



**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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

August 29, 2023

Delivered electronically to Zack Zappone at zzappone@gmail.com

Subject: Complaint filed by Glen Morgan, PDC Case 136626

Dear Zack Zappone:

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

As noted in the letter to Mr. Morgan, the PDC has dismissed this matter following RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

To the alleged violations of RCW 42.17A.700, .710, .430(8) and .490 in these instances there was no evidence that supports a violation. Mr. Morgan further alleged the campaign violated RCW 42.17A.235 & .240 by failing to accurately report the receipt of contributions totaling \$7,860, at the start of Mr. Zappone's 2021 City Council campaign. In this instance, the PDC reminds Mr. Zappone that guidance does change from time to time, and it is important to seek out current instruction provided on the PDC website or to reach out directly to PDC Filer Assistance if campaign reporting questions arise. Staff expects, in the future if a similar situation occurs, the Respondent will follow PDC Interpretation 23-01 and all other applicable laws and rules.

If you have questions, you may contact Tanya Mercier at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Kim Bradford
Deputy Director
For Peter Frey Lavalley
Executive Director



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August 29, 2023

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint filed against Zack Zappone, PDC Case 136626

Dear Glen Morgan,

Public Disclosure Commission (PDC) staff has completed its review, investigation and enforcement hearing of the complaint filed by you against Zack Zappone for PDC Case 136626. Following the enforcement hearing, held July 27, 2023, there are several outstanding allegations that remained to be resolved concerning your complaint filed on May 4, 2023.

In your complaint you allege violations of 42.17A.700 & .710 by failing to timely file a Personal Financial Affairs Statement (F-1) and to conceal personal financial information from the public when Zack Zappone (Respondent) became a candidate for State Representative on May 18, 2020; 42.17A.430(8) for illegal contributions from one candidate political campaign to another political campaign; RCW 42.17A.235 & .240 by failing to accurately report the receipt of contributions totaling \$7,860, at the start of Mr. Zappone's 2021 City Council campaign; and RCW 42.17A.490 by failing to obtain written approval from donors to transfer their unused contributions, originally made to Mr. Zappone's State Representative campaign, to Mr. Zappone's 2021 City Council campaign.

PDC staff reviewed the allegations listed in your complaint; the applicable statutes, rules, and reporting requirements; and the email responses from Mr. Zappone to decide whether the record supports a finding of one or more violations.

PDC staff found the following:

- The Respondent was a first-time candidate for public office in 2020 seeking the office of Washington State Representative, Legislative District 6 Position 1, Spokane County. The Respondent won the Primary but did not win the General election. The Respondent filed a Candidate Registration (C-1) May 04, 2021, for the position of City Council Member, District 3 Position 2, City of Spokane, Washington. The Respondent won election, took office in 2022, and is currently a City Council Member in the City of Spokane.

- PDC staff found that when the Respondent became a candidate for State Representative in 2020, he timely filed an F-1 report for the period 5/14/19 to 5/13/20 on May 17, 2020. On May 10, 2023, the PDC informed the Respondent and Complainant the required F-1 was filed on time and there was no evidence that supported a violation of RCW 42.17A.700. To the allegation that the Respondent violated 42.17A.710 and tried to conceal personal financial information from the public, in reviewing later F-1 reports filed by the Respondent as well as the Spokane County assessor's record, for property owned by the Respondent, the F-1 report filed by the Respondent in 2020 appears complete. There is no evidence that supports a violation in this instance.
- Also on May 10, 2023, the PDC informed the Respondent and Complainant that the provided evidence did not support a violation of RCW 42.17A.430(8) because the transfers made between the 2020 and 2021 Zappone campaigns occurred between two campaigns controlled by the same candidate for different years and different offices. RCW 42.17A.430(8) states "No candidate or authorized committee may transfer funds to any other candidate or other political committee."
- To the allegation the Respondent violated RCW 42.17A.235 & .240 by failing to accurately report the receipt of contributions totaling \$7,860, at the start of the 2021 City Council campaign. PDC staff found the campaign reported on C-4 #110013514 and #110019711, from the 2020 State Representative campaign, the total amount of \$7,860 in funds transferred out of that campaign and on C-4 #110012805, amended by #110015923, a "carry forward" balance of \$7,860 at the start of the 2021 City Council campaign. To ensure transparency for when the transfers occurred and to show that the contributors approved the transfers, staff requested the campaign amend their reporting to include the following:
 - February 2021 C-3 #1101666797 added to address the transfer of 2020 campaign contributions with approval for \$6,115 received on 2/10/21.
 - February 2021 C-3 #110166798 added to address transfer of 2020 campaign contributions with approval for \$745 received on 2/28/21.
 - April 2021 C-3 #110166799 added to address transfer of 2020 campaign contributions with approval for \$1,000 received on 4/3/21.
 - Amended the applicable January 2021, February 2021, and April 2021 C-4s.

In this instance, the PDC reminded the Respondent that guidance does change from time to time, and it is important to seek out current instruction provided on the PDC website or to reach out directly to PDC Filer Assistance if campaign reporting questions arise. Staff expects, in the future if a similar situation occurs, the Respondent will follow PDC Interpretation 23-01 and all other applicable laws and rules.

- In response to the allegation the Respondent violated RCW 42.17A.490 by not obtaining written approval from donors to transfer their unused contributions, originally made to the Respondent's State Representative campaign, to the City Council campaign PDC staff obtained written approvals for a sample of those transfers and confirmed the campaign

properly obtained required approvals. There is no evidence that supports a violation in this instance.

- On May 25, 2023, the PDC adopted Interpretation 23-01, which states in part, "...the Commission determined that the use of a candidate's surplus contributions for the same person's campaign for a different office are considered contributions to that new campaign." At the time of this interpretation, case #136626 was in the case review phase. PDC staff requested the Respondent amend their reports and supply the names of the contributors and rather than provide that information the Respondent requested a hearing before the Commission.
- On June 22, 2023, a hearing was held per Chapters 34.05 and 42.17A RCW, and Chapters 390-37 WAC and the matter was heard. On July 27, 2023, the Commission issued a [Final Order](#) dismissing a violation of RCW 42.17A.235 and .240 specific to a campaign in which the election had already concluded and where the reporting of contributor names associated with a lump sum transfer of campaign funds from one campaign to a campaign for a different office occurred.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

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

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

/s/ Electronically signed

Kim Bradford
Deputy Director
For Peter Frey Lavallee
Executive Director

cc: Zack Zappone