

File a Formal Complaint - Glen Morgan

[Glenmorgan89](#) (Tue, 19 Dec, 2017 at 1:55 AM) via Portal Meta
To Whom it May Concern --

It has come to my attention that the WA Education Association PAC, Armand Tiberio, its officers, its treasurer, subsidiary organizations and its parent organization the Washington Education Association (hitherto collectively referred to as "WA Education Association PAC") 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, WA Education Association PAC has failed on numerous occasions to do this. (See **Exhibit 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, the Washington Education Association.

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, WA Education Association PAC 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, WA Education Association PAC illegally failed to break down certain expenses, in-kind contributions, and debts as required by state law. Moreover, WA Education Association PAC 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 WEA and the board members of that organization. Currently, **the WEA PAC have not listed any officers on their most recent C1-pc, which was filed on October 6, 2014.**

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, WA Education Association PAC 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)**.

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, WA Education Association PAC has failed to abide by this requirement.

8) Failure to include sponsor ID/list top 5 contributors. (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 and top 5 contributors. 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, WA Education Association PAC has failed to abide by this requirement.

9) 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. Please note, well over \$1,131,000 in independent expenditures was reported late. These violations are egregious by any definition of the term and frustrate the very purpose of the law.

See attached spreadsheet. (**Exhibit B - Illegally late reported C6 reports**)

10) Failure to register as political committee. (Violation of RCW 42.17A.235)

WEA PAC's parent organization Washington Education Association has failed to register as a political committee, in violation of state law. Additionally, WEA's subsidiary organizations, (such as Pilchuck, Seattle, Sultan EAs) have failed to register as political committees in violation of state law.

11) Failure to report ear-marked contributions. (Violation of RCW 42.17A.270)

State law requires that political committees receiving an earmarked contribution designated for the benefit of a certain candidate shall complete a report, entitled "Earmarked contributions," on a form prescribed by the commission that identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date that the contribution was received. Additionally, the committee shall mail or deliver to the commission and the candidate or political committee benefiting from the contribution a copy of the "Earmarked contributions" report within two working days of receipt of the contribution.

On various form C4s, the committee has apparently denoted the true source of the contribution. For example, in a donation to "People for Teresa", the committee gave the description "CONTRIBUTION FROM SEATTLE EDUCATION ASSOCIATION WEA-PAC MEMBERS". Presumably, this description means that the WEA PAC received a contribution from the Seattle Education Association intended to be donated to Teresa Mosqueda's campaign. Despite this, they never filed an ear-marked contribution report.

The committee's failure to report ear-marked contributions has generated confusion as to who actually made the contribution to various entities.

For instance, Teresa Mosqueda reported the source of his contribution as "WEA PAC" when it appears the true source was the Seattle Education Association. The committee's failure to report ear-marked contributions is illegal, widespread and has frustrated the purposes of the Act.

The PDC should investigate the possibility that WA Education Association PAC committed the above violations willfully and 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 I have provided spreadsheets in both PDF and Excel formats for staff convenience.

Best Regards,

Glen Morgan