

Toby Nixon (Tue, 26 Nov 2019 at 9:24 PM)

to: "'PDC Support'" <pdcc@pdcc.wa.gov>

cc: treasurer@45gop.org +2

We are unable to respond to any of the "allegations" you mention, because there are no details of the allegations. Before we can respond, please kindly provide us with the following:

- What exactly was done that is alleged to have violated RCW 42.17A.235 (failure to timely report expenditures (C-4 report))? Which expenditures were not reported in a timely manner, and when is it believed they should have been reported but were not?
- What exactly was done that is alleged to have violated RCW 42.17A.255 or .260 (failure to timely and accurately report independent expenditures (C-6 report))? What independent expenditure is alleged to have not been timely or accurately reported, and when is it believed it should have been reported and was not, or what was inaccurate about any report made?
- What exactly was done that is alleged to have violated RCW 42.17A.305 (failure to timely and accurately report electioneering communications (C-6 report))? What is alleged to have been done that is considered to be an "electioneering communication"? When is it believed that such "electioneering communication" should have been reported and was not, or what was inaccurate about any report made?

We cannot respond to vague and generalized allegations without details that lay out the specific actions alleged to have occurred and specifically how each of those actions violate the law. The "complaint" submitted to you is incomplete and inadequate in that regard, particularly because it does not contain any specifics regarding which sections of law were violated or specifically how they were violated, as required by WAC 390-37-040.

We will be happy to respond when there is something concrete to respond to.

Best regards,

Toby Nixon  
Treasurer, 45th District Republicans

---

Dale Fonk (Tue, 26 Nov 2019 at 9:51 PM)

to: toby@tobynixon.com +1

cc: treasurer@45gop.org +1

Thank You for responding Toby. I guess it should have been expected that this guy would lodge some complaint after he lost a close election. What can I do to help?

**Dale Fonk**

"Socialism is a philosophy of failure,  
The creed of ignorance, and the gospel of envy,  
Its inherent virtue is the equal sharing of misery.."  
--- Winston Churchill

"Potential is God's gift to us. What we do with it is our gift to God."

---

Toby Nixon (Tue, 3 Dec 2019 at 11:55 AM)

to: "PDC Support" <pdcc@pdcc.wa.gov>

cc: treasurer@45gop.org

Did you receive my previous initial response, or did you not receive it?

-- Toby

---

Toby Nixon (Tue, 3 Dec 2019 at 12:01 PM)

to: "PDC Support" <pdcc@pdcc.wa.gov>

cc: [treasurer@45gop.org](mailto:treasurer@45gop.org)

I sent this from a different email account. Please let me know whether or not you received it. Please check your spam folder, and if my emails are being detected as spam please white list my email address so that they go into your inbox.

---

Toby Nixon (Tue, 3 Dec 2019 at 12:43 PM)

to: "PDC Support" <pdcc@pdcc.wa.gov>

cc: [treasurer@45gop.org](mailto:treasurer@45gop.org)

The attachment does not answer any of our questions. Some of the things in your allegations are not addressed at all in the complaint. Before we can respond to any of the allegations, we need to know what specific acts occurred that violated a specific section of law. It is not the job of the accused to flesh out the allegations with specifics.

That is our response -- that the allegations are vague and non-specific. The complaint as submitted says only that they believe RCW 42.17A was violated, which is not specific at all. Your allegations allege violations of specific sections, but do not specify which acts violated which sections. I would be happy to respond to specific allegations that say what was done or not done that violated a specific section and how that section was violated.

-- Toby

---

Toby Nixon (Tue, 10 Dec 2019 at 9:47 PM)

to: pdcc@pdcc.wa.gov

cc: [treasurer@45gop.org](mailto:treasurer@45gop.org)

Hi, Tabitha. Sorry I did not respond to you sooner, but I was extremely busy last week with all day meetings all week.

Thanks for your clarification of the issues. Here is my response to your points.

There was only one mailing done. I personally never saw the mailing until I received the copy attached to your email. I was told by the 45th District Chair that the piece was supportive of Al Taylor, and that is what I reported on the C-6. Since it appears that the piece was not supportive of Al Taylor but in opposition to Nicholas, the C-6 needs to be amended. I can do that now if you want that done.

I received notice that the mailing had been done on November 2. The district chair forwarded me an invoice dated November 1 (a copy of which is attached). I submitted the C-6 and paid the invoice on November 2. The district chair also gave me a check on November 2 for \$1200 which was deposited electronically in the Non-Exempt account the same day. The C-3 report for this deposit was filed the same day as well. Neither this expenditure nor this deposit appeared on the 7-day pre-General C-4 report because the cutoff date for that report was October 28. I could also not report the expenditure as a debt, because it had not yet been invoiced.

Yesterday, December 9, I submitted the C-4 report for October 29 through November 30, and you will see that both the expenditure and the deposit appear on the report. Both the C-3 report for the deposit and the C-4 report showing the deposit and the expenditure were timely filed, as was the C-6 report.

I thus believe the only matter that needs correction is to amend the C-6 to show that the item was in opposition to Nicholas rather than in support of Al Taylor. I apologize for not insisting on personally seeing the mail item before filing the C-6 report, but I have never before had any reason to doubt what I've been told by the district chair. I have since learned that he genuinely believed the piece was going to be supportive of Al Taylor but that the political consultant reframed it at the last minute to be a negative piece.

Please let me know if you think there's anything else that needs to be done in response to this complaint. Of course, I'd be happy to talk with you on the phone if you like.

Best regards,

Toby Nixon

Treasurer, 45th District Republicans

206-790-6377

---

Toby Nixon (Wed, 11 Dec 2019 at 9:48 AM)

to: "'PDC Support'" <pdcc@pdcc.wa.gov> +1

OK, the amended C-6 is submitted. I assume it was proper to use today's date as the certification date for the amendment.

One other thing I realized today. I probably should have submitted an LMC report for the \$1200 contribution on November 2. Is that something I should also catch up in some way?

Sorry for the confusion. Even though I've been filing PDC reports since 2000 for one thing or another, this is the first time I ever remember filing a C-6, or indeed having to do anything this late in a campaign, and it's a learning experience for me.

-- Toby

---



12900 NE 180th Street, #230  
Bothell, WA 98011  
(206)617-9762

**BILL TO**

45th Legislative District Non-  
Exempt Committee  
12113 NE 141st Street  
Kirkland, WA 98034

**INVOICE 45LD2343**

**DATE 11/01/2019 TERMS Due on receipt**

**DESCRIPTION**

**AMOUNT**

**Printing**

1,188.12

Services per Agreement  
Printing and Production on behalf of the  
45th Legislative District Republican Non-Exempt Committee

Quantity:

1750 pieces

Artwork:

Layout and Design with Materials Provided by Client

Description:

5.5 x 8.5" Advocacy Mailer, printed CMYK / 2-sides on 100# Type 1 Coated Stock, Trim to Size

Mail Prep.:

Import Data x 1, NCOA-certify x 1, CASS-certify x 1, Create Ink-Jet File

Ink-Jet Address plus Enhanced Barcode

Sort and Tray for Presort Standard Mail

Deliver to Post Office

Postage:

Presort Standard Postage Paid for by Madison Communications Corp.

**PAY YOUR BILL BY CREDIT CARD.**

We accept VISA, Mastercard, Discover and American Express.

**TOTAL DUE**

**\$1,188.12**