

New

## (Please Read) Two recent examples of agency staff misusing warning letters

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[Conner Edwards](#)

reported via email

11 hours ago (Wed, 21 Feb 2024 at 9:18 PM)

To: "PDC Support" <pdcc@pdcc.wa.gov>, " Jarrett Fred (PDC Commissioner) " <fred.jarrett@pdcc.wa.gov>  
+4 more

External Email

Commissioners:

In advance of tomorrow's meeting, I wanted to provide two recent examples of how agency staff improperly use warning letters as a tool to dismiss substantiated complaints.

When staff use warning letters to dismiss complaints where there is evidence of a significant or repeat violation has been substantiated, it sends a message to the entire regulated community that it is simply not worth spending the time/money/energy to comply with the PDC requirements because there are no consequences for failing to do so.

First, I want to make another differentiation between how the PDC handles complaints and how the FEC handles complaints. When facing an FEC complaint that correctly alleges late/non-filed reports, the respondent is **prohibited** from advancing certain arguments for why they should not be fined. These prohibited arguments specifically include: **not knowing filing dates, negligence or inexperience, or the absence of the treasurer**. (See link, and section "submitting a challenge" : <https://www.fec.gov/legal-resources/enforcement/administrative-fines/> ) .

While the FEC rejects these arguments, agency staff at the PDC nearly always use these arguments as the basis for dismissing valid complaints via warning letters. This sends the message to the regulated community that, in fact, negligence is a defense. Unsurprisingly, noncompliance flourishes in WA as a result.

### Example #1: Thurston County Democratic Women - Case 141168: Dismissed on 2/20/24

See link: <https://pdcc-case-tracking.s3.us-gov-west-1.amazonaws.com/6092/141168%20Thurston%20Co%20Democratic%20Women%20Warning%20Letter.pdf>

Ignore the host of smaller technical violations and focus on the findings on page 5.

Here are a few highlights of the staff findings: *"Thirty-four C-3 reports for election year 2021 were filed 1-126 days late... ..Six C-4 reports for election year 2022 were filed 12-90 days late. These included two pre-Primary, one post-Primary, and two pre-General C-4 reports, as well as one monthly C-4 report for December... ..Total late reported contributions for 2022 (on C-4 reports) were \$8,293.50 or 62% of total contributions, and total late reported expenditures were \$12,042.36 or 86% of total expenditures... .. Twenty-three C-3 reports for election year 2022 were filed 7-146 days late... "*

Despite these findings, agency staff did not seek a penalty and dismissed the complaint. Why was that? Staff wrote: *“Noncompliance appears to have been the result of a good-faith misunderstanding concerning due dates for reports and is mitigated by an inexperienced past Treasurer.”*

In other words: don't bother to take the time to figure out when reports are due or even what the disclosure law requires. Ignorance is a defense at the PDC. Don't bother to get an experienced treasurer or train your volunteer treasurer: the fact that you've appointed someone to do the job who doesn't have the skills is an effective defense at the PDC.

**Example #2: Republican Candidate for Governor Semi Bird – Case 145404: Dismissed on 2/13/24**

See link: <https://pdc-case-tracking.s3.us-gov-west-1.amazonaws.com/6342/Semi%20Bird%20for%20Governor%20Complaint%20Return%20Letter.pdf>

Here we have a candidate who is familiar with PDC requirements – Mr. Bird was a successful candidate for school board in 2021 and has been a candidate for Governor since November 2022. This candidate also has a well-resourced campaign, having raised well over \$300k. The candidate also had a fairly experienced treasurer at the times relevant to the complaint (Kellie Crabb) who had worked on 5 other campaigns over the last 10 years according to Open Data.

Most relevant, the candidate has previously received two warning letters in the past 12 months: both for failing to file timely and accurately reports (see Case No. 138400 & 115351). The candidate has also been fined previously for failing to timely file his F1 (see Case No. 95488).

The complaint covered a massive range of substantiated issues, including 26 C3 and C4 reports that had to be amended to correct errors, failure to accurately list required donor information, failure to include subvendor details, failure to breakdown expenses, failure to disclose an in-kind contribution for advertising, failure to include proper sponsor ID, and failure to timely deposit contributions received as required by the law.

Here's the message sent by the PDC to the filing community by this dismissal: don't bother to spend the time complying with the disclosure requirements. You can stumble, fumble, bumble your way through a campaign and the worst the agency will do is send out a cascade of meaningless warning letters. Don't worry about the agency actually pursuing penalties against you, even if you've previously received a warning letter (or two as it was in this case).

Best,

Conner Edwards  
Professional Campaign Treasurer  
(425) 533-1677



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February 13, 2024

Sent electronically to the 2024 Semi Bird for Governor Campaign

Subject: Complaints filed by Dan Hillard, Daniel Hodun, and Robert Parker, PDC Case 145404

Misipati Semi Bird and the 2024 Campaign for Governor:

Below is a copy of an electronic letter sent to Dan Hillard, Daniel Hodun, and Robert Parker concerning the complaints they filed with the Public Disclosure Commission (PDC) against your 2024 Campaign for Governor of the State of Washington.

As noted in the letter to the three complainants, the PDC will not be conducting a more formal investigation into these allegations or taking any enforcement action in this matter.

However, pursuant to WAC 390-060(1)(d), your 2024 Campaign for Governor is receiving this formal written warning concerning the failure to: (1) timely and accurately disclose expenditure details such as the number of mailers printed or yard signs produced on the C-4 reports; (2) timely disclose the Employer and Occupation information for monetary contributions received from individuals above the disclosure threshold on the C-3 reports; (3) timely deposit monetary contributions within five business days of receipt; and (4) include the party preference on political advertising sponsored by the Campaign. The warning includes staff expectation that the Campaign will timely and accurately file C-3 and C-4 reports for the remainder of the 2024 election cycle and will include the party preference on all future political advertisements sponsored by the Campaign.

The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules. Based on this information, the PDC has dismissed the allegations in these complaints by the three of you in accordance with RCW 42.17A.755(1).

If you have questions, you may contact PDC staff member Kurt Young by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

Endorsed by:

s/ \_\_\_\_\_  
Electronically Signed Kurt Young,  
Compliance Officer

s/ \_\_\_\_\_  
Electronically Signed Peter Frey Lavallee  
PDC Executive Director



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February 13, 2024

Sent electronically to Dan Hillard, Daniel Hodun, and Robert Parker

Subject: Complaints filed against 2024 Semi Bird for Governor, PDC Case 145404

Dan Hillard, Daniel Hodun, and Robert Parker:

The Public Disclosure Commission (PDC) has completed its review of the multiple complaints that you filed. The complaints filed by the three of you have been combined into one complaint resolution letter to more efficiently use PDC Compliance staff resources. The complaints alleged that Misipati Semi Bird, a candidate for Governor in the State of Washington in 2024, may have violated the following:

- RCW 42.17A.220 by failing to timely deposit monetary contributions into the campaign bank account within five business days of receipt.
- RCW 42.17A.235 and .240 by failing to timely and accurately file Summary Full Campaign Contributions and Expenditures Reports (C-4 reports) and Monetary Contributions Reports (C-3 reports) disclosing contribution and expenditure activities, that included: (1) filing a number of C-3 and C-4 reports late; (2) not providing the required Employer and Occupation information for individuals making monetary and in-kind contributions above the reporting threshold (see also WAC 390-16-034); (3) missing expenditure details for political advertising such as the number of signs, mailers, or bumper stickers printed; and (4) lacking the sub-vendor breakdown information for other expenditures in which the goods or services were sub-contracted out to another party.
- RCW 42.17A.320 by failing to include the party preference Semi Bird selected on his Candidate Registration for several political advertisements sponsored by his Campaign.
- RCW 42.17A.405 by receiving contributions that exceeded the 2024 contribution limits for a Gubernatorial Campaign.

PDC staff reviewed your complaints and allegations; the attachments you all provided with the complaints; the applicable statutes, rule(s) and reporting requirements; the C-3 and C-4 reports filed by 2024 Semi Bird for Governor Campaign (Campaign); the responses to the complaint provided by Matt Brown, former Campaign Advisor, and Russ Vandernick, current Campaign Manager; 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:

- On November 12, 2022, Misipati Semi Bird filed a Candidate Registration with the PDC declaring his candidacy for Governor of the State of Washington in 2024, selecting the Full Reporting option, and initially listing the candidate as Treasurer. The Campaign filed seven amended Candidate Registrations between November 28, 2022 and January 4, 2024, listing different Campaign officers and information.

- On January 22, 2024, the Campaign filed an Amended Candidate Registration listing Kellie Crabb as Treasurer.

Allegation – Failure to timely and accurately file C-3 and C-4 reports providing the required Employer and Occupation for individuals contributing above the threshold for disclosure and providing the required expenditure details (RCW 42.17A.235 and .240):

- PDC staff’s review of the Campaign filings found that between December 27-28, 2023, the Campaign filed 26 amended C-3 and C-4 reports to address the allegations listed in the multiple complaints that were related to this matter, providing the required contribution and expenditure information. In addition, the Campaign filed four amended C-4 reports on January 10, 2024, providing additional corrected information.
- The Campaign stated in their responses that they filed amended C-3 reports to update the contributor information *“to reflect the requested changes, thus addressing Mr. Hillard's complaint in regards to employer and occupation information.”* The Campaign has *“developed a worksheet and quality control checklist to ensure all required donor information is captured prior to submission to the campaign treasurer”* to file the C-3 reports more accurately. Staff queried, downloaded, and reviewed the Campaign’s contributors from the PDC contribution database, and this information verified the Campaign filed amended C-3 reports disclosing updated contributor Employer and Occupation information for the individuals identified in the complaint. Staff noted that several of the individual contributors made multiple contributions and that the earliest contributions did not meet the threshold for providing the Employer and Occupation information, and those C-3 reports were not amended.
- The amended C-4 reports filed by the Campaign provided the required expenditure details and sub-vendor breakdowns for expenditures made to third party subcontractors. The Campaign stated that *“even though all C-4 reports filed had a description of the expenditure, we have updated each item to reflect additional expenditure details, to include the specific number/amount of an item(s) purchased.”* Staff reviewed the amended C-4 reports filed by the Campaign concerning the updated expenditure details, and verified the Campaign provided the required information such as the number of signs produced, or mailers/flyers printed.

Allegation – Failure to include the party preference on political advertising sponsored by the Campaign (RCW 42.17A.320):

- The Campaign response stated: *“we have taken immediate action on all Semi Bird for Governor political advertisements to ensure that they include either the "R" for the Republican party or have the word “Republican” spelled out as specified in the Candidate Registration.”* The corrective action taken by the Campaign was applied to all forms of political advertisements that included radio and television broadcast ads, yard signs, billboards, and other campaign related paraphernalia. In addition, the Campaign reviewed all online platforms that included the *“Campaign website, Campaign Facebook page, and other social media sites, as well as future Google and Facebook ads/boosted posts, now accurately reflect the party preference.”*

Allegation – Exceeding contribution limits and spending general election contributions prior to the primary election being held (RCW 42.17A.405):

- The Campaign stated that after a “closer examination, we found the campaign did not exceed contribution limits.” The Campaign stated concerning the first allegation that it involved contributions received from a father and son, and that both were contributors who shared “identical names.” The Campaign stated the remaining two allegations of exceeding contribution limits “have been clarified” and that one issue involved “a duplicate entry error concerning the reporting of donations, while the other involved the misclassification of an individual family” contribution that had been received. The Campaign stated that both issues have now been rectified and reiterated that the *“campaign did not spend ‘general election’ funds for the ‘primary election.’”*

Allegation – The Campaign failed to timely deposit monetary contributions into the campaign bank account within five business days of receipt.

- One of the complaints alleged that the Campaign received 19 monetary contributions but had failed to timely deposit those contributions within five business days of receipt into the Campaign bank account as required by statute. The 19 contributions listed in the complaint were deposited between 1 to 39 days late, involved monetary contributions that were received between December 8, 2022, through October 14, 2023, and deposited by the Campaign for amounts that varied between \$30 to \$250.
- The Campaign stated they are aware of the requirement to timely deposit contributions into the Campaign bank account or depository. The responses to the complaints stated that the Campaign is “committed to depositing all monetary contributions within five business days of receipt. Lastly, our team is dedicated to maintaining the highest standards in our campaign compliance with the PDC.”

Allegation – The Campaign failed to disclose an advertisement in the Kitsap County publication the “Coffee News” and no expenditures have been reported for the candidate undertaking a podcast (RCW 42.17A.240):

- The Campaign stated there were no expenditures made to purchase an advertisement in the Coffee News, and that the advertisement in question *“was an in kind donation that was recorded with the PDC on 11-30-23.”* With regards to the podcast, the Campaign stated that prior to running for office, Semi Bird *“specialized in training and development”*, that the *“podcast studio is located in the candidate’s home, therefore there is no studio cost. The software to run the podcast was a free download, therefore there is no production cost. Any equipment used for the podcast was owned by the candidate.”*
- The Campaign stated that, *“to enhance our compliance with PDC reporting requirements, the campaign will implement a set of robust internal controls and practices,”* and that those measures will address the allegations listed in your complaints concerning the timely filing of C-3 and C-4 reports, the timely depositing, within five business days, of contributions received, timely providing the Employer and Occupation information for certain contributions received, and expenditure details, particularly for political advertising.
- Those internal control measures include the following: (1) Regular Audits: The Campaign will conduct internal audits to review the financial records and books of account to ensure the accuracy and completeness of the PDC reports filed. (2) Staff Training: The Campaign will provide training to staff concerning PDC regulations and reporting requirements *“to foster a culture of awareness and compliance.”* (3) Designated Compliance Officer: The Campaign will appoint *“a dedicated Compliance Officer to oversee and enforce adherence to PDC guidelines.”* (4) Checklists: The Campaign will implement internal controls and processes that will involve the use of *“checklists”* to ensure the required attention to the PDC reporting requirements and to facilitate compliance with the PDC filing requirements.
- Finally, staff’s review found two other complaints had been filed against the Campaign that included PDC Case 138400, a complaint filed on June 2, 2023; and PDC Case 115351, a complaint filed on December 15, 2022. Both matters/cases were resolved with a Formal Written Warning letter being issued, for minor violations of RCW 42.17A.235 and .240 as follows: (1) Case 138400: the warning was for failing to timely disclose pledges received from individuals at an event hosted by the Ladies of Liberty Tri-Cities; and (2) Case 115351: the warning was for failing to timely file the initial C-3 and C-4 reports disclosing a \$6,000 contribution received from Semi Bird to start his Campaign.

Based on these findings, that included the Campaign initiating stronger internal controls to ensure Compliance with the PDC reporting requirements, staff determined in these instances, the Campaign’s failure to timely and accurately disclose expenditure details, the Employer and Occupation information for monetary contributions received from individuals on the C-3 and C-4 reports, and for failing to include the party preference on some political advertising sponsored by the Campaign, were not violations that warranted further investigation or enforcement action.

In addition, staff found no evidence that the Campaign exceeded contribution limits or spent general election contributions for the 2024 primary election. Staff reviewed the facts and findings concerning the two warning letters sent to the Campaign for alleged violations of RCW 42.17A.235 and .240 and took those findings into consideration when determining the proper resolution for the allegations listed in your complaints.

Staff determined the two prior warning letters were mitigated by the following facts: (1) the late filed initial C-3 and C-4 reports filed by the Campaign only listed a \$6,000 personal contribution from the candidate, and that information was disclosed more than 550 days before the August 2024 primary election; (2) concerning the failure to timely disclose pledges for future monetary contribution not yet received, those funds were not available for use by the Campaign, and the funds were received from individuals in attendance at a single event and ultimately disclosed well in advance of the election; and (3) the Campaign is for a statewide office and has received a total of \$316,385 in monetary and in-kind contributions that included 1,151 separate contributions totaling \$309,401, plus 32 of the C-3 reports filed disclosed small contributions totaling \$6,984. In addition, the Campaign disclosed \$300,032 in total expenditures made through December 31, 2023.

Pursuant to WAC 390-060(1)(d), the 2024 Semi Bird for Governor Campaign will receive a formal written warning concerning the failure to: (1) timely and accurately disclose expenditure details such as the number of mailers printed, or yard signs produced on the C-4 reports; (2) timely disclose the Employer and Occupation information for monetary contributions received from individuals above the disclosure threshold on the C-3 reports; (3) timely deposit monetary contributions within five business days of receipt; and (4) include the party preference on political advertising sponsored by the Campaign. The warning includes staff expectation that the Campaign will timely and accurately file C-3 and C-4 reports for the remainder of the 2024 election cycle and will include the party preference on all future political advertisements sponsored by the Campaign.

The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules. Based on this information, the PDC finds that no further action is warranted and has dismissed the allegations in these complaints by the three of you in accordance with RCW 42.17A.755(1).

If you have questions, you may contact PDC staff member Kurt Young by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

Endorsed by:

s/ \_\_\_\_\_  
Electronically Signed Kurt Young,  
Compliance Officer

s/ \_\_\_\_\_  
Electronically Signed Peter Frey Lavalley  
PDC Executive Director



cc: 2024 Semi Bird for Governor Campaign





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February 20, 2024

Delivered electronically to [info@thurstondemwomen.org](mailto:info@thurstondemwomen.org) , [daniwestbrook@gmail.com](mailto:daniwestbrook@gmail.com) and [jswonderwoman84@gmail.com](mailto:jswonderwoman84@gmail.com)

Subject: Complaint filed by Glen Morgan, PDC Case 141168

Dear Thurston County Democratic Women:

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 timely file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) and *Cash Receipts, Monetary Contributions* reports (C-3 reports), especially during the time-sensitive periods prior to elections. 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 an item or service is purchased, either as an-kind contribution made to the committee or as an expenditure for which reimbursement is sought, 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.

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](mailto: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





**State of Washington  
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February 20, 2024

Delivered electronically to [glen@wethegoverned.com](mailto:glen@wethegoverned.com)

Subject: Complaint regarding Thurston County Democratic Women, PDC Case 141168

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 8, 2023. The complaint alleged that Thurston County Democratic Women, a continuing political committee, may have violated RCW 42.17A.235 and .240 by failing 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 for election years 2020-2023, including vendor name and address for in-kind contributions.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the responses provided by Thurston County Democratic Women (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). 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 its financial activity.
- Pursuant to RCW 42.17A.240(2), C-4 reports must include, but are not limited to, the name and address of each person<sup>1</sup> who contributed more than \$100<sup>2</sup> during the period

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<sup>1</sup> "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\(39\)](#).

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

covered by the report; and the value and date of each contribution. “Contribution<sup>3</sup>,” as defined, includes an in-kind contribution. An expenditure greater than \$200<sup>4</sup> must be itemized to disclose purpose/description details and vendor/recipient name and address.

- 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.
- On August 21, 2023, the Respondent responded to the complaint allegations and said:
  - The late reports were the result of a misunderstanding concerning when reports are due, and that noncompliance was not intentional.
  - The committee’s Treasurer recently changed, reports are being timely filed, and late reports should no longer be an issue.
  - The previous Treasurer did not realize vendor name and address should be included when reporting in-kind contributions, asked where this information should be entered on reports, and requested additional guidance on how to amend reports.
- A Case Status Review (Initial Hearing) was held for this case on November 1, 2023. The committee’s current Treasurer, Danielle Westbrook, attended the hearing remotely. At the review/hearing, Ms. Westbrook explained that a previous Treasurer thought that all C-4 reports are due on the 10th date of the following month and did not realize there are different due dates for pre- and post-election C-4 reports and weekly C-3 reports.
- The Respondent does not have previous warnings/violations of PDC requirements.

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

- The Respondent committee reported a total of six in-kind contributions in election years 2020 and 2021, three of which were from individuals and three of which were from businesses (vendors) whose name and address appeared on reports. Of the three remaining entries for individuals, two lacked vendor name and address (see below), and one was a \$1,000 “consulting fee” contributed by an individual (Danielle Westbrook) whose address appeared on the report. No in-kind contributions were reported during election years 2022 and 2023.
- On their monthly C-4 report for March of 2020, the Respondent failed to disclose the name and address of the vendor from whom an in-kind contribution of “brunch food” from Danielle Westbrook, dated 3/7/2020 and valued at \$274.22, was purchased (report [100964617](#)).

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<sup>3</sup> [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.”

<sup>4</sup> Per [WAC 390-05-400](#), this dollar amount increased from \$50 to \$200 effective April 1, 2023.

- In an email dated October 30, 2023, the Respondent indicated that it was unable to successfully amend report 100964617 for March of 2020 despite obtaining assistance from PDC staff. In lieu of amending the report, the Respondent confirmed in writing that Danielle Westbrook purchased the brunch food at Costco, located at 1470 Marvin Rd. NE Lacey, WA 98516.
- At the committee’s November 1, 2023 Initial Hearing (Case Status Review), Ms. Westbrook explained that their inability to amend the March 2020 report was caused by uploading the wrong year of ORCA, the PDC’s online filing system.
- Your complaint specifically alleged that the Respondent failed to disclose the name and address of the vendor from whom an in-kind contribution of “champagne” from Susan Herring, dated 8/29/2021 and valued at \$28.52, was purchased. The above in-kind contribution appeared on Schedule B of the Respondent’s C-4 report for 7/27/2021 – 8/31/2021 (report 110067070).
  - The Respondent amended Schedule B of the above C-4 report on 9/10/2023 to include the missing information. They disclosed that Susan Herring purchased the champagne at Costco, located at 5500 Littlerock Rd. in Tumwater, WA (amended report [110171242](#))
- 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 Vendor Name & Address for Expenditures (2022)

- Your complaint specifically alleged that two expenditures disclosed on the Respondent’s post-Primary C-4 report for 7/26/2022 – 8/31/2022 (report 110118174) lacked vendor name and address details. These expenditures were reimbursements made to 1) Deborah Pattin on 8/23/2022 for wine costing \$60.99; and 2) Meren Gadman on 8/29/2022 for event food costing \$344.61.
  - The Respondent amended their post-Primary C-4 report on 9/10/2023 to include the missing details concerning the reimbursed expenditure made by Meren Gadman, who purchased food at Costco in Lacey, WA for an event that was held on 7/27/2022 (amended report [110171241](#)).
  - The amended report also included a notation regarding Deborah Pattin’s reimbursed expenditure for wine, which was purchased at Ralph’s Thriftway in Olympia, WA. The committee made this additional disclosure because the entry for Deborah Pattin no longer appears as an itemized expenditure but is instead included in the lump sum “Non-itemized expenditures” category. *This shift occurred because ORCA is programmed to reflect a 2023 rule change that increased the dollar amount for itemizing expenditures on reports from \$50 to \$200.*

Allegation: Late Reporting (2020-2023)

- Your complaint alleged the Respondent filed late C-3 & C-4 reports for election years 2020, 2021, 2022 and 2023. The following findings concern the 88 (original) reports you alleged were late, as identified on the spreadsheet filed with your complaint:
  - Three C-4 reports for election year **2020** were filed 1-5 days late, including monthly C-4 reports for March and May, and one post-General C-4 report that was 1 day late. The committee did not make any contributions to candidates until 8/31/2020 and did not appear to participate in the Primary election. Total late reported contributions for 2020 (on C-4 reports) were \$7,114.22 and total late reported expenditures were \$3,038.02.
  - Eleven C-3 reports for election year **2020** were filed 1-3 days late.
  - One C-4 report for election year **2021** was filed 14 days late; this was the 7-day pre-Primary C-4 report. The committee did not make any contributions to candidates until 8/31/2021 and did not appear to participate in the Primary election. No expenditures were reported on the 7-day pre-Primary C-4 report. Total late reported contributions for 2021 (on C-4 reports) were \$1,000, and no expenditures were reported late.
  - Thirty-four C-3 reports for election year **2021** were filed 1-126 days late.
  - Six C-4 reports for election year **2022** were filed 12-90 days late. These included two pre-Primary, one post-Primary, and two pre-General C-4 reports, as well as one monthly C-4 report for December. The committee did not make any contributions to candidates until 9/20/2022 and did not appear to participate in the Primary election. Total late reported contributions for 2022 (on C-4 reports) were \$8,293.50 or 62% of total contributions, and total late reported expenditures were \$12,042.36 or 86% of total expenditures.
  - Twenty-three C-3 reports for election year **2022** were filed 7-146 days late.
  - Two C-4 reports for election year **2023** were filed 2-5 days late. The committee did not make any contributions to candidates until 8/31/2023 and did not appear to participate in the Primary election. Total late reported contributions for 2023 (on C-4 reports) were \$900 and total late reported expenditures were \$1,443.85.
  - Seven C-3 reports for election year **2023** were filed 2-21 days late.
- You alleged an additional ten amended C-3 and C-4 reports for election years 2020, 2021 and 2023 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.

- Two of the ten allegedly late reports shown on your spreadsheet were amended more than 21 days after the original report was filed. The remaining eight reports appear to have been timely amended. No specific allegations were made in your complaint indicating what changed on the amended reports that made them late.
- Please note that fifteen of the C-3 and C-4 reports on your spreadsheet incorrectly show zero dollars (\$0.00) in the Total Activity column when in fact activity was disclosed on those reports.

#### C-4 Election Reports (2023)

- The Respondent's pre-election and post-election C-4 reports for 2023 were timely filed.

#### Additional Information

Noncompliance appears to have been the result of a good-faith misunderstanding concerning due dates for reports and is mitigated by an inexperienced past Treasurer. The five late C-4 reports for pre-Primary election and pre-General election reporting periods in 2021 and 2022 and corresponding late C-3 reports are aggravating factors because they deprived the public of information during time-sensitive periods prior to an election. However, the late pre-Primary reports for 2020-2023 are mitigated by the committee's lack of participation in the Primary election.

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 2020-2023 does not amount to violations that warrant further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Thurston County Democratic Women will receive a formal written warning concerning their failure to timely file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) and *Cash Receipts, Monetary Contributions* reports (C-3 reports) for election years 2020-2023. The formal written warning will include PDC staff's expectation that Thurston County Democratic Women timely submit such reports in the future, especially during the time-sensitive periods prior to elections. 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 Democratic Women about the importance of 1) disclosing the name and address of the vendor from whom an item or service is purchased, either as an in-kind contribution made to the committee or as an expenditure for which reimbursement is sought, on C-4 reports; and 2) submitting amended reports within 21 days of the original reports, whenever 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](mailto: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

cc: Thurston County Democratic Women