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Via email to fox.blackhorn@pdc.wa.gov

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

Re: Complaint from Glen Morgan
PDC Case No. 62130
BIL Case File No. 6820-003

Dear Mx. Blackhorn:

I write on behalf of my client, the 34th Legislative District Democratic Organization (Organization), in response to Mr. Morgan's December 30, 2019 complaint against the Organization. Mr. Morgan alleges the Organization failed to disclose campaign contributions made to political candidates in September and October of 2019, as well as concealment of expenditures made by the Organization. Specifically, Mr. Morgan calls attention to five donations, amounting to \$1,650 in total, contributed to candidates between September 11, 2019 and October 20, 2019, which went unreported on the Organization's C-4 forms.

The Organization is run entirely by volunteers, and filling its treasurer role has proven difficult for them due to the time demands of ensuring contributions and expenditures are properly reported to the PDC. The current treasurer, Benjamin Reilly, has held his position since February 2019 as a volunteer, and the time he can dedicate is limited, which has regrettably impacted the Organization's ability to file timely contribution and expenditure reports. With that in mind, the Organization has recently hired a professional compliance officer, Andy Lo, who will start work with the organization in February 2020. Before Mr. Lo was hired, however, Mr. Reilly inadvertently failed to report the handful of expenditures referenced in Mr. Morgan's December 30, 2019 Complaint.

The Committee intends to correct that failure as soon as possible when Mr. Lo begins work early this month. In light of the Organization's recognition of its own limitations and its having taken the initiative to both correct its filings and hire a professional to correct its course in the future, the 34th Legislative District Democrats respectfully suggest 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.

First, and most importantly, the Organization has self-corrected the issues raised in Mr. Morgan's complaint. The Organization's corrective action being 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).

In addition, the 34th Legislative District Democratic Organization's operation is small and entirely volunteer-driven. Its relative size and lack of sophisticated operation qualify it as the sort of organization for whom an alternative response to noncompliance may be more appropriate than an adjudicative hearing. WAC 390-37-061(4). It has struggled to maintain a volunteer treasurer who can devote adequate time to properly comply with reporting requirements, and thus has taken on a professional compliance officer to ensure no further violations take place. The Organization's failure to timely submit reports of its expenditures, including legal expenses, reflects that shortcoming, not its willfulness.

Likewise, it is apparent that the any noncompliance was the result of a good faith error or omission and was not intentional. The 34th Legislative District Democrats' good faith effort to comply is evidenced by its having enlisted the help of a paid professional to handle any further reporting. WAC 390-37-061(4). This is not a case involving an intentional failure to report. Rather, despite the Organization's best efforts, a handful of expenditures were inadvertently not reported.

In addition, each of the late contribution reports noted in Mr. Morgan's complaint concerned a relatively modest expenditure. Each contribution was between \$200 and \$500. 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).

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 Organization requests that the Commission consider an alternative response.

If you have any questions or concerns please feel free to contact me at 206-257-6009 or via e-mail at skahan@workerlaw.com.

Sincerely,



Kelly Ann Skahan
*Counsel for 34th Legislative District Democratic
Organization*