



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

March 25, 2020

Sent electronically to 231corrections@gmail.com

Subject: Complaints filed by Doug Starcher and Sandra Robson, PDC Cases 27623 and 28686

Dear Barry Lovell:

Enclosed is a copy of an electronic letter sent to Doug Starcher and Sandra Robson concerning complaints filed October 25 and December 12, 2017 with the Public Disclosure Commission (PDC) alleging One Safe Jail, a 2017 election year ballot measure committee formed to support a sales tax increase to build and operate a new jail, may have violated RCW 42.17A.205 for failure to timely register as a political committee within two weeks of having an expectation of receiving contributions or making expenditures; RCW 42.17A.235 and .240 for failure to timely and accurately report contributions and expenditures, including receipt of an in-kind contribution for costs associated with a "Whatcom Jail" Facebook page, failure to report debt, and failure to provide proper expenditure descriptions; RCW 42.17A.220 for failure to timely deposit contributions; RCW 42.17A.260 and 42.17A.305 for failure to file reports of Independent Expenditures or Electioneering Communications; RCW 42.17A.265 for failure to report, within 24 hours, receipt of "last minute contributions" in excess of \$1,000; and RCW 42.17A.320 for failure to completely and accurately disclose Sponsor ID on political advertising. The complaint also alleged Nicole Kallin, the committee's campaign manager and a Whatcom County employee, may have violated RCW 42.17A.555 by using public facilities to support the efforts of One Safe Jail.

Pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to comply with the filing and disclosure requirements noted in the enclosed letter. This formal written warning comes with staff's expectation that Barry Lovell and One Safe Jail file timely and complete reports for all future required reports of contributions and expenditures, include sponsor identification on political advertising as required by law, and that all Committee members who are employees of a public agency review [PDC guidance](#) for local government agencies in election campaigns.

The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Alice Fiman at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s_____

Alice Fiman
Compliance Officer

Endorsed by,

/s_____

Peter Lavalley
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

March 25, 2020

Sent electronically to dougstarch@aol.com and sjrer2@icloud.com

Subject: One Safe Jail, PDC Cases 27623 and 28686

Dear Doug Starcher and Sandra Robson:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed October 25 and December 12, 2017.

Your complaints alleged One Safe Jail, a 2017 election year ballot measure committee formed to support a sales tax increase to build and operate a new jail, may have violated RCW 42.17A.205 for failure to timely register as a political committee within two weeks of having an expectation of receiving contributions or making expenditures; RCW 42.17A.235 and .240 for failure to timely and accurately report contributions and expenditures, including receipt of an in-kind contribution for costs associated with a "Whatcom Jail" Facebook page, failure to report debt, and failure to provide proper expenditure descriptions; RCW 42.17A.220 for failure to timely deposit contributions; RCW 42.17A.260 and 42.17A.305 for failure to file reports of Independent Expenditures or Electioneering Communications; RCW 42.17A.265 for failure to report, within 24 hours, receipt of "last minute contributions" in excess of \$1,000; and RCW 42.17A.320 for failure to completely and accurately disclose Sponsor ID on political advertising. The complaint also alleged Nicole Kallin, the committee's campaign manager and a Whatcom County employee, may have violated RCW 42.17A.555 by using public facilities to support the efforts of One Safe Jail.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the C-3 and C-4 reports filed by the Committee, and the response from Barry Lovell, on behalf of One Safe Jail, to determine whether the record supports a finding of one or more violations.

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

- On September 28, 2017, the PDC received a Political Committee Registration (C-1pc) for One Safe Jail WCCDA, filed as a ballot measure Committee to support a 2017 Jail Sales Tax. The report listed Nicole Kallin as Campaign Manager and Barry Lovell as Treasurer.
- The Committee filed three Monetary Contribution (C-3) reports and two Summary Receipts and Expenditure (C-4) reports, reporting \$9,100 in contributions and \$7,307.81 in expenditures during the campaign.
- The Committee amended its C-1pc report three times, with the final C-1pc filed November 3, 2017. The Committee was changed to a continuing Committee, with the same campaign manager and treasurer.
- The 2017 Jail Sales Tax was not approved.

Allegation: Failure to timely register as a political committee within two weeks of expectation of contributions or expenditures

- As noted above, the PDC received a Political Committee Registration (C-1pc) for One Safe Jail WCCDA on September 28, 2017.
- In response, Lovell noted this allegation was due to a typographical error, which led to reporting an incorrect deposit date of March, rather than September, for a contribution from the Bellingham Police Guild.

Allegations: Failure to timely and accurately file C-3 and C-4 reports; Failure to timely deposit contributions; Failure to file C-6 report within 24 hours of appearing to the public; Failure to report last minute contributions in excess of \$1000 within 24 hours of receipt

- In response, Lovell stated he believed he had filed his C-3, C-4 and C-6 reports timely, however, "after the initial filing date had come and gone we heard that a complaint had been filed."
- Once made aware, Lovell stated he contacted the PDC and corrected the mistakes, which resulted in the reports being correctly filed and available to the public. The reports were filed and available to the public between one and 22 days late.
- Committees supporting ballot propositions were not required to file C-6 reports in 2017.

Allegation: Failure to properly report expenditures on C-4 reports, including the failure to provide proper expenditure descriptions on C-4 reports

- In response, Lovell admitted the violation stating he was not aware of the requirement, noting the Committee members "have little or no experience in political campaigning in any way, including myself as the Treasurer."
- The Committee made good faith efforts to comply with the reporting requirements of RCW 42.17A.240 concerning expenditures undertaken by the campaign on their C-4

reports. The public was not deprived of critical information as the dates, amounts, and purposes of the expenditures were disclosed, and requiring further amendments would not have a significant or material impact on the public.

Allegation: Failure to completely and accurately disclose Sponsor ID on political advertising

- In response, Lovell admitted the violation stating he was not aware of the requirement and noted the Committee members' lack of experience, adding, "Contrary to his comment of it being a revolving door of committee members, none of us participated in the 2015 jail campaign (PDC Complaint 1125) that Starcher references in his closing comments."

Allegation: Failure to disclose sponsorship and expenditures or in-kind contributions for "Whatcom Jail" Facebook page

- In response, Lovell stated: "One Safe Jail was a stand-alone PAC and created in an effort to support the building of a safe jail in Whatcom County. Our PAC has no official connection with the Whatcom Jail Facebook page or its facilitator Bob Frisk who is not a county employee. Nor did we create, sustain or maintain the webpage. However, some members of the PAC made comments on the Whatcom Jail Facebook page, on their personal time."

Allegation: unauthorized use of public facilities to support a political campaign

- The complaint noted allegations of public employees using social media during work hours and an allegation of the Committee using the public safety building to receive mail.
- In response, Lovell stated the Committee used the Grand Avenue address for safety reasons, then established a post office box once they were made aware this was a violation.
- In response to the allegation of using social media, Lovell provided information on the county's use of social media policy, which allows for limited personal use.
- He also stated "Furthermore, Mark Burnfield, Whatcom Public Relations Officer, has informed our bureau that it is commonly known problem(glitch) for internet search engines to register 'visits' on websites even as an individual is looking at a particular page which would explain the 'multiple' visit by Mrs. Kallin during such a short time frame. Additionally, I will submit your own document as fact where zero key strokes or typed count were entered for any of the line items in question."
- Both the Whatcom County policy and RCW 42.17A.555 prohibit unauthorized use of public facilities to support a political campaign, with the county policy specifically restricting social media use for political activity.

Based on these findings, staff has determined that in this instance, the failure to timely and accurately file reports of contributions and expenditures as noted above, and the use of a government computer to access social media accounts by a Whatcom County employee, does not amount to a finding of a violation that warrants further investigation.

However, pursuant to WAC 390-37-060(1)(d), Barry Lovell and One Safe Jail will receive a formal written warning concerning the failure to comply with PDC requirements as noted in this letter.

The formal written warning will include staff's expectation that Barry Lovell and One Safe Jail timely file all future required reports of contributions and expenditures, include sponsor identification on political advertising as required by law, and that all Committee members who are employees of a public agency review [PDC guidance](#) for local government agencies in election campaigns.

The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

/s_____

Alice Fiman
Compliance Officer

Endorsed by,

/s_____

Peter Lavalley
Executive Director

/s_____