



Smith & Dietrich Law Offices

South Sound Community Lawyers

Smith & Dietrich
Law Offices PLLC

September 1, 2017

Via Electronic Delivery

Members
Walter Smith
Steve Dietrich

Bob Ferguson, Attorney General

judyg@atg.wa.gov

Jon Tunheim, Thurston County Prosecuting Attorney

tunheij@co.thurston.wa.us

Jonathan Meyer, Lewis County Prosecuting Attorney

jonathan.meyer@lewiscountywa.gov

Address
400 Union Ave. SE
Suite 200
Olympia, WA 98501

Telephone
(360) 918-7230

Re: *Citizen Action Notice Against Centralia School Board Member Jami Lund*

Dear Attorney General Ferguson and County Prosecuting Attorneys Tunheim and Meyer,

I write to notify you that there is good reason to believe violations of chapter 42.17A RCW, Washington State's campaign finance law, have been committed by Centralia School Board Member Jami Lund and Citizens for Jami Lund, a candidate authorized committee (the "Respondents"), between 2015 and the present. On six or more occasions, Respondents apparently filed late campaign finance reporting and omitted to file required reports, creating a reporting delinquency of at least 993 days late as of today. Please note that, as provided by RCW 42.17A.765(4), if you do not initiate an action against the Respondents within the applicable statutory notice periods for this Citizen Action Notice, I intend to satisfy any applicable notice requirements and proceed with an action in the name of the State. This message is being sent to each of you at the e-mail address you have provided to the Washington State Bar Association to ensure you receive notification of these allegations as required by RCW 42.17A.765(4).

A. Failures to timely file Public Disclosure Commission form C-4 reports ("Summary, Full Report Receipts and Expenditures") (At Least 5 Apparent Violations)

The Respondents apparently failed to timely disclose five expenditures on Form C-4 as required by law. RCW 42.17A.235 and .240. The total delinquency for the filings is 227 days late. The apparent violations occurred on the following dates (bold and underlined dates indicate when Respondent's form C-4 reports were filed):

1. **June 13, 2015 (one to two violations).** This report, for May 2015, disclosed for the first time an expenditure to "Web Development" for \$100.00 dated May 6, 2015, and \$44.98 in unitemized expenditures of \$50 or less not previously reported. Because form C-1 was filed on May 11, 2015, reporting of all expenditures and contributions received to date was due that same day. RCW 42.17A.235(1). Accordingly, it appears these expenditures were reported 33 days late.

2. **August 16, 2015 (two violations)**. This report, for the entire month of July 2015, was filed after the August 4, 2015 primary election, and includes an expenditure reportable on the three-week pre-primary report. The report is also an untimely filing as to the one-week pre-primary reporting period. As such, two mandatory reports were not timely filed: the C-4 due on July 14, 2015 (33 days late), and the C-4 due on July 28, 2015 (19 days late).
3. **September 30, 2015 amended report for May reporting period (two violations)**. This amended report, for May 2015, was filed after the August 2015 primary election and disclosed for the first time an expenditure to the US Postal Service in the amount of \$98.00 dated May 2, 2015, and an additional \$35.63 in unitemized expenditures of \$50 or less not previously reported. Because form C-1 was filed on May 11, 2015, reporting of all expenditures and contributions received to date was due that same day. RCW 42.17A.235(1). Accordingly, it appears these expenditures were reported 142 days late. Perhaps the unitemized expenditures dated after May 11, 2015; in that case, they were reportable on form C-4 due June 10, 2015, and were 112 days late.

B. Failure to timely report order, debt, or obligation in Public Disclosure Commission form C-4 report and Schedule B ("In Kind Contributions, Pledges, Orders, Debts, Obligations") (1 Apparent Violation)

Additionally, the Respondents apparently failed to report an order placed, debt, or obligation over \$250 for mailing services, which reporting is still outstanding. The Respondents must confirm when they placed their order for mailing services which they reported paying for in an expenditure dated July 29, 2015. An additional Schedule B debt or obligation disclosure is likely needed to correct Respondent's reporting, which would be due prior to the August 2015 primary election, and would be at least 766 days late as of today. An amendment to reflect the debt, order, or obligation would still be outstanding as of the date of this writing, thus constituting a continuing violation.

1. **July 29, 2015 expenditure to Apex Mailing Services Inc. for Mailing**. Respondents reported an expenditure of \$590.96 to this vendor directly after the close of the reporting period for the one-week pre-primary report, which was due July 28, 2015. Respondents did not report placing an order, or incurring a debt or obligation for the mailing on Schedule B on the one-week pre-primary report. It is likely that Respondents ordered this mailing before one week prior to the primary election, as the campaign would want to ensure the mailer would be issued so that voters would timely receive it and take it into account when completing their ballots. If the campaign placed an order or incurred a debt or obligation for the mailing on or before Monday, July 27, 2015, Respondents owed a report of the same on Schedule B to form C-4 due by July 28, 2015 (before the primary election). Payment of an invoice on July 29, 2015 would not excuse the failure to report an order, debt, or obligation placed prior to July 28; as of this writing, the debt or obligation disclosure would be 766 days late and still outstanding.

I await your position as to whether there is reasonable cause for a civil enforcement action based on these allegations, and whether you will file such an action in the name of the State.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter M. Smith". The signature is fluid and cursive, with the first name "Walter" being the most prominent.

Walter M. Smith

cc: Linda A. Dalton, Senior Counsel, Attorney General's Office (via e-mail)
Public Disclosure Commission staff (via e-mail)