

Schwerin Campbell Barnard Iglitzin & Lavitt LLP

ATTORNEYS AT LAW

Of Counsel Lawrence Schwerin

LAURA EWAN
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Sent via email to tonyp@atg.wa.gov

December 11, 2017

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

RE: 40th Legislative District Democrats - Alleged Violation of RCW 42.17A
SCBIL File No. 6832-001

Dear Mr. Perkins:

On behalf of the 40th Legislative District Democrats ("the Committee"), we are hereby responding to the allegation raised by Mr. Glen Morgan in the above-referenced matter.

Under normal circumstances, the extent of any errors made by the Committee would have merely been addressed by the PDC in a constructive and meaningful way. The Committee does not believe the extent of any of the actions it allegedly took would justify imposing any sort of penalty in excess of such a referral, if further action is even deemed necessary at all.

We believe that Mr. Morgan's complaint should be dismissed outright. However, if the State believes further inquiry is warranted, referral to the PDC is the only way for your office to ensure that the purposes of the Fair Campaign Practices Act ("FCPA") are fairly and properly effectuated. In this way, the Committee may formally resolve these issues with the PDC and the State of Washington. We do not believe this will occur if Mr. Morgan takes action on behalf of the State in Washington Superior Court.

Claim: "Failure to file accurate, timely C3 and C4 reports. (Violation of RCW 42.17A.235)"

The Committee acknowledges that it should have filed an updated C1-pc in January of 2017. Had it done so, it would have reflected the fact that the Committee would be filing under the mini reporting schedule and not the full reporting schedule for 2017, as the Committee did not receive or expend funds in excess of \$5,000, as outlined in WAC 390-16-105(2).

The Committee has now filed its missing C1-pc, and therefore has fulfilled its reporting requirements correctly. The Committee has also put procedures in place to prevent this type of error from occurring again in the future. As the Committee has never made such a mistake before, the proper venue for any enforcement action by the State—if such an action is deemed proper by your office—rests solely with the PDC.

Conclusion

With respect to Mr. Morgan's utterly unfounded claim that any of the above actions, if found to be violations of the law, were done with malice as contemplated by RCW 42.17A.750(2)(c): there has been absolutely no malicious action undertaken by the Committee. Relying on nothing more than his "belie[f]" that "other violations of this chapter have occurred beyond what [he has] identified," Mr. Morgan asserts that the Committee "has habitually and willfully committed" violations of the law. This assertion is simply and categorically false. Alleging the mere "possibility" that violations have been committed—with the serious multiplier of allegations of malice—does not amount to sufficient grounds for the criminal prosecution that Mr. Morgan is seeking.

For the foregoing reasons, we believe that it would be appropriate for the AG's office to either dismiss Mr. Morgan's complaint outright, or to refer this matter to the PDC for their review. This approach would ensure that the purposes of the FCPA would be upheld in the most appropriate and straight-forward 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 "Laura Ewan", written in a cursive style.

Laura Ewan

Counsel for 40th Legislative District Democrats

Tara Almond replied, 20 days ago (Tue, 5 Feb 2019 at 1:53 PM)
to: "PDC Support" <pdcc@pdc.wa.gov>

Here is the additional information you requested compiled by our current treasurer:

- Confirm that you were eligible to use the "mini reporting" option for all of calendar year 2017. **We were eligible.**
- Provide the total amount of funds raised and total amount of funds spent in calendar year 2017.

Funds raised in CY2017: **\$1166.48**

Total spent in CY2017: **\$1676.76**

- Provide a brief description as to why the updated committee registration (PDC form C-1pc) was not timely submitted. **The treasurer at the beginning of 2017 reported that he had filed form C-1pc. He subsequently stopped attending meetings and could not be contacted. It was not until a complaint was filed that we became aware that he had, in fact, not filed and we rectified the problem by filing in November 2017.**