



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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

April 16, 2020

Delivered electronically to "josie@bluewavepolitics.com"

Subject: Complaint filed by Glen Morgan, PDC Case 17106

Dear Mass Transit Now:

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

As noted in the letter to Glen Morgan, the PDC has dismissed this matter in accordance with 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, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to register and report as a political committee within two weeks of the expectation of contributions, and to accurately and completely disclose expenditure and in-kind contribution details. Staff expects you timely, completely, and accurately adhere to your reporting requirements should you form a committee in the future. 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 Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s

Fox Blackhorn
Compliance Coordinator 2

/s

Peter Lavalley
Executive Director



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April 16, 2020

Delivered electronically to “glen@wethegoverned.com”

Subject: Complaint regarding Mass Transit Now, PDC Case 17106

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on April 27, 2017. The complaint alleged that Mass Transit Now (Respondent), a political committee registered in support of King County’s 2016 Proposition 1 for a regional transportation improvement district, may have violated RCW 42.17A.205 and .235 for failure to register and report contributions and expenditures as a political committee within two weeks of purchasing a domain name, disclosing all committee officers; RCW 42.17A.235 and .240 for failure to timely, accurately, and completely file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the campaign; RCW 42.17A.240 and WAC 390-16-034 for failure to accurately and completely disclose a contributor’s employer and occupation; RCW 42.17A.240 for failure to accurately and completely disclose debts and obligations; RCW 42.17A.240, WAC 390-16-037, and WAC 390-16-205 for failure to completely and accurately disclose expenditure details; RCW 42.17A.425 for allowing persons not designated as committee officers on the Committee Registration to authorize expenditures of committee funds; and RCW 42.17A.445 and WAC 390-16-238 for reimbursing travel expenses without proper documentation.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent; the applicable PDC reports filed by the Respondent; archived images of websites; and queried the Respondent’s data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

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

- The complaint alleged that the Respondent violated RCW 42.17A.205 when they failed to file a Committee Registration, disclosing all committee officers, within two weeks of their September 10, 2015 purchase of the domain name “MassTransitNow.com” and that the Respondent violated RCW 42.17A.235 for failure to file C-3 and C-4 reports on the day the Committee Registration was filed, disclosing funds raised and spent to purchase the domain name.
- The Respondent stated in their response to the complaint that the domain name was initially purchased by Transportation Choices Coalition and used to raise funds for that

organization, before it was paid for by and transferred to the Respondent in June of 2016, after the date of their October 30, 2015 Committee Registration.

- To determine the content of the domain “MassTransitNow.com” in 2015, staff reviewed archived images of the website; however, there were no images of the website archived in 2015, and prior to 2015 the domain name was for sale.
- Screen captures from “MassTransitNow.com” in January of 2016 were marked with a header which read “TransportationChoices *presents* Mass Transit Now!” (emphasis in original). The front page of the website asked visitors to the site to sign up to join a movement to “expand light rail and bus rapid transit in the Puget Sound region through Sound Transit 3, on the ballot on November 2016....Transportation Choices Coalition will be leading the work to expand light rail and high quality express service with our *Mass Transit Now* project.” (emphasis in original).
- Screen captures from “MassTransitNow.com” in March of 2016 bore the same header and text, but also included an archived version of their “Our Plan To Win” page which explained that “*Mass Transit Now* is a 15 month campaign to win transit expansion in King, Snohomish and Pierce Counties....Together, we will win voter approval in November 2016.”
- While no evidence was submitted with the complaint or discovered by staff that suggests that the Respondent purchased this domain earlier than stated in their response, the value of the political advertising hosted by Transportation Choices Coalition constituted in-kind contributions to the Respondent, requiring them to register within two weeks of the expectation of contributions in an election campaign in accordance with RCW 42.17A.205 and to file C-3 and C-4 reports on the day their Committee Registration was filed reporting the value of this political advertising.
- The complaint alleged that the Respondent violated RCW 42.17A.235 by failing to file timely C-3 and C-4 reports disclosing activities undertaken by the committee. These reports, however, were originally timely filed and later amended as new information became available, and there were no timeliness restrictions to amending a report in the version of RCW 42.17A.235 in effect at the time of the activity.
- The complaint alleged that the Respondent violated RCW 42.17A.240 and WAC 390-16-034 by listing the employment information for one of their contributors, Martha Wyckoff, as a self-employed farmer because a biography page for the contributor described her as a “community investor” providing a link to the page in question.
- The Respondent stated that Martha Wyckoff self-disclosed as a self-employed farmer when making the contribution, and the website listed in the complaint in fact states that she raises hay.
- The complaint alleged that the Respondent violated RCW 42.17A.240 by failing to accurately and completely report debts and obligations, with no evidence to suggest that individual line item expenses were for orders placed and paid in a reporting period prior to discharge by expenditure.
- The response to the complaint asserts that they did timely report all debts and obligations incurred by the committee, including line items such as, “the three \$6,000 payments to Pacifica Public Affairs made on 5/27 were actually listed on the Committee’s April C4 report.”
- The complaint alleged that the Respondent violated RCW 42.17A.240, WAC 390-16-037, and WAC 390-16-205 for failure to accurately and completely disclose detailed descriptions of committee expenditures, including the number of items printed for political advertising, run dates, and sub-vendors utilized by the committee.
- At the request of PDC staff, the Respondent amended their C-4 reports to disclose the level of detailed expenditure descriptions required by RCW 42.17A.240, WAC 390-16-

037, and WAC 390-16-205, including number of items printed, run dates for political advertising, and sub-vendors utilized by the committee.

- The complaint alleged that the Respondent violated RCW 42.17A.235 and .240 by failing to timely and accurately disclose the value of in-kind contributions or expenditures for the value of mailing lists to support their political advertising efforts; however, the response highlights that this value is reflected in a \$5,000 expenditure to Win/Win Action on June 29, 2016, and a \$6,000 in-kind contribution received from Win/Win Action on October 20, 2016, which were both described as “Software Rental” for access to the Voter Activation Network software.
- The Respondent made a good-faith effort to disclose this expenditure and in-kind contribution, and these descriptions did not deprive the public of critical information in a time-sensitive period before an election.
- The complaint alleged that the Respondent violated RCW 42.17A.205 by failing to disclose Northwest Passage Consulting and Abigail Doerr on their Committee Registration, as committee officers authorized to make expenditures on behalf of the committee, and that the Respondent violated RCW 42.17A.425 by allowing these persons to authorize expenditures of committee funds without being disclosed on the Committee Registration.
- Abigail Doerr was disclosed on the Respondent’s amended Committee Registration filed August 8, 2016, in accordance with RCW 42.17A.205. The Respondent denies that Northwest Passage itself or any individual at Northwest Passage had any expenditure authority, and no evidence was provided with the complaint to suggest otherwise.
- The complaint alleged on information and belief that the Respondent violated RCW 42.17A.445 and WAC 390-16-238 for personal use of contributions used to reimburse individuals for travel without maintaining mileage logs; however, the Respondent provided copies of these mileage logs for staff’s review.

Based on our findings staff has determined that, in this instance, failure to timely register and report as a political committee, and to accurately and completely disclose expenditure and in-kind contribution details, do not amount to violations that warrant further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Mass Transit Now will receive a formal written warning concerning their failure to register and report as a political committee within two weeks of the expectation of contributions, and to accurately and completely disclose expenditure and in-kind contribution details. The formal written warning will include staff’s expectation that Mass Transit Now and its members will timely, completely, and accurately adhere to their reporting requirements should they form a committee in the future. 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).

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If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at fdc@fdc.wa.gov.

Sincerely,

/s

Fox Blackhorn
Compliance Coordinator 2

Endorsed by,

/s

Peter Lavalley
Executive Director

cc: Mass Transit Now