



State of Washington
PUBLIC DISCLOSURE COMMISSION
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December 16, 2019

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding the Seattle Firefighters Union Local 27 Voluntary PAC, PDC Case 59238

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 24, 2019. The complaint alleged that the Seattle Firefighters Union Local 27 Voluntary PAC, a committee registered with the PDC in 2016 as an “Other Political Committee,” may have violated RCW 42.17A.420 by accepting contributions exceeding \$5,000 from a single source within twenty-one days of the November 7, 2017 general election.

PDC staff reviewed your allegation; the applicable statutes, rules, and reporting requirements; and the response filed by the Seattle Firefighters Union Local 27 Voluntary PAC (Committee); the applicable PDC reports filed by Committee; and queried the Committee’s data in the PDC contribution and expenditure database, to determine whether the records reviewed support a finding of one or more violations.

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

- On January 20, 2017, the Committee filed a C-1pc report as a “Continuing Other Political Committee,” selecting the “Full Reporting” option and listing Andrea Erhart and Dennis Karl as Campaign Manager and Treasurer, respectively. The Committee has been reporting to the PDC since 1996.
- The Committee participated in the 2017 primary and general elections and was required to file weekly Monetary Contribution reports (C-3 report) for any bank deposit made during the previous seven days, and 21-Day and 7-Day Pre-Primary and Pre-General Election Summary Full Campaign Contribution and Expenditure reports (C-4 reports).
- RCW 42.17A.420 prohibits a political committee from accepting contributions exceeding \$5,000 dollars in the aggregate from one source within twenty-one days of a general election, unless the political committee is only supporting or opposing a ballot proposition(s).
- On November 1, 2017, the Committee filed a C-3 report disclosing a \$25,000 contribution had been received from the International Association of Fire Fighters PAC (IAFF PAC) in Washington, DC, on October 30, 2017, and deposited the same day (10/30/2017).

- Your complaint alleged that the \$25,000 contribution received on October 30, 2017, exceeded the statutory allowable contribution limits of no more than \$5,000 in aggregate from one source.
- In its response to the complaint, the Committee, by way of its counsel Dmitri Iglitzin, referenced a holding by the Ninth Circuit Court of Appeals – *Family PAC v. McKenna*, in which the appellate court found the application of RCW 42.17A.420(1) unconstitutional. Mr. Iglitzin further stated, “that although the circumstances in the court’s decision were not entirely consistent with those in his client’s case, the complaint should be dismissed in light of this holding by the appellate court and the fact that the \$25,000 contribution did not impact the PAC’s actions in the 21-day period before the 2017 general election.” Mr. Iglitzin further stated, “the alleged over-limit contribution did not impact the Committee’s ability to make expenditures during the twenty-one days as the Committee had also received \$3,620 in the 21-day lockout period. As a result, even if the PAC had not received the \$25,000 contribution, the PAC would have had sufficient funds to make the expenditures it made in the 21 days preceding the election.”
- Staff reviewed and reconciled the contribution and expenditure activities on the C-4 reports and found that prior to receiving the \$25,000 contribution from IAFF PAC, the Committee had received \$101,295 in total contributions received and made \$85,365 in total expenditures as of October 26, 2017.
- The Committee’s 2017 expenditures totaled \$87,370, so according to staff’s calculations, none of the IAFF PAC’s \$25,000 contribution was used to support or oppose candidates for the 2017 general election. In addition, the January 2018 C-4 report filed by the Committee disclosed \$49,627 in surplus 2017 Committee funds were carried forward into calendar year 2018, which further confirmed that those funds had not been spent in 2017.

Based on these findings and the facts that the Committee: (1) has been filing with the PDC as a PAC since at least 1996 and has no prior PDC violations; (2) did not spend any of the \$25,000 contribution received from IAFF PAC to support or oppose candidates for the 2017 general election; and (3) appeared to have timely filed C-3, C-4 and Independent Expenditure reports (C-6 reports) for the 2019 election cycle, staff has determined that, in this instance, accepting a contribution exceeding \$5,000 from a single source within twenty-one days of the November 7, 2017 general election, does not amount to a violation that warrants further investigation.

PDC staff is reminding the Seattle Firefighters Union Local 27 Voluntary PAC about the importance of the statutory restriction on accepting contributions exceeding \$5,000 from a single source within twenty-one days of a general election, including all other applicable 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 Erick Agina at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

s/ _____
Erick Agina, Compliance Officer

Endorsed by:

s/ _____
BG Sandahl, Deputy Director
For Peter Lavalley, Executive Director

cc: Seattle Firefighters Union 27 Voluntary PAC