



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 17, 2015

KELLY HAUGHTON, CHAIR
26TH LEG DIST REPUB CENT COMM
7261 SE ROPER LN
OLALLA WA 98359

Subject: Complaint filed by Johanna Baxter, PDC Case No. 14-012

Dear Mr. Haughton:

With the concurrence of the Chair of the Public Disclosure Commission, I have dismissed the complaint against the 26th Legislative District Republican Committee filed by Johanna Baxter on September 24, 2013. Enclosed is a copy of the dismissal letter sent to Ms. Baxter.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2013 and 2014 election seasons.

If you have questions, please contact Tony Perkins, Director of Compliance, at (360) 586-1042 or toll-free at 1-877-601-2828 or by e-mail at tony.perkins@pdc.wa.gov.

Sincerely,


Frederick C. Kiga
Executive Director



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September 18, 2015

JOHANNA BAXTER
PO BOX 4252
SOUTH COLBY WA 98384

Subject: Complaint filed against 26th Legislative District Republican Committee, PDC Case No. 14-012

Dear Ms. Baxter:

PDC staff has completed its investigation of your complaint received on September 24, 2013, alleging that the 26th Legislative District Republican Committee solicited and received over-limit, earmarked contributions to the 2013 Jan Angel for Senate campaign.

Your complaint was considered in light of the following statutes and rule:

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 political advertising expenditures supporting that candidate.

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.

PDC staff reviewed your complaint, and responses to the complaint submitted by Kelly Haughton and Patrick Pettyjohn. Staff reviewed campaign finance reports and data submitted by the 26th LD Republican Central Committee in 2013, and the 2013 Jan Angel campaign for State

Senator in the 26th LD. Staff reviewed copies of pertinent contribution checks. Finally, staff conducted an interview under oath with Kelly Haughton. As a result of staff's investigation, we found the following:

- In early August of 2013, Patrick Pettyjohn mailed a letter that solicited earmarked contributions to the 2013 Jan Angel campaign for State Senate in the 26th LD.
- Kelly Haughton, Chair of the 26th LD Committee, 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 your complaint was filed. Mr. Haughton stated that the 26th LD Committee received no contributions in response to Mr. Pettyjohn's letter.
- Mr. Pettyjohn stated that based on consultations with PDC staff, he believed it was proper for a legislative district party committee to solicit contributions earmarked for the benefit of a specific candidate. However, Mr. Pettyjohn confirmed that his letter resulted in no contributions to the 26th LD Committee.
- The 26th LD Committee made a \$4,100 contribution to the Jan Angel campaign on August 26, 2013, funded in part by a \$2,000 contribution from Mr. Pettyjohn, received on August 3, 2013. Kelly Haughton stated that he did not recall any communication from Patrick Pettyjohn earmarking his \$2,000 contribution 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 further that he did not believe Mr. Pettyjohn was present at the committee meeting during which the committee authorized the \$4,100 contribution to the Jan Angel campaign.
- PDC staff reviewed a copy of the August 3, 2013 \$2,000 contribution to the 26th LD Committee by Patrick Pettyjohn. The check contained no written notation or instructions concerning Mr. Pettyjohn's intended use of his funds.
- Mr. Haughton stated that the 2013 Jan Angel senate race in the 26th LD was the only partisan race on the ballot in that year. He stated that his committee knew it would devote its resources to support Ms. Angel by candidate filing week in the Spring of 2013, long before Mr. Pettyjohn made his \$2,000 contribution on August 3, 2013.
- Among contributors who gave to both 26th LD Committee and the Jan Angel campaign in 2013, only Patrick Pettyjohn gave the maximum to the 2013 Jan Angel campaign, indicating that contributions to the 26th LD Committee from other sources in 2013 were not earmarked contributions to the Jan Angel campaign, made in an attempt to circumvent limits.

Johanna Baxter

Complaint filed against 26th LD Republican Committee – PDC Case No. 14-012

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After a careful review of the alleged violations and relevant facts, PDC staff have concluded our investigation. We found no evidence that the 26th Legislative District Republican Committee received over-limit, earmarked contributions to the 2013 Jan Angel for Senate campaign.

Because staff's investigation has not revealed evidence of a material violation of any laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against the 26th Legislative District Republican Committee with the concurrence of the Chair of the Public Disclosure Commission.

I sincerely regret how long it has taken to bring this matter to conclusion, and appreciate your patience as PDC compliance staff members have worked their way through the backlog of complaints from the 2013 and 2014 election seasons.

If you have questions, please contact Tony Perkins, Director of Compliance, at (360) 586-1042 or toll-free at 1-877-601-2828 or by e-mail at tony.perkins@pdc.wa.gov.

Sincerely,


Frederick C. Kiga
Executive Director

cc: 26th Legislative District Republican Committee, c/o Kelly Haughton