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DEC 02 2019

Public Disclosure Commission

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Danielle Franco-Malone

Partner

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franco@workerlaw.com

*Via U.S. Mail
and via email to tabatha.blacksmith@pdc.wa.gov*

November 27, 2019

Tabatha Blacksmith
Compliance Coordinator
Public Disclosure Commission
711 Capitol Way S. #206
P.O. Box 40908
Olympia, WA 98504-0908

Re: Complaint from the Glen Morgan
PDC Case No. 59665
BIL Case File No. 6579-002

Dear Ms. Blacksmith:

We write to you on behalf of our client, NARAL Pro-Choice Washington PAC (Committee), in response to Glen Morgan's October 28, 2019, complaint against the Committee. Mr. Morgan alleges the Committee failed to disclose campaign contributions made to political candidates in September, 2019, on its C-4 reports. Specifically, Mr. Morgan calls attention to five donations, amounting to \$1,100 in total, contributed to candidates between September 21, 2019, and September 30, 2019, which went unreported on the Committee's C-4 forms until October 31st, when the Committee filed C-4 report #100942785. Ex. 1.

The Committee's office manager, who had previously been tasked with producing and filing political contribution reports, left the organization in early 2019. While the position was unfilled, NARAL hired an outside accounting firm to manage its campaign finance reporting to ensure there was no lapse in PDC filings until such time as a new office manager could be hired. The Committee hired Ms. Annika Browne in early 2019, and registered her to attend three sessions of the Commission's "lunch-and-learn" series over the course of the next several months to ensure she was properly trained in PDC compliance and reporting procedures. Ex. 2. Ms. Browne attended one session in July, Ex. 3, one in August, Ex. 4, and one in September, Ex. 5.

Ms. Browne corrected the inadvertent failure to report the handful of expenditures referenced in Mr. Morgan's complaint on October 31, 2019. For the reasons set forth below, the Committee respectfully suggests that this case is appropriate for an alternative response to noncompliance under WAC 390-37-061, and that a formal adjudicative proceeding is unnecessary because this complaint concerns relatively minor violations capable of an expedited resolution.

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First, and most importantly, the Committee immediately self-corrected the issues raised in Mr. Morgan's complaint *before* the November 2019 election. The Committee's quick corrective action undertaken immediately upon the issue being brought to its attention is a factor weighing in favor of an alternative response. WAC 390-37-061(4). Additionally, the forms were filed *before* the November 2019 election took place, ensuring any noncompliance had minimal impact on the public. *Id.*

Likewise, it is apparent that any noncompliance was the result of a good faith error or omission and was not intentional. NARAL Pro-Choice Washington PAC's good faith effort to comply is evidenced by its documented history of sending employees responsible for PDC reports to the Commission training sessions, as well as enlisting the help of paid professionals during periods when it knew it lacked trained staff to handle reporting. Ex. 2-6; WAC 390-37-061(4). This is not a case involving an intentional failure to report. Rather, despite the Committee's best efforts, a handful of expenditures were inadvertently not reported.

In addition, each of the late reports noted in Mr. Morgan's complaint concerned a relatively modest expenditure. Each contribution was for \$400 or \$100. While *any* failure to report *any* amount is unfortunate, the Committee's late filings represent a relatively small dollar amount in the context of the election, further weighing in favor of an alternative response. WAC 390-37-061(4). Further, there is no evidence that any person benefited politically from the Committee's failure to report. *Id.*

Certainly, this case does not concern a "more significant violation of chapter 42.17A RCW and Title 390 WAC" warranting a formal adjudicative proceeding. Accordingly, the Committee requests that the Commission consider an alternative response.

If you have any questions or concerns please feel free to contact me at 206-257-6011 or via e-mail at franco@workerlaw.com.

Sincerely,



Danielle Franco-Malone
Kelly Ann Skahan
Counsel for NARAL Pro-Choice Washington PAC

Exhibit 1



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 <small>(3/97)</small>	PDC OFFICE USE
	100942785
	10-31-2019

Candidate or Committee Name (Do not abbreviate. Include full name)
NARAL Pro-Choice Washington PAC

Mailing Address
811 First Ave Ste 675

City
Seattle, WA

Zip + 4 98104	Office Sought (Candidates)	Election Date 2019
Report Period Covered 09/01/19	From (last C-4) 09/01/19	To (end of period) 10/14/19
		Final Report? Yes No X

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution) **supporting or opposing a state or local candidate?**

*See next page Yes No

RECEIPTS		Yes	No
1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		\$	\$12,647.34
2. Cash received (From line 2, Schedule A)		\$	\$10,776.27
3. In kind contributions received (From line 1, Schedule B).....			\$679.37
4. Total cash and in kind contributions received this period (Line 2 plus 3).....			\$11,455.64
5. Loan principal repayments made (From line 2, Schedule L).....			\$0.00
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)			\$0.00
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)			\$0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)			\$24,102.98
9. Total pledge payments due (From line 2, Schedule B)	\$0.00		

EXPENDITURES			
10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)			\$2,566.33
11. Total cash expenditures (From line 4, Schedule A)			\$1,600.00
12. In kind expenditures (goods & services) (From line 1, Schedule B)			\$679.37
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....			\$2,279.37
14. Loan principal repayments made (From line 2, Schedule L).....			\$0.00
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)			\$0.00
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)			\$0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....			\$4,845.70

	CANDIDATES ONLY			
	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Treasurer's Daytime Telephone No.:				
(206) 624-1990				

CASH SUMMARY	
18. Cash on hand (Line 8 minus line 17)	\$19,257.28
<small>[Line 18 should equal your bank account balance(s) plus your petty cash balance.]</small>	
19. Liabilities: (Sum of loans and debts owed)	\$0.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)	\$19,257.28

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature	Date
		Tiffany Hankins	10/31/19

CASH RECEIPTS AND EXPENDITURE

SCHEDULE **A**
to C4
(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

09/01/19 10/14/19

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
09/02/2019	\$2,767.50	09/23/2019	\$2,600.00	10/14/2019	\$435.00	
09/09/2019	\$55.00	09/28/2019	\$192.50			
09/16/2019	\$4,695.00	10/07/2019	\$31.27			

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4 \$ **\$10,776.27**

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE
DEFINITIONS
ON NEXT PAGE

C - Contributions (monetary, in-kind & transfers)
I - Independent Expenditures
L - Literature, Brochures, Printing
B - Broadcast Advertising (Radio, TV)
N - Newspaper and Periodical Advertising
O - Other Advertising (yard signs, buttons, etc.)
V - Voter Signature Gathering

P - Postage, Mailing Permits
S - Surveys and Polls
F - Fundraising Event Expenses
T - Travel, Accommodations, Meals
M - Management/Consulting Services
W - Wages, Salaries, Benefits
G - General Operation and Overhead

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	
09/20/19	SARAH FOX FOR CITY COUNCIL 305 SE Chkalov Drive, STE. 111, Vancouver, WA 98683		Campaign contribution	\$100.00
09/20/19	KAREN STRATTON PO BOX 10636 Spokane, WA 99209		Campaign contribution	\$100.00
09/20/19	APRIL BARKER PO Box 504 Bellingham, WA 98227		Campaign contribution	\$100.00
09/20/19	MEGAN DUNN PO Box 2551 Everett, WA 00000		Campaign contribution	\$100.00
09/20/19	BEN STUCKART PO Box 40041 Spokane, WA 99220		Campaign contribution	\$400.00
09/20/19	BREEAN BEGGS PO Box 4452 Spokane, WA 99220		Campaign contribution	\$400.00

Total from attached pages \$ **\$400.00**

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4 \$ **\$1,600.00**

Exhibit 2

From: Tiffany Hankins [mailto:tiffanyhankins@prochoicewashington.org]
Sent: Friday, November 22, 2019 1:26 PM
To: Kelly Skahan
Subject: Fwd: RSVP: PDC Compliance Lunch and Learn Series starting July 17

Hi Kelly,

Annika did attend all three of these trainings.

Tiffany Hankins
Executive Director
(c) 206.915.7426
pronouns: she/her



----- Forwarded message -----

From: Tiffany Hankins <tiffanyhankins@prochoicewashington.org>
Date: Tue, Jun 18, 2019 at 12:41 PM
Subject: Fwd: RSVP: PDC Compliance Lunch and Learn Series starting July 17
To: Morgan Steele <morgan@prochoicewashington.org>, Annika Browne <annika@prochoicewashington.org>

Free! Y'all should both go!

Tiffany Hankins
Executive Director
(c) 206.915.7426
pronouns: she/her



----- Forwarded message -----

From: Katie Stultz <kstultz@winwinaction.org>
Date: Tue, Jun 18, 2019 at 12:39 PM
Subject: RSVP: PDC Compliance Lunch and Learn Series starting July 17
To: Tiffany Hankins <tiffanyhankins@prochoicewashington.org>



Hello Tiffany!

You're invited to the first Public Disclosure Commission compliance lunch-and-learn series with Erin Louis from Advocate Accounting. [RSVP today!](#)



Advocate Accounting and Win|Win Network
present:

PDC COMPLIANCE LUNCH & LEARN SERIES

Come learn the ins and outs of Washington State Public Disclosure Laws. Bring your lunch and your questions and prepare to become a compliance and reporting rockstar.

- *101 WHAT TO REPORT: WED 7/17 11:30AM-1:30PM WIN|WIN*
- *102 HOW TO REPORT: TUES 8/13 1-3PM PAC MED TOWER*
- *103 SPECIAL REPORTING: MON 9/16 11:30AM-1:30PM WIN|WIN*

RSVP: <http://bit.ly/PDCLunch>



Advocate Accounting and Win|Win Network are hosting this training series to provide an introductory understanding of how to manage PDC reporting for your organization. This training series will focus on election and PAC reporting in a three part series. 101 will cover what type of

activities you need to report, 102 will cover how to use the reporting technology with the PDC, and 103 will cover special reporting scenarios. We do have limited space, so please RSVP by Friday, July 12th for the first session.

[RSVP Here](#) to chose which sessions you can attend.

101 WHAT TO REPORT: WED 7/17 11:30AM-1:30PM WIN|WIN

102 HOW TO REPORT: TUES 8/13 1-3PM PAC MED TOWER ([requires separate registration and fee found here](#))

103 SPECIAL REPORTING: MON 9/16 11:30AM-1:30PM WIN|WIN

See you there!

Please contact Katie Stultz at kstultz@winwinaction.org with any questions.

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Our mailing address is:

Win|Win
1402 3rd Ave, Ste. 201
Seattle, WA 98101

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#)

Exhibit 3

< > July 2019



Day ▾



WED

Annika Browne

17



3 Time sheets due (entered and approved)

1 Tiffany / Annika Check-in, 10:30am

1 PDC Compliance Lunch & Learn
11:30am - 1:30pm
Win/Win

Exhibit 4

August 2019



Day ▾



Annika Browne



F & Wiser: Advocacy Training (Part 1 - Lobbying & Advocacy)
1:15pm
2th Ave South

501/AFJ Advocacy Training
8:30 - 11am
Pac Med Tower

F & Wiser: Advocacy Training (Part 2 - State Reporting & 501c3/c4 Partnerships)
3:30pm
2th Ave South

Show

Exhibit 5

> September 2019



Day ▾



MON

Annika Browne

16



File PDC C3

PDC Compliance Lunch & Learn
11:30am - 1:30pm
Win/Win

Post-Gala Accounting Info, 2:30pm

Finance Committee
6 - 8pm

Exhibit 6



1916 Pike Pl St 12 323
Seattle WA 98101
(206) 216-4629
info@advocate-accounting.com

INVOICE NO. 1209
DATE 02/25/2019
DUE DATE 02/25/2019

NARAL Pro-Choice Washington
811 First Avenue Suite 675
Seattle, WA 98104

DESCRIPTION	AMOUNT
PDC & SEEC Compliance Consulting	300.00
<hr/>	
TOTAL	300.00
BALANCE DUE	\$300.00