



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

August 2, 2024

Delivered electronically to "citizensforlopezsolidwaste@gmail.com"

Subject: PDC Case 141821

Dear Citizens for Lopez Solid Waste Levy Sponsored by Solid Waste Alternative Program:

Enclosed is a copy of an electronic letter sent to Glen Morgan and Conner Edwards concerning complaints filed with the Public Disclosure Commission (PDC).

As noted in the enclosed letter to Glen Morgan and Conner Edwards, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal warning concerning the Committee's failure to timely report contributions and expenditures and its failure to provide complete descriptions of expenditures. Staff expects you to timely file all future required reports of contributions and expenditures and provide complete descriptions of 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.

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,
Electronically Signed Philip E. Stutzman
Phil Stutzman
Compliance Officer

Endorsed by,
Electronically Signed Peter Frey Lavallee
Peter Frey Lavallee
Executive Director



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August 2, 2024

Delivered electronically to:

glen@wethegoverned.com

cg.edwards53@gmail.com

Subject: Complaints regarding Citizens for Lopez Solid Waste Levy Sponsored by Solid Waste Alternatives Program, PDC Case 141821

Dear Glen Morgan:

Dear Conner Edwards:

The Public Disclosure Commission (PDC) has completed its review of the complaints filed by Glen Morgan on August 27, 2023 and Conner Edwards on June 29, 2024. Rather than open a new case for the complaint filed by Mr. Edwards, staff added Mr. Edwards' complaint to Mr. Morgan's complaint under PDC Case 141821. The complaint filed by Glen Morgan alleged that Citizens for Lopez Solid Waste Levy Sponsored by Solid Waste Alternatives Program (PAC or Committee) may have violated RCW 42.17A.235 and .240 by failing to timely report contribution and expenditure activity and accurately disclose details regarding advertising expenses. The complaint filed by Conner Edwards alleged that the committee may have failed to timely file a single C-4 report of contributions and expenditures that was not due until after the Glen Morgan complaint had been filed.

PDC staff reviewed the allegations in the two complaints; the applicable statutes, rules, and reporting requirements; the responses provided by Citizens for Lopez Solid Waste Levy Sponsored by Solid Waste Alternatives Program; 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:

Background

- In 2012, Lopez Island residents helped build a community-led waste disposal system by creating the Lopez Solid Waste Disposal District (LSWDD), a junior taxing district responsible for solid waste disposal. LSWDD is led and staffed by community members. It provides garbage disposal, free self-sorted recycling, and free exchange of reusables.
- Citizens for Lopez Solid Waste Levy Committee Sponsored by Solid Waste Alternatives Program is a political committee whose sole contributor is Solid Waste Alternatives Program (SWAP). As needed, LSWDD places a levy on the ballot to fund its operations. For each election, SWAP makes

a \$3,000 contribution to the Committee to support passage of the levy. After the election, the Committee returns any unused funds to SWAP, retaining enough to keep the Committee's bank account open. The Committee stated that in 2023, 87 percent of voters voted to approve the levy.

Late Reporting

- Marly Schmidtke, Treasurer for the PAC, stated that in no way is Citizens for Lopez Solid Waste Levy Committee Sponsored by Solid Waste Alternatives Program intentionally or maliciously "attempting to conceal the truth about political activity from the public" or "failing to accurately describe expenses" for any purpose, especially that of concealing information from the public.
- Ms. Schmidtke stated that since assuming the role of treasurer she has accurately reported the PAC's single \$3,000 contribution it receives from SWAP each time there is an election and has accurately reported and itemized expenditures for each levy campaign.
- Ms. Schmidtke stated that the discrepancies reflected in some reports are the result of innocent mistakes made before she became treasurer for which she reached out to the PDC for assistance and did her best to correct.
- In her response to Mr. Morgan's complaint, Ms. Schmidtke stated, "Regarding late filings since the inception of the SAW PDC filing system, I admit I have failed to adhere to the filing date deadlines much to my own chagrin. I certainly will be paying much closer attention to filing deadlines from now on."
- Original C-3 report #101 008 197 included a \$3,000 contribution from SWAP that was deposited on 8/5/2020 and reported 70 days late on 10/19/2020. The C-3 report was amended on 3/2/2021 to increase the contribution to \$3,085.15. The additional \$85.15 was reported 204 days late.
- Original C-4 report #110 071 238, covering the period 10/26/2021 – 11/30/2021, included a \$426.80 expenditure for postage, mail permits, and stamps. The report was filed 48 days late on 1/27/2022.
- A C-4 report covering the period 1/1/2022 – 10/17/2022, submitted 10/17/2022, included a \$3,000 contribution received 7/18/2022, making the report due 8/10/2022. It was filed two months late.
- The Committee filed C-4 Report No. 110 224 789, covering the reporting period 10/31/2023 - 12/31/2023, six months late on 6/25/2024. The Committee received no contributions during the reporting period, and its only activity, other than a \$970.29 refund to the PAC's sole contributor (SWAP) for the unused portion of their contribution, was a payment to SWAP for postage totaling \$432.43. Concerning why the report was filed late, the treasurer stated, "With regard to the complaint made by Conner Edwards, I cannot recall the specifics of why C-4 Report No. 110 224 789 wasn't filed in December 2023. Given the fact that I stated I would be more mindful of filing dates. I suspect I went through the motions of filing the report and somehow it didn't go through. I tend to encounter issues with the filing system that require me to re-enter and refile. Believing I had filed the December report I would not have noticed until June when I logged in again that the report had not actually been filed so I filed it immediately."
- Ms. Schmidtke also noted that at the time of Case 59315, the 2019 complaint alleging that the committee failed to include the sponsor's name in the committee's name, she reached out to the PDC for assistance and amended the Committee's registration to include the name of its sponsor, Solid Waste Alternatives Program. PDC staff issued a Reminder in Case 59315 about the importance of including its sponsor in the Committee's name.

Alleged Failure to Describe Expenditures

- The C-4 report covering the period 1/1/2022 – 10/17/2022 included an expenditure of \$205.23 for yard signs but did not state how many yard signs were purchased. On 11/27/2023, following

receipt of the complaint, the committee amended the report, describing the purchase as one large double-sided sign printed in English and Spanish.

- The C-4 Report covering the period 1/1/2023 - 2/28/2023 included an expense of \$812.03 for mailers/posters but did not state how many mailers/posters were purchased. At the request of PDC staff, the committee amended the report on 6/25/2024 to state that the number of mailers purchased was 1,050 and the number of posters purchased was 20.

Based on these findings, staff has determined that in this instance, the failure to timely report contributions and expenditures and the failure to provide complete descriptions of expenditures does not amount to a finding of a violation warranting further investigation.

However, pursuant to WAC 390-37-060(1)(d), Citizens for Lopez Solid Waste Levy PAC, sponsored by Solid Waste Alternative Program will receive a formal written warning concerning its failure to timely report contributions and expenditures and its failure to provide complete descriptions of expenditures. The formal written warning will include staff's expectation that Citizens for Lopez Solid Waste Levy PAC Sponsored by Solid Waste Alternative Program timely files all future required reports of contributions and expenditures and provides complete descriptions of expenditures. 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 Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,
Electronically Signed Philip E. Stutzman
Phil Stutzman
Compliance Officer

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Peter Frey Lavallee
Executive Director

cc: Citizens for Lopez Solid Waste Levy PAC, sponsored by Solid Waste Alternative Program