

File a Formal Complaint - Walter Smith (Complaint submitted on behalf of Karen Hardy)

[Walter](#) (Thu, 16 Nov at 10:20 AM) via Portal [Meta](#)

To whom it may concern,

I write on behalf of my client, Karen Hardy, to notify you that there is good reason to believe violations of chapter 42.17A RCW, Washington State's campaign finance law, have been committed by the recipients of certain over-limit contributions, and/or the payer of certain independent expenditures identified in this complaint during the build up to the November 2017 general election. My client has requested that you treat this filing as a complaint to the Public Disclosure Commission as provided by RCW 42.17A.105(5).

By law, a candidate for city council may only accept contributions of up to \$1,000 toward a single election such as the November 2017 general election. RCW 42.17A.405; WAC 390-05-235(3), 390-05-400. The Spokane Home Builders Association has reportedly paid contributions to the following candidates for city council in the general election:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>P/G</u>
BENN TIMOTHY J	2017-10-11	1000 (maximum amount)	G
HALEY PAMELA J	2017-10-13	250	G
HIGGINS LEWIS R	2017-10-12	250	G
MUNCH MICHAEL	2017-11-06	250	G

The Spokane Home Builders Association also displayed political advertising supporting the election of each of the candidates listed in the above table on a jumbotron-style display it maintains near Interstate 90 starting in or around October 2017 and continuing up to the time of the general election. Photographs of the advertising the Association hosted for these candidates, as well as for city council candidates Andrew Dunau and Jonathan Collier, are attached to this letter.

Apparently, these campaigns received significant value in the form of political advertising on a coveted, high-profile digital display near a well-trafficked stretch of I-90 in the weeks ahead of the general election. Yet no identifiable in-kind contribution by the Spokane Home Builders Association to the candidates' campaigns, nor any expenditure paid to the Association, has been reported to the Public Disclosure Commission to account for this advertising. To the extent the campaigns coordinated the political advertising with the Association free of charge, an in-kind donation should have been reported by each of the Benn, Dunau, Collier, Haley, Higgins, and Munch campaigns to

account for the free advertising. In the event the advertising was coordinated with the campaigns, once the value of the in-kind contributions is taken into account, it appears one or more of these campaigns accepted a contribution in excess of the limits in RCW 42.17A.405, WAC 390-05-235(3), and/or WAC 390-05-400.

On the other hand, even if the political advertising was not coordinated with the campaigns identified above, no independent expenditure been reported by the Spokane Home Builders Association in support of any of the candidates identified above. The Association should have filed form C-6 to disclose its independent expenditures in support of these candidates to the extent their value exceeded \$100. RCW 42.17A.255.

Conclusion

The campaigns identified in this complaint benefited from advertising in the days leading up to the 2017 general election on a display operated by the Spokane Home Builders Association. It appears that the Spokane Home Builders Association has either provided an unreported in-kind contribution to the above candidates, or has made independent expenditures in support of the candidates which have not been reported as such as required by law. To the extent that the Association has made in-kind contributions in support of these candidates, at least certain of those contributions (plus any cash contributions to the same candidates) likely exceed the applicable contribution limit. I encourage you to investigate the existence and value of any in-kind contributions or independent expenditures by the Association related to the political advertising highlighted in this letter, and why the required reports were not made.

Please advise if you should have any question about this complaint, and please let me know if the Commission schedules any hearing, or Commission staff takes enforcement action or issues any other final action about the allegations listed above.

Sincerely,

Walter Smith

Enclosure: Photographs showing advertising on Spokane Home Builders Association signage.

Spokane
**HOME
BUILDERS
ASSOCIATION**

Member of
**ROD
HIGGINS**
CITY COUNCIL PDS #1