



STATE OF WASHINGTON  
**PUBLIC DISCLOSURE COMMISSION**

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December 21, 2015

The Honorable Robert Ferguson  
Attorney General  
1125 Washington St SE  
PO Box 40100  
Olympia, WA 98504-0100

RE: Washington State Public Disclosure Commission Recommendation Following Staff  
Investigation re: Washington State Labor Council, AFL-CIO (WSLC), and WSLC  
Officers Jeff Johnson and Lynne Dodson, PDC Case No. 1543

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission for review and possible investigation on November 19, 2015 in response to a 45-day Citizen Action Complaint (Complaint) filed with the Attorney General on November 4, 2015 by James Abernathy and David Dewhirst of the Freedom Foundation. The Complaint alleged that Respondents Washington State Labor Council, AFL-CIO (hereafter, WSLC) and WSLC officers Jeff Johnson and Lynne Dodson violated RCW 42.17 and RCW 42.17A<sup>1</sup> as follows:

**First Allegation:** That WSLC is a political committee because it has an expectation of receiving contributions and making expenditures in support of, or in opposition to, candidates or ballot propositions. The complaint alleged that as a political committee, WSLC failed to register and report with the PDC. (RCW 42.17A.205, .235, and .240.<sup>2</sup>)

**Second Allegation:** That WSLC, as a lobbyist employer, has failed to file special report of contributions (PDC form L-3C) for monetary and in-kind contributions to candidates and political committees. [RCW 42.17A.630(2).]

Staff reviewed the complaint and prepared a Report of Investigation, Executive Summary, and Staff Analysis concerning the alleged violations by WSLC, Jeff Johnson, and Lynne Dodson. The Commission considered the results of staff's investigation at a special Commission meeting held December 21, 2015, where PDC staff presented its Executive Summary and Staff Analysis which included a recommendation regarding the allegations. A copy of the Executive Summary and Staff Analysis is enclosed with this letter.

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<sup>1</sup> For periods prior to January 1, 2012, RCW 42.17A.205, RCW 42.17A.235, RCW 42.17A.240, and RCW 42.17A.630 were codified as RCW 42.17.040, RCW 42.17.080, RCW 42.17.090, and RCW 42.17.180, respectively.

<sup>2</sup> Although not cited in the complaint, staff reviewed the allegations in the November 4, 2015 Complaint under RCW 42.17A.240, which specifies the contents of reports required under RCW 42.17A.235.

### **Staff Conclusion**

As noted in the attached Executive Summary and Staff Analysis, staff concluded that:

**First Allegation:** WSLC is not a political committee with a requirement to register and report with the PDC, and did not violate RCW 42.17A.205, RCW 42.17A.235, and RCW 42.17A.240 in the current and prior codification of those sections, because WSLC is not a “receiver of contributions” in support of or in opposition to candidates or ballot propositions, and because making expenditures to support candidates or ballot propositions is not one of WSLC’s primary purposes. WSLC’s mission is “[t]o protect and strengthen the rights and conditions of working people and their families.” WSLC’s electoral political activity may have furthered its stated goals and mission, but its non-electoral programs are those most clearly designed to further the organization’s stated goals and mission. No evidence was found that WSLC has, or could, substantially achieve its stated goals and mission through a favorable outcome in an election. WSLC clearly uses means other than electoral political activity to achieve its stated goals. Expenditures for electoral political activity fell far short of a majority of WSLC’s efforts, and were truly miniscule in relation to other WSLC activities.

**Second Allegation:** WSLC, as a lobbyist employer, has violated RCW 42.17.180 and RCW 42.17A.630 by failing to report monetary and in-kind contributions to political committees totaling \$135,775 on form L-3c. The reports were due on 32 occasions during the five-year period of December 2010 – December 2015, and were not filed.

### **Commission Recommendation**

The Commission voted unanimously to accept staff’s recommendation, and to recommend to the Washington Attorney General that no further action be taken on the Citizen Action Complaint concerning allegation 1, the alleged failure by WSLC and its officers Jeff Johnson and Lynne Dodson to register and report as a political committee.

For allegation 2, the Commission found multiple apparent violations of RCW 42.17.180 and RCW 42.17A.630 and recommends that the Attorney General take appropriate action concerning WSLC’s apparent failure to report all of its reportable monetary and in-kind contributions on L-3c reports during the five-year period of December 2010 – December 2015.

If you have questions, please contact me at (360) 664-2735. Thank you.

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

Enclosure

cc: Commissioners  
Linda A. Dalton, Sr. Assistant Attorney General  
David M.S. Dewhirst and James G. Abernathy, Counsel, Freedom Foundation  
Dmitri Iglitzin, Counsel, WSLC