



State of Washington  
PUBLIC DISCLOSURE COMMISSION

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April 20, 2020

Sent electronically to Glen Morgan at [glen@wethegoverned.com](mailto:glen@wethegoverned.com)

Subject: Complaints regarding Washington Conservation Voters Action Fund, PDC Cases 59539 and 59657

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed on October 26, 2019 and October 30, 2019. The complaints alleged that the Washington Conservation Voters Action Fund, a continuing political committee, may have violated RCW 42.17A.235, .240 and WAC 390-16-037 by failing to completely and accurately disclose expenditure details on the Summary Full Campaign Contribution and Expenditure reports (C-4 reports); and RCW 42.17A.260 and .305 by failing to timely and accurately report independent expenditures and electioneering communications on Independent Spending and Electioneering Communications reports (C-6 reports) during the 2019 election year.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by the Washington Conservation Voters Action Fund (Committee); the applicable PDC reports filed by the Committee; and queried the Respondent's data in the PDC contribution and expenditure database to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- The Committee timely filed the C-4 reports due 21-days and 7-days prior to the General Election, disclosing expenditures which lacked the level of detail required by RCW 42.17A.240 and WAC 390-16-037, including a description of purpose sufficient to understand the nature of the expenditure and the number of items printed for political advertising.
- On October 15, 2019, the Committee timely filed the 21-Day Pre-General C-4 report, disclosing an October 7, 2019, expenditure of \$54,456 to Hopkins & Sachs, Inc. for "Consulting," which failed to itemize the \$54,456 expenditure, and an October 9, 2019 expenditure totaling \$20,000 made to SWAY for "digital advertising."
- On October 29, 2019, the Committee timely filed the 7-Day Pre-General C-4 report covering the period beginning October 15 through October 28, 2019, disclosing \$2,625 in contributions received and \$99,065 in expenditures made. The 7-Day Pre-General C-4 report disclosed three expenditures made to Hopkins &

Sachs, Inc., totaling \$26,747 for “Direct Mail,” which failed to provide the number of items printed for political advertising, or who each expenditure supported or opposed, in accordance with RCW 42.17A.240 and WAC 390-16-037.

- On November 14, 2019, the Committee filed an amended 7-Day Pre-General Election C-4 report disclosing expenditures made to Hopkins & Sachs, Inc., totaling \$26,747 for “Direct Mail,” which included two expenditures totaling \$18,027 for two direct mail pieces that supported candidates Satpal Sidhu, a candidate for County Council Member in Whatcom County, Natalie McClendon, a candidate County Council Member in Whatcom County and Carol Frazey, a candidate for County Commissioner for Whatcom County, in the 2019 election year. The other expenditure was for a direct mail piece totaling \$8,720, half of which supported the above-mentioned candidates and the other half opposed candidate Ben Elenbaas, a candidate for County Council Member for Whatcom County in the 2019 election year. The details of the expenditures, including the candidates supported or opposed, were disclosed 16 days late and nine days after the November 5, 2019 general election was held.
- On the same day, November 14, 2019, the Committee also amended the 21-Day Pre-General C-4 report disclosing that: (1) The \$54,456 expenditure to Hopkins & Sachs, Inc., was for direct mail (\$15,156) and for digital printing, advertising and production (\$39,300), all in support of Kristin Ang, a candidate for Port Commission for the Port of Tacoma; and (2) The \$20,000 expenditure made to “SWAY” for digital advertising was in support of Natalie McClendon, a candidate for the County Council Member for Whatcom County in the 2019 election year. The details of the expenditures, including the candidates supported and/or opposed, were disclosed 30 days late and nine days after the 2019 general election was held.
- On December 11, 2019, the Committee filed a C-6 report disclosing a \$15,156 expenditure to Hopkins & Sachs, Inc., for “26,236 pieces of Direct Mail in support of Kristin Ang,” but stated that an additional \$39,000 in expenditures “covered a broad variety of mail, videos, website and other digital communications. All the communications were paid for by the Committee, but only a small fraction mentioned candidates – the rest simply encouraged Washingtonians to vote. The only communication that advocated for candidates was a website, which accounted for \$6,000 of the \$39,300 expenditure. The pro rata attributable costs of the website did not reach the statutory threshold, so we did not include those costs on the Form C-6.”
- On January 6, 2020, the Committee provided PDC staff with an itemization of the \$39,000 expenditure with sub-vendors utilized by the Committee, and amounts of the website attributable to each candidate, but expressed technical difficulties with space limitations to properly report this on C-4 reports.
- On January 31, 2020, the Committee amended its C-4 report to itemize each expenditure with the amount attributable to each candidate supported, and each sub-vendor utilized by the Committee, as required by RCW 42.17A.240, WAC 390-16-037 and WAC 390-26-205. The Committee also addressed the C-4 and C-6 reports discrepancy regarding the \$20,000 paid to SWAY in its response. The Committee indicated that it erroneously filed two, identical C-6 reports disclosing a single \$20,000 expenditure made to SWAY for “digital video” on October 16, 2019. Reporting such information twice inadvertently gave the public the false impression that the Committee spent a total of \$40,000. Shortly after the duplicate C-6 report (report# 9648) was filed, the Committee realized its mistake and contacted the PDC on October 23, 2019. The PDC has since resolved the issue of the duplicate C-6 so only a single \$20,000 expenditure now appears online (amended report #9942).

Based on the above review, staff has determined that non-compliance appears to be the result of a good-faith omission or errors by the Committee. According to the Committee, “non-compliance was unintentional, and the result of the delays caused by the unavailability of the primary person responsible for its campaign finance reporting, who was caring that week for a sick family member.” The Committee also indicated that its attempts

to amend C-4 and C-6 reports to include additional expenditure details were frustrated by the 28-character field length limit in the description field of the PDC's online reporting system.

The Committee also made a good faith effort to cure the deficiencies listed in the complaint. After being notified of the complaints on October 26, 2019, and October 30, 2019, the Committee carefully reviewed its PDC reports and subsequently filed three additional C-6 reports (reports #9850, 9906 and 9931) amended ten C-6 reports to disclose previously unreported expenditures, clarified expenditures made and candidates supported, and modified expenditure descriptions to mirror the statutory requirements. The Committee did the same with its C-4 reports that lacked adequate descriptions and/or number of items purchased.

On April 7, 2020, the PDC received a fully executed electronic Statement of Understanding (SOU) signed by Shannon Murphy on behalf of the Committee, along with a \$300 civil penalty payment (received on April 16, 2020). By signing the SOU, the Committee acknowledged violations of RCW 42.17A.235 and .240, by failing to timely and accurately file C-4 reports.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Erick Agina at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

Endorsed by:

s/ \_\_\_\_\_  
Erick Agina, Compliance Officer

s/ \_\_\_\_\_  
Peter Lavalley  
Executive Director

cc: WA Conservation Voters Action Fund

