



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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**MEMORANDUM**

**TO:** Philip E. Stutzman, Director of Compliance

**FROM:** Andrea McNamara Doyle, Executive Director

**DATE:** March 20, 2013

**SUBJECT:** PDC staff generated complaint filed against Recall Dale Washam

On January 6, 2011, Recall Dale Washam filed an amended C-1pc Political Committee Registration with the Public Disclosure Commission, indicating its status as an election year political committee that would receive contributions and make expenditures in support of a ballot measure to recall Pierce County Assessor-Treasurer Dale Washam.<sup>1</sup> On the amended C-1pc registration Recall Dale Washam's treasurer, Leanna Schletzbaum, chose the Full Reporting option, certifying that the committee would file the frequent, detailed campaign reports mandated by law. **See Exhibit #1.**

On January 12, 2011, Recall Dale Washam filed a C-4 Summary, Full Report of Receipts and Expenditures, disclosing \$32,992 in legal services performed and costs incurred on the committee's behalf during December of 2010 by the law firm of Oldfield & Helsdon, PLLC. **See Exhibit #2.** (These services and costs, initially disclosed as in-kind contributions, were subsequently described in Recall Dale Washam's reports as a vendor debt. On August 10, 2011, Recall Dale Washam amended its reports to once again report these services and costs as in-kind contributions.)

On June 7, 2011, Recall Dale Washam filed a federal complaint challenging the constitutionality of state statutes regarding campaign contributions in recall elections. In its complaint, Recall Dale Washam acknowledged that *pro bono* legal services constitute in-kind contributions under RCW 42.17.020(15)(c). **See Exhibit #3.** In a reply brief dated September 15, 2011, Recall Dale Washam acknowledged that it was required to continue filing the detailed reports of contributions and expenditures mandated by RCW 42.17.080 and RCW 42.17.090 until such time as the committee has "no outstanding debt or obligation, the campaign fund is closed...the committee has ceased to function and has dissolved" and its treasurer files a final report. **See Exhibit #4.** In a supplemental brief dated November 2, 2011, Recall Dale Washam again noted that it was required to comply

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<sup>1</sup> The January 6, 2011 C-1pc amended an earlier registration filed on October 21, 2010, on which the committee chose the Mini Reporting option.

with RCW 42.17.080 and RCW 42.17.090 following the conclusion of the recall campaign. The committee stated that it would continue to receive *pro bono* legal services to assist in complying with these post-election requirements. **See Exhibit #5.**

Recall Dale Washam submitted insufficient signatures to qualify a recall measure for the 2011 general election ballot. In an October 8, 2012 deposition, Recall Dale Washam's campaign manager, Robin Farris, stated that she believed that the committee ceased to exist when the recall effort failed. **See Exhibit #6.**

Following its litigation in federal district court, on December 12, 2012 Recall Dale Washam filed a motion for reimbursement of \$340,984 in attorneys fees. **See Exhibit #7.** In its motion and supporting declarations, Recall Dale Washam stated that it has been receiving legal services, and expenditures for legal services have been made on its behalf, since May 2011. The motion and supporting declarations described that they did not include all the services provided to and expenditures made on the committee's behalf.

Contributions to a political committee to pay for legal services, in-kind contributions of legal costs and legal services performed for less than full consideration, debts and obligations related to legal services, and monetary expenditures to pay for legal services are all reportable under RCW 42.17.080, RCW 42.17.090, RCW 42.17A.235 and RCW 42.17A.240.<sup>2</sup>

Recall Dale Washam has not filed any reports with the PDC disclosing contributions received or expenditures made in connection with legal services, including any debts owed, for periods after December 2010. Although the committee's campaign manager stated in October of 2012 that Recall Dale Washam had ceased to exist, the committee has not filed a final report.

PDC staff contacted Recall Dale Washam by letter on February 7, 2013, and by voice message on February 28, 2013, notifying the committee of the missing information in its reports, and informing it that it needed to amend its reports. Staff received a telephone call from Robin Farris on March 19, 2013; Ms. Farris stated that Recall Dale Washam was planning to file, however she would provide no indication of the date by which the committee would disclose the missing information.

#### **Alleged Violations:**

The facts referenced above provide reason to believe that Recall Dale Washam failed to disclose over \$307,000 in contribution and expenditure activity connected with legal services rendered to the political committee. Under RCW 42.17.080, RCW 42.17.090, RCW 42.17A.235 and RCW 42.17A.240, these contributions and expenditures were required to be disclosed in PDC filings accessible to the public as early as February 10,

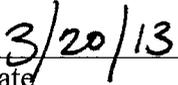
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<sup>2</sup> Effective January 1, 2012, RCW 42.17.080 and RCW 42.17.090 were recodified as RCW 42.17A.235 and RCW 42.17A.240, respectively. Contributions and expenditures required to be disclosed on or after January 1, 2012 are therefore governed under RCW 42.17A.

2011, and have not been disclosed. Further, the committee has failed to file the final report required under RCW 42.17.253(8).

Based on this information, I am filing this complaint and directing staff to investigate the allegation that Recall Dale Washam may have violated chapter RCW 42.17 and 42.17A.

  
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Andrea McNamara Doyle  
Executive Director

  
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Date