

File a Formal Complaint - Glen Morgan

[Glenmorgan89](#) (Sun, 17 Dec, 2017 at 6:05 PM) via Portal Meta
To Whom it May Concern --

It has come to my attention that FUSEVotes, its officers, its treasurer, and its parent organization FUSEWashington (hitherto collectively referred to as "FUSEVotes") have 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, FUSEVotes has failed on numerous occasions to do this. (See Exhibits A - "Illegally late reported C3 and C4 reports")

Additionally, I believe the respondent has illegally not reported certain in-kind contributions from its parent organization.

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.

On information and belief, FUSEVotes has failed to accurately report certain debts, as required by state law.

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. Additionally, a political committee that makes in-kind contributions (which includes staff time) to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period. **WAC 390-16-207(6)**. Furthermore, state law requires that political committees identify any candidate(s) or ballot proposition(s) that are supported or opposed by their expenditures (which includes staff time) on form C4. **WAC 390-16-037**.

On information and belief, FUSEVotes illegally failed to break down certain expenses, in-kind contributions, and debts as required by state law.

Moreover, FUSEVotes have failed in numerous instances to abide by the requirement that independent expenditures/electioneering communications and in-kind contributions be properly broken down to show the amount going to support each candidate. This can easily be seen by comparing their C6 filings to what was reported on their C4s.

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

Respondent failed to list all committee officers on form 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.

On information and belief, unlisted officers include, but are not limited to, their parent organization FUSEWashington and the board members of that organization which can be viewed at this URL: <https://fusewashington.org/about/#board>.

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, FUSEVotes has failed to abide by this requirement.

6) Failure to timely update C1-pc. (Violation of RCW 42.17A.205(4))

On information and belief, the respondent has failed to update their C1-pc to include changes in officers and other information required to be included on their C1-pc, in violation of **RCW 42.17A.205(4)**.

On information and belief, FUSEVotes has failed to abide by this requirement.

7) 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)).

On information and belief, FUSEVotes has failed to abide by this requirement.

8) Failure to list top 5 contributors. (Violation of RCW 42.17A.320(2)(b))

On information and belief, FUSEVotes has failed to abide by this requirement.

9) 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**.

On information and belief, FUSEVotes has failed to abide by this requirement.

10) Failure to timely file form C6 reporting independent expenditures/electioneering communications. (Violation of RCW 42.17A.255(2))

State law requires that independent expenditures must be reported to the PDC in a timely fashion. The form for disclosing independent expenditures is identified as form C6 according to the PDC.

See attached spreadsheet (Exhibit B)

The PDC should investigate the possibility that FUSEVotes 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.

As requested by staff, I have provided both attached spreadsheets as PDF and Excel files.

Best Regards,

Glen Morgan

Exhibit A -- Illegally Late filed C3 and C4 reports

Approximate Cumulative Days Late --					2945
Violation #	Report #	Report Type	Due Date	Day Reported	Approximate Days Late
1	100739950	C3	2/10/2016	1/6/2017	331
2	100789868	C4	1/10/2017	10/2/2017	265
3	100789872	C4	2/10/2017	10/2/2017	234
4	100789873	C4	3/10/2017	10/2/2017	206
5	100789874	C4	4/10/2017	10/2/2017	175
6	100789875	C4	5/10/2017	10/2/2017	145
7	100719981	C4	5/11/2016	9/12/2016	124
8	100719972	C4	5/11/2016	9/12/2016	124
9	100719973	C4	5/11/2016	9/12/2016	124
10	100789876	C4	6/12/2017	10/2/2017	112
11	100720418	C4	6/10/2016	9/12/2016	94
12	100789877	C4	7/11/2017	10/2/2017	83
13	100790628	C4	7/25/2017	10/6/2017	73
14	100789878	C4	7/25/2017	10/2/2017	69
15	100720421	C4	7/12/2016	9/12/2016	62
16	100737899	C4	10/18/2016	12/12/2016	55
17	100737886	C4	10/18/2016	12/12/2016	55
18	100719982	C4	7/26/2016	9/12/2016	48
19	100719491	C3	7/25/2016	9/9/2016	46
20	100719486	C3	7/25/2016	9/9/2016	46
21	100719507	C4	7/26/2016	9/9/2016	45
22	100737900	C4	11/1/2016	12/12/2016	41
23	100719511	C3	8/1/2016	9/9/2016	39
24	100737124	C4	11/1/2016	12/9/2016	38
25	100690912	C4	3/10/2016	4/15/2016	36
26	100737681	C3	11/7/2016	12/12/2016	35
27	100790629	C4	9/11/2017	10/6/2017	25
28	100719512	C3	8/15/2016	9/9/2016	25
29	100746884	C4	1/10/2017	2/3/2017	24
30	100746888	C4	1/10/2017	2/3/2017	24

31	100680135	C3	2/10/2016	3/3/2016	22
32	100704878	C4	6/10/2016	7/1/2016	21
33	100789879	C4	9/11/2017	10/2/2017	21
34	100781898	C4	7/25/2017	8/11/2017	17
35	100781897	C3	7/31/2017	8/11/2017	11
36	100797448	C3	10/23/2017	10/31/2017	8
37	100797654	C3	10/23/2017	10/31/2017	8
38	100795279	C4	10/17/2017	10/23/2017	6
39	100690913	C4	4/11/2016	4/15/2016	4
40	100690937	C4	4/11/2016	4/15/2016	4
41	100690938	C4	4/11/2016	4/15/2016	4
42	100769708	C3	6/12/2017	6/16/2017	4
43	100775150	C4	7/11/2017	7/14/2017	3
44	100775149	C4	7/11/2017	7/14/2017	3
45	100775079	C4	7/11/2017	7/14/2017	3
46	100785247	C3	9/4/2017	9/5/2017	1
47	100797444	C3	10/30/2017	10/31/2017	1
48	100797655	C3	10/30/2017	10/31/2017	1

Violation #	Value of Ad	Date First Presented	Due Date	Day Reported	Days Late	Report #
1	\$3,678.52	10/29/2012	10/30/2012	10/31/2012	1	4323
	\$636.40	10/29/2012	10/30/2012	10/31/2012	1	4325
	\$1,876.00	10/29/2012	10/30/2012	10/31/2012	1	4325
	\$788.50	10/29/2012	10/30/2012	10/31/2012	1	4325
	\$799.00	10/29/2012	10/30/2012	10/31/2012	1	4325
2	\$116.85	10/15/2015	10/16/2015	10/27/2015	11	6078
3	\$324.84	10/23/2015	10/24/2015	10/27/2015	3	6078
4	\$7,026.08	8/1/2016	8/2/2016	9/12/2016	41	6468
	\$8,128.35	8/1/2016	8/2/2016	9/12/2016	41	6468
5	\$123.00	8/31/2016	9/1/2016	9/12/2016	11	6467
6	\$392.51	9/29/2016	9/30/2016	10/3/2016	3	6586
	\$104.33	9/29/2016	9/30/2016	10/3/2016	3	6585
7	\$1,052.29	9/30/2016	10/1/2016	10/3/2016	2	6587
8	\$1,850.00	10/5/2016	10/6/2016	10/10/2016	4	6663
9	\$1,850.00	10/7/2016	10/8/2016	10/10/2016	2	6664
	\$1,274.20	10/7/2016	10/8/2016	10/10/2016	2	6665
10	\$284.32	10/8/2016	10/9/2016	10/10/2016	1	6662
11	\$117.68	10/15/2016	10/16/2016	10/17/2016	1	6756
12	\$187.03	10/29/2016	10/30/2016	10/31/2016	1	7337
13	\$11,832.83	11/1/2016	11/2/2016	12/12/2016	40	7657
	\$142,838.33	11/1/2016	11/2/2016	12/12/2016	40	7657
14	\$2,994.45	8/1/2017	8/2/2017	9/8/2017	37	7861
	\$3,347.32	8/1/2017	8/2/2017	9/8/2017	37	7861
15	\$20,615.43	11/7/2017	11/8/2017	12/11/2017	33	8253
	\$7,793.37	11/7/2017	11/8/2017	12/11/2017	33	8253