



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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January 3, 2020

Delivered electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding International Brotherhood of Electrical Workers (IBEW) Local 483 PAC, PDC Case 34201

Dear Mr. Morgan:

Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received April 10, 2018, initially as a Citizen Action Notice filed under RCW 42.17A.765(4), and later converted to a PDC complaint following implementation of Engrossed Substitute House Bill 2938, which took effect June 7, 2018. Your complaint alleged IBEW Local 483 PAC, its treasurer, its officers, and any parent or subsidiary organization associated with it have habitually and willfully committed frequent and multiple violations of RCW 42.17A. Your complaint alleged that IBEW Local 483 PAC:

1. Failed to file accurate, timely C-3 and C-4 reports, that included the failure to report debt and properly break down and detail expenditures (RCW 42.17A.235 and .240); and failed to timely deposit contributions (RCW 42.17A.220)
2. Failed to report Last Minute Contributions (RCW 42.17A.265)
3. Failed to list committee officers and timely update its committee registration statement (RCW 42.17A.205)
4. Made expenditures of funds not authorized by an individual listed as an officer on the Committee Registration (RCW 42.17A.425)
5. Failed to preserve books of account and campaign finance records (RCW 42.17A.235)
6. Deposited campaign funds into the committee's bank account by a person other than the treasurer or deputy treasurer (RCW 42.17A.220)
7. Failed to include sponsor identification on political advertising (RCW 42.17A.320)
8. Failed to timely report independent expenditures on form C-6 (RCW 42.17A.255)

RCW 42.17A.225, .235 and .240 require candidates, single election political committees, and continuing political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election in which the committee makes expenditures, and in the month following the election. Contributions are reported weekly during this same time period, and must be disclosed on Monday for contributions deposited during the previous seven days.

PDC staff reviewed your complaint, the response provided on behalf of IBEW Local 483 PAC by its counsel, Dmitri Iglitzin and Sarah Derry, and appropriate reports filed by the respondent with the Public Disclosure Commission.

As a result of the investigation, staff found the following:

Alleged failure to file accurate, timely C-3 and C-4 reports, and alleged failure to report debt and properly break down and detail expenditures (RCW 42.17A.235 and .240); alleged failure to timely deposit contributions (RCW 42.17A.220)

- A C-3 alleged to be one year late was filed timely, but appeared late because the treasurer inadvertently listed the receipt date for the January 2015 contribution that was deposited in January 2015 as January 2014.
- Two C-3 reports alleged to be late were calculated as due on a holiday, and one on a Sunday, and because the reports were thus due the following day, they were timely filed.
- A C-3 alleged to be filed 37 days late was an amendment to correct the deposit date for a \$2 contribution received 11/1/16. The deposit date was initially reported as 11/30/16 and was corrected to 11/1/16.
- Approximately 18 of the C-3 reports alleged to be late report \$2 in contributions received, and many of the C-3 reports alleged to be late were three days late or less.
- None of the C3 reports listed in Exhibit A to the complaint included an alleged late deposit of contributions. In addition, the complaint did not include any evidence of unreported debt or a failure to properly breakdown and provide detail for expenditures.

C-4 Reports

- During the period 5/18/15 – 2/24/18, IBEW Local 483 PAC filed 23 C-4 reports. Each report was filed 1-46 days late. Eight of the reports were filed 14 or more days late, and of these, only three disclosed expenditures. Each of the three late-reported C-4 reports that disclosed expenditures included \$1,000 in expenditures, and were filed 14, 15, and 21 days late on April 11, 2016, April 10, 2017, and July 11, 2017, respectively.

C-3 Reports

- During the period 7/15/16 – 2/14/18, IBEW Local 483 PAC filed 63 C-3 reports with a total value of \$10,879. Of these, 42 were filed 15-46 days late and had a total value of \$6,863.

The 42 C-3 reports that were filed 15-46 days late had individual totals ranging from \$2 - \$459. The 42 C-3 reports were due in June 2016, August-November 2016, March and April 2017, June-December 2017, and January 2018.

Alleged failure to report Last Minute Contributions (RCW 42.17A.265)

- The complaint states, “On information and belief, respondent has failed to properly report last minute cash or in-kind contributions of \$1000 or more.” No evidence of a violation was submitted. The respondent disputes this allegation, calling it “a completely baseless allegation” without evidence. The respondent stated the PAC has complied with its reporting and recordkeeping obligations with respect to contributions it has received.

Alleged failure to list committee officers and timely update the committee registration statement (RCW 42.17A.205)

- The complaint states, “On information and belief, respondent failed to list all committee officers on form C-1-pc.” The complainant also stated, “I believe they also failed to timely file/update form C-1/C-1PC to include relevant material changes in information as required by state law.” No evidence of a violation was submitted. The respondent stated the complainant has presented no evidence to support this allegation, and stated the PAC has, in fact, filed and updated its committee registration to reflect changes in its committee membership. As an example, the respondent cited an updated C-1pc filed in 2018 because one of the committee members listed on the 2017 form left. The respondent stated the officers listed on the C1-pc forms are correct. No evidence of a violation was submitted.

Alleged expenditures of funds not authorized by an individual listed as an officer on the Committee Registration (RCW 42.17A.425)

- The complaint states, “On information and belief, respondent has failed to abide by the requirement that no expenditures may be made or incurred by any ... political committee unless authorized by ... the persons named on the committee’s registration form.” No evidence of a violation was submitted. The respondent stated the complainant has presented no evidence in support of this allegation. The respondent further stated there is no evidence to support this allegation because the only individuals who incur expenditures on behalf of the PAC are listed on the committee registration form.

Alleged failure to preserve books of account and campaign finance records (RCW 42.17A.235)

- The complaint states, “On information and belief, respondent has failed to abide by this requirement.” (RCW 42.17A.235(6)) No evidence of a violation was submitted. The respondent stated the complainant contends the PAC has failed to abide by the requirement to “preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred” without presenting any factual basis in support of the claim, and the respondent disputes the allegation, characterizing it as “a fishing expedition based on the complainant’s suspicion.”

Alleged deposit of campaign funds into the committee's bank account by a person other than the treasurer or deputy treasurer (RCW 42.17A.220)

- The complaint states, "On information and belief, respondent has failed to abide by this requirement." (RCW 42.17A.220(1)) No evidence of a violation was submitted. The respondent stated the complainant has not provided evidence in support of this allegation, because there is no evidence to support this claim.

Alleged failure to include sponsor identification on political advertising (RCW 42.17A.320)

- The complaint states, "On information and belief, respondent has failed to abide by the requirement ... that all political advertisement/independent expenditures contain sponsor identification, which includes the sponsor's name and address as well as other donor information. Mediums defined as political advertisement that are required to contain sponsor ID include Facebook pages and advertisements per WAC 390-05-290." (RCW 42.17A.320) No evidence of a violation was submitted.
- The respondent stated it is not clear why the complainant believes the PAC has engaged in political advertising. The respondent stated the PAC has not taken out any political ads or print materials of any kind, and therefore it is factually impossible for the PAC to have violated the requirements of RCW 42.17A.320.

Alleged failed to timely report independent expenditures on form C-6 (RCW 42.17A.255)

- The complaint states, "On information and belief, respondent has failed to abide by the requirement ... that independent expenditures must be reported to the PDC in a timely fashion on PDC form C6." (RCW 42.17A.255(2)) No evidence of a violation was submitted.
- The respondent stated it is unclear why the complainant believes the PAC has violated RCW 42.17A.255(2) since the complaint does not provide evidence that the PAC has made an independent expenditure. The respondent stated that the PAC has not made an independent expenditure.

After a careful review of the alleged violations and relevant facts, PDC staff has concluded its investigation. Staff did not find evidence of violations warranting formal enforcement action before the Commission, and except as noted under the headings for C-4 Reports and C-3 Reports, no evidence was submitted detailing additional violations.

Because staff's investigation did not find evidence of violations warranting formal enforcement action before the Commission, I am dismissing your complaint in accordance with WAC 390-37-070 against IBEW Local 483 PAC.

However, based on the multiple instances of late reporting of contributions and expenditures described under the headings for C-4 Reports and C-3 Reports, staff will issue a formal written warning to IBEW Local 483 PAC concerning these findings, which will include an expectation that future reporting of contributions and expenditures be timely, and putting the committee on

notice that the Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws and rules.

If you have questions, please contact Phil Stutzman, Compliance Officer, at 1-877-601-2828 or by e-mail at pdcc@pdc.wa.gov.

Sincerely,



Peter Lavalley
Executive Director

cc: Dmitri Iglitzin and Sarah Derry, Counsel to IBEW Local 483 PAC