

FILED

JUN 28 2017

Superior Court
Linda Myhre Enlow
Thurston County Clerk

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

SAN JUAN COUNTY DEMOCRATS,
a Washington registered political
committee,

Defendant.

NO. 17-2-03876-34

COMPLAINT FOR CIVIL
PENALTIES AND FOR INJUNCTIVE
RELIEF FOR VIOLATIONS OF
RCW 42.17A

I. NATURE OF ACTION

The State of Washington (State) brings this action to enforce the State's campaign finance and disclosure law, RCW 42.17A. The State alleges that Defendant SAN JUAN COUNTY DEMOCRATS, a registered political committee in Washington, violated provisions of RCW 42.17A by failing to timely file and disclose contributions, expenditures, and debts and obligations in reports to the state Public Disclosure Commission. The State seeks relief under RCW 42.17A.750 and .765, including civil penalties, costs and fees, and injunctive relief.

II. PARTIES

2.1 Plaintiff is the State of Washington. Acting through the Washington State Attorney General, a local prosecuting attorney, or the Public Disclosure Commission, the State enforces the state campaign finance disclosure laws contained in RCW 42.17A.

1 2.2 Defendant SAN JUAN COUNTY DEMOCRATS (Committee) is registered as
2 a political committee with the state Public Disclosure Commission. As the term is used under
3 RCW 42.17A.005(6)(c), it is the county central committee for the Washington State
4 Democratic Central Committee in San Juan County, Washington.

5 III. **JURISDICTION AND VENUE**

6 3.1 This Court has subject matter jurisdiction over the present case, in accordance
7 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to
8 RCW 42.17A.765.

9 3.2 This Court has personal jurisdiction over the Committee, a registered political
10 committee in the State of Washington. The Committee's headquarters are located in Friday
11 Harbor, San Juan County, Washington. It was required to timely file and complete reports of
12 contributions received, expenditures made, and debts and obligations incurred with the state
13 Public Disclosure Commission, which is located in Thurston County, Washington.
14 Additionally, the acts and omissions complained of here took place in Thurston County.

15 3.3 Venue is proper in this Court pursuant to RCW 4.12.020(1).

16 IV. **FACTUAL ALLEGATIONS**

17 4.1 RCW 42.17A declares as a matter of public policy "[t]hat political campaign
18 and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is
19 to be avoided." RCW 42.17A.001(1). The statute further provides that the state's campaign
20 finance and disclosure law "shall be liberally construed to promote complete disclosure of all
21 information respecting the financing of political campaigns."

22 4.2 Washington's campaign finance law requires political committees to timely
23 report contributions received, including in-kind contributions. The information required to be
24 disclosed includes the name and address of the source of contributions that exceed \$25 in the
25 aggregate, and the employer and occupation of any individual contributor giving more than
26 \$100 in the aggregate. RCW 42.17A.235, .240; WAC 390-16-037. Contribution disclosures are

1 reported on a Public Disclosure Commission form "C-3" which is called the "Cash Receipt
2 Monetary Contributions" form.

3 4.3 Washington's campaign finance law also requires political committees to timely
4 report expenditures related to state campaigns, including any debts incurred by the political
5 committee. RCW 42.17A.235, .240(8); RCW 42.17A.005(20). The PDC form to report
6 expenditures is called a "Summary, Full Report Receipts and Expenditures" and is a form
7 "C-4." An expenditure is defined to include "a *promise to pay*, For the purposes of this
8 chapter, agreements to make expenditures, contracts, and promises to pay may be reported as
9 estimated obligations until actual payment is made." RCW 42.17A.005(20).

10 4.4 The Committee is a political party committee as the term is used in
11 RCW 42.17A, and is more specifically a county central committee of the Washington State
12 Democratic Central Committee. As such, the Committee routinely raises funds in order to
13 support various Democratic Party candidates and ballot propositions. During 2016, the
14 Committee received contributions, made expenditures, and incurred debts and obligations, all
15 of which should have been reported in accordance with RCW 42.17A.

16 *Failure to Timely Report Contributions Received*

17 4.5 The Committee failed to timely disclose contributions it received as required by
18 law on a form C-3 report. Specifically, the Committee failed to timely file and disclose
19 \$15,060 in contributions received on 35 separate C-3 reports during 2016. These reports
20 ranged from 3-126 days late for a total of 1,266 days late.

21 *Failure to Timely Report Expenditures*

22 4.6 In 2016, the Committee was required to file 12 C-4 reports to timely disclose its
23 expenditures as required by law. The Committee failed to file any of these reports in a timely
24 manner. The C-4 reports that the Committee did file demonstrated that the Committee made
25 \$30,290 in total expenditures during 2016. The reports were filed between 3 and 165 days late,
26 for a total of 603 days late, as follows:

C-4 Reporting Period	Date Due	Date Filed	Days Late
1/1/2016 - 1/31/2016	2/10/2016	7/24/2016	165
2/1/2016 - 2/29/2016	3/10/2016	7/24/2016	136
3/1/2016 - 3/31/2016	4/11/2016	7/24/2016	104
4/1/2016 - 4/30/2016	5/10/2016	7/24/2016	75
5/1/2016 - 5/31/2016	6/10/2016	7/24/2016	44
6/1/2016 - 7/11/2016	7/12/2016	7/24/2016	12
7/12/2016 - 7/25/2016	7/26/2016	7/30/2016	4
7/26/2016 - 8/31/2016	9/12/2016	9/22/2016	10
9/1/2016 - 10/17/2016	10/18/2016	10/23/2016	5
10/18/2016 - 10/31/2016	11/1/2016	11/27/2016	26
11/1/2016 - 11/30/2016	12/12/2016	12/31/2016	19
12/1/2016 - 12/31/2016	1/10/2017	1/13/2017	3
Total Days Late			603

Failure to Timely Disclose Debts and Obligations Incurred

4.7 In 2016, the Committee failed to timely report debts and obligations incurred. It failed to timely report \$15,514 in debts, more than half of which constituted its on-going rent obligation. These debts were not reported until they were paid. They were reported between 41-135 days late, for a total of 353 days late. The total number of reports the Committee failed to timely file disclosing these debts was four, for the months of May 2016; the 21-day pre-primary election reporting period of June 1-July 11, 2016; the post-primary reporting period of July 26 – August 31, 2016; and the 21-day pre-general election reporting period of September 1 – October 17, 2016.

4.8 The Committee acknowledged its failure to timely report these debts and on May 9, 2017, began filing amended C-4 reports disclosing its debts.

V. CLAIMS

Plaintiff re-alleges and incorporates by reference all the factual allegations contained in the preceding paragraphs, and based on those allegations, makes the following claims:

5.1 First Claim: Plaintiff reasserts the factual allegations made above and further asserts that Defendant, in violation of RCW 42.17A.235, failed to timely disclose contributions

1 it received to the Public Disclosure Commission.

2 5.2 Second Claim: Plaintiff reasserts the factual allegations made above and further
3 asserts that Defendant, in violation of RCW 42.17A.235, failed to timely disclose expenditures
4 it made including but not limited to debts and obligations as of the time Defendant knew or
5 should have known those amounts would exceed \$250 in value, to the Public Disclosure
6 Commission.

7 **VI. REQUEST FOR RELIEF**

8 WHEREFORE, Plaintiff requests the following relief as provided by law:

9 6.1 For such remedies as the court may deem appropriate under RCW 42.17A.750,
10 including but not limited to imposition of a civil penalty, all to be determined at trial;


11 6.2 For all costs of investigation and trial, including reasonable attorneys' fees, as
12 authorized by RCW 42.17A.765(5);

13 6.3 For temporary and permanent injunctive relief, as authorized by
14 RCW 42.17A.750(1)(h); and

15 6.4 For such other legal and equitable relief as this Court deems appropriate.

16 DATED this 28th day of June, 2017.

17 STATE OF WASHINGTON
18 OFFICE OF THE ATTORNEY GENERAL

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20 LINDA A. DALTON, WSBA No. 15467
21 Senior Assistant Attorney General
22 Attorney for Plaintiff State of Washington
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