



**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

January 22, 2020

Delivered electronically to Phyllis Joy Gilfilen at "joyforsheriff@gmail.com"

Subject: Complaint filed by Kendra Cook, PDC Case 59652

Dear Ms. Gilfilen:

Below is a copy of an electronic letter sent to Kendra Cook concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Kendra Cook, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of the timely reporting of all campaign expenditures and contributions, specifically including the forty-eight hour reporting of any contributions that are received during the accelerated disclosure periods of \$1,000 or more in the aggregate from one source within the 21-days of a general election or 7-days before a primary election. PDC staff expects in the future that you will timely disclose all last-minute contributions of \$1,000 or more in the aggregate within the required forty-eight hours of receipt in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Jennifer Hansen
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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January 22, 2020

Delivered electronically to Kendra Cook at “kendra1010@comcast.net”

Subject: Complaint regarding Phyllis Joy Gilfilen, PDC Case 59652

Dear Kendra Cook:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 28, 2019. The complaint alleged that Phyllis Joy Gilfilen, a candidate for Whatcom County Sheriff in 2019, may have violated: (1) RCW 42.17A.445(2) & WAC 390-16-238 for personal use of campaign funds; and (2) RCW 42.17A.265 for failure to timely report a contribution of \$1,000 or more within forty-eight hours of receipt during the 21-days before the November 5, 2019 general election.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by Ms. Gilfilen; the applicable PDC reports filed by Respondent; PDC Case 58089; and queried the Respondent’s data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

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

- Phyllis Joy Gilfilen (JoyForSheriff) filed a Candidate Registration (C-1 report) on September 2, 2019, 2019, amending a C-1 originally submitted on May 22, 2019, declaring her candidacy for Whatcom County Sheriff in 2019, and switching to the “Full Reporting” option.
- On November 4, 2019, the PDC dismissed a complaint filed by Glen Morgan, with similar allegations regarding personal use and fuel costs. PDC Case 58089, included a reminder to Ms. Gilfilen regarding the importance of the timely disclosure of all expenditure activities.

Allegation 1: Violation of RCW 42.17A.445(2) & WAC 390-16-238 for personal use of campaign funds.

- On October 15, 2019, the JoyForSheriff campaign filed a C-4 report disclosing a \$63.99 expenditure made on September 9, 2019 to pay for the Whatcom Democrats Eleanor Roosevelt Dinner.
- The complaint alleged that the payment for the dinner was not a campaign related expenditure and was instead personal use prohibited by PDC laws and rules.
- In her response, Ms. Gilfilen stated that she attended this event as a candidate and that the expenditure amount was to cover food and other consumables. In addition, she confirmed that no contribution was made to the democratic party.

Allegation 2: Violation of RCW 42.17A.265 for failure to timely report a contribution of \$1,000 or more within forty-eight hours of receipt during the 21-days before the November 5, 2019 general election.

- On October 29, 2019, the JoyForSheriff campaign filed a C-4 report disclosing a \$1,000 in-kind contribution received on October 25, 2019 from Greater Earth Media, Inc. for costs related to the production of a television commercial.
- The complaint alleged that the \$1,000 in-kind contribution from Greater Earth Media was disclosed late.
- RCW 42.17A.265 requires accelerated disclosure, within forty-eight hours of receipt, of monetary and in-kind contributions received of \$1,000 or more in the aggregate from one source during the 21-days before a general election. The reporting period for the 2019 general election occurred from October 15, 2019 to November 4, 2019.
- Based on the October 25, 2019 received date and dollar amount of the in-kind contribution from Greater Earth Media, the JoyForSheriff campaign was required to disclose the donation by no later than Monday, October 28, 2019.
- In her response, Ms. Gilfilen stated that she was not aware of the accelerated disclosure requirements required in statute.

The complaint included an additional allegation regarding “carelessness” and “negligence” for general reporting issues. Apart from the portion of reporting discrepancies or tardiness resulting in a possible violation of RCW 42.17A, staff found this allegation to be outside of the PDC’s jurisdiction and did not address this part of the complaint.

Phyllis Joy Gilfilen was an unsuccessful candidate in the 2019 Whatcom County Sheriff campaign. It appears that her failure to timely report an in-kind contribution of \$1,000 or more within forty-eight hours of receipt during the 21-days before the November 5, 2019 general election, or by no later than October 28, 2019, was due to inexperience and general lack of knowledge.

Based on these findings staff has determined that, in this instance, failure to timely report one contribution of \$1,000 or more within forty-eight hours of receipt during the 21-days before the November 5, 2019 general election, does not amount to a finding of a violation warranting further investigation.

PDC staff is reminding Ms. Gilfilen about the importance of the timely reporting of all campaign expenditures and contributions, specifically including the forty-eight hour disclosure of any contributions that are received during the accelerated reporting periods of \$1,000 or more in the aggregate from one source within the 21-days of a general election or 7-days before a primary election, in any future PDC reports in accordance with the 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 Jennifer Hansen at 1-360-586-4560, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s

Jennifer Hansen
Compliance Officer

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Phyllis Joy Gilfilen