

Fox Blackhorn
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June 18th, 2017

Dear Mr. Blackhorn,

We are writing to you in response to a complaint filed by one Glen Morgan against our committee. The complaint alleges, in brief summary that:

"Rohait Patnaik Manka for 45th" (sic) has violated campaign finance law by failing to list all of the officers controlling their campaign (1). In specific, neither Rohit Patnaik or John David Pressman are listed as officers of the campaign (1a). Further, agents of the Manka Dhingra campaign are exerting controlling influence over the campaign as unlisted officers (1b). As a result of this, any contributions or expenditures made under the authorization of Rohit Patnaik or John David Pressman are in fact unauthorized, illegal expenditures on behalf of their campaign (2). What's more, the committee filed for the "mini-reporting" option but violated the requirements of such by having Rohit Patnaik contribute more than \$500 to the committee as a single contributor (3). Finally, Washington State law requires that contributions earmarked for a specific candidate be reported to the PDC and the candidate whom the contribution is benefiting within two days of receipt (4). Any contributions made to *Rohit Patnaik Manka for 45th* are necessarily earmarked contributions because the committee exists to support a single candidate (4a). Therefore if the committee has received contributions it has not fulfilled its legal duty to disclose them (4b).

We will take this point by point.

1. "Rohait Patnaik Manka for 45th" (sic) has violated campaign finance law by failing to list all of the officers controlling their campaign.

1a) It is literally true that only one Mason Totten appears in section seven of the C1PC, this was done in the belief that by listing Mr. Pressman and Mr. Patnaik as Campaign Manager and Treasurer respectively that they were already clearly indicated as officers of the committee. If this is not the case we would have no issue filing an amendment to this effect. There is no deceptive intent indicated by such a potential clerical error, as for example Mr. Patnaik is clearly listed as performing duties beyond his ministerial functions. Further, the full name, address, and phone numbers are listed for these persons in the C1PC and it seems odd to allege that they would knowingly violate Washington State Law by refusing to repeat this information just a few sections down the page.

1b) Neither Manka Dhingra or any agents of her official campaign serve on this committee in any capacity. The only people who presently serve on this committee are the ones listed on the C1PC, Mr. Pressman, Mr. Patnaik, and Mr. Totten. Furthermore to our knowledge we have not received any assistance or resource from Manka Dhingra or any agent of her campaign. We have not received any communication from the Dhingra campaign addressed to this committee or any of its officers in specific relation to their role on this committee except that which is legally necessary¹. In addition, to our knowledge no member of this committee has any kind of personal or business relationship with

¹ For example, we expect to receive some kind of response to the earmarked contribution we determined needed to be filed as part of writing this response. This is fundamentally different in nature than eg. strategic discussion.

Manka Dhingra or any agent of her official campaign. To be frank, we don't know her nor are we aware of anyone we know having any kind of direct relationship to her or her official campaign.

2. As a result of this, any contributions or expenditures made under the authorization of Rohit Patnaik or John David Pressman are in fact unauthorized, illegal expenditures on behalf of their campaign.

While preparing a first draft of this response our committee was under the impression that we had not yet made any contribution or expenditures as a PAC. However in the course of research conducted for this response it was determined that we did in fact have an in-kind contribution of a domain name for \$10.87 from Mr. Pressman on the 14th of April² (4/14/2017). To this committee's recollection the domain was purchased when Mr. Pressman planned to run advertisements as a private citizen. However Mr. Totten was present and enthusiastic about the idea so it would presumably be authorized by him even under the legal hypothetical that Mr. Pressman and Mr. Patnaik are not officers. To our knowledge no other contributions or reportable expenditures have been made by this committee.

3. What's more, the committee filed for the "mini-reporting" option but violated the requirements of such by having Rohit Patnaik contribute more than \$500 to the committee as a single contributor.

Rohit Patnaik has contributed \$0 at the time of writing to this committee. Mr. Patnaik's work to prepare and file campaign reports is classified as volunteer activity and is not considered a contribution, as he has not been compensated for that work. He is listed as its financial sponsor because he is expected to provide the bulk of contributions once the committee has a bank account to put them in. However, we do not anticipate that Mr. Patnaik will reach the \$500 contributor limit with this committee. Mr. Patnaik has not contributed to the Dhingra campaign through any other committee or donation avenue.

4. Finally, Washington State law requires that contributions earmarked for a specific candidate be reported to the PDC and the candidate whom the contribution is benefiting within two days of receipt.

4b) This point is true up to the extent that upon review we found an undisclosed contribution. As mentioned previously, at the time when the first version of this document was drafted our committee was of the belief it had not received any contributions. One point casting this assertion into doubt upon review was the April 14th purchase of a domain name for \$10.87 by Mr. Pressman prior to filing. As also mentioned previously, to this committee's memory said domain was purchased by Mr. Pressman with the intention of running ads as a private individual. Over the course of the following week it was decided that it would make more sense to run political advertising as a committee and we filed. The domain was not considered a contribution by this committee under the legal theory that it was not purchased for the committee and thus still an asset of Mr. Pressman until control is transferred, at which point it would be an in-kind contribution. After consultation with the PDC it was determined this is not a valid interpretation. Furthermore it was determined that this domain does qualify as an in-kind earmarked contribution and the appropriate form has been filed with the PDC³ and the Dhingra campaign.

² The PDC wanted additional information on our C1PC to create a PAC. Our original filing was on the 21st of April ('2017-04-21') by Mr. Patnaik's records, but because we were not yet a PAC the online filing system did not permit Mr. Patnaik to choose the option to amend our C1PC and it is thus entered into the electronic record as having been filed nearly a month later on the 15th of May.

While the disclosure is significantly tardy, this stemmed from a good faith belief that the contribution was not yet a contribution. There are no other purchases related to political advertising made prior to filing to the knowledge of this committee and thus no reason to believe that this error will happen again. Furthermore Mr. Pressman has kept this domain ‘parked’ in the intermediate period, that is to say the committee has not used it for any purpose. Special Report E has been filed, which means potential impact on the public would have occurred in the interim period where the domain was not used and thus was probably of no significant interest to the public. As previously mentioned the committee first filed on the 21st of April and is thus well within the two-week time frame for registering once forming as a committee. To the knowledge of this committee Mr. Pressman has not donated any other money to the Dhingra campaign, and is thus in no danger of overstepping his contribution limit through failure to disclose.

Conclusion

Overall, most of Mr. Morgan’s complaints are either false or misleading. With the exception of an undisclosed contribution which this committee has rectified to the best of its ability there is nothing of factual merit in the complaint to suggest need for an investigation. The original complaint alleges its most serious accusations, such as controlling influence from Manka Dhingra or exceeding contribution limits, with undisclosed evidence and suspicions. And while it would be easy to rely on the proverb “what is freely asserted is freely dismissed” this committee has put considerable effort into explaining the implausibility of these serious claims. However if Mr. Morgan’s hidden evidence and suspicions are enough to allege whatever he wishes whenever he wishes, we expect that he will take the opportunity to do so frequently at his pleasure.

3 This committee could not find a way to file Special Report E online, and thus at the time of writing this document is probably still making its way through the postal system.