



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

January 29, 2020

Delivered electronically to “[peterswant@windermere.com](mailto:peterswant@windermere.com),” “[aswant68@outlook.com](mailto:aswant68@outlook.com)” and “[david.brauhn@gmail.com](mailto:david.brauhn@gmail.com)”

Subject: Complaint filed by Glen Morgan, PDC Case 60659

Dear Peter Swant:

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

As noted in the letter to Glen Morgan, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Mr. Morgan. Staff expect you to timely register as a candidate and timely & accurately report expenditures and provide detailed descriptions for in-kind contributions and expenditures in future years. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Finally, your filing history shows that you failed to timely file several annual F-1 reports while you held the position of Walla Walla Port Commissioner from 2014-2019. These late reports suggest a pattern of noncompliance. Should you become a candidate or elected official in the future, we strongly urge you to take steps to ensure all required reports are timely filed with the PDC to avoid further enforcement action.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

/s

\_\_\_\_\_  
Tabatha Blacksmith  
Compliance Coordinator

Endorsed by,

/s

\_\_\_\_\_  
Peter Lavallee  
Executive Director



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January 29, 2020

Delivered electronically to "[glen@wethegoverned.com](mailto:glen@wethegoverned.com)"

Subject: Complaint regarding Peter Swant, PDC Case 60659

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 21, 2019. The complaint alleged that Peter Swant, candidate for Walla Walla Port Commissioner, District 1 during election year 2019, may have violated RCW 42.17A.205 by failing to timely register as a candidate within two weeks of declaring candidacy, and RCW 42.17A.235 & .240 for failure to timely & accurately disclose expenditures undertaken by the campaign on *Campaign Summary Receipts & Expenditures* reports (C-4 reports).

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response provided by Peter Swant (the "Respondent"); the applicable PDC reports filed by the Respondent; 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:

- Candidates are required to register with the PDC within two weeks of becoming a "candidate," as defined in RCW 42.17A.005(9) and WAC 390-05-200. Pursuant to RCW 42.17A.205, candidate committees are required to register with the PDC within two weeks of 1) being organized; or 2) first having the expectation of receiving contributions or making expenditures, whichever comes first. The *Candidate Registration* (C-1 report) serves the dual purpose of registering both the candidate and the candidate's committee.
- The Respondent filed as a candidate with Elections officials on May 17, 2019. Subsequently, a C-1 report was due to be filed by the Respondent with the PDC no later than May 31, 2019. The Respondent filed a C-1 report on June 20, 2019, which was 20 days late, and selected the Full Reporting Option.
- RCW 42.17A.235 requires candidates that select the Full Reporting Option to disclose all contributions received and expenditures made by filing periodic reports with the PDC. The due dates for these reports are based on the election cycle and are set forth in .235.

- With few exceptions, RCW 42.17A.240(2) requires candidates to disclose the name and address of each person<sup>1</sup> who made one or more contributions during the period covered by each report and the aggregate value of each person’s contributions. Pursuant to RCW 42.17A.240(4), candidates are also required to report all other contributions not otherwise listed or exempted, such as in-kind contributions from the candidate to their own campaign or other sources.
- RCW 42.17A.240(6) requires candidates to report the name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by the report, including the amount, date and purpose of each expenditure, as well as the total sum of all expenditures.
- WAC 390-16-037 states that expenditure reports “shall describe in detail” the goods and/or services provided, including the vendor to which an expenditure is made. The rule includes an example containing a numerical description (e.g. the number of brochures purchased).
- Upon being notified of the complaint on December 2, 2019, the Respondent quickly reached out to the PDC by telephone and indicated that his campaign experienced technical difficulties using the PDC’s online filing system, ORCA. The Respondent indicated he paid the candidate filing fee with personal funds and indicated a willingness to amend reports to resolve noncompliance. The Respondent followed up with a written response wherein he stated his erroneous belief that he had timely registered as a candidate and timely & accurately reported expenditures. He added that uncertainty concerning PDC guidelines and instructions for describing expenditures and in-kind contributions on C-4 reports contributed to noncompliance, which is a mitigating factor.
- Noncompliance under RCW 42.17A.235 & .240 occurred late May through December 10, 2019.
  - Six of the Respondent’s C-4 reports were received between 3 - 180 days late; five of these reports were due to be filed during critical reporting periods before and after the Primary and General Elections, which is an aggravating factor.
  - Two of the Respondent’s C-4 reports appeared to lack details regarding in-kind contributions for yard signs and Facebook advertising.
- In response to the complaint, the Respondent’s campaign also filed eight amended reports, received 24 - 159 days late, wherein it disclosed the candidate filing fee, expenditures made for banners and consulting services, and additional details regarding its in-kind contributions.
- The Respondent’s campaign received \$7,273 in contributions and expended \$5,831 during election year 2019. The relatively small size and modest expenditures of this campaign is a mitigating factor.

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<sup>1</sup> “Person” includes, but is not limited to, an individual, candidate, political committee, political party, organization, governmental agency, corporation, etc.

- The Respondent’s opponents in the Primary Election were Kip Kelly and Beth (Brotherton) Swanson. Candidate Kelly went on to participate in, and win, the General Election. During election year 2019, Candidate Kelly’s campaign raised and spent \$13,496. Candidate Swanson’s campaign raised \$1,950 and spent \$1,696.
- The Respondent is an experienced candidate who also ran for office in election year 2013. However, it appears the Respondent may have limited experience filing campaign reports with the PDC due to his status as a Mini-Reporter<sup>2</sup> in 2013.
- The Respondent has been subject to four, prior PDC enforcement actions within the last five years for alleged violations of RCW 42.17A.700 regarding failure to timely file the *Personal Financial Affairs Statement* (F-1 report), which is required of candidates and annually for elected officials. The imposed penalties have been paid in full. These prior actions concerned a different statute but nonetheless suggest a pattern of noncompliance.

Based on our findings, staff has determined that, in this instance, failure to timely register as a candidate, and timely & accurately report expenditures and in-kind contributions does not amount to a violation that warrants further investigation.

However, pursuant to WAC 390-37-060(1)(d), Peter Swant will receive a formal written warning concerning failure to timely register as a candidate, and timely and accurately report expenditures & in-kind contributions. The formal written warning will include staff’s expectation that Peter Swant timely file all future required reports of contributions and expenditures. The Commission will consider the formal written warning in deciding on further Commission 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

Endorsed by,

/s

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Tabatha Blacksmith  
Compliance Coordinator

/s

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Peter Lavalley  
Executive Director

cc: Peter Swant

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<sup>2</sup> Campaigns registered under the Mini Reporting Option 1) agree to raise and spend no more than \$5,000 and accept no more than \$500 in contributions from a single source; and 2) are not required to file periodic reports with the PDC disclosing deposits, contributions and expenditures.