



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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January 22, 2020

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding David Sullivan, PDC Case 25389

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 18, 2017. Your complaint alleged that David Sullivan (Respondent), an incumbent County Commissioner for Jefferson County in the 2017 election year, may have violated RCW 42.17A.430 for the unauthorized use of campaign surplus funds.

PDC staff reviewed your complaint; the applicable statutes, rules, and reporting requirements; and the response provided by the Respondent, to determine whether the records reviewed support a finding of one or more violations.

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

- The complaint alleged that the Respondent used his surplus funds for personal use by writing a check in the amount of \$890.90 payable to himself. The complaint further alleged that the Respondent transferred money from his surplus funds account to another political committee in violation of RCW 42.17A.430.
- RCW 42.17A.430 outlines eight very specific ways in which surplus funds of a candidate or a candidate's committee may be disposed.
- On December 2, 2016, the Respondent wrote a check for \$800.90 from his surplus account. The check was made payable to himself for "future campaign." At the time the Respondent had become aware of an effort that was being formed to develop a local ballot measure and offered to donate his surplus funds when the ballot measure campaign got underway.
- On June 28, 2017, the Respondent had a cashier's check (from funds made payable to himself on December 2, 2016), made payable to a local ballot measure campaign committee (Homes Now PAC), in the amount of \$800.60 from his surplus funds account.

- In his response to these allegations, the Respondent stated, “The Homes Now campaign took longer than I anticipated to be prepared to accept donations, so I had these funds until I had a cashier’s check made to the campaign on 6/28/17 and gave it to the campaign in July 2017. I paid the \$5.00 fee for the cashier’s check from my personal account at the time and requested it state on the check that it was from the Committee to Elect David Sullivan. A copy of the check is attached. I also made a \$.30 transcription error when I made the inappropriate donation. I had not read RCW 42.17A.430 in a number of years and misremembered this as an allowable use of these funds.”
- The Respondent further stated, “When I became aware of the complaint and my error, I immediately contacted the PDC to see what corrective action I could take. The Homes Now campaign was notified and sent me a refund. A copy of this check is attached. After speaking with PDC staff, I deposited the refund check and had another cashier’s check made out for the correct amount of \$800.60 to COAST (Community Outreach Association Shelter Team) to donate my surplus funds to an appropriate charitable organization. A copy of this check is also attached and again I paid the \$5.00 fee from my personal funds.”

Based on these findings staff has determined that, in this instance, the Respondent’s failure to correctly dispose his surplus funds does not amount to a violation warranting further investigation. The Respondent fully acknowledged his mistake and noted that he neglected to “reread the RCW or ask for help,” and fully cooperated with PDC staff during the entirety of this review. The Respondent also asked for a refund from the Homes Now PAC and used the refunded money to donate his surplus funds to a charitable organization (Community Outreach Association Shelter Team).

However, staff is reminding the Respondent about the importance of adhering to the statutory provisions related to the disposal of surplus funds in future years.

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 Erick Agina at 360-586-2869, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov

Sincerely,

Endorsed by,

s/_____
Erick Agina, Compliance Officer

s/_____
BG Sandahl, Deputy Director
For Peter Lavalley, Executive Director

cc: David Sullivan