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October 12, 2017

**VIA EMAIL**Tony Perkins  
Investigator, Campaign Finance Unit  
Washington Attorney General's Office  
[tonyp@atg.wa.gov](mailto:tonyp@atg.wa.gov)**Re: Andy Billig 2016 Campaign — Response to Replacement Citizen Action Notice**

Dear Mr. Perkins:

We represent Senator Andrew Billig and his campaign, Friends of Andy Billig (collectively, the “Billig Campaign”). The Billig Campaign appreciates the opportunity to review and respond to the replacement citizen action notice that Glen Morgan submitted on September 28, 2017. The complaint consists of references to four attached spreadsheets: (1) a list of contributions Mr. Morgan alleges were reported untimely (Exhibit A); (2) a list of expenditures Mr. Morgan alleges were reported untimely (Exhibit B); (3) a list of expenditures Mr. Morgan alleges should have been, but were not, reported as debts (Exhibit C); and (4) a list of expenditures Mr. Morgan alleges were not properly described (Exhibit D). As explained below, Mr. Morgan’s allegations are largely baseless, and the Billig Campaign did not commit any material violations of applicable reporting requirements. We address each exhibit in turn.<sup>1</sup>

**Exhibit A: Contributions.** The contributions listed in this spreadsheet were reported timely. As to the listed contributions from 2014 (items 2-21), Senator Billig was not on the ballot that year, and thus, his campaign remained on a regular reporting schedule. The contributions were received and deposited in October, and were reported on October 30, ahead of schedule.<sup>2</sup>

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<sup>1</sup> Mr. Morgan also submitted a fifth exhibit, a spreadsheet titled “AB – updated exhibit for illegally late C3 C4s.” Because this spreadsheet is not referenced in the complaint and appears to be a duplicative listing of reports referenced in the other exhibits, it will not be discussed further.

<sup>2</sup> These contributions were deposited 8 business days after receipt, due to an administrative complication. This had no effect on the applicable reporting deadline, which was met.

As to the listed contributions from July 19, 2016 (items 22-32), all but one of them was originally reported on July 22 (prior to the deadline), not on July 26 as Mr. Morgan alleges. *See* Report No. 100709852. Only one of the contributions (item 22) was added by amendment on July 26, one day after the deadline, in the amount of \$50. *See* Report No. 100711409. The reason for this short delay was that the same contributor had previously made a contribution for the primary election, but the applicable contribution limits had since changed, and the campaign needed to conduct research in order to determine how much of the later contribution needed to be returned.

Finally, the sole remaining contribution listed, from November of 2016 (item 1), was also reported timely. In particular, that contribution was received and deposited in November and reported on December 10, 2016, as required—not on January 22, 2017, as Mr. Morgan alleges. *See* Report No. 100737224. The report was *amended* on January 22, 2017, to add the contributor's address. *See* Report No. 100742240. The contributor had failed to include that information initially, and had not immediately responded to the campaign's requests to provide it.<sup>3</sup>

**Exhibit B: Expenditures.** The expenditures listed in this spreadsheet either were timely reported, were delayed only because of an error in the PDC's software, or in a few instances, were reported late because of isolated, honest mistakes. To begin with, many of the expenditures listed were not reported on the dates Mr. Morgan alleges, and were instead reported timely. *See* Report Nos. 1000711414 (items 3 and 4); 100732608 (item 7); 100718319 (items 8, 10-15); 100660128 (item 16). Two of the listed expenditures (items 1-2) were included in timely reports that properly covered multiple previous months well in advance of the election, consistent with PDC guidance.<sup>4</sup> *See* Report Nos. 100655097; 100693716. A number of listed expenditures (items 17-23, 25-26) occurred in a non-election year and were thus timely reported by the 10th of the next month, according to the regular monthly reporting schedule. And one expenditure (item 5) involved a rent check dated July 26 that was reported timely on September 4, prior to the applicable deadline—albeit in an amended report covering a prior period, because the campaign treasurer misread the check date as July 25. *See* Report No. 100718318. All of these expenditures were reported timely.

A number of the listed expenditures (items 27-43) were delayed because of a glitch in the PDC's software, which was resolved within days. In particular, the Billig Campaign's "System Filer ID" was corrupted and had to be reset. The Billig Campaign immediately informed the

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<sup>3</sup> This contribution was deposited after 15 business days, because it was made through an online portal the campaign had not regularly used for fundraising, shortly after the campaign had completed its general election activities. This had no effect on the applicable reporting deadline, which was met, and the campaign is monitoring the portal more closely going forward.

<sup>4</sup> *See* "Candidate's Guide to Reporting," PDC.WA.GOV (2017) ("Through May of the election year, deposits and expenditures are reported on the 10th of each month. A candidate that deposits or spends less than \$200 in a month, can choose not to file a monthly report until the contributions or expenditures to be reported exceed \$200."), available at <https://www.pdc.wa.gov/learn/publications/candidates-guide-reporting> (last visited Oct. 9, 2017).

PDC of the problem, and once the software issue was corrected, the campaign submitted its reports. The campaign's communications with the PDC were documented.

Finally, a few of the listed expenditures (items 6, 9, and 24) were added in amended reports due to isolated, honest mistakes. In these instances, reporting was delayed either because it took longer than expected for a check to clear, or because some time passed before the check or receipt was delivered to the treasurer. In each instance, the expenditure was reported the immediately following month, after being inadvertently omitted from the prior report.

**Exhibit C: Debts.** The expenditures listed in this spreadsheet were not reportable as debt. In each instance, payment was made at the same time the item was ordered or shortly thereafter. None of the expenditures went unpaid long enough to be reported as debt. A number of the listed expenditures (items 5-21) were monthly payments to the campaign's treasurer or consultant for work incurred on an ongoing basis. Again, the monthly invoices were paid swiftly and there was no outstanding debt. In sum, all of the items listed were properly reported as expenditures.

**Exhibit D: Descriptions.** For each expenditure listed, a meaningful description was provided, and contrary to Mr. Morgan's suggestion, the Billig Campaign had no dealings with any subvendors. For the reimbursements to Senator Billig (items 1-6), the campaign admittedly did not identify each underlying seller that provided postage, a meal, and the like. The Billig Campaign would be happy to provide that information upon request, or to amend its reports to include that information. And to err on the side of disclosure, the campaign will include such information in all reports going forward.

In conclusion, the Billig Campaign did not commit any material violations of applicable reporting requirements. Mr. Morgan's allegations are largely baseless. The contributions and expenditures he has identified were reported correctly, other than a few isolated, honest mistakes—to be expected in any active election campaign. The Billig Campaign takes compliance seriously and would be happy to address any remaining questions or concerns. Thank you again for the opportunity to address Mr. Morgan's pending complaint.

Sincerely,

PACIFICA LAW GROUP LLP



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