



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

MINUTES – Special Meeting

Evergreen Plaza Building, Room 206
711 Capitol Way South
Olympia, Washington

8:15 a.m.

December 21, 2015

COMMISSION MEMBERS PRESENT
(Participated Via Telephone)

Katrina Asay, Chair
Anne Levinson, Vice Chair
John Bridges, Member
Amit Ranade, Member
Grant Degginger, Member

STAFF PRESENT

Evelyn Fielding Lopez, Executive Director
Tony Perkins, Compliance Division
Linda Dalton, Sr. Assistant Attorney General
Penny Allen, Assistant Attorney General
Jana Greer, Executive Assistant

The special meeting of the Public Disclosure Commission was called to order by Commission Vice Chair Levinson at 8:20 a.m. in the Evergreen Plaza Building, Room 206 Olympia, Washington.

Opening Comments

Commissioner Levinson called the meeting to order at 8:20 a.m.

Citizens Comments/Concerns

No comments or concerns were expressed.

Commissioner Comments/Concerns

No comments or concerns were expressed.

Report To The Commission

1) *Washington State Labor Council AFL-CIO (WSLC) and WSLC officers Jeff Johnson and Lynne Dodson, Case No. 1543*, a citizen action complaint involving alleged violations of RCW 42.17A.205, .235, and .240 for failing to register and report as a political committee, and RCW 42.17A.630 for failing to file special reports of contributions by a lobbyist employer.

Tony Perkins presented staff's findings, conclusion, and recommendation regarding the allegations in PDC Case 1543, a 45-day the citizen action matter filed by the Freedom Foundation alleging that the Washington State Labor Council is an unregistered political committee.

Mr. Perkins stated that the November 4, 2015 Complaint filed by Mr. Abernathy and Mr. Dewhirst alleged that WSLC is a political committee under the "maker of expenditures" prong of the statutory definition of a political committee. The Complaint further alleged that WSLC was also a political committee under the "receiver of contributions" prong of the definition. The Complaint alleged that WSLC, and its officers Jeff Johnson and Lynne Dodson, failed to register and report contribution and expenditure activity as a political committee in violation of RCW 42.17A.205 and RCW 42.17A.235. Finally, the Complaint alleged that as the employer of registered Washington State lobbyists, WSLC failed to file special reports disclosing its monetary and in-kind contributions in violation of RCW 42.17A.630.

Mr. Perkins reviewed each of the allegations and discussed the test for whether an entity is or is not a political committee and explained that staff did not find that the WSLC was a political committee required to register with the PDC. He noted that because WSLC is not a receiver of contributions which would support or oppose candidates and/or ballot initiatives, and making expenditures to support or oppose candidates and/or ballot initiatives is not a primary purpose of the organization. Mr. Perkins also stated that it does appear that the WSLC, as a lobbyist employer, has failed to report monetary and in kind contributions on L-3 reports.

Staff recommended that the PDC recommend to the Attorney General (AG) no action on the first allegation, but recommend the AG take appropriate action regarding WSLC's failure to file appropriate lobbyist employer reports.

Question Commissioner Levinson asked staff if they had reviewed the case of *Utter v. BIAW*. Mr. Perkins explained that staff did review *Utter*, but shortened the analysis in the written materials to focus on the *EFF v. WEA* case because the two cases presented the same legal questions and the *EFF v. WEA* case provided a better description of the issues. Sr. AAG Linda Dalton agreed that the standard set out in *EFF v. WEA* and *Utter v. BIAW* has similar application to the current matter.

Motion 15-123

Moved by Commissioner Bridges, seconded by Commissioner Degginger that:

The Commission return this matter to the Attorney General with a recommendation for no further action as regards to allegation #1; with respect to allegation #2 the Commission return this matter to the Attorney General with the recommendation to take further action.

The motion passed unanimously.

Commissioner Asay and Commissioner Ranade joined the meeting via telephone at 8:45 a.m. to consider approval of the meeting minutes from an October 5, 2015 special meeting.

Commissioner Levinson and Commissioner Bridges did not participate in the vote on the minutes because, they did not attend the October 5, 2015 special meeting.

October 5, 2015 Special meeting

Motion 15-124

Moved by Commissioner Degginger, seconded by
Commissioner Asay that:

**The Commission adopt the meeting minutes of October
05, 2015 special meeting.**

The motion passed unanimously.

The meeting adjourned at 8:48 a.m.

January 28, 2016

Adjourn

Approved