



**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.pdca.wa.gov

August 1, 2019

Delivered electronically to "martha@cunningham3.com"

Subject: PDC Case 54991

Dear Martha Cunningham:

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

As noted below to Glen Morgan, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

PDC staff is reminding you about the importance of timely filing a Candidate Registration (C-1 report) and Personal Statement of Financial Affairs (F-1 report) with the PDC within two weeks of declaring candidacy. PDC staff expects that you will timely file all required PDC reports, including C-1 and F-1 reports, in future years in accordance with PDC laws and rules.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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August 1, 2019

Delivered electronically to "glen@wethegoverned.com"

Subject: Complaint regarding Martha Cunningham, PDC Case 54991

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 16, 2019. Your complaint alleged that Martha Cunningham (the "Respondent") may have violated RCW 42.17A.205, .700 & .235 by failing to register as a candidate and file a financial affairs statement within two weeks of declaring candidacy, and timely report contributions & expenditures.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; and the applicable PDC reports filed by Respondent to determine whether they support a finding of one or more violations.

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

- The Respondent is a first-time candidate for Port Angeles City Council, position #7.
- Candidates are required to register with the PDC within two weeks of becoming a "candidate," as defined in RCW 42.17A.005(9) and WAC 390-05-200. Pursuant to RCW 42.17A.205, candidate committees are required to register with the PDC within two weeks of 1) being organized; or 2) first having the expectation of receiving contributions or making expenditures, whichever comes first. The Candidate Registration (C-1 report) serves the dual purpose of registering both the candidate and the candidate's committee. The C-1 report for 2019 candidates was due no later than June 1, 2019.
- The Respondent filed a Candidate Registration (C-1 report) with the PDC on July 11, 2019 and selected the mini-reporting option. Mini-reporters are not required to submit C-3 and C-4 reports to the PDC disclosing campaign contributions and expenditures.
- Pursuant to RCW 42.17A.700, every candidate is required to file a statement of financial affairs with the PDC, certifying financial activity for the preceding twelve months, within two weeks of becoming a candidate. The 2019 F-1 report, certifying financial activity for 2018, was due for candidates no later than June 1, 2019.
- The Respondent filed a Personal Statement of Financial Affairs (F-1 report) with the PDC on May 28, 2019.

- After being notified by the PDC on July 19, 2019 that her C-1 and F-1 reports were filed late, the Respondent quickly responded and apologized for the tardy reports.
 - The Respondent indicated the late C-1 was the result of her erroneous belief that the report was due within two weeks of the last day of filing week (May 17, 2019), not the date she registered with the Elections Div. as a candidate (May 13, 2019). Even so, the filing was received 45 days late.
 - The Respondent's erroneous belief that an F-1 report was not required because she did not have any campaign contributions or expenditures to report and delays in setting up a campaign bank account led to the late F-1 report, which was one day late.
- Mitigating factors include: The Respondent's late reports were the result of good-faith omissions, for which she apologized. The Respondent is a first-time filer with a relatively small or unsophisticated campaign who is unfamiliar with PDC filing requirements.

Based on these findings, staff has determined that, in this instance, failure to timely file the Candidate Registration (C-1) and Personal Statement of Financial Affairs (F-1) reports does not amount to a violation warranting further investigation.

PDC staff is reminding Martha Cunningham about the importance of the timely filing all future PDC reports, including the Candidate Registration and Personal Financial Affairs Statement.

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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Martha Cunningham