

File a Formal Complaint - Glen Morgan

[Glen Morgan](#) reported (Wed, 3 Oct at 12:36 PM)

To whom it may concern,

It has come to my attention that perennial candidate Matthew Sutherland in his most recent campaign, running for the position of state legislator in the 9th Legislative District has committed numerous violations of Washington State's campaign finance laws (**RCW 42.17A**).

1) Failure to timely file C4 report. (Violation of RCW 42.17A.235)

According to the PDC reporting requirements for 2018, the C4 covering the month of August was due on 9/10/2018. However, rather than comply with the law, the Sutherland campaign chose to file this critical report on 9/21/2018 – substantially after the required legal deadline. Please note that many of these expenditures were made during the 7 days prior to the 2018 primary election, which was a contested political race for the Sutherland campaign.

Unfortunately, Sutherland failed to file this C4 by the deadline, as required by state law.

2) Failure to accurately describe expense. (Violation of RCW 42.17A.240(6) & WAC 390-16-037)

Sutherland's campaign has regularly failed to follow Washington State's Campaign Finance laws as they apply to the reporting of expenditures. Nearly every C4 his campaign has filed contains violations of the statute and the rules written by the Public Disclosure Commission which support the statute. Here are some examples that need to be corrected by the Sutherland campaign to at least go through the motions of complying with the statute:

Examples of a failure to provide sufficient detail of expenditures (unambiguous violations of **RCW 42.17A.240(6)** and **WAC 390-16-037** (see example B provided at **WAC 390-16-037(3)**):

1. On 4/2/18 the Sutherland campaign reports they spent \$212.16 for "Campaign Literature" at Papermill Printing in Spokane, but they did not report how many pieces of literature they purchased. A clear violation of **WAC 390-16-037(3) example B** (See **PDC Report#100830477**)

2. On 8/18/18 the Sutherland campaign reports they spent \$170.00 on “Campaign Shirts and Polos” with no detail of how many shirts or polos they purchased. (See **PDC Report #100860068**)
3. On 8/17/18 the Sutherland campaign again reports that they spent \$446.08 on “Campaign literature” without specifying how many pieces they purchased. (See **PDC Report #100860068**)
4. On 7/6/18 the Sutherland campaign again reports that they spent \$403.10 on “Campaign Literature” without specifying how many pieces they purchased (See **PDC Report #100845793**)
5. On 7/5/18 the Sutherland campaign reports they spent \$793.47 on “Signs” again, without any detail provided for how many pieces they purchased (See **PDC Report #100845793**)
6. On 1/27/18 the Sutherland campaign reports they spent \$500.83 for “Campaign Literature” at Capital City Press in Bellingham, yet again, no details are provided about how many pieces of campaign literature were purchased. (See **PDC Report #100810450**)
7. On 5/7/18 the Sutherland campaign again reports they spent \$1,883.00 on “Yard Signs” again with no details on how many signs were purchased, etc (See **PDC Report # 100836519**)
8. On 5/15/18 the Sutherland campaign again reported they spent \$88.58 with Facebook for “advertising” with no details provided (See **PDC Report # 100836519**)
9. On 5/17/18 the Sutherland campaign reported they spent \$64.68 with J&H Printing for “postcards” but no details on how many as required by **WAC 390-16-037(3)** (See **PDC Report # 100836519**)
10. On 4/27/18 the Sutherland campaign reported they spent \$35.04 with J&H printing for “campaign literature” but no details or amounts provided (See **PDC Report # 100830477**)
11. On 6/21/18 the Sutherland campaign reported they spent \$793.46 with the Blue Deal for “road signs” again with no number of signs specified (See **PDC Report # 100845793**)

12. Additional examples can be provided to support these allegations, but they are repetitive in nature and the C4s filed by the Sutherland campaign are riddled with similar examples throughout the campaign.

Additional examples of similar violations are the repeated failure to provide details of expenditures, theoretically for campaign purposes. For example:

13. On 8/7/18 the Sutherland campaign spent \$143.32 at Safeway for “Event Supplies” with no details for what these supplies were for. Candidate Sutherland has a history of purchasing alcohol and providing the alcohol to parties where underage drinking is occurring (**See Walla Walla police Case # 2017-00009031 dated 5/16/2017** – this was a rape investigation of an underage drinker who attended a party where Mr. Sutherland was interviewed by detective and admitted in the police interview to bringing alcohol to the same party where he knew there were underage drinkers including the victim) It is important that proper detail be provided for expenditures like these in compliance with (**WAC 390-16-037**) (**See PDC Report # 100860068**). An audio file of the interview of Sutherland by the detective can be provided to the PDC on request.

14. 8/19/18 the Sutherland campaign spent \$81.49 for “event supplies” from Safeway. Again insufficient details provided (**See PDC Report # 100860068**)

15. 8/20/18 the Sutherland campaign spent \$97.82 for “Office supplies from The Bookie. Again insufficient details provide (**See PDC Report # 100860068**)

16. 8/30/18 again, the Sutherland campaign spent \$47.12 at Dissmore’s for undefined or explained “Event Supplies” (**See PDC Report # 100860068**)

17. 8/30/18 the Sutherland campaign spent \$194.03 at Amazon.com for undefined or explained “office supplies” (**See PDC Report # 100860068**)

18. 5/3/18 the Sutherland campaign spent \$188.22 on “Event Supplies and Refreshments” without adequate detail provided. Which event? What type of supplies, and did the “refreshments” include alcohol? (**See PDC Report # 100836519**)

19. 6/8/18 the Sutherland campaign spent \$58.64 on “Office supplies” without adequate details provided. What were the supplies? (**See PDC Report # 100845793**)

20. 7/16/18 the Sutherland campaign spent \$1,014.38 for “Office supplies” with Amazon.com without any details. These repeated purchases of undefined “office supplies” with zero description or detail are concerning (See **PDC Report # 100845793**)

21. 7/16/18 the Sutherland campaign also spent \$135.42 at Wal-Mart for undefined “Event supplies” with no description (See **PDC Report # 100845793**)

22. 7/16/18 the Sutherland campaign also spent another \$116.58 for “office supplies with Amazon.com (See **PDC Report # 100845793**)

23. 2/16/18 the Sutherland campaign spent another \$123.39 for “office supplies” (See **PDC Report # 100819410**)

24. There are many other similar examples throughout this campaign’s history, which the PDC should also help the campaign correct

Sutherland must update his C4 to include an accurate description of these expenditures. In the instances where these expenditures were not approved or allowed campaign expenditures, his campaign must be reimbursed.

3) Illegal personal use of campaign funds (Violation of RCW 42.17A.445)

In addition, the Sutherland campaign also appears to be illegally providing payments to Sutherland that are not allowed under Washington State’s campaign finance laws. State law prohibits the personal use of campaign funds (**RCW 42.17A.445**). State law also requires that expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with **WAC 390-16-037**, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly. Per **WAC 390-16-238(3)(a)** the campaign may only pay for the pro-rated share of documented gasoline expenses.

Note that in order to determine how much gasoline has been expended for campaign purposes (and to allow pump refueling), the campaign would have to track both the mileage and the highway/city MPG of the vehicle to determine how many gallons of gasoline had been expended for campaign vs. personal purposes. It is realistically impossible for someone to pump gas this precisely without highly

sophisticated weight and measurement equipment which the Sutherland campaign likely does not possess -- although it is possible they have this equipment and have failed to report it as an in-kind contribution., which would be a separate violation. If the campaign staffer utilizing the gas pump allows more fuel to flow into the vehicle's tank than was expended for a documented campaign purposes, this becomes an illegal personal use of campaign money. No evidence of detailed mileage logs has been provided by the Sutherland campaign, but the PDC should request these required logs to determine just how many of these expenditures have been illegally diverted to the candidate for personal use.

It is not appropriate for candidates for public office to use their campaign funds to support their lifestyle or to fund activities unrelated to campaign activities. Yet, the Sutherland campaign has done that for candidate Matthew Sutherland on numerous occasions. For example:

1. On 5/10/18 the Sutherland campaign gave \$287.28 to Matthew Sutherland for "Gas" (See **PDC Report # 100836519**)
2. On 5/9/18 the Sutherland campaign gave \$449.28 to Matthew Sutherland for "Gas" (See **PDC Report # 100836519**)

The following expenditure could be an illegal campaign expenditure to a volunteer, but at the least, it is lacking in detail as required under **WAC 390-16-037**:

1. On 8/8/18 the Sutherland campaign gave \$200.000 to a Skip Norman described as "t-shirt order reimbursement" however no further details like number of shirts ordered were provided as required by the statute (See **PDC Report # 100860068**)

Other expenditures made by the campaign are not allowed campaign expenditures, and these funds should be reimbursed to the campaign. The volume of paid newspaper subscriptions is also odd but is irrelevant since none of them are legitimate campaign expenditures. For example:

1. On 8/2/18 A "newspaper subscription" to the Lewiston Tribune for \$16.90. A newspaper subscription is not an allowed campaign expenditure. The candidate is certainly allowed to spend his own money on newspaper subscriptions, but he is not allowed to support use his campaign funds to do so (See **PDC Report # 100860068**)
2. On 8/9/18 A "newspaper subscription" to the Seattle Times for \$15.96. Again, not an allowed campaign expenditure (See **PDC Report # 100860068**)

3. On 8/28/18 A “newspaper subscription” to the Lewiston Tribune for \$19.07 was reported. (See **PDC Report # 100860068**)
4. On 8/31/18 Another “newspaper subscription” to the Lewiston Tribune for \$16.90 was reported (See **PDC Report # 100860068**)
5. On 6/7/18 Another “newspaper subscription” to the Lewiston Tribune for \$35.97 was reported (See **PDC Report # 100845793**)
6. On 7/3/18 Another “newspaper subscription” to the Lewiston Tribune for \$35.97 was reported (See **PDC Report # 100845793**)
7. On 7/12/18 Another “newspaper subscription” to the Seattle times for \$15.96 was reported (See **PDC Report # 100845793**)
8. On 7/30/18 Another “newspaper subscription” to the Lewiston Tribute for \$19.07 (see **PDC Report # 100849246**)

The Sutherland campaign must reimburse these illegal uses of campaign funds immediately to come back into compliance with the statute. The PDC should investigate the variety of nebulous travel expenditure reimbursements to Matthew Sutherland as part of his campaign expenditure program as well.

The PDC should investigate the possibility that Matthew Sutherland committed the above violations maliciously, which would be a class C felony per **RCW 42.17A.750 (2)(c)**. If the PDC determines that is the case, they should refer the case to the Attorney General's office for criminal prosecution immediately. I have reason to believe there are other provisions of **RCW 42.17A** that have been violated or are being violated by Sutherland's campaign. The PDC should conduct a thorough review of Sutherland's campaign to identify all violations.

Please don't hesitate to contact me if you need any additional information.

Best Regards,

Glen Morgan