



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Campaign Finance Unit
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Delivered by electronic mail

March 28, 2017

James A. Tupper, Jr.
Tupper Mack Wells PLLC
2025 First Avenue, Suite 1100
Seattle, WA 98121

**RE: Citizen Action Notice – Dennis McLerran, Larry Wasserman, and Strategies 360
Notice of Results**

Dear Mr. Tupper:

I am writing to advise you of the outcome of the Attorney General's Office's review of the citizen action notice referenced above. In the notice, you, on behalf of your client, Save Family Farming, alleged that the Respondents, Dennis McLerran, Larry Wasserman, and Strategies 360, operated an unregistered grass roots lobbying campaign, and that Respondents Wasserman and Strategies 360 operated an unregistered political committee engaged in an initiative campaign.

The AGO reviewed your notice, as supplemented and amended, and its attachments; reviewed written response statements from each Respondent; reviewed Public Disclosure Commission records to identify Respondents' disclosed activity; and reviewed background information relating to the allegations. The PDC also issued on February 28, 2017 a recommendation to the AGO not to initiate enforcement action against any named Respondent. The PDC's recommendation separately addressed your allegations against each Respondent. I will address each Respondent separately below.

1. Respondent Dennis McLerran

The PDC recommended this office take no action on your allegation that Mr. McLerran operated an unregistered grass roots lobbying campaign. You alleged that grant funds provided by the Environmental Protection Agency to the Northwest Indian Fisheries Commission, were used to engage in grassroots lobbying. The funds at issue were awarded by the Commission to the Swinomish Indian Tribal Community (the Tribe). The facts discovered during the investigation demonstrated that Mr. McLerran did not personally approve NWIFC funds to be given to the

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Tribe. Mr. McLerran apparently did not indicate to the Tribe for what specific purposes it could use NWIFC funding. He denies knowledge of the Take Action button on the *What's Upstream* website prior to spring 2016, and of any discussion of Washington State legislation with the Tribe. Finally, Mr. McLerran's conduct at issue took place in the course of his duties as Regional Director of Region Ten of the Environmental Protection Agency. As such, and based on current information, the PDC recommended no action against Mr. McLerran. Following the AGO review, we concur with this assessment.

2. Respondent Larry Wasserman

The PDC also recommended no action against Mr. Wasserman based on your allegation that he operated an unregistered political committee and conducted a non-reporting grass roots lobbying campaign. The facts available at this time demonstrate that Mr. Wasserman led the Tribe's activity related to a grant from NWIFC starting in 2011. His activities were accomplished with the supervision and approval of the Tribal Senate. To the extent Mr. Wasserman worked with the Tribe's registered lobbyist, Davor Gjurasic, on House Bill 2352, that activity was reported in full compliance with Washington laws. No ballot proposition was filed with a state or local elections official related to any initiative Mr. Wasserman contemplated working on, and Mr. Wasserman did not contribute Tribal funds (or his own) to any candidate for office. Any funds expended by Mr. Wasserman related to your allegations were those of his employer, the Tribe, and were spent at the Tribe's direction. As such, and based on current information, the PDC recommended no action against Mr. Wasserman. Following the AGO review, we concur with this assessment.

3. Respondent political consultant Strategies 360

Finally, the PDC recommended no action on the allegations that the Tribe's political consultant, Strategies 360, operated an unregistered political committee and conducted a non-reporting grass roots lobbying campaign. The facts available at this time demonstrate that Strategies 360 did not personally fund or direct any of the activities alleged here; the Strategies 360 services were performed under a contract with the Tribe for a fee. In its vendor capacity, the facts do not establish that Strategies 360 sponsored a grass roots lobbying effort. Further, the facts did not establish that Strategies 360 had the expectation of receiving contributions or making expenditures to support a ballot proposition. As such, and based on current information, the PDC recommended no action against Strategies 360. Following the AGO review, we concur with this assessment.

Having reviewed the recommendations of the Public Disclosure Commission and the other available materials, the Attorney General's Office has decided not to initiate judicial enforcement proceedings against Respondents McLerran, Wasserman, or Strategies 360 based on the allegations in the notice. Please note that this view is limited to the specific facts in your notice and those developed by PDC staff. We express no opinion as to the application of the laws to any situation other than that addressed above.

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If you have any questions, please contact the undersigned. We thank you, and all the parties, for your courtesies during this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter M. Smith", with a stylized flourish at the end.

WALTER M. SMITH
Assistant Attorney General

WMS:kj

cc: Darwin Roberts, Deputy Attorney General
Brian Chestnut & Wyatt Golding, Counsel for Respondent Larry Wasserman
Socorro Rodriguez, Counsel for Respondent Dennis McLerran
Kevin Hamilton, Counsel for Respondent Strategies 360
Evelyn Fielding Lopez, Executive Director, Public Disclosure Commission