



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE	)	PDC CASE NO: 14-012
WITH RCW 42.17A	)	
	)	
26 <sup>th</sup> Legislative District Republican	)	
Central Committee	)	
	)	REPORT OF INVESTIGATION
	)	
Respondent.	)	
_____	)	

I.

BACKGROUND

- 1.1 The 26<sup>th</sup> Legislative District Republican Central Committee (26<sup>th</sup> LD Committee) is the bona fide Republican Party central committee for Washington's 26<sup>th</sup> Legislative District. The district includes southeastern Kitsap Peninsula from Bremerton and Port Orchard in the north to Gig Harbor in the south.
- 1.2 On February 11, 2013, the 26<sup>th</sup> LD Committee filed an electronic C-1pc Political Committee Registration, amending the committee's previous registration filed on February 6, 2012. The 2013 registration listed Juliana McMahan as committee treasurer, and Kelly Haughton, Jennie Young, Patrick Pettyjohn, Mike McKenzie, and Jennifer Wicklund as other officers. **(Exhibit 1)**
- 1.3 In the 2013 primary and general elections, Jan Angel faced incumbent Nathan Schlicher in the race for State Senator in the 26<sup>th</sup> LD. Mr. Schlicher ran for election to his office for the first time, having been appointed to the position after Derek Kilmer, the previous incumbent, won election to Congress.
- 1.4 The 2013 race for State Senator in the 26<sup>th</sup> LD broke records for campaign fundraising and spending. Ms. Angel raised approximately \$784,000 and spent approximately \$754,000; Mr. Schlicher raised and spent approximately

\$600,000. Independent spending to support or oppose Ms. Angel and Mr. Schlicher totaled approximately two million dollars.

- 1.5 Jan Angel received a majority of votes over Mr. Schlicher in both the 2013 primary and general elections. She was elected by 4% of votes cast in the November 5, 2013 general election.
- 1.6 On September 24, 2013, the PDC received a complaint against the 23th LD Committee from Johanna Baxter. **(Exhibit 2)**

## II.

### ALLEGATIONS AND FINDINGS

- 2.1 The complaint filed by Johanna Baxter alleged that the 26<sup>th</sup> LD Committee, through officer Patrick Pettyjohn, solicited or received over-limit earmarked contributions to the 2013 Jan Angel campaign.
- 2.2 The primary exhibit to Ms. Baxter's complaint was a copy of an undated letter addressed from the 26<sup>th</sup> LD Committee and signed with Mr. Pettyjohn's name. **(Exhibit 2, p 3)** The full text of the letter is quoted below:

*My Fellow Republicans:*

*I am writing to you because you are a big donor to Jan Angel's campaign for the 26<sup>th</sup> Legislative District Washington Senate position. I'd like to thank you for your donations and I have a way for you to give more than the state maximum. It is done by donating to our 26<sup>th</sup> Legislative District Republican Committee.*

*The 26<sup>th</sup> LD Republican Committee has no state law limit on how much you can give to it. It can then take your donation and give it to the candidate with a \$38,000 limit to each candidate as long as you don't earmark the donation since you have maxed out to the candidate's campaign. This is the pivotal campaign for the Republicans to take control of our WA legislative body.*

*Some have given \$1,000 and more for this important race to the 26<sup>th</sup> LD Republican Committee. I urge you to also donate more for this great cause. Thank you for all that you do for the Republican Party.*

*Sincerely yours,*

*Patrick Pettyjohn*

*26<sup>th</sup> LD Republican Committee Board Member*

- 2.3 On January 10, 2014, a response to the complaint was received from Kelly Haughton, Chair of the 26<sup>th</sup> LD Committee. **(Exhibit 3)** Mr. Haughton stated that in sending his letter, Mr. Pettyjohn acted independently of other committee offers and without their knowledge, and used no committee funds to send the letter. He stated further that as a result of his letter, Mr. Pettyjohn was removed from his position with the committee effective September 26, 2013, two days after Ms. Baxter's complaint was filed. Finally, Mr. Haughton stated that the 26<sup>th</sup> LD Committee raised no contributions in response to Mr. Pettyjohn's letter, and that therefore no violation had occurred.
- 2.4 On March 14, 2014, PDC staff received a written response from Patrick Pettyjohn concerning his letter. **(Exhibit 4)** He stated, as Mr. Haughton had, that his letter resulted in no contributions to the 26<sup>th</sup> LD Committee. He stated further that when his service on the 26<sup>th</sup> LD Committee board began, he believed the committee's purpose was to solicit contributions for Republican candidates in the district. He stated that he asked other committee members for guidance on how to accomplish this, but that "no one would talk to" him, "as they were either too busy or didn't know." Mr. Pettyjohn stated that he then consulted PDC staff, and based on those consultations, believed it was proper for a legislative district party committee to solicit contributions earmarked for the benefit of a specific candidate. Finally, Mr. Pettyjohn stated that he did not retain a copy of his letter or the mailing list used, but destroyed them when he learned that they generated no contributions. In response to staff's question concerning the date of the letter, he estimated that the letter was mailed in early August of 2013.
- 2.5 PDC staff reviewed contribution and expenditure data on file from the 26<sup>th</sup> LD Committee and the 2013 Jan Angel campaign. Staff noted that the 26<sup>th</sup> LD Committee made a \$4,100 contribution to the Angel campaign on August 26, 2013 **(Exhibit 5)**<sup>1</sup>, and that the contribution was reported received by the Angel campaign **(Exhibit 6)** on August 29, 2013. Staff also noted that the 26<sup>th</sup> LD Committee raised \$4,736 in contributions during 2013, and that none were received after August 3, 2013. The last contribution received by the committee in 2013 was a \$2,000 contribution from Mr. Pettyjohn, received on August 3, 2013. **(Exhibit 7)** Together, these dates indicate that Mr. Pettyjohn's funds were used for the contribution to the Jan Angel campaign, if not earmarked for that campaign.
- 2.6 PDC staff conducted an interview under oath with Kelly Haughton on September 17, 2015. Mr. Haughton stated that from candidate filing week in the Spring of 2013, his committee knew that it would be supporting Jan Angel in the 2013 senate race in the 26<sup>th</sup> LD, as that was the only partisan race on the ballot. However, he stated that he did not recall any communication from

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<sup>1</sup> PDC staff noted that the 26<sup>th</sup> LD Committee's report disclosing this \$4,100 contribution was not found in the PDC imaging system or database. However, staff's review indicated that the report was timely filed by the committee on September 9, 2013, and was not released to the public due to technical problems.

Patrick Pettyjohn earmarking his August 3, 2013 \$2,000 contribution to the 26<sup>th</sup> LD Committee as a contribution to the Jan Angel Campaign. Mr. Haughton stated that as Committee chair, he would be in a position to know whether Mr. Pettyjohn communicated any such instructions. Mr. Haughton stated that he did not believe that Mr. Pettyjohn was present at the committee meeting during which the committee authorized the \$4,100 contribution to the Jan Angel campaign.

- 2.7 On March 18, 2014, Juliana McMahan, treasurer of the 26<sup>th</sup> LD Committee, provided a scanned copy of the August 3, 2013 \$2,000 contribution to the committee by Patrick Pettyjohn. **(Exhibit 8)** The check contained no written notation or instructions concerning Mr. Pettyjohn's intended use of his funds.
- 2.8 In reviewing contribution data from the 26<sup>th</sup> LD Committee and the 2013 Jan Angel campaign, staff looked for indications that any contributor to the 26<sup>th</sup> LD Committee 2013 had already made maximum contributions to the Jan Angel campaign, and that the contributor's contribution to the 26<sup>th</sup> LD Committee may have been intended to circumvent limits. Staff found that among contributors who gave to both campaigns, only Patrick Pettyjohn gave the maximum to the 2013 Jan Angel campaign, indicating that contributions from other sources to the 26<sup>th</sup> LD Committee were not made in an attempt to circumvent limits.

#### IV.

#### SCOPE

3.1 PDC staff reviewed the following documents:

1. A complaint filed against the 26<sup>th</sup> LD Republican Central Committee by Joanna Baxter on September 24, 2015;
2. Campaign finance reports and data submitted by the 26<sup>th</sup> LD Republican Central Committee in 2013;
3. Campaign finance reports and data submitted by the 2013 Jan Angel campaign for State Senator in the 26<sup>th</sup> LD;
4. A written response to the complaint, received from Kelly Haughton on January 10, 2014;
5. A written response to the complaint, receive from Patrick Pettyjohn on March 13, 2014; and
6. Scanned copies of contribution checks to the 26<sup>th</sup> LD Republican Central Committee, received from Juliana McMahan on March 18, 2014.

3.2 PDC staff conducted an interview under oath with Kelly Haughton on September 17, 2015.

V.

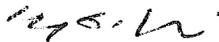
LAW

**RCW 42.17A.460** states that "All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate or state official."

**RCW 42.17A.420** dictates the process for processing and disclosing contributions earmarked for the benefit of a candidate. Per **WAC 390-16-240**, a contribution earmarked for the benefit of a specific candidate may not simply be passed on to that candidate, but must be spent by the receiving committee for the candidate's benefit, including through in-kind contributions.

**RCW 42.17A.405** limits contributions from individuals to candidates for state legislative office. In 2013, the limit was \$900 for each election in which the candidate's name appeared on the ballot.

Respectfully submitted this 17<sup>th</sup> day of September, 2015.



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Tony Perkins  
Compliance Officer

### **EXHIBIT LIST**

- Exhibit 1** February 6, 2012 C-1pc registration for 26<sup>th</sup> LD Republicans.
- Exhibit 2** September 24, 2013 complaint against 26<sup>th</sup> LD Republicans.
- Exhibit 3** January 10, 2014 response to complaint from Kelly Haughton, Chair of the 26<sup>th</sup> LD Committee.
- Exhibit 4** March 14, 2014, response from Patrick Pettyjohn.
- Exhibit 5** C-4 report of 26<sup>th</sup> LD Committee's \$4,100 contribution to the Jan Angel campaign made on August 26, 2013.
- Exhibit 6** C-3 report disclosing receipt of \$4,100 contribution by Jan Angel campaign.
- Exhibit 7** C-3 report of \$2,000 contribution from Mr. Pettyjohn to the 26<sup>th</sup> LD Republicans.
- Exhibit 8** Scanned copy of Patrick Pettyjohn's August 3, 2013 \$2,000 contribution to the 26<sup>th</sup> LD Republican committee.