

# File a Formal Complaint - Glen Morgan

Glenmorgan89 reported a day ago (Sat, 11 Mar at 11:56 PM) via Portal Meta

To Whom it May Concern --

It has come to my attention that Jim Cooper, despite total awareness about all the attention on his campaign finance activities, despite warning letters sent by the PDC, and despite a lawsuit filed against him by the attorney general, has committed additional violations of RCW 42.17A.

## 1) Late filing of C4, illegal closing out of campaign books (Violation of RCW 42.17A.235, .235 (8))

State law requires candidates to file regular, detailed reports with the PDC.

Sadly, Jim Cooper failed to file a C4 covering the period of 2/1/17 to 2/28/17 by 3/10/17, which is the legal deadline.

During the month of February, Cooper should have reported additional legal expenses (stemming from a lawsuit brought against his committee -Thurston **Superior Court Case #16-2-04960-34**). He also should have addressed his obligation to repay his committee from an earlier illegal donation to another political committee.

**RCW 42.17A.235 (8)** states in part that: *when there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report.*

Because Cooper is still obligated to pay attorney fees (and ultimately penalties/investigatory costs) related to the AGs ongoing lawsuit against him, he cannot legally close out his campaign.

The PDC should admonish Cooper to continue to file C4s regularly until his lawsuit is settled. The PDC should also inform Cooper to amend his last C4 which states that it is his final report, since by law, it can not legally be the last report.

## 2) Failure to obtain reimbursement from Thurston County Democratic Party or self for illegal contribution. (Violation of RCW 42.17A.430(8))

In 2016, Cooper made an illegal contribution to the Thurston County Democratic Party that he was required to reimburse -- either by writing a personal check to his campaign or by getting the Thurston County Democratic Party to reimburse the amount to his campaign.

In a written letter to myself and Jim Cooper, PDC staff wrote the following (in re: **PDC case no. 8928**):

*"Upon learning that the PDC guidance has been that only the consumables or base cost of attendance at a political part fundraiser may be paid for with active campaign funds, Mr. Cooper agreed to correct this by obtaining a refund from the TCDCC or by reimbursing his campaign from personal funds."*

Staff continued by writing:

*"Pursuant to **WAC 390-37-060**, I am issuing this Formal Written Warning. You have agreed to either have the Thurston County Democratic Central Committee reimburse \$381 to your campaign, or you will*

reimburse your campaign from personal funds. Please confirm that the campaign reimbursement has been made by February 17, 2017 (approximately 60 days from today).

The PDC should determine whether or not Cooper is out of compliance with the terms of the Formal Written Warning that he agreed to.

Unfortunately, given Cooper's poor record of compliance with PDC regulations, it appears he did not comply. This can also be verified by reviewing Thurston County Democratic Party records which indicate that no reimbursement has been made from Cooper's campaign.

### **3) Failure to report filing fee and in-kind contribution to campaign. (Violation of RCW 42.17A.235)**

During filing week, Cooper filed for the office of Thurston County Commissioner with the Thurston County Auditor's office. According to the Thurston County Auditor's office the cost of this filing was over \$1,116.00 for the election in 2016..

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 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*

Cooper failed to report this filing fee as an in-kind contribution on the C4 covering the time period of May, which was due by 6/10/2016. This means that he is 275 days late.

This is a serious violation that needs to be corrected immediately.

### **4) Failure to include sponsor ID and properly describe the run date of advertisements. (Violation of RCW 42.17A.320, .235)**

Cooper failed to include the appropriate sponsor ID on the following ad: <https://www.facebook.com/electjimcooper/videos/1056014261112966/>

Please note that I believe this ad was broadcast over radio (therefore requiring spoken sponsor ID). Unfortunately, this is missing.

Please also note that the following expenditures failed to identify run dates:

KRXY RADIO 7/18/2016 \$1,025.00 OLYMPIA WA 98506 RADIO - 60 SEC. SPOTS

MIXX 96 FM 7/20/2016 \$990.00 OLYMPIA WA 98501 RADIO SPOTS

KRXY RADIO 10/18/2016 \$1,075.00 OLYMPIA WA 98506 KRXY RADIO AD

KRXY RADIO 10/18/2016 \$924.00 OLYMPIA WA 98506 KRXY RADIO AD

KRXY RADIO 10/26/2016 \$1,300.00 OLYMPIA WA 98506 KRXY RADIO AD

KRXY RADIO 10/27/2016 \$1,188.00 OLYMPIA WA 98506 KRXY RADIO AD

KRXY RADIO 11/4/2016 \$400.00 OLYMPIA WA 98506 RADIO ADS

MIXX 96 FM 11/4/2016 \$320.00 OLYMPIA WA 98501 RADIO ADS

**5) Failure to report in-kind contribution of PO Box. (Violation of RCW 42.17A.235, .235 (1))**

On his original C1 (filed 11/13/15) , Cooper lists "PO Box 11396 Olympia, WA 98508" as his Committee's official mailing address.

The rental of this PO Box likely cost \$80, perhaps more because of the duration for which it was used as the committee's mail address. Cooper was likely the person who paid for the PO Box rental.

Per **RCW 42.17A.235(1)**, this in-kind contribution should have been reported on the same day Cooper filed his C1. Unfortunately, he never reported it, making it approximately 484 days late.

Cooper must amend his reports to reflect this in-kind contribution immediately.

**6) Failure to list accurate campaign treasurer, fraudulently using the signature of a past treasurer. (Violation of RCW 42.17A.205, .235, .750)**

On Cooper's original C1, he listed convicted felon and stock fraudster Joe Hyer as his campaign treasurer. On 2/29/16, after intense public attention to his choice of Treasurer, Cooper replaced Joe Hyer with Chris Novelli, a far less controversial decision.

However -- Hyer continued to be the signed treasurer on Cooper's C3s and C4s until after the 3/28/16 C3 was filed. This was nearly a month after Chris Novelli allegedly became the campaign treasurer.

8 reports were "signed" by Joe Hyer after the alleged change of treasurer.

This may be one of two options -- a) Hyer illegally continued to keep filing reports on behalf of Jim Cooper despite not being the treasurer, or b) Novelli illegally signed reports using Joe Hyer's name.

Regardless, because, Novelli, Hyer, or the Committee caused forged documents to be filed with the PDC, they have violated **RCW 42.17A.750 (2)(c)**. This is a class C felony.

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

State law requires candidates to maintain campaign books for 5 years past the date of their election.

I believe that Cooper may have failed to maintain campaign books from his 2013 Olympia City Council campaign, in addition to certain documents from his 2016 Thurston County Commissioner campaign.

I urge the PDC to investigate these claims immediately.

Best Regards,

Glen Morgan