



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17 and RCW 42.17A

International Brotherhood of
Electrical Workers Local 483 PAC

Respondent.

PDC Case 34201

Report of Investigation

I. BACKGROUND

- 1.1 The International Brotherhood of Electrical Workers (IBEW) Local 483 was chartered as a utilities and outside construction local union in 1906.
- 1.2 Over the years, employees from the suburban mutual light and power companies in Pierce County were voluntary members of Local 483. Peninsula Light Company of Gig Harbor was the first company to negotiate a collective bargaining agreement with Local 483. Currently, members from 9 mutuals and municipalities outside the City of Tacoma have collective bargaining agreements administered for their workplace by Local 483.

II. ALLEGATIONS IN COMPLAINT

- 2.1 On April 10, 2018, a complaint was filed with the Public Disclosure Commission by Glen Morgan alleging that 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. **(Exhibit 1)** Mr. Morgan also filed the complaint as a Citizen Action Notice under RCW 42.17A.765(4) on April 10, 2018 with the Attorney General's Office (AGO) and the King County Prosecuting Attorney's office. Because the complaint was filed as a Citizen Action Notice, the PDC notified the respondent that the PDC would not initiate a preliminary review of the complaint until the AGO decided whether to take action on the Citizen Action Notice.
- 2.2 Mr. Morgan's complaint to the PDC alleged that IBEW Local 483 PAC:
 1. Failed to file accurate, timely C-3 and C-4 reports, and failed 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)
- 2.3 On May 29, 2018, Mr. Morgan filed a "10-day letter" under the provisions of RCW 42.17A.765(4), notifying the Attorney General, the King County Prosecutor, and the PDC that he intended to file a lawsuit against the respondent on behalf of the state as provided by law if a lawsuit is not filed by the state by June 8, 2018.
- 2.4 On July 18, 2018, PDC staff notified Mr. Morgan of changes to the Public Disclosure Commission's enforcement procedures, pursuant to a law that took effect June 7, 2018, Engrossed Substitute House Bill 2938.
- 2.5 On November 5, 2018, Mr. Morgan filed a "10-day letter" in accordance with the changes to the law that took effect June 7, 2018, ESHB 2938.
- 2.6 On November 15, 2018, PDC staff informed Mr. Morgan that after conducting a preliminary review and assessment of his complaint filed April 10, 2018, staff opened a formal investigation on November 13, 2018, and held an initial hearing (Case Status Review Hearing) on November 14, 2018, pursuant to RCW 42.17A.755 and WACs 390-37-060 and 390-37-071.

III. FINDINGS

- 3.1 On May 15, 2018, Dmitri Iglitzin and Sarah Derry responded on behalf of IBEW Local 483 PAC. **(Exhibit 2)**

Alleged failure to file accurate, timely C-3 and C-4 reports, and 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)

- 3.2 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.
- 3.3 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 due the following day, they were timely filed.

3.4 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.

3.5 Approximately 18 of the C-3 reports alleged to be filed late report \$2 in contributions received, and many of the C3s alleged to be filed late were filed three days late or less.

3.6 None of the C-3 reports listed in Exhibit A to the complaint included evidence that contributions had been deposited late. In addition, the complaint did not include any examples or evidence of unreported debt or of a failure to properly breakdown or provide detailed descriptions for expenditures.

C-4 Reports

3.7 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, three included 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

3.8 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)

3.9 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)

3.10 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)

- 3.11 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)

- 3.12 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)

- 3.13 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)

- 3.14 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.
- 3.15 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)

- 3.16 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.
- 3.17 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.

IV. SCOPE

- 4.1 PDC staff reviewed the complaint and the response provided by Dmitri Iglitzin and Sarah Derry, Counsel, on behalf of IBEW Local 483 PAC. Staff reviewed reports filed by the respondent with the Public Disclosure Commission.

V. LAW

RCW 42.17A.225, .235 and .240 require candidates, single election issue 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.

Respectfully submitted this 31st day of December 2019.


Philip E. Stutzman
Compliance Officer

EXHIBIT LIST

- Exhibit 1** Complaint filed April 10, 2018
- Exhibit 2** Response filed by Dmitri Iglitzin and Sarah Derry on behalf of Respondent

File a Formal Complaint - Glen Morgan

Glen Morgan reported (Tue, 10 Apr at 11:27 PM) via Portal Meta
To Whom it May Concern --

It has come to my attention that the IBEW 483 PAC , its treasurer, its officers, and any parent or subsidiary organization associated with it (hereafter collectively referred to as "respondent") have habitually and willfully committed frequent and multiple violations of **RCW 42.17A**. Additionally, I have reason to believe that other violations of this chapter have occurred beyond what I have identified below.

1) Failure to file accurate, timely C3 and C4 reports, failure to timely deposit contributions. (Violation of RCW 42.17A.235, .220)

State law requires that candidates and committees file frequent, accurate, reports of contributions, expenditures, in-kind contributions, debt, pledges, and loans (C3s and C4s). The reports must be compliant with both state law and PDC regulations (**WAC 390**). State law also requires that contributions must be deposited within 5 business days of receipt. Unfortunately, the respondent has failed on numerous occasions to do this, including, but not limited to the late reports detailed in the attached exhibit. Additionally, the respondent has failed to report debt and properly break down/detail expenditures.

(Please See **Exhibit A: "Illegally late reported C3 & C4 reports"**)

2) Failure to report last minute contributions. (Violation of RCW 42.17A.265)

On information and belief, respondent has failed to properly report last minute cash or in-kind contributions of \$1000 or more.

3) Failure to list committee officers, timely file/update C-1/C-1PC. (Violation of RCW 42.17A.205, see WAC 390-05-245)

On information and belief, respondent failed to list all committee officers on form C-1/C1-pc, which is required by **RCW 42.17A.205(2)(c)**. 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.

The committee is required to list all individuals who, in conjunction with others, likely made, directed, or authorized expenditures, strategic or policy decisions on behalf of the committee.

State law requires that candidates/committees file their C1/C1-pc statement of organization within 2 weeks of accepting contributions or making expenditures, whichever is sooner.

On information and belief, the respondent has failed to abide by this requirement.

4) Illegal unauthorized expenditure of funds by an individual not listed as an officer on form C-1/C1-pc. (Violation of RCW 42.17A.425)

State law requires that no expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form.

On information and belief, respondent failed to abide by this requirement.

5) Failure 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. (Violation of RCW 42.17A.235 (6)).

On information and belief, the respondent has failed to abide by this requirement.

6) Illegal depositing of campaign funds into bank account by person other than the treasurer or deputy treasurer. (Violation of RCW 42.17A.220 (1))

On information and belief, the respondent has failed to abide by this requirement.

7) Failure to include sponsor ID. (Violation of RCW 42.17A.320)

State law requires 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**.

On information and belief, the respondent has failed to abide by this requirement.

8) Failure to timely file form C6 reporting independent expenditure. (Violation of RCW 42.17A.255(2))

State law requires that independent expenditures must be reported to the PDC in a timely fashion. The form for disclosing independent expenditures is identified as form C6 according to the PDC.

On information and belief, the respondent has failed to abide by this requirement.

The PDC should investigate the possibility that the respondent committed the above violations maliciously, which would be a class C felony per **RCW 42.17A.750 (2)(c)**. If the PDC determines that is the case, they should refer the case to the Attorney General's office for criminal prosecution immediately.

Please don't hesitate to contact me if you need any additional information.

Please note the attached exhibit is provided in two different file formats for staff convenience.

Best Regards,

Glen Morgan

Exhibit A -- Illegally Late filed C3 and C4 reports

Approximate Cumulative Days Late -- 2079									
Violation #	Report #	Report Type	Amended? Y/N	Deposit Date	Days Late Deposit	Due Date	Date Submitted	Approximate Days Late	
1	100812602 C4		N			2/12/2018	2/14/2018	2	
2	100810270 C4		N			1/10/2018	2/2/2018	23	
3	100807733 C4		N			12/11/2017	1/10/2018	30	
4	100801750 C4		N			10/31/2017	11/29/2017	29	
5	100796014 C4		N			10/17/2017	10/26/2017	9	
6	100780291 C4		N			7/11/2017	8/1/2017	21	
7	100780293 C4		N			7/25/2017	8/1/2017	7	
8	100769174 C4		N			6/12/2017	6/13/2017	1	
9	100761085 C4		N			5/10/2017	5/17/2017	7	
10	100757307 C4		N			3/10/2017	4/25/2017	46	
11	100757310 C4		N			4/10/2017	4/25/2017	15	
12	100749480 C4		N			2/10/2017	2/23/2017	13	
13	100738583 C4		N			12/12/2016	12/14/2016	2	
14	100733353 C4		N			11/1/2016	11/2/2016	1	
15	100728762 C4		N			10/18/2016	10/19/2016	1	
16	100722071 C4		N			9/12/2016	9/20/2016	8	
17	100711920 C4		N			7/26/2016	7/27/2016	1	
18	100708563 C4		N			7/12/2016	7/15/2016	3	
19	100691776 C4		N			4/11/2016	4/25/2016	14	
20	100675474 C4		N			1/11/2016	1/13/2016	2	
21	100666021 C4		N			10/27/2015	10/28/2015	1	
22	100662243 C4		N			10/13/2015	10/14/2015	1	
23	100637210 C4		N			5/11/2015	5/18/2015	7	
24	100812597 C3		N	1/17/2018		2/11/2018	2/14/2018	3	
25	100812600 C3		N	1/31/2018		2/11/2018	2/14/2018	3	
26	100812601 C3		N	1/31/2018		2/11/2018	2/14/2018	3	
27	100810269 C3		N	12/28/2017		1/10/2018	2/2/2018	23	
28	100810268 C3		N	12/28/2017		1/10/2018	2/2/2018	23	
29	100810265 C3		N	12/28/2017		1/10/2018	2/2/2018	23	
30	100807728 C3		N	11/30/2017		12/11/2017	1/10/2018	30	
31	100807732 C3		N	11/30/2017		12/11/2017	1/10/2018	30	

32	100807729 C3	N	11/29/2017	0	12/11/2017	1/10/2018	30
33	100801747 C3	N	10/23/2017	0	10/30/2017	11/29/2017	30
34	100801749 C3	N	10/31/2017	0	11/6/2017	11/29/2017	23
35	100801748 C3	N	10/31/2017	0	11/6/2017	11/29/2017	23
36	100796011 C3	N	9/27/2017	0	10/2/2017	10/26/2017	24
37	100796012 C3	N	9/29/2017	0	10/2/2017	10/26/2017	24
38	100796010 C3	N	9/18/2017	0	9/25/2017	10/26/2017	31
39	100796009 C3	N	9/5/2017	0	9/11/2017	10/26/2017	45
40	100785316 C3	N	8/8/2017	0	8/14/2017	9/6/2017	23
41	100785319 C3	N	8/31/2017	0	9/4/2017	9/6/2017	2
42	100785315 C3	N	7/31/2017	0	8/7/2017	9/6/2017	30
43	100785317 C3	N	8/8/2017	0	8/14/2017	9/6/2017	23
44	100785318 C3	N	8/14/2017	0	8/21/2017	9/6/2017	16
45	100780283 C3	N	6/19/2017	0	6/26/2017	8/1/2017	36
46	100780286 C3	N	6/30/2017	0	7/3/2017	8/1/2017	29
47	100780285 C3	N	6/30/2017	0	7/3/2017	8/1/2017	29
48	100780284 C3	N	6/23/2017	0	6/26/2017	8/1/2017	36
49	100769172 C3	N	5/31/2017	0	6/12/2017	6/13/2017	1
50	100769170 C3	N	5/17/2017	0	6/12/2017	6/13/2017	1
51	100769173 C3	N	5/31/2017	0	6/12/2017	6/13/2017	1
52	100761084 C3	N	4/27/2017	0	5/10/2017	5/17/2017	7
53	100761083 C3	N	4/27/2017	0	5/10/2017	5/17/2017	7
54	100761081 C3	N	4/12/2017	0	5/10/2017	5/17/2017	7
55	100757304 C3	N	2/22/2017	0	3/10/2017	4/25/2017	46
56	100757308 C3	N	3/30/2017	0	4/10/2017	4/25/2017	15
57	100757309 C3	N	3/30/2017	0	4/10/2017	4/25/2017	15
58	100757306 C3	N	2/28/2017	0	3/10/2017	4/25/2017	46
59	100757305 C3	N	2/28/2017	0	3/10/2017	4/25/2017	46
60	100757303 C3	N	2/22/2017	0	3/10/2017	4/25/2017	46
61	100749475 C3	N	1/4/2017	0	2/10/2017	2/23/2017	13
62	100749479 C3	N	1/31/2017	0	2/10/2017	2/23/2017	13
63	100749478 C3	N	1/31/2017	0	2/10/2017	2/23/2017	13
64	100749476 C3	N	1/4/2017	0	2/10/2017	2/23/2017	13
65	100749477 C3	N	1/31/2017	0	2/10/2017	2/23/2017	13
66	100738578 C3	N	11/30/2016	0	12/12/2016	12/14/2016	2
67	100738574 C3	N	11/30/2016 0		12/12/2016	12/14/2016	2

68	100738582 C3	N	11/30/2016	0	12/12/2016	12/14/2016	2
69	100738581 C3	Y	11/1/2016	0	11/7/2016	12/14/2016	37
70	100738573 C3	N	11/1/2016	0	11/7/2016	12/14/2016	37
71	100738572 C3	N	11/1/2016	0	11/7/2016	12/14/2016	37
72	100728758 C3	N	9/30/2016	0	10/3/2016	10/19/2016	16
73	100728761 C3	N	9/30/2016	0	10/3/2016	10/19/2016	16
74	100728760 C3	N	9/30/2016	0	10/3/2016	10/19/2016	16
75	100722067 C3	N	8/3/2016	0	8/8/2016	9/20/2016	43
76	100722069 C3	N	8/31/2016	0	9/5/2016	9/20/2016	15
77	100722065 C3	N	7/26/2016	0	8/1/2016	9/20/2016	50
78	100722066 C3	N	7/26/2016	0	8/1/2016	9/20/2016	50
79	100722070 C3	N	8/31/2016	0	9/5/2016	9/20/2016	15
80	100722068 C3	N	8/23/2016	0	8/29/2016	9/20/2016	22
81	100711919 C3	N	7/15/2016	0	7/18/2016	7/27/2016	9
82	100708558 C3	N	6/2/2016	0	6/6/2016	7/15/2016	39
83	100708560 C3	N	6/8/2016	0	6/13/2016	7/15/2016	32
84	100708561 C3	N	6/30/2016	0	7/4/2016	7/15/2016	11
85	100708562 C3	N	6/30/2016	0	7/4/2016	7/15/2016	11
86	100708559 C3	N	6/2/2016	0	6/6/2016	7/15/2016	39
87	100695100 C3	N	4/13/2016	0	5/10/2016	5/11/2016	1
88	100691775 C3	N	3/31/2016	0	4/11/2016	4/25/2016	14
89	100691773 C3	N	3/16/2016	0	4/11/2016	4/25/2016	14
90	100691772 C3	N	3/1/2016	0	4/11/2016	4/25/2016	14
91	100691774 C3	N	3/31/2016	0	4/11/2016	4/25/2016	14
92	100675463 C3	N	12/31/2015	0	1/11/2016	1/13/2016	2
93	100675464 C3	N	12/31/2015	0	1/11/2016	1/13/2016	2
94	100667158 C3	N	10/30/2015	0	11/2/2015	11/4/2015	2
95	100667156 C3	N	10/30/2015 0	0	11/2/2015	11/4/2015	2
96	100655489 C3	N	8/31/2015	0	9/7/2015	9/8/2015	1
97	100655491 C3	N	8/31/2015 0	0	9/7/2015	9/8/2015	1
98	100655492 C3	N	8/31/2015	0	9/7/2015	9/8/2015	1
99	100652449 C3	N	8/3/2015	0	8/10/2015	8/11/2015	1
100	100652448 C3	N	8/3/2015	0	8/10/2015	8/11/2015	1
101	100645250 C3	N	6/24/2015	0	6/29/2015	6/30/2015	1
102	100641980 C3	N	6/3/2015	0	6/8/2015	6/9/2015	1
103	100637208 C3	N	4/30/2015	0	5/11/2015	5/18/2015	7

104	100637204	C3	N	4/1/2015	0	5/11/2015	5/18/2015	7
105	100637207	C3	N	4/30/2015	0	5/11/2015	5/18/2015	7
106	100637205	C3	N	4/17/2015	0	5/11/2015	5/18/2015	7
107	100637206	C3	N	4/30/2015	0	5/11/2015	5/18/2015	7
108	100621586	C3	N	1/6/2014	0	2/10/2014	1/8/2015	332

Schwerin Campbell Barnard Iglitzin & Lavitt LLP

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May 15, 2018

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Washington Attorney General's Office
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Olympia, WA 98504-0100

RE: IBEW Local 483 PAC—Alleged Violations of RCW 42.17A
PDC Complaint #34201
SCBIL File No. 3401-001

Dear Mr. Ragins and Mr. Perkins:

On behalf of the International Brotherhood of Electrical Workers, Local 483 PAC (“the PAC”), we are hereby responding to the allegations raised by Glen Morgan in the above-referenced matter. As we understand it, Mr. Morgan has filed *both* a complaint with the PDC and a citizen action-initiating 45-day letter with the Attorney General. As we do not currently have clarity regarding which agency is investigating this situation, we are addressing our response to both of you.

Many of Mr. Morgan’s allegations are absolutely unfounded, as described herein. The majority of Mr. Morgan’s claims lack sufficient detail and specificity to form the basis for a conclusion that a violation of the Fair Campaign Practices Act (“FCPA”) has occurred. Seven of his eight allegations are based on nothing more than “information and belief.”

For all of these reasons, we believe that the allegations in this complaint should be dismissed outright. To the extent there are *de minimis* filing errors, these errors do not constitute “reasonable cause” to support a civil lawsuit under RCW 42.17A.765(4), as there is simply no reason to support any belief that some provision of this chapter is being or has been violated in any meaningful way. At worst, if you determine that the PAC failed to follow the PDC’s best practices, the appropriate remedy would be for the PDC to review these issues in a constructive and meaningful way.

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We address the specific claims that were made against the PAC by Mr. Morgan in turn, as follows:

1. “Failure to file accurate, timely C3 and C4 reports. (Violation of RCW 42.17A.235)”

Mr. Morgan’s complaint is riddled with inaccuracies. For example, Mr. Morgan alleges that one C3 (100621586) was filed 332 days late. This form reflects that the PAC received a cash donation on January 6, “2014,” deposited the cash the same day, and filed the form on January 8, 2015. The Treasurer simply inadvertently entered the previous year in the date, rather than the correct year of 2015 – a not-uncommon typo to be made in January. Mr. Morgan has alleged that the form is nearly one year late – **while in fact the form was not late at all.**

Numerous “due dates” cited in Mr. Morgan’s “Exhibit A” are incorrect. Mr. Morgan’s spreadsheet includes three “late” C3s that were filed on September 8, 2015 – Mr. Morgan’s due date of September 7 was, in fact, Labor Day, **making the three forms timely.**¹ Similarly, he provides July 4, 2016 as a due date, when in fact it was July 5. Mr. Morgan states that other C3s were due on February 11, 2018, when in fact February 12 is the correct deadline.

Other errors and exaggerations abound. Consider form 100738581, which amends 100738574. Mr. Morgan alleges that the PAC filed its amended form 37 days late. 100738581 makes only one change from 100738574—the earlier form incorrectly stated that a \$2.00 donation received on 11/1/16 was deposited on 11/30/16. 100738581 corrects the deposit date to 11/1/16. It does not add any additional donations. 100738581 was not, by any stretch of the statute, “untimely filed.”

Approximately 18 of the C3s Mr. Morgan alleges are late report only \$2.00 in cash donations. Such forms are too *de minimis* to support an enforcement action or civil lawsuit.

Even using Mr. Morgan’s due dates (despite their inaccuracies), many of the forms Mr. Morgan cites are three days late or less. Mr. Morgan’s spreadsheet of so-called late-filed forms is nothing more than a collection of, at worst, *de minimis* “errors.” The *totality* of the “errors” Mr. Morgan alleges would certainly not rise to the level of thwarting the transparency requirements of the FCPA.

This claim is simply not enough to support either an enforcement action or a civil lawsuit.

2. “Failure to report last minute contributions. (Violation of RCW 42.17A.265)”

This is a completely baseless allegation by Mr. Morgan, who has presented not a single shred of evidence to support it. Mr. Morgan’s allegations here are false, as the PAC has complied

¹ The forms are 100655489, 100655491, and 100655492.

with its reporting and record-keeping obligations with respect to contributions made to it, and this allegation should therefore be dismissed outright.

3. *“Failure to list committee officers, timely file/update C-1/C-1PC. (Violation of RCW 42.17A.205, see WAC 390-05-245)”*

Mr. Morgan has presented no evidence in support of this allegation. The PAC has, in fact, filed and updated its C-1pc to reflect changes in committee membership. For example, the PAC updated its C-1pc in 2018 because one of the committee members listed on the 2017 form left. Mr. Morgan’s allegation must be dismissed outright. The officers listed on the C1-pcs are correct.

4. *“Illegal unauthorized expenditure of funds by an individual not listed as an officer on form C-1/C1-pc. (Violation of RCW 42.17A.425)”*

Mr. Morgan has presented no evidence in support of this allegation. In fact, there is no evidence to support this allegation that he could have presented, because the only individuals who incur expenditures on behalf of the PAC are listed on the C1-pc.

Mr. Morgan’s allegation is nothing more than a baseless assertion where no wrongdoing has occurred. We ask that this allegation be dismissed outright.

5. *“Failure 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. (Violation of RCW 42.17A.225(6))”*

Mr. Morgan contends that the PAC violated RCW 42.17A.235(6) for failing 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.” Mr. Morgan presents no factual basis to support this overly broad claim and the PAC disputes it.

This allegation is nothing more than a request for a fishing expedition, based on nothing more than Mr. Morgan’s suspicion. Yet again, this allegation should be outright dismissed.

6. *“Illegal depositing of campaign funds into bank account by person other than the treasurer or deputy treasurer. (Violation of RCW 42.17A.220(1))”*

This is yet another factually unsupported allegation by Mr. Morgan. Mr. Morgan has not presented any evidence in support of this allegation, because there is no evidence to support this claim. It is simply untrue. We ask that it be dismissed outright.

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7. “Failure include sponsor ID. (Violation of RCW 42.17A.320)”

It is not clear why Mr. Morgan believes that the PAC has engaged in political advertising. The PAC has not taken out any political ads or print materials of any kind. Therefore, it is factually impossible for the PAC to have violated RCW 42.17A.320's requirements. This allegation should be dismissed outright.

8. “Failure to timely file form C6 reporting independent expenditure. (Violation of RCW 42.17A.255(2))”

As with the above allegation, it is unclear why Mr. Morgan believes the PAC has violated RCW 42.17A.255(2). Mr. Morgan has presented no evidence that the PAC has ever made an independent expenditure, presumably because it has not, in fact, made an independent expenditure. This allegation should therefore also be dismissed.

Conclusion

Mr. Morgan ends his letter with an utterly unfounded claim that there is a “possibility that the [PAC] committed the above violations maliciously.” This is yet another completely baseless allegation that should be outright dismissed.

For the foregoing reasons, we believe that it would be appropriate for the AG's office to dismiss the entire sum of Mr. Morgan's allegations outright. This will ensure that the purposes of the FCPA are upheld in the most appropriate and straightforward way possible. We respectfully ask your office to so conclude.

If you have any questions, or if there is anything we can do to be of assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dmitri Iglitzin".

Dmitri Iglitzin

Sarah Derry

Counsel for the IBEW Local 483 PAC