



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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March 31, 2022

Delivered electronically to "glen@wethegoverned.com"

Subject: Complaint regarding Barry Buchanan, PDC Case 102419

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on January 6, 2022. Your complaint alleged that Barry Buchanan may have violated RCW 42.17A.235 and .240 by failing to reflect the disbursement of surplus funds or otherwise account for the carryover balance following his 2017 campaign.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; responses provided by Barry Buchanan and his treasurer, Jason Bennett; and the applicable PDC reports filed by Respondent.

Based on staff's review, we found the following:

- Barry Buchanan is a member of the Whatcom County Council who ran for re-election in 2017. Marsha Scutvick was his treasurer in 2013 and 2017.
- The last C-4 report filed by Ms. Scutvick was the post-election report covering the period 10/31/2017 to 11/30/2017. It reflected \$55,455.99 in total receipts and \$52,272.70 in total expenditures, and a Cash on Hand balance of \$3,183.20.
- Ms. Scutvick experienced health issues near the end of the 2017 campaign and died in early 2018 without filing the remaining 2017 reports. Barry Buchanan failed to realize the post-election reports had not been filed.
- In March 2021, Mr. Buchanan hired Jason Bennett of Argo Strategies to serve as Treasurer and told him all 2017 campaign funds had been spent. Mr. Bennett then began filing reports for the 2021 campaign starting with a zero balance, without realizing the last 2017 C-4 report on file showed a Cash on Hand balance of \$3,183.20.
- Upon learning of his reporting deficiencies, Mr. Buchanan contacted Mr. Bennett to ensure the missing reports were filed. On 2/21/2022 Mr. Bennett submitted C-4 reports for December 2017, January 2018, and February 2018, bringing the 2017 account balance to zero.
- Mr. Bennett filed the missing C-4 reports four years late. The reports included a \$5,000 contribution from the Whatcom County Democrats timely reported on a C-3 filed 12/12/2017. Expenditures on the December 2017 C-4 report totaled \$7,651.75, and included:
 - \$325 to Facebook;

- \$5,000 to Cerillion N4 Partners for "Final December Consulting Fee;" and
 - \$1,350 to Griffin Crisp for "Final December Campaign Services Fee."
- Mr. Buchanan said he did not become aware of the missing 2017 reports until he received a copy of the complaint. He then asked Jason Bennett to investigate the issue. Mr. Buchanan said if he had been aware of the missing reports when they were due, he would have hired a replacement treasurer at that time to file the missing reports. Mr. Buchanan said he accepts the ultimate responsibility for the late-filed reports and regrets not keeping himself better informed of the work being performed by his treasurer.
- When reviewing the 2017 post-election C-4 report, staff noticed an expenditure for \$26,000 to Cerillion N4 Partners described only as "Professional Services." Staff's inquiry determined the payment included subvendor payments to Morel Ink for Walking Pieces and mailers. On March 27, 2022, Mr. Bennett amended the post-election C-4 covering the period 10/31/2017 – 11/30/2017, disclosing three subvendor payments, one to Morel Ink for \$2,000 to print 5,000 walking pieces and two \$12,000 payments to Morel Ink for the printing and postage of two mailers, each for 19,854 pieces.

The three late-filed C-4 reports, required to bring the 2017 campaign balance to zero, is mitigated by the loss of Mr. Buchanan's treasurer shortly after the campaign ended. When Mr. Buchanan became aware of his error, four years later, he filed the missing C-4 reports on 2/21/2022.

Based on these findings, staff has determined that in this instance, the failure to ensure all reports concerning the 2017 election were timely filed does not amount to a violation warranting further investigation.

However, pursuant to WAC 390-37-060(1)(d), Barry Buchanan will receive a formal written warning concerning his failure to monitor reports being filed by the campaign treasurer which resulted in three post-election C-4 reports not being filed until four years after the 2017 campaign ended. The formal written warning will include staff's expectation that Mr. Buchanan will timely and completely file all future required reports of contributions and expenditures. The Commission will 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 finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdcpdc@pdcpdc.wa.gov.

Sincerely,
Electronically Signed Philip E. Stutzman
 Phil Stutzman
 Compliance Officer

Endorsed by,
Electronically Signed Kim Bradford
 Kim Bradford
 Deputy Director
 For Peter Frey Lavalley
 Executive Director

cc: Barry Buchanan