



**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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

July 11, 2024

Delivered electronically to elisabeth.wittenberg@rpecwa.org

Subject: Complaint filed by Glen Morgan, PDC Case 141681

Dear Retired Public Employees Council of Washington:

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

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), 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 and in accordance with PDC laws and rules, PDC staff expects you to timely and accurately file all required C-3 & C-4 reports disclosing contributions and expenditures. 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 sufficient details regarding the vendor and purpose/description of expenditures on C-4 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.

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 Lavalley
Peter Frey Lavalley
Executive Director



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July 11, 2024

Delivered electronically to glen@wethegoverned.com

Subject: Complaint regarding Retired Public Employees Council of Washington, PDC Case 141681

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 21, 2023. The complaint alleged that Retired Public Employees Council of Washington, a continuing political committee, may have violated RCW 42.17A.235 and .240 for failure to 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 undertaken by the committee in years 2018-2023. You also provided two examples of entries on 2022 C-4 reports that allegedly lacked expenditure description details.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by Retired Public Employees Council of Washington (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.

Applicable Laws & Rules

- [RCW 42.17A.205](#) requires political committees to register with the PDC by filing a *Committee Registration* (C-1pc report). A committee that selects the Full Reporting option on their C-1pc report is required to report contributions and expenditures to the PDC on C-3 reports and C-4 reports pursuant to [RCW 42.17A.235](#) and [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.
- RCW 42.17A.235(10) requires the submission of amended C-3 and C-4 reports 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.
- [RCW 42.17A.770](#) states that any action brought under the provisions of the chapter by the PDC must be commenced within five years after the date the violation occurred.

Background & Findings

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

- The Respondent first registered as a political committee as early as 2007. On their most recent *Committee Registration* (C-1pc report) dated March 2, 2023, the Respondent selected the Full Reporting option.
- The committee first responded to the complaint by email on September 12, 2023 and said the accusation that they are trying to hide information or somehow misrepresent their “doings” is “preposterous” and they appreciated the opportunity to work with the PDC to timely address errors and make corrections.
- On September 18, 2023, PDC staff provided the committee with a list of expenditure description entries on reports from 10/17/18 through 8/1/23 that appeared to require additional details, including the two C-4 reports that you identified in your complaint. The amendment of the expenditure entries identified in your complaint was concluded by the committee on September 20, 2023.
- On September 21, 2023, the committee responded to the complaint allegations by email, thanked PDC staff for their assistance, and said the majority of the items detailed in the complaint were the result of staffing turnover in 2021. At that time, four different staff members, including two temporary staff, were responsible for filing the committee's C-3 and C-4 reports. The current Accountant, Elisabeth Wittenberg, started working with the Respondent in late August of 2021 and later discovered some items from July-September of 2021 that had been omitted from reports, which she remedied. Ms. Wittenberg also identified and corrected a minor discrepancy in the committee's carryforward balance from 2020 to 2021 that necessitated the subsequent submission of amended reports for January 2021 through April 2022 that were completed in June of 2022.

In their response, the Respondent also indicated they had reviewed and amended the expenditure description entries identified by PDC staff, which were not omitted intentionally. The committee said, in most cases, the details missing from reports included the number of pieces printed (for printing and mailing services) and descriptions that more fully identified contributions to candidates.

- Throughout our investigation, the committee was responsive and demonstrated a willingness to work with PDC staff to access their accounts for prior years and quickly amend reports.
- On September 29, 2023, the Respondent indicated they voluntarily amended five additional C-4 reports from 2019, 2020 and 2022 to provide more details regarding reimbursement expenditures, and three C-3 reports to correct deposit dates.
- An Initial Hearing (Case Status Review) was held for this case on November 20, 2023. Elisabeth Wittenberg, Financial & Ops Specialist, Johanna Standish, Treasurer, Laurie Weidner, Executive Director, and Clair Olivers, Board President attended the hearing remotely.
- The Respondent does not have previous warnings/violations of PDC requirements.

Allegation: Late Reporting (2018-2022)

Your complaint alleged the Respondent filed 51 late (original) C-3 and C-4 reports that were due 2018¹-2022. Below are our findings concerning late-filed original reports for election years 2019-2022:

- Monthly reports for January and April of **2019** were filed 9 and 4 days late respectively and before the Primary election.
- The committee's 7-day pre-Primary C-4 report for **2019** was filed 1 day late and before the Primary election. The late report is mitigated by a lack of contribution and expenditure activity.
- One C-3 report for **2019** was filed 1 day late.
- The monthly report for May of **2020** was filed 5 days late and before the Primary election and is partially mitigated by a lack of expenditure activity.
- The committee's post-Primary C-4 report for **2020** was filed 4 days late.
- The committee's post-General election C-4 report for **2020** was timely filed but amended 1,002 days late to include a missing \$4,700 deposit of monetary contributions, dated 10/28/20, that was omitted from the original report. The late-reported deposit was partially mitigated by the committee's timely filing of a C-3 report disclosing the same information.
- Six C-3 reports for **2020** were filed 1-16 days late.
- Monthly C-4 reports for February, April and May of **2021** were filed 3-13 days late and before the Primary election. All three reports were later amended to include minor adjustments to contribution amounts and carryforward balances from prior reports.
 - The April 2021 report was also amended 216 days late to include a missing \$1,132.30 deposit of monetary contributions, dated 4/7/21, that was omitted from the original report. The late-reported deposit was partially mitigated by the timely filing of a C-3 report disclosing the same information.
 - The May 2021 report was amended 11 days late and before the Primary election to include a total of \$2,180.39 in monetary deposits dated 5/3/21, 5/4/21, 5/28/21 and 5/31/21 that were omitted from the original report. The late-reported deposits on the C-4 report were partially mitigated by the filing of five C-3 reports disclosing the same information, albeit late, all of which were filed before the Primary election.
- The committee's 21-day pre-Primary C-4 report for **2021** was filed 2 days late and before the Primary election. Election-related expenditures disclosed on the report included the following contributions made to candidates on 6/22/21: \$500 to Robin Vazquez; \$500 to

¹ Reports from election year 2018 fall outside of the five-year statute of limitations set forth in RCW 42.17A.770 for enforcement.

Carolyn Cox; \$250 to Yen Huynh; \$500 to Lisa Parshley; \$250 to Dontae Payne; \$500 to Jim Cooper; \$250 to Melissa Denton; and \$300 to Kelly Krieger.

- The 2021 pre-Primary report was amended twice to include a total of \$3,005.10 in deposits of monetary contributions, dated 6/13/21, 7/2/21 and 7/4/21 that were omitted from the original report. The late-reported deposits on the C-4 report were partially mitigated by the filing of three C-3 reports disclosing the same information, albeit late, two of which were filed before the Primary election.
- The committee's 7-day pre-Primary C-4 report for **2021** was filed 44 days late, after the Primary election, and is partially mitigated by a lack of expenditure activity.
- Twenty-two C-3 reports for **2021** were filed late. The bulk of these C-3 reports were filed 1-38 days late; three C-3 reports were filed 94, 210, and 481 days late respectively.
- Three C-3 reports for **2022** were filed 1, 6, and 319 days late respectively.

Alleged Late Amendments (2021-2023)

Your complaint also alleged that 65 amended C-3 and C-4 reports for 2021-2023 were not timely filed but did not indicate what changed on these amended reports that caused them to be late. Please be aware that the content and timing of amended reports determine whether they are late. For example, the lateness of an amended report might be mitigated if no substantive changes were made.

Late Reporting (2023)

Below are our findings concerning late-filed original reports for election year 2023 that were not alleged in your complaint:

- One C-3 report for **2023** was filed 2 days late.

Allegation: Missing expenditure details

In your complaint, you alleged the Respondent's C-4 reports lacked expenditure description details and provided two examples. Below are our findings regarding these two C-4 reports:

- The committee timely filed a C-4 report for May of 2022 on June 6, 2022 disclosing two printing and postage expenditures for their "April 2022 PAC Mailing." The Respondent amended their May report on September 20, 2023 to include the number of pieces printed and mailed, and the vendors' names and addresses ([amended report 110174333](#)).
- The committee timely filed a 7-day pre-General election C-4 report (covering 10/18/22 – 10/31/22) on November 1, 2022 wherein they disclosed a \$1,052.80 expenditure for an "Endorsement Mailing." On September 20, 2023, the Respondent amended the 7-day pre-election report to separate the expenditures into two entries, include the number of pieces printed and mailed, and the vendors' names and addresses ([amended report 110174331](#))

Per PDC staff's request, the committee also amended more than twenty expenditure entries on C-4 reports filed in years 2018 - 2023 to include additional details, specifically the number of items purchased, and improved descriptions for mailings and candidate contributions.

Summary and Resolution

Mitigating factors in this case include Treasurer turnover, and the Respondent's demonstrated good-faith efforts to resolve reporting issues before a complaint was filed. Many reports that appeared to be late were good-faith amendments the committee made to resolve prior reporting issues and ensure compliance following the acquisition of an accountant in 2021. Furthermore, it is worth noting that the timeliness of the committee's reports improved significantly in election years 2022 and 2023.

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), however, Retired Public Employees Council of Washington will receive a formal written warning concerning their failure to timely and accurately file C-3 and C-4 reports disclosing their contributions and expenditures in years 2019-2023. The formal written warning will include staff's expectation that Retired Public Employees Council of Washington 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 Retired Public Employees Council of Washington about the importance of 1) disclosing sufficient details on C-4 reports regarding the vendor and purpose/description of expenditures; 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@pdc.wa.gov.

Sincerely,

Electronically signed Tabatha Blacksmith

Tabatha Blacksmith

Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavallee

Peter Frey Lavallee

Executive Director

cc: Retired Public Employees Council of Washington