



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.pdcc.wa.gov

Memorandum

To: Presiding Officer, Public Disclosure Commission (PDC)

From: Erick O. Agina, Compliance Officer

Date: January 19, 2024

Subject: Enforcement Hearing Memorandum: PDC Case #121957 – Washington Against Discrimination Everywhere (WADE)

Allegation(s):

PDC staff alleges that Washington Against Discrimination Everywhere (WADE) political action committee and its principal committee member, Jesse Wineberry, violated RCW 42.17A.235 and .240 by failing to file timely and accurate Summary, Full Report Receipts and Expenditures (C-4) reports and RCW 42.17A.205 by failing to file an updated Committee Registration (C1-pc).

Background:

- WADE was a political action committee that supported Initiative Measure No. 1776, a Statewide Ballot Measure/Proposition in the 2020 election year.
- On June 18, 2020, WADE filed a Committee Registration (C-1pc) as a “Continuing” committee and listed Dr. Terry Ross, Dr. Lynn French and Amanuel Mamo, and Abdirahman Mohamud, CPA as Main Sponsor, Co-Sponsors and Treasurer, respectively [**Exhibit A**].
- On February 16, 2023, PDC staff received a complaint filed by Glen Morgan alleging that WADE had violated RCW 42.17A.235 and .240 by failing to file timely and accurate Summary, Full Campaign Contribution and Expenditure (C-4) reports, disclosing contributions and expenditures undertaken by the Committee, as required for a Committee registered under the “Full Reporting” option [**Exhibit B**].
- PDC staff sent notice of the complaint to WADE on March 1, 2023, and requested a response to the complaint by March 15, 2023 [**Exhibit C**].

- PDC staff received an initial response to the complaint on the March 27, 2023, from Toussaint Myricks, Esq., attorney for WADE, stating that: “The “services rendered by my firm to the WADE campaign were NOT services rendered as ‘in-kind’ contributions. Once payment is made, both \$100 penalty and the legal fee for professional services will be promptly reported on the appropriate reporting form.” **[Exhibit D]**.
- On April 27, 2023, attorney Myricks sent a follow-up response stating: “For the record, no in-kind legal services were provided in support of a ballot proposition. I will await contact from the staff person you mentioned today who can help me prepare and submit a final C-4 report for the WADE.” **[Exhibit E]**
- On May 1, 2023, PDC Staff received an email communication from attorney Myricks notifying staff that he was in contact with PDC’s filer assistance staff and will work together with staff to prepare and file the final C-4 report.
- On May 3, 2023, PDC Staff received a follow up email from attorney Myricks explaining the source of contributions for legal fees for the representation provided to WADE by his firm, for the proceedings associated with defending PDC Case 82263 against WADE **[Exhibit F]**
- On May 11, 2023, PDC Staff sent a follow up email to attorney Myricks notifying him that the names of the contributors/donors and the amount contributed/donated by each donor for the in-kind donation received by WADE for legal services rendered by his firm and the \$100 civil penalty will need to be included in the final C-4 report **[Exhibit G]**
- On May 12, 2023, PDC Staff sent another follow up email to attorney Myricks after he failed to respond to the May 11, 2023 email, noting that the staff had scheduled an initial hearing for Thursday, May 18, 2023, at 1:30 p.m. In the same email, staff indicated that the initial hearing would be canceled if WADE files the required C-4 report with the full names of the contributors who contributed money to pay the \$100 civil penalty and legal fees for legal services rendered by his firm to WADE in defense of PDC Case 82263. **[Exhibit H]**
- On May 17, 2023, attorney Myricks responded to staff’s May 11 and May 12, 2023, emails and provided the names of the contributors who contributed money to pay for the civil penalty assessed in PDC Case 82263 and for legal services fees for services rendered by attorney Myricks’ firm in defense of WADE in PDC Case 82263.
- On May 18, 2023, attorney Myricks sent another follow up email to PDC Staff, stating that WADE had filed its final report showing in-kind contributions received for civil penalty payment in the amount of \$100 to PDC that was assessed under PDC Case 82263, and for in-kind contributions received for legal services rendered by attorney Myrick’s law firm to WADE in defense of PDC case 82263. **[Exhibit I]**.
- On the same day, PDC staff responded to attorney Myricks May 18, 2023, email stating: “I just left you a voicemail stating that we need confirmation from you that Mr. Abdirahman Mohamud, CPA, is still WADE’s treasurer. The reports you filed this morning for WADE show Mr. Mohamud as the one certifying the reports. However, based on our investigation in case 82263, which concluded on or about January 31, 2023, Mr. Mohamud sent a formal

email to the PDC noting that he was no longer associated with WADE. That was on December 7, 2021,” and attached a copy of the email from Mr. Mohamud. **[Exhibit J]**

- On May 18, 2023, staff sent a Notice of Initial Hearing (Case Status Review) to attorney Myricks on behalf of WADE **[Exhibit K]**.
- On the same day, May 18, 2023, PDC Staff received a response from attorney Myricks in response to a request for confirmation that Mr. Abdirahman Mohamud was still WADE’s treasurer of record. In his response, attorney Myricks stated: “As you know, WADE is not an existing political committee. Washington state law does not address the unique situation where committee financial reports are filed after a candidate or political committee no longer exists. As you will see below, RCW 42.17A.210 defines a ‘treasurer’ only within the context of an active candidate or political committee.” **[Exhibit L]**
- On May 19, 2023, PDC Staff sent, via electronic mail/email, the Initial Hearing Results for the Initial Hearing/Case Status Review to attorney Myricks on behalf of WADE, after opening a formal investigation on May 18, 2023 **[Exhibit M]**.
- Between May 19 and August 2023, PDC staff tried unsuccessfully to contact attorney Myricks and left voicemail messages but did not hear back from Mr. Myricks. On August 16 and August 25, 2023, PDC Staff sent follow-up emails to the voicemail messages stating: “This is a follow up to the voicemail I left on both your desk and cell phones requesting that you call me back so we can discuss this case. As it stands, the current complaint against your client (WADE) has not been resolved. Please call me at your earliest convenience so we can discuss this matter further.”
- On September 18, 2023, PDC Staff sent an email to attorney Myricks notifying him that staff received a supplemental complaint against his client from Mr. Morgan and attached both complaints. In the email, staff requested that WADE respond to the supplemental complaints by Monday, October 2, 2023. To date the staff has not received a response from attorney Myricks or his client WADE **[Exhibit N]**.
- On January 2, 2024, PDC staff sent a formal Notice of a Brief Adjudicative Proceeding (Brief Enforcement Hearing) to attorney Myricks via email.
- On January 19, 2024, PDC Staff sent an Amended Notice of the Brief Adjudicative Proceeding (Brief Enforcement Hearing) to attorney Myricks via email **[Exhibit O]**

Laws & Rules:

RCW 42.17A.235(9) and **RCW 42.17A.240** require political committees to file timely, accurate reports of contributions and expenditures. All reports filed shall be certified as correct by the treasurer.

RCW 42.17A.205(4) requires political committees to report any material change in information previously submitted in a statement of organization to the commission within ten days following the change.

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Exhibit List:

- **Exhibit A** – Committee Registration (C-1pc) – WADE; filed June 18, 2020.
- **Exhibit B** – Complaint, PDC Case 121957; filed February 16, 2023.
- **Exhibit C** – Notice of Complaint Email from Staff to WADE.
- **Exhibit D** – Initial Response to the Complaint Email from WADE to Staff – 3/27/2023.
- **Exhibit E** – April 27, 2023 Follow up email response from WADE to PDC Staff.
- **Exhibit F** – May 3, 2023 Follow up email response from WADE to PDC Staff.
- **Exhibit G** – May 11, 2023 Follow up Email from PDC Staff to WADE’s Attorney.
- **Exhibit H** – May 12, 2023 Follow up Email from Staff to WADE – May 12, 2023.
- **Exhibit I** – May 18, 2023 Follow up Email from WADE’s Attorney to PDC Staff.
- **Exhibit J** – May 18, 2023 Follow up Email from Staff to WADE’s Attorney.
- **Exhibit K** – Initial Hearing Notice (Case Status Review) – PDC Case 121957.
- **Exhibit L** – May 18, 2023 Email Response from WADE’s Attorney to PDC Staff
- **Exhibit M** – Initial Hearing Results after Opening a Formal Investigation – Case 121957.
- **Exhibit N** – Notice of Supplemental Complaints Email from PDC Staff to WADE.
- **Exhibit O** – Amended Notice of Brief Adjudicative Proceeding (Brief Enforcement Hearing)