

Matt Miller  
Toy Stories/Read Me A Story LLC  
Councilmember City of Anacortes  
1005 9<sup>th</sup> St  
Anacortes, WA 98221

December 6, 2017

Compliance Coordinator  
Public Disclosure Commission

Enclosure (1) "Log of Events WRT to Inspection of Committee to Elect Matt Miller"

Dear Fox Blackhorn,

This letter is a response to the frivolous allegation of the following violations of law: 1) Violation of RCW 42.17A.235 and 2) Violation of WAC 390-16-125 made by my opponent, Sara Holahan, for Anacortes City Council, Position 4. Ms. Holohan's allegations are without merit and the facts do not support any violation of Washington law. I was certified for re-election on November 28 with nearly 60% of the vote. This complaint seems to be an unfortunate attempt to drive folks, especially part time legislators, from choosing to serve in elected office. When an opponent is unable to win in the marketplace of ideas, the tactic is to allege legal wrongdoing, while it may not be successful; it sends a chilling message to those thinking of running for elected office in the future.

I will address each allegation and their elements below:

Alleged Violation 1. Violation of RCW 42.17A.235:

Accusation: Only provided summary of contributions created by his committee and 4 members of the same family contributed, no individual records were provided, no copies of checks provided, only one bank statement

Response: No individual contributed more than \$500 and names and addresses of all contributors were listed for each individual, bank statement (print out from 7 Nov 2017 - electronic bank statement) was the only bank account used by the Miller campaign and had every transaction detailed, a ledger of contributions with date of contribution, amount and address of individual was provided. . RCW 42.17A.240 requires that the report filed

by a candidate identify each contribution and each expenditure. Individual contributions must be tracked by identifying the name and address of each contributor and the value of the donation. My campaign records clearly identified each contribution, provided all required information on each individual who contributed, and each expenditure.

Accusation: The Treasurer was not present for the inspection.

Response: Ms. Holohan made a request to inspect my campaign records and made an appointment to do so at my campaign headquarters. Heather Miller, my wife and campaign Treasurer was present for the meeting at the appointed place and time per the filed C-1. However, Ms. Holahan and Mr Houppermans went to the wrong location and arrived 40 minutes late at the agreed upon time and place. While RCW 42.17A.235(4)(c) allows a treasurer to refuse to show the books of account to any person who does not make an appointment, we accommodated the inspection at a time other than the agreed-upon meeting time. Additionally, this meeting was outside the legal inspection window occurring on Election Day (please see enclosure 1 for a detail of my cooperation). By the time they had arrived Heather had to go to another meeting. There is NO requirement in state law that the Treasurer be present for the inspection. This is legally sufficient and in no way violates RCW requirements.

Accusation: The accounting expenditure did not account for the 48 x 36 campaign signs

Response: That is correct, as these sign were NOT an expense of my campaign or me in any way. There is no RCW requirement to account for non-campaign expenditures.

#### Alleged Violation 2 Violation of WAC 390-16-105

Accusation: The Miller campaign reported contributions of \$4650 and expenditures of \$4169 and it included expenses for 24 x 18 yard signs

Response: Correct

Accusation: The Committee did not report expense for 48 x 36 signs

Response: Correct. RCW 42.17A.240 requires a candidate to record each expenditure of the campaign. As stated above, I did not in any way participate in the preparation of the 48 x 36 signs. I do not know who paid for the signs or how they were paid for. I certainly did not pay for them as part of my campaign, as an individual, or as part of my business. Because I had nothing to do with these signs, there was no way to possibly account for them in my records and I was under no legal requirement to do so.

Accusation: The material cost for these signs exceeds \$1100 and therefore campaign expenditure limits.

Response: Again not relevant, however I feel I should address this item with no written professional estimate and as someone who owns a small independent retail shop (13 years) and have many times used services of sign makers. This is simply wild speculation about cost of labor and materials to install a sign. This is another attempt to achieve the goal of a “gotcha” campaign violation in to undermine my well established integrity and positive reputation in this community

Accusation: The signs were on the property of a Mr Allen and Mr Watson (many photos attached)

Response: Not sure the relevancy of the property locations of signs with respect to this accusation. As addressed above, I had no knowledge of the creation or funding of these signs and was not in any way responsible for them. It appears that they were made by cutting and pasting materials from my previous campaign four years earlier. Similarly, throughout this campaign, members of the public submitted many unsolicited letters to newspapers and social media posts supporting my re-election. Anyone can cut/paste campaign materials that have been available for at least four years.

In summary, Ms. Holohan’s allegations are without merit. Her accusations are not supported by the facts or requirements in the Revised Code of Washington or Washington Administrative Code. I ran my campaign with integrity, complying with all legal requirements. I went above and beyond to accommodate Ms. Holohan’s requests to inspect my campaign records and I am confident that any further investigation will clarify that I have acted well within the bounds of the law. I take seriously my role as a public servant and value the trust my constituents have in me and I am anxious to quickly resolve any allegations to the contrary. I’m happy to provide any additional necessary information. Please inform me as soon as possible of the resolution of these accusations as it is very disconcerting and stressful being accused of violating state law as someone who has taken an oath to uphold them.

Sincerely,

Matt Miller  
Anacortes City Council Position 4

## Inspection of Committee to Elect Matt Miller Campaign Books– Event Log:

0835, 6 Nov, message left by Holahan campaign requesting to schedule appointment

0929, 6 Nov, caller ID from 360-293-4263 (Holahan campaign number) no message

1050, 6 Nov, caller ID from 360-293-4263 (Holahan campaign number) no message

1153, 6 Nov, message from Jennifer Hansen at PDC, letting m know Ms. Holahan is trying to contact me

1215, 6 Nov, message from Sara Holahan, requesting an appointment to inspect my books at 4pm

215pm, 6 Nov, home from working, checked messages and missed calls

230pm, 6 Nov, called and left message with Jennifer Hansen, that I just received request, and unable to make the 4pm appointment

234pm, 6 Nov, emailed Jennifer Hansen, with details, and ask the “turnaround” time for appointment

300pm, 6 Nov, response from PDC “In general, you should get back to the requestor within 24 hours. Since today is when they made the request, this would put the timeframe of 24 hours into tomorrow. This is why I suggested in my voicemail that you either attempt to meet with them today or make arrangements for tomorrow if today is not an option.”

~315pm, 6 Nov, called and left message with Ms. Holahan, that I would be unable to make 400pm appointment, but 0930 7 Nov would work

351pm, 6 Nov, sent email reply to “Citizens for Sara” time stamp on email from “Citizens for Sara” 1137am (I first viewed at ~325pm) [saraforanacorte@gmail.com](mailto:saraforanacorte@gmail.com) with same info, unable 4pm, but able 0930 the next day.

507pm, 6 Nov, received email reply: “Thank you. I will plan to be there at 9:30. The other inspector will be Wim Houppermans.”

0920, 7 Nov, arrived at inspection sight as designated on C1

0930, 7 Nov, appointment time

0950, 7 Nov, I called the number used to make appointment (360-293-4263) and left message

~0955, 7 Nov, I called to PDC to ask for advice, just as Jennifer Hansen answered I received call from inspector (Sara Holahan) she had gone to my home address, not the inspection site as designated on the C1

1010, 7 Nov, inspectors arrive 1005 9<sup>TH</sup> ST, Anacortes WA, photo identification produced for Sara Holahan (WA Drivers Lic.) and Wimhelmus Houppermans (US Passport Card)

~1130 Inspection complete