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January 12, 2017

Reply to Olympia office

Jacob Berkey
Public Disclosure Commission
P. O. Box 40908
Olympia, WA 98504

Sent via Email & U.S. Mail
pdc@pdc.wa.gov

Re: PDC Complaint 11392

Dear Mr. Berkey:

As you know, our law firm represents Jim Cooper. This letter is in response to your request that Mr. Cooper provide a written response to a complaint filed with the PDC on December 15, 2016 by Glen Morgan; "Ticket Number" 11392. Mr. Morgan divided his complaint into six parts and we will respond to each part in order.

1. Contributions From Multiple Entities

There is no issue of fact that the three separate entities mentioned in Mr. Morgan's complaint donated to Mr. Cooper's campaign—Mr. Cooper properly disclosed these donations for all to see. We deny that Mr. Cooper violated any laws and deny that Mr. Morgan's opinion is dispositive.

Mr. Morgan alleges that three separate entities are a single entity for purposes of campaign contributions. Mr. Morgan's allegation is supported by nothing more than printouts from the Secretary of State's website, which contain very limited information. This limited information does not establish the three specified entities are a single entity. Mr. Cooper does not admit the three separate entities should be treated as a single entity based on the information available to Mr. Cooper. Mr. Cooper properly identified all of his contributors and separated each contributor's identity in accordance with applicable law.

2. Travel Expenditures

The various travel expenditures outlined in Mr. Morgan's complaint were dutifully reported by Mr. Cooper. Mr. Morgan opines, "[t]hese are textbook examples of campaign money being illegally used for personal use..." Mr. Morgan fails to provide analysis. Mr. Cooper properly reported travel expenditures in accordance with applicable law.

3. Reporting of Alleged Debt

Mr. Morgan presupposes there were campaign debts without any supporting evidence. The expenditures in question were not debts. Mr. Cooper properly reported these items. There were no legal violations.

4. Advertising Expenditure Reporting Detail

Mr. Cooper's disclosures did not violate any law. The disclosure form contained as much information as space would allow. Supplemental information was maintained by Mr. Cooper and was available for inspection. Mr. Cooper denies violations of law. This is substantial compliance with the law at the very least. Enforcement action is not warranted.

5. Expenditure Reporting Detail in General

Mr. Morgan's allegation references RCW 42.17A.235, which outlines filing deadlines and requirements to keep records open for a certain period of time for public inspection. However, Mr. Morgan's allegation quotes part of WAC 390-16-205 and the allegation appears to be based on the level of detail required in reporting expenditures. The complaint is not sufficiently clear for Mr. Cooper to provide a complete response. On behalf of Mr. Cooper, our response based on the complaint is that expenditure reporting contained the appropriate level of detail and Mr. Cooper had his books available for inspection during the required time periods.

6. Snack Expenditure

Mr. Morgan's allegation is based on speculation, including speculation as to price of goods, Mr. Cooper's eating habits, and potential uses for food at a campaign event. Further, Mr. Morgan's allegation is based on an incomplete analysis of available records—the \$1.67 charge that Mr. Morgan complained of is one of four purchases at Safeway in Tumwater on September 24, 2016. That specific charge was for a bag of Autumn Mix candy, which was used at an event and not purchased for Mr. Cooper's personal use.

The paragraph immediately above concludes our response to Complaint 11392. Public disclosure laws are meant to assure public confidence in the fairness of elections and government processes. RCW 42.17A.001. The laws are not intended to make elected officials and candidates the subject of "harassment and unfounded allegations based on information they have freely disclosed." *Id.* The PDC should not allow Mr. Morgan to use the complaint process as a vehicle to compel Mr. Cooper to answer nebulous and self-serving allegations made by an individual with opposing political views.

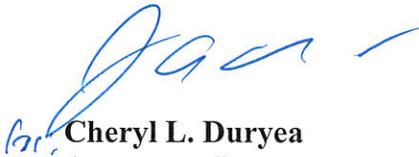
This is the fifth complaint filed by Mr. Morgan against Mr. Cooper. Mr. Cooper has responded to each complaint. Mr. Cooper denies violations of the law. Mr. Cooper has made a good faith effort to comply with the law at all times. It is apparent from his disclosures, and from his cooperation with the PDC's investigations based on Mr. Morgan's complaints, that Mr. Cooper has complied with the spirit of the law.

Mr. Cooper has willingly responded in an effort to continue to demonstrate his compliance with the spirit of the law. We trust the PDC will review this information when analyzing Mr. Morgan's December 15, 2016 complaint. We believe the PDC will agree that no laws outlined

Jacob Berkey
Public Disclosure Commission
Re: PDC Complaint 11392
January 12, 2017
Page 3

in Mr. Morgan's complaint were violated. We request this complaint be dismissed with no further action. WAC 390-37-070 allows for claims to be dismissed by the executive director when "the respondent is in substantial compliance" or "formal enforcement action is not warranted." For all of Mr. Morgan's claims against Mr. Cooper, enforcement action is not warranted and Mr. Cooper is in substantial compliance at the very least—this is especially so when considering the intent of the laws.

BEAN, GENTRY, WHEELER & PETERNELL, PLLC


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cc: Jim Cooper
Tony Perkins; Linda Dalton; Walter Smith