



**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.pdcc.wa.gov

August 16, 2024

Delivered electronically to Mark Lamb, Washington Association of Nurse Anesthetists (WANA) legal counsel

Subject: Complaint filed by Amy Brackenberry against WANA, PDC Case 153899

Mark Lamb,

Below is a copy of an electronic letter sent to Amy Brackenberry concerning a complaint she filed with the Public Disclosure Commission (PDC) against Washington Association of Nurse Anesthetists (WANA).

As noted in the attached complaint resolution letter addressed to Ms. Brackenbury, WANA completed an SOU acknowledging violations of RCW 42.17A.640 and paid a \$300 civil penalty to resolve this matter. PDC staff has dismissed this matter in accordance with RCW 42.17A.755(1).

Thank you for your cooperation and WANA's in resolving this complaint. If you have questions, you may contact PDC staff at 1-360-753-1111, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s_____
Electronically Signed, Kim Bradford
PDC Deputy Director

/s_____
Electronically Signed, Peter Frey Lavalley
PDC Executive Director





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August 16, 2024

Delivered electronically to Amy Brackenbury

Subject: Complaint regarding Washington Association of Nurse Anesthetists, PDC Case 153899

Amy Brackenbury:

The Public Disclosure Commission (PDC) has completed its investigation of the complaint you filed against the Washington Association of Nurse Anesthetists (WANA) on March 23, 2024, for failing to: (1) timely register and report as the sponsor of a grassroots lobbying campaign on the Reports for a Grassroots Lobbying report (L-6 report), and (2) include the proper sponsor identification on grassroots lobbying advertising such as a website and text messages sent out in opposition to legislation.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements for a grassroots lobbying campaign addressed to the general public; the applicable Lobbyist Monthly Expense Reports (L-2 reports) filed by the Respondent contract lobbyist; and the email responses from the Respondent's representatives and legal counsel, Mark Lamb, an attorney with Carney, Badley, Spellman, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- WANA has been a Lobbyist Employer who has hired contract lobbyists and filed Annual Employer's Lobbying Expenses reports (L-3 reports) dating back to 2006.
- For the 2023-2024 Biennium, Briahna Murray was the registered lobbyist for WANA and the WANA point person at Gordon Thomas Honeywell, a law firm which is registered with the PDC as a contract lobbying firm and files the L-2 reports under the firm name.
- When PDC staff received the complaint, it included a link to an anonymous website that you stated appeared "to be a campaign of misinformation designed to discourage the Governor from signing a bill into law", and a copy of a form letter entitled "**RE: SB 5184**" addressed to Gov. Inslee requesting he "**VETO this bill.**"
- Your complaint stated that since there was no information concerning who sponsored the website, there was "no way to contact anyone about the false statements being made." You further indicated that you had

conducted an internet search which led “to a political consulting firm based in Texas as the registrant” but that any other information was redacted and failed to identify the website’s sponsor.

- As part of PDC staff’s review, staff attempted to ascertain the website sponsor’s name and contacted Squarespace with a request for the purchaser’s name, address, phone number, and email address. Staff also requested the method of payment information, who provided the payment, the total cost of the web domain and services provided, and the date(s) that Squarespace rendered the services.
- On April 8, 2024, PDC staff sent a subpoena for the information to Squarespace requesting that the information be provided to PDC staff.
- On May 14, 2024, Squarespace responded to staff’s subpoena with the requested information which indicated that Chism Strategies out of San Antonio, Texas, was the domain subscriber, and that Emily Henderson paid for the domain name with a credit card on February 14, 2024. Based on that information, PDC staff sent a case opening email to Chism Strategies initially listing it as the Respondent in this matter and requesting it respond to the allegations listed in the complaint.
- After further email exchanges with Chism Strategies, PDC staff determined that the Washington Association of Nurse Anesthetists was the sponsor of the grassroots lobbying communications. On May 30, 2024, PDC staff sent an email to a WANA representative, Melissa Schwab, providing her with a copy of the March 23, 2024, complaint and requesting a response to the allegations no later than June 6, 2024.
- On June 3, 2024, Ms. Murray filed the amended L-2 reports for Gordon Thomas Honeywell for the months of February and March of 2024. The initial February L-2 report was timely filed by Gordon Thomas Honeywell as a contract lobbying firm disclosing that WANA paid the firm \$5,000 to lobby on their behalf. The amended February L-2 report disclosed \$16,440.30 in new expenditures made to Cerillion N4 Partners on February 14, 2024, for “Grass Roots Lobbying Text Messages (51,102).” The amended information was disclosed 80 days late, and after the 2024 Legislature had adjourned.
- The initial March L-2 report was timely filed by Gordon Thomas Honeywell as a contract lobbying firm disclosing that WANA paid the firm \$5,000 to lobby on their behalf. The amended March L-2 report disclosed \$6,000 in new expenditures made to Cerillion N4 Partners on March 21, 2024, for “Grass Roots Lobbying Text Messages (23,000) and Emails (464).” The amended information was disclosed 49 days late, and after the 2024 Legislature had adjourned.
- Between June 4 through June 6, 2024, PDC staff and WANA representatives, including Dee Bender, exchanged emails and telephone calls in which Ms. Bender indicated in the last communication that WANA was now represented by Mark Lamb. Mr. Lamb contacted PDC staff by email stating that he had just been retained and was requesting an extension in providing the response until June 21, 2024, which was granted.
- On June 21, 2024, Mr. Lamb emailed the response on behalf of his client, WANA, stating that “WANA’s efforts were very intentionally public as it was the public that it needed to contact the Governor on its behalf, thus the text messages to the public to send emails opposing this legislation.” He stated that the “website” listed by the complainant “consisted of a link to a pdf document” and the first sentence included the statement “This is Jen with the Washington Assn. of Nurse Anesthetists”.
- Mr. Lamb also stated that the sole “purpose of the website was to allow recipients of the text message to access the proposed script for letters to Governor Inslee which was too long to be included in the text itself.”

- Mr. Lamb added that “the ‘website’ that is the subject of the complaint is merely a landing page to hold a longer draft letter to be accessed by the recipients” that was included in the text message which included the WANA name in the first sentence of the communication. Staff noted that website failed to include grassroots lobbying sponsor identification.
- On Aug. 15, 2024, WANA representatives completed a Statement of Understanding acknowledging violations of RCW 42.17A.640 concerning grassroots lobbying activities and paid a \$300 civil penalty in accordance with WAC 390-37-143 to resolve the violations in lieu of having a Brief Adjudicative Proceeding (BAP) scheduled.

Based on these findings, PDC staff found no evidence of violations that would require conducting a more formal investigation into the complaint or pursuing any further enforcement action in this instance. Staff found no other findings of violations by WANA in the past, and this appeared to be the first complaint filed against WANA according to PDC enforcement history.

As noted above, WANA completed an SOU acknowledging violations of RCW 42.17A.640 and paid a \$300 civil penalty to resolve this matter. Based on this information, the PDC finds that no further action is warranted and has dismissed this matter against the Washington Association of Nurse Anesthetists in accordance with RCW 42.17A.755(1).

If you have questions, you may contact PDC staff at 1-360-753-1111, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s_____
Electronically Signed, Kim Bradford
PDC Deputy Director

/s_____
Electronically Signed, Peter Frey Lavalley
PDC Executive Director



cc: Mark Lamb, WANA legal counsel, and Dee Bender, WANA Political Director