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*Sent via email to:
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May 15, 2018

Micaiah Titus Ragins
Compliance Coordinator
Public Disclosure Commission
PO BOX 40908
Olympia, WA 98504-0908

Tony Perkins
Investigator, Campaign Finance Unit
Washington Attorney General's Office
P.O. Box 40100
Olympia, WA 98504-0100

RE: IBEW Local 483 PAC—Alleged Violations of RCW 42.17A
PDC Complaint #34201
SCBIL File No. 3401-001

Dear Mr. Ragins and Mr. Perkins:

On behalf of the International Brotherhood of Electrical Workers, Local 483 PAC (“the PAC”), we are hereby responding to the allegations raised by Glen Morgan in the above-referenced matter. As we understand it, Mr. Morgan has filed *both* a complaint with the PDC and a citizen action-initiating 45-day letter with the Attorney General. As we do not currently have clarity regarding which agency is investigating this situation, we are addressing our response to both of you.

Many of Mr. Morgan’s allegations are absolutely unfounded, as described herein. The majority of Mr. Morgan’s claims lack sufficient detail and specificity to form the basis for a conclusion that a violation of the Fair Campaign Practices Act (“FCPA”) has occurred. Seven of his eight allegations are based on nothing more than “information and belief.”

For all of these reasons, we believe that the allegations in this complaint should be dismissed outright. To the extent there are *de minimis* filing errors, these errors do not constitute “reasonable cause” to support a civil lawsuit under RCW 42.17A.765(4), as there is simply no reason to support any belief that some provision of this chapter is being or has been violated in any meaningful way. At worst, if you determine that the PAC failed to follow the PDC’s best practices, the appropriate remedy would be for the PDC to review these issues in a constructive and meaningful way.

We address the specific claims that were made against the PAC by Mr. Morgan in turn, as follows:

1. “Failure to file accurate, timely C3 and C4 reports. (Violation of RCW 42.17A.235)”

Mr. Morgan’s complaint is riddled with inaccuracies. For example, Mr. Morgan alleges that one C3 (100621586) was filed 332 days late. This form reflects that the PAC received a cash donation on January 6, “2014,” deposited the cash the same day, and filed the form on January 8, 2015. The Treasurer simply inadvertently entered the previous year in the date, rather than the correct year of 2015 – a not-uncommon typo to be made in January. Mr. Morgan has alleged that the form is nearly one year late – **while in fact the form was not late at all.**

Numerous “due dates” cited in Mr. Morgan’s “Exhibit A” are incorrect. Mr. Morgan’s spreadsheet includes three “late” C3s that were filed on September 8, 2015 – Mr. Morgan’s due date of September 7 was, in fact, Labor Day, **making the three forms timely.**¹ Similarly, he provides July 4, 2016 as a due date, when in fact it was July 5. Mr. Morgan states that other C3s were due on February 11, 2018, when in fact February 12 is the correct deadline.

Other errors and exaggerations abound. Consider form 100738581, which amends 100738574. Mr. Morgan alleges that the PAC filed its amended form 37 days late. 100738581 makes only one change from 100738574—the earlier form incorrectly stated that a \$2.00 donation received on 11/1/16 was deposited on 11/30/16. 100738581 corrects the deposit date to 11/1/16. It does not add any additional donations. 100738581 was not, by any stretch of the statute, “untimely filed.”

Approximately 18 of the C3s Mr. Morgan alleges are late report only \$2.00 in cash donations. Such forms are too *de minimis* to support an enforcement action or civil lawsuit.

Even using Mr. Morgan’s due dates (despite their inaccuracies), many of the forms Mr. Morgan cites are three days late or less. Mr. Morgan’s spreadsheet of so-called late-filed forms is nothing more than a collection of, at worst, *de minimis* “errors.” The *totality* of the “errors” Mr. Morgan alleges would certainly not rise to the level of thwarting the transparency requirements of the FCPA.

This claim is simply not enough to support either an enforcement action or a civil lawsuit.

2. “Failure to report last minute contributions. (Violation of RCW 42.17A.265)”

This is a completely baseless allegation by Mr. Morgan, who has presented not a single shred of evidence to support it. Mr. Morgan’s allegations here are false, as the PAC has complied

¹ The forms are 100655489, 100655491, and 100655492.

with its reporting and record-keeping obligations with respect to contributions made to it, and this allegation should therefore be dismissed outright.

3. *“Failure to list committee officers, timely file/update C-1/C-1PC. (Violation of RCW 42.17A.205, see WAC 390-05-245)”*

Mr. Morgan has presented no evidence in support of this allegation. The PAC has, in fact, filed and updated its C-1pc to reflect changes in committee membership. For example, the PAC updated its C-1pc in 2018 because one of the committee members listed on the 2017 form left. Mr. Morgan’s allegation must be dismissed outright. The officers listed on the C1-pcs are correct.

4. *“Illegal unauthorized expenditure of funds by an individual not listed as an officer on form C-1/C1-pc. (Violation of RCW 42.17A.425)”*

Mr. Morgan has presented no evidence in support of this allegation. In fact, there is no evidence to support this allegation that he could have presented, because the only individuals who incur expenditures on behalf of the PAC are listed on the C1-pc.

Mr. Morgan’s allegation is nothing more than a baseless assertion where no wrongdoing has occurred. We ask that this allegation be dismissed outright.

5. *“Failure to preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. (Violation of RCW 42.17A.225(6))”*

Mr. Morgan contends that the PAC violated RCW 42.17A.235(6) for failing to “preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.” Mr. Morgan presents no factual basis to support this overly broad claim and the PAC disputes it.

This allegation is nothing more than a request for a fishing expedition, based on nothing more than Mr. Morgan’s suspicion. Yet again, this allegation should be outright dismissed.

6. *“Illegal depositing of campaign funds into bank account by person other than the treasurer or deputy treasurer. (Violation of RCW 42.17A.220(1))”*

This is yet another factually unsupported allegation by Mr. Morgan. Mr. Morgan has not presented any evidence in support of this allegation, because there is no evidence to support this claim. It is simply untrue. We ask that it be dismissed outright.

7. “Failure include sponsor ID. (Violation of RCW 42.17A.320)”

It is not clear why Mr. Morgan believes that the PAC has engaged in political advertising. The PAC has not taken out any political ads or print materials of any kind. Therefore, it is factually impossible for the PAC to have violated RCW 42.17A.320’s requirements. This allegation should be dismissed outright.

8. “Failure to timely file form C6 reporting independent expenditure. (Violation of RCW 42.17A.255(2))”

As with the above allegation, it is unclear why Mr. Morgan believes the PAC has violated RCW 42.17A.255(2). Mr. Morgan has presented no evidence that the PAC has ever made an independent expenditure, presumably because it has not, in fact, made an independent expenditure. This allegation should therefore also be dismissed.

Conclusion

Mr. Morgan ends his letter with an utterly unfounded claim that there is a “possibility that the [PAC] committed the above violations maliciously.” This is yet another completely baseless allegation that should be outright dismissed.

For the foregoing reasons, we believe that it would be appropriate for the AG’s office to dismiss the entire sum of Mr. Morgan’s allegations outright. This will ensure that the purposes of the FCPA are upheld in the most appropriate and straightforward way possible. We respectfully ask your office to so conclude.

If you have any questions, or if there is anything we can do to be of assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dmitri Iglitzin".

Dmitri Iglitzin

Sarah Derry

Counsel for the IBEW Local 483 PAC