



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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December 27, 2011

JASON BENNETT
PO BOX 9100
SEATTLE WA 98109

Subject: Complaint filed against the John Creighton campaign, PDC Case No.12-107

Dear Mr. Bennett:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint filed on August 12, 2011, alleging that the John Creighton campaign for King County Council in 2011, violated RCW 42.17.040, .080 and .090 by:

- Filing an incomplete Candidate Registration (C-1 report) by not including whether the treasurer is performing only ministerial duties, and failing to include the names of the individuals who authorized expenses and were the principal decision makers for the campaign;
- Failing to list the correct date of receipt on Monetary Contributions reports (C-3 report) for multiple monetary contributions received by the campaign;
- Failing to report orders placed, debts, or obligations on Campaign Summary Receipts and Expenditures reports (C-4 report); and
- Failing to include the breakdown for campaign expenditures made to sub-contractors for work provided by vendors (allegation included WAC 390-16-307).

The complaint also alleged the John Creighton campaign violated RCW 42.17.640 by accepting over-limit contributions by spending general election contributions for primary election expenses, and not properly segregating primary and general election contributions (allegation included WAC 390-17-300).

PDC staff reviewed your allegations in light of the following statutes:

RCW 42.17.040 requires candidates to indicate whether the treasurer is performing only ministerial duties, and to include on the C-1 the names of the individuals who are authorizing expenses and making decisions on behalf of the campaign

RCW 42.17.080 and .090 require candidates under the full reporting option to file timely, accurate reports of contribution and expenditure activities, including reporting contributions received on weekly C-3 reports; orders placed, debts, and obligations on C-4 reports; and work contracted out to sub-vendors for expenditures on C-4 reports required to be filed 21 and 7 days before an election.

RCW 42.17.640 limits the contributions to a candidate for a county office to \$800 for each election in which the candidate's name appears on the ballot. Contributions made with respect to a primary election may not be made after the date of the primary. However, contributions to a candidate may be made with respect to a primary until thirty days after the primary if the candidate lost the primary, the candidate has insufficient funds to pay debts outstanding as of the date of the primary, and provided contributions are only raised and spent to satisfy the outstanding debt.

We reviewed your complaint, responses from John Creighton, the PDC database, and campaign finance reports filed by the Creighton campaign. As a result of our review, we found:

- Mr. Creighton stated he authorized all work done by his 2011 campaign for King County Council.
- Mr. Creighton stated that the contributions his campaign received by check were through the U.S. mail and delivered to his campaign post office box where his treasurer picked up the contributions. He said his treasurer deposited the checks into the campaign bank account on the same day they were received or on the subsequent business day if the checks were received after the close of business. He said the receipt date for the majority of the campaign checks received was the same as the date of the bank deposit.
- Mr. Creighton stated, with respect to online contributions received by the campaign, that his treasurer listed the date of receipt as the date when a contribution was deposited into the campaign bank account from the campaign's electronic contribution service.
- Mr. Creighton said the invoices received from vendors for the work performed on behalf of the campaign were disclosed in PDC filings as soon as those invoices were received, and that the details of the information was based on the invoices provided.
- Mr. Creighton stated that his campaign established a budget for the primary election, and that he had always intended to contribute personal funds to make up any shortfall in contributions received for the 2011 primary election. He said that all contributions received by the campaign and designated for the 2011 general election were deposited into a separate Wells Fargo Bank bank account, and that none of those general election funds were spent for expenses related to or incurred for the 2011 primary election.
- On October 11, 2011, the Creighton campaign filed a September C-4 report disclosing \$20,900 in monetary expenditures that were refunds of the 2011 general election contributions that had been received by the campaign.
- A Wells Fargo bank statement for the Creighton campaign covering the period August 9 through September 9, 2011, showed that the bank account was used by the campaign for only 2011 general election contributions. The bank statement listed the beginning balance on August 6, 2011 as \$19,100, and showed deposits of four contributions totaling \$1,800, two \$700 contributions and two \$200 contributions.

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- According to the bank statement, the ending balance of the general election contributions was \$20,900 which is the same amount of general election contributions disclosed by the Creighton campaign on its C-3 reports.

PDC staff found no evidence that the Creighton campaign spent any of its general election contributions on primary election activities. The general election contributions were properly segregated from the primary contributions in a separate bank account.

PDC staff also found no evidence that the campaign treasurer was performing anything other than ministerial duties. Mr. Creighton was the individual who authorized expenses and was the principal decision maker for the campaign.

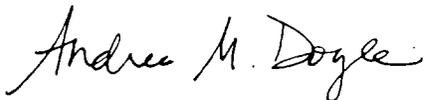
No evidence was provided that the Creighton campaign failed to list the correct date of contributions received on C-3 reports. Additionally, no evidence was found that any campaign expenditures should have been reported as an order placed, debt, or obligation by the Creighton campaign. Finally, the expenditure information disclosed by the campaign on its C-4 reports was based on information listed on the invoices provided by vendors.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation. Because the investigation has not revealed evidence of material violations or substantial non-compliance with any of the laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against John Creighton, with the concurrence of the Chair of the Public Disclosure Commission.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of the Public Disclosure Law and better public disclosure of important campaign information.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Andrea McNamara Doyle
Executive Director