

# File a Formal Complaint - Glen Morgan

[Glenmorgan89](#) (Wed, 27 Dec, 2017 at 2:06 PM) via Portal Meta  
To Whom it May Concern --

It has come to my attention that the 43rd Legislative Democrats, a bona fide political committee, as well as current & past officers Ryan Whitney, Betsy Walker, Vivian Queija, Arvia Morris, Galaxy Marshall, Laurie Goff, Tara Gallagher, Angyl Bender, James Apa, Richard Scott Alspach, and Noah An have habitually and willfully committed frequent and multiple violations of **RCW 42.17A**.

Additionally, I have reason to believe that other violations of this chapter have occurred beyond what I have identified below.

*By way of this complaint, I am alleging that the committee officers listed above also violated RCW 42.17A in the ways outlined in **PDC Complaint #24562**.*

## **1) Illegal dissolution of political committee. (Violation of RCW 42.17A.235(8))**

State law prohibits political committees from dissolving until they have discharged all debts & obligations and ceased all activity & functions.

The 43rd Legislative District Democrats, a bona fide political committee, was unable to dissolve as it was legally obligated to file a response in a court case where they were a named respondent. As such, their dissolution is illegal and invalid.

Despite this requirement in state law, the officers of the 43rd Legislative Democrats chose to dissolve their committee on November 27, 2017 after being sued by the State of Washington for habitual, frequent, and serious violations of **RCW 42.17A**. *See **Thurston Co. Case No.17-2-05695-34***.

The charges levied against the committee were serious, and – by the committee’s own admission in its response to the PDC– it was largely guilty of the violations initially identified in the initial complaint.

Yet, rather than face the consequences of their actions and pay a penalty for violating state law as other committees have done, **the 43rd Legislative District Democrats opted to engage in a fraudulent conveyance scheme**. On the same day they dissolved their committee, they transferred the remaining committee funds to their law firm (\$3,294.50) and to the Washington State Democratic Central Committee (\$9,766.88).

Pursuant to **Superior Court Civil Rule 12**, all defendants must provide an answer within 20 days of service. They were provided service of the complaint on 10/30/2017 and were required to submit an answer by 11/20/2017, but “dissolved” seven days after a response was due.

The required answer and all other legal work on the case would constitute reportable activity (either as an expenditure/in-kind contribution/debt)that would have to be filed on form C4. As such, it is simply not possible for a political committee to dissolve itself during pending litigation.

Moreover, under **the absurdity doctrine**, U.S. courts have always interpreted statutes contrary to their plain meaning to avoid absurd results. If the PDC or the judicial system were to hold that committees could dissolve themselves mid litigation to escape liability, the result would be that political committees would simply dissolve in response to any substantive complaint. There would be no purpose in having any campaign finance laws as there would be no meaningful way to hold political committees accountable for their violations.

Please note that per **RCW 42.17A.904**, the provisions of **RCW 42.17A** are to be construed liberally to effectuate the policies and purposes of that statute.

**2) Failure to 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, the respondents have failed on numerous occasions to do this. *See Thurston Co. Case No.17-2-05695-34.*

Furthermore, the political committee and its officers have failed to list how its remaining assets have been disposed of. This includes, but is not limited to, the money paid to its law firm.

It is unclear what work, if any, their law firm has performed for the committee beyond generating the attached form letter. \$3,294.50 is an unreasonable price to pay just for this letter.

**3) State law requires that the committee treasurer 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, I believe that the 43rd Legislative Democrats, a bona fide political committee, and its officers have failed to abide by this requirement.

Their actions in this matter to date indicate an unwillingness to behave within the confines of the law. It is highly likely that they have engaged in intentional spoliation of evidence. They should immediately be instructed to preserve all financial records in accordance with state law.

The PDC should investigate the near certainty that the 43rd Legislative Democrats and its officers committed the above violations maliciously, willfully, in concert with others all of 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.

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

Best Regards,

Glen Morgan

*Schwerin Campbell Barnard Iglitzin & Lavitt LLP*

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November 27, 2017

Nicholas Power  
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Re: State of Washington, ex rel. Glen Morgan v. 43rd District Democrats (a political committee)  
Thurston Co. Cause No. 17-2-05695-34  
SCBIL File No. 6814-001

Dear Mr. Power:

The purpose of this letter is to inform you about some developments pertinent to this case.

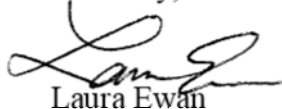
The 43rd Legislative District's political committee (or "PAC") does not expect to be receiving contributions or making expenditures in support of, or in opposition to, any candidate or ballot measure. Accordingly, it has complied with the procedures provided by the PDC to wind down operations and, as of today, the 43rd District Democrats PAC no longer exists as a political committee. *See* RCW 42.17A.010(37).

Because the PAC has disbanded, it will not be filing an answer in this matter. We therefore suggest that you advise your client to promptly seek a voluntary dismissal of any and all claims he has against the Committee.

We are aware you have incurred attorney fees to date and that the prevailing party in actions brought under the Fair Campaign Practices Act ("FCPA") is entitled to an award of attorney fees. However, a "fee award must be reasonable in relation to the results obtained." *Ethridge v. Hwang*, 105 Wn. App. 447, 20 P.3d 958 (2001) (quotation marks omitted).

Knowingly incurring additional fees by pursuing further litigation against a now-defunct entity is clearly not "reasonable," for the purposes of a fee award. We therefore reiterate our recommendation that your client seek dismissal of the case as soon as possible.

Sincerely,



Laura Ewan

*Counsel for 43rd District Democrats*

cc: Linda Dalton (*via email*)  
Fox Blackhorn (*via email*)