



**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 • Website: www.pdca.wa.gov

September 27, 2023

Delivered electronically to Tim Eyman at "timdeyman@gmail.com"

Subject: Complaint filed by Elliott Grace Harvey, PDC Case 80835

Dear Mr. Eyman:

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

As noted in the letter to Elliott Grace Harvey, 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 requirements noted in the enclosed letter sent to Ms. Harvey. Staff expects you to limit uses of all candidate campaign funds received, and resources purchased or provided via in-kind donation for any future candidate campaign, strictly for activities directly related to that campaign. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director



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September 27, 2023

Delivered electronically to Elliott Grace Harvey at “grace@firethemayor.org”

Subject: Complaint regarding Timothy Eyman, PDC Case 80835

Dear Elliott Grace Harvey:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 23, 2020. The complaint alleged that Timothy Eyman, a gubernatorial candidate in the August 4, 2020, primary, may have violated RCW 42.17A.445 for misuse of campaign funds to support a recall effort.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the responses provided by the Respondent and by Stephen Pidgeon on behalf of the Respondent; the applicable PDC reports filed by the Respondent; queried the Respondent’s data in the PDC contribution and expenditure database; and reviewed PDC Case Number 74923 and other relevant information, to determine whether the record supports a finding of one or more violations.

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

- On November 25, 2019, Timothy Eyman filed a Candidate Registration (C-1 report) declaring his candidacy for Washington State Governor in the 2020 election and choosing the “Full Reporting” option.
- In June 2020, an effort to recall Seattle Mayor Jenny Durkan was brought forward by Elliott Grace Harvey, Alan L. Meekins Jr., Courtney Scott, Leah Solomon, and Charlie Stone. The effort was officially called “Recall Durkan” and included the tagline “Fire the Mayor!” on the organization’s website, social media accounts and other written materials.
- Upon conclusion of its investigation of PDC Case #74923, PDC staff issued a reminder to the Respondent regarding his albeit limited involvement in the Recall Durkan effort and subsequent failure to register and report as a political committee as required by RCW 42.17A.205, .235 and .240.
- The second complaint received on November 23, 2020, alleged that the Respondent made expenditures for the Recall Mayor Durkan effort from his 2020 gubernatorial campaign account and that this constituted a violation of RCW 42.17A.445 for misuse of campaign funds.
- RCW 42.17A.445 describes specific circumstances where campaign funds may be legally paid to a candidate, or a treasurer or other individual or expended for such individual’s personal use.
- On July 23, 2020, the Respondent held a public event in Seattle to announce the launching of the “Recall Jenny Durkan Campaign” (Recall Durkan), an effort to recall Mayor of Seattle, Jenny Durkan. The event was video and audio recorded and linked to

the Tim4Gov.com website along with a written transcript of the verbal message delivered by Mr. Eyman.

- On the website, in between the event notice and transcript was information regarding printing, circulating and returning petitions for the Recall Durkan campaign. A sample petition was included. At the bottom of the webpage was a message soliciting donations to the Tim4Gov 2020 campaign.
- In the response received December 1, 2020, Stephen Pigeon, legal counsel for the Respondent, stated that the website www.Tim4Gov.com was no longer active and the videos posted on the site when it was still active did not require expenditures to create or post. Regarding the Recall Durkan petitions, Mr. Pidgeon stated that the small number of copies involved were paid for personally by the Respondent and not by any political committee.
- Mr. Pidgeon's response also referred to the written responses given in PDC Case #74923 in which the Respondent was alleged to have failed to register and report as a political committee regarding his effort to Recall Durkan, stating that his client's previous response was relevant to the current case as well.
- In the initial response to PDC Case #74923 received on August 26, 2020, Mr. Eyman asserted that the recall petitions did not include a website, email address, phone number and that the return address was the Seattle City Clerk's office. In addition, the letter stated that Mr. Eyman had a friend do the typesetting and that the printing of the petitions was done at no charge. A follow up response received August 27, 2020, confirmed that the entries and posts about the recall effort had been removed from the Tim4Gov website.
- Staff requested additional clarification regarding any new or previously paid costs connected with creating and posting the recall effort videos to the Tim4Gov website and the creation, printing and dissemination of the recall petitions.
- In his response, Mr. Eyman stated that the July 23, 2020, recall event video was taken by a supporter in attendance and that a copy was provided to the "web person" to post to the website. Mr. Eyman asserted he was not involved with this but did confirm that the verbal portion of his video message was delivered via a printed speech.
- Regarding any costs associated with posting the video to the Tim4Gov website, the Respondent stated that there was no additional expenditure made to post the video on the existing website.
- Regarding costs connected to the recall petitions, Mr. Eyman confirmed that the typesetting of the petition was done by a friend at no cost. He further stated that he paid for approximately twenty printed copies of the petition using personal funds, handed these out at the July 23, 2020, event, and did not retain any leftovers.

It appears that any costs connected to the July 23, 2020, Recall Durkan event were negligible and were limited to a pro-rated portion of the funds spent to create and maintain the Tim4Gov website plus the out-of-pocket expenditure made by the Respondent for printing recall petitions.

Based on our findings staff has determined that, in this instance, de minimis use of the 2020 Tim4Gov campaign website to support a recall effort does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Timothy Eyman will receive a formal written warning concerning the misuse of 2020 gubernatorial campaign resources to support the effort to Recall Seattle Mayor Jenny Durkan. The formal written warning will include staff's expectation that Mr. Eyman limit his uses of any candidate campaign funds received, and resources purchased or provided via in-kind donation for any candidate campaign, strictly for activities

directly related to that campaign. 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Electronically signed
Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed
Peter Frey Lavalley
Executive Director

cc: Timothy Eyman