



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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

November 15, 2023

Delivered electronically to Washington State Machinists Council PAC at “richardj@iam751.org & lawlor@workerlaw.com”

Subject: Complaint filed by Glen Morgan, PDC Case 141601

Dear Washington State Machinists Council PAC:

Below is a copy of an electronic letter sent to Glen Morgan concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Morgan, the PDC has dismissed this matter 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 serves as a formal written warning concerning Washington State Machinists Council PAC’s (WSMC PAC) failure to comply with the filing requirements noted in the enclosed letter sent to Mr. Morgan. Staff expects WSMC PAC to timely file all required reports of contributions and expenditures, and refrain from accepting contributions in excess of \$5,000 during the 21 days prior to a general election in future years. The Commission will consider this 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Frey Lavalley
Executive Director



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November 15, 2023

Delivered electronically to Glen Morgan at “glen@wethegoverned.com”

Subject: Complaint regarding Washington State Machinists Council PAC, PDC Case 141601

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 19, 2023. The complaint alleged that Washington State Machinists Council PAC, a committee registered with the PDC during calendar years 2019, 2020, 2021, 2022 & 2023, may have violated RCW 42.17A.235 & .240: (1) for failure to timely file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports) and; (2) RCW 42.17A.420 for accepting over limit contributions within 21 days of an election.

PDC staff reviewed the allegations and supporting documentation; the applicable statutes, rules, and reporting requirements; the response provided by legal counsel Abby Lawlor, on behalf of the Respondent; the applicable PDC reports filed by the Respondent; and queried the Respondent’s data in the PDC contribution and expenditure database, 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:

- During calendar years 2019, 2020, 2021, 2022 & 2023 Washington State Machinist Council PAC (WSMC PAC) was registered with the PDC under the “Full Reporting” option, and most recently listed Richard E. Jackson as Manager and Treasurer.

Allegation One: Failure to timely file C-3 reports and C-4 reports

- The complaint alleged that WSMC PAC filed numerous C-3 and C-4 reports covering campaign activity for calendar years 2019 to 2023, late. The evidence of the late reporting was submitted in the form of a spreadsheet where the projected due date was assumed solely based on the reporting schedule for committees participating in elections during the calendar year and without consideration of the dollar amount disclosed on each report.
- In addition, the spreadsheet alleged that twenty-four amended reports were submitted late but did not provide any specific information about the activity that purportedly was omitted from the original or otherwise edited.
- During the review of the alleged late reporting spreadsheet, PDC staff found that the majority disclosed small dollar amounts under the reporting threshold (more than \$750 as of April 1, 2023, and more than \$200 in prior years) for monthly C-4 reports, or were amendments as discussed above.

- Staff did note a small number of reports that appeared to be submitted after the likely filing deadline, including C-3 reports showing receipt of funds, most in excess of \$10k from Machinist Non-Partisan Political League-MNPL and District 751, during calendar years 2020 to 2023.
- In the response, Ms. Lawler stated that many of the reports identified as untimely were in fact amendments of a timely filed report or disclosed activity below the reporting threshold.

Allegation Two: Accepting over limit contributions within 21 days of an election

- The complaint alleged that the WSMC PAC accepted over limit contributions within the 21-day pre-election period on three occasions: \$12,355.70 received October 25, 2019, \$14,395.47 received on October 14, 2020, and \$11,464.98 received on November 1, 2022.
- RCW 42.17A.420(1) prohibits political committees from accepting reportable contributions greater than \$5,000 within 21 days of a general election.
- In her response, Ms. Lawler explained that, in or around October of each year, the WSMC PAC receives a routine contribution from the Machinists Nonpartisan Political League (MNPL). In 2019, 2020, and 2022, this contribution happened to arrive during the 21-day pre-election period. In 2018, the contribution arrived more than 21 days before the general election. In 2021, the contribution arrived after the general election. As the Committee was unaware of the pre-election contribution limit, in each instance it deposited the contribution upon receipt and filed a corresponding C-3 report.
- Ms. Lawler further asserted that the WSMC PAC's acceptance of overlimit contributions from MNPL has had minimal impact on public transparency as the MNPL contributions were not intended to fund pre-election expenditures. Ms. Lawler confirmed that during 2019 and 2022, WSMC PAC had cash on hand before receipt of these contributions and that while the PAC did spend MNPL funds during the pre-election period in 2020, this spending was inadvertent and amounted to just \$1,671.01 over what the Committee would have been able to spend had it observed the \$5,000 contribution limit.
- Finally, Ms. Lawler stated that, as the Respondent is now aware of the requirements of RCW 42.17A.420(1), it will take care in the future to avoid accepting overlimit contributions from MNPL or other contributors.

It appears that although WSMC PAC did accept over limit contributions in excess of \$5,000 during the 21 days prior to the general election in calendar years 2019, 2020 and 2022, the PAC either did not spend the funds received for election related expenditures or the funds spent had minimal impact on election related activity. In addition, these funds were received from an entity directly connected to the Respondent and are routinely given in October or November of each year. Regarding the allegation of late reporting, staff found a small number of original reports appeared to have been submitted late.

Staff found no evidence that WSMC PAC purposely filed late campaign reports or accepted over limit contributions in order to conceal its activities from the public or adversely affect the outcome of previous elections.

Based on our findings staff has determined that, in this instance, failure to timely file a small number of campaign reports dating back from calendar year 2019 forward, and acceptance of contributions in excess of \$5,000 within the three weeks before the general election in 2019, 2020 and 2022, does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, the Respondent will receive a formal written warning concerning failure to timely file reports disclosing campaign activity and for accepting over limit contributions during the 21 days prior to a general election. The formal written warning will include staff's expectation that WSMC PAC timely files all future required reports of contributions and expenditures, and adherence to the prohibition on accepting contributions in excess of \$5,000 before a general election. 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 all allegations in this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

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Peter Frey Lavalley
Executive Director

cc: Washington State Machinists Council PAC