



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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Oct. 12, 2018

Delivered electronically to “bradandamywhaley@comcast.net”

Subject: PDC Case 38265

Dear Bradley Whaley:

Below is a copy of an electronic letter sent to Will Reichardt concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below in the electronic letter to Mr. Reichardt, the PDC will not be conducting a more formal investigation into the allegations listed in the complaint he filed against you.

Pursuant to WAC 390-37-060(1)(b), this letter serves as a warning letter concerning your failure to timely file your Candidate Registration (C-1 report), and your failure to comply with the candidate reporting requirement to timely disclose contribution and expenditure activities on C-3 and C-4 reports, as provided by RCW 42.17A.235. This formal written warning comes with the staff's expectation that you will timely file reports for the remainder of the 2018 election and in future years in accordance with PDC laws and rules.

In addition, the Commission may consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules. Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact me at (360) 586-4746, toll-free at 1-877-601-2828, or by e-mail at alice.fiman@pdc.wa.gov.

Sincerely,

/s_____
Alice Fiman
Compliance Officer

Endorsed by,

/s_____

Peter Lavallee
Executive Director

Oct. 12, 2018

Sent electronically to Will Reichardt at "will.reichardt2010@gmail.com"

Subject: Complaint regarding Brad Whaley, PDC Case No. 38265

Dear Mr. Reichardt:

The Washington State Public Disclosure Commission (PDC) has completed its review of the complaint you filed July 19. The complaints alleged Brad Whaley, a candidate seeking election to the office of Skagit County Treasurer in 2018, may have violated RCW 42.17A.205 for failing to timely file a Candidate Registration (C-1 report), and RCW 42.17A.235 and .240 for failing to file Campaign Summary Receipts and Expenditure reports (C-4 report), and several Monetary Contribution reports (C-3).

PDC staff reviewed your allegations, the C-1, C-3 and C-4 reports filed by the 2018 Brad Whaley Campaign, and the responses from Mr. Whaley to the allegations listed in the complaint and PDC staff requests. As a result of staff's review, we found the following:

- Mr. Whaley is a former School Director for the Burlington-Edison School Board, and he previously ran as a candidate for Skagit County Auditor in 2006, and Skagit County Treasurer in 2014.
- Mr. Whaley filed a Declaration of Candidacy in May of 2018 declaring his candidacy for Skagit County Treasurer. The Declaration required Mr. Whaley to file a Personal Financial Affairs Statement (F-1 report) and Candidate Registration (C-1 report) within two weeks or no later than June 1, 2018.
- Mr. Whaley filed an F-1 report and two supplemental attachments on July 1, 2018. On July 19, 2018, Mr. Whaley filed a C-1, declaring his candidacy for Skagit County Treasurer, selecting the Full Reporting option and listing himself as Treasurer.
- On Aug. 7, 2018, Mr. Whaley filed his initial C-3 and C-4 reports for his 2018 Campaign disclosing a \$5,000 contribution he made to his campaign using personal funds. The C-3 and C-4 reports disclosed the \$5,000 candidate contribution was deposited in the campaign bank account on May 15, 2018, and \$3,081 in campaign expenditures dating back to May for political advertising, yard signs, and a parade entry fee. Mr. Whaley finished in the top two on the primary election ballot and will appear on the November 2018 General Election.
- Mr. Whaley was required to file C-3 reports weekly beginning June 1, for deposits made during the previous seven days, and he failed to timely the C-3 report disclosing his \$5,000 contribution. Mr. Whaley was required to file a C-4 report monthly beginning June 11, with a 21-day pre-primary C-4 report due July 17 and a 7-day pre-primary C-4 report due July 31. Those C-4 reports were filed seven and 21 days late by the Campaign. In addition, the C-1 report was filed 51 days late.
- Finally, Mr. Whaley also filed a C-1 on Sept. 7, 2018 declaring his candidacy for the Skagit County Charter Review Commission, selecting the Mini Reporting option and listing himself as Treasurer.

In his response, Mr. Whaley stated that he had communicated to PDC staff that he thought his contributions and expenditures had been properly reported, but he found out that had challenges using the PDC electronic filing system, ORCA. He stated that he “entered the contributions and expenditures in the ORCA (Online Reporting of Campaign Activities) software provided by the PDC and thought that the information was transmitted. Not until I received this complaint from Will Reichardt, my opponent’s boss, did I realize this had happened.”

Mr. Whaley communicated to the PDC his ongoing challenges he was experiencing using the ORCA system, as noted in records of July 19, and August 6 and 7 telephone phone calls with PDC staff. He stated that he entered his contribution and expenditures in the ORCA software as incurred, but he did not complete the filing validation process to transmit those reports. Working with PDC filer assistance staff, Mr. Whaley was able to retrieve his filer ID and password, and update his campaign start date to bring his Campaign into compliance with the reporting requirements.

Pursuant to WAC 390-37-060(1)(b), Brad Whaley will receive a formal written warning concerning failure timely file a C-1 report and comply with the legal requirement of candidates to report contributions and expenditures (C-3 and C-4 reports), as provided by RCW 42.17A.235.

This formal written warning comes with the staff’s expectation that Mr. Whaley will timely file reports for the remainder of the 2018 election and in future years in accordance with PDC laws and rules. The Commission may consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules. Based on this information, the PDC has closed this matter.

If you have questions, you may contact Alice Fiman at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at alice.fiman@pdc.wa.gov.

Sincerely,

/s_____

Alice Fiman
Compliance Officer

Endorsed by,

/s_____

For Peter Lavallee
Executive Director

cc: bradandamywhaley@comcast.net