



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.pdcc.wa.gov

October 29, 2019

TAM DINH
PO BOX 325
MERCER ISLAND, WA 98040

Subject: PDC Staff Assessment of Facts, PDC Case 58155

Dear Tam Dinh:

On June 26, 2019, Public Disclosure Commission (PDC) staff sent a letter informing you that your request to change to the Full Reporting option was approved despite the fact that your 2019 Campaign for School Director for Mercer Island School District 400 exceeded the \$5,000 contribution limitations to qualify for the Mini Reporting option.

As noted in the June 26, 2019 letter, staff's review of the Monetary Contribution reports (C-3 reports) and Summary Campaign Full Contribution and Expenditure reports (C-4 reports) filed by your Campaign at the time of your request to change reporting options, disclosed the amount of contributions received had already exceeded the limitations of the Mini Reporting Option. In addition, you provided PDC staff with an email acknowledging apparent PDC violations by your Campaign for exceeding the contribution limitations of the Mini Reporting Option.

PDC staff have opened an initial review into allegations that your 2019 campaign for School Director for Mercer Island School District 400 exceeded the contribution limitations of the Mini Reporting Option. PDC staff has completed its initial assessment of the facts, which included the following aggravating and mitigating factors:

- You were a first-time candidate for public office in 2019.
- On May 20, 2019, you timely filed a Candidate Registration (C-1 report) declaring your candidacy for Mercer Island School Director in 2019, selecting the Mini Reporting Option provided by WAC 390-16-105. By selecting the Mini Reporting Option, you were not subject to the requirements of RCW 42.17A.235 and .240 to file C-3 and C-4 report, provided your Campaign did accept more than \$500 from any single source (excluding you as the candidate using your own funds) and did not receive contributions or make expenditures totaling more than \$5,000 in aggregate over the course of your Campaign.
- On June 20, 2019, your Campaign contacted PDC staff to request a change from Mini Reporting to Full Reporting, after receiving monetary contributions totaling \$6,152.
- Based on our analysis, your 2019 Campaign exceeded the \$5,000 contribution limitation of the Mini Reporting Option on June 17, 2019, when you received and deposited \$1,725 in monetary contributions, bringing your total monetary and in-kind contributions to \$6,027.

- On June 24, 2019, you submitted an email to staff acknowledging apparent violations for exceeding the \$5,000 contribution limitations of the Mini Reporting Option, and that staff's approval to change to the Full Reporting does not absolve your Campaign of the liability for a violation found by the PDC.
- On June 26, 2019, PDC staff sent you a letter approving your change to Full Reporting, after you had accepted an additional \$125 in contributions, bringing your total contributions to \$6,152 on the day you were granted approval to receive more than \$5,000 in contributions. The letter informed you that while you were approved to change to the Full Reporting Option, your Campaign was not absolved of the apparent violation for exceeding the Mini Reporting Option.
- There was no evidence found of any intent to conceal or not disclose Campaign contribution and expenditure activities by you or your Campaign by staying under the Mini Reporting Option when the limitations of the reporting option had been exceeded.

Depending on the circumstances and the mitigating and aggravating factors of each case, a Respondent may have the opportunity to reach an alternative resolution to a matter, including the option to complete a Statement of Understanding with PDC staff as an alternative to scheduling an enforcement hearing.

I am encouraging you to work with PDC staff on resolving this matter, including determining whether an alternative resolution might be appropriate under the circumstances. If you would like to submit a more formal response to the allegations of exceeding the limitations of the Mini Reporting Option, please do so as soon as possible or no later than November 5, 2018

If you have questions, please feel free to contact Kurt Young at (360) 664-8854, toll free at 1-877-601-2828, or by email at pdcc@pdcc.wa.gov.

Sincerely,

Peter Lavalley
PDC Executive Director

