

August 8, 2021

Tabitha Blacksmith
Compliance Coordinator
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

RE: Burke, Katherine: Alleged violations of RCW 42.17A.430(8), .235 & .240
Case# 96400

Dear Ms. Blacksmith:

On behalf of People for Kate Burke (“the Committee”), I am hereby responding to the allegations raised by Mr. Glen Morgan in the above-referenced matter.

Mr. Morgan’s allegations are unfounded, as described herein. Several of the allegations seem to be based on a misreading of reports submitted to the PDC by this committee and a fundamental misunderstanding of Campaign Finance law.

Under normal circumstances, the extent of any errors made by the Committee would have merely been addressed by the PDC in a constructive and meaningful way. The Committee does not believe the extent of any of the actions it allegedly took would justify imposing any sort of penalty in excess of such a referral, if further action is even deemed necessary at all.

As discussed in more detail below, the PDC should work with the Committee to ensure that any errors are corrected in a way which satisfies the law. The violations alleged by Mr. Morgan are either unmeritorious or involve de minimis and technical violations that do not warrant judicial enforcement.

1. “Allegation One: Alleged violation of RCW 42.17A.430(8) by transferring funds & making expenditures from a Surplus Funds Account.”

In their complaint Mr. Morgan identifies what he refers to as a \$500 contribution to the Spokane County Democratic Central Committee (SCDCC) which the SCDCC reported on 3/27/2017. Mr. Morgan claims this as evidence that The Committee made an illegal contribution from its campaign funds. Mr. Morgan correctly identifies that this transaction occurred prior to the creation of The Committee’s Surplus Funds Campaign due to the fact that the transaction occurred **during** the election campaign. The “contribution” referenced by Mr. Morgan, however, was not a contribution of campaign funds but a transaction for goods and services provided by the SCDCC. As reported on C4 100754254, The Committee reported the expenditure as purchasing of advertisement space in the program guide for an event hosted by the SCDCC.

The report that Mr. Morgan later references, filed in December after the election, was a contribution of surplus funds to the SCDCC in accordance with PDC guidance and Washington State Campaign Finance law. Without conceding to his allegation, The Committee’s understanding

is that the candidate may properly dispense surplus funds and report them under the existing campaign committee **through the end of the reporting period**. While there was some initial confusion in creating the surplus funds committee (expenses were initially reported under a 2021 Campaign Committee but with guidance from the PDC this was corrected, and a Surplus Funds Committee was established to accurately reflect expenditures made) expenses made **after** December 31st 2017 were reflected in reports by the Surplus Funds Committee.

Mr. Morgan further alleges that Surplus Funds were illegally used for campaign related expenses, which is demonstrably false as evidence by our reporting and detailed below.

- C4 100929350 – Expenses for non-reimbursed office activities (constituent outreach)
- C4 100929352 & 100929353 – The web-domain for VoteKateBurke.com was paid for and maintained as a constituent outreach tool during her term in office.

The claim that The Committee misused surplus funds is without merit.

2. “Allegation Two: Alleged violation of RCW 42.17A.235 & .240 for failure to timely & accurately reporting expenditure made to a political party & failure to account for beginning 2017 campaign balance”

Mr. Morgan correctly identifies an error in our reporting of the initial balance of the 2021 Re-election campaign. As noted in our response to allegation one, there had been some confusion upon setting up the campaign committee. With the help of PDC staff this was corrected, and a proper Surplus Funds campaign was established and maintained with timely reporting. The \$2,948.60 that Mr. Morgan references here is the ending balance of The Committee’s 2017 campaign as reported in the final C4 of that campaign. The balance for the 2021 campaign should be \$192.92 (as of 1/1/2020) and this has since been corrected. Ms. Burke chose in early 2021 not to run for re-election and any remaining funds will be dispensed in accordance with Washington State law with respects to Surplus Funds. There has been no activity to report for the 2021 year. While it is true that the reported balance was in error, the use of those funds was properly reported under the Surplus Funds campaign. At no point was this obfuscated from the public.

Furthermore, the claim that the enforcement hearing earlier this year had anything to do with The Committee’s lack of filings is blatantly false leaning towards salacious. As is a matter of public record these hearings were with respects to Ms. Burkes F1 statement and not her campaign.

Conclusion

The Committee has consistently made every effort to comply with Washington State campaign finance law. It has never been the intent of the Committee to withhold, obscure, or otherwise conceal the nature of its financing from the public. While Mr. Morgan’s allegation that we failed to properly report the 2021 campaign balance is technically accurate, the Committee holds that it is insufficient to support the further claim that this error constitutes intent to deprive the public from meaningful information. With respects to Mr. Morgan’s other allegations, they are demonstrably false as reported herein.

For the foregoing reasons, I believe that it would be appropriate for the PDC to work with the Committee to ensure that any errors which may remain are corrected in a way which satisfies the law.

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

Sincerely,
Geoffrey Bracken
Treasurer, People for Kate Burke
509-251-1816
Gbrackcen89@gmail.com

CC: Katherine Burke Kateburke509@gmail.com