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Sent via e-mail to pdc@pdc.wa.gov

November 1, 2024

Public Disclosure Commission
711 Capitol Way S #206
Olympia, WA 98504

Re: Complaint No. 160795
BIL File No. 6694-001

Dear PDC Staff:

We represent ELLA Adelante (We Are ELLA), a small, community-based Yakima social justice organization working to elevate traditionally underrepresented Chicana/Latina voices in the political process through advocacy and leadership cultivation. We write to respond to allegations raised by Kenton Gantrell in his October 16, 2024, complaint to the PDC. Gantrell's complaint alleges ELLA Adelante failed to provide information concerning the funding of a political mailer.

I. ELLA Adelante should have provided sponsor information on the mailer as required by RCW 42.17A.320, and would have had it been aware of the law.

Pursuant to RCW 42.17A.320(1), all written political advertising is required to include the name and address of the sponsor, and this information must be set apart from any other printed matter. WAC 390-18-010(2) indicates that all advertising must clearly state that it has been paid for by the sponsor. Political advertising undertaken as an independent expenditure or an electioneering communication by a person other than a bona fide political party must also include the statement "No candidate authorized this ad. It is paid for by (name, address, city, state)." WAC 390-18-010(2)(b).

ELLA Adelante is now aware of the sponsor identification requirement and commits to follow that in the future. ELLA Adelante is a new organization incorporated in August 2023. This is the first time ELLA Adelante has ever sent out mailers like the ones in question. This is also the first time ELLA Adelante has ever had a PDC complaint filed against it. The mistake was completely unintentional. ELLA Adelante takes compliance seriously and is committed to understanding the Fair Campaign Practices Act, as shown by how quickly Maria Fernandez, Executive Director of ELLA Adelante, moved to fix the problem once she became aware of it. This, and more, will be discussed below.

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II. An alternative response is appropriate in this case due to various mitigating factors.

Rather than perform an investigation or adjudicative proceeding, the PDC recognizes alternative responses may represent a more efficient and effective use of public funds in certain circumstances involving minor violations. WAC 390-37-061(1).

Numerous factors outlined in WAC 390-37-061(4) indicate an alternate response is appropriate in ELLA Adelante's case.

A. It appears that noncompliance resulted from a good-faith error, omission, or misunderstanding.

As noted above, ELLA Adelante's mistake was unintentional, committed out of ignorance of the legal requirements, and was not the result of any intent to evade the requirements of the law. ELLA Adelante's compliance history indicates the noncompliance was isolated or limited in nature, and not indicative of systematic or ongoing problems.

ELLA Adelante is a young organization incorporated in August 2023. This is the first time ELLA Adelante has ever sent out mailers like the ones in question. This is the first time ELLA Adelante has ever had a PDC complaint filed against it.

B. The impact of the noncompliance on the public was minimal.

ELLA Adelante spent approximately \$753.73 on the mailers and distributed 2,750 of them throughout the towns of Sunnyside, Grandview, and Mabton.

C. ELLA Adelante is a small, relatively unsophisticated organization.

ELLA Adelante has only four employees and, prior to the instant issue arising, had no knowledge about PDC reporting. Among its employees, none are employed to advise on PDC compliance and none have received any training regarding such matters.

D. There is no evidence that any person, including an entity or organization, benefited politically or economically from the noncompliance.

No person, entity, or organization benefited from the noncompliance. The only affected organization is ELLA Adelante itself, which is currently incurring non-trivial economic costs as a result of its non-compliance.

E. ELLA Adelante quickly took corrective action or initiated other remedial measures prior to any complaint, or when noncompliance was brought to ELLA Adelante's attention (e.g., filing missing reports, amending incomplete or inaccurate reports, returning prohibited or over limit contributions).

ELLA Adelante first became aware of its violation on October 14 through a Facebook post from Mr. Gantrell. Wasting no time, and even before the PDC complaint was filed on October 16, Maria Fernandez, Executive Director for ELLA Adelante, had a meeting with David Montes at the ACLU on

October 15 to seek advice on how to become compliant. This meeting ultimately was not fruitful, and Ms. Fernandez followed up with multiple other attorneys before contacting our firm on October 25. Since Ms. Fernandez first became aware of the compliance issue, clearing it up has been the organization's priority.

In light of these considerations, ELLA Adelante requests that the PDC resolve this matter through a dismissal, written reminder, or an alternative response rather than a full investigation and adjudicative hearing. The PDC has frequently resolved similar cases through an alternate response to a formal investigation and enforcement under WAC 390-18-010, most often dismissal with a written warning. *See, e.g.*, PDC Case No. 145194 (where, among other violations, Respondent failed to fully identify sponsor on political advertising mailer, case was closed with a reminder); PDC Case No. 144431 (complaint involving failure to provide sufficient sponsor identification on a mailer was dismissed with a reminder); PDC Case No. 144426 (complaint involving failure to provide complete sponsor ID and address on the mailer was dismissed with a reminder); PDC Case No. 137622 (complaint involving failure to include proper sponsor ID on political advertising dismissed with a reminder).

If the PDC chooses to pursue further assessment of this matter, it should ultimately be dismissed with a reminder or warning letter because ELLA Adelante has engaged in good faith efforts to disclose all required information. Please contact me with any questions or concerns at (206) 257-6003.

Sincerely,

A handwritten signature in black ink, appearing to read "Dmitri Iglitzin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dmitri Iglitzin
Azor Cole

Attorneys for ELLA Adelante