

## Slight Revision to complaint against John Lovick

[Glenmorgan89](#) reported a month ago (Mon, 14 Aug at 2:08 PM) via Email  
To: pdc@pdc.wa.gov

In the interest of clarity, I realized that this complaint needed a minor change to Allegation #6. The way I wrote it originally when it was submitted yesterday was less clear. There are no changes in allegations, but this revision provides better clarity than the original version I sent yesterday.

I also reattached the exhibits, which have not changed from the original complaint, and have resubmitted the entirety of this complaint to fix the typos and unintentional lack of clarity in the first draft which you would have received yesterday.

Feel free to contact me if you have any further questions:

To Whom it May Concern –

It has come to my attention that John Lovick, a candidate for the Washington State Legislature in 2016 and an unsuccessful 2015 candidate for re-election as Snohomish County Executive has repeatedly and habitually violated a variety of provisions of **RCW 42.17A**.

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

State law requires that candidates and committees file frequent, accurate reports of contributions, expenditures, in-kind contributions, and debt. Unfortunately, Lovick failed on numerous occasions to do this.

**See Exhibits A - "Illegally late deposits and contributions" and Exhibit B "Illegally late reported expenditures").**

**Please Note that in Exhibit A - there are 617 contributions totalling over \$171, 805. Illegally failing to report contributions at this magnitude and scale can only be achieved willfully and through malicious intent.**

**Please also Note that in Exhibit B - over \$177,000 expenditures were illegally reported late on a habitual and frequent basis. Again, for Lovick to obtain this level of illegal campaign activity takes effort, planning and a total disregard for Washington State's campaign finance laws.**

As just one example, Please note – during his 2015 bid for re-election for County Executive – Lovick accepted a contribution of \$1800 from the Washington State Council of County and City Employees. While the contribution was received in June, Lovick did not report it until January following the election. Clearly, voters were purposely and maliciously deprived of the ability to see one of Lovick's largest campaign contributors.

Please note that Lovick has been previously criticized for giving benefits to this union that Snohomish County was unable to afford: <http://www.heraldnet.com/news/somers-lovick-clash-over-new-contract-for-county-employees/>

By hiding the contributions he received from organizations he was negotiating and personally benefitting, Lovick was able to avoid the appearance of impropriety until after the election, when it was too late for the voters to know the truth about who was funding his campaign. Allowing his to do this frustrates the purpose of **RCW 42.17A**.

**2) Failure to accurately, timely report debt. (Violation of RCW 42.17A.240 (8), see WAC 390-05-295)**

State law requires that the name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days. Per **WAC 390-05-295**, this includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

**See Exhibit C – “Illegal Failure to report debt”**

**3) Failure to properly break down expenses. (Violation of RCW 42.17A.235, see WAC 390-16-205)**

State law requires that expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with **WAC 390-16-037**, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

**See Exhibit D – “Illegal Failure to breakdown expenditures”**

**4) Failure to report expenditure/in-kind contribution for mailing list. (Violation of RCW 42.17A.235)**

Lovick sent out numerous mailers to registered voters within both Snohomish County and the 44th Legislative District.

Lovick used mailing lists to target specific voters in an effort to win the maximum number of voters per dollar spent.

Mailing lists have real market value, and many candidates actually pay hundreds of dollars for mailing lists from vendors such as L2.

Unfortunately, because Lovick failed to report the expenditure for said mailing lists, or the in-kind contribution of mailing lists from some outside entity, he is in violation of **RCW 42.17A.235**. Lovick must amend campaign finance reports to include the source of his mailing lists, either as an in-kind contribution to his campaign or as an expenditure.

**5) Failure to report last minute contributions. (Violation of RCW 42.17A.265)**

Lovick failed to report last minute contributions (at or above an aggregate of \$1000) from the following groups within the 48 hour time limit on an LMC form, as required by law:

**a) General Election (21 Days -- 10/18/2016 or later)**

SNOHOMISH COUNTY DEMOCRATS 10/25/2016 \$3,000.00 – Not reported until 10/31/2016

WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE 11/1/2016 \$2,000.00 – Not reported until 11/7/2016

ASSOCIATION OF WASHINGTON SPIRITS & WINE DISTRIBUTORS 10/21/2016 \$1,000.00 – Not reported until 10/31/2016

KING COUNTY COURT OFFICERS GUILD 11/7/2016 \$1,000.00 – Not reported until 11/14/2016

PEOPLE FIRST 10/26/2016 \$1,000.00 – Not reported until 10/31/2016

POWELL JOBS LAURENE 11/3/2016 \$1,000.00 – Not reported until 11/7/2016

PUYALLUP TRIBE OF INDIANS 10/19/2016 \$1,000.00 – Not reported until 10/31/2016

SMITH EDIE 10/27/2016 \$1,000.00 – Not reported until 11/1/2016

SMITH MICHAEL 10/27/2016 \$1,000.00 -- Not reported until 11/1/2016

WASTE MANAGEMENT 10/19/2016 \$1,000.00 – Not reported until 10/31/2016

**b) Primary election (7 Days – 7/26/2016 or later)**

SUSTAINABLE FUTURE PAC 7/29/2016 \$1,000.00 – Not reported until 8/29/2016

**6) Failure to list all committee officers. (Violation of RCW 42.17A.205 (2)(c), see WAC 390-05-245.**

Lovick failed to list Sabrina Combs, Josh Foman, Brook Davis Consulting, and Chinook Consulting as committee officers, which is required by **RCW 42.17A.205(2)(c)**.

I believe that these individuals should have been listed as committee officers, because they, in conjunction with others, made, directed, or authorized expenditures, strategic or policy decisions on behalf of the committee.

**WAC 390-05-245** defines committee officer as: "...any person designated by the committee as an officer on the C-1 or C-1pc registration statement and any **person** who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee" .

Please note that **RCW 42.17A.005 (35)** defines "person" as: "...an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized."

**7) Illegal unauthorized expenditure of funds by an individual not listed as an officer on C-1 form. (Violation of RCW 42.17A.425)**

State law requires that: "No expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form..."

It appears likely that Sabrina Combs, Josh Foman, Brook Davis Consulting, and Chinook Consulting made expenditures for the Lovick campaign, in violation of state law.

**8) Failure to timely submit accurate F1. (Violation of RCW 42.17A.700, .710)**

Lovick failed to submit an accurate F1 within 2 weeks of becoming a candidate in 2016. He became a candidate on 2/3/2016, but failed to submit a F1 until 5/20/2016, well past the statutory deadline.

**9 ) Allowing someone other than the treasurer or deputy treasurer to make deposits into the campaign's bank account. (Violation of RCW 42.17A.220 (1))**

On information and belief, someone other than Sabrina Combs has deposited campaign checks into the Lovick campaign bank account. This is a violation of state law.

**10 ) Failure of treasurer and candidate to certify all contribution and expenditure reports as correct and accurate. (Violation of RCW 42.17A.235 (7))**

On information and belief, Lovick's electronic signature was auto-generated on all contribution and expenditure reports by his treasurer Sabrina Combs, in violation of state law. This practice must cease immediately.

**11) Failure to preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. (Violation of RCW 42.17A.235 (6))**

On information and belief, Lovick and Combs have failed to maintain certain records from the campaign. This failure to preserve documents -- also known as spoliation -- constitutes a violation of state law. I believe that the PDC should issue a subpoena for Lovick's campaign documents to expose his failure to preserve documents and other violations.

**12) Failure to include sponsor ID in political advertising. (Violation of RCW 42.17A.335)**

State law requires that all political advertising contain the sponsor's committee name and partisan affiliation.

The following videos (posted on his FB page and thus subject to the definitions of political advertisement per **WAC 390-05-290 (2)**) failed to contain one or all sponsor ID elements required by **RCW 42.17A.335**.

**Failure to contain "paid for by" statement, committee name, and partisan affiliation:**

- a) Uploaded on 11/1/2015: <https://www.facebook.com/221240654738376/videos/428742770654829/>
- b) Uploaded on 10/28/2015: <https://www.facebook.com/221240654738376/videos/427618984100541/>
- c) Uploaded on 11/4/2015: <https://www.facebook.com/221240654738376/videos/310853849110389/>

**Failure to contain partisan affiliation in sponsor statement:**

- d) Uploaded on 6/6/2016: <https://www.facebook.com/221240654738376/videos/499378296924609/>

It is critical to note that in 2002, Lovick received a formal written warning (see attached) from Phillip Stutzman cautioning against him against future failure to include sponsor ID. Unfortunately, that advice appears to have fallen on deaf ears.

The PDC should investigate the possibility that Lovick committed the above violations maliciously, which would be a class C felony per **RCW 42.17A.750 (2)(c)**. If the PDC determines that is the case, they should refer the case to the Attorney General's office for criminal prosecution immediately.

It is unfortunate that this complaint is the first one to be filed against Lovick since he received a warning letter for previous campaign finance violations from the PDC in 2002. Many years of mocking the Washington State Campaign Finance laws since that time demonstrate that Lovick still refuses to comply with this statute.

Please don't hesitate to contact me if you need any additional information.

**Best Regards,**

Glen Morgan