

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXPEDITE
 No Hearing Set
 Hearing is Set
Date:
Time:

FILED

NOV 14 2007

Sgt. for Court
Cindy J. Emlaw
Thurston County Clerk

**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

PIERCE COUNTY DEMOCRATIC
CENTRAL COMMITTEE, a Washington
registered political committee,

Defendant.

NO. 17-2-04616-34

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

I. NATURE OF ACTION

Plaintiff State of Washington (State) brings this action to enforce the State's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendant, PIERCE COUNTY DEMOCRATIC CENTRAL COMMITTEE (the Committee), a Washington registered political committee, violated provisions of RCW 42.17A by: 1) failing to timely report contributions it received, and 2) failing to timely report expenditures it made including debts and obligations with the State Public Disclosure Commission. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

II. PARTIES

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

2.2 Defendant PIERCE COUNTY DEMOCRATIC CENTRAL COMMITTEE is registered with the state Public Disclosure Commission as a continuing bona fide political party committee. As the term is used under RCW 42.17A.005(6)(c), it is the county central committee for the Washington State Democratic Central Committee in Pierce County, Washington.

III. JURISDICTION AND VENUE

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

3.2 This Court has personal jurisdiction over Defendant, a registered Washington State political committee. Additionally, the acts alleged below occurred in whole or in part in Thurston County, Washington.

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

IV. FACTUAL ALLEGATIONS

4.1 RCW 42.17A declares as a matter of public policy “[t]hat political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.” RCW 42.17A.001(1). Further, the statute provides that the provisions of the law “shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns. . . .”

4.2 Washington’s campaign finance law requires a campaign to timely report contributions received. The information required to be disclosed includes the name and address

1 of the source of contributions that exceed \$25 in the aggregate, and the employer and
2 occupation of any individual contributor giving more than \$100 in the aggregate.
3 RCW 42.17A.240; WAC 390-16-037. Contribution disclosures are reported on a Public
4 Disclosure Commission (PDC) form "C3" which is called the "Cash Receipt Monetary
5 Contributions" form. Each week's contributions must be reported on the following Monday
6 during the five months prior to a general election. RCW 42.17A.235(3).

7 4.3 Washington's campaign finance law also requires political committees to timely
8 report expenditures related to state campaigns, including any debts incurred by the political
9 committee. RCW 42.17A.235, .240(8); RCW 42.17A.005(20). The PDC form to report
10 expenditures is called a "Summary, Full Report Receipts and Expenditures" and is a form
11 "C4." An expenditure is defined to include "a *promise to pay*, For the purposes of this
12 chapter, agreements to make expenditures, contracts, debts, and promises to pay may be
13 reported as estimated obligations until actual payment is made." RCW 42.17A.005(20).

14 4.4 The Committee is a bona fide political party committee as the term is used in
15 RCW 42.17A, and is more specifically, a county central committee of the Washington State
16 Democratic Central Committee. As such, the Committee routinely raises funds in order to
17 support various democratic candidates and ballot propositions. Since 2015, the Committee
18 received contributions and made expenditures, all of which were required to be reported in
19 accordance with RCW 42.17A.

20 4.5 The activities of the Public Disclosure Commission, including its receipt and
21 compilation of reports required by law, are conducted in and about Thurston County.

22 4.6 On May 18, 2017, the Attorney General's Office received a citizen action notice
23 alleging that the Committee had failed to timely file reports of contributions received and
24 expenditures made, including debts and obligations, for the years 2015, 2016, and 2017.

25 4.7 In May 2017, the Committee elected a new treasurer.
26

1 Failure to Timely Report Contributions Received

2 4.8 The Committee failed to timely disclose contributions it received as required by
3 law on a C3 report. Specifically, the Committee failed to timely file and disclose \$51,817 in
4 contributions received during 2015 and 2016 on 30 separate C3 reports. These reports ranged
5 from eight to 179 days late, representing a collective total of 2,402 days late.

6 4.9 In 2015, \$33,217 of the late-reported contributions was disclosed from 76-172
7 days and not until after the general election.

8 4.10 For the year 2017, the Committee failed to file any C3 reports until after the
9 citizen action notice received by the Attorney General's Office and complaint to the Public
10 Disclosure Commission was provided to it.

11 4.11 The following chart summarizes the total deposits received by the Committee,
12 the number of reports affected by the late reporting, and the cumulative days late for 2015,
13 2016, and 2017:

14

Year	Total Deposits	Number of C3 Reports	Days Late
2015	\$34,713.93	14	8-179
2016	\$17,103.17	16	34-104
2017	\$11,825.90	62	2-146
TOTAL	\$63,643.00	92	8,350

15
16
17

18 Failure to Timely Report Expenditures

19 4.12 In 2015, 2016, and 2017, the Committee failed to timely disclose expenditures
20 made as required by law on a C4 report. Specifically, the Committee failed to timely file and
21 disclose \$84,230 in expenditures made during 2015 and 2016 on 11 separate C4 reports. These
22 reports ranged from 1 to 171 days late, representing a collective total of 611 days late.

23 4.13 For the year 2017, the Committee failed to file any C4 reports until after the
24 citizen action notice received by the Attorney General's Office and complaint to the Public
25 Disclosure Commission was provided to it.

1 4.14 The following chart identifies for each untimely report the amount of
 2 expenditures, and the number of days late for C4 reports due during 2015, 2016, and 2017:
 3

Election Year	Date C4 Due	Date Reported	Days Late	Amount of Expenditures
2015	5/11/2015	5/16/2015	5	\$971.08
2015	6/10/2015	6/17/2015	7	\$1,196.95
2015	7/14/2015	7/16/2015	2	\$5,756.79
2015	7/28/2015	7/29/2015	1	\$466.74
2015	10/13/2015	3/20/2016	159	\$23,585.32
2015	10/27/2015	4/15/2016	171	\$5,001.02
2015	12/10/2015	4/15/2016	127	\$3,817.42
2016	1/11/2016	4/15/2016	95	\$2,931.85
2016	10/18/2016	10/19/2016	1	\$4,466.33
2016	11/1/2016	12/12/2016	41	\$18,317.00
2016	12/12/2016	12/14/2016	2	\$17,719.46
2017	2/10/2017	6/29/2017	139	\$18.34
2017	3/10/2017	6/29/2017	111	\$476.29
2017	4/10/2017	6/29/2017	80	\$55.00
2017	5/10/2017	6/29/2017	50	\$3,454.00
2017	6/12/2017	6/29/2017	17	\$2,124.36
TOTAL Reports: 16			TOTAL Days Late: 1,008	TOTAL Expenditures: \$90,357.95

17 Failure to timely report debts and obligations

18 4.15 On information and belief for the year 2016, the Committee failed to timely
 19 report debts and obligations it incurred during one reporting period but did not report until an
 20 invoice was paid. The unreported debts included expenses incurred for party convention and
 21 caucus events during 2016. The Committee did not dispute this allegation during the
 22 investigation period; rather, the Committee chose to place responsibility for this failure on its
 23 former chair and treasurer.

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

V. CLAIMS

The State 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: The State reasserts the factual allegations made above and further asserts that Defendant, in violation of RCW 42.17A.235 and .240, failed to timely disclose to the state Public Disclosure Commission contributions it received during 2015, 2016, and 2017.

5.2 Second Claim: Plaintiff reasserts the factual allegations made above and further asserts that Defendant, in violation of RCW 42.17A.235 and .240, failed to timely and completely disclose and describe expenditures it made, including debts and obligations, during 2015, 2016, and 2017 to the state Public Disclosure Commission.

VI. REQUEST FOR RELIEF

WHEREFORE, the State requests the following relief as provided by law:

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


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

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

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

DATED this 14th day of August, 2017.

OFFICE OF THE ATTORNEY GENERAL
State of Washington


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