



State of Washington
PUBLIC DISCLOSURE COMMISSION

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January 22, 2021

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding Clark County is Not for Sale, PDC Case 79714

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 29, 2020. The complaint alleged that the Clark County is Not for Sale (Committee), a 2020 Continuing Political Action Committee, may have violated RCW 42.17A for (1) failure to identify the Committee's sponsor in the name of the Committee - RCW 42.17A.205(5) and WAC 390-16-011A(2); (2) failure to properly breakdown and describe expenses – RCW 42.17A.235, .240 and WAC 390-16-037; and (3) failure to report legally required details on the Independent Expenditure (IE) report – RCW 42.17A.260(3)(C).

PDC staff reviewed your allegation(s); the applicable statute(s), rule(s), and reporting requirements; the Monetary Contribution (C-3), Summary Full Campaign Contribution and Expenditure (C-4) and the Independent Spending and Electioneering Communication (C-6) reports filed by the Clark County is Not for Sale (Committee); and the December 17, 2020, response to the complaint provided by Marsha Manning, Treasurer, on behalf of the Clark County is Not for Sale (Committee).

Based on staff's review, we found the following:

- On June 10, 2019, the Clark County is Not for Sale committee filed a Committee Registration (C-1pc) report for 2020 as a Continuing Committee and selected the Full Reporting Option.

Alleged failure to identify the Committee's sponsor in the name of the Committee (RCW 42.17A.205(5) and WAC 390-16-011A(2)).

- In its response to this allegation, received on December 17, 2020, the Committee, by way of its treasurer, Marsha Manning stated: "Clark County Is Not For Sale was created in 2012 to pursue political issues concerning voters in Clark County. We have had the same name for all that period of time. We have created independent expenditures three times over the course of our existence. We file a C1 every year at the beginning of the year to identify our committee and our board and to report all donations and expenditures that occur during the year. The Public is able to follow our committee with nothing being withheld or hidden. I am not aware of nor could find the law that says we must include the letters PAC in our actual name."

- Staff noted that the Committee received a \$10,000 contribution from Don Welch on August 13, 2020. Between August 13 and October 31, 2020, eighty percent of the Committee’s contribution was from Don Welch. The Committee was therefore required to amend its Committee Registration (C-1pc) to depict Don Welch as the sponsor in the Committee’s name (Clark County is Not for Sale Sponsored by Don Welch).

Alleged failure to properly breakdown and describe expenses (RCW 42.17A.235, .240 and WAC 390-16-037).

- In its response to this allegation, the Committee stated: “Mr. Morgan claims that we did not report the number of pieces printed and distributed by the independent expenditure. He included PDC report #101011552 with his complaint, but failed to mention the amended report (number 101014470) that includes the number of pieces. The number of pieces was also reported in the debt payment to Winpower Strategies. We resent the accusation against our “experienced vendor” claiming that they appear to be a “serial PDC violator” which is very unprofessional statement to make.”
- Staff noted that the amended report (report #101014470), which was amended on November 8, 2020, contains/depicts the number of pieces for the mailer.

Alleged failure to report earmarked contributions (RCW 42.17A.270 and WAC 390-16-033).

- In its response to this allegation, the Committee stated: “CCNFS did receive and make public a donation from Don Welch. Don Welch is not a relative of Matt Little as claimed by Mr. Morgan and confirmed by Mr. Welch. Whether Mr. Welch maxed out his contribution to the Matt Little campaign is not pertinent to Clark County is Not for Sale’s business. Clark County is Not for Sale has supported other candidates in other years against Gary Medvivy with contributions as we did in 2020 with electioneering. We will continue to campaign against Mr. Medvivy in the future with or without Mr. Welch’s support.”
- Staff did not find evidence that would suggest that the \$10,000 contribution from Don Welch was earmarked. Additionally, you provided no evidence to show that the \$10,000 contribution from Mr. Welch Committee was earmarked.

Alleged failure to report required details on the Independent Expenditure (IE) report – C-6 report (RCW 42.17A.260(3)(c)).

- In its response to this allegation, the Committee stated: “It is true that the number of mail pieces is not shown on the C6 report. When filing out the C6 form, we were asked for a description of the goods supplied by the vendor which was reported. The number of pieces had been reported twice before when reporting the printer and the designer (Capitol City Press and Winpower Strategies). It was not our intention to conceal any information from the public. We will amend the C6 if so directed and will show piece quantities on all future expenditures.”
- Staff noted that the Committee gave the description of expenditure as “Mailer Design & Print” but did not itemize or include the number of pieces produced for the October 26, 2020 mailer, as required.

Based on these findings staff has determined that, in this instance, the Committee’s failure to (1) amend its C-1pc to depict Don Welch as the sponsor of the committee after he contributed more than eighty percent of the Committee’s total contributions between August 19 and October 31, 2020; and (2) report the number of pieces produced for the October 26, 2020 mailer on a C-6 report, do not amount to a violation warranting further investigation.

However, the Clark County is Not for Sale committee will receive a reminder letter concerning its failure to amend its C-1pc to depict Don Welch as the sponsor by including his name in the name of the committee

between August 13 and October 31, 2020 and reporting the number of pieces produced on a C-6 report, as required by law.

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 Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Erick Agina, Compliance Officer

s/_____
Barbara Sandahl, Deputy Director for
Peter Lavalley, Executive Director

cc: Marsha Manning, Treasurer – Clark County is Not for Sale

