

## File a Formal Complaint - Glen Morgan

[Glen Morgan](#) reported (Mon, 26 Mar at 11:47 PM) via Portal [Meta](#)  
To Whom it May Concern --

It has come to my attention that the Pacific County Democratic Central Committee, as well as current & past officers Frank Wolfe, Karen Spackman, Allison Friese, Mike Robinson, Christy Marrs, Doug Kess, and Treasurer James Clancy 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.

*By way of this complaint, I am alleging that the committee officers listed above also violated RCW 42.17A in the ways outlined in **PDC Complaint #24460**.*

### **1) Illegal dissolution of political committee. (Violation of RCW 42.17A.235(8))**

State law prohibits political committees from dissolving until they have discharged all debts & obligations and ceased all activity & functions.

The Pacific County Democratic Central Committee was unable to dissolve as it was legally obligated to file a response in a Public Disclosure Commission and Washington State Attorney General investigation (initiated by a Citizen Action Notice) where they were a named respondent. As such, their dissolution is illegal and invalid.

Despite this requirement in state law, the officers of the Pacific County Democratic Central Committee chose to dissolve their committee sometime in the month of December 2017 after being investigated and found to have committed a large and significant number of violations of **RCW 42.17A**.

The charges levied against the committee were serious, and – by the committee’s own admission in its public statements to the media (see this article from local earlier this month <http://www.chinookobserver.com/article/20180320/ARTICLE/180329981>) – it was largely guilty of the violations initially identified in the initial complaint.

Yet, rather than face the consequences of their actions and pay a penalty for violating state law as other committees have done, **the Pacific County Democratic Central Committee opted to engage in a fraudulent conveyance scheme**. In the same month they

dissolved their committee, they **transferred \$16,699.60 to the Washington State Democratic Party**, \$5,500 to a “scholarship fund,” and the remaining \$428 committee funds to their law firm, Schwerin, Campbell, Barnard, Iglitzen, and Lavitt, LLP (See **PDC C4 Report #100808328 – dated 1/10/2018**).

This recent outbreak of “dissolve to avoid transparency” schemes, unfortunately, become a common pattern for the above named law firm to recommend this scheme to avoid legal responsibility for lawbreaking, and frustrate the intention of the statute and the transparency goals of the Fair Campaign Practices Act. As you can see in the above linked article, the officers of this committee are openly bragging in public about this scheme as a way to frustrate the purpose of the Public Disclosure Commission and **RCW 42.17A**.

Moreover, under **the absurdity doctrine**, U.S. courts have always interpreted statutes contrary to their plain meaning to avoid absurd results. If the PDC or the judicial system were to hold that committees could dissolve themselves mid litigation or mid investigation to escape liability for lawbreaking, the result would be that political committees would simply dissolve in response to any substantive complaint. There would be no purpose in having any campaign finance laws as there would be no meaningful way to hold political committees accountable for their violations.

Please note that per **RCW 42.17A.904**, the provisions of **RCW 42.17A** are to be construed liberally to effectuate the policies and purposes of that statute.

**2) State law prohibits committees from accepting more than \$300 worth of anonymous contributions annually, or 1% of the total amount raised, whichever is greater. RCW 42.17A.220 (4). State law also 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.**

In 2017, the Pacific County Democratic Central Committee reported having received \$1200 in anonymous contributions. This amount is illegally in excess of the applicable \$300 anonymous contribution limit. \$900 was collected illegally by the Committee when it should have been sent to the State Treasurer's Office for deposit into the general fund per **RCW 42.17A.220 (4)**. The Committee and its officers has failed to do this and is in clear violation of the statute.

Moreover, the committee has chosen to create a “successor in fact” through their fraudulent conveyance of the over \$22,000 in their bank account to the Washington State Democratic Party to not just avoid complying with the statute and in an effort to frustrate the transparency requirements of **RCW 42.17A**, but also to further launder anonymous “dark money” like these funds into other organizations. This is a serious violation of the law.

**3) 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, I believe that Pacific County Democratic Central Committee and its officers have failed to abide by this requirement. Their actions in this matter to date indicate an unwillingness to behave within the confines of the law. It is highly likely that they have engaged in intentional spoliation of evidence. They should immediately be instructed to preserve all financial records in accordance with state law.

The PDC should investigate the near certainty that the Pacific County Democratic Central Committee and its officers committed the above violations maliciously, willfully, in concert with others all of 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.

Best Regards,

Glen Morgan

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