



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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December 6, 2019

Delivered electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding Kevin Schilling, PDC Case 59410

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 29, 2019. Your complaint alleged that Kevin Schilling, a first-time candidate for City Council Member for the City of Burien in 2019, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately report expenditures for political advertising.

PDC staff reviewed your allegations; the applicable statutes, rules and reporting requirements; and the response to the allegation(s) provided by Mr. Schilling; and the applicable PDC reports filed by the Schilling for Burien (Committee), to determine whether the records supports a finding of one or more violation.

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

- On March 26, 2019, Mr. Schilling filed his Candidate Registration (C-1 report) selecting the Full Reporting option and listing Dalvin Yarborough-Williams as the treasurer.
- The Committee filed a total of five 21-Day Pre-Primary Election Summary Full Campaign Contribution and Expenditure reports (C-4 reports) during the 2019 election, comprising one original C-4 report and four amended C-4 reports.
- The original 21-Day Pre-Primary Election C-4 failed to include expenditures on political advertisements that were ordered/placed in the month of June 2019.
- The final three amended C-4 reports were all filed on November 4, 2019, with \$2,427.05 in total expenditures listed as the final amended expenditure on the 21-Day Pre-Primary Election C-4 report.
- Staff noted that Mr. Schilling should have reported all the orders placed for the political advertising in June 2019, on the original 21-Day Pre-Primary C-4 report which was filed with the PDC on July 18, 2019. However, this shortcoming is mitigated by the fact that Mr. Schilling did amend this report on November 4, 2019. Mr. Schilling was also a first-time candidate with no prior PDC violations.

Based on these initial findings, staff has determined that in this instance, the failure to timely and accurately report expenditures for political advertising does not amount to a violation warranting further investigation given the mitigating factors supra.

However, pursuant to WAC 390-37-060(1)(d), Kevin Schilling will receive a formal written warning concerning the failure to timely and accurately report expenditures for political advertising. The formal written warning will include staff's expectation that Kevin Schilling will file timely and accurate report(s) of expenditures on all orders related to political advertising in the future. The Commission will consider the formal written warning in deciding on further action if there are future violations of PDC laws or 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 or toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov

Sincerely,

Endorsed by:

s/ _____
Erick Agina, Compliance Officer

s/ _____
Peter Lavalée, Executive Director

