

Christopher Van Drimmelen
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Tony Perkins
Washington Attorney General's Office
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Mr. Perkins-

Based on our telephone conversation on December 11th, I am authoring this letter as a written response to the Citizen Action Complaint filed by Mr. Glenn Morgan on November 27, 2017. Mr. Morgan makes several accusations against the 9th Legislative District Democrats that are inaccurate or otherwise not applicable. Mr. Morgan alleges that the organization failed to file accurate and timely C-3 and C-4 reports in 2016 and early 2017, and that the organization failed to update our C-1pc in 2016. I intend to respond to each allegation individually, as well as the four points that you requested that I address in our phone call:

1. Whether or not the 9th LD Democrats had any expectation of raising or disbursing funds in support of any candidate or ballot proposition.
2. Whether or not the organization met the mini-reporting criteria in 2016 despite not having filed a C-1pc indicating that we intended to mini-report.
3. Whether or not the committee filed C-3 and C-4 reports for the period prior to the filing of our February 2017 C-1pc.
4. Whether or not officers changed in 2016, which would necessitate filing an amended C-1pc.

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

Mr. Morgan alleges that because the organization failed to file a C-1pc in January of 2016 indicating that we would continue mini-reporting, that we are responsible for a violation of RCW 42.17A.235 because we did not file C-3 and C-4 reports throughout 2016. While Mr. Morgan is correct that the treasurer at the time did not file these reports, nor did the treasurer file a C-1pc, he is mistaken as to the applicability of RCW 42.17A.235 in this case. Per RCW 42.17A.235(37), “a ‘political committee’ means any person...expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.” I have verified based on records and the input of the organization’s officers at the time, that due to the depleted financial state of the organization and lack of resources or plans to raise or spend any money in 2016, the 9th LD Democrats had no expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or ballot proposition. This constitutes our organization’s response to point #1 as stated above.

Furthermore, I have verified based on bank records that I am happy to furnish to your office and the Public Disclosure Commission upon request, that not only did the organization have no expectation of receiving contributions or making expenditures to support a candidate or ballot measure, that in fact the organization had no financial activity at all in 2016, even for purposes not covered by the Public Disclosure Act. No money was spent by the organization, and no money was received. Pursuant to WAC

390-16-105, a political committee is eligible to “mini-report” if total contributions do not exceed \$5,000 and no contributions from any individual total more than \$500. Notwithstanding the fact that we had no expectation of raising or spending any money in 2016, the lack of any spending or fundraising by the organization would certainly have qualified us for mini-reporting had a C-1pc been filed, exempting the organization from filing C-3 and C-4 reports, thus answering point #2 above.

In his complaint, Mr. Morgan states that this particular issue would be remedied by the 9th LD Democrats immediately reporting any and all activity that occurred during the period during which the organization was not covered under a C-1pc indicating that we would mini-report. While it has already been established in the previous section that this remedy would be non-applicable for 2016, the organization’s overall health changed dramatically in early 2017, both financially and in the number of participatory individuals, owing to a strong surge in interest in local Democratic politics in the aftermath of the 2016 election. As of our organization’s biennial reorganization meeting in January of 2017, the 9th LD Democrats once again had the expectation of raising and spending money in support of party candidates. While the organization’s C-1pc was not filed until February 2017, the organization did collect a small amount of funds from members prior to that time. While Mr. Morgan is correct that WAC 390-16-115(4) does require that organizations that have not filed a new C-1pc with the mini-reporting option file C-3 and C-4 reports for any period prior to when a such a C-1pc is filed, he is mistaken that we did not do so. Immediately upon receiving confirmation that our C-1pc had been processed successfully on February 13th, the organization filed three C-3 reports declaring bank deposits that had been made on 1/13/2017 (confirmation #100749110), 2/3/2017 (confirmation #100749111), and 2/13/2017 (confirmation #100749112). A C-4 report was also filed on the same day for the January reporting period (confirmation #100749109), and another for the February reporting period was filed on 3/6/2017 (confirmation #100751127). While the C-4 deadline for the January reporting period was 2/10/2017, the accompanying C-4 report was submitted as soon as could reasonably happen (one business day later on 12/13/2017), as after submitting a C-1pc on 2/10/2017, I did not receive a confirmation and Filer ID, necessary for submitting the electronic C-4, until 2/13/2017. These reports detail all financial activity of the 9th LD Democrats prior to the filing of our C-1pc indicating that we are a mini-reporting committee, and answer point #3 above.

Allegation #2 - Failure to update C1-pc. (Violation of RCW 42.17A.205(4))

Mr. Morgan further alleges that that 9th LD Democrats have “failed on numerous occasions to update their C1-pc to include changes in officers and other information required to be included on their C1-pc, in violation of RCW 42.17A.205(4).” Mr. Morgan states that his allegation is made based on “information and belief.” In the case of this allegation, any information that Mr. Morgan purports to have gathered in this matter is inaccurate and his belief is mistaken. After consulting with the organization’s officers for 2015-2016, I have verified that no officer changes took place at all between when the organization’s 2015 C-1pc was filed and the end of 2016 when the committee’s biennial officer term ended.

On January 7, 2017, the 9th LD Democrats conducted our biennial reorganization meeting and elected a new Chair, Vice-Chair, Treasurer, and Secretary, which was the first time that the organizations officers changed since 2015. These officers were reported on our C-1pc submitted February 10th, 2017 and have not changed since. On this C-1pc, the committee’s State Committeeman and State Committeewoman were also mistakenly included as officers, however after consultation with our executive committee, this mistake has since been rectified with an amended C-1pc filed on 12/13/2017 (confirmation #100804910), as they do not meet the definition of “officer” provided for in WAC 390-05-245. The fact

that our officers have not changed since being reported on a C-1pc both in 2015 and 2017 addresses point #4 above.

Based on the information that I have collected and compiled in this letter it is clear that Mr. Morgan's complaint is not based in fact or reality. Please feel free to contact me via phone or e-mail if I can furnish further information or documentation to refute the allegations made by Mr. Morgan.

Sincerely,

Christopher J. Van Drimmelen
Treasurer, 9th Legislative District Democrats