

File a Formal Complaint - Glen Morgan

Glenmorgan89 reported 14 hours ago (Fri, 30 Dec at 12:20 AM) via Portal Meta

To Whom it May Concern (and it should concern everyone) --

It has come to my attention that Joe Fitzgibbon has committed violations of RCW 42.17A in his campaign for the State House.

1) Illegal expenditures from surplus funds (Violation of RCW 42.17A.430)

a) INDUSTRIAL AREAS FOUNDATION NW 3/29/2015 \$200.00 DONATION

This organization is not registered in accordance with RCW 19.09, therefore this is an illegal donation.

b) HARLAND CLARKE 1/22/2015 \$63.88 CHECK ORDER

This expenditures does not appear to meet any of the requirements of RCW 42.17A.430.

c) FITZGIBBON JOSEPH C 4/10/2016 \$984.20 COMPUTER PURCHASE

This expenditures does not appear to meet any of the requirements of RCW 42.17A.430. It appears to be an illegal use of campaign funds for personal purposes.

d) FITZGIBBON JOSEPH C 7/14/2015 \$1,248.92 AIR TRAVEL REIMBURSEMENT: DENMARK, CLIMATE CHANGE TRIP

This expenditures does not appear to meet any of the requirements of RCW 42.17A.430. It appears to be an illegal use of campaign funds for personal purposes.

e) I-SUSTAIN 8/3/2015 \$695.00 LODGING: DENMARK, CLIMATE CHANGE TRIP

This expenditures does not appear to meet any of the requirements of RCW 42.17A.430. It appears to be an illegal use of campaign funds for personal purposes.

2) Failure to list Jay Petterson as a committee officer on C1. (Violation of 42.17A.205(2)(c), see WAC 390-05-245)

The Fitzgibbon election committee failed to list Jay Petterson as an officer, which is required by RCW 42.17A.205(2)(c).

Petterson met the definition of officer under WAC 390-05-245 because he, in conjunction with others, made, directed, or authorized expenditures, strategic or policy decisions on behalf of the committee.

3) Illegal donation to the 34th District Democrats, failure to accurately describe expenditure. (Violation of RCW 42.17A.430 (8))

On 8/4/2016, Fitzgibbon's committee expended \$700 to the 34th District committee for "print advertising". On this same day, Fitzgibbon transferred the remainder of his campaign money (\$63,231.45) to the HDCC, signalling the fact that he believed he was going to win the campaign without expending additional funds on political advertising.

This expenditure constitutes an illegal donation to a political party, in violation of RCW 42.17A.430 (8). There was no tangible benefit to Fitzgibbon's campaign for this expenditure, and since those who received the newsletter were likely already voting for Fitzgibbon, this is not a legitimate campaign expense.

While Fitzgibbon is allowed to pay market value for objects of real value (like food) to political parties, he is prohibited from transferring funds to them in excess of that amount.

If this requirement did not exist, then political parties could artificially inflate the cost of advertising to whatever was desired as a donation, thereby completely bypassing the provisions of RCW 42.17A.430 (8).

This expenditure also illegally failed to include the run-date of the ad, as required by the PDC.

4) Failure to file C1 within the time limits prescribed by statute. (Violation of RCW 42.17A.205(1))

On 1/1/2015, Fitzgibbon reported an expense of \$35.70 for "Expenses of \$50 or less) for his 2016 campaign. This triggered the requirements of RCW 42.17A.205(1), meaning that Fitzgibbon had to file his C1 within two weeks of 1/1/15.

Unfortunately, Fitzgibbon illegally waited until 2/10/2015 to file his C1, well past the statutory deadline.

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

Vendor	Date	Amount	City	State	Zip	Description
BLUE WAVE POLITICAL PARTNERS LLC	2015-01-15	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2015-07-13	600	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-03-11	500	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-04-14	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-05-04	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-06-13	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-08-01	250	SEATTLE	WA	98104	BLUE WAVE POLITICAL PARTNERS
BLUE WAVE POLITICAL PARTNERS LLC	2016-08-01	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-09-12	250	SEATTLE	WA	98104	BLUE WAVE POLITICAL PARTNERS
BLUE WAVE POLITICAL PARTNERS LLC	2016-10-14	250	SEATTLE	WA	98104	COMPLIANCE CONSULTING
BLUE WAVE POLITICAL PARTNERS LLC	2016-11-10	200	SEATTLE	WA	98104	COMPLIANCE CONSULTING

Because Blue Wave Political Partners LLC provided these services to Fitzgibbon on an ongoing basis (either contractually or via oral agreement), the committee was required to report this as debt on an on-going basis, per RCW 42.17A.240 and WAC 390-05-295.

6) Illegal acceptance of overlimit contribution, failure to file accurate C3s and C4s (Violation of RCW 42.17A.405 & .235)

The Fitzgibbon campaign illegally accepted overlimit contributions from the following organizations: SHEET METAL WORKERS LOCAL 66 PAC, WASHINGTON FEDERATION OF STATE EMPLOYEES SSF, CAMPAIGN FOR TRIBAL SELF-RELIANCE BY WA INDIAN GAMING ASSOCIATION, and PUGET SOUND ENERGY.

While these overlimit contributions were later "refunded", they should not have been deposited in the first place, as they were in excess of statutory limits.

Moreover, the Fitzgibbon campaign also failed to follow the appropriate PDC instructions for fixing this issue: "Do not use the corrections or adjustment feature. The contribution must be "deleted" and an amended C3 and C4 filed for the adjustment to be reflected in the PDC database. The contribution must be 'undeposited', deleted and the C3 amended and any affected C4's amended." Instead, the Fitzgibbon campaign illegally reported the over-limit contributions and also illegally reported the refunds as expenditures on their C4s.

7) Failure to acknowledge understanding of RCW 42.17A.555 (Violation of RCW 42.17A.700, see WAC 390-24-010).

On his F1 (filed 3/25/16), Fitzgibbon failed to check a box acknowledging his understanding of RCW 42.17A.555. (See attached.)

I urge the PDC to investigate this complaint immediately.

Best Regards,

Glen Morgan

1 Attachment

PDF [FitzgibbonJo...](#)
(600 KB)

PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM F-1 (1/15)		PERSONAL FINANCIAL AFFAIRS STATEMENT		PDC OFFICE USE 100685569																			
Refer to instruction manual for detailed assistance and examples. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position. SEND REPORT TO PUBLIC DISCLOSURE COMMISSION				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">DOLLAR CODE</th> <th style="text-align: left;">AMOUNT</th> </tr> <tr> <td>A</td> <td>\$1 to \$4,499</td> </tr> <tr> <td>B</td> <td>\$4,500 to \$23,999</td> </tr> <tr> <td>C</td> <td>\$24,000 to \$47,999</td> </tr> <tr> <td>D</td> <td>\$48,000 to \$119,999</td> </tr> <tr> <td>E</td> <td>\$120,000 or more</td> </tr> </table>		DOLLAR CODE	AMOUNT	A	\$1 to \$4,499	B	\$4,500 to \$23,999	C	\$24,000 to \$47,999	D	\$48,000 to \$119,999	E	\$120,000 or more	Covers: 2015 Received: 03-25-2016							
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Last Name	First	Middle Initial																							
FITZGIBBON	JOSEPH	C																							
Mailing Address (Use PO Box or Work Address) 615 SW AMBAUM BLVD #204																									
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Filing Status (Check only one box.) ☒ An elected or state appointed official filing annual report ☐ Final report as an elected official. Term expired: _____ ☐ Candidate running in an election: month _____ year _____ ☐ Newly appointed to an elective office ☐ Newly appointed to a state appointive office ☐ Professional staff of the Governor's Office and the Legislature				Office Held or Sought Office title: <u>STATE REPRESENTATIVE</u> County, city, district or agency of the office, name and number: <u>LEG DISTRICT 34 - HOUSE</u> Position number: <u>2</u> Term begins: <u>01-12-2015</u> ends: <u>12-31-2016</u>																					
1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,400 or more during the period. Include stock options received during the reporting period that had a value of \$2,400 or more. (Report interest and dividends in Item 3 on reverse) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; vertical-align: top;"> Show Self (S) Spouse (SP/DP) Dependent (D) </td> <td style="width: 40%;"> Name and Address of Employer or Source of Compensation house of representatives 416 Sid Snyder Ave OLYMPIA WA 98504 </td> <td style="width: 30%;"> Occupation or How Compensation Was Earned state representative </td> <td style="width: 20%;"> Amount: (Use Code) </td> </tr> </table> Check Here ☐ if continued on attached sheet								Show Self (S) Spouse (SP/DP) Dependent (D)	Name and Address of Employer or Source of Compensation house of representatives 416 Sid Snyder Ave OLYMPIA WA 98504	Occupation or How Compensation Was Earned state representative	Amount: (Use Code)														
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2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$12,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Property Sold or Interest Divested</td> <td style="width: 10%;">Assessed Value (Use Code)</td> <td style="width: 30%;">Name and Address of Purchaser</td> <td colspan="3" style="width: 30%;">Nature and Amount (Use Code) of Payment or Consideration Received</td> </tr> <tr> <td style="height: 100px;">Property Purchased or Interest Acquired</td> <td></td> <td>Creditor's Name/Address</td> <td>Payment Terms</td> <td>Security Given</td> <td>Mortgage Amount - (Use Code) Original Current</td> </tr> <tr> <td> All Other Property Entirely or Partially Owned King; 615 SW Ambaum Blvd #204, Burien, 98166 Check here ☐ if continued on attached sheet </td> <td style="text-align: center;">D</td> <td> Bank of America 100 N Tryon St Charlotte NC 28255 </td> <td> 10% down, 6.125% APR for 30 years </td> <td style="text-align: center;">mortgage</td> <td style="text-align: center;">E E</td> </tr> </table>								Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received			Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current	All Other Property Entirely or Partially Owned King; 615 SW Ambaum Blvd #204, Burien, 98166 Check here ☐ if continued on attached sheet	D	Bank of America 100 N Tryon St Charlotte NC 28255	10% down, 6.125% APR for 30 years	mortgage	E E
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CONTINUE ON NEXT PAGE

3

ASSETS / INVESTMENTS - INTEREST / DIVIDENDS

List bank and savings accounts, insurance policies, stock, bonds and other intangible property (including but not limited to stock options) held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member, including registered domestic partner, had an account over \$24,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member, including registered domestic partner had a policy with a cash or loan value over \$24,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member, including registered domestic partner, owned or had a financial interest worth over \$2,400. Include stocks, bonds, ownership, retirement plan, IRA, notes, stock options, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self directed an investment account, identify each stock or other asset in that account. Washington State Department of Tumwater WA 98501	retirement accounts--mutual funds	B	0

Check here ☐ if continued on attached sheet.

4

CREDITORS

List each creditor you or a family member, including registered domestic partner, owed \$2,400 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

AMOUNT
(USE CODE)

Creditor's Name and Address	Terms of Payment	Security Given	Original	Present

Check here ☐ if continued on attached sheet.

5

All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ☐ If yes, complete Supplement, Part A.
- B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ☐ If yes, complete Supplement, Part A.
- C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ☐ If yes, complete Supplement, Part A.
- D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ☐ If yes, complete Supplement, Part B.
- E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ☒ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ☒ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

- ☐ I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.
- ☐ I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.

*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Joseph Fitzgibbon 03-25-2016
Signature Date
Contact Telephone: 206-949-5127 *
Email: joe.fitzgibbon@leg.wa.gov (work)*
Email: _____ (Home) Optional

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

**PUBLIC DISCLOSURE COMMISSION**

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828
EMAIL: pdcc@pdcc.wa.gov

PDC FORM

F-1SUPPLEMENT
(1/15)

100685569

SUPPLEMENT PAGE

PERSONAL FINANCIAL AFFAIRS STATEMENT

03-25-2016

PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
FITZGIBBON	JOSEPH	C	2016-03-25

A**OFFICE HELD,
BUSINESS
INTERESTS:**

Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents

- (1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or
- (2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$12,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1Reporting For: Self ☐ Spouse ☐Registered Domestic Partner ☐ Dependent ☐

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)
\$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:

Agency name:

Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here ☐ if continued on attached sheet**CONTINUE PARTS B AND C ON NEXT PAGES**

FOOD TRAVEL SEMINARS

F-1 Supplement

Name **FITZGIBBON, JOSEPH C** 2

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion, excluding certain receptions as defined in WAC 390-20-020A; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
03-27-2013	Washington State Olympia WA	dinner with Michael Temple, lobbyist	\$ 84.11	A
05-18-2013	Futurewise Seattle WA	ticket to Transportation Choices Coalition dinner	80	A
06-01-2013	SEIU Healthcare 1199NW Renton WA	SEIU Healthcare 1199NW 30th anniversary celebration	71.20	A
06-09-2014	Puget Sound Energy Bellevue WA	Mariners game with lobbyist Nancy Atwood	55	A
11-04-2013	Washington Bikes Seattle WA	ticket to annual auction dinner	55.40	A
01-06-2014	United Kingdom Foreign & London UK	travel to London & Bristol to learn about UK climate change	3507.90	A
08-01-2013	Greater Seattle Chamber of Seattle WA	travel to SW Washington (Longview, Vancouver) to	825	A
10-17-2013	National Caucus of Washington DC	travel to Portland for NCEL NW regional conference	665.52	A
10-24-2013	Progressive States Network Washington DC	travel to Washington DC for Progressive States Network	2432.64	A
09-21-2015	Scan/Design Foundation Seattle WA	lodging & meals in Copenhagen, Denmark and	4000	A
Check here ☐ if continued on attached sheet				