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Original via email to:

pdcc@pdcc.wa.gov and peter.lavallee@pdcc.wa.gov

October 24, 2018

Peter Lavallee
Executive Director
Washington State Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

Re: Request for Referral to the Attorney General
Complaint against Glen Morgan, Send a Message PAC, and Conscience of the
Progressives PAC, A Brighter Thurston County PAC, and Real Progressives in Thurston
County PAC
Our File No. 2800-999

Dear Mr. Lavallee:

This letter follows up on our letter dated October 22, 2018, in which we brought to your attention several violations of the Fair Campaign Practices Act (“FCPA”) committed by Glen Morgan and four PACs with which he is involved. We write to bring to your attention yet another attack ad containing false assertions that Mr. Morgan and his PACs recently sent to voters in the 47th legislative district. That Mr. Morgan has committed even more violations since we wrote you two days ago highlights the severity of the allegations and urgency of the complaint. We urge you to immediately refer this matter to the Attorney General’s Office so that prompt steps may be taken to remediate these very serious violations of Washington’s campaign finance laws while there is still time to reduce the chances that Morgan’s unlawful actions will affect the outcome of the election.

Shortly after sending the tens of thousands of mail pieces which falsely informed voters that Fuse Washington, the Washington State Labor Council, AFL-CIO, Planned Parenthood Votes Northwest and Hawaii, UFCW 21, AFT Washington, and AFSCME Council 28 had each endorsed write-in candidates who are not even running in the 2018 election, when in fact those organizations had actually endorsed other candidates who *are* running, Mr. Morgan’s Conscience of the Progressives PAC again engaged in exactly the same unlawful tactic. This time, Morgan sent an attack ad to voters in the 47th legislative district, informing them that Fuse Washington endorsed a write in candidacy of Brenda Fincher, and opposed the election of Debra Enteman to the Washington State Legislature House of Representatives, when in fact Fuse has endorsed Ms. Enteman.

For the same reasons detailed in our October 22, 2018 letter, Morgan’s most recent attack ad is a blatantly unlawful attempt to misinform voters. In addition to harming the general electorate, his actions more specifically harm the candidates who are the subject of his attack ads, the candidates whose non-

existent write-in candidacies Morgan endorses, and the organizations whose trust and credibility was coopted by Morgan and his false assertion that the organizations had endorsed write-in candidates.

We understand that the Public Disclosure Commission has commenced an investigation into those allegations and appreciate the timely manner in which the Commission appears to be processing our complaint. However, in light of the very serious nature of the violation, Mr. Morgan's persistence in continuing to violate the law, and the fact that the election is now less than two weeks away, we believe that immediate referral to the Attorney General's office is warranted.

As you are aware, RCW 42.17A.755(4) provides that in lieu of holding a hearing or issuing an order, the PDC may refer any matter to the Attorney General's Office when it believes that a) additional authority is needed to ensure full compliance with this law, b) the violation potentially warrants a penalty greater than the PDC is authorized to impose, or c) the maximum penalty the PDC is able to levy is not enough to address the severity of the violation. Each of these criteria is met in this instance. The additional authority of the Attorney General is required in this circumstance, where only prompt action in a court of law has a meaningful chance of mitigating the harm Morgan's unlawful conduct causes. And, there can be no doubt that Morgan's violations, which involve deliberate attempts to mislead voters with false information, will warrant a penalty greater than the PDC is authorized to impose.

The FCPA does not contain any timelines for *when* the PDC must refer a matter to the Attorney General's Office. While the FCPA does not prescribe time limitations that must be observed, we submit to you that any chance of meaningfully remedying Morgan's deceitful tactics requires immediate action. The PDC should immediately refer this matter to the Attorney General's Office.

Thank you for your time and attention to this matter.

Sincerely,



Dmitri Iglitzin

Danielle Franco-Malone

Counsel for the Washington State Labor Council, AFL-CIO, Fuse Washington, UFCW 21, Planned Parenthood Votes Northwest and Hawaii, and AFT Washington