

## File a Formal Complaint - Glen Morgan

[Glenmorgan89](#) reported (Tue, 28 Nov at 10:43 PM) via Portal [Meta](#)  
To Whom it May Concern --

It has come to my attention that EJ Zita (recently successful candidate for Thurston County Port Commissioner) has habitually and willfully committed frequent and multiple violations of **RCW 42.17A**. Additionally, I have reason to believe that other violations of this chapter have occurred beyond what I have identified below.

### **1) Failure to file accurate, timely C3 and C4 reports. (Violation of RCW 42.17A.235)**

State law requires that candidates and committees file frequent, accurate reports of contributions, expenditures, in-kind contributions, and debt. Unfortunately, Zita has failed on numerous occasions to do this. (See **Exhibits A - "Illegally late reported C3 and C4 reports"**)

Additionally, Zita failed to file her 7 day pre-general C4 report, a major violation of state law.

Furthermore, Zita failed to report the following in-kind contributions:

a) Filing fee. It is clear that a filing fee paid by the candidate himself constitutes an in-kind contribution to his/her own campaign. In 1974, Attorney General Slade Gorton rendered an official AG opinion on this exact matter, when he wrote, in part:

*"In simplest terms, this payment (in those cases in which it is required) is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot and, in that manner, become eligible to be elected to the office he is seeking. Moreover, the payment is very clearly a transfer of something of value and it cannot be doubted that it is for the purpose of assisting the candidate and furthering his election campaign. Payment of the filing fee is thus precisely within the broad definition of "expenditure" as set forth above."*

-- AGO 1974 No. 16 - July 29, 1974

b) Professional Photography – See: <http://www.reelectzitaforport.com/>

c) Website – See: <http://www.reelectzitaforport.com/>

d) Mailing List – Zita did multiple mailings during her 2017 campaign, however she failed to report the source of her mailing lists.

e) VoteBuilder – According to my records during inspection of Washington State Democratic Party books, Zita received an in-kind contribution of \$1087.10 from the Washington State Democratic Party that she failed to report. On information and belief, I believe this in-kind contribution was for VoteBuilder Access. (See attached.)

**2) Failure to accurately, timely report debt. (Violation of RCW 42.17A.240 (8), see WAC 390-05-295)**

State law requires that the name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days be reported on form C4. Per **WAC 390-05-295**, this includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

Zita illegally failed to report the following debts: (See **Exhibit B - "Illegal failure to timely report debts"**).

**3) Failure to properly break down, describe expenses. (Violation of RCW 42.17A.235, see WAC 390-16-205, WAC 390-16-037)**

State law requires that expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with **WAC 390-16-037** and **WAC 390-16-205**, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly. Additionally, in accordance with **WAC 390-16-037**, the exact purpose of the expenditure, the quantity of items printed, and the

individual value of broadcast ads distributed on various media outlets must be disclosed on form C4.

Zita Committee illegally failed to break down the following expenses. (See **Exhibit C - "Illegal failure to break down expenditures"**)

#### **4) Failure to list committee officers. (Violation of RCW 42.17A.205 (2)(c), see WAC 390-05-245)**

The respondent failed to list all committee officers on form C-1/C1-pc, which is required by **RCW 42.17A.205(2)(c)**.

The committee is required to list all individuals who, in conjunction with others, likely made, directed, or authorized expenditures, strategic or policy decisions on behalf of the committee.

**WAC 390-05-245** defines committee officer as: "...any person designated by the committee as an officer on the C-1 or C-1pc registration statement and any **person** who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee" .

Please note that **RCW 42.17A.005 (35)** defines "person" as: "...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."

#### **5) Illegal unauthorized expenditure of funds by an individual not listed as an officer on form C-1/C1-pc. (Violation of RCW 42.17A.425)**

State law requires that no expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form.

On information and belief, individuals who should have been listed as officers on Zita's C-1 have made unauthorized and illegal expenditures with committee funds.

**6) Failure to include the addresses of donors. (Violation of RCW 42.17A.235, .240)**

Zita illegally failed to include the addresses of donors, in violation of state law. See PDC Report No.#100795534 & 100798877

Zita must amend these severely late reports to include addresses as soon as possible to avoid additional penalties under state law.

**7) State law establishes contribution limits for candidates. State law also establishes that candidates must return contributions that exceed the contribution limits contained in RCW 42.17A.405 within 10 days of receipt. State law also established that loans are considered contributions. (Violation of RCW 42.17A.405, RCW 42.17A.110, RCW 42.17A.005, WAC 390-16-312)**

a) On 3/23/2017, Bob Jacobs loaned \$2000 to Zita's campaign. This loan is subject to contribution limits. As such, the loan was \$1000 over the allowable amount because Zita only participated in the general election and was not eligible to receive the \$1000 contribution for the primary.

b) On 10/23/2017, Slaby Sandia loaned \$5000 to Zita's campaign. This loan is subject to contribution limits. As such, the loan was \$4000 over the allowable amount because Zita only participated in the general election and was not eligible to receive the \$1000 contribution for the primary.

**8) State law requires that the committee treasurer preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. (Violation of RCW 42.17A.235 (6)).**

State law further requires that the committee treasurer maintain a list of all individuals contribution no more than twenty-five dollars in the aggregate from any one person during the election campaign. RCW 42.17A.240(2)(c).

On information and belief, Zita's campaign has failed to do this.

**9) Failure to record loan by written instrument, failure to identify lender's occupation, name, city, and state of employer. (Violation of RCW 42.17A.465(2), RCW 42.17A.240)**

On 10/23/2017, Slaby Sandia loaned \$5000 to Zita's campaign.

On information and belief, this loan given to Zita's campaign was not done by written instrument -- as required by state law. The PDC should immediately subpoena Zita's campaign records to determine whether or not this requirement was met. Please note, during an inspection of the campaign books on Sunday evening, November 5th the campaign **did** provide the written instrument from the Jacobs loan as detailed in allegation #7.

**10) Failure to include sponsor ID. (Violation of RCW 42.17A.320)**

State law requires that all political advertisement/independent expenditures contain sponsor identification, which includes the sponsor's name and address. Mediums defined as political advertisement that are required to contain sponsor ID include Facebook pages and advertisements per **WAC 390-05-290**.

Unfortunately, Zita failed to include this on her Facebook page as required by state law. On information and belief, other political advertising produced by Zita's campaign failed to properly disclose sponsor ID.

**11) Illegal depositing of campaign funds into bank account by person other than the treasurer or deputy treasurer. (Violation of RCW 42.17A.220 (1))**

On information and belief, Zita has allowed individuals other than her treasurer or deputy treasurer to deposit checks into her campaign bank account.

**12) Illegal use of public facilities for campaign purposes. (Violation of RCW 42.17A.555)**

On information and belief, Zita has repeatedly used public facilities for campaign purposes.

For instance, her campaign committee “Zita For Port” hosted a “Commissioner Chat” campaign meeting on May 30, 2017 with her campaign volunteers and donors in the Port’s public facilities. See attached pictures.

Please also see attached **PDC Complaint #27061**.

One odd element of these violations is that many of them happened in spite of previous PDC complaints filed and in spite of a clear warning letter issued by the PDC to the Zita campaign about these violations.

The PDC should investigate the possibility that Zita committed the above violations maliciously, which would be a class C felony per **RCW 42.17A.750 (2)(c)**. If the PDC determines that is the case, they should refer the case to the Attorney General's office for criminal prosecution immediately.

Please don't hesitate to contact me if you need any additional information.

Please note that, as requested by PDC staff - I have provided spreadsheets in both original Excel file format and PDF files.

Best Regards,

Glen Morgan