

File a Formal Complaint - Glen Morgan

Glenmorgan89 reported 10 hours ago (Sun, 29 Jan at 9:57 PM) via Portal Meta

To Whom it May Concern (and that should be everyone who cares about campaign finance laws)--

It has come to my attention that Kris Lytton has violated RCW 42.17A on multiple occasions in her campaign for State Representative in 2016 in the 40th Legislative District. It should be noted that while I only looked at the 2016 campaign, due to the sloppiness of this reporting this has probably also occurred in previous campaigns as well.

1) Failure to timely file C1. (Violation of RCW 42.17A.205 (1))

State law requires that candidates file their C1 within 2 weeks of receiving contributions or making expenditures, whichever is earliest.

Lytton reported expenditures of \$50 or less on 1/1/15, however she failed to file his C1 until 2/5/16, making her severely late on filing this critically important paperwork.

2) Failure to properly break down expenses. (Violation of RCW 42.17A.235, see WAC 390-16-205)

State law requires that expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with WAC 390-16-037, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

The Lytton campaign illegally failed to break down the following expense:

BLUE UTOPIA	2016-07-05	75	SEATTLE	WA	981
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According to whois.com, Lytton's domain "kristinelytton.com" was "updated" on 6/8/2016, which likely cost about \$20. This expenditure was likely made by Blue Utopia on behalf of Lytton's committee, and had to be reported as if it were made or incurred by the candidate or committee directly. Unfortunately, the payment to "ENOM.COM" for domain renewal, was illegally not reported on the 7/5/2016 expenditure to Blue Utopia. This must be amended.

(Lytton had already made an expenditure to Blue Utopia on the 6/3/2016, so the expenditure to "ENOM.COM" was not part of this expenditure, it should have been reported on the 7/5/2016 expenditure.)

3) Failure to accurately, timely report debt. (Violation of RCW 42.17A.240 (8), see WAC 390-05-295)

State law requires that the name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days. Per **WAC 390-05-295**, this includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

The Lytton campaign illegally failed to report the following 20 debts on preceding C4s:

Vendor	Date	Amount	City	State	Zip	Description
BLUE UTOPIA	2016-06-03	75	SEATTLE	WA	98194	WEBSITI
BLUE UTOPIA	2016-07-05	75	SEATTLE	WA	98194	WEBSITI
BLUE UTOPIA	2016-08-02	75	SEATTLE	WA	98194	WEBSITI

BLUE UTOPIA	2016-09-06	75	SEATTLE	WA	98194	WEBSITI
BLUE UTOPIA	2016-10-04	75	SEATTLE	WA	98194	WEBSITI
BLUE UTOPIA	2016-11-03	75	SEATTLE	WA	98194	WEBSITI
LYTTON KRISTINE C	2016-06-06	454.74	ANACORTES	WA	98221	WA SEC
MELISSA PFEIFER LLC	2015-12-10	147.5	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2015-12-10	75	FEDERAL WAY	WA	98023	NGP VAI
MELISSA PFEIFER LLC	2016-02-10	115	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2016-04-05	89.8	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2016-07-01	270	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2016-07-01	75	FEDERAL WAY	WA	98023	NGP: DA
MELISSA PFEIFER LLC	2016-08-02	162.5	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2016-09-09	200	FEDERAL WAY	WA	98023	ACCOUN
MELISSA PFEIFER LLC	2016-11-06	280	FEDERAL WAY	WA	98023	ACCOUN
NGP VAN INC.	2015-03-20	75	WASHINGTON	DC	20005	DATA SE
NGP VAN INC.	2015-07-07	75	WASHINGTON	DC	20005	DATA SE
NGP VAN INC.	2015-12-10	75	WASHINGTON	DC	20005	DATA SE
NGP VAN INC.	2016-03-09	75	WASHINGTON	DC	20005	DATA SE

NGP VAN INC.

2016-09-09

75 WASHINGTON DC

20005 DATA SE

4) Illegal acceptance of overlimit contribution, failure to file accurate C4s (Violation of RCW 42.17A.405 & .235)

The Lytton campaign illegally accepted an overlimit contribution from the Lummi Commercial Company.

While this over limit contribution was later "refunded", they should not have been deposited in the first place, as they were in excess of statutory limits.

Moreover, the Lytton campaign also failed to follow the appropriate PDC instructions for fixing this issue: "Do not use the corrections or adjustment feature. The contribution must be "deleted" and an amended C3 and C4 filed for the adjustment to be reflected in the PDC database. The contribution must be 'undeposited', deleted and the C3 amended and any affected C4's amended." Instead, the Lytton campaign illegally reported the refund as an expenditure on her C4s.

The erroneous and illegal C4 must be amended to exclude the following expenses:

LUMMI COMMERCIAL COMPANY	2016-08-29	1000	BELLINGHAM	WA	98226	CONTRII
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5) Illegal donation to Skagit County Democrats (Violation of RCW 42.17A.430 (8))

Lytton made the following illegal donations to political committees:

SKAGIT COUNTY DEMOCRATS 2016-08-08 1000 MOUNT VERNON WA 98273 GOTV

Per state law, these donations may only come from candidate surplus fund accounts, and not directly from the candidate committee. (see: https://www.pdc.wa.gov/sites/default/files/campaign-contribution-limits/LimitsChart_0.pdf)

The expenditure to the Skagit County Democratic Party may have been a legitimate expense, however, it appears almost certain that the Lytton campaign paid over market value for the GOTV effort and therefore illegally contributed to the Skagit County Democrats with candidate committee funds. This violation requires much more investigation.

6) Failure to report expenditure/in-kind contribution for professional photography. (Violation of RCW 42.17A.235)

Lytton failed to report expenditures/in-kind contribution for professional photography. You can find examples of this professional photography on her website (www.kristinelytton.com).

The source (and value) of these pieces of professional photography must be reported.

7) Failure to report last-minute contributions. (Violation of RCW 42.17A.265)

The committee failed to report last-minute contributions (@ aggregate of \$1000 or higher) from the following groups within the 48 hour time limit on an LMC or C3 form, as required by law:

a) General Election (21 Days -- 10/18/2016 to 11/8/2016)

Great Schools Great Kids -- 10/20/2016 -- \$1000 -- Not reported until 10/24/2016
WA State Council of Firefighters -- 10/20/2016 -- \$1000 -- Not reported until 10/24/2016

b) Primary Election (7 Days -- 7/26/2016 to 8/2/2016)

Association of WA Spirits and Wine --- 7/28/2016\$ -- \$2000 -- Not reported until 8/1/2016
Delta Dental of WA -- 7/28/2016 -- \$2000 -- Not reported until 8/1/2016

SEIU 1199NW -- 7/28/2016 -- \$1000 -- Not reported until 8/1/2016

WA Beverage Association PAC -- 7/28/2016 -- \$2000 -- Not reported until 8/1/2016

WASH Bank PAC -- 7/28/2016 -- \$1000 -- Not reported until 8/1/2016

8) Failure to accurately file contribution report (C3) by deadline. (Violation of RCW 42.17A.235)

According to the PDC, the accurate report of contributions (C3) for the period between 8/1/2016 to 8/7/2016 was due on 8/8/2016.

Unfortunately, Lytton's campaign failed to file an accurate report containing the accurate date of all contributions before the deadline. Namely, Lytton' original C3 for this period (Ref. #100714983 -- filed on the 8/8/2016) failed to report the accurate date that the contributions had been received (8/4/2016). Instead, the committee illegally reported a false date of receipt: 8/2/2016.

Lytton's campaign failed to file an accurate report until 10/24/2016, when they submitted an amended C3 that included the accurate date. This is well past the statutory deadline.

I urge the PDC to investigate these claims immediately.

In addition, I want to emphasize to the PDC that the recent Attorney General case against Kim Wyman was settled for just over \$10,000 in fines and fees. The Wyman case had far less significant violations than this complaint filed here. The recent trend of the PDC staff to claim these are "technical" violations flies counter to historical precedent established by the AG's office to prosecute campaign finance law with far less significant violations than found in this complaint.

Best regards,

Glen Morgan

1 Attachment

PDF [Whois kristi...](#)
(318 KB)