

Complaint Description

Glen Morgan (Tue, 22 Oct 2019 at 11:06 PM)

To Whom it may concern,

It has come to my attention and to the attention of apparently every voter in the City of Olympia that the City of Olympia (City Council members Jim Cooper, Nathaniel Jones, Clark Gilman, Lisa Parshley, Renata Rollins, Jessica Batman and Mayor Cheryl Selby as well as City Manager Steve Hall), have clearly violated Washington State's Campaign Finance laws (**RCW 42.17A**).

1) Misuse of public resources to create, produce, and send a mailer to voters in the city of Olympia to oppose a ballot initiative (RCW 42.17A.555)

Copies of this mailer are attached. This is a shocking misuse of public resources, and there is no excuse for this type of illegal activity from the City of Olympia, all the elected officials and the County Manager Steve Hall to commit this violation. These are experienced politicians and Steve Hall is one of the more experienced City Managers in the State of Washington. They've all had PDC complaints filed against them in the past, and many of them have crafted their own PDC complaints to file against others. The PDC's offices are located in the city itself. Most of them can drop by the PDC offices after getting a cup of Starbucks on their way to visit the homeless/addict camps downtown.

Some of these people are even serial violators of the campaign finance laws. For example, Jim Cooper has been fined by the Washington State Attorney General's office for violations he committed during his failed 2016 campaign for the Thurston County Commission (see PDC warning letter and AG judgement attached). He was also fined in Thurston Superior Court for additional campaign finance violations he committed during his 2017 Olympia City Council race (see **Thurston County Superior Court Case #18-2-00523-34**). All of these Councilmembers were very active in the Thurston County Democratic Party when that organization was in active litigation with the AG which resulted in a significant judgement (see attached). Of any collection of politicians in the State of Washington – this is the crew most versed in the nuances of our state's glorious campaign finance laws. What were they thinking? It appears they were thinking they can violate the law with impunity and it won't be applied to them. There is no excuse for this.

According to a quote in the Seattle Times story dated October 22, 2019 "State investigating City of Olympia mailer urging no vote on car-tab initiative 976":

"Olympia spokeswoman Kellie Purce Braseth confirmed the city sent the mailer to about 15,000 households at a cost of \$7,423 from the city's general fund."

In addition to the violation of paying for the mailer, the postage, (for which city spokesperson already admits to spending \$7,423), there is the additional costs of producing the artwork, using city computers to do this, using other city employees to pay the vendor, negotiate costs, use mailing lists, use city

email, use city facilities to layout the artwork, edit the copy, produce the original manuscript, etc. There is no grey area in the law here. The City of Olympia is not allowed to “urge a NO vote on...” ANYTHING, not a candidate nor a ballot measure. This was a willful misuse of taxpayer funds to influence an election outcome and it is rare to find any group of elected officials so willfully and with knowledge to blatantly violate the law like this.

This was not done “on the advice of counsel.” Even in a world awash with incompetent attorneys and even allowing for the fact that many of the worst and most incompetent go to work for the government, it isn’t realistic that any attorney gave approval for this mailer and claimed it was legal (or not a violation of **RCW 42.17A.555**). The reality is this quote is falsely made for the city council and senior staff to avoid legal liability (trebling of fines) by pretending they thought what they were doing was legal. They know it wasn’t, however, this is a way to mitigate their personal exposure to the potential liability in case their gamble fails and the PDC (or the AG) actually decides to enforce the law equally in this case.

This may be one of those cases where the PDC has to make a serious decision that actually has a real impact. Elected officials and senior bureaucrats who live near your homes and with whom employees of the PDC may even socialize or know personally have decided to flagrantly and with malice and forethought, chosen to blatantly violate the states campaign finance laws knowing they will never be held accountable. The PDC can either rigorously enforce the statute on these people or decide the law no longer applies.

2) Failure to list the top five contributors (Violation of RCW 42.17A.320)

Obviously, they have failed to list their top 5 contributors. The City spokesperson said they used General Funds. They receive grant funds and funding from various sources, so there is a list of these top “contributors” somewhere and they didn’t list it.

I don’t know how to make this complaint any clearer.

Best Regards,

Glen Morgan

What impact does the alleged violation(s) have on the public?

Taxpayer funded entities like the City of Olympia are not allowed to squander tax dollars attempting to influence political campaigns or send out taxpayer funded mailers telling people to "Vote No" on initiatives. This is a willful, blatant, and intentional violation of the state's campaign finance laws and the council is clearly laughing and mocking the PDC.

List of attached evidence or contact information where evidence may be found.

Attached as referenced

List of potential witnesses with contact information to reach them.

Every single elected official in the city, City manager Steve Hall, all senior staff who participated in this decision and action and who facilitated this illegal mailer. The "legal counsel" who supposedly said it was ok should be identified and disbarred (assuming this is even a true claim).

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



City of Olympia
PO Box 1967
Olympia, WA 98507-1967

STANDARD
US POSTAGE PAID
TACOMA WA
PERMIT #317

Vote NO

Initiative 976

Car tab fees help repair our streets.

Repairing Olympia streets
with your \$40 car tab fee

Vote NO

Initiative 976



Vote NO

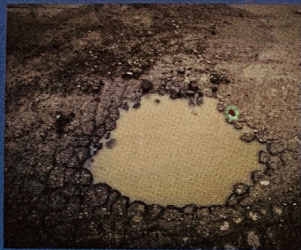
Initiative 976

*The Olympia City Council
urges a "NO" vote on I-976.*

Why Vote No?

- This measure would result in a major funding loss for City street improvements and repairs.
- Pavement conditions would suffer and planned projects would not be completed.
- The safety and performance of our transportation system would be at risk.

Loss of funding from car tab fees limits our ability to repair streets like the examples below.



Local Funds for Local Streets

The purpose of the \$40 car tab fee is to raise funds at the local level to address our community's specific street repair needs.

What is Initiative 976?

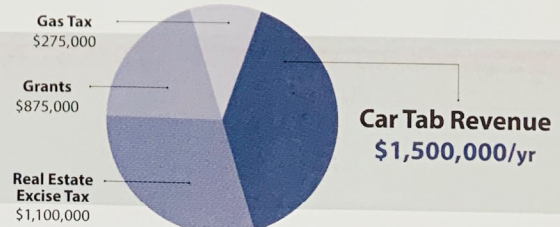
Initiative 976 concerns motor vehicle taxes and fees. If enacted, it would repeal, reduce or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue Book value.



Street repair is the single largest transportation expense in our City.

Your \$40 car tab fee makes up nearly half the City's street reconstruction and repair budget, about \$1.5M/year. If the measure passes, that funding would go away.

**Typical Total Street
Repair Budget:**
\$3,750,000/yr



Every dollar counts. Thank you for doing your part to fix our streets. **Vote NO on Initiative 976.**



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

December 16, 2016

jim@electjimcooper.com

Subject: PDC Complaint 8928 - Formal Written Warning

Dear Mr. Cooper:

Enclosed is a copy of a letter sent to Glen Morgan concerning a complaint filed with the Public Disclosure Commission on October 17, 2016. The complaint made fifty allegations that you may have violated RCW 42.17A.205, .235, .240, and .435 by failing to report campaign donations and spending as required by statute, and for illegally donating to a political party from campaign funds during your 2016 race for Thurston County Commission. As noted in the letter to Mr. Morgan, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

Your campaign appears to have committed a minor violation of RCW 42.17A.235 for failing to report one in-kind contribution of \$46.08, and a technical violation of RCW 42.17A.435 for making prohibited contributions of \$381 to a party organization from campaign funds.


Pursuant to WAC 390-37-060, I am issuing this Formal Written Warning. You have agreed to either have the Thurston County Democratic Central Committee reimburse \$381 to your campaign, or you will reimburse your campaign from personal funds. Please confirm that the campaign reimbursement has been made by February 17, 2017 (approximately 60 days from today).

If you are found to be out of compliance with this agreement after February 17, 2016, letter, and have not made an acceptable arrangement to return the funds, a Hearing Notice will be issued and you will have to appear at a Brief Adjudicative Proceeding before the Chair of the Public Disclosure Commission.

If there are future violations of PDC laws or rule, the Commission will consider this Formal Written Warning in deciding on further Commission action. Should you have questions about PDC

Complaint 8928 you may contact or contact Kurt Young, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,


Evelyn Fielding Lopez
Executive Director

Enclosure: Letter to Complainant

FILED

JUN 15 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

☐ EXPEDITE
☐ No Hearing Set
☒ Trial is Set
Date: Monday August 20, 2018
Time: 8:30 a.m.
Judge John C. Skinder

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

NO. 16-2-04960-34

Plaintiff,

STIPULATION AND JUDGMENT

v.

JAMES M. COOPER, JR., individually,
and FRIENDS OF JIM COOPER, a
political committee,

EX PARTE

Defendants.

JUDGMENT SUMMARY (RCW 4.64.030)

- A. JUDGMENT CREDITOR: Plaintiff, STATE OF WASHINGTON
- B. JUDGMENT DEBTOR: Defendants JAMES M. COOPER, JR., individually,
and FRIENDS OF JIM COOPER, a political committee
- C. PRINCIPAL JUDGMENT: \$1,125.00
- D. INTEREST: No prejudgment interest is owed. Principal judgment
amount(s) due and owing shall not bear interest unless
the principal judgment is unpaid by the due date specified
herein
- E. COSTS AND FEES: None
- F. ATTORNEYS FOR JUDGMENT CREDITOR ROBERT W. FERGUSON
Attorney General
LINDA A. DALTON, WSBA No. 15467
Senior Assistant Attorney General
- G. ATTORNEY FOR JUDGMENT DEBTOR JOHN A. KESLER III, WSBA No. 39380
Bean, Gentry, Wheeler & Peternell PLLC

STIPULATION AND
AGREED JUDGMENT

1

ATTORNEY GENERAL OF WASHINGTON
Campaign Finance Unit
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

COPY

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STIPULATION

The parties to this stipulation, Plaintiff, STATE OF WASHINGTON (STATE) and Defendants, JAMES M. COOPER, JR., individually, and FRIENDS OF JIM COOPER, a political committee, desiring to resolve claims arising out of the State's First Amended Complaint and the citizen action notices filed to date regarding Defendants' 2016 election campaign, hereby enter into the following stipulation:

1. Defendants JAMES M. COOPER, JR., individually, and FRIENDS OF JIM COOPER, a political committee, agree to pay an assessed civil penalty in the amount of \$1,125.00 for their violations of RCW 42.17A as alleged in the State's First Amended Complaint including failing to timely file and disclose contributions and expenditures, including debts; failing to disclose the true identity of contributors to a political committee; improperly transferring campaign contributions; and making personal use of campaign funds.
2. Defendants JAMES M. COOPER, JR., individually, and FRIENDS OF JIM COOPER, a political committee, agree to pay the State the civil penalty (\$1,125.00) within 90 days from the date of the entry of the Judgment.

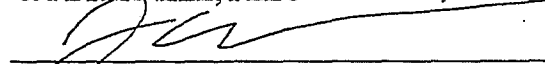
DATED this 12th day of June, 2018.

ROBERT W. FERGUSON
Attorney General



LINDA A. DALTON, WSBA No. 15467
Senior Assistant Attorney General
Attorneys for Plaintiff

BEAN, GENTRY, WHEELER
& PETERNELL, PLLC



JOHN A. KESLER III, WSBA No. 39380
Attorney at Law
Attorney for Defendants

JUDGMENT

THIS MATTER came on regularly before the undersigned judge of the above-entitled Court. Plaintiff, STATE OF WASHINGTON, appearing through its attorneys of record, ROBERT W. FERGUSON, Attorney General, and LINDA A. DALTON, Senior Assistant Attorney General, and Defendants JAMES M. COOPER, JR., individually, and FRIENDS OF

1 JIM COOPER, a political committee, appearing through their attorney, JOHN A. KESLER III,
2 Attorney at Law, apprised the Court of their agreement to the entry of this judgment for the
3 purpose of settling and compromising this action brought under RCW 42.17A. The Court,
4 having reviewed the records and files herein, and having found the settlement to be a just and
5 proper resolution of this matter, and being otherwise fully advised in the premises, hereby
6 ORDERS as follows:

7 1. Defendants JAMES M. COOPER, JR., individually, and FRIENDS OF JIM COOPER, a
8 political committee, are hereby assessed a civil penalty, for their violations of the
9 provisions of RCW 42.17A as alleged in the State's First Amended Complaint and outlined
10 in the Stipulation, in the amount of \$1,125.00 payable to the State of Washington.

11 3. Defendants JAMES M. COOPER, JR., individually, and FRIENDS OF JIM COOPER, a
12 political committee, shall pay the State the civil penalty (\$1,125.00) within 90 days from
13 the date of the entry of the Judgment.

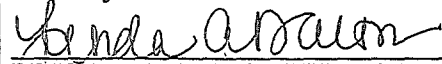
14 DONE IN OPEN COURT this 15 day of June, 2018.

15 **JOHN C. SKINDER**

16 JUDGE JOHN C. SKINDER

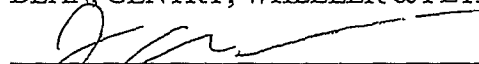
17 PRESENTED BY:

18 ROBERT W. FERGUSON
19 Attorney General

20 
LINDA A. DALTON, WSBA No. 15467
21 Senior Assistant Attorney General
22 Attorneys for Plaintiff State of Washington

23 And:

24 BEAN, GENTRY, WHEELER & PETERNELL, PLLC

25 
JOHN A. KESLER III, WSBA No. 39380
26 Attorney for Defendants

1 ☐ EXPEDITE
2 ☐ No Hearing Set
3 ☒ Trial is Set
4 Date: Monday, July 9, 2018
5 Time: 8:30 a.m.
6 Judge Christopher Lanese

FILED

JUN 15 2018

Superior Court
Linda Myhre Ertter
Thurston County Clerk

7 **STATE OF WASHINGTON**
8 **THURSTON COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 THURSTON COUNTY
13 DEMOCRATIC CENTRAL
COMMITTEE, a Washington nonprofit
corporation,

14 Defendant.

NO. 17-2-00972-34

STIPULATION AND AGREED
JUDGMENT

EX PARTE

15 **JUDGMENT SUMMARY (RCW 4.64.030)**

- 16 A. JUDGMENT CREDITOR: Plaintiff, STATE OF WASHINGTON
- 17 B. JUDGMENT DEBTOR: THURSTON COUNTY DEMOCRATIC CENTRAL
18 COMMITTEE, a Washington nonprofit corporation
- 19 C. PRINCIPAL JUDGMENT: \$16,686 with \$8,343 suspended for a period of four years
20 contingent on no findings of violations of the law
committed during the period of suspension as described
in the Stipulation and Judgment below
- 21 D. INTEREST: No prejudgment interest is owed. Principal judgment
22 amount(s) due and owing shall not bear interest unless
the principal judgment is unpaid by the due date specified
23 herein
- 24 E. COSTS AND FEES: \$8,000 as attorneys fees, \$240 as court costs, and \$2,500
as costs of investigation
- 25 F. ATTORNEYS FOR ROBERT W. FERGUSON
26 JUDGMENT CREDITOR: Attorney General
LINDA A. DALTON, WSBA No. 15467

STIPULATION AND
AGREED JUDGMENT

1 Senior Assistant Attorney General
2 S. TODD SIPE, WSBA No. 23203
Assistant Attorney General

3 G. ATTORNEY FOR TAKI FLEVARIS, WSBA No. 42555
4 JUDGMENT DEBTOR: PACIFICA LAW GROUP LLP

5 **STIPULATION**

6 The parties to this stipulation, Plaintiff, STATE OF WASHINGTON (STATE) and
7 Defendant, THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
8 Washington nonprofit corporation, desiring to resolve all claims arising out of the State's Third
9 Amended Complaint and made in citizen action notices received by the Attorney General's
10 Office since January 3, 2017 to the execution of the Stipulation, hereby enter into the following
11 stipulation:

- 12 1. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
13 Washington nonprofit corporation, agrees to pay an assessed civil penalty in the amount of
14 \$16,686 for the violations of RCW 42.17A outlined in the State's Third Amended
15 Complaint.
- 16 2. The parties agree that \$8,343 of the assessed civil penalty will be suspended based on the
17 following terms and conditions:
- 18 a. The suspension will be in effect for four years from the date of execution of the
19 Judgment. During the period of suspension, Defendant THURSTON COUNTY
20 DEMOCRATIC CENTRAL COMMITTEE, a Washington nonprofit corporation,
21 agrees that it will comply with RCW 42.17A.
- 22 b. In the event Defendant THURSTON COUNTY DEMOCRATIC CENTRAL
23 COMMITTEE, a Washington nonprofit corporation, is found by the Public Disclosure
24 Commission following an adjudicative proceeding or a court to have committed a
25 violation of RCW 42.17A during the suspension period, the suspended penalty of
26

1 \$8,343 will immediately become due and payable within 30 days of such finding
2 without further intervention of the Court.

3 c. If Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
4 Washington nonprofit corporation, is not found to have committed violations of
5 RCW 42.17A by the Public Disclosure Commission following an adjudicative
6 proceeding or a court for conduct during the suspension period, then the suspended
7 portion of the penalty will be set aside without further intervention of the Court.


8 3. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
9 Washington nonprofit corporation, agrees to pay the State the total amount of \$10,740 as
10 reasonable attorneys' fees (\$8,000), court costs (\$240), and costs of investigation (\$2,500)
11 in this action.


12 4. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
13 Washington nonprofit corporation, agrees to pay the State the unsuspended portion of the
14 civil penalty (\$8,343) and fees and costs (\$10,740) as follows: \$5,000 payable by July 15,
15 and then installments of \$1500 on December 1 and June 1 each year starting on December
16 1, 2018 until paid in full. In the absence of extenuating circumstances, the failure to timely
17 make any installment will result in the remainder of the unpaid portion to be due within 30
18 days of the missed installment.

19 DATED this 14 day of June, 2018.

20 ROBERT W. FERGUSON
21 Attorney General

PACIFICA LAW GROUP LLP

22 
23 LINDA A. DALTON, WSBA No. 15467
24 Senior Assistant Attorney General
25 S. TODD SIPE, WSBA No. 23203
26 Assistant Attorney General
Attorneys for Plaintiff


TAKI FLEVARIS, WSBA No. 42555
Attorneys for Defendants

1 JUDGMENT

2 THIS MATTER came on regularly before the undersigned judge of the above-entitled
3 Court. Plaintiff, STATE OF WASHINGTON, appearing through its attorneys of record,
4 ROBERT W. FERGUSON, Attorney General, LINDA A. DALTON, Senior Assistant
5 Attorney General, and S. TODD SIPE, Assistant Attorney General, and Defendant
6 THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a Washington nonprofit
7 corporation, appearing through its attorney, TAKI FLEVARIS of the Pacifica Law Group LLP,
8 apprised the Court of their agreement to the entry of this judgment for the purpose of settling
9 and compromising this action brought under RCW 42.17A. The Court, having reviewed the
10 records and files herein, and having found the settlement to be a just and proper resolution of
11 this matter, and being otherwise fully advised, hereby ORDERS as follows:

- 12 1. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
13 Washington nonprofit corporation, is hereby assessed a civil penalty in the amount of
14 \$16,686 payable to the State of Washington for its violations of the provisions of
15 RCW 42.17A as outlined in the Stipulation.
- 16 2. The amount of \$8,343 of the assessed penalty is hereby suspended upon Defendant
17 THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a Washington
18 nonprofit corporation's compliance with the following court-ordered conditions:
- 19 a. The suspension will be in effect for four years from the date of execution of the
20 Judgment. During the period of suspension, Defendant THURSTON COUNTY
21 DEMOCRATIC CENTRAL COMMITTEE, a Washington nonprofit corporation shall
22 comply with RCW 42.17A.
- 23 b. In the event Defendant THURSTON COUNTY DEMOCRATIC CENTRAL
24 COMMITTEE, a Washington nonprofit corporation is found by the Public Disclosure
25 Commission following an adjudicative proceeding or a court to have committed a
26 violation of RCW 42.17A, the suspended penalty of \$8,343 shall immediately become

1 due and payable within 30 days of such finding without further intervention of the
2 Court.

3 c. If Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
4 Washington nonprofit corporation is not found to have committed violations of
5 RCW 42.17A by the Public Disclosure Commission following an adjudicative
6 proceeding or a court for conduct during the suspension period, then the suspended
7 portion of the penalty shall be set aside without further intervention of the Court.

8 3. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
9 Washington nonprofit corporation, shall pay the State the total amount of \$10,740 as
10 reasonable attorneys' fees (\$8,000), court costs (\$240), and costs of investigation (\$2,500)
11 in this action.

12 4. Defendant THURSTON COUNTY DEMOCRATIC CENTRAL COMMITTEE, a
13 Washington nonprofit corporation, shall pay the State the unsuspended portion of the civil
14 penalty (\$8,343) and fees and costs (\$10,740) as follows: \$5,000 payable by July 15, 2018,
15 and then installments of \$1,500 on December 1 and June 1 each year starting on December
16 1, 2018 until paid in full. In the absence of extenuating circumstances, the failure to timely
17 make any installment shall result in the remainder of the unpaid portion to be due within 30
18 days of the missed installment.

19 DONE IN OPEN COURT this 15 day of June, 2018.

20 **CHRISTOPHER LANESE**

21 JUDGE CHRISTOPHER LANESE

22 Presented by:

23 ROBERT W. FERGUSON

24 Attorney General

25 Linda A. Dalton
26 LINDA A. DALTON, WSBA No. 15467

Senior Assistant Attorney General

S. TODD SIPE, WSBA No. 23203

Assistant Attorney General

Attorneys for Plaintiff State of Washington

PACIFICA LAW GROUP LLP

Taki Flevaris

TAKI FLEVARIS, WSBA No. 42555

Attorneys for Defendant