

Complaint Description

File a Formal Complaint - Richard Colwell

[Rlcgrn](#) (Tue, 14 Aug at 11:36 PM)

Date: 8-14-2018

To: Public Disclosure Commission

From: Richard Colwell

Re: Clark Leadership PAC, David Gellatly, Joel Mattila and their intentional concealment of records by evading inspection of books.

On Thursday, August 2nd, in accordance with applicable law, I requested an appointment with David Gellatly to inspect the books of his PAC, Clark Leadership. On Friday August 3, David Gellatly set an appointment of his choice, for August 6th at 8pm, which I accepted.

At the time I was under the impression the old law's time window of 8pm was still in effect, and became concerned Gellatly, after setting the appointment, might later claim 8pm as beyond the legal time window and refuse to show the books. I sent him communication at least two more times attempting to move the time to 7 pm. Gellatly never responded.

Regardless of the time window, my understanding of the law both old and new, is that when a PAC receives a proper and timely request the treasurer **MUST** make the books available, whether they set the appointment inside the mandatory window or whether the treasurer and person requesting the inspection agree to a time outside the window.

Undeterred, I and several others who made an appointment for the same time arrived at 7 pm. David Gellatly, and one of the other members of that PAC, Joel Mattila, arrived about 7 pm, both in David Gellatly's truck.

Instead of following through and opening the books for our inspection, neither Gellatly nor Mattila exited the vehicle. They both arrived at the location set in their C1 record, and refused to comply with the law and allow us to see their records - for which they have never filed a single report to the PDC showing the income and expenses of that PAC as required by law.

Rather than comply with the law and honor the appointment they set for inspection, they handed me a set of papers that I have reason to believe were created by Gellatly's attorney of record in a civil suit Gellatly has filed against me. Greg Cheney is the name of his attorney that the documents appear to me to be drafted by, Washington State Bar Association #44174. By this paperwork it *appears* Cheney is acting as the attorney for the "Clark Leadership" PAC. This paperwork denying the persons who requested a proper inspection of their records is apparently the legal advice given to them by Cheney, and which they followed in denying the inspection of their books. Using the new law as an excuse for refusing to disclose their books is completely incorrect, and the declarations they supplied are craftily worded to make no mention of any prior donations or expenses, only that they plan no future donations or expenses.

It should also be noted that this same PAC has *never* filed a PDC report since its inception. They only filed their C1 in September 2017. Also please note in a separate civil action there is a subpoena served on the PAC's bank of record, Columbia Credit Union, and David Gellatly and his attorney Greg Cheney are trying to get the subpoena quashed. They are trying to quash a subpoena of bank records which are required by law to be disclosed, and

Gellatly went to great lengths to evade his mandatory disclosure meeting with me in order to continue the concealment.

I have evidence showing David Gellatly, as Chairman of the Clark County Republican Central Committee, withdrew party funds without proper party authorization to finance and host two events advertising and promoting his Clark Leadership PAC. Gellatly specifically did not invite Republican Party membership to these events. In one email from him after he was under the microscope for his actions, he explained the invitations were only sent to a select group of business persons and “leaders”. Gellatly was reprimanded by the executive board of the Party for this unauthorized use of Party funds. I’m not aware of Gellatly ever reimbursing the party for this unauthorized use of funds.

I have reason to believe donations to his PAC were made at those events. I will let others decide if that money rightfully should have gone to the Clark County Republican Central Committee since the Party’s money was used for this event, but certainly the PAC should have reported the donations and made their books available for inspection as required by law.

I and my attorney, as part of my defense in a civil suit, issued the above referenced subpoena to the bank of record for Clark Leadership PAC. Gellatly and his attorney are still attempting to quash that subpoena. Gellatly and his attorney are trying very hard to keep the actual facts of the bank records and possible donations and expenses of that PAC tightly secreted away. I believe the evidence shows this is being done intentionally, and with malice to the law and to the citizens who have a right to this public information. I have reason to believe they are going to such lengths both in attempting to quash the subpoena and avoiding lawful inspection of the records because they have something to hide, in total contravention and disregard of the entire purpose of transparency mandated by the campaign reporting and finance laws of Washington State.

I believe both the violations of proper reporting and avoiding inspection of the books, and the fact they are obviously being perpetrated intentionally, compels the state and the Public Disclosure Commission to force public disclosure and publication of their actual bank records. At this point it is highly dubious any report made by Gellatly could be trusted to be accurate or complete without direct verification by the PDC.

What impact does the alleged violation(s) have on the public?

The citizens have a right to know what PACs are raising funds and from whom, and the purposes to which those funds have been expended. The citizens have a right to know if any particular PAC is using it's funds for personal use by the members for unauthorized purposes. The members of the Clark County Republican Party have a right to know if Party funds were used to secretly raise money for a PAC without proper Party authorization.

Additionally, this flagrant disregard for the law sets a precedent that other Campaigns can disregard proper reporting and inspection if these malefactors are not held accountable.

List of attached evidence or contact information where evidence may be found.

Emails requesting inspection meeting,

emails by Gellatly explaining the use of Clark County Republican Party funds for private events for his PAC,

A promotional banner for those Clark Leadership private events,

Excuses and specious declarations by Gellatly for avoiding showing the books of his PAC,

A resolution by the Clark County Republican Executive Board reprimanding Gellatly for unauthorized use of party funds to host his events for his PAC.

List of potential witnesses with contact information to reach them.

Suzanne Gerhardt - suzannetq@live.com
Kevin Vangelder - kevinvangelder@live.com
Dan Clark - dfredc@gmail.com
Katja Delavar - wa4liberty@gmail.com
Joseph Wagner - joe@josephwagner.info
Robert Moon - moondog383@gmail.com
Karen Trumbull - ktrumbull198662@gmail.com
George Hacker - ghacker007@gmail.com

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.