

March 15, 2019

Eric S. Newman
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Washington Public Disclosure Commission
PO Box 40908
Olympia, WA 98504

Re: PDC Case 47381

Dear Sir or Madam:

I write to respond to the complaint filed on February 14, 2019, by Glen Morgan (case No. 47381), which has been referred to the Washington Public Disclosure Commission. The complaint is without merit, and I ask that it be dismissed pursuant to WAC 390-37-070. As explained below, the facts demonstrate that no violation of RCW chapter 42.17A occurred, my campaign was in substantial compliance with the relevant statutes or rules, and formal enforcement action is not warranted. Each allegation is addressed in turn.

First, the three reports referenced as being untimely-filed were each amendments. The original reports were filed on time. Mr. Morgan has repeatedly taken the position, without citation to any authority, that filing an amendment constitutes a late report. There is no authority referencing RCW 42.17A that supports this claim. Such an application of the law would lead to an absurd result. In order to effectuate the FCPA's focus on "promot[ing] complete disclosure of all information," RCW 42.17A.001, the ability for a candidate or committee to amend reports without penalty must be preserved. Mr. Morgan's distorted reading of the law would create a perverse incentive to withhold full disclosure, since a reporting entity might be penalized for discovering and appropriately correcting a mistake or providing more information when it becomes available. Of course, amended reports are not late reports. The information provided in the original reports was the best available information at the time, and when better information became available, amendments were filed.

Second, there is no requirement in RCW 42.17A.240(6) or WAC 390-16-037 mandating that reports include the number of pieces of literature printed. While the version of WAC 390-16-037 in effect at the time of the reporting provides three examples, only one of them includes a number in the "purpose" field, and nowhere in the regulation or in any other law is it stated that this information is required. It would be ridiculous to read the rule as requiring the disclosure of the number of pages printed, but not requiring the number of television commercials purchased or the number of robocalls ordered. The examples are just what they say they are: examples. They show the type of information that may be in the disclosure, but there is no specific requirement of a number. The three categories of information, listed in the examples, "vendor name," "purpose," and "amount" were each addressed in my campaign's report. The report was

compliant with reporting requirements. However, to the extent the Commission disagrees or is otherwise interested in receiving the numbers of printed items, they are as follows:

- On 2/2/16, the campaign purchased 1,000 remit envelopes and 1,000 business cards.
- On 6/11/16, the campaign purchased 58 t-shirts.
- On 10/26/16, the campaign purchased 7,500 doorbells.

Yard sign stakes are not a printed item, and therefore, the quantity is not required under any reading of the Code.

Third, all online advertising expenditures for the campaign were reported with their correct run dates. The allegation related to on-line advertising is patently false.

There is no reason to believe that Mr. Morgan's complaint has any merit. There has at the very least been substantial if not exacting compliance with the disclosure laws, and as such the complaint should be dismissed. If you need any further information from me, please do not hesitate to call or contact me via email.

Regards,

/s/

Eric S. Newman