



State of Washington

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

Sept. 13, 2023

Sent electronically to Terry McCarten on behalf of Vote Yes on Proposition One Sponsored by Kent Fire Fighters, IAFF Local 1747 at tj592004@yahoo.com

Subject: Complaint filed by Glen Morgan and Jay Stark, PDC Case 139251

Dear Mr. McCarten:

Below is a copy of an electronic letter sent to Glen Morgan and Jay Stark concerning two complaints filed with the Public Disclosure Commission (PDC) on June 15, 2023 and July 16, 2023, respectively.

As noted below in the letter to Messrs. Morgan and Stark, the PDC has dismissed both matters in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this letter constitutes a formal written warning concerning the Committee's failure to timely and accurately disclose all contribution and expenditure activities in the 2023 election year. PDC staff expects the Committee to file timely and accurate contribution and expenditure reports for the remainder of the 2023 election year and in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Erick Agina, Compliance Officer

s/ _____
Peter Frey Lavalley, Executive Director



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Sept. 13, 2023

Sent electronically to Glen Morgan at glen@wethegoverned.com and Jay Stark at jay.stark@mac.com

Subject: Complaint regarding Vote Yes on Proposition One Sponsored by Kent Fire Fighters, IAFF Local 1747, PDC Case 139251

Dear Messrs. Morgan and Stark:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed on June 15, 2023 and July 6, 2023, respectively. Both complaints have been combined into one case, to better utilize the Commission's resources. The complaints alleged that Vote Yes on Proposition One Sponsored by Kent Fire Fighters, IAFF Local 1747 PAC, a Continuing Political Action Committee in the 2023 election year, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately file contribution and expenditure reports, as required by law.

PDC staff reviewed your allegation(s); the attachments provided with the complaint; the applicable statute(s), rule(s), and reporting requirements; the C-3 and C-4 reports filed by Vote Yes on Proposition One Sponsored by Kent Fire Fighters, IAFF Local 1747 (Campaign); the response to the complaint provided by Terry McCarten, Treasurer, on behalf of the Committee; and other relevant information to determine whether the record supports a finding of one or more violations.

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

- On July 11, 2023, the Campaign filed a Committee Registration (C-1pc), selecting the Full Reporting Option and listing Terry McCarten as Treasurer.
- Staff reviewed the statutory reports filed by the Campaign in 2023 and noted that the Campaign initially failed to disclose signs that needed to be reported as an in-kind contribution to the Campaign from a prior campaign. The in-kind contribution for signs was not disclosed on the accelerated reports before the Primary election 2023.
- In its response to the complaint, the Committee, by way of the treasurer Terry McCarten, stated: "My understanding of campaign finance disclosure requirements was that the Campaign did not have to report using old, generic campaign signs as an in-kind contribution to the Campaign. I did not include the value of

these signs in the June 2023 C4 report because I did not understand the use of old signs – not purchased by the Campaign, previously disclosed to the PDC, and owned by the Campaigns sponsoring entity – was a contribution to the new campaign. Outside of my attempts to comply with campaign finance requirements, Mr. Morgan makes several subjective and unfounded claims about Campaign. First, Mr. Morgan claims the Campaign refuses to follow the law and inform the public about the big dollars being funded. I initially worked with the PDC to ensure the Campaign followed the law. And when it came to my attention that the Campaign might be out of compliance, I immediately contacted the PDC to rectify the issue. Moreover, Local 1747 could have funded this ballot measure campaign through alternative means and disclosures. Instead, it opted to disclose via local ballot measure reporting, the most thorough and transparent form of reporting. Second, Mr. Morgan cites my experience as a treasurer for 1747 PAC. I am a volunteer for both PACs, which have straightforward expenditures. I do not have experience with in-kind contributions because we normally do not have this form of contribution. My omission of the in-kind contribution for using old signs was due to my misunderstanding of campaign finance law. Once it was brought to my attention, I immediately sought guidance from the PDC and filed amended reports to come into compliance.”

- On July 10, 2023, the Campaign filed an amended C-4 report to disclose signs used in a prior campaign as an in-kind contribution from the prior campaign to the current campaign, and assigned a fair market value based on the condition of the used signs.

Based on these findings staff has determined that, in this instance, the Committee’s failure to timely and accurately report 200 signs from a prior campaign as an in-kind contribution to the 2023 Campaign does not amount to a violation that warrants further investigation. The Committee treasurer was not aware that used signs from a prior campaign, although not officially purchased for the current campaign, must be reported as an in-kind contribution to the current campaign.

However, pursuant to WAC 390-37-060(1)(d), the Committee will receive a formal written warning concerning its failure to file accurate and timely contribution and expenditure reports in the 2023 election year/campaign. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Erick O. Agina, Compliance Officer

s/ _____
Peter Frey Lavalley, Executive Director

cc: Vote Yes on Proposition One Sponsored by Kent Fire Fighters, IAFF Local 1747