



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

July 26, 2023

Sent electronically to Nicolas Dunning at nicolasdunning@gmail.com

Subject: Complaints filed by Glen Morgan, PDC Case 138994

Dear Mr. Dunning:

Below is a copy of an electronic letter sent to Glen Morgan concerning a complaint he filed with the Public Disclosure Commission (PDC) against your campaign on June 21, 2023.

As noted below in the letter to Mr. Morgan, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into this allegation or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal written warning concerning your failure to stay within the contribution limits of \$1,000 in total contributions from an individual per election. Staff expects you to stay within the statutory contribution limits in all future campaigns. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Erick O. Agina, Compliance Officer

s/_____
Peter Frey Lavalley, Executive Director



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July 26, 2023

Sent electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint regarding Nicolas Dunning, PDC Case 138994

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 21, 2023. The complaint alleged that Nicolas Dunning, a 2023 first-time candidate for council member, position 3 in the City of Lacey, may have violated RCW 42.17A.405 for receiving over-limit contributions for a candidate whose name will only be appearing on the general election ballot.

PDC staff reviewed your allegation; the applicable statute(s), rule(s), and reporting requirements; the Monetary Contribution (C-3) and Summary Campaign Contribution and Expenditure (C-4) reports filed by People for Spencer (Committee); the response to the complaint submitted by Nicolas Dunning on behalf of the Campaign; and other relevant information to determine whether the record supports a finding of one or more violations.

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

- On January 7, 2023, Nicolas Dunning filed a Candidate Registration (C-1) report and selected the Full Reporting Option and listed Jaclynn Simmons as Ministerial Treasurer.
- RCW 42.17.405 limits candidates to receiving \$1,000 in contributions from any one individual or per person for each election in which the candidate's name appears on the ballot. The limits have since been the subject of periodic review and revision by rule, as required by statute.
- Only two candidates filed to run for city council member, position 3 in the City of Lacey in 2023, so there was no primary election for this race and Nicolas Dunning's name did not appear on the 2023 primary ballot.
- Accordingly, each candidate was limited to one \$1,000 contribution limit from anyone source during the 2023 election year, which should have been attributed to the general only since there was/is no primary election in 2023. However, in reviewing the C-3 reports filed by the Mr. Dunning's Campaign, the Campaign disclosed receiving \$2,000 in total contributions each from Michael Steadman, Spencer Zeman, Total Nutrition, Spanaway Sports Nutrition and West Coast Fitness of Lacey. The Campaign incorrectly attributed half of the \$2,000 (\$1,000) donations to the 2023 primary election for the contributions received from the contributors/donors noted supra.

- On July 7, 2023, the Campaign filed a C-4 report showing refunds to the five contributors noted above in the amounts of \$1,000 in refunds for each of the five primary contributions at issue in this matter. The Campaign also amended two C-3 reports to reattribute additional primary contributions received from Jessica Wood (\$221) and Mike Reife (\$200) on April 16, 2023 and May 1, 2023, respectively. Both contributions were reattributed to general election contributions on two separate C-3 reports filed on June 27, 2023.
- In its responses to the complaint, received on June 12, 2023, the Campaign, by way of the candidate, Nicolas Dunning, stated: “We have refunded after speaking with staff at PDC. These will be filed in July C4. We have also gone in and amended all other primary donations to show as general donations. I am trying to keep up with the learning curve. There was no nefarious intention involved.”

While our review found that Nicolas Dunning’s Campaign received and deposited overlimit contributions in violation of RCW 42.17A.405, he is a first-time candidate for office. Additionally, Mr. Dunning took responsibility and promptly refunded the overlimit contribution and amended the pertinent C-3 reports as soon as this complaint was brought to his attention.

However, pursuant to WAC 390-37-060(1)(d), Nicolas Dunning will receive a formal warning letter concerning his failure to adhere to the statutory contribution limits delineated in RCW 42.17A.405. The formal written warning will include staff’s expectation that Nicolas Dunning adhere to the statutory contribution limits in all future campaigns. Additionally, Nicolas Dunning will be informed that the Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Accordingly, 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 Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/ _____
Erick O. Agina, Compliance Officer

s/ _____
Peter Frey Lavalley, Executive Director

cc: Nicolas Dunning