

July 18, 2017

Public Disclosure Commission  
711 Capitol Way #206  
P.O. Box 40908  
Olympia, WA 98504-0908

To Whom It May Concern:

I write in response to Mr. Glen Morgan's fifth complaint concerning my 2017 campaign for State Senate in the 45th Legislative District, and I appreciate the opportunity to respond to Mr. Morgan's unfounded claims against my campaign, point by point. They are as follows:

**1) Concerning authorization of expenditures and the certification of reports**

The payment for April was for boosting of posts that were written by me, not for paid advertising. At that time, we did not have ads that displayed on Facebook. The boosts were approved by me, and the expense for the boost was reported as required. There is no misleading of information. Any reasonable person can ascertain what a political Facebook page is, what its purpose is, and that it is part of a political campaign. This does not meet the mens rea referred to in any of the statutes cited by Mr. Morgan.

**2) Concerning sponsor identification**

- a. These are not advertisements and they were not widely broadcast in mass communications. YouTube is a free service that allows users to store videos online and link to them easily. We did not pay to post these videos on YouTube. Regardless, we have added clarifications on our YouTube channel that it belongs to our campaign.
- b. Again, this is an informational video meant to be shared as an internal communication with groups phone banking for the campaign, and was not widely broadcast to a mass audience. We do not believe it constitutes a political advertisement requiring sponsor identification.
- c. This claim is false. No members of my campaign had seen or known about this document before viewing it in this complaint. It did not come from my campaign and we do not endorse it. Any falsehoods Mr. Morgan believes it contains should be taken up with its original author, of whom we have no information about.

**3) Concerning the reporting of contributions**

Contributions

- a. Mr. Morgan's interpretation of the law is incorrect. The original report filed was accurate to the best of the campaign's knowledge and when an error was discovered, it was immediately amended. Filing frivolous complaints when campaigns are correcting the record has the effect of dampening the amending of reports and is counter to the mission of the election laws to increase transparency and open elections. Mr. Morgan should cease doing so immediately.

Failure to break down expenditures

- a. Mr. Morgan's interpretation of the law is incorrect, and his documentation is full of inaccuracies based on false assumptions. We believe all expenditures have been described sufficiently. If there are expenditures the PDC wishes us to be clearer on, we will amend our reports upon the commission's request.

b. This is false.

Unreported debts and obligations

- a. Mr. Morgan's interpretation of the law is incorrect. We believe we have responded sufficiently the last two times that he has brought up this particular accusation in previously adjudicated complaints. None of the debts he wants the campaign to report are by definition contingent liabilities and thus do not require reporting.
- b. None of these debts should have been reported in April, as they were not debts in April. This is wholly fabricated.
- c. This is false.

In-kind contributions

a. During the timeframe referenced in Mr. Morgan's complaint, the Sister District Project was a grassroots all-volunteer organization. They had no paid staff, despite Mr. Morgan's baseless assumptions. His complaint is centered on evidence of phone banking on behalf of people connected through the Sister District Project, but per PDC guidelines, "telephone bank activity (conducting voter identification, surveys or polling, and get-out-the-vote campaigns)" is a valid volunteer activity. There are no in-kind contributions here to report.

<https://www.pdc.wa.gov/learn/publications/candidate-instructions/contributions>

b. Mr. Morgan's interpretation of the law is incorrect. The reuse of a campaign photo taken from our website is specifically outlined as not a republication of an advertisement in PDC Interpretation No. 16-01: "RCW 42.17A.005(13)(a)(iii) suggests that passive coordination, or duplicating any or all of a candidate's advertisement without the candidate's knowledge, carries the same weight as active coordination. That may have been the case in 1995. Today, we disagree. Today, candidates are expected to have campaign websites. Generally, websites are easily accessed and copying a photo or other content from a website takes little effort. Sharing links to websites or website content is a routine activity for individuals who access them." We are also unaware if Children's Campaign Fund spent money on their Facebook post, but it was independent of our campaign, and if Mr. Morgan has evidence to the contrary, we invite him to share it. Most posts on Facebook are free, so the existence of such a post is far from conclusive that any funds were spent.

<https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/republishing-online-political-advertising-and-application-rcw-4217a00513aiii>

c. This is false.

Pledges

- a. Per the PDC guidelines, "pledges must be made for a specific amount, with every intention of the giver to pay the stated amount in its entirety." We had reason to believe this "pledge" had been manufactured by Mr. Morgan and/or his agents, and thus was not credible. We did not feel that reporting a fictitious pledge was necessary or lawful.  
<https://www.pdc.wa.gov/learn/publications/candidate-instructions/contributions/pledges>
- b. This is false, unless Mr. Morgan is receiving pledges for our campaign that we are unaware of.
- c. This is false and wholly fabricated, as with the fictional list of debts. These were not unreported pledges.

**4) Concerning the depositing of contributions**

This complaint is completely based on incorrect assumptions and misreadings of our bank statements: that our treasurer is always at his place of residence unless he needs to deposit contributions for the campaign; that he is never in or near Redmond except on campaign business; that we can and do only deposit contributions in the Redmond branch of BECU; and that we are depositing contributions in the bank “nearly every day.” All these things are false.

**5) Concerning the disclosure of personal financial affairs**

As written in my response to a previous complaint, the PDC manual for completing F-1 reports instructs candidates to “list each investment, stock, mutual fund, 401K profit sharing plan, etc., if the investment decisions are self-directed.” I do not need to itemize stocks in investments that I don’t make individual buy/sell decisions on. <https://www.pdc.wa.gov/learn/publications/personal-financial-affairs-disclosure-instructions/completing-f-1/part-3-other>

**6) Concerning the certification of reports**

This is false, for the same reasons I laid out in a previous report, and my response here is the same: while an electronic signature is automatically generated by all software used to file reports with the PDC, this is no indication that the reports are not properly certified. I review and certify every report as required by state law.

**7) Concerning the keeping of campaign records**

As Mr. Morgan admits, this is an accusation based entirely on his beliefs and nothing else. They will not come true by repeating them. My campaign keeps records of our financial activity.

**8) Concerning the declaration of committee officers**

This accusation has already been addressed in a previous complaint and nothing has changed in regard to it. While I receive advice from my committee about the direction of the campaign, I alone make the decisions.

**9) Concerning the authorization of expenditures**

This accusation has also already been addressed in a previous complaint and nothing has changed in regard to it. I authorize all expenditures made by my committee.

**10) Concerning the public inspection of books**

Mr. Morgan sent a request well ahead of the period of public inspection of books, more than a month of time ahead. There are no statutes that we are aware of that requires us to respond within a certain period of time, and that we did not respond immediately is not the same as a refusal to make our books available. We have since acknowledged receipt of his request and are working on fulfilling it to the best of our abilities and according to the law. It must be noted that in violation of the law, Mr. Morgan did not provide his phone number when he made his request for an appointment.

RCW 42.17A.235(4)(b) “At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account.”

<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.235>

**11) Concerning independent expenditures**

This is false. There is no collaboration between our campaign and the Eastside Leadership Council.

I have conducted my campaign business with complete transparency and integrity despite the clearly partisan bullying and attempts at intimidation from Mr. Morgan. His various activities in trying to falsely manufacture evidence for his complaints have started to make some of our campaign staffers feel unsafe, including posing as imaginary “whistleblowers” with throwaway email addresses and fake phone numbers to contact them, and looking up the personal residences of members of my campaign. He is also filing frivolous complaints against our supporters in an effort to prevent them from participating in the democratic political process. (<https://www.pdc.wa.gov/browse/cases/19006>)

I would also urge the PDC to look into whether or not Mr. Morgan is truly acting as an individual who is interested in transparency as he claims. According to RCW 42.17A.005(37), a “political committee” means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate.” It has come to our attention that he solicits contributions on his website. His behavior is also very much like a Political Action organization in his strictly partisan attacks, interference in the running of a campaign, and intimidation of volunteers, staff and organizations that are supporting the campaign. Looking at his funding source and requiring him to disclose his benefactors would go a long way in truly ascertaining Mr. Morgan’s intent.

(<https://www.wethegoverned.com/support/>)

(<http://app.leg.wa.gov/RCW/default.aspx?cite=42.17A.005>)

Thank you once again for the opportunity to address these allegations. I am more than happy to provide any additional information you may need and answer any further questions.

Sincerely,

Manka Dhingra