



**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

September 10, 2018

Subject: PDC Case 37140

Dear Elizabeth Ferrell-Gray:

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

As noted below to Glen Morgan, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

Pursuant to WAC 390-37-060(1)(b), this letter is a formal written warning for the American Federation of Teachers Washington Committee on Political Education PAC (AFT WA PAC) concerning the importance of the timely disclosure of all contribution and expenditure activities, and the timely filings of all future PDC reports. This formal written warning includes staff's expectation that AFT WA PAC will file timely and complete C-3 and C-4 reports in future years in accordance with PDC laws and rules. 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 Micaiah Ragins 360-586-4555 or toll-free at 1-877-601-2828, or by e-mail at micaiah.ragins@pdc.wa.gov.

Sincerely,

/s _____
Micaiah Titus Ragins
Compliance Coordinator

Endorsed by,

/s _____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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September 10, 2018

Delivered electronically to "glen@wethegoverned.com"

Subject: Complaint regarding American Federation of Teachers Washington Committee on Political Education PAC, PDC Case 37140

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 20, 2018. Your complaint alleged that the American Federation of Teachers Washington Committee on Political Education PAC (AFT WA PAC) may have violated RCW 42.17A.235 by failing to accurately and timely file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contribution and expenditure activities.

PDC staff reviewed your allegations, the statutes and rules, the C-3 and C-4 reports filed by AFT WA PAC, and the July 27, 2018 July 13, 2018, response letter from Dmitri Iglitzin and Sarah

Derry, two attorneys with Schwerin, Campbell, Barnard, Iglitzin & Lavitt, LLP on behalf of AFT WA PAC. As a result of staff's review, we found the following:

On January 27, 2012, AFT WA PAC filed a Committee Registration (C-1pc report) as a new, continuing political committee, selecting the Full Reporting Option. AFT WA PAC has been filing C-3 and C-4 reports every year since registering as a political committee with the PDC.

On April 16, 2018, AFT WA PAC filed four C-3 reports disclosing contributions received from members for November of 2017, and January and March of 2018, and totaling \$10,176 as follows: (1) A C-3 report filed for the March of 2018 was filed six days late, disclosing \$4,513 in member contributions received; (2) A C-3 report filed for January of 2018 was filed 63 days late, disclosing \$2,242 in member contributions received; (3) A C-3 report was filed 96 days late for member contributions received in November of 2017, but deposited in December of 2017, totaling \$2,164; and (4) A C-3 report was filed 126 days late for member contributions received and deposited in November of 2017, totaling \$1,257.

On April 16, 2018, AFT WA PAC filed four C-4 reports covering the period December 1, 2017 through March 31, 2018. The four C-4 reports disclosed AFT WA PAC received \$8,919 in monetary contributions received from members and listed above, with only \$75 in expenditures for three months of bank service charges.

On July 18, 2017, AFT WA PAC filed the 21-Day Pre-Primary Election C-4 report disclosing \$5,216 in monetary contributions received from members and \$2,000 in expenditures for two contributions to 2017 candidates for office. The 21-Day Pre-Primary Election C-4 report was filed seven days late by the Committee.

On March 16, 2015, AFT WA PAC filed a C-4 report for February of 2015 disclosing that no contributions had been received during the month, and \$2,562 in expenditures, which included a \$2,500 expenditure to reimburse AFT WA for staff time supporting the PAC. The C-4 report was filed six days late.

In the response letter, the attorneys stated on behalf of AFT WA PAC's that in late 2017, the individual who was responsible for filing the PAC reports was out-of-office due to a serious medical issue. In mid-April of 2018, AFT WA PAC realized that the Committee's reports had not been filed since November of 2018, "the situation was immediately remedied, and all reports were filed. The subsequent filing pattern for the PAC, as well as the filings from previous years, shows that this situation was the exception and not the norm."

The response stated that the late filed AFT WA PAC C-3 and C-4 reports resulted from "minor or ministerial errors that did not materially impact the public interest and required corrections for the reports to be in full compliance with the requirements of RCW 42.17A." Finally, the attorneys emphasized in their response that if noncompliance had occurred, then the late filed C-3 or C-4 reports would likely be categorized by PDC Staff as "remedial violations or technical corrections."

Based on these findings, and the fact that AFT WA PAC has no prior PDC violations, staff has determined that in this instance, the failure to timely file the C-3 and C-4 reports does not amount to a finding of a material violation warranting further investigation.

Pursuant to WAC 390-37-060(1)(b), the American Federation of Teachers Washington Committee on Political Education PAC will receive a formal written warning concerning the importance of the timely disclosure of all contribution and expenditure activities, and the timely filings of all future PDC reports. The formal written warning will include staff's expectation that AFT WA PAC file timely and complete C-3 and C-4 reports in future years in accordance with PDC laws and rules. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at micaiah.ragins@pdc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: American Federation of Teachers Washington Committee on Political Education PAC