

[Mark Lamb](mailto:mark@northcreeklaw.com) To [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) (Fri, 14 Dec 2018 at 4:47 PM)

Cc: [mark@northcreeklaw.com](mailto:mark@northcreeklaw.com)

**Subject:** PDC - Shea, Matthew: Alleged violations of RCW 42.17A.430 & .445 by donating surplus funds to unregistered charitable organizations and personal use of surplus funds. (EY 18 Dec 18)

**Description:**

Ms. Blacksmith,

This office represents Matt Shea's campaign and is responding to your correspondence of December 6, 2018 regarding a complaint by serial complainant Walter Smith.

The complaint is entirely without merit as it alleges that the donation of surplus funds to a 501(c)(3) charitable organization is prohibited by RCW 42.17A.430(4). This is a misreading of the statute. RCW 42.17A.430(4) permits donations to "a charitable organization registered in accordance with chapter 19.09 RCW". Many bona fide charities like churches or groups that do not solicit in Washington need not register under RCW 19.09. See RCW 19.09.020(2).

The plain reading and common sense interpretation of this statute is that surplus funds may only be donated to charities that, *if the statute requires them to register*, are registered. All of the organizations listed are bona fide 501(c)(3) charitable organizations. Daniels' Prayer Ministry is church affiliated and the other two entities did not solicit contributions generally in Washington State and thus were not required to register under RCW 19.09.

I believe this resolves the matter but please reach out if you have additional questions.

Best,

Mark



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