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Sent via email to pdc@pdc.wa.gov

February 12, 2018

Micaiah Titus Ragins  
Compliance Coordinator  
Washington Public Disclosure Commission  
711 Capitol Way S., #206  
P.O. Box 40908  
Olympia, WA 98504-0908

RE: Housing Opportunities of SW Washington—Alleged Violations of RCW 42.17A  
SCBIL File No. 6571-001

Dear Mr. Ragins:

On behalf of Housing Opportunities of SW Washington (“HOSWWA”), we are hereby responding to the allegations raised by Glen Morgan in the above-referenced matter.

Mr. Morgan’s allegations are absolutely unfounded, and seem to be based on a fundamental misunderstanding of the internal operations of HOSWWA. We believe that these allegations should be dismissed outright. However, if the PDC believes further inquiry is warranted, we are eager to assist you in putting this issue to rest.

As a preliminary matter, we call to your attention the fact that many of Mr. Morgan’s claims—even on their face—lack sufficient detail and specificity to possibly form a rational basis to believe that a violation of the Fair Campaign Practices Act (“FCPA”), RCW 42.17A, *et seq.*, has occurred. He offers zero support for his assertion that HOSWW has “habitually and willfully committed frequent and multiple violations of RCW 42.17A.” He also offers zero support for the statement that he believes “that other violations of this chapter have occurred beyond what [he] identified” in his letter. Mr. Morgan presents no factual basis to support these overly broad claims. To the extent he seeks to embark on a fishing expedition, he should not enlist the help of the PDC and its limited resources to do so.

We address the specific allegation as follows:

***“On information and belief, Housing Opportunities employees used this organization’s resources to support Teresa Purcell’s campaign in 2016.”***

Mr. Morgan’s sparse “information and belief” paragraph outlines his allegation that HOSWWA supported Teresa Purcell’s campaign. His recounting of events is not based in fact.

RCW 42.17A.555 clearly states that no “person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office.” It goes on to provide certain circumstances under which this does *not* apply, including: “(3) Activities which are part of the normal and regular conduct of the office or agency.” WAC 390-05-273 goes on to define “normal and regular conduct” as conduct which is “lawful, *i.e.*, specifically authorized, either *expressly or by necessary implication*,” and “usual, *i.e.*, not effected or authorized in or by some extraordinary means or manner.” WAC 390-05-271(2) likewise does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses,” if “such action is part of the normal and regular conduct of the office or agency.”

It is this exception that governs the underlying facts here, rendering Mr. Morgan’s complaint baseless. HOSWWA promotes and provides stable, affordable housing, and supportive services in an environment that nurtures individuals and families while encouraging personal responsibility. As outlined in HOSWWA’s filings with the U.S. Department of Housing and Urban Development’s Office of Public and Indian Housing, its Annual Plan addresses “Self Sufficiency Programs” which are expressly authorized as a service the HOSWWA and other such agencies may provide to their communities. It is these very supportive services—which we assume were unbeknownst to Mr. Morgan—that form the basis of his complaint.

One example of such supportive services is HOSWWA’s Veterans Employment Opportunity Center, outlined within the HOSWWA’s strategic planning documents, which is designed to increase opportunities for social engagement, community involvement, and skills growth. Within this program, veterans looking for work can be placed with entities with staffing needs. Such opportunities are passed along to veterans on a nondiscriminatory, equal access basis.

Here, Jo Brewer, the campaign manager for Ms. Purcell, contacted Kortney Mershon in our Veterans Employment Opportunity Center with a work opportunity. Ms. Brewer was looking for individuals to distribute and place signs for Ms. Purcell’s campaign, and Ms. Purcell’s campaign would pay the individuals for their work. Ms. Brewer served on HOSWWA’s board for several years prior to retiring in 2011. She is a strong supporter of veterans, which is why she thought to call the Veterans Employment Opportunity Center when faced with a need for workers. Ms. Brewer hired several veterans to distribute and place signs. Ms. Brewer left the signs with Ms. Mershon, but Ms. Brewer paid the veterans directly for their services. Ms. Mershon stored the signs in an upstairs area of unused office space, out of the public eye. However, when it was brought to management’s attention that the signs themselves were briefly stored on Housing Opportunities property, Ms. Mershon was asked to remove the signs—which she promptly did.

Micaiah Titus Ragins

February 12, 2018

Page 3 of 3

In short, there is nothing here. HOSWWA has not violated Washington's FCPA or any other law by engaging in the course of conduct alluded to, albeit incompletely, by Mr. Morgan's complaint. Assisting veterans with finding work opportunities is part of HOSWWA's normal course of conduct, and no direct support to Ms. Purcell's campaign occurred. Therefore, the complaint should be dismissed.

### *Conclusion*

With respect to Mr. Morgan's utterly unfounded claim that any of the above actions, if found to be violations of the law, were done with malice as contemplated by RCW 42.17A.750(2)(c): there has been absolutely no malicious action undertaken by the employees at HOSWWA. We are committed to the highest standards of ethics and integrity. Alleging the mere "possibility" that violations have been committed—with the serious multiplier of allegations of malice—does not amount to sufficient grounds for the criminal prosecution that Mr. Morgan is seeking.

For the foregoing reasons, we believe that it would be appropriate for your office to dismiss these allegations outright.

If you have any questions, or if there is anything we can do to be of assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Ewan", written in a cursive style.

Laura Ewan

*Counsel for Housing Opportunities of SW Washington*