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November 4, 2019  
Public Disclosure Commission  
[pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Re: Alleged Violation of RCW 42.17A.205 and RCW 42.17A.235.

To Whom It May Concern:

This letter responds to the complaint from Mr. Roger Lenk and Mr. Jerry Martin that the Commission received on October 31, 2019. Mr. Lenk alleges that Chuck Torelli for City Council violated campaign finance law as it pertains to public inspection of campaign books and treasurer duties. Below I address the alleged violations identified in Mr. Lenk's and Mr. Martin's complaint and explain why no such violation occurred.

### **1. Public Inspection of Campaign Account**

In his complaint, Mr. Lenk suggests the Committee did not provide the proper materials in order to carry out what he believed to be a permissible inspection of the campaign's account. But the Committee exceeded its legal obligations and provided more than enough information for an inspection of the Committee's books of account.

Initially, Mr. Lenk and Mr. Martin did not make a valid inspection request. As the PDC's website indicates, the period for requesting an inspection did not begin until Saturday, October 26, 2019. As the complaint admits, the inspection request at issue here was made before that time. Thus, no valid request was made, and any information the Committee provided in response went beyond its obligations under the law. For this reason alone, there was no violation.

In any event, the Committee provided adequate documentation even for a legally required inspection. RCW 42.17A.205 defines "books of account" for candidates and political committees as "a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day." Here, the Committee provided Mr. Lenk and Mr. Martin a thorough ledger which included financial activity from the beginning of the campaign through October 25<sup>th</sup>. The particular expenditures identified in the supplement to the complaint, dated October 15 and 22, were included in the ledger—contrary to the unsupported accusation of Mr. Lenk and Mr. Martin. In addition, the Committee provided copies of each detailed financial report filed by the Committee. This exceeded applicable requirements.

Finally, even if the Committee somehow violated applicable inspection requirements, any such violation would be technical at most and would not warrant any further action. The Committee has not had any prior issues with compliance, has regularly filed timely and complete reports,

and provided meaningful and comprehensive financial information for inspection. Any inadvertent deviation from applicable requirements would at most be technical, and going forward, the Committee is prepared to abide by any clarifications or directions from the PDC.

## **2. Campaign Treasurer Performing More than Ministerial Duties**

Mr. Lenk and Mr. Martin object that their detailed questions were not answered and claim that the Committee's treasurer is acting out of line by performing duties beyond just ministerial work, which is again not the case. There was no obligation to answer questions and the treasurer's role is entirely proper.

Initially, there is no requirement for a candidate or committee to answer detailed questions during an inspection. As explained above, the Committee went beyond its legal obligations and provided comprehensive financial records for inspection. Nothing more was required.

Regardless, the role of the Committee's treasurer has been entirely proper. According to the C1 Political Registration, the treasurer is "the person who is ultimately responsible for receiving contributions, making expenditures, keeping accurate, detailed records, and filing timely and accurate disclosure reports... Ministerial functions are activities carried out as part of the duties of an administrative office without exercise of personal judgment or discretion. Typically, persons performing ministerial functions may, under the supervision of a candidate or committee officer, file PDC reports, make deposits, pay bills, and maintain campaign finance records." The Committee's treasurer has performed precisely these duties. As such, questions about how or why items were reported, while exceeding the scope of an inspection, were properly directed to the Committee's treasurer. To the Committee's knowledge, no follow-up with the treasurer was attempted.

## **3. Conclusion**

Mr. Lenk's complaints are meritless and unsupported. The Committee has and will continue to work with the PDC in order to provide full transparency.