

**Description:**

November 8, 2016

Jacob Berkey, Compliance Officer  
Washington State Public Disclosure Commission  
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Subject: Response to complaint by Robert Glorioso, received November 1, 2016, Alleged violations of RCW 425.17.320(6), 42.17A.235 (1) and 42.17A.235 (2a), for failure to list top 5 donors and late reporting of campaign contributions and expenditures Committee of Public Safety

Dear Mr. Berkey,

Upon receipt of the subject complaint on November 1, 2016 we immediately investigated the matter. We contacted the Committee of Public Safety Treasurer who was entrusted with full responsibility for timely disclosing of all transaction to the PDC. On August 30, 2016 Mr. Dzialo became the Treasure for the Committee of Public Safety. This was Russell Dzialo's first experience with campaign expenditures and PDC disclosure reporting.

This letter constitutes the official response on behalf of the Committee of Public Safety (C.O.P.S.) response to the subject Robert Gloriso, Complaint dated October 27th 2016, received November 1, 2016 Complaint.

### **Facts and Circumstances Surrounding subject Robert Glorioso Complaint**

#### **Alleged Violation RCW 42.17A. 235 (1A and 2A):**

On August 30, 2016 Russel Dzialo filed the Committee of Public Safety with the IRS and submitted the C1 to the Public Disclosure Commission on August 31, 2016. On September 2, he opened the Committee's checking account and downloaded the PDC Orca Software for full reporting. He entered Crabtree's \$100 Loan on August 31, 2016. On September 10, 2016 he entered \$309.49 in-kind donation for postage and envelopes for the Committees first fund raising letter into the Orca Software.

At this time Russel Dzialo, Treasurer was a committee of one. In addition, to being the Treasurer he created the Committee of Public Safety Face book page at this time. On September 12, 2016 he clicked on the Orca C3 and C4 report tabs. Because the

Crabtree donation was a loan Orca software did not show any data for either the C3 or the C4 reports. This being the first time Treasurer Russel had ever used the Orca Software, and in reliance on the Orca software he mistakenly assumed that there was no data that needed to be reported at that time. It is his understanding that the Orca Software does not allow a user to electronically submit a report with not data.

On September 13, 2016 he received, deposited and entered the first cash donation into the software. On September 17, 2016 he clicked the C3 report tab in the Orca Software. The Orca software had inserted the prior week's cash donations on the C3 report. He clicked, the check and submit report function, and timely submitted his first C3 report.

Russel Dzialo, Treasurer continued to enter donation and expenses into the Orca Software as they were received and occurred. He continued to file timely C3 reports for all subsequent cash donation.

On October 22, 2016 Treasurer Dzialo knowing he had a radio add expense, again clicked on the C4 tab in the Orca software. Again no data was generated for the C4 report. Knowing he had purchased Cascade Radio Group ad time on October 17, 2016 he questioned his reliance on the Software to automatically generate the C4 report expense data. As he had successfully been relying on for the C3 report data.

He decided to check his Orca Software "Settings" and discovered in order for the C4 form, to include entered data on the form, he had to click an applicable "settings" toggle. Upon clicking on the setting toggle all the required C4 reports appeared in the C4 form tab. He immediately completed the required three C4 forms and electronically filed them on October 22, 2016. Treasurer Dzialo timely filed the next C4 on October 31, 2016.

### Additional Information

*Russel Dzialo, Treasurer, stated "As a first time filer and someone new to the role of treasurer I had a steep learning curve. I filed everything that was required to start the committee and downloaded ORCA. All activity was entered into ORCA as it happened. When I looked at the C4 reports tab nothing was visible. Initially I assumed that it meant there was nothing to file. As I entered deposited into the software C3 reports were automatically generated. After the Oct 18 deadline I investigated the software further to find that there was a box that needed to be clicked in order to enable the C4 reports to generate. I immediately filed all C4 reports that should have been filed by that date. My next C4 report was filed on time and even amended when more information was given to me by a member of the committee."*

*"I take full responsibility for the late filings. It has been a great learning experience and I know that my next Treasurer position will be without errors on my part. Even handling a complaint was good for my learning."*

*"It was never my intention to hide any disclosure information. My work on this committee is voluntary and my first priority is to my full-time employers. That is how I support my family. I have learned a lot by serving as treasurer and know that I will not have late filings in the future."*

The Robert Glorioso, complaint named several other Committee of Public Safety Spokesman who did not have any role in the Committees' PDC reporting compliance. These volunteer Spokesman only prepared and represented the Committee of Public Safety at public forums, radio and other campaign advertising.

### **Alleged Violation RCW 42.17A. 320 (6):**

On October 17, 2016 the Committee for Public Safety prepared, recorded and paid for radio adds at Cascade Radio Group. The radio ads began the following week and ran on four different days prior to Friday, October 28, 2016. On Friday the 28th we became aware that we may have been required to list our top 5 donors on our "...paid for by Community of Public Safety" tag we had placed in all our radio adds. We immediately, October 28th, added the two top two donors over \$700 to our ads running that day and all subsequent radio spots.

It was (is) our understanding that the top donors tag line was only required if the radio ads were an "Independent Expenditures." (RCW 42.17A.320 (2) (4) (5) and (6)) We understood the Committee for Public Safety, is a bona fide political committee, created to oppose the EMS Proposition 2016-1. That our radio ads are not Independent Expenditures and therefore we were not required to include our top contributors over \$700 in our radio ads.

We understood our committee was like a candidate, therefore we were only required to have the "...paid for by the Committee of Public Safety" tag. Out of an abundance of caution, we added the top donors over \$700 to our radio ads running on October 28th and all subsequent ads thereafter.

We remain uncertain about listing of top donors on our radio ads that are not Independent Expenditures as defined by RCW 42.17A.320 (2) (4) (5) and (6). We await your determination of this requirement at this time.

### **Resolution**

Although reported late the subject C4 campaign activity were discovered by our Treasurer. They were available to the public by the time the complaint was filed. In addition, the majority of the radio ads were edited to include the top two donors over \$700 prior to receipt of the subject complaint by the Committee of Public Safety on November 1, 2016.

It could be noted that the John Glorioso's, EMS Saves Lives Committee, pro EMS Proposition 2016-1, has raised over \$90,000 dollars and has paid a professional campaign consultant over \$6,600.00 dollars. While the Committee of Public Safety has raised a total of \$6,019.07 and is an all volunteer committee with no paid consultants.

The Committee of Public Safety and Treasurer Dzialo take full responsibility for our campaign activity and are ready to comply with any further mitigation required, including, if directed, filing and/or amending any reports as needed.

Sincerely,

Bruce Ayers

Volunteer Spokesman for the Committee of Public Safety

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