

Taki V. Flevaris
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April 5, 2019

VIA EMAILPublic Disclosure Commission
pdcc@pdcc.wa.gov**Re: Response to Complaint, Case No. 47130**

To Whom It May Concern:

We represent Representative Laurie Jinkins and write in response to Mr. Glen Morgan's complaint against Ms. Jinkins in case no. 47130. As explained below, the allegations in the complaint are largely exaggerated and unsubstantiated. Ms. Jinkins admittedly has not included political committee offices on her F1 financial disclosure forms to date. Such positions are already reported directly to the PDC in connection with each political committee, and the governing statutory language and regulations are not clear on whether the same information must also be included in an official's F1 reports. That said, because Ms. Jinkins wishes to err on the side of disclosure, she will include political committee positions on her F1 filings going forward, and is amending her F1s covering the last five years to include such information. In sum, no material violation has been committed, any technical errors are being corrected, and no further action is warranted here.

Based on publicly available PDC filings, Mr. Morgan's complaint alleges that Representative Jinkins is a "sole proprietor," the "primary manager/director," and has engaged in "significant corporate management" activities for the political committee LM PAC. These allegations are self-contradictory and baseless. The filings themselves reflect that LM PAC has instead had multiple officers over the years, and Ms. Jinkins has merely been one of them. As a factual matter, Ms. Jinkins has served as a volunteer officer for political committees from time to time, including for LM PAC. *See, e.g.*, PDC Report No. 100853085 (LM PAC); No. 100810542 (Win With Women PAC).

Mr. Morgan goes on to argue that Ms. Jinkins' role with LM PAC should have been included on her F1 financial affairs filings, in addition to being reported on LM PAC's C1PC registration filing with the PDC. It is true that Ms. Jinkins' volunteer role on LM PAC has not been included in her financial disclosures. In contrast, Ms. Jinkins has reported her membership on the boards of multiple nonprofit organizations, and similar roles of her spouse. Ms. Jinkins

simply did not think to include political committee positions on her F1 filings, and has not done so in the past.

As a legal matter, it is not clear whether political committee offices must be included in an official's F1 report, as Mr. Morgan assumes. The relevant statutory provision governing F1 financial reporting directs that any "office" or "directorship" in any "corporation, partnership, joint venture, association, union, or other entity" is to be reported. RCW 42.17A.710(1)(g). Political committees are not listed, unlike elsewhere throughout the same chapter, and they are distinct from all the other kinds of entities that are listed, including because they are specially defined and established in the chapter and report their officers directly to the PDC. *See* RCW 42.17A.005(40), .205(1), (2)(c). Accordingly, political committees arguably do not qualify as an "other entity" for purposes of F1 reporting. *See, e.g., State v. Larson*, 184 Wn.2d 843, 849-50 (2015) (noting that "general terms, when used in conjunction with specific terms in a statute, should be deemed only to incorporate those things similar . . . or comparable to the specific terms" (internal quotes omitted)). The PDC's regulations shed no further light on the subject. *See* WAC 390-24-010, -150 (specifying only that an "officer" for F1 purposes means someone with a particular type of title, with a "corporate office," or who is designated "as an officer in a corporation's bylaws"). In the informal guidance on its website, the PDC has indicated that roles with "political organizations, including political parties" may qualify—but without any express reference to political committees, as one would expect if those were covered. And again, the relevant terms are undefined.

Notwithstanding the relative lack of clarity on this issue, Ms. Jinkins wishes to err on the side of disclosure. She is committed to including any political committee offices in her F1 reports going forward, and will amend her prior F1 reports for the last five years to cover political committee positions, including specifically her role as an officer of LM PAC. Ms. Jinkins never had any intent to conceal such information. This is reflected in the fact that she fully disclosed her roles with multiple nonprofit organizations on her F1 reports. It is also reflected in the fact that her role with LM PAC was disclosed in the committee's C1PC filed directly with the PDC, which is more easily accessible than any F1 report. In sum, any omissions from Ms. Jinkins' F1 reports were unintentional and innocuous.

Mr. Morgan accuses Ms. Jinkins of being a "serial violator," but there is no merit to that charge. The PDC has never initiated proceedings against Ms. Jinkins or her campaign, or found her or her campaign guilty of any violations, notwithstanding the fact that she has been in office since 2010. In case no. 34114, the PDC found that LM PAC filed two discrete reports a total of 12 and 46 days late, respectively, but there was no finding that Ms. Jinkins was directly involved or personally at fault, the matter was resolved with a statement of understanding and a modest penalty, and the PDC determined that Mr. Morgan's numerous other allegations in that case were baseless. Most importantly, Ms. Jinkins' conduct at issue in this case is distinguishable, understandable, and not a violation, much less a serial violation.

In a recent enforcement case involving similar circumstances, the PDC acknowledged that the mere omission of a volunteer office from an F1 report was a technical error, could be

corrected through amendment, and warranted no further action. *See* Case No. 27204. There, an official failed to include a nonprofit board role in her prior F1 reporting, but then acknowledged the omission once it was pointed out and corrected it. Here, Ms. Jinkins has likewise acknowledged the omission of volunteer political committee positions from her prior F1 reporting and is in the process of addressing this issue through amendment. In these similar circumstances, the result should be the same. *See* RCW 42.17A.755(2)(a). In particular, because there has been no material violation and any arguable technical mistake is already being corrected, the complaint should be dismissed, and no further action should be taken.

Sincerely,

PACIFICA LAW GROUP LLP

A handwritten signature in blue ink, appearing to read 'T. V. Flevaris', with a stylized flourish at the end.

Taki V. Flevaris