

Elect Tim Probst Committee

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WA Attorney General's Office

Tony Perkins

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RE: Alleged violations of RCW 42.17A by Glen Morgan

Thank you for this opportunity to respond. Please be advised before beginning that Tim Probst did NOT win his election, the campaign has since been terminated, no bank account or offices exist, and no employees remain on payroll. Therefore, this appears to be a nuisance filing driven by partisan politics and costing taxpayers thousands of dollars.

I would like to begin with a reiteration of the law and it's intent:

RCW 42.17A.001

Declaration of policy.01cb

“The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.”

Mr. Glen Morgan continues to abuse the process of public disclosure to confuse and delude the public by making grand and false claims against candidates and political committees of only one party. To date he has filed over 300 complaints all using the same format and accusations. Some of his accusations may be warranted or have a purpose of working toward “fixing” the law, although they appear to be purposefully used to harass. All of his accusations are overstated to say the least, and/or complete falsehoods at worst.

Following are the accusations and our responses:

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

Mr. Morgan's attachment is an attempt to confuse the reader of this complaint. He has intentionally scrambled the dates and mixed the C3 and C4 reports to give the appearance of great wrongdoing. When looked at as a whole campaign, it is clear that there are some late reports but very few. His breakdown of number of days late is very misleading and inaccurate.

He lists at the top of his exhibit that the reports have a cumulative days-late total of 2,343 days or the equivalent of over six years. This is meaningless data intended to confuse.

There are no late C4 reports. Mr. Morgan has focused on the dates of amendments as opposed to the dates of the original filings. **All original C4 reports were made on time.** Of the 270 C3 reports filed, 18 were filed between 3 and 10 days late. The majority of these were from online donations (ACH deposits) which we may have been aware of, but are not filed until they are actually deposited into the bank account and the campaign is in possession of the funds. In no way did the short delay hide information from the public or affect the outcome of the election. None of the reports were made late willfully or habitually as claimed.

Please see the attached spreadsheet with a list of all C3 and C4 reports made for this campaign with explanations for each and every claim made by Mr. Morgan (in red).

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

The process that Mr. Morgan appears to have used was to download every expenditure made by the campaign that was over \$250 and make a claim that they were all debt that should have been reported on the previous report from the one on which they were reported. His claim is that \$311,998 out of \$349,958 was reported incorrectly which is a ridiculous claim. This process only serves to confuse the reader of the complaint by making false claims where there is no wrong doing. The campaign admits to having filed a small number of reports that could or should have been reported as debt earlier. In these cases, the contracts were fulfilled in the following month with no long term debt to report. These in no way hide information from the public or had and affect on the outcome of the election. None of the reports were made to willfully or habitually break the law as claimed.

Once again, Morgan's breakdown of number of days late is very meaningless and inaccurate. He lists at the top of his exhibit that the reports have a cumulative days-late total of 6,410 days or the equivalent of over 17 years. This must be intended to confuse. The assumption is that he will continue to count until reports are corrected. The Probst campaign is willing to correct all of the 2016 reports if so directed by PDC although this would seem to serve no purpose for public information.

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

This level of reporting was not taught by PDC in the past (up to ten years ago when I was trained by PDC), nor has there been any corrections from PDC (until I sought clarification because of this claim) that I was reporting incorrectly or not following the letter of the law. In reviewing the law, it is clear now that subvendors and quantities are required. In reviewing many other reports from both political parties, it appears that almost all candidates are equally confused about the reporting detail demanded in this complaint. I could not find any candidate that reported differently from the Probst campaign or legally according to the law.

Ignorance of the law is no excuse. Intent and past practice must be taken into account. **The Probst campaign in no way contrived to fool or delude the public by not listing quantities and subvendors** as claimed by Mr. Morgan. The information provided fulfilled the intent to make available all expenditures to the public. The missing information had no effect on the outcome of the election.

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

This accusation is completely untrue. The C1 lists all individuals that were authorized to make expenditures on the campaign. Only the candidate and the campaign manager were allowed to make expenditures. The Campaign Manager was Nick Ande also known as The Couve Group. The consulting company offered suggestions and strategies, but all expenditures were authorized by the candidate.

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)*

This line repeats the same complaint as Number 4 above with the same conclusion.

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)).*

This accusation is completely untrue. Mr. Morgan states that he comes to this conclusion “on information and belief”, rather than facts. The fact is that all proper documentation is on hand in hard-copy format now as it has been from day one.

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).*

This accusation is completely untrue. Mr. Morgan states again that he comes to this conclusion “on information and belief”, rather than facts. The accusation is unclear. All reports are filed through ORCA software and all signatures are on file. There is no process for adding a second signature of certification to the reports.

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))*

This accusation is completely untrue. Mr. Morgan states again that he comes to this conclusion “on information and belief”, rather than facts. This accusation has no basis in fact and appears to be completely fabricated.

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

This accusation is completely untrue. Because no examples are given and the campaign believes that all sponsor identifications were made according to law, there is nothing to refute.

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

This case were heard in 2016 and finalized. Mr. Morgan is including it for no other reason than to claim that the Probst campaign is habitually and willfully reporting incorrectly. Corrections were made according to PDC directions.

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

The Probst campaign never made “donations” to other political committees. Mr. Morgan claims “numerous expenditures”, but only lists two as no others could be found. Both expenditures listed were to purchase tickets to political events where Mr. Probst was expected to be as a candidate and would be acknowledged by his political party. This participation is practiced by all candidates and reported the same as the Probst campaign reported.

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.

This case were heard in 2016 and finalized. Mr. Morgan is including it for no other reason than to claim that the Probst campaign is habitually and willfully reporting incorrectly. Violations were not made with intent and corrections were made according to PDC directions immediately upon discovery.

In conclusion, Mr. Morgan is succeeding in his quest to drive the average citizen away from the election process. He has found a way to “weaponize” public disclosure to the extent that taxpayers are being punished for their “right to know” about political finances. He has become a bully to Democrats and Democratic political organizations. The intent of the law is to make transparent the contributions, contributors and spending of a campaign committee or party committee. Everyone makes mistakes, especially since most candidates, managers, and treasurers are novices. The letter of the law would find all participants wrong in some way or another. The intent must be taken into consideration.

The complaints overall reference minor mistakes that had impact on the outcome of the race or changed the final income and expense numbers for the campaign. E hope that the fact that the majority of Mr. Probst’s filing have been on time, complete, and without errors will have some bearing on your review.

We strive to achieve complete compliance with all reporting requirements and will take best practice steps to ensure this is done in the future by working closely with PDC, reviewing all training materials available, and requiring more information from our consultants as noted above.

We respectfully ask that you dismiss the complaint by Mr. Glen Morgan.

Sincerely,

Marsha Manning, Treasurer