



**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

May 16, 2024

Delivered electronically to Dan Brady, Esq., representing CT Publishing & The Silver Agency,
at dan@danbradylaw.com

Subject: Complaint filed by Kyle Wheeler, PDC Case 149327

Dear Dan Brady:

Below is a copy of an electronic letter sent to Kyle Wheeler concerning a complaint filed with
the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Wheeler, the PDC has dismissed this matter following RCW
42.17A.755(1) and will not conduct a more formal investigation into these allegations or take
further enforcement action in this matter.

However, per WAC 390-37-060(1)(d), this serves as a formal written warning concerning the
requirement under RCW 42.17A.345 and WAC 390-18-050 to provide inspection of commercial
advertiser books of account upon request. Moving forward, PDC staff expects CT Publishing
and The Silver Agency to comply with all laws and rules pertaining to the collection and
maintenance of all required information as outlined in RCW 42.17A.345 and WAC 390-18-050;
and to provide within the statutory timeline inspection of the books of account for political
advertising undertaken by the publisher and its subsidiaries. If violations of PDC laws or rules
occur in the future, the Commission will consider this formal written warning in deciding on
further Commission action.

If you have questions, you may contact Tanya Mercier by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

/s/ Electronically signed

Peter Frey Lavallee
Executive Director



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

May 16, 2024

Delivered electronically to Kyle Wheeler at kyle88wheeler@gmail.com

Subject: Complaint against CT Publishing & The Silver Agency, PDC Case 149327

Dear Kyle Wheeler:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaint you filed on February 13, 2024. The complaint alleged that CT Publishing and The Silver Agency, commercial advertisers with media services in Lewis County, may have violated the requirements under RCW 42.17A.345 and WAC 390-18-050 to provide inspection of commercial advertiser books of account upon request.

PDC staff reviewed the allegation(s); the applicable statutes and rules; the response(s) provided by the Respondent; and other relevant information, to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- CT Publishing is the owner and operator of The Chronicle, Nisqually Valley News, and The Reflector, all print newspapers in Lewis County. CT Publishing also runs web-based media services. The Silver Agency is an advertising, marketing, and design firm. Chad and Coralee Taylor are the owners of both CT Publishing and The Silver Agency, separate companies. In election years 2022 and 2023, both companies accepted or provided political advertising.
- RCW 42.17A.345 & WAC 390-18-050 require commercial advertisers, who have accepted or provided political advertising, or electioneering communications, to maintain current books of account and related materials, and to make the information available for public inspection. The records must be maintained for five years following the election to which the records pertain. Pursuant to RCW 42.17A.345, the documents and books of account shall specify 1) the names and addresses of persons from whom the commercial advertiser accepted political advertising or electioneering communications; 2) the exact nature and extent of the services rendered; and 3) the total cost and the manner of payment for the services. WAC 390-18-050(6) and (7) further clarify what information the commercial advertiser must maintain. WAC 390-18-050(3) states that commercial

advertisers may provide such information to the requester in person during normal business hours or electronically (if requested electronically) by email or online publication.

- In the complaint, you explain that on January 24, 2024, you sent an email to the newsroom of The Chronicle requesting to inspect the books of account for The Chronicle and Silver Agency. You were notified that the newsroom did not have advertising records and your email was sent to the Advertising Department of The Chronicle. On January 26, 2024, you were told that an inspection of the books of account could occur during normal business hours Monday through Friday and that an appointment was needed. You followed that email up with a request for the records in electronic format. On January 29, 2024, you were supplied the electronic records for the books of account for years 2022 and 2023 for The Chronicle and the Silver Agency. On January 30, 2024, you sent an email identifying that information, as required by RCW and WAC, was missing from the records supplied and you requested the records be updated are resubmitted to you. When not hearing back about the request for updated records, you emailed again on February 5, 2024, at which point more materials were supplied to you. You followed up and confirmed that the information supplied was all the information that would be forthcoming. On February 13, 2024, you filed a complaint with the PDC seeking help in accessing the remaining missing information and to ensure that CT Publishing, its newspapers, and The Silver Agency moving forward maintain all records and information as required by statute of a political advertiser.
- Dan Brady, responding on behalf of his clients CT Publishing and The Silver Agency, stated, “Once CT Publishing was informed by campaign finance and public disclosure legal counsel of the requirements of RCW 42.17A.345 and WAC 90-18-050, CT publishing began assembling the records requested by Mr. Wheeler. However, the records were not organized or formatted in such a matter manner that would allow immediate and complete disclosure. Instead, CT Publishing and its related companies compiled what data it had and provided it to Mr. Wheeler once the data was located.” On March 14, 2024, PDC staff followed up with the Mr. Brady to figure out if all the required data had been supplied and was told “they believe they have delivered to him everything they have regarding his request.”
- On March 15, 2024, PDC staff found that information was still missing and informed Mr. Brady about the remaining missing information. On March 25, 2024, the Respondent replied, “The Chronicle and The Silver Agency had provided the information requested by Mr. Wheeler that was available at that time. Neither of those entities had ready access to all the information requested prior to that response. In the time since that response, The Chronicle and the Silver Agency have worked to retrieve additional information from their internal files while also reaching out to their political advertising clients to collect any information that was not retained in the normal course of business.” More information was provided, and the Respondent also indicated they were continuing their data collection and intended to supply the remaining requested information by April 1, 2024.

- As of April 16, 2024, CT Publishing and The Silver Agency have supplied all the information they have available. Some Employer Identification Numbers (EIN) are missing because the information was not provided by clients. While WAC 390-18-050 does identify the “federal employer identification number” as information that must be included, the WAC also states “or other verifiable identification, if any, of an entity, so that the public can know who paid for the advertising or communication, without having to locate and identify any affiliated entities.” It is noted that CT Publishing and The Silver Agency have made a good faith effort in obtaining EIN and that in the future if this information is not available, or applicable, for a particular client the WAC does allow for other data collection so as to aid in informing the public about the sponsoring person or persons paying for the advertising or electioneering communication.
- As part of the resolution to this case, PDC staff requested an explanation about how an inspection request for books of account will be handled in the future. Mr. Brady, responding on behalf of his client, stated, “Going forward, these two commercial advertisers will be using ‘Political Ad Sales Checklist’ forms ... for any political advertising.” The “form indicates that advertising will not be placed without the form being completely filled out.” “Any member of the public may request access to these completed forms in-person during normal business hours.”

A records retention and data fulfillment process has been created, specific email accounts to service information requests have been set up, and CT Publishing and The Silver Agency have hired a campaign finance and public disclosure law firm to aid in compliance going forward.

- CT Publishing, its affiliated print and web-based media services, and The Silver Agency do not have other similar warnings or violations of PDC requirements.

Based on our findings staff has determined that, in this instance, CT Publishing and The Silver Agency’s failure to maintain and collect all required information, as outlined in RCW 42.17A.345 and WAC 390-18-050, so as to provide upon request an inspection of the books of account for political advertising, does not amount to a finding of a violation that calls for further investigation.

Pursuant to WAC 390-37-060(1)(d), however, CT Publishing and The Silver Agency will receive a formal written warning concerning the requirements under RCW 42.17A.345 and WAC 390-18-050. Staff expects CT Publishing and The Silver Agency, moving forward, to comply with all laws, rules and PDC guidance pertaining to the collection and maintenance of all required information as outlined in RCW 42.17A.345 and WAC 390-18-050; and to provide within the statutory timeline inspection of the books of account for political advertising. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

If you have questions, you may contact Tanya Mercier by e-mail at pdc@pdc.wa.gov .

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavalley
Executive Director

cc: CT Publishing and The Silver Agency