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11 FedEx Office and Print Services, Inc.

12 **BEFORE THE WASHINGTON PUBLIC DISCLOSURE COMMISSION**

13 Respondent FedEx Office and Print Services, Inc. (“Respondent”) disputes the
14 allegations in Public Disclosure Commission (“PDC”) Case Number 161166
15 (“Complaint”) and denies that it has violated any legal requirement.¹

16 Respondent is committed to complying with all applicable laws and regulations
17 within the jurisdiction of the PDC, including with respect to the duties of commercial
18 advertisers pursuant to RCW 42.17A.345 and WAC 390-18-050. In the wake of the
19 resolution of PDC Case 60811, in March 2022, Respondent implemented protocols and
20 procedures to ensure compliance with these requirements:

- 21 1. Respondent developed step-by-step instructions for store personnel to
22 identify requests for political advertising or electioneering communications,
23 obtain and store relevant records, and respond to requests for inspection of
24 books of account and related materials as required by law, as well as trained
25 store personnel on these procedures.
- 26 2. Customers placing an order for political advertising or electioneering
27

28 ¹ FedEx Office and Print Services, Inc. is the legal entity that operates the store visited by Complainant.

1 communications are instructed to complete a form and are informed that:
2 “Because your project contains political advertising, we must retain a copy of
3 the project along with your information for a term of five (5) years after the
4 candidate’s election date.”

- 5
- 6 3. The information required to be collected for each such order are: (a) a copy of
7 the advertisement, (b) the name of the candidate, PAC, or ballot issue
8 featured in the advertisement, (c) the name and address of the sponsoring
9 person(s) who paid for the advertising, (d) detailed information on the project
10 type, (e) the total cost of the advertising, (f) the date of the payment, (g) the
11 method of payment used, and (h) the date(s) the service was rendered.
- 12
- 13 4. The form contains a storage term, whereby the customer acknowledges that
14 Respondent will store a copy of the advertising material for a period of five
15 years after the date of the relevant election and that Respondent is authorized
16 to provide the advertising material upon request to third parties, as well as
17 information related to the transaction.
- 18
- 19 5. The form is to be completed in part by the customer and in part by the store
20 personnel. The sections to be completed by the store personnel include the:
21 (a) store number, (b) store name, (c) store phone number, (d) project details
22 and quantities printed, (e) election date, and (f) retention expiration date (five
23 years after the election date). The sections to be completed by the customer
24 include the: (a) company name, (b) individual contact name, (c) individual
25 contact phone number, (d) address, and (e) name of the candidate, PAC, or
26 ballot measure sponsoring the advertisement.
- 27
- 28

- 1 6. The storage form instructs that the hard copy of the form and other
2 information related to the transaction are to be stored in a political
3 advertising storage binder at the store location, attached to: (a) a re-print of
4 the customer receipt, (b) a job ticket, and (c) a copy of the advertisement.
5
- 6 7. Each store in Washington maintains a physical political advertising storage
7 binder at the store, tabbed by election year. Binders are updated upon
8 placement of new orders for political advertising and are available for public
9 inspection during business hours.
10
- 11 8. When a third party requests information on political advertising, store
12 personnel provide a request for information form that asks for information
13 on: (a) the relevant candidate, PAC, or ballot issue, (b) the approximate date
14 of print (if known), (c) the store location (if known), and (d) contact
15 information of the requester. The request form is designed to facilitate access
16 to the specific information sought by a requester.
17
- 18 9. Upon receipt of a request for information form, store personnel check the
19 political advertising storage binder to see if the requested information is
20 available and send a message to an actively monitored email address, which
21 allows other company personnel to check business records for responsive
22 information.
23
- 24 10. With respect to timing, binders are available for public inspection during
25 business hours. In the event further searching for records is necessary,
26 Respondent's protocols specify that requested information "will be provided
27 within two (2) business days."
28

1 Respondent acted in a timely fashion in this case. At approximately 2:00 p.m. on
2 October 21, 2024, Complainant visited one of Respondent's store locations on 700
3 Broadway Street, in the Capitol Hill neighborhood of Seattle. Through a
4 misunderstanding, rather than allow Complainant to review the content in the political
5 advertising storage binder, store personnel provided a copy of the form to place an order
6 for political advertising. It appeared to store personnel that the Complainant was
7 satisfied with the interaction. He accepted the form and left the store. The entire
8 interaction lasted about one minute.
9

10
11 One day later, Respondent's legal counsel contacted Complainant to inform him
12 that he could return to the store location to inspect the contents of the political
13 advertising storage binder. Approximately one hour later, Complainant returned to the
14 store location and inspected the contents of the binder.
15

16 Later that day, in an email expressing appreciation for Respondent's efforts to
17 work with him on the request, Complainant provided a list of print jobs that he alleged
18 had been completed at the same store. The request sought certain materials related to
19 expenditures for printing made from July 18, 2019 to October 5, 2022.
20

21 Immediately upon receipt, Respondent engaged in a search of business records
22 for transactions related to the items in Complainant's list. The search yielded a series
23 of transactions that appeared to match some of the items on Complainant's list. On
24 October 24, 2024, Respondent informed Complainant that business records were
25 available, but that Respondent could not locate physical copies of the advertisements.
26

27 Respondent is committed to complying with the rules governing commercial
28 advertisers in Washington. Respondent has already provided follow-up instruction to

1 its personnel in the wake of this interaction, and it is committed to periodically
2 revisiting and updating its procedures and protocols to ensure compliance with the
3 rules.

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6 November 8, 2024

7 Respectfully submitted

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10 _____
11 Elli Abdoli
12 David J. Lazarus

13 *Counsel to Respondent*
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