



State of Washington

PUBLIC DISCLOSURE COMMISSION

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November 9, 2017

Sent electronically to Glen Morgan

Subject: Complaints filed against Jim Cooper #2, 3 and 5 (PDC Cases 9772, 10009, and 10471)

Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of three of the complaints you filed against Jim Cooper, a candidate for Thurston County Commissioner in 2016, alleging violations of RCW 42.17A as detailed below. All three of the complaints, (PDC Cases 9772, 10009, and 10471) were filed as Citizen Action complaints, and the Attorney General's Office has notified PDC staff they will not be taking action on these three matters.

Jim Cooper Complaint #2: The complaint alleged that Mr. Cooper failed to include the proper sponsor identification on his campaign website and two Facebook videos produced by his campaign, and that he failed to accurately report an expenditure or in-kind contribution for the fair market value of the Facebook videos.

- The Facebook videos featured Mr. Cooper personally stating that he was a candidate for County Commissioner in 2016 and included his party preference. While the Facebook videos did not explicitly state that Mr. Cooper was the "sponsor," based on the content a reasonable person would know he was the sponsor of the videos.
- Mr. Cooper stated that he produced the videos himself, so there were no costs to report.
- Mr. Cooper's campaign website did include his campaign mailing address, on the "Donate" page, and after reviewing the website it was clear to staff that this was his official campaign website. The website solicited contributions to his campaign, listed his endorsements, and featured photographs of Mr. Cooper throughout the website.

Jim Cooper Complaint #3: The complaint alleged that Mr. Cooper falsely claimed the endorsement of Allen Miller, who was also a candidate for Thurston County Commissioner in 2016. Mr. Miller came in third in a five-way contested primary, and on September 8, 2016, he sent a letter to the editor to The Olympian stating he was endorsing John Hutchings for the general election, and that was a difficult decision for him since Mr. Cooper was a friend.

Glen Morgan

Complaint return letters concerning Jim Cooper complaints #2, #3 and #5

PDC Cases 9772, 10009, and 10471

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- Mr. Cooper stated in his response that the screen shot Mr. Morgan provided as part of his complaint was from his campaign website prior to August 22, 2016, when he removed Mr. Miller's name from his website as an endorser. He stated that Mr. Miller was one of his campaign's first endorsers and contributors in November of 2015.
- Mr. Cooper stated that in May of 2016, Mr. Miller announced his candidacy to run against him and three other candidates for the same Thurston County Commissioner position. Although Mr. Cooper might have found it advisable to remove reference to the endorsement, after Mr. Miller announced his candidacy, Mr. Miller never rescinded his endorsement of Cooper's candidacy.
- After the 2016 primary election, Mr. Cooper stated that he became aware Mr. Miller was planning on endorsing Mr. Hutchings for the general election, and he met with Mr. Miller on August 22, 2016, to further discuss the issue. Mr. Miller told him at that meeting he was endorsing Mr. Hutchings, and after that meeting, Mr. Cooper stated that he removed Mr. Miller's name from his campaign website.

Jim Cooper Complaint #5: The complaint alleged that Mr. Cooper failed to report either an expenditure or in-kind contribution for a mailing list, and that he failed to list the Occupation and Employer for one individual that contributed more than \$100 to his campaign.

- Mr. Cooper stated that the costs associated with the mailing lists had been timely disclosed by his campaign as follows: (1) A \$250 expenditure was made on April 5, 2016 to the Washington State Democratic Central Committee (WSDCC) for "Voter Data"; and (2) An \$887.29 in kind contribution was received from the WSDCC on April 5, with the description "Partial Fee for voter data." Staff confirmed the in-kind contribution from the WSDCC and the expenditure made to the WSDCC were timely disclosed on a C-4 report.
- Mr. Cooper stated that his campaign used the voter data to target his campaign mailings undertaken during the election. Concerning the omission of the Employer and Occupation for Ms. Gadman, Mr. Cooper acknowledged it was an administrative error, and that his campaign filed an amended C-3 report on December 15, 2016, listing Ms. Gadman's occupation as "Optician".

PDC staff did not find any evidence that Mr. Cooper acted with "malice" in listing Mr. Miller as an endorser. When he met with Mr. Miller and was advised he endorsed his opponent for the general election, Mr. Miller's name was removed from the website. While the Campaign did not timely provide the occupation for one individual, the Campaign did substantially comply with the Occupation and Employer reporting requirements for its contributors.

After a careful review of the alleged violations and relevant facts, PDC staff have concluded our review for three of the complaints you filed against Jim Cooper in complaints #2, 3 and 5, and will not be conducting a more formal investigation into your complaints or pursuing enforcement action in this case.

Glen Morgan
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If you have questions, you may contact me at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at kurt.young@pdc.wa.gov.

Sincerely,


Kurt Young
PDC Compliance Officer

Endorsed by:


Peter Lavalley
Executive Director

cc: Jim Cooper



