

# File a Formal Complaint - Glen Morgan

Glenmorgan89 reported 9 hours ago (Thu, 30 Mar at 1:13 AM) via Portal Meta

To Whom it May Concern --

It has come to my attention that Laura Berkowitz, a 2013 candidate for Burien City Council, and a 2017 candidate for re-election to that same body, has committed surprisingly numerous violations of **RCW 42.17A**.

## **1) Malicious filing of forged document with the Public Disclosure Commission, inaccurate reporting of date contribution was received. (Violation of RCW 42.17A.750, .235)**

On 5/4/14, Berkowitz reported having received a contribution of \$500 from UFCW 21 PAC on 3/22/14.

Per **WAC 390-16-230(1)**, receiving this contribution would have required Berkowitz to file a C1 for her 2017 re-election bid immediately and file regular C3 and C4 reports.

Realizing this, on 5/9/14, Berkowitz amended her report to include a knowingly fraudulent date of when her campaign received the contribution. This was done to avoid reporting requirements for her 2017 reelection bid.

According to PDC records, the date that UFCW 21 PAC recorded having made the contribution is as follows:

ELECT LAUREN BERKOWITZ 4/21/2014 \$500.00 BURIEN WA 98166 CONTRIBUTION

Knowing the true date the contribution was made, we can see that the Berkowitz campaign knowingly and maliciously reported these dates incorrectly to the PDC in an amended report designed to hide information from the public and shield herself from her statutory responsibility.

This is a class C felony per **RCW 42.17A.750**. Berkowitz must amend this C3 report immediately to include accurate information about the date when the contribution was received, or face additional penalties from the PDC.

## **2) Failure to file C1 in a timely manner.**

On or about 4/21/14, UFCW 21 PAC donated \$500 to Laura Berkowitz's campaign for Burien City Council. Berkowitz's campaign received the check, and deposited it in the campaign's bank account.

This triggered her responsibility per **RCW 42.17A.210** to file a C1 for her 2017 reelection bid.

**WAC 390-16-230(1)** reads as follows:

*If at any time in the future or after the last day of the election cycle for candidates as defined in **RCW 42.17A.005(7)** any contribution is received or an expenditure is made from surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or political committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee.*

As such, Berkowitz should have filed her C1 no later than May 6th, 2014. This means that her C1 is currently 1,059 days late -- a very serious violation.

In addition to the above, Berkowitz recently renewed her campaign website on 5/15/16. This is an expenditure of funds for the 2017 election. As such, it must be reported on a C4 after Berkowitz files her (late) C1.

Berkowitz must file her C1 immediately, or face additional penalties from the PDC.

### **3) Failure to file C3 contribution and C4 expenditure reports. (Violation of RCW 42.17A.235)**

State law requires that candidates submit regular C3 and C4 reports with the PDC.

Unfortunately, despite being a candidate for over 1059 days, Berkowitz has not submitted a single report C3 or C4 report with the PDC. This is a very serious violation.

Berkowitz must begin submitting her late C3 and C4 reports immediately or face additional penalties from the PDC.

### **4) Untimely, inaccurate reporting of expenditures and contributions. (Violation of RCW 42.17A.235)**

a) According to the PDC, the C3 for the time period of 5/27/13 to 6/2/13 was due no later than 6/3/13.

Unfortunately, Berkowitz did not submit an accurate C3 report for that time period until 8/25/13, well past the statutory deadline.

Specifically, Berkowitz's original C3 (filed one day late) for that time period illegally and fraudulently included TWO \$50 donations from Mr. Thomas Goldstein.

In fact, Goldstein had made only one \$50 contribution to Berkowitz's campaign.

b) According to the PDC, the C4 report for the time period of December 2013 was due no later than 1/10/14.

Unfortunately, Berkowitz's original C4 for that time period (already 4 months late -- filed on 5/4/14) failed to include the following expenditures:

Report RENTON PRINTERY 12/28/2013 \$889.93 RENTON WA 98057 FINAL PRINTING BILL  
Report UPTHEGROVE JEFF 12/28/2013 \$706.90 BURIEN WA 98148 CONSULTING AND FUNDRAISING

The accurate C4 was not filed until 5/9/14, well past the statutory deadline. Additionally, I believe that the dates listed here are fictitious. I believe these expenditures happened after 1/1/14.

### **5) Accepting over-limit contributions from Teamsters 117/174 (Violation of RCW 42.17A.405, also see WAC 390 -16 -307)**

As defined in **WAC 390- 16- 307 (3)**, Teamsters 117 and 174 are both a single entity and therefore, are subject to a single contribution limit. Teamsters 117, is a branch/unit of Teamsters 174, not a separate entity under **WAC 390**.

In aggregate, Berkowitz accepted \$1800 from Teamsters 117/174 for the general election, which (under the applicable 2013 contribution limits) is \$900 over the legal limit.

Berkowitz must personally reimburse Teamsters 117/174 for the over limit contribution immediately, or face additional penalties from the PDC.

**6) Failure to refund over-limit contribution within 10 business days. (Violation of RCW 42.17A.405, see WAC 390-16-312)**

Berkowitz failed to refund the over-limit contribution from Tukwila 117/174 within ten business days, as required by **WAC 390-16-312**.

Berkowitz must immediately refund this overlimit contribution to Teamsters 117/174 or face additional penalties from the PDC.

**7) Failure to report debt. (Violation of RCW 42.17A.235, .240)**

Berkowitz failed to report the following expenditures as debt on preceeding C4s, as required by state law:

Vendor	Date	Amount	Description	Description of Violation
BORUCK PRINTING	2013-07-18	1109.27	SIGN PRINTING	This should have been reported as debt on the 21 day pre-primary C4
RENTON PRINTERY	2013-12-28	889.93	FINAL PRINTING BILL	This should have been reported as debt on the 7 day pre-general C4
UPTHEGROVE JEFF	2013-12-28	706.9	CONSULTING AND FUNDRAISING	This should have been reported as debt on the 7 day pre-general C4

Berkowitz must amend her C4s immediately to include this debt on the appropriate reporting period or face additional penalties from the PDC.

**8) Failure to list committee officers. (Violation of RCW 42.17A.205 (2)(c), see WAC 390-05-245)**

Berkowitz failed to list Jeff Upthegrove as a committee officer, which is required by **RCW 42.17A.205(2)(c)**.

Upthegrove should have been listed as a committee officer because he, in conjunction with others, made, directed, or authorized expenditures, strategic or policy decisions on behalf of the committee.

**WAC 390-05-245** defines committee officer as: "...any person designated by the committee as an officer on the C-1 or C-1pc registration statement and any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee" .

Berkowitz must amend her 2013 C1 immediately or face additional penalties from the PDC.

**9) Failure to maintain campaign records for 5 years. (Violation of RCW 42.17A.235 (6))**

I believe Berkowitz failed to maintain campaign records for her 2013 campaign for Burien City Council.

State law requires that candidates maintain their campaign records for 5 years.

Berkowitz likely failed to maintain (destroyed) many of the documents related to her 2013 campaign.

If true, this destruction of documents was likely done maliciously. Berkowitz must immediately preserve all 2013 records or face additional penalties from the PDC or AGs office.

**10) Failure to acknowledge understanding of RCW 42.17A.555 (Violation of RCW 42.17A.700, see WAC 390-24-010).**

On her F1 covering 2015 (filed 4/15/16), Berkowitz failed to check a box acknowledging her understanding of **RCW 42.17A.555**.

Berkowitz must amend her F1 immediately or face additional penalties for the PDC or AGs office.

**11) Failure to report in-kind contribution of filing fee. (Violation of RCW 42.17A.235)**

Laura Berkowitz failed to report the in-kind contribution to her own campaign for a filing fee.

Because the filing fee was a campaign-related expense, it must have been reported to the public. This is clearly required by state law.

In fact, Attorney General Slade Gorton rendered an official AG opinion on this exact matter in 1974, when he wrote, in part:

*"In simplest terms, this payment (in those cases in which it is required) is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot and, in that manner, become eligible to be elected to the office he is seeking. Moreover, the payment is very clearly a transfer of something of value and it cannot be doubted that it is for the purpose of assisting the candidate and furthering his election campaign. Payment of the filing fee is thus precisely within the broad definition of "expenditure" as set forth above." -- AGO 1974 No. 16 - July 29, 1974*

Berkowitz failed to report this expenditure/in-kind contribution on his C4 form for the relevant time period, and thus clearly violated state law.

The filing fee was likely about \$100. This should have been reported no later than 6/10/13. As such, it is significantly late.

Berkowitz must amend her C4 for the time period of June immediately or face additional penalties from the PDC.

**12) Failure to identify source of income. (Violation of RCW 42.17A.710)**

State law and PDC regulations require public officials to disclose the source of compensation they receive valued at over \$12,000.

Unfortunately, Berkowitz decided to obscure the source of compensation she received from a law firm client, which is illegal under state law.

Instead of identifying the source of the compensation she received on her F1 covering 2016, Berkowitz simply wrote "Confidential Individual Client".

This is illegal. Berkowitz must amend her F1 immediately or face additional penalties from the PDC.

**13) Failure to report in-kind contribution of mailing list. (Violation of RCW 42.17A.235)**

In her campaign, Berkowitz sent out multiple mailers to registered voters within Burien.

She used mailing lists to target specific voters in an effort to win the maximum number of voters per dollar spent.

Mailing lists have real market value, and many candidates actually pay hundreds of dollars for mailing lists from vendors such as L2.

Unfortunately, because Berkowitz failed to report the expenditure for said mailing lists, or the in-kind contribution of mailing lists from some outside entity, she is in violation of **RCW 42.17A.235**.

Berkowitz must amend her reports immediately to identify the source of the in-kind contribution or face additional penalties from the PDC.

**14) Failure to report in-kind contribution of PO Box. (Violation of RCW 42.17.235)**

On her original C1, Berkowitz lists "  
PO BOX 66591 -- B  
URIEN, WA 98166"  
as her Committee's mailing address.

The purchase cost of this PO Box (estimated at about \$80) is required to have been listed as an in-kind contribution from the person who purchased it for the campaign.

This should have been reported no later than 3/18/13, which is the statutory date it would have been required to have been submitted to the PDC per **RCW 42.17A.235(1)**. As such, it is significantly late.

Berkowitz must amend her C4 for the time period of March 2013 immediately or face additional penalties from the PDC.

I urge the PDC to investigate these claims immediately.

Best Regards,

Glen Morgan


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**DOMAIN INFORMATION**

Domain: electberkowitz.com  
 Registrar: GODADDY.COM, LLC  
 Registration Date: 2013-05-14  
 Expiration Date: 2017-05-14  
 Updated Date: 2016-05-15  
 Status: clientDeleteProhibited  
 clientRenewProhibited  
 clientTransferProhibited  
 clientUpdateProhibited  
 Name Servers: ns1.daleyhost.net  
 ns2.daleyhost.net

**REGISTRANT CONTACT**

Name: Lauren Berkowitz  
 Street: PO Boz 66591  
 City: Burien  
 State: Washington  
 Postal Code: 98166  
 Country: US  
 Phone: 360-362-3180  
 Email: **carol**@daleypws.com

**ADMINISTRATIVE CONTACT**

Name: Carol Daley

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 City: Montgomery  
 State: New York  
 Postal Code: 12549  
 Country: US  
 Phone: 8455278188  
 Email: **carol**@daleypws.com

### TECHNICAL CONTACT

Name: Carol Daley  
 Organization: Daley Professional Web Solutions  
 Street: 211 Cardinal Drive  
 City: Montgomery  
 State: New York  
 Postal Code: 12549  
 Country: US  
 Phone: 8455278188  
 Email: **carol**@daleypws.com

### RAW WHOIS DATA

Domain Name: ELECTBERKOWITZ.COM  
 Registry Domain ID: 1801303556\_DOMAIN\_COM-VRSN  
 Registrar WHOIS Server: whois.godaddy.com  
 Registrar URL: http://www.godaddy.com  
 Update Date: 2016-05-15T14:11:17Z  
 Creation Date: 2013-05-14T19:53:36Z  
 Registrar Registration Expiration Date: 2017-05-14T19:53:36Z  
 Registrar: GoDaddy.com, LLC  
 Registrar IANA ID: 146  
 Registrar Abuse Contact Email: **abuse**@godaddy.com  
 Registrar Abuse Contact Phone: +1.4806242505  
 Domain Status: clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>  
 Domain Status: clientUpdateProhibited <http://www.icann.org/epp#clientUpdateProhibited>  
 Domain Status: clientRenewProhibited <http://www.icann.org/epp#clientRenewProhibited>  
 Domain Status: clientDeleteProhibited <http://www.icann.org/epp#clientDeleteProhibited>  
 Registry Registrant ID: Not Available From Registry  
 Registrant Name: Lauren Berkowitz

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Registrant State/Province: Washington  
Registrant Postal Code: 98166  
Registrant Country: US  
Registrant Phone: 360-362-3180  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: **carol**@daleypws.com  
Registry Admin ID: Not Available From Registry  
Admin Name: Carol Daley  
Admin Organization: Daley Professional Web Solutions  
Admin Street: 211 Cardinal Drive  
Admin City: Montgomery  
Admin State/Province: New York  
Admin Postal Code: 12549  
Admin Country: US  
Admin Phone: 8455278188  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email: **carol**@daleypws.com  
Registry Tech ID: Not Available From Registry  
Tech Name: Carol Daley  
Tech Organization: Daley Professional Web Solutions  
Tech Street: 211 Cardinal Drive  
Tech City: Montgomery  
Tech State/Province: New York  
Tech Postal Code: 12549  
Tech Country: US  
Tech Phone: 8455278188  
Tech Phone Ext:  
Tech Fax:  
Tech Fax Ext:  
Tech Email: **carol**@daleypws.com  
Name Server: NS1.DALEYHOST.NET  
Name Server: NS2.DALEYHOST.NET  
DNSSEC: unsigned  
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>  
>>> Last update of WHOIS database: 2017-03-30T05:00:00Z <<<

For more information on Whois status codes, please visit  
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

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