



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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

March 15, 2024

Delivered electronically to info@thurstondemocrats.org , cade@thurstondemocrats.org and griff@thurstondemocrats.org

Subject: Complaint filed by Glen Morgan, PDC Case 141204

Dear Thurston County Democrats:

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 Glen 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.

Pursuant to WAC 390-37-060(1)(d), however, this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Mr. Morgan. In the future, PDC staff expect you to 1) timely file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) and *Cash Receipts, Monetary Contributions* reports (C-3 reports); 2) timely update your *Committee Registration* (C-1pc report) within 10 days of any material changes; and 3) preserve the committee's books of account, bills, receipts, and other financial records for no less than five calendar 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.

PDC staff is also reminding you about the importance of 1) disclosing the name and address of the vendor from whom a contributor purchased an item or service that is given to the committee as an in-kind contribution (on C-4 reports) or donated as an auction item (on C-3 reports); and 2) submitting amended reports within 21 days of the original reports, whenever possible. PDC staff expects that, in the future, you will timely disclose the above information in accordance with PDC laws and rules or guidance.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavallee
Peter Frey Lavallee
Executive Director



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March 15, 2024

Delivered electronically to glen@wethegoverned.com

Subject: Complaint regarding Thurston County Democrats, PDC Case 141204

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 7, 2023. The complaint alleged that Thurston County Democrats, a Democratic county party continuing political committee, may have violated RCW 42.17A.205, .235 and .240 by failing to timely update its *Committee Registration* (C-1pc report), and timely and accurately file *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) disclosing contributions and expenditures for election years 2018-2023, including vendor name and address for in-kind contributions and auction items.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by Thurston County Democrats (the “Respondent”); the applicable PDC reports filed by the Respondent; 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:

- [RCW 42.17A.205](#) requires every political committee to register with the PDC by filing a *Committee Registration* (C-1pc report) within two weeks of organizing or first having the expectation of receiving contributions or making expenditures in an election campaign, whichever is earlier. Any material change to the information disclosed on the C-1pc report should be reported to the PDC within 10 days of the change.
- A committee that selects the Full Reporting option on its C-1pc report is required to report contributions and expenditures to the PDC on *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). The due dates for these reports are based upon the election cycle, the committee’s election participation, and their financial activity.

- Pursuant to RCW 42.17A.240(2), C-3 reports must include, but are not limited to, the name and address of each person¹ who contributed more than \$100² during the period covered by the report; and the value and date of each contribution. “Contribution³,” as defined, includes an in-kind contribution, which is disclosed on a C-4 report.
- Pursuant to RCW 42.17A.235(10), amended reports should be submitted within 21 days of filing the original report. If there is no pending complaint about the report being amended and it meets the conditions set forth in .235(10)(a) through (d), it is not evidence of a violation to submit an amended report within 21 days of the original report.
- Per RCW 42.17A.235(8), a committee’s treasurer or candidate is required to preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for no less than five calendar years following the year during which the transaction occurred, if not longer as otherwise required by law.
- Per [RCW 42.17A.770](#), any action brought under Chapter 42.17A must be commenced within five years after the date the violation occurred.
- In their September 8, 2023 response to the complaint, the Respondent stated, except for one person, all its officers and board members are new to the all-volunteer organization and their Treasurer is inexperienced with PDC reporting requirements. The Respondent expressed appreciation for the PDC’s help in learning of its reporting responsibilities.
 - The Respondent committee also said it 1) was unaware of the requirement to update its C-1pc within 10 days of any changes; 2) maintains a current list of officers on its [website](#); 3) had subsequently amended its C-1pc report; and 4) would not fail to update the report in the future.
 - The Respondent acknowledged there have been some unintentionally late reports since 2018, most of which occurred under prior leadership, and said it is their current board’s intention to be as diligent as possible in filing timely reports. The committee indicated its belief that most of the late filings alleged in the complaint were less than a week late and many were only one day late. They also noticed that some of the allegedly late reports were in fact amended reports that were submitted after the original reports had been timely filed. The Respondent explained that late reports for election year 2023 were the result of an administrative error, which has since been corrected.

¹ "Person" includes “an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.” [RCW 42.17A.005\(39\)](#).

² Per [WAC 390-05-400](#), this dollar amount increased from \$25 to \$100 effective April 1, 2023.

³ [RCW 42.17A.005\(15\)\(a\)](#) defines a “contribution” to include a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds or anything of value, including personal and professional services for less than full consideration. [WAC 390-05-210\(1\)](#) further defines “contribution” to include, but not be limited to, furnishing services, property, or rights on an unequal basis or at less than fair market value for the purpose of assisting any candidate or political committee, and refers to the latter as an “in-kind contribution.”

- The Respondent said it spent a considerable amount of time reviewing the in-kind contributions that allegedly lacked details, per the complaint, but could not find a single issue or in-kind contribution that lacked information or contained inaccurate details regarding the donor. The Respondent said that selecting the hyperlinks in the spreadsheet you provided with the complaint displays the required details for in-kind contributions that were alleged to be missing, and indicated its belief that you neglected to use these links to view the requisite details present on its reports.
- On October 30, 2023, the Respondent's current Chair, Cade Walker, informed PDC staff that he and the committee's previous Chair did not receive all the committee's records from the latter's predecessor, who deleted all its records. The committee indicated it no longer has access to its online filing (ORCA) records or underlying financial information for 2018 and 2019 and is therefore unable to view or amend reports from these election years.
- Throughout our investigation, the Respondent demonstrated a willingness to conduct research and contact past Treasurers and contributors to obtain information regarding its in-kind contributions and auction items. The information provided by the Respondent is included in our findings below.
- A Case Status Review (Initial Hearing) was held for this case on November 1, 2023. The committee's Chair, Cade Walker, attended the hearing remotely.
- The Respondent does not have previous warnings/violations from the PDC that occurred within the past five years (statute of limitations).

Allegation: Failure to Timely Report Officer Changes on Committee Registration

- The Respondent is a democratic county party continuing political committee that first registered with the PDC in 2007. The Respondent updated its C-1pc report for 2023 on March 10, 2023 and selected the Full Reporting option. At that time, it reported the following Officers: Cade Walker, Chair; Doris Atkinson, 2nd Vice Chair; Griff Masters, Treasurer; Melissa Chaudhry, Secretary; Keoki Kauano, Jr., State Committee Man; Vanessa Malapote, State Committee Woman; and Krystofer Brown, At-Large.
- On August 18, 2023, the Respondent amended its [C-1pc report](#) to include the following Officer changes: Tela Hogle was added as 1st Vice Chair and Maria Siguenza replaced Doris Atkinson as 2nd Vice Chair. The Respondent took corrective action to amend its report within 24 hours of being notified of the complaint allegation.
- The Respondent amended their C-1pc report again on August 28, 2023, disclosing that Desiree Toliver replaced Vanessa Malapole as State Committee Woman.

Allegation: Missing Vendor Name & Address for In-kind Contributions (2018, 2019, 2020 & 2023)

- Your complaint specifically alleged that the Respondent failed to report the address of a vendor (Pacifica Law Group) to whom an in-kind contribution of \$2,500 was made by the Washington State Democratic Central Committee on December 5, 2018. The purpose

of the in-kind contribution was to pay legal fees incurred by the Respondent. This information was disclosed on Schedule B of the Respondent's C-4 report for December of 2018 (report [100880069](#)).

- Pacifica Law Group's address appears to have been omitted from this report. However, it is important to know that, in 2018, character limitations in our online filing system (ORCA) truncated the text that was entered into the description field, causing the information to appear incomplete.
- As indicated above, the Respondent no longer has access to its ORCA records or underlying financial information for 2018 and 2019 and is unable to view the full text that was entered on the 2018 report or amend it.
- This omission of Pacifica Law Group's address is partially mitigated by the fact that the \$2,500 owed to Pacifica Law Group was previously reported as Debt by the Respondent on its post-General C-4 report ([100876898](#)). The law group's address appeared on the post-General C-4 report and nearly a dozen other C-4 reports for election year 2018. As a result, the vendor's address was available to the public, albeit in a different form.
- This C-4 report was filed by the Respondent on January 9, 2019, which is outside the five-year statute of limitations set forth in RCW 42.17A.770 to commence enforcement action.
- The complaint also alleged that two \$300 in-kind contributions for "6 hours of financial review" from Christina Garst, dated 12/10/20 and 2/8/23 respectively, each lacked vendor name and address details (reports [110005684](#) and [110138969](#)). On October 26, 2023, the Respondent confirmed that Ms. Garst rendered these services herself and that no vendor was used. This allegation is dismissed.
- On October 26, 2023, the Respondent also provided the following information for two other service-related in-kind contributions (see below), which are also dismissed:
 - A \$100 in-kind contribution from Tracy Carlos, dated 5/18/19, for "2 hours of photography @ \$50 per hour" was rendered by the contributor and no vendor was used (see report [100908209](#)).
 - A \$500 in-kind contribution from Cheryl Selby, dated 5/28/19, for "In-kind donation of Luau Party for June 2019" was rendered by the contributor at her home and no vendor was used (see report [100908209](#)). Volunteers assisted with the event. No other records are available.
- Our records indicate the Respondent received four in-kind contributions from Big Tom's in 2021, all of which were sufficiently detailed on C-4 reports.
- Our records show the Respondent did not report receipt of any in-kind contributions in 2022.
- The Respondent received several in-kind contributions in 2018 and 2019 from individuals related to low-cost fundraisers, including wine, desserts, centerpieces, a

projector, and ink (reports [100876850](#) and [100908209](#)). Due to its lack of records and access to reports filed in 2018 and 2019, the Respondent reached out directly to the contributors and a past Treasurer to ascertain the vendors, if any, from which these items were purchased. Below are the findings they shared with us on December 13, 2023:

- Due to the amount of time that has elapsed, the wine and ink contributors do not recall where they purchased the donated items.
- Many of the desserts were homemade and several were donated anonymously because people left them on a dessert table. No other details are available.
- The centerpiece and projector were not purchased by the contributors but left over from a different event and were regifted to the Respondent committee. No other details are available.

The Respondent's failure to preserve financial records for five calendar years as required pursuant to RCW 42.17A.235(8) prevented it from being able to provide additional details regarding the above in-kind contributions or amend its reports for 2018 and 2019.

The in-kind contributions listed on the C-4 report filed in 2018 (100876850) fall outside the five-year statute of limitations set forth in RCW 42.17A.770 to commence an enforcement action.

- The complaint allegation regarding missing vendor name and address for two in-kind contributions the Respondent received in 2018, specifically a movie poster for a low-cost fundraiser and donated labor for an endorsement mailer, appear to be unfounded. We reviewed the C-4 report for these entries ([100876850](#)) and discerned the contributions were made directly by businesses (vendors). Vendor name and address do appear on Schedule B of the C-4 report. This allegation is dismissed.
- It should be noted that PDC guidance concerning in-kind contribution details on C-4 reports and the way in which this information is disclosed in ORCA have changed over time. In our guidance, PDC staff encourages filers to disclose vendor address in the description field for in-kind contributions.

Allegation: Missing Auction Report Details (2018, 2019 & 2022)

- The complaint alleged that vendor name and address were omitted from Schedule AU (Auction Report) on C-3 reports for 2018, 2019 and 2022. We reviewed the 37 auction items disclosed on seven C-3 reports that you identified on the spreadsheet provided with your complaint (reports [100927008](#), [100931247](#), [100926281](#), [110098379](#), [110096337](#), [110094720](#) and [110094639](#)) and found the following:
 - The complaint spreadsheet identified 23 auction items for **2018** that were allegedly missing vendor name & address:
 - Over half (12) of the auction item entries did contain vendor name and address; all but one of these items was contributed by the business (vendor) itself, so the vendor information appears in the Contributor column.

- One auction item was for a service that was rendered by the contributor, so no vendor details were required.
 - One auction item entry contained vendor name but no address.
 - Nine of the auction item entries did not contain vendor name or address; however, six of these items could have been handmade or assembled and/or services rendered by the contributors.
- The complaint spreadsheet identified eight (8) auction items for **2019** that were allegedly missing vendor name & address:
 - One auction item was contributed by a business (vendor) itself and vendor name and address were present.
 - One auction item entry contained vendor name but no address.
 - Six of the auction items entries did not contain vendor name and address; however, four of these items could have been handmade or assembled and/or services rendered by the contributors.
- The complaint spreadsheet identified six (6) auction items for **2022** that were allegedly missing vendor name & address:
 - Two auction items were contributed by the business (vendor) itself and vendor name and address were present.
 - Four auction items did not contain vendor name and address because they were not purchased from a vendor. The committee confirmed that these goods and services were handmade and/or rendered by the contributors themselves.
 - The allegation regarding six auction items in 2022 is dismissed.
- We noticed that the “contributor name” column on your spreadsheet for 2018 and 2019 auction items is blank, giving the impression that the contributor’s name was missing from those reports. However, the contributors and their addresses do appear on Sch. AU for these reports and this information can be viewed by selecting the hyperlinks on the spreadsheet.

As mentioned previously, the Respondent does not have access to its records, or the ability to amend its reports, for 2018 and 2019. Subsequently, we are unable to confirm the above findings for 2018 and 2019 with complete accuracy. Furthermore, the C-3 reports for 2018 fall outside the five-year statute of limitations for enforcement in RCW 42.17A.770.

Allegation: Late Reporting (2018, 2021, 2022 & 2023)

- Your complaint alleged the Respondent filed late C-3 & C-4 reports for election years 2018, 2021, 2022 and 2023. Our findings concerning 34 (original) reports you alleged were late, as identified on a spreadsheet filed with the complaint, are as follows:
 - One (post-Primary) C-4 report for election year **2018** was filed 1 day late.
 - Two C-3 reports for election year **2018** were filed 33 days late.

- Four C-3 reports for election year **2021** were filed 5-39 days late.
- One (post-General) C-4 report for election year **2022** was filed 3 days late.
- Seventeen C-3 reports for election year **2022** were filed 1-22 days late.
- Nine C-3 reports for election year **2023** were filed 7-28 days late.

The three reports from election year 2018 fall outside of the five-year statute of limitations set forth in RCW 42.17A.770 for enforcement.

- You alleged an additional eighteen (18) amended C-3 and C-4 reports for election years 2018, 2019, 2020, 2021 and 2022 were late but did not provide any other details. Please be aware that the content and timing of amended reports determine whether they are late.
 - For example, if the underlying original report was timely submitted, the amended report is submitted within 21 days of the original, and the other requirements set forth in .235(10)(a) through (d) are met, no violation has occurred.
 - The content of a report (or the lack thereof) may also be a determining factor. For example, the lateness of an amended report might be mitigated if no substantive changes were made.

Up to eight (8) of the eighteen (18) allegedly late reports appear to have been amended more than 21 days after the original report was filed, although half of those fall outside the 5-year statute of limitations. No specific allegations were made in your complaint indicating what changed on the amended reports that allegedly made them late.

Other Late Reporting 2023

A review of the remaining C-3 and C-4 reports filed by the Respondent for election year 2023 shows:

- An additional 28 C-3 reports were filed 1-34 days late, for a total of 37 late C-3 reports for 2023 (see also above).
- Four (4) C-4 reports were filed 1-7 days late, including two monthly reports and two reports that covered all or part of critical pre-General election reporting periods (9/1 – 10/16 and 10/17-10/30).

C-4 Election Reports (2019-2021)

The Respondent's pre-election and post-election C-4 reports for 2019-2021 were timely filed.

Additional Information

The Respondent's failure to update its C-1pc report within 10 days of any changes appears to have been the result of a good-faith omission for which the Respondent quickly took corrective action after it was brought to their attention. Non-compliance was mitigated by the availability of the committee's officer information online.

The committee's failure to preserve its books of account, bills, receipts, and other financial records for five years is somewhat mitigated by its efforts to obtain missing information in response to this complaint and the PDC's subsequent inquiries. It is also worth noting that the current officers and board members did not hold positions with the committee when the failure to preserve records occurred.

Both aggravating and mitigating factors are present for the committee's late pre-General C-4 reports for election year 2023. The lateness of the reports deprived the public of information during a time-sensitive period just prior to an election, but this aggravating factor is mitigated by the fact that the reports were submitted prior to the General Election. Late reporting for election years 2022 and 2023 is also mitigated by an inexperienced Treasurer.

Based on our findings, staff has determined that, in this instance, the Respondent's failure to timely and accurately file C-3 and C-4 reports for election years 2021-2023, timely amend their C-1pc report, and preserve their financial records do not amount to violations that warrant further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Thurston County Democrats will receive a formal written warning concerning its failure to 1) timely file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) and *Cash Receipts, Monetary Contributions* reports (C-3 reports); 2) timely update its C-1pc report (*Committee Registration*) within 10 days of a material change; and 3) preserve its books of account, bills, receipts, and other financial records for no less than five calendar years. The formal written warning will include staff's expectation that Thurston County Democrats comply with the above requirements 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.

PDC staff is also reminding Thurston County Democrats about the importance of 1) disclosing the name and address of the vendor from whom a contributor purchased an item or service that is given to the committee as an in-kind contribution (on C-4 reports) or donated as an auction item (on C-3 reports); and 2) submitting amended reports within 21 days of the original reports, when possible, in the future in accordance with PDC laws and rules or guidance.

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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavallee
Peter Frey Lavallee
Executive Director

cc: Thurston County Democrats