

## Complaint Description

Glen Morgan reported an issue (Wed, 30 Jan 2019 at 6:25 PM)

To whom it may concern,

It has come to my attention that Yes for Public Safety PAC, a political action committee mostly funded by the Spokane Firefighters Union, has violated, as has become custom for the Spokane Firefighters Union, Washington State's Fair Campaign Practices Act (**RCW 42.17A**).

### **1) Failure to properly report top 5 contributors on campaign literature and mailings (Violation of RCW 42.17a.320(2)(b))**

A recent complaint has been filed against Ben Stuckart, current candidate for Spokane Mayor, and this complaint derives from information uncovered while investigating the obvious violations committed by Spokane Councilmember Ben Stuckart.

Yes for Public Safety PAC spent \$22,500 to mail at least 30,000pcs of a campaign mailer earlier this month (see attached mailer sample as Exhibit A, and also PDC **Tracking #100882020** – schedule B for reference). As can be read on the bottom of the mailer, the disclaimer identifies only two of the three top contributors to the campaign. The identities of the Spokane Firefighters Union and the Spokane Police Guild are revealed, but this PAC chose to conceal the identity of the third contributor – Adam McDaniel (or, as he was referred in the C4 filed by the Yes for Public Safety PAC see PDC **Tracking #100882020 Schedule B** “McDaniel Projects” which is an organization unrecognized by the Washington State Secretary of State as a legal entity – see screen capture of a search result for this corporate name). Adam McDaniel should have been listed as one of the top 5 contributors because his in-kind contribution qualifies as a reportable contribution under **RCW 42.17A.240**, and as clearly stated in **RCW 42.17.320(2)(b)**, any contributor which contributes over \$750 to a PAC, and is one of the top 5 contributors to that PAC must be disclosed in the mailers. Clearly, this PAC willfully chose to conceal the identity of this contributor from the public.

The officers of the Yes for Public Safety PAC willfully chose to conceal the identity of Adam McDaniel from the public because Mr. McDaniel is also Spokane City Councilmember Ben Stuckart's legislative aide and is a public employee working at the direction of Ben Stuckart. As my previous complaint about Ben Stuckart's violations make clear and the attached image of the front of the flyer prove – the most prominent person featured in this flyer was Ben Stuckart himself, who is currently a candidate for Spokane Mayor (and has been since last year). It would be inconvenient for this PAC to reveal the true list of top contributors if the public became aware of the collusion between this PAC and Mayoral candidate Ben Stuckart to use much of this PAC's declared \$61,000 worth of contributions to not just support the proposed property tax increase, but to also assist Stuckart's campaign for

Mayor with an illegal over limit contribution to his campaign by featuring his photo and name prominently in this flyer.

Additionally, Mr. McDaniel has prominently been quoted on the record lobbying for a reduction in the campaign contribution limits to campaigns within the City of Spokane (see article linked here in the Spokesman review where he is prominently quoted: <http://www.spokesman.com/stories/2017/dec/10/shawn-vestal-spokane-council-president-ben-stuckart/>). While Mr. McDaniel was successful in helping Ben Stuckart write the new local campaign finance rules, which went into effect earlier this month, it also appears that Mr. McDaniel doesn't believe these restrictions should apply to himself as he clearly made a contribution to this PAC which is twice the legal limit he has chosen to impose on others in the City of Spokane. Hypocrisy is not unusual in politics, but it was helpful to the Yes for Public Safety PAC to conceal the identity of their top donor from the public in this manner.

The Spokane Firefighters Union is a regular and consistent violator of Washington State's fair campaign practices act (RCW 42.17A) for many years now, and this pattern of behavior continues with this mailer and this newly formed PAC. See Campaign Enforcement Cases #37430, #9063, #9059, #33375, #9062, and #2218. Even when they were fined \$10,000 (with \$3,000 suspended) by the PDC, they attempted to dissolve to avoid paying the penalty, which required the unusual intervention of the Executive Director of the PDC to intervene and send a letter to them (attached for reference)

None of the previous penalties earned by this organization have changed either their behavior or willingness to willfully continue to violate the law.

In addition, the very likely collusion between this PAC, Spokane Mayoral candidate and current Spokane City Councilmember Ben Stuckart, City of Spokane employee Adam McDaniel (who is also Stuckart's legislative aid and undisclosed top 5 contributor in this PAC mailer), and possibly others to use resources in this campaign to promote and provide illegal, unreported, over limit in-kind to Ben Stuckart's Spokane Mayoral campaign should encourage PDC staff to look deeper into this case. Please also note that this PAC and the Ben Stuckart campaign share treasurers and graphic designers (as noted in previous complaint filed against Ben Stuckart).

It appears very likely that far more violations than those I have specified in this complaint have been committed, and it seems The PDC should investigate the possibility (and near certainty) that Ben Stuckart and this PAC "Yes for Public Safety PAC" 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.

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

Best Regards,

Glen Morgan

**What impact does the alleged violation(s) have on the public?**

The public should know who is funding these secretive political campaigns that support taking their hard earned tax dollars. Particularly this is true when the hidden donors are paid employees by the taxpayers and have illegally coordinated their efforts with sitting city councilmembers to personally profit those very same councilmembers in their political campaigns.

**List of attached evidence or contact information where evidence may be found.**

Front of mailer  
Letter from Peter Lavallo

**List of potential witnesses with contact information to reach them.**

Ben Stuckart  
Adam McDaniel  
All officers in this PAC  
PAC treasurer

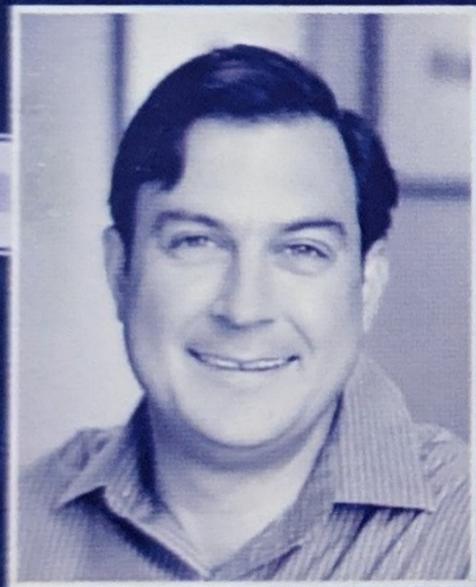
**Complaint Certification:**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

# APPROVE



ENDORSED BY



-Ben Stuckart  
Spokane  
City Council  
President

*"I support Prop 1 because we need to keep our growing community safe. The city's Firefighters and Police Officers show up for us no matter what. In this February 12 special election, it's time for us to show up for them. Please join me in voting Yes to Approve Prop 1"*



SPOKANE ALLIANCE  
Organizing for the Common Good.



Paid for by: Yes For Public Safety 911 E Baldwin Ave Spokane, WA 99207  
Top 5 contributors: Spokane Firefighters Local 29, Spokane Police Guild



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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December 15, 2017

Sent electronically by email to:

Danielle Franco-Malone: [franco@workerlaw.com](mailto:franco@workerlaw.com)

Randy Marler, Campaign Manager: [spokaneforhonestgovernment@gmail.com](mailto:spokaneforhonestgovernment@gmail.com)

Brandon Bacon, Treasurer: [spokaneforhonestgovernment@gmail.com](mailto:spokaneforhonestgovernment@gmail.com)

Rich Bruce, Committee Member, [spokaneforhonestgovernment@gmail.com](mailto:spokaneforhonestgovernment@gmail.com)

Renee Barkart, Committee Member, [spokaneforhonestgovernment@gmail.com](mailto:spokaneforhonestgovernment@gmail.com)

Deborah Gaddess, Committee Member, [spokaneforhonestgovernment@gmail.com](mailto:spokaneforhonestgovernment@gmail.com)

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Subject: Public Disclosure Commission's Final Order - Spokane for Honest Government,  
PDC Case 9059

Dear Ms. Franco-Malone:

The Public Disclosure Commission's Final Order in PDC Case 9059 assessed a total civil penalty of \$10,000, with \$3,000 suspended on the condition that the Respondent — your client, Spokane for Honest Government — is in compliance with all current reporting requirements, has no further violations of law or PDC rules for four years from the date of the Order, and pays the non-suspended portion of the penalty within 90 days from the date of the Order. The Commission did not require immediate payment, as stated in your November 27, 2017 letter (copy enclosed), but allowed the committee 90 days to make payment, giving Spokane for Honest Government until February 6, 2018 to make payment. The Committee's officers could also ask for additional time to pay the penalty, or ask for a payment plan.

**Conditions for Suspended Penalty**

Spokane for Honest Government must comply with all current reporting requirements to have \$3,000 of the penalty suspended. I am enclosing a copy of C-4 Report No. 100800480, covering the period 10/31/17 to 11/30/17, filed November 13, 2017. The report is certified by Spokane for Honest Government Treasurer Brandon Bacon in accordance with RCW 42.17A.240. By submitting the report, Mr. Bacon stated, "I

certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge." The report is marked as a Final Report. However, this C-4 report is not accurate because it does not include a Schedule B, which in Part 3 requires the filer to show outstanding debts of more than \$250.00. [RCW 42.17A.240\(8\)](#). In addition, the C-4 report does not reflect any debt on line 19 of the report, as required by RCW 42.17A.240(8). Spokane for Honest Government had an outstanding debt during the period covered by this report of \$7,000.00 owed to the State of Washington for a penalty assessed by the Commission on October 26, 2017 in PDC Case 9059. Spokane for Honest Government was notified of this outstanding debt on November 8, 2017 by email and U.S. mail, and had a responsibility to inform its treasurer so Mr. Bacon could file an accurate report. Failure to amend this C-4 report could put the committee, and the committee's treasurer or other officers individually, at risk of being in violation of RCW 42.17A.240(8).

### **Procedures to "wind down operations" and no longer function as a political committee**

In your November 27, 2017 letter, you stated that Spokane for Honest Government has complied with the procedures provided by the Public Disclosure Commission to wind down operations, and is no longer a political committee. [RCW 42.17A.005\(37\)](#).

Staff disagrees with your assertion that Spokane for Honest Government has complied with the procedures provided by the Public Disclosure Commission to wind down operations and stop filing reports. [RCW 42.17A.235\(8\)](#) states: "When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports." (Emphasis added). Spokane for Honest Government has on-going reporting obligations, except that [RCW 42.17A.235\(2\)\(c\)](#) states that on the 10<sup>th</sup> day of the month in which no other reports are required to be filed under RCW 42.17A.235, C-4 reports are only required to be filed if the committee has received contributions or made expenditures that exceed \$200 during the preceding calendar month.

Your November 27, 2017 letter also stated that Spokane for Honest Government chose to honor the intent of those who contributed to it, to spend those funds in support of candidates in the November 2017 general election. You stated that Spokane for Honest Government went ahead and spent what little money it had in the manner its donors intended, and as a result, by the time the election was over, it no longer had the funds that would have been necessary to pay the fine imposed on it by the Commission, and had no reasonable way of obtaining such funds.

I am sure the committee's supporters also intend for the committee to comply fully with the law. It appears from the record that Spokane for Honest Government has supporters that could help it meet its financial obligations before it winds down its operations and is no longer a political committee.

Spokane for Honest Government  
Letter Concerning Commission's Final Order  
PDC Case 9059  
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Please contact me if you would like to discuss this matter. You can contact me by phone at (360) 664-2735, or by email at [peter.lavallee@pdc.wa.gov](mailto:peter.lavallee@pdc.wa.gov).

Sincerely,



Peter Lavallee  
Executive Director

Enclosures:

C-4 Report Covering 10/31/17 to 11/30/17  
November 27, 2017 letter  
September 29, 2017 letter