



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

June 25, 2020

Delivered electronically to “[mwarbrouck@comcast.net](mailto:mwarbrouck@comcast.net)”

Subject: Complaint filed by Helen Surprenant, PDC Case 69071

Dear Retired Firefighters of Washington:

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

As noted in the letter to Helen Surprenant, 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.

If you have questions, you may contact Tabatha Blacksmith at (425)708-8490, toll-free at 1(877) 601-2828 or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

Sincerely,

*Electronically signed*

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Tabatha Blacksmith  
Compliance Coordinator

Endorsed by,

*Electronically signed*

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Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



## STATE OF WASHINGTON PUBLIC DISCLOSURE COMMISSION

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June 25, 2020

Delivered electronically to "[mshsuper@outlook.com](mailto:mshsuper@outlook.com)"

Subject: Complaint regarding Retired Firefighters of Washington, PDC Case 69071

Dear Helen Suprenant:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on April 19, 2020. The complaint alleged that Retired Firefighters of Washington (RFFOW) may have violated RCW 42.17A.205 by failing to register as a political committee, and RCW 42.17A.235 and .240 by failing to timely file Monetary Contributions reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports) disclosing contribution and expenditure activities undertaken during calendar years 2016 through 2020.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Retired Firefighters of Washington (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.

For your information, allegations and activities that occurred prior to June of 2015 are outside of the PDC's statute of limitations and are therefore not addressed herein. Based on staff's review, we found the following:

- Pursuant to RCW 42.17A.105(40), a "political committee" is defined as any person<sup>1</sup> with the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or ballot proposition.
- The Commission adopted **PDC Interpretation 07-02, Primary Purpose Test Guidelines**, which distills relevant case law and other legal guidance (AGO 1973 no. 14, *State v. Dan Evans Committee*, and *Evergreen Freedom Foundation v. Washington Education Association*) concerning the definition of "political committee."  
<https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/primary-purpose-test-guidelines>

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<sup>1</sup> "Person" is defined to include, but is not limited to, an individual, partnership, joint venture, public or private corporation, association, governmental entity, candidate, political party, organization or group. RCW 42.17A.005(38)

- As discussed in the Interpretation, a person is a political committee if that person becomes a “receiver of contributions” to support or oppose candidates or ballot propositions, or if expenditures to support or oppose candidates or ballot propositions become one of the person’s primary purposes. The “primary purpose” test is used to analyze when an organization that engages in limited political activity related to elections or ballot measures is required to register as a political committee.
- Under the “maker of expenditures” prong, an organization may be required to register if one of its primary purposes includes political campaign activity. An organization would not be required to register as a political committee solely because one of its primary purposes was to attempt to influence state or local legislation (lobbying).
- The Respondent is a 501(c)3 federal tax-exempt, non-profit corporation whose members are retired firefighters. According to its *Articles of Incorporation*, the Respondent’s stated purpose is “for mutual benefit, education, and welfare...” The Respondent’s website states that it was established to represent the interests of all retired Washington State firefighters, a goal that is accomplished by lobbying to protect and improve pensions of retired firefighters, their families, and surviving spouses.
- The website also indicates that the Respondent tracks pension legislation, works with advocacy groups to keep its members apprised of current developments that can impact their pensions, and serves as a social networking venue. In addition, on the federal informational returns it filed with the Internal Revenue Service (IRS) for tax years 2016 - 2018, the Respondent described its Primary Exempt Purpose as “social welfare association” and reported the following program service accomplishments: “Association for the brotherhood of retired firefighters of Washington State...education regarding pensions, health insurance and other issues affecting retired firefighters...members are informed of legislations as it affects them and these issues.”
- The Respondent indicated it receives its funding from membership dues and unsolicited voluntary donations from its members, which are held in separate accounts. The Respondent uses membership donations from its “Legislative Fund,” which PDC staff believes they inadvertently referred to as “PAC” and “PAC Donations. The Respondent uses its members’ voluntary donations to finance lobbying activities and to make a relatively small amount of contributions to candidates, while the membership dues are primarily used for educational and member outreach purposes. In response to staff’s questions, the Respondent stated that it had established two bank accounts many years ago, with one account used for member dues and a second separate account used for members’ voluntary contributions.
- PDC staff reviewed reports filed by the Respondent as a Lobbyist Employer that contracted with one or more lobbyists, including Mr. Warbrouck, during the 2016 through 2020 Legislative Sessions to lobby on behalf of its members. According to staff’s review, the lobbying reports disclosed the following expenses:
  1. \$11,780 in lobbying activities during the 2019 Legislative Session and first quarter of calendar year (CY) 2019;
  2. \$5,060 in lobbying activities during the 2018 Legislative Session and first quarter of CY 2018, which represented 11% of total expenditures for 2018;
  3. \$4,480 in lobbying activities during the 2017 Legislative Session and first quarter of CY 2017, which represented 10% of total expenditures for 2017; and
  4. \$6,600 in lobbying activities during the 2016 Legislative Session and first quarter of CY 2016, which represented 14% of total expenditures for 2016

- Staff also queried the PDC Contribution database based on the Monetary Contribution reports (C-3 reports) filed by candidates. Those reports disclosed the Respondent made \$17,650 in contributions to 62 candidates during the period July 28, 2015 through December 9, 2019, broken down as follows:
  1. a total of \$250 in contributions made during calendar year (CY) 2019;
  2. a total of \$7,450 in contributions made during CY 2018, which represented 17% of total expenditures made;
  3. a total of \$1,600 in contributions made during CY 2017, which represented 4% of total expenditures made;
  4. a total of \$5,850 in contributions made during CY 2016, which represented 13% of total expenditures made; and
  5. a total of \$2,500 in contributions made during CY 2015

The Retired Firefighters of Washington (Respondent) is a Lobbyist Employer that has as one of its purposes to support legislation through lobbying efforts. PDC staff noted the organization spends between 10 - 20% of its money on this purpose, as well as membership communication and other issues. The stated goals and mission of the Respondent extend beyond making contributions to candidates for public office; in fact, the majority of the organization's activities do not involve making contributions to candidates for public office and do not appear to involve electoral political activity at all.

While the Respondent did make expenditures in the form of monetary contributions to candidates, the above findings suggest that its primary purposes are not to make contributions, but rather to keep its members informed about legislative activities that would impact their retirement benefits and pensions. The portion of overall spending attributed to lobbying and candidate contributions is relatively small, which is a fact that supports the conclusion they were not a political committee. For your information, an organization that expends a relatively small percentage of its total funds in making contributions to candidates or political committees is insufficient to trigger the registration requirements as a political committee.

Based on our findings, staff has determined that, in this instance, failure to register and report as a political committee does not amount to a violation that warrants further investigation. Staff considered the following mitigating factors in determining the resolution of this matter: The Respondent's relatively small size and level of sophistication, its modest expenditure activities, its cooperation and good-faith effort to comply, and the absence of any prior PDC warnings or violations.

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 1-425-708-8490, toll-free at 1-877-601-2828 or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

*Electronically signed*

Tabatha Blacksmith  
Compliance Coordinator

Endorsed by,

*Electronically signed*

Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Retired Firefighters of Washington