



State of Washington
PUBLIC DISCLOSURE COMMISSION

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September 19, 2023

Sent electronically to Kevin O'Sullivan at Osullivan_K@aol.com

Subject: Complaint regarding Washingtonians to Recall Inslee, PDC Case 139428

Dear Mr. O'Sullivan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 26, 2023. The complaint alleged that Washingtonians to Recall Inslee, a recall committee registered with the Public Disclosure Commission (PDC) in 2021, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately file Summary, Full Report Receipts and Expenditures (C-4) reports in 2021 and 2022, as required by law.

PDC staff reviewed your allegation(s); the applicable statute(s), rule(s), and reporting requirements; the Cash Receipts Monetary Contributions (C-3) and Summary, Full Report Receipts and Expenditures C-4 reports filed by the Washingtonians to Recall Inslee (Committee) in 2021 and 2022; the response to the complaint provided by C. Davis, Treasurer, on behalf of the Committee; and other relevant information to determine whether the record supports a finding of one or more violations.

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

- On January 1, 2021, Washingtonians to Recall Inslee filed a Committee Registration (C-1pc), selecting the Full Reporting Option and listing C. Davis as Treasurer.
- You alleged that the Committee failed to timely file contributions and expenditures (C-4) reports. Specifically, you included six attachments/links to six C-4 reports that you alleged were filed late in the 2022 election year. You also included a link to one C-4 report filed in 2021 by the Committee that you alleged "don't contain the level of detail required."
- Staff reviewed the statutory C-4 reports filed by the Committee in the months of March, May, August – November 2022. Staff noted that the six C-4 reports you noted in the complaint for March, May, August – November 2022, were reported between 4 and 15 days late. Staff also reviewed the March and April 2021 C-4 reports that you alleged lacked the required statutory expenditure details and found that the Committee failed to include the expenditure details for one item on the March and April reports. The Committee failed to include the number/quantity for the expenditures for envelopes and poly bags purchased by the Committee on March 22 and April 30, 2021, in the amount of \$87.50 and \$74.36, respectively.

- Additionally, staff also noted that the Committee experienced filing difficulties with ORCA, the PDC's reporting software, which was reported to the PDC IT department for help. Mr. Davis, the Committee's treasurer, contacted the PDC Filer Assistance and/or Customer Service sections in February 2022 to find a solution to the Committee's inability to file reports beyond its initial year of activity. This occurred because the Committee registered as a single-year election committee in 2021 but later determined the election would not occur until a future year. Because of its inability to report beyond the initial year of activity, the Committee was not able to file its reports until a system work-around was enabled by the PDC IT department. However, while the Committee experienced technical filing difficulties as noted above, the issue was timely resolved by the PDC IT department and the Filer Assistance team at PDC contacted the Committee shortly thereafter to provide the Committee with help to resolve the situation prior to the complaint being filed/received, and the Committee was non-responsive. A timely request for support assistance when difficulties were first encountered would have facilitated timely filing. Similarly, a timely response to PDC support would have enabled the Committee to come into compliance more quickly.
- Based on the two prior complaints filed against the Committee in 2021 (complaint# 95815) and 2022 (complaint# 107983), and resolved on September 13, 2021 and July 15, 2022, the Committee amended numerous reports to show proper breakdown and fully describe the purpose of expenditures pursuant to RCW 42.17A.240 and WAC 390-16-037.

Based on these findings staff has determined that, in this instance, the Committee's failure to timely and accurately file six C-4 reports in 2022 and properly breakdown/fully describe the purpose of expenditures for one item each in the March and April 2021 C-4 reports, does not amount to a violation that warrants further investigation.

However, pursuant to WAC 390-37-060(1)(d), the Committee will receive a formal written warning concerning its failure to accurately and timely disclose expenditure and fully describe the Committee's expenditure activities in the C-4 reports for 2021 and 2022 election years/campaigns. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules. **This amends our previous warning letters, issued on September 13, 2021, and July 15, 2022, which also concerned the content of the Respondent's C-4 reports pursuant to Title 41.17A RCW.**

Accordingly, 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 Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Erick O. Agina, Compliance Officer

s/_____
Peter Frey Lavalley, Executive Director

cc: Washingtonians to Recall Inslee