

# Schwerin Campbell Barnard Iglitzin & Lavitt LLP

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*Sent via email to tonyp@atg.wa.gov*

November 27, 2017

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

RE: Douglas County Democrats PAC - Alleged Violations of RCW 42.17A  
SCBIL File No. 6828-001

Dear Mr. Perkins:

On behalf of the Douglas County Democrats PAC ("the Committee"), we are hereby responding to the allegations raised by Mr. Glen Morgan in the above-referenced matter.

Several of Mr. Morgan's unfounded allegations seem to be based in a fundamental misunderstanding of campaign finance law. Others are not.

Under normal circumstances, the extent of any errors made by the Committee would have 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.

We believe that 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.

We address the specific claims made by Mr. Morgan against the Committee as follows:

***1. "Failure to update C1-pc. (Violation of RCW 42.17A.205(4))"***

The Committee acknowledges that it should have filed updated C1-pcs in January of each calendar year. 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 the majority of the time period in question, as the Committee did not receive or expend funds in excess of \$5,000, as outlined in WAC 390-16-105(2). For the 2016 filing period only, the Committee's updated C1-pc would have reflected its need to file under full reporting for that year.

These mistakes have since been corrected. The proper venue for any appropriate enforcement action by the State for these mistakes rests solely with the PDC.

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

As explained above, the bulk of the Committee’s reporting requirements fell under mini reporting, rather than full reporting. Therefore, the Committee was not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125.

The Committee has now filed its missing C1-pcs, as well as the C3s and C4s required for 2016, and therefore has fulfilled its reporting requirements correctly. The proper venue for any enforcement action by the State therefore 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. 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 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,  
  
Laura Ewan  
*Counsel for Douglas County Democrats PAC*