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Sent via e-mail to pdc@pdc.wa.gov

December 17, 2024

Public Disclosure Commission
711 Capitol Way S #206
Olympia, WA 98504

Re: Complaint No. 163094
BIL File No. 6675-002

Dear PDC Staff:

We represent Green Jobs PAC with regard to the above-referenced matter. We write to respond to allegations raised by Ms. Cantrell in her November 25, 2024, letter to the PDC. Ms. Cantrell's complaint alleges generally that Green Jobs PAC has violated RCW 42.17A.235 and .240 by failing to timely and accurately file expenditure reports.

1. Alleged Violation No. 1 Warrants Dismissal, a Reminder, or an Alternative Response.

Green Jobs PAC acknowledges that a C4 report as required seven days before the November 2024 general election failed to post to the PDC on-time. The 7-day pre-general C4 was due to be filed on October 29, 2024, but it was not recorded as filed until November 13, 2024, prior to any complaint.

Green Jobs PAC was aware of its filing obligation and took reasonable and appropriate steps to comply with it. All necessary information was appropriately communicated by Green Jobs PAC to its third-party compliance firm to enable a timely filing. Further the third-party compliance firm drafted and prepared the filing and recorded the C4 as filed on-time in its internal system and continued filing other C3 reports in a timely fashion. Nevertheless, the third-party compliance firm has so far not unearthed evidence of a PDC technical error to explain the late filing date recorded with the PDC and therefore accepts responsibility for the error. Green Jobs PAC takes compliance seriously and regrets this occurrence and has taken steps to ensure that such an error does not occur again.

The PDC recognizes alternative responses may represent a more efficient and effective use of public funds in certain circumstances. WAC 390-37-061(1). Numerous factors outlined in WAC 390-37-061(4) indicate an alternate response is appropriate regarding this violation.

A. It appears that noncompliance resulted from a good-faith error, omission, or misunderstanding.

As noted above, the error was unintentional, and was not the result of any intent to evade the requirements of the law. Green Jobs PAC's compliance history indicates the noncompliance was isolated or limited in nature, and not indicative of systematic or ongoing problems.

Moreover, Green Jobs PAC is a young organization, created April 1, 2024. It retained an experienced treasurer and took steps to ensure that all legal requirements would be complied with. This is the first time Green Jobs PAC has had a PDC complaint filed against it.

B. The impact of the noncompliance on the public was minimal.

Green Jobs PAC recognizes that due to the error, certain expenditures were not reported until after the election. However, it was clear to the public from Green Jobs PAC's registration form that with respect to calendar year 2024, it existed solely to oppose State Initiative No. 2117. See https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=59818. It was also clear to the public that, as of October 29, 2024, Green Jobs PAC had raised in excess of \$3 million for that purpose, and that it had already spent in excess of \$1.6 million in opposition to I-2117. See, e.g., <https://apollo.pdc.wa.gov/public/registrations/campaign-finance-report/110252566>. No reasonable person would have expected that Green Jobs PAC was not going to spend the bulk of its remaining \$1.275 million in available cash between October 15 (the date of its last pre-election report) and election day, which it in fact did. Thus, Green Jobs PAC's failure to report these expenditures prior to the election cannot be said to have materially impacted the public.

C. There is no evidence that any person, including an entity or organization, benefited politically or economically from the noncompliance.

No person, entity, or organization benefited from the noncompliance. The only affected organization is Green Jobs PAC itself, which is currently incurring non-trivial economic costs as a result of its non-compliance.

D. Green Jobs PAC quickly took corrective action or initiated other remedial measures prior to any complaint, or when noncompliance was brought to its attention.

Green Jobs PAC first became aware of its violation on November 27, 2024, when it learned about it via posts on X. Wasting no time, and even before the PDC contacted it directly about the complaint, Green Jobs PAC contacted all the people involved in ensuring compliance with the Fair Campaign Practices Act, and retained outside counsel, to make sure that this matter could be resolved as efficiently and quickly as possible. Since November 27, 2024, resolving this compliance issue has been the organization's top priority.

In light of these considerations, Green Jobs PAC requests that the PDC resolve this matter through a dismissal, written reminder, or an alternative response rather than a full investigation and adjudicative hearing.

If the PDC chooses to pursue further assessment of this matter, it should ultimately be dismissed with a reminder or warning letter because Green Jobs PAC did ultimately disclose all required information,

and indeed did so only fifteen days after that information was due, a relatively brief amount of time and prior to any complaint.

2. Alleged Violation No. 2 Also Warrants Dismissal, a Reminder, or an Alternative Response.

Green Jobs PAC acknowledges that it failed to identify all of the subvendors that AMS Communications Inc. (AMS) used in performing the services listed by Green Jobs PAC on its C-4 reports. Immediately after learning of this oversight, Green Jobs PAC acquired the relevant subvendor information from AMS and filed the necessary amended reports.

For the reasons set forth above with respect to the late-filed C-4 report, Green Jobs PAC requests that the PDC resolve this matter through a dismissal, written reminder, or an alternative response rather than a full investigation and adjudicative hearing. The PDC has frequently resolved similar cases through an alternate response to a formal investigation and enforcement under WAC 390-18-010, most often dismissal with a written warning. *See, e.g.*, PDC Case Nos. 79164, 78972. If the PDC chooses to pursue further assessment of this matter, it should ultimately be dismissed with a reminder or warning letter because Green Jobs PAC did ultimately disclose all required information and did so promptly after learning of its prior failure to do so.

3. Alleged Violation No. 3 Also Warrants Dismissal, a Reminder, or an Alternative Response.

Green Jobs PAC acknowledges that it failed to specify on its C-4 reports, with respect to its various expenditures, that those funds were being spent in opposition to I-2117. However, as was noted above, Green Jobs PAC's registration form listed its sole purpose, for the 2024 campaign year, as opposing I-2117. Thus, the failure to point out, for each specific expenditure, that that money was being spent to further the organization's only purpose, is the most trivial of technical violations of the law.

Notwithstanding that fact, upon learning of this complaint, Green Jobs PAC immediately took steps to amend all of its expenditure reports filed after the effective date of WSR 24-12-019 (i.e., June 24, 2024) to add the words "opposing I-2117" with respect to all disbursements made by the PAC. So, this highly technical violation has now been fixed. Applying the same equitable and legal factors and analysis that were summarized above, it is clear that dismissal, a reminder, or an alternative response is appropriate here as well. That is particularly true because the impact on the public of this particular alleged violation was nil, because it was obvious from the C1-pc form, not to mention to anyone who was paying attention to the political advertising Green Jobs PAC engaged in, that all of these expenditures were being made in opposition to I-2117.

Please contact me with any questions or concerns at (206) 257-6003.

Sincerely,

A handwritten signature in black ink, appearing to read "Dmitri Iglitzin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dmitri Iglitzin
Attorneys for Green Jobs PAC