

File a Formal Complaint - Glen Morgan

[Glenmorgan89](#) reported (Wed, 27 Dec, 2017 at 10:18 PM) via Portal [Meta](#)
To Whom it May Concern --

It has come to my attention that Tim Probst, his candidate committee, the committee officers, and the committee's treasurer (hereafter collectively referred to as "Tim Probst") 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.

It should be noted that Mr. Probst is a repeated violator of public disclosure laws and requirements. See attached PDC warning letter and additional documentation of Probst's disregard for Washington State's campaign finance laws.

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, Tim Probst has failed on numerous occasions to do this. (See **Exhibit A - "Illegally late reported C3 and C4 reports"**)

Additionally, the respondent failed to report the following in-kind contributions:

- a) Mailing List

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.

Tim Probst 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.

Tim Probst 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)

On information and belief, Probst failed to list all committee officers on form C-1, which is required by **RCW 42.17A.205(2)(c)**. Unlisted committee officers include, but are limited NWP Consulting and the Couve Group.

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.

Despite performing consulting services (which often includes making expenditures), NWP Consulting and the Couve Group were not listed as committee officers.

6) 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, Probst failed to abide by this requirement.

7) State law requires that both the treasurer and the candidate must certify all contribution and expenditure reports as correct and accurate. RCW 42.17A.235 (7).

On information and belief, Tim Probst has failed to certify these reports. Instead, Tim Probst's electronic signature was auto-generated on these contribution and expenditure reports by his treasurer, in violation of state law.

8) 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, Probst has allowed individuals other than her treasurer or deputy treasurer to deposit checks into his campaign bank account.

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, Probst failed to abide by this requirement.

10) Failure to timely submit accurate F1. (Violation of RCW 42.17A.700, .710)

Tim Probst failed to submit an accurate F1 containing all the information required by state law within 14 days allowed by state law from the start of his campaign.

11) Illegal donation of campaign funds to candidate/political committees (Violation of RCW 42.17A.430(8)).

State law prohibits candidates from donating their campaign funds to other candidate/political committees, with a handful of narrow exemptions.

Unfortunately, Probst made numerous expenditures to candidate/political committees that exceed the fair market value of the items his campaign received, thus incurring an illegal contribution (as defined in **RCW 42.17A.005**) to these committees.

Please see below as evidence of illegal expenditures/donations:

12) State law establishes that candidates must return contributions that exceed the contribution limits contained in RCW 42.17A.405 within 10 days of receipt. RCW 42.17A.405, RCW 42.17A.110, WAC 390-16-312.

Probst failed to timely refund contributions that exceed contribution limits within 10 days of receipt, specifically, contributions from SWE PAC 48 and IAFF Local 452. This is a violation of state law.

The PDC should investigate the possibility that Tim Probst 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 all spreadsheets have been provided in two different file formats for staff convenience.

Best Regards,

Glen Morgan