



**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@pdc.wa.gov • Website: www.pdc.wa.gov

November 4, 2019

Delivered electronically to Phyllis Joy Gilfilen at "joyforsheriff@gmail.com"

Subject: Complaint filed by Glen Morgan, PDC Case 58089

Dear Ms. Gilfilen:

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 Mr. 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.

PDC staff is reminding you about the importance of the importance of the timely disclosure of all expenditure activities, specifically including any required detail and vendor breakdown as prescribed in WAC, and the timely and accurate disclosure of all reportable financial information on F-1 reports. PDC staff expects in the future that you will file timely and accurate campaign and personal financial affairs reports in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by email at pdcc@pdc.wa.gov.

Sincerely,

/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,

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



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November 4, 2019

Delivered electronically to Glen Morgan at “glen@wethegoverned.com”

Subject: Complaint regarding Phyllis Joy Gilfilen, PDC Case 58089

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 26, 2019. Your complaint alleged that Phyllis Joy Gilfilen, a candidate for Whatcom County Sheriff in 2019, may have violated: (1) RCW 42.17A.445(2) & WAC 390-16-238 for personal use of campaign funds; (2) RCW 42.17A.240 & WAC 390-16-037 for failure to accurately describe expenditures on Summary Full Campaign Contribution and Expenditure reports (C-4 reports); and (3) RCW 42.17A.700 & .710 for failure to timely and accurately file Personal Financial Affairs Statement (F-1 report) as a candidate.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response provided by Phyllis Joy Gilfilen; the applicable PDC reports filed by Respondent; 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:

- Phyllis Joy Gilfilen (JoyForSheriff) filed a Candidate Registration (C-1 report) on September 2, 2019, amending a C-1 originally submitted on May 22, 2019, declaring her candidacy for Whatcom County Sheriff in 2019, and switching to the “Full Reporting” option.
- On May 23, 2019, Ms. Gilfilen filed a candidate F-1 report disclosing personal financial information for the previous twelve months.

Allegation 1: Violation of RCW 42.17A.445(2) & WAC 390-16-238 for personal use of campaign funds.

- On September 3, 2019, the JoyForSheriff campaign filed a C-4 report disclosing a \$54.13 expenditure on June 15, 2019 and a \$50.18 expenditure on June 26, 2019 both made to Fred Meyer for fuel.
- The complaint alleged that the payments for fuel were not campaign related expenditures and were instead personal use prohibited by PDC laws and rules.
- In her response, Ms. Gilfilen stated that the fuel was purchased for a 1994 Ford truck that she used in parades and to transport 4’ x 8’ signs that she mounted on property in Whatcom County.

- On October 14, 2019, the JoyForSheriff campaign submitted an amended C-4 to include a more detailed description of the reason for the two June fuel expenses named in the complaint. An additional fuel expense, occurring after the complaint received date, was reported on September 30, 2019 disclosing a payment \$81.46 to Costco and included a detailed description.

Allegation 2: Violation of RCW 42.17A.240 & WAC 390-16-037 for failure to accurately describe expenditures connected to the production of campaign signs and other political advertising costs on C-4 reports.

- On September 5, 2019, the JoyForSheriff campaign filed a C-4 report disclosing a \$2,387.44 expenditure on August 1, 2019 to The Victory Store with the description “Signs – Banner” and a \$399.99 expenditure on August 14, 2019 to Copy Source for printing.
- The complaint alleged that the descriptions were insufficient and not consistent with examples identified in WAC.
- In her response, Ms. Gilfilen stated that she purchased twenty-five 4’ x 8’ signs and 250 smaller yard signs from The Victory Store sign company.
- On October 14, 2019, the JoyForSheriff campaign submitted an amended C-4 to include a more detailed description of the two August expenditures for signs and printing.

Allegation 3: Violation of RCW 42.17A.700 & .710 for failure to timely and accurately disclose reportable creditor information on the F-1 report required to be filed as a candidate in the 2019 election.

- The complaint alleged that Ms. Gilfilen failed to disclose a debt owed to Bank of America that resulted in a judgement entered in Whatcom County District Court.
- In her response, Ms. Gilfilen stated that she did not originally declare the debt on her candidate F-1 because she was considering it as nonreportable credit card debt and apologized for her misunderstanding.
- On October 24, 2019, Ms. Gilfilen submitted an amended F-1 to include the debt owed to Bank of America and disclosed the original and current amount owed as between \$4,500 and \$23,999, Code B.

The complaint included an additional allegation regarding a possible misuse of the Schedule A to the C-4 report’s un-itemized expenditures of \$50 or less in the aggregate. No evidence was found that the JoyForSheriff campaign incorrectly disclosed expenditures reported in this section of the C-4 reports filed for the 2019 campaign.

Phyllis Joy Gilfilen was an unsuccessful candidate in 2015 and had a separate individual acting as her treasurer and filing campaign reports. During the 2019 Whatcom County Sheriff campaign, she served as her own treasurer and did not list any other officers or committee members. It appears that her failure to disclose adequate descriptions for campaign expenditures on C-4 reports and her failure to disclose a reportable debt on her candidate F-1, was due to inexperience and general misunderstanding. Ms. Gilfilen responded promptly to the complaint and has not previously been found in violation of PDC laws or rules.

Based on these findings staff has determined that, in this instance, failure to timely and accurately file two C-4 reports and failure to include a reportable debt on the candidate F-1 report, does not amount to a finding of a violation warranting further investigation.

PDC staff is reminding Ms. Gilfilen about the importance of the timely disclosure of all expenditure activities, specifically including any required detail and vendor breakdown as prescribed in WAC, and the timely and accurate disclosure of all reportable financial information on F-1 reports in any future PDC reports in accordance with the statutes and 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s _____
Jennifer Hansen
Compliance Officer

Endorsed by,

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

cc: Phyllis Joy Gilfilen