



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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May 20, 2019

Delivered electronically to Glen Morgan at [glen@wethegoverned.com](mailto:glen@wethegoverned.com)

Subject: Complaint regarding Timm Ormsby, PDC Case 28127

Dear Mr. Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 29, 2017. Your complaint alleged that Timm Ormsby, a State Representative for the 3<sup>rd</sup> Legislative District, may have violated RCW 42.17A.235 by failing to timely and accurately file C-3 and C-4 reports, including the failure to properly report the purpose of expenditures, as required by RCW 42.17A.240, WAC 390-16-037 and WAC 390-16-205, and RCW 42.17A.240 by failing to timely and accurately report debt.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the C-3 and C-4 reports filed by People for Timm Ormsby (Committee); and the response provided by the Ormsby Campaign.

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

Allegation One: Failure to timely file C-3 and C-4 reports.

- PDC staff reviewed the 11 reports (six C-3 and five C-4 reports) you attached in the spreadsheet. Staff found that three reports were one day late each, four were between two and three days late, while two were filed timely by the Campaign. The remaining two reports were late for 34 days each, accounting for \$1,925 in contributions and \$0.00 in expenditures.
- In his response to this allegation, Timm Ormsby, by way of his counsel Taki Flevaris, stated "The late reports at issue were filed after the deadline due to extenuating circumstances. Items 1, 2, and 5-6 were reports filed in January 2016, shortly after applicable deadlines. At the time, the Treasurer was dealing with the illness of his mother, who passed away in February 2016. This unfortunate circumstance caused and understandable, modest delay."

Allegation Two: Failure to timely and accurately report debt.

- PDC staff reviewed the 12 alleged unreported debts you attached in the spreadsheet. Staff found that three items on your spreadsheet appear to be orders placed or reimbursements made during the same reporting period as the underlying purchases. Staff also noted that four out of the remaining nine items on your attached spreadsheet appear to be payments for regular or recurring services for treasury services and were therefore not required to be reported as debt. For example, the \$2,000 paid to *Kevin Pirch* on November 13, 2016, for treasury services and \$1,375 paid to the *Spokane County Democratic Party Committee* on July 11, 2016, for rent. Two were discretionary payments made to certain campaign volunteers without any prior commitment to pay them, while the remaining three items appear to be debt(s) that should have been reported on earlier C-4 reporting cycles prior to the payments being made. However, you did not provide any evidence to show that any of the expenditure depicted in your spreadsheet, was preceded by a promise to pay in an earlier reporting period.

Allegation Three: Failure to properly report the purpose of expenditures.

- Staff reviewed the description of the payments made to the three vendors you attached in the spreadsheet. Staff found that all three expenditures lacked proper description(s) or additional information as required by law/rule. For example, on April 8, 2016 and December 6, 2016, the Spokane County Democratic Party Committee was paid \$500 and \$1,000 for *Legacy Dinner Advertisement and Print AD*, respectively. The expenditure attributable to each vendor and the number of items printed for the advertisement and print ad were not included. A more detailed description that includes the number of items printed/advertisement placed should have been included in the report by the Campaign.

Staff noted that there were expenditures made by the Campaign either to a vendor or consultant for which a more detailed explanation or description should have been provided. Staff further noted that some of the alleged unreported debts should have been reported on the reports covering the reporting periods immediately before the debts were paid. Additionally, the Campaign's C-3 and C-4 reports were also not filed in a timely manner. However, these shortcomings are mitigated by the fact that the Campaign experienced technical glitches with the PDC campaign software and the fact that the late reports represented a small portion of the Campaign's total reported contributions and expenditures.

Based on these findings staff has determined that, in this instance, Timm Ormsby's failure to timely file nine reports that were between one and 34 days late, including expenditures for debt, and the failure to properly report the purpose of expenditures, does not amount to an actual material violation warranting further investigation.

However, staff is reminding the Campaign about the importance of filing timely and accurate C-3 and C-4 reports disclosing contribution and expenditure activities undertaken by the Campaign, including expenditures for debt, and the importance of properly reporting the purpose of the expenditures, as required by RCW 42.17A.240, WAC 390-16-037 and WAC 390-16-205.

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 Erick Agina at 360-586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdc.wa.gov](mailto:erick.agina@pdc.wa.gov)

Sincerely,

Endorsed by,

s/\_\_\_\_\_  
Erick Agina, Compliance Officer

s/\_\_\_\_\_  
BG Sandahl, Deputy Director  
For Peter Lavalley, Executive Director

cc: Timm Ormsby

