

Respondent Name
FedEx
Complainant Name
Conner Edwards
Complaint Description
<p>Conner Edwards reported via the portal (Mon, 21 Oct 2024 at 3:21 PM)</p> <p>Description of Complaint</p> <p>See attached complaint.</p> <p>Notice to Respondent</p> <p>I apologize to you for any inconvenience caused by this complaint. The chance that you will actually be fined for the violations identified above is extremely small because the agency is averse to doing the work necessary to bring cases to hearings. Most likely this case – and any future cases against you – will simply be dismissed by staff with a so-called "warning letter".</p> <p>This complaint is one of hundreds that I have filed to highlight and ultimately fix the significant shortcomings associated with the agency responsible for administering our state's campaign finance laws.</p> <p>What are these shortcomings?</p> <p>Overcomplicated and outdated requirements that are difficult to understand and comply with. Failure to properly educate the regulated community about the tasks they must perform to remain in compliance with applicable requirements and avoid complaints. Failure of the agency to send regular reminders to filers about pending deadlines. A failure to proactively enforce applicable requirements which enables the complaint system to become weaponized. Non-intuitive, non-user friendly, and buggy reporting software. Failure to meaningfully enforce core requirements. Failure to follow the best operating practices of other neighboring campaign finance agencies. An agency leadership structure that largely disregards stakeholder input and is slow to identify and resolve major agency deficiencies.</p> <p>I believe that the best way to motivate the agency to address these problems is by filing a large number of complaints so that the agency's problems become impossible to ignore.</p> <p>Slowly (too slowly) this strategy is starting to yield concrete and beneficial changes. You can read about these changes here: https://www.seattletimes.com/seattle-news/politics/why-one-man-filed-800-campaign-finance-complaints-against-wa-candidates/</p> <p>If you believe that the agency could have done something different to help you proactively avoid the issues identified in this complaint, I hope that you will consider including it in your response. The agency, and the public, can benefit from your perspective and feedback.</p> <p>"Be the change that you wish to see in the world." — Mahatma Gandhi</p>
What impact does the alleged violation(s) have on the public?
See complaint. The PDC has an obligation to provide transparency to the voters by enforcing disclosure requirements. The agency's failure to actively monitor compliance with these requirements and enforce them damages both the public and members of the regulated community.
List of attached evidence or contact information where evidence may be found
See complaint and also PDC website.
List of potential witnesses with contact information to reach them
See complaint and also PDC website.

Ruby Barmes
Senior store Manager
Ruby.Barmes@fedex.com

700 Broadway E
Seattle, WA 98102
206-329-7445

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Complaint Against: FedEx

Submitted: 10/21/24

Notice to Respondent by: 10/31/24 per WAC 390-37-050(1)

90 Day Initial Hearing Deadline: 1/19/25 per RCW 42.17A.755(3)

Statutes Violated: RCW 42.17A.345

Background**Commercial Advertiser Disclosure Law**

Washington state law allows any member of the public to request information about a political advertisement from the company that provided the advertising.¹ These companies are referred to as “commercial advertisers” in the law.

This disclosure, which dates back 50 years to Initiative 276 which created the PDC, is an important counterpart to the reporting done by campaigns and sponsors of independent expenditures. It also provides critical information when sponsors of political advertising fail to identify themselves.

A commercial advertiser is defined as any person or entity that sells a service communicating messages or producing material for distribution to the public, when the message includes an appeal for votes or financial support in an election campaign.

Examples include, but are not limited to, print shops, copying center businesses, direct mail services, billboard companies, broadcasters, print or online publications and online digital platforms. See RCW 42.17A.005(10), RCW 42.17A.345 and WAC 390-18-050.

FedEx Enforcement History

On December 5, 2019, a complaint was filed with the PDC against FedEx, the printing/copying division, alleging violations of RCW 42.17A.345 for failing to provide the documentation or records as a commercial advertiser for political advertisements undertaken by Mercer Islanders for Sustainable Spending, a local political committee that engaged in independent expenditure activities that supported and opposed 2019 candidates for Mercer Island City Council.²

Over three years later, an enforcement hearing was scheduled and conducted before the Commission. Ultimately, the agency determined that FedEx was a commercial advertiser as defined in RCW 42.17A.005(10) and had violated RCW 42.17A.345 on three occasions by failing to maintain books of account and related materials as a commercial advertiser and to timely make them available to the public upon request.

¹ <https://www.pdc.wa.gov/rules-enforcement/guidelines-restrictions/commercial-advertiser-disclosure-guide>

² <https://www.pdc.wa.gov/rules-enforcement/enforcement/enforcement-cases/60811>

As part of the PDC's final order on this matter, the agency found that several aggravating factors were present.³ See below.

5. In determining the appropriate penalty in this matter, aggravating factors include: that the Respondent is a large and sophisticated company with ample resources and should have understood its legal obligations when performing commercial advertising services in Washington State; Respondent had no policies or procedures in place to inform staff of their obligations; the extensive delay in providing the records to Mr. Finley; and that the information was requested before the election but was not provided until after it.

Ultimately, the PDC ordered FedEx to pay a civil penalty of \$1,500 for each of the three violations. In total that was a \$4,500 civil penalty, with \$2,000 of that amount suspended based on several conditions. One of the key provisions was that FedEx was not found to have committed any further violations of chapter 42.17A RCW or Title 390 WAC within four years of the date of the Final Order in this matter. The order was imposed on 3/2/2022.⁴

On 10/11/2024, I filed a complaint against FedEx for failing to respond to my requests for book inspection. This complaint was summarily dismissed by PDC staff. The PDC staff provided this basis for their dismissal: *"[i]t is our understand that after the 2022 enforcement action referenced in your complaint, FedEx set up a process for facilitating commercial advertiser disclosure. We inquired with the company about how they provide for inspection under RCW 42.17A.345, and were informed that requesters can make a "public request for information" at any FedEx location."*

While I dispute their authority to dismiss the complaint for this reason, I am refiling my complaint for the reasons detailed below.

Violations

After receiving the 10/21/24 notice of staff's dismissal of my earlier complaint, I proceeded to the nearest FedEx location to make a request in-person. I went to the FedEx location on Broadway Street in Seattle.

I provided the employee at the front desk with a verbal explanation of my request and a physical copy of the e-mail I received from the PDC's Deputy Director dismissing my earlier complaint. I also provided a printout from the PDC's website explaining the commercial advertiser inspection requirements. He did not understand the request but took it back to the manager working in the back office.

Eventually the manager came out and asked me if I worked for the state and if I had a badge. I said that I did not. She then told me that they would not allow me to inspect the commercial advertising

³ <https://pdc-case-tracking.s3.us-gov-west-1.amazonaws.com/3410/FedEx%20Final%20Order%20concerning%20penalty%20%28PDC%20Case%2060811%29.pdf>

⁴ Id.

records because it contained sensitive personal information like the names and addresses of folks who had used FedEx services.

Conclusion

Because of the rapidly approaching 2024 general election and my desire to view these records, I am unwilling to wait longer to see if FedEx complies with their statutory obligations. I am filing this complaint with the hopes that the PDC can rapidly bring FedEx into compliance with RCW 42.17A.345.

Best,

Conner Edwards
(425) 533-1677 cell

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This complaint is one of hundreds that I have filed to highlight and ultimately fix the significant shortcomings associated with the agency responsible for administering our state's campaign finance laws.

What are these shortcomings?

Overcomplicated and outdated requirements that are difficult to understand and comply with. Failure to properly educate the regulated community about the tasks they must perform to remain in compliance with applicable requirements and avoid complaints. Failure of the agency to send regular reminders to filers about pending deadlines. A failure to proactively enforce applicable requirements which enables the complaint system to become weaponized. Non-intuitive, non-user friendly, and buggy reporting software. Failure to meaningfully enforce core requirements. Failure to follow the best operating practices of other neighboring campaign finance agencies. An agency leadership structure that largely disregards stakeholder input and is slow to identify and resolve major agency deficiencies.

I believe that the best way to motivate the agency to address these problems is by filing a large number of complaints so that the agency's problems become impossible to ignore.

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If you believe that the agency could have done something different to help you proactively avoid the issues identified in this complaint, I hope that you will consider including it in your response. The agency, and the public, can benefit from your perspective and feedback.

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— Mahatma Gandhi

Hi Kim:

By now you probably saw the follow up complaint I filed on this issue where I went in person to inspect the books at FedEx.

Just wanted to let you know that there was only one entry in their books of account which was relating to their printing of yard signs for a federal candidate. None of the entries contained any of the political advertising purchased by state/local candidates.

I spoke with FedEx's attorney and she just confirmed they didn't have the records I was looking for, so let me know if you need anything additional from me to continue to process this complaint and post it to the agency's website.

Best,

Conner Edwards

(425) 533-1677 cell

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