



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Campaign Finance Unit
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February 10, 2017

Glen Morgan
1001 Cooper Point Road SW #140-222
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glenmorgan89@gmail.com

**RE: Citizen Action Notice – Evelyn Fielding Lopez
Notice of Results**

Dear Mr. Morgan:

I am writing to advise you of the decision of the Attorney General's Office regarding your citizen action notice. You allege that Evelyn Fielding Lopez, Public Disclosure Commission Executive Director, violated certain provisions of the campaign finance laws. Our office has reviewed your notice, Public Disclosure Commission records of the complaint against Mike Wilson, Commission rules on the subject, and Ms. Lopez's response to your allegations.

Your notice alleges that, on October 7, 2016, Ms. Lopez dismissed a complaint that had been filed against Mike Wilson with the Public Disclosure Commission, with which dismissal the Commission Chair concurred. The facts appear undisputed. Neither Commission staff nor the Commission itself determined whether a violation of the campaign finance law occurred or assessed a penalty. The PDC issued a warning letter to Mr. Wilson for his conduct, in compliance with Commission rules.

In reviewing the basis for this action, we reviewed the Commission's authority to act on allegations of violations. The Commission is empowered by statute to "[a]dopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter..." RCW 42.17A.110(1). Washington law states that the Public Disclosure Commission's

[e]xecutive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations.

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RCW 42.17A.110(2). The Commission promulgated the following regulation, WAC 390-37-070, to address the authority of its executive director, which reads as follows:

The executive director, with the concurrence of the chair or the chair's designee commissioner, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of the sections of chapter 42.17A RCW that are enforced by the commission has occurred, shows that the respondent is in substantial compliance with the relevant statutes or rules, or shows that formal enforcement action is not warranted.

You alleged that Ms. Lopez violated Washington law by dismissing a complaint with the concurrence of the Chair. However, state law and the Commission rules authorize her conduct because she did not make the decision that a violation occurred. The Commission has continued to reserve for itself that decision-making authority.

After reviewing your allegations and the information provided, the Attorney General's Office has decided not to initiate judicial enforcement proceedings against Ms. Lopez. This completes the State's review and action on your citizen action notice. If you determine to proceed with a citizen action based upon the allegations in your notice, please send me a copy of your lawsuit. If you have any questions, you may contact the undersigned counsel for the State.

Sincerely,



WALTER M. SMITH

Assistant Attorney General

WMS:kj

cc: Darwin Roberts, Deputy Attorney General
Evelyn Fielding Lopez, Respondent
Elizabeth Petrich, Thurston County Prosecuting Attorney's Office