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June 19, 2018

VIA EMAILMicaiah Titus Ragins
Compliance Coordinator
Public Disclosure Commission
fdc@fdc.wa.gov**Re: Response to Complaint — Ticket No. 34582 — Alishia Topper**

Dear Mr. Ragins:

We represent Councilmember Alishia Topper and her campaigns for State Representative in 2016 and for Vancouver City Councilmember in 2017 (collectively, the “Topper Campaigns”). The Topper Campaigns appreciate the opportunity to review and respond to the complaint that Mr. Glen Morgan filed with the Public Disclosure Commission on April 11, 2018 (Ticket No. 34582). As explained below, the allegations in the complaint are largely baseless, the Topper Campaigns did not commit any material violations of applicable requirements, and the complaint should be dismissed.

To begin with, the complaint states that it concerns Ms. Topper’s campaign for “the Clark County Council,” but Ms. Topper never ran for that office. The spreadsheet attached to the complaint—which is the only portion of the complaint with any substantive information—concerns campaign activity related to Ms. Topper’s campaigns for State Representative and Vancouver City Council. Thus, the Topper Campaigns will interpret the complaint to be about those two campaigns.

The complaint fails to support seven out of eight alleged violations with any facts or detail. In particular, violations 2 through 8 are based solely “[o]n information and belief,” without any supporting allegations or explanations. The Topper Campaigns deny that any such violations occurred. To whatever extent the PDC has any concerns over these issues, the Topper Campaigns would be happy to address them upon request.

The sole remaining asserted violation concerns timely reporting of contributions and expenditures via C3 and C4 reports. For context, the Topper Campaigns involved over \$315,000 of campaign activity and over 275 reports in the aggregate. The spreadsheet attached to the complaint lists 21 allegedly late reports from the two campaigns. Yet the contributions and expenditures at issue either were reported timely or, in a limited number of instances, were reported after only a short delay due to honest, inadvertent mistakes involving modest amounts. None of this warrants any further action.

As for item 2, the spreadsheet identifies the wrong deadline, overlooking that Ms. Topper was not on the primary ballot for that campaign. The report at issue was thus filed timely. Similarly, as for items 3 and 4, the stated deadline is incorrect: the reports were filed timely based on the underlying financial activity of the campaign. *See* RCW 42.17A.235(2)(c).

Items 8 and 10 concern amendments to remove expenses that were not actual expenses of the campaign. Accordingly, these were harmless technical corrections.

Item 13 was an amendment to correct an inadvertently misstated deposit date. Similarly, item 16 mistakenly lists a deposit date that was a Sunday, whereas the deposit was actually made the next day and then reported two days later. The contributions at issue were timely reported, and these mistakes were harmless.

Item 17 was an amendment to correct the misspelled name of a contributor (from “Golf” to “Colf”). This was a technical correction that was made as soon as the typographical error was discovered. Similarly, item 21 amended a C3 report in which the incorrect year had accidentally been written down for a deposit (early in a new calendar year). Likewise, item 12 was an amendment to a C4 report to properly account for the correction made with item 21. Again, the mistakes were harmless and corrected once discovered.

Item 14 was an amendment to combine two contributions from the same source, once the limit for the primary campaign was increased. There was no violation.

As for item 6, this report is identical to a prior report—item 12, addressed above—and thus was not required in the first place and does not constitute a violation. Similarly, item 18 was identical to a prior report (No. 100669586) and was neither required nor a violation.

The remaining items on the spreadsheet involved honest mistakes that were minor and isolated. Items 1, 7, 9, 11, 15, and 19 were all corrections made within four days or less, mostly involving small amounts, such as a contribution of \$100 (item 19). Item 5 was an amendment made within 30 days to add a small campaign staff bonus that had been inadvertently omitted. Similarly, item 20 concerns an amendment made within 30 days to add four contributions that had been omitted by mistake. These were minor, isolated errors that warrant no further action.

In conclusion, the Topper Campaigns did not commit any material violations of applicable reporting requirements. Mr. Morgan’s allegations are largely baseless, and the contributions and expenditures he has identified were reported correctly, other than a few isolated, honest mistakes. In the context of any active election campaign, such mistakes are to be expected, and they were corrected promptly here, before the complaint was ever filed. Accordingly, no further action is warranted. Indeed, Washington’s campaign finance laws were recently amended to ensure that such minor errors are not used to harass or punish a candidate. *See* Laws of 2018, c. 304, § 1. The remedial provisions of the new law apply here. *See, e.g.,*

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Zink v. City of Mesa, No. 34599-8-III, 2018 WL 2977134 (Wash. Ct. App. June 14, 2018). For all these reasons, the Topper Campaigns respectfully request that the complaint be dismissed.

Sincerely,

PACIFICA LAW GROUP LLP

A handwritten signature in blue ink, appearing to read "T. V. Flevaris".

Taki V. Flevaris