



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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October 5, 2021

Delivered electronically to "wallerdorian@gmail.com"

Subject: Complaint regarding Committee to Retain Ethelda Burke, PDC Case 97085

Dear Dorian Waller:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 4, 2021. Your complaint alleged Committee to Retain Ethelda Burke may have violated RCW 42.17A.235 and .240 by reporting outstanding debt in the amount of \$2,345 for services rendered by the Candidate's consultant, Archway Consulting Group, as an in-kind contribution from the candidate, and by failing to report the candidate's initial payment of a \$2,500 retainer fee to Archway Consulting Group as an expenditure.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response provided by Committee to Retain Ethelda Burke; the applicable PDC reports filed by Respondent; and the consulting contract between Ethelda Burke and Archway Consulting Group to determine whether the record supports a finding of one or more violations.

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

- Ethelda Burke signed a Campaign Retainer Contract with the Complainant's firm, Archway Consulting Group, on May 25, 2021 and paid in full the required retainer of \$2,500 on May 31, 2021, using the candidate's personal credit card for the payment.
- Ethelda Burke stated she did not initially report payment of the retainer because she did not know how to report the payment and then apply the use of those monies toward the Complainant's Invoice for services rendered, without duplicating reporting of the payment.
- Ms. Burke said she initially elected to record use of the Retainer when expenditures were incurred on behalf of the campaign, even though payment had already been made, but subsequently amended her reports with assistance from PDC staff to show payment of the \$2,500 Retainer fee on May 31, 2021 as an in-kind contribution when it was paid, followed by text page attachment descriptions when expenses were applied against the Retainer fee.
- For example, on August 12, 2021, Ms. Burke amended her C-4 Report covering the period 5/17/21 – 5/31/21 to show an in-kind contribution from Ethelda Burke to Ms. Burke's campaign

for paying the \$2,500 Retainer fee to Archway Consulting Group. The contribution is described as being for the payment of a Retainer per paragraph 3 of the Retainer contract.

- Also, on August 12, 2021, Ms. Burke amended her C-4 Report covering the period 6/1/21 – 7/12/21 to include a text page attachment describing services applied against the \$2,500 Retainer as follows: Creation of Ongoing Management of Campaign Website, \$500; Logo Design and Yard Sign Design, \$320; Campaign Yard Signs, \$1,275; 250 Metal Stakes, \$250; Retainer Unused, \$155; Total, \$2,500.
- Ms. Burke asserted the Complainant incorrectly claims the invoice from Archway Consulting Group for \$2,345 is a valid debt because the contract clearly states in Paragraph 3: “Client will pay a retainer to Archway for Services in the amount of \$2,500. This fee shall be payable in a lump sum or via monthly payment as reflected in Exhibit B.” Ms. Burke states the Contract lists covered services in Paragraph 1, “Description of Services” which includes the services listed on the June 25, 2021 invoice for \$2,345.

Based on these findings, staff has determined that in this instance, there is no evidence supporting the finding of a violation warranting further investigation.

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 Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*Electronically Signed Philip E. Stutzman*

Phil Stutzman  
Compliance Officer

Endorsed by,

*Electronically Signed Kim Bradford*

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director

cc: Committee to Retain Ethelda Burke