year.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response(s) provided by the Respondent; and other relevant information, to determine whether the record supports a finding of one or more violations.

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

- For the purpose of candidate registration with the PDC, the City of Clyde Hill is a small political subdivision and as such there is no requirement for the candidate to file a Candidate Registration (C-1) as long as they do not receive more than \$7,000 in contributions for the election. On May 15, 2023, Mark Kroese filed a candidate declaration with their applicable election office.
- RCW 42.17A.320 states, "all written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address." The statute exempts yard signs and other forms of political advertising where sponsor identification is impractical. A complete sponsor identification includes either the term "Sponsored by" or "Paid for by" and the sponsor's name and address, all in the same location, to clearly identify who paid for the advertising.
- Mark Kroese is a first-time candidate for elected office. Mr. Kroese acknowledged that his campaign materials did not include the required sponsor identification. He self-funded his campaign and thought that because he had not taken contributions that "a self-funded

campaign did not require sponsor identification.” PDC staff found that there was a campaign website and three direct mailers used in the campaign for Mr. Kroese’s election.

- The Respondent does not have other similar warnings or violations of PDC requirements.

Based on our findings staff has determined that, in this instance, regarding the alleged violation of RCW 42.17A.320, the failure to provide sponsor identification on political advertising does not amount to a violation that calls for further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Mark Kroese will receive a formal written warning concerning their failure to provide sponsor identification on political advertising. The formal written warning will include staff’s expectation that Mr. Kroese follow all applicable laws, rules, and guidelines related to political advertising. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

If you have questions, you may contact Tanya Mercier by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

/s/ Electronically signed

Peter Frey Lavalley
Executive Director

cc: Mark Kroese