



State of Washington

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17A

Let's Go Washington, (Sponsored by Brian Heywood),
a 2022, 2023, and 2024 Washington State Political
Committee

Respondent

PDC Case 140213

Report of
Investigation

I. Background, Allegations/Complaints, and Committee Registrations

Background

- 1.1 RCW 42.17A.205 concerns political committee and candidate registrations and states “every political committee shall file a statement of organization with the commission ...within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign.” The statement of organization must disclose “the ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition.”
- 1.2 The name of a sponsored committee¹ on the statement of organization “must include the name of the person who is the sponsor of the committee.” The PDC statutes and rules allow a political committee to support or oppose more than one ballot proposition, but the committee must timely and accurately disclose all expenditures made and in-kind contributions received, and the amounts of goods or services attributable to each initiative based on actual costs, as noted in WAC 390-16-037. In addition, any contributions that are

¹ Per RCW 42.17A.005(47), a sponsor includes any person from whom a committee receives eighty percent or more of its contributions.

earmarked by a contributor for a specific ballot proposition must be properly disclosed as such by the Committee.

Additional statutory and regulatory authority is collected at the end of the Report of Investigation.

Allegations/Complaints/Initial Hearing (Case Status Review)

Complaint 1, in Brief (Exhibit 1)

1.3 On July 19, 2023, Abby Lawlor, an attorney with Barnard, Iglitzin, & Lavitt, LLP filed Complaint 1 on behalf of her clients² against Let's Go Washington (Sponsored by Brian Heywood) (the Committee or LGW). The Committee is a continuing committee that currently is supporting multiple ballot propositions. The complaint alleged that the Committee violated:

1. RCW 42.17A.235 and .240 by failing to timely and accurately file Summary Full Campaign Contributions and Expenditures Reports (C-4 reports) disclosing contribution and expenditure activities, including in-kind contribution details for the expenditures made, and which initiatives were supported by said in-kind contributions.
2. RCW 42.17A.435 by concealing the identity of vendors that provided goods and services for expenditures made in the form of in-kind contributions that were received from Brian Heywood.

1.4 On October 11, 2023, the PDC conducted an Initial Hearing (Case Review Status) and opened a formal investigation into the allegations.

Response to Complaint 1, in Brief (Exhibit 2)

1.5 On August 2, 2023, Conner Edwards, then Campaign Treasurer, responded on behalf of LGW, stating, to the extent there were errors in PDC filings, the errors were both unintentional and insignificant. Mr. Edwards said he takes full responsibility for his work and is happy to work with the PDC to amend any filings if the agency determines that amendments are necessary.

Reply to LGW's Response to Complaint 1, in Brief (Exhibit 3)

1.6 On August 24, 2023, Abby Lawlor, on behalf of her clients, replied to the LGW response to Complaint 1. Ms. Lawlor's letter made the following assertions concerning the LGW response:

- 1) The public has an established present interest in disclosure related to efforts to qualify ballot propositions;

² SEIU 775, Civic Ventures, Washington Conservation Action, and Planned Parenthood Alliance Advocates.

- 2) Let's Go Washington cannot avoid disclosure by relying on in-kind contributions;
- 3) Let's Go Washington has failed to adequately report the ballot proposition(s) supported by specific in-kind expenditures;
- 4) Let's Go Washington has failed to adequately report work performed by Research Mom;
- 5) Let's Go Washington has failed to adequately report work performed by TDM Strategies;
- 6) Let's Go Washington has failed to adequately report planned spending; and
- 7) Brian Heywood is sponsoring multiple committees supporting the same ballot propositions, in violation of RCW 42.17A.205(5).

Response to Reply to LGW's Response to Complaint 1, in Brief (Exhibit 4)

- 1.7 On October 10, 2023, Conner Edwards responded to each of the seven points in the complainant's August 24, 2023, letter taking issue with LGW's response to Complaint 1. Mr. Edwards acknowledged that, as the Complainant pointed out, Sharon Hanek is the owner of R.M. Consulting Services. Mr. Edwards said Ms. Hanek let him know her business was "R.M. Consulting Services" which is why he reported it that way. Mr. Edwards said, going forward he was happy to report the business name as "Research Mom Consulting Services" as opposed to "RM Consulting Services" but no amendments of past reports were filed until 2024. For example, the May 2023 C-4 report filed June 9, 2023 included an in-kind contribution from Brian Heywood to LGW by paying \$14,000 for "Initiative Outreach and Distribution Services (RM Consulting)." The report was amended on January 9, 2024, with the description, "Initiative Outreach and Administrative Services (Research Mom Consulting)."

Complaint 2, in Brief (Exhibit 5)

- 1.8 On October 17, 2023, Ms. Lawlor submitted Complaint 2 on behalf of her clients, alleging further violations by the Committee of RCW 42.17A.235 and .240 by:
 - 1) Filing inaccurate and misleading C-4 reports and disclosing \$4 million in in-kind contributions from Mr. Heywood that paid for signature gathering efforts in support of multiple statewide initiatives;
 - 2) Filing inaccurate and misleading C-4 reports for second paid signature gathering contract;
 - 3) Failing to report significant expenditures made to benefit the campaign, including a gas station event and interviews by We the Governed; and
 - 4) Failing to properly report expenditure details, including the name and address of the person to whom an expenditure was made and the amount, date, and purpose of the expenditure.

Response to Complaint 2, in Brief (Exhibit 6)

- 1.9 On November 2, 2023, Dan Brady, an attorney representing LGW, responded to the allegations in Complaint 2 by stating that most of the allegations revolve around issues addressed in the complainant's earlier letters and the Committee's responses. Mr. Brady did, however, address a few of the specific allegations in Complaint 2.
- 1.10 Mr. Brady stated that Brian Heywood, the sponsor of Let's Go Washington, did not guarantee the \$3.6 million contract between Your Choice Petitions and Let's Go Washington to obtain 200,000 signatures for six separate initiatives. He stated there is no such language in the contract. He said Mr. Heywood did not make any commitment to the Committee or to YCP, either through the Committee or directly, to pay for any portion of any such agreement. Mr. Brady noted that Mr. Heywood had every intention of, and did, in fact, solicit additional funding for the signature gathering project.
- 1.11 Mr. Brady stated that the September 13, 2023 "gas station event" jointly directed by Americans for Prosperity and Future 42 was not an in-kind contribution to the Committee. He said the Committee did not plan and was not made aware of the event until a few days before it occurred. Mr. Brady said it was the Committee's understanding that the sponsors of the event would be filing a Grassroots Lobbying Report because it urged attendees to contact their legislators about "Cap and Trade" legislation. Mr. Brady said because one of the organizers may have made some statements in support of I-2117 at the event, the Committee asked for an accounting of the value of any support received so it could be reported on an amended C-4 report. Staff noted that L-6 reports filed by Future 42 list Brian Heywood as a Director. The September 2023 C-4 report that was amended on January 9, 2024, included an in-kind contribution from Future 42 in the amount of \$4,714.27 with a description of "Portion of Jackson's Shell Station Reduced Gas Cost Event Attributable to I-2117."
- 1.12 Mr. Brady said Glen Morgan and his organization, We the Governed, has, for years, published countless media stories about candidates and ballot propositions. He said the Committee did not pay for any of the interviews conducted by Mr. Morgan and the Committee has not received any notification that an in-kind contribution was intended. He said the Committee simply imbedded the interview on its website, as allowed by anyone.

Complaint 3, in Brief (Exhibit 7)

- 1.13 On August 15, 2024, Ms. Lawlor filed Complaint 3, on behalf of Defend Washington against Let's Go Washington (Sponsored by Brian Heywood) alleging that the Committee had violated both the Fair Campaign Practices Act, RCW 42.17A, and the Fair Campaign Practices Code, WAC 390-32-010, immediately after the Commission's July 25, 2024, meeting.
- 1.14 PDC Staff informed the Committee that it did not need to respond to the allegation in Complaint 3 concerning the Fair Campaign Practices Code, Chapter 390-32 WAC, because it is staff's position that the Code was written by the Commission for candidate campaigns, not ballot proposition campaigns. Staff asked the Committee to respond to the allegation that the Committee's July 2024 C-4 report does not include expenditures or in-kind

contributions for the activities described in the complaint. Staff asked the Committee to state whether the expenditures have been or will be reported, and if they will be reported, when they will be reported.

- 1.15 The complaint alleged that the Committee again offered discounted gas to voters to induce them to vote for Let's Go Washington-backed initiatives, which the complainant alleged implicates criminal provisions that are beyond the scope of the Commission's authority and that, in the view of the Complainant, continue to justify referral of this investigation to the Attorney General.

Response to Complaint 3, in Brief (Exhibit 8)

- 1.16 The Committee responded by acknowledging that Let's Go Washington has held events during which the cost of gasoline or the price of a burger has been discounted, but stated it is also true that there is nothing illegal about such events.
- 1.17 The Committee also responded by stating that Let's Go Washington has complied with the requirements set forth in Chapter 42.17A RCW and Title 390 WAC with regard to reporting the expenditures incurred for these events.
- 1.18 The Committee stated that "for the July 29 roll back event, Let's Go Washington has been invoiced a total of \$833.81 for the gas purchased. The invoice remains unpaid, however, because the station's corporate owner requires a specific payment method that is in the process of being arranged by Let's Go Washington. Thus, under WAC 390-16-042, the less than \$1000 invoice was not required to be reported on Let's Go Washington's July C4 report. The expenditure will be reported upon payment, likely for the August C4 reporting period. For the August 17 Enumclaw event, the cost of the burgers amounted to \$200 and will be reported on Let's Go Washington's August C4 as required. The August roll back events have not yet been invoiced, and, of course, neither has the planned August 27 and August 29 events. Those expenditures will be timely reported as required."
- 1.19 The Committee concluded its response by stating that the complaint is without any factual or legal basis and that Let's Go Washington is fully compliant with Washington's campaign finance laws.

LGW's Committee Registrations

Calendar Year 2022

- 1.20 On April 22, 2022, the Committee filed a Committee Registration (C-1pc) initially registering as a single-election committee for the 2023 election. The registration listed Brian Heywood as the Sponsor, Chair, and principal-decision maker, with Conner Edwards as Treasurer. The Committee stated "TBD" on the Registration under the Ballot Propositions category regarding which Initiatives or Referendums are being supported. The committee amended the initial registration to become a continuing committee on July 21, 2023.

- 1.21 From April 16 through May 31, 2022, the Committee filed four amended or updated Committee Registrations, ultimately indicating that the Committee would be supporting Initiatives #1474; #1475; #1480; #1491; #1495; #1502; #1505; #1508; #1509; #1510; and #1512.
- 1.22 None of the 11 initiatives that were supported by the Committee in 2022 received sufficient signatures to qualify for the November 2023 general election ballot.

Calendar Year 2023

- 1.23 Between July 7 through November 28, 2023, the Committee filed four amended or updated Committee Registrations listing Brian Heywood as the Sponsor, Chair, and principal-decision maker, with Conner Edwards as Treasurer, and indicating that the Committee would be supporting Initiatives #2109; #2111; #2113; #2117; #2124; and #2081. The six ballot measures were all filed as initiatives to the Legislature.
- 1.24 The Committee timely filed C-4 reports for calendar year 2023 disclosing the receipt of \$2,867,702.32 in monetary contributions received, \$4,499,000 in monetary and in-kind contribution/loans received from Brian Heywood, and \$7,658,132.70 in expenditures made, inclusive of 2022 carryforward amounts.
- 1.25 The amended Committee Registrations filed with the PDC on November 24 and 28, 2023, disclosed the same information, including supporting all six ballot measures. These documents listed Jason Michaud as the new Ministerial Treasurer, with no "full" Treasurer.
- 1.26 All six ballot measures filed by the Committee as Initiatives to the 2024 Legislature obtained sufficient signatures to qualify for the 2024 Legislative Session and were introduced as legislative matters during the start of the session.

Calendar Year 2024

- 1.27 On May 13, 2024, the Committee filed an updated Committee Registration for calendar year 2024 listing Brian Heywood as the Sponsor, Chair, and principal-decision maker, Jason Michaud as Ministerial Treasurer, and no "full" Treasurer.
- 1.28 The Registration indicated the Committee would be supporting Initiative #2066 in an attempt to qualify the measure for the November 2024 general election ballot. The Registration further indicated that the Committee would continue to support the six legislative initiatives that received sufficient signatures in 2023.
- 1.29 The Committee timely filed C-4 reports for January 1 through June 30, 2024, disclosing the receipt of \$3,868,676.22 in monetary and in-kind contributions received that included \$15,755 in Committee surplus funds carried forward, \$2,933,329.95 in expenditures made, a \$935,346.27 cash on hand balance, and \$4,863,601.70 in outstanding loans owed to Brian Heywood, as well as orders placed, debts, and obligations.

- 1.30 Initiative #2066 received sufficient signatures by the July 2024 deadline and will be appearing on the November 5, 2024, general election ballot.

II. Investigative Findings

- 2.1 Three of the six initiatives to the legislature, as noted below, were accepted by the legislature and became law in 2024:

1. Initiative 2081 (Jim Walsh) Filed 4/19/23; Washington Parents' Bill of Rights
2. Initiative 2111 (Jim Walsh) Filed 5/19/23; No taxes Based on Personal Income
3. Initiative 2113 (Jim Walsh) Filed 5/25/23; Restore Police Pursuit; and

The remaining three initiatives to the legislature, as noted below, were not accepted by the legislature and will appear on the November 5, 2024, general election ballot:

4. Initiative 2109 (Jim Walsh) Filed 5/17/23; Repeal the State Capital Gains Tax
5. Initiative 2117 (Jim Walsh) Filed 5/30/23; Repeal the Cap and Trade Tax
6. Initiative 2124 (Jim Walsh) Filed 6/13/23; Long Term Care Opt Out Option

2023 Committee Reporting

- 2.2 All six initiatives were run out of and through one political committee. The 2023 initiative effort was almost entirely funded by Brian Heywood, who was the sponsor of the Committee as well as the Chair and principal decision-maker.
- 2.3 From April 1, 2022, through March 31, 2024, the Committee timely filed 24 initial C-4 reports disclosing contribution and expenditure information undertaken by the Committee to support multiple initiatives in calendar years 2022 and 2023. The Committee reports filed for calendar year 2023 disclosed the receipt of \$2,867,702.32 in monetary contributions received, \$4,499,000 in monetary and in-kind contribution/loans from Brian Heywood, and \$7,658,132.70 in expenditures made.
- 2.4 The first monetary contribution that was not a loan or in-kind contribution from Mr. Heywood was a \$50,000 monetary contribution received on August 24, 2023, from the Puget Sound Chapter of the National Electrical Contractors Association PAC. Contributions received from a source other than Mr. Heywood totaled \$1,130,097 and represented slightly more than 15% of all contributions received.

Calendar Year 2023 Expenditures

- 2.5 The \$7,658,132.70 in total Committee expenditures made in CY 2023 included the following vendors:

Your Choice Petitions, LLC

- 2.6 On August 29, 2023, Let's Go Washington entered into a Professional Services Agreement with Your Choice Petitions (YCP). **(Exhibit 9)** The agreement called for YCP to collect up to 200,000 signatures for each of the six initiatives supported by LGW, with compensation paid at the rate of \$3.00 per signature. The agreement resulted in a \$3,600,000 Order Placed that was reported as an obligation on the Committee's initial August 2023 C-4 report, timely filed on September 11, 2023.
- 2.7 The report did not attribute a specific amount of the obligation to any of the six initiatives being supported by LGW. The Professional Services Agreement was executed between LGW and YCP. It required LGW to pay YCP a non-refundable \$400,000 deposit on August 29, 2023, for the sole purpose of executing the services covered by the agreement. The agreement required the \$400,000 deposit to be applied to the last 22,000 signatures collected for each of the six initiatives. Brain Heywood paid the \$400,000 deposit on August 29, 2023. The initial August C-4 report reported the \$400,000 payment as an in-kind contribution from Mr. Heywood but did not attribute a specific amount to any of the six initiatives supported by LGW.
- 2.8 On January 9, 2024, LGW filed an amended August 2023 C-4 report disclosing the same \$3,600,000 Order Placed, attributing \$600,000 to each of the six initiatives, for signature gathering work. The January 9, 2024, amended August 2023 C-4 report also disclosed the \$400,000 in-kind contribution/expenditure from Mr. Heywood, attributing \$66,666.66 to each of the six initiatives supported by LGW.
- 2.9 Staff questioned whether the amounts of \$600,000 for the order placed and \$66,666 for the in-kind contribution were accurate allocations to each of the six initiatives, which is what led to staff requesting the Committee's books of account concerning the YCP's signature gathering effort.
- 2.10 The only books of account initially provided to PDC Staff to verify the accuracy of the \$3,600,000 order placed, which represented almost 50 percent of all Committee expenditures and orders placed for calendar year 2023, was a heavily redacted copy of the Professional Services Agreement between LGW and YCP. Campaign records requested by PDC Staff must be provided when requested, pursuant to WAC 390-16-043(9).
- 2.11 On July 19, 2024, the Committee's attorney, Dan Brady, responded by email to staff's further inquiry by providing a narrative summary of the number of signatures collected by YCP during 2023.³ The email indicated that YCP collected the following number of signatures for the six initiatives:
- (1) I-2081, 217,455 signatures collected;
 - (2) I-2124, 217,062 signatures collected;
 - (3) I-2109, 225,653 signatures collected;
 - (4) I-2111, 257,486 signatures collected;
 - (5) I-2113, 240,192 signatures collected; and

³ In an apparent typographical error, the email refers to signatures gathered by TDM, although the amounts align with, and were presented in the context of, the YCP expenditures.

(6) I-2117, 296,074 signatures collected.

2.12 This breakdown, however, included the following disclaimers:

- “PLEASE NOTE: These numbers are estimates only and were determined after payment was remitted to YCP and only after all petitions were scanned by the committee.”
- “As with TDM, these numbers are as accurate as the Committee can determine.”

2.13 Other than the redacted Terms of Agreement, and despite repeated requests by PDC Staff, as of the July 25, 2024, Commission meeting, no documents, invoices or books of accounts had been provided to verify the information provided in the amended August 2023 C-4 report.

TDM Strategies, LLC

2.14 Staff reviewed the Initial Report filed by TDM Strategies, LLC (TDM) with the Washington Secretary of State Corporations Division, which listed TDM’s nature of business as “Administration & Business Support Services.” The principals or governors of TDM, LLC were listed as Brian Heywood and Sharon Hanek.

2.15 The Committee disclosed 37 expenditures to TDM between June 30 and December 31, 2023, totaling \$565,803.35, and listed the descriptions in support of all six initiatives for those expenditures as, variously: “Voter signature/petition gathering costs”; “Signature Gathering Supporting”; or “Signature Gathering for Sponsored Initiatives.”

2.16 In the Committee’s responses to PDC requests for additional information, Mr. Brady stated that TDM is a private company and indicated that PDC Staff should be talking with TDM about the services being provided and not the Committee. Staff responded that the Committee hired or contracted with TDM as a vendor — one which lists the Committee Chair, sponsor, and principal decision-maker (Brian Heywood) as a Governor, and whose other Governor, Ms. Hanek, was coordinating the Committee’s volunteer signature gathering efforts and billing the committee for her services — and the Committee thereby incurred its own disclosure obligations.

2.17 Staff made three separate requests for the Committee’s books of accounts concerning the 37 separate expenditures or in-kind contributions made to TDM during calendar year 2023.

2.18 The only information provided by the Committee was in a narrative format stating that TDM was hired by the Committee on “an hourly basis to gather signatures for all six initiatives. TDM was not paid per signature....and the Committee believes TDM used employees for all work.”

2.19 Despite PDC Staff requests, no documents, invoices or books of accounts were provided by the Committee to verify or confirm the cursory information disclosed as of July 25, 2024, concerning the 37 separate expenditures or in-kind contributions made to TDM during calendar year 2023.

Amended Committee C-4 reports:

- 2.20 Beginning in September 2023, PDC Staff engaged in ongoing communication with the Committee, indicating a need to amend its filings. Since the Committee elected to file one Committee Registration to support all six ballot measures, PDC Staff requested that the Committee disclose in-kind contributions and expenditures based on the actual costs incurred for each ballot measure as required by Chapter 42.17A RCW.
- 2.21 From staff's initial request made to the Committee on September 13, 2023, until the first amended C-4 reports were filed on January 9, 2024, 118 calendar days had elapsed. The expenditure and in-kind contribution information for the amounts of each activity attributable to each initiative was not disclosed to the public until the signatures had already been collected, the signatures were verified and confirmed by the Secretary of State, and the six ballot measures were introduced as 2024 legislation.
- 2.22 The Committee eventually filed the following amended C-4 reports:
1. On January 9, 2024, after several staff requests, the Committee filed 11 amended C-4 reports covering the period February 1, through December 31, 2023, disclosing largely the same contribution and expenditure amounts as listed on the initial C-4 reports, but the amended C-4 reports provided the specific dollar amounts attributable to each of the six initiatives supported by the Committee for the in-kind contributions received and expenditures made. The expenditure and in-kind contribution information disclosed for Mr. Heywood on the amended C-4 reports was attributed equally to each of the six initiatives throughout the calendar year. The amended C-4 reports were filed between 30 and 305 days late.
 2. On January 18, 2024, the Committee filed two amended C-4 reports covering the period November 1, through December 31, 2023, disclosing largely the same contributions and expenditures as listed on the initial C-4 reports, but providing the specific dollar amounts attributed equally to each of the six initiatives supported by the Committee for the in-kind contributions received and expenditures made. The amended C-4 reports were filed 8 days late, and 39 days late, respectively.
 3. On February 13, 2024, the Committee filed 9 amended C-4 reports covering the period March 28, 2022, through December 31, 2022, disclosing largely the same contributions and expenditures as listed on the initial C-4 reports, but providing the specific dollar amounts attributed equally to each of the initiatives supported by the Committee in calendar year 2022 for the in-kind contributions received and expenditures made. The amended C-4 reports were filed between 400 and 675 days late.
- 2.23 PDC Staff routinely requests both candidates and political committees, including ballot measure committees and political party committees, to file amended C-3 and C-4 reports disclosing a variety of monetary and in-kind contributions, loans, expenditures, orders-placed, debts and obligations.

- 2.24 Staff made at least four separate requests to the Committee since April 2024 for its documents and books of account, specifically requesting information relating to Committee vendors TDM Strategies, LLC and Your Choice Petitions, LLC. However, the only documentation provided as of July 25, 2024, was a heavily redacted Professional Services Agreement between LGW and Your Choice Petitions and three narrative responses providing limited information concerning the scope of the work performed. As of July 25, 2024, the Committee failed to provide requested books of account to verify the expenditures and in-kind contributions made by Mr. Heywood and the Committee, and the amounts of those activities attributable to each initiative.
- 2.25 As of July 25, 2024, staff were concerned, based on the Committee's responses as of July 25, 2024, that the Committee had either: 1) refused to provide its books of accounts; or 2) failed to maintain the books of account, as required by PDC statutes and rules. About this concern, Mr. Brady stated the following in his June 26, 2024 email response to the PDC:

"YCP was paid a per signature fee regardless of which initiative petition was signed. Because the collection and processing of signature and petitions was extremely urgent and time consuming, the Committee paid YCP up front and in weekly installments based on verbal representations by YCP of the number of signatures collected. Concurrently, with YCP's work, the Committee would receive petitions from volunteers and other sources along with YCP-source petitions. These petitions were co-mingled making an exact attribution of any given signature to any source impossible."

Subpoena Duces Tecum Issued for the Committee's Records

- 2.26 On July 26, 2024, PDC staff issued a Subpoena Duces Tecum for the Committee's records. On August 2, 2024, the Committee produced Volume 1, consisting of copies of Let's Go Washington's paper and non-email electronic record, "books of account."
- 2.27 On August 9, 2024, after requesting and receiving a one-week extension, the Committee produced Volume 2, consisting of copies of the email records supporting Let's Go Washington's "books of account."
- 2.28 On August 12, 2024, a replacement file for Volume 1 was produced.
- 2.29 The production included over 6,000 items consisting of over 9,000 pages and approximately 200 native format files.

Reporting of Payments to Subvendors/Contractors

- 2.30 The Committee resisted reporting payments by vendors to subvendors. On October 10, 2023, Conner Edwards, the Committee's then treasurer, sent an email, in response to PDC Staff's email to Mr. Brady, that included 12 questions to staff, all concerning filing the Committee's amended C-4 reports to bring the reports into compliance. (**Exhibit 10**). The 12 questions included various inquiries into the legal basis for certain reporting requirement and technical issues on how to report expenditure details, including:

- “What is the basis of your request that we break out the in-kind contributions by initiative”, and “the basis of your request that we provide the sub-vendor breakdown for in-kind contributions?”
- “What is our obligation as a committee to seek out information about sub-vendors, and if we receive a receipt or invoice that does not indicate that a sub-vendor was used, are we obligated to request this information from every vendor for every purpose?”
- “If the vendor does not provide this information in response to our requests, how should we handle this? When breaking out sub-vendor information about in-kind contributions and expenditures, to what degree do you expect us to disclose granular detail?”
- “What format would you like us to use to disclose sub-vendor information about in-kind contributions? Over what time period do you want us to amend our reports to include the level of detail you are seeking? When breaking out in-kind contributions by sub-vendors, are you also requesting that we include the address of the vendors and/or sub-vendors? If so, is it OK to simply include the city and state where the vendor/sub-vendor is located or are you requesting that we disclose the full address?”
- “For expenditures and in-kinds (and debts I assume?) how would you like us to disclose the per-initiative cost associated with a particular item? Why does the agency’s guidance not match up with what you are requesting us to disclose, particularly as it relates to breaking down sub-vendors for in-kind contributions?”
- “What is the date that you are requesting the committee make these changes by? If we make the changes you’ve proposed, will the agency dismiss the complaint or will the agency request that we make additional changes?”

- 2.31 On October 26, 2023, PDC Staff responded to Mr. Edwards’ email, addressing many of Mr. Edwards’ questions, but prefacing the correspondence with the statement: “This is a PDC investigation concerning a complaint filed against Let’s Go Washington (Sponsored by Brian Heywood), and not a question-and-answer session with Filer Assistance or related to any stakeholder work. PDC Staff will not be responding to every question, point by point, that you submitted. Staff understands you are asking these questions to seek guidance for bringing the committee into compliance with the law, and the answers provided here are offered as what staff believes would achieve that purpose. Of course, the committee may seek its own counsel on the law.” (**Exhibit 11**)
- 2.32 On November 6, 2023, Mr. Edwards sent an email response to the PDC in response to an October 26th email from PDC Staff. Mr. Edwards stated that he wanted “to reiterate that the amendments that you appear to be proposing would be an extremely time-consuming proposition for the committee to attempt to accomplish. Additionally, they don’t appear to be required by any law or rule. These changes are not something that could just happen overnight. I am unable to provide an exact estimate on the amount of time it would take to

make these changes because your answers contain quite a bit of ambiguity with respect to exactly what you are asking us to do..." (**Exhibit 12**)

2.33 Mr. Edwards stated, "This effort is a unique challenge for all of us." He said the Committee is transitioning into a more "traditional funding model" for a ballot measure committee by receiving contributions from other contributors and making expenditures out of the Committee bank account, which "will make future reporting much more straightforward." Mr. Edwards added that this was the first time he had heard the "PDC position that in-kind contributions are required to be broken down by sub vendor." Mr. Edwards then:

- questioned how the Committee was supposed to determine if vendor invoices included the required sub-vendor information, and hypothetically asked if the invoice was "missing sub-vendor what is the Committee's responsibility?"
- once again requested staff to clarify what was meant by asking the Committee to disclose the "pro-rata amount if the in-kind/expenditure is attributable equally to all six initiatives" and asked staff to provide an example of how to report.
- stated, "it appears PDC Staff is requesting the Committee to make changes that go beyond the requirements of the law" and stated the Committee would actively consider the most appropriate way to cooperate and respond, stating, "staff needs to understand how much time and effort it will take to comply with your supplemental requests. I think that the current lack of specificity makes it difficult for us to gauge this."

2.34 On November 15, 2023, Kim Bradford, PDC Deputy Director, sent an email on behalf of PDC Staff to Mr. Edwards replying to his earlier email. Ms. Bradford stated that staff had provided the Committee with guidance in amending the C-4 reports to complete the filing requirements for a ballot measure committee, and as noted in the prior communications to Mr. Edwards, staff does not intend to "engage in a general discussion about the law." Ms. Bradford added that the Committee was represented by legal counsel and said Mr. Edwards's latest email mostly includes his thoughts and rebuttal to the guidance from staff that the Committee had requested. (**Exhibit 13**)

2.35 Ms. Bradford provided additional information about two of Mr. Edwards's questions: (1) concerning the pro-rata amount of each expenditure being attributable equally to all six initiatives, she stated that hypothetically if the pro-rata amounts were spent on just two initiatives, the expenditure amounts would be divided proportionally among those two initiatives. She also expanded on two earlier examples provided by staff; and (2) concerning whether the Committee could report expenditures by submitting a PDF attachment to the report, she advised that the Committee should have amended the reports "to include the amounts attributed to each initiative so that the public has ready access to the expenditure totals via electronic reporting, as the law requires."

Agreements/Contracts with Signature Gathering Firms

Your Choice Petitions (Brent Johnson)

- 2.36 On August 29, 2023, Let's Go Washington entered into a Professional Services Agreement with Your Choice Petitions. **(Exhibit 9)** The agreement included a section about "Assignment and Subcontractors" but did not instruct YCP to track and report to LGW the amounts paid to subcontractors.

Allstate Petition Management (Roy Ruffino)

- 2.37 On October 10, 2023, LGW entered into a Professional Services Agreement with Allstate Petition Management APM), a signature gathering firm operated by Roy Ruffino. **(Exhibit 14)**
- 2.38 The agreement called for APM to obtain up to 125,000 signatures for each of LGW's six initiatives, between October 3, 2023, and December 18, 2023, at a rate of \$2.00 per signature. The agreement included a section about "Assignment and Subcontractors" but did not instruct APM to track and report to LGW the amounts paid to subcontractors.
- 2.39 On January 17, 2024, Kelly Palmer, of LGW, sent an email to Roy Ruffino, asking whether APM had paid any subcontractors while obtaining signatures for LGW. The email provided the legal requirement of LGW to report subcontractor payments, including the following language:

"As you are aware, under Washington State Public Disclosure Law, RCW 42.17A.235, all political campaigns, PACs, and political committees of any kind are required to disclose to the public all expenditures made during the course of the year including the name and address of any and every vendor or payee, purpose of payment, as well as additional details, such as number of items purchased (as applicable) and the date of payment or obligation. As a ballot measure campaign committee, Let's Go Washington (LGW) is required to comply with this law. In addition, the law requires that any subvendors or subcontractors used by any vendors of payees of LGW also be disclosed to the public.

"For example, if LGW creates a mail piece to be sent to voters, LGW might hire a firm to design, print and process/mail the piece. LGW is required to disclose the firm name and address and that the purpose of the expenditure was a mail piece along with the number of pieces sent. If the firm hired to send this mailer does its own design and printing and processing/mailing in-house, that will all be disclosed as being just from that firm. However, if the firm hires another firm or firms to do the design work, the printing, and the processing/mailing, then each firm must be disclosed including the payment made to the firm by the original vendor or contractor to complete the work done for LGW.

"Because your firm is a vendor and payee of LGW, I am writing you to find out if any subvendors or subcontractors were used by your firm during the course of your providing goods and/or services to LGW. If you did not use any subvendors or subcontractors, please reply to this email indicating such. If you did use other subvendors or subcontractors in the course of your work, for LGW, please provide the names, addresses, amount of any payments, and information regarding what kind of work was done and for what project or invoice billed to LGW. Time is of the essence, and your prompt reply is appreciated. Thank you, Kelly Palmer" **(Exhibit 15)**

- 2.40 Roy Ruffino responded on behalf of APM by stating, “Kelly, What you are asking for is proprietary information and is outside the realm of reason to disclose to you who Allstate Petition Management, LLC may or may not have used for any services, including but not limited to postage, rental cars, lodging, etc.”
- 2.41 No evidence was found that LGW followed up or took legal action against APM to obtain the requested information.
- 2.42 **Collective Voice Solutions, Inc.**
- 2.43 On May 10, 2024, LGW entered into a Services Agreement with Collective Voice Solutions to circulate and gather up to 425,000 completed petitions for statewide ballot measure I-2066 through July 5, 2024. The fee structure increased as the number of completed petitions increased. (**Exhibit 16**)
- 2.44 The Services Agreement included a section on Assignment and Subcontractors and a subsection on Subcontractor Disclosure, that stated explicitly what was required. It stated:
- “Vendor agrees to disclose to LGW any subcontractors used for any services provided to LGW by the vendor. Any such work completed by any subcontractors will be disclosed on every invoice referenced in Section 5 and will include the following:
- a) The name and address of the subcontractor
 - b) The nature of service(s) provided; and
 - c) Total cost of the service(s)”

Examples of Initial and Amended C-4 reports filed by Let's Go Washington

September 2023 C-4 report:

- 2.45 On October 10, 2023, the Committee timely filed the September 2023 C-4 report disclosing \$2,458,940.00 in monetary contributions received, \$262 in in-kind contributions and expenditures received/made, and \$3,698,511.60 in total expenditures made. The expenditures provided no details concerning the amounts attributable to each initiative and included the following: (1) a \$427,641.00 debt payment to YCP for signature gathering costs; (2) a \$900,000.00 debt payment to YCP for signature gathering costs; (3) and a \$1,053,366.00 debt payment to YCP for signature gathering costs. The report did not include an in-kind contribution from Future 42 for a portion of Jackson's Shell Station Reduced Gas Cost Event held September 13, 2023.
- 2.46 On November 10, 2023, the Committee filed an amended September 2023 C-4 report disclosing the same contributions and expenditures but adding an in-kind contribution from Future 42 for a portion of Jackson's Shell Station Reduced Gas Cost Event held September 13, 2023. The reported in-kind contribution totaled \$4,714.27 and was reported 30 days late.

- 2.47 On January 9, 2024, the Committee amended the November 10, 2023 amendment of the September 2023 C-4 Report, but attributing the amounts equally to each of the six initiatives submitted to the legislature in 2023. The amended September 2023 C-4 report was filed 90 days late.

October 2023 C-4 report:

- 2.48 On November 10, 2023, the Committee timely filed the October 2023 C-4 report disclosing \$2,240,380 in monetary contributions received, \$262 in in-kind contributions and expenditures received/made, and \$2,180,889.87 in total expenditures made. The expenditures provided no details concerning the amounts attributable to each initiative and included the following: (1) a \$920,000 expenditure made to Your Choice Petitions, LLC, on October 2, 2023, for "Debt payments"; (2) six expenditures to made to Allstate Petition Management, LLC totaling \$839,724 for "Voter signature and petition gathering costs"; (3) four expenditures made to TDM Strategies totaling \$236,502 for "Voter signature and petition gathering costs" and "Debt Payment."
- 2.49 On January 9, 2024, the Committee filed an amended October 2023 C-4 report disclosing the same contributions and expenditures but attributing the amounts equally to each of the six initiatives submitted to the legislature in 2023. The amended October 2023 C-4 report was filed 60 days late.

November 2023 C-4 report:

- 2.50 On December 11, 2023, the Committee timely filed the November 2023 C-4 report disclosing \$708,675 in monetary contributions received, \$2,787 for in-kind contributions and expenditures received/made, and \$775,767 in total expenditures made. The Committee expenditures provided the amounts attributable to each initiative.
- 2.51 On January 18, 2024, the Committee amended the original November C-4 report, disclosing \$708,675 in monetary contributions received, \$4,062 for in-kind contributions and expenditures received/made, and \$806,042 in total expenditures made. In the amended C-4 report, monetary contributions received did not change; in-kind contributions/expenditures increased by \$1,275; and monetary expenditures increased by \$30,275. The amended report was filed 38 days late. Additional in-kind contributions totaling \$1,275 were reported as received from Future 42 for the cost of emails and social media posts supporting I-2117. An additional monetary expenditure totaling \$30,275 was reported as paid to The Mead Smith Group for fundraising events and related costs.

III. Scope

- 3.1 PDC Staff reviewed the following:

- Three complaints filed by Abby Lawlor on behalf of clients: SEIU 775, Civic Ventures, Washington Conservation Action, and Planned Parenthood Alliance Advocates concerning activities and reporting of Let's Go Washington (Sponsored by Brian Heywood).

- Results of queries of the PDC contribution and expenditure databases for Let's Go Washington (Sponsored by Brian Heywood) Committee for 2022 and 2023.
- Initial and amended C-3 and C-4 reports filed by the Let's Go Washington (Sponsored by Brian Heywood) Committee.

3.2 During the investigation, PDC Staff sent or exchanged numerous emails with the Committee, Mr. Brady, and Mr. Edwards, and some of the email correspondence included the following:

- **July 27, 2023:** The complaint and exhibits are sent by email to the Committee and Mr. Edwards as Treasurer was cc'd.
- **August 2, 2023:** The committee replies to the email and provides the initial response to the complaint. (PDC Staff confirms receipt of the response as requested by Mr. Edwards.
- **August 7, 2023:** The Committee and Mr. Edwards requests PDC Staff meet with the Committee team (Mr. Edwards, Sharon Hanek, Kelly Palmer, and Brian Heywood) via Zoom/Teams in the next week "to discuss this case and reporting issues going forward."
- **August 8-9, 2023:** PDC Staff and the Committee exchange emails, and Mr. Edwards proposes and states "this situation is rather complex, I'm going to try to work with our group to put together a written summary of the intended organizational structure here moving forward and send it to you at least a few days in advance of the meeting so that we can all be on the same page with how the PDC wants everything reported."
- **August 24, 2023:** PDC Staff receives an email from Ms. Lawlor with an attached letter received "on behalf of Heather Weiner responding to Let's Go Washington's reply to our complaint."
- **August 24, 2023:** PDC Staff sends an email to the Committee following up a sending the proposed written summary from them and informing Mr. Edwards that Ms. Lawlor had submitted a response in rebuttal to the Committees initial response.
- **August 28, 2023:** The Committee and Mr. Edwards respond stating that the Committee has hired legal counsel to advise them on this matter, so a meeting is not necessary.
- **August 31, 2023:** The Committee and Mr. Edwards respond stating that Dan Brady has been hired as legal counsel.
- **September 11, 2023:** PDC Staff sends an email to the Committee, Mr. Brady, and Mr. Edwards about conducting a telephone call on September 12 or 13, 2023, to discuss this matter.

- **September 13, 2023:** PDC Staff has a telephone conference call with Mr. Brady, discussing the complaint and during the call, staff requests that the Committee file amended C-4 reports disclosing the amount of each in-kind contribution from Mr. Heywood attributable to each initiative.
- **September 19-22, 2023:** PDC Staff exchanges emails with Mr. Brady concerning setting up a follow-up telephone call to discuss staff's request that the Committee file amended C-4 reports. Mr. Brady stated in a September 20, 2023, email that the Committee will be "supporting all the measures, and that Taxpayers Accountability Alliance and Safer Streets for All (both sponsored by Brian Heywood) will be closed within a few days", and that his "understanding was those other two committees did little or no work for the measures, but that will be clarified as well."
- **September 27, 2023:** PDC Staff has a telephone conference call with Mr. Brady in which we discussed the complainant's rebuttal to the Committee's initial response, and the need for the Committee to file amended C-4 reports disclosing the amount of each in-kind contribution from Mr. Heywood attributable to each initiative.
- **October 3, 2023:** PDC Staff sends an email to the Mr. Brady as a follow-up to the telephone call concerning the Committee filing amended C-4 reports disclosing the amounts attributable to each of the initiatives for the in-kind contributions received from Brian Heywood. The email indicated that staff expects the Committee to amend the C-4 reports to provide additional information for the following activities: printing of petitions; signature gathering efforts; political advertising in support of the initiative efforts; consulting, outreach, and distribution services; ballot modeling and model targeting; surveys; and other similar services for non-Committee overhead related activities. In addition, staff added that his response to the supplemental complaint, if one is provided, was due no later than October 10, 2023.
- **October 4, 2023:** PDC Staff sends an email to the Mr. Brady informing him that an Initial Hearing had been scheduled for October 11, 2023, at 11:00 am, and attaching PDF copies of the Initial Hearing Notice and PDC Enforcement Guide.
- **October 10, 2023:** PDC Staff receives the Committee's response to the supplemental complaint filed by Ms. Lawlor attached to an email sent by Mr. Edwards, and he adds, "I will follow up with my questions in a separate e-mail."
- **October 10, 2023:** In response to PDC Staff's October 3 email to Mr. Brady, Mr. Edwards submits 12 questions in an email addressed to staff, all concerning filing the Committee's amended C-4 reports to bring the reports into compliance.
- **October 11, 2023:** An Initial Hearing was conducted on October 11, 2023, remotely via Teams, in which both Mr. Brady and Mr. Edwards participated, and staff attached the Brief Hearing Results to an email.

- **October 26, 2023 – November 15, 2023**, PDC Staff exchanged several additional rounds of correspondence with the Committee (Mr. Edwards and Mr. Brady) concerning staff's requests for documentation.
- **November 28, 2023**: Mr. Brady notifies PDC Staff that Mr. Edwards has resigned, and that the Committee has retained a new treasurer, Jason Michaud. Mr. Brady said that the Committee intends to amend its reports to address staff's concerns.
- **January 9, 2024 – February 13, 2024**: The Committee makes amendments of C-4 reports for the periods of March 2022 to December 2023.
- **April 18, 2024**: After reviewing the information provided in the amended reports, PDC staff sends questions and requests for documentation regarding the Committee's contributions and expenditures. (**Exhibit 17**)
- **May 2, 2024**: Mr. Brady responded to PDC Staff's email.
- **May 16, 2024**: PDC Staff requested the Committee's books of account.
- **May 2024 to July 2024**: PDC Staff made additional requests for information, and the Committee provided some information in response.
- **July 17, 2024**: The PDC received a request from the Complainants to refer the case to the Attorney General for investigation, which prompted the July 25, 2024, report to the Commission.
- **July 25, 2024**: Executive Summary and Report given to Commission.
- **July 26, 2024**: PDC Staff issued a Subpoena Duces Tecum for the Committee's records.
- **August 2, 2024**: Volume 1 of records received.
- **August 9, 2024**: Volume 2 of records received.
- **August 12, 2024**: Replacement for portion of Volume 1 records received.

Respectfully submitted this 9th day of September 2024,

Electronically Signed Phil Stutzman, Compliance Officer

Kurt Young, Compliance Officer (Retired) provide the early investigative work for this case.

Exhibits

Exhibit 1 Complaint 1, filed July 19, 2023

Exhibit 2 Response to Complaint 1, Received August 2, 2023

- Exhibit 3** Reply to Response to Complaint 1, Received August 24, 2023
- Exhibit 4** Response to 8/24/23 Letter, Received October 10, 2023
- Exhibit 5** Complaint 2, filed October 17, 2023
- Exhibit 6** Response to Complaint 2, Received November 2, 2023
- Exhibit 7** Complaint 3, filed August 15, 2024
- Exhibit 8** Response to Complaint 3, Received August 26, 2024
- Exhibit 9** Your Choice Petitions Professional Services Agreement
- Exhibit 10** Edwards Email, October 10, 2023
- Exhibit 11** Young Email, October 26, 2023
- Exhibit 12** Edwards Email, November 6, 2023
- Exhibit 13** Bradford Email, November 15, 2023
- Exhibit 14** Allstate Petition Management Professional Services Agreement
- Exhibit 15** Allstate Petition Management Refusal to Provide SubVendor Information
- Exhibit 16** Collective Voice Solutions Professional Services Agreement
- Exhibit 17** Young Email, April 18, 2024

Applicable Statutes, Rules, and Interpretations

RCW 42.17A.235 requires all political and ballot measure committees under the Full Reporting option to timely file Summary Full Campaign Contributions and Expenditure reports (C-4 reports), and Monetary Contributions reports (C-3 reports).

RCW 42.17A.240 requires political and ballot measure committees to disclose: “(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each Certified on 9/1/2023 RCW 42.17A.240 Page 1 person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument; (4) All other contributions not otherwise listed or exempted.”

RCW 42.17A. 225 requires, in part: “(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures”; and “(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.”

RCW 42.17A.005(22) defines “Expenditure” to include “a payment, contribution, subscription, distribution, *loan*, advance, deposit, or gift of money or anything of value, and *includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure*” (emphasis added). “Expenditure” “also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made.”

WAC 390-16-207 concerns the reporting of in-kind contributions (1) An in-kind contribution must be reported on the C-4 report. An in-kind contribution, as that term is used in the act and these rules, occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17A.005 or WAC 390-17-405. An in-kind contribution includes an expenditure that: *“Supports or opposes a candidate or a ballot measure.”* (Emphasis added.)

WAC 390-16-037 Defines the purpose of campaign expenditures and how to report, states in part: “(1) Any person required to report the ‘purpose’ of an expenditure under RCW 42.17A.240(6), or 42.17A.255 (5)(b), *must identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17A.205 (2)(f) and (g); (2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.*” (Emphasis added.)

WAC 390-16-205 states, in part:

“(1) Expenditures made on behalf of a candidate or political committee by any person, agency, consultant, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with WAC [390-16-037](#), such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

“(2) If any person, agency, consultant, firm, organization, etc., employed or retained by the candidate or political committee, subcontracts or otherwise has an agreement with a subvendor or other third party to provide or perform services, the expenditures paid to that subvendor or other third party must also be disclosed.

“(3) Fees paid to consultants or other agents must be disclosed by candidates or political committees as an expenditure. In addition, when subvendors are used, the candidate or political committee must disclose any portion of the expenditure retained by the consultant or other agent.”

WAC 390-16-043(9), entitled “Candidates and political committees—Public inspection of books of account,” states: “The records required by this section must be available for audit or examination by the PDC at any time upon request from the PDC.”

WAC 390-16-043(6) dictates that such books of account “include the following: A ledger, spreadsheet, or similar listing of contributions, expenditures, loans, debts and obligations to substantiate the information disclosed on the PDC campaign finance reports. The books of account must include the underlying source documents such as receipts, invoices, copies of contribution checks, copies of canceled checks for expenditures, digital transactions, notes, or other documentation concerning expenditures, orders placed, and loans.”

Respondent Name
Let's Go Washington (Sponsored by Brian Heywood)
Complainant Name
Abby Lawlor
Complaint Description
Abby Lawlor reported via the portal <i>(Wed, 19 Jul 2023 at 3:46 PM)</i> Please see attached letter setting forth our complaint.
What impact does the alleged violation(s) have on the public?
List of attached evidence or contact information where evidence may be found
List of potential witnesses
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

July 19, 2023

Peter Frey Lavalley, Executive Director
Public Disclosure Commission
P. O. Box 40908
Olympia, WA 98504-090

RE: Complaint re: violations of RCW 42.17A by Let's Go Washington
BIL File No. 3263-331

Dear Executive Director Lavalley:

We are writing on behalf of Heather Weiner to call your attention to apparent violations of the Fair Campaign Practices Act by political committee Let's Go Washington (Sponsored by Brian Heywood). If true, these violations undermine transparency in Washington State elections. This letter contains the evidence we believe supports a finding of multiple violations with significant impacts on the public. We ask that the PDC investigate this matter and take swift and appropriate action.

Let's Go Washington (Sponsored by Brian Heywood) (hereinafter "Let's Go WA" or "the Committee") is a registered political committee in Washington State.¹ The Committee first filed a statement of organization with the PDC on April 14, 2022.² According to its most recently amended C-1pc, Let's Go WA currently supports the following 2023 statewide ballot propositions: I-2113, I-2117, I-2124, I-2109, I-2111, and I-2081.³ The Committee's contributions and expenditures consist almost entirely of in-kind donations of expenditures by its sponsor and chair Brian Heywood, amounting to just under \$600,000 to date.⁴

¹ <https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-search-data/committees/co-2023-30644>.

² *Id.*

³ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=54053. The Committee's registration was recently updated on July 7, 2023 and information reported on prior forms C-1pc is not readily available to the public via the PDC website. Let's Go WA campaign materials indicate that the Committee supported eleven ballot propositions in 2022 targeting the 2023 legislative session: I-1474, I-1475, I-1480, I-1491, I-1495, I-1502, I-1505, I-1508, I-1509, I-1510, and I-1512. *See*

<https://www.facebook.com/photo/?fbid=154103167371537&set=ecnf.100082138546950>. It is not clear when the Committee first updated its registration to reflect ballot propositions supported in 2023 or whether prior registrations accurately reflected those ballot propositions supported in 2022.

⁴ <https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-search-data/committees/co-2023-30644>.



Our review of Let's Go WA's campaign finance reports over this period has identified at least three major deficiencies in the Committee's disclosures to the PDC. First, Let's Go WA has failed to report the ballot proposition(s) supported by specific expenditures as required by RCW 42.217A.235(1)(a) and RCW 42.17A.240(7). Second, the Committee has failed to fully and accurately report expenditures to an entity called "R.M. Consulting Services" (hereinafter "R.M.")⁵ in apparent violation of RCW 42.17A.435, RCW 42.17A.235(1)(a) and RCW 42.17A.240. Lastly, the Committee's almost exclusive reliance on in-kind expenditures has undermined public transparency, including by reducing the frequency of reporting and concealing plans for future spending, in possible violation of RCW 42.17A.235 and RCW 42.17A.240.

I. Failure to report the ballot proposition(s) supported by specific expenditures as required by RCW 42.17A.240(7)

Political committees must report "all contributions received and expenditures made."⁶ RCW 42.17A.235(1)(A). Under RCW 42.17A.240(7), this reporting must include the purpose of all expenditures greater than fifty dollars. Further, the "purpose" of an expenditure "must identify any . . . ballot proposition(s) that are supported or opposed by the expenditure unless such . . . ballot proposition(s) have been previously identified in a statement of organization." WAC 390-16-037. This requirement ensures that, for committees formed to support or oppose several ballot propositions, members of the public are nonetheless able to identify spending in support or opposition to individual propositions.

Since its initial registration in April, 2022, Let's Go WA has reported well over 100 expenditures though C-4 reports filed with the PDC. Some of these expenditures likely relate to multiple supported ballot propositions, such as rent, phone expenses, and web hosting. Others, such as the printing of initiative petitions, must necessarily relate to one ballot proposition and one ballot proposition only. In all but two instances, C-4 reports filed by Let's Go WA fail to identify the individual ballot propositions supported by its expenditures.⁷

For example, on C-4 report number 110097944, filed July 11, 2022, Let's Go WA lists two separate expenses for initiative printing, each incurred on the same date (June 30, 2022), from the same vendor

⁵ As discussed below, Let's Go WA has reported in-kind expenditures to this entity using various names: "R.M Consulting Services," "R.M. Consulting," "RM Consulting Service," and "RM Consulting," none of which appear to reflect the entity's true name. For the sake of simplicity, this entity will be referred to throughout as "R.M."

⁶ Subject to certain thresholds and in compliance with prescribed deadlines. See RCW 42.17A.235, .240.

⁷ In an expenditure reported on C-4 report number 110105055 filed July 31, 2022 and an expenditure reported on C-4 report number 110158134 filed June 30, 2023, the Committee did identify a specific ballot proposition for which initiative petitions were printed.

(Pixelpure Media), for the same number of petitions (10,000), at different costs. However, the Committee does not provide any information that would enable the public to determine the initiative petition(s) being printed.

06/30/2022	HEYWOOD BRIAN 12025 154th Place NE , Redmond, WA 98052	Retired / Retired Redmond, WA	Printing Initiatives (10000 - Pixelpure Media)	Fair market value: \$18,577.13 Aggregate total (N): \$97,164.04
06/30/2022	HEYWOOD BRIAN 12025 154th Place NE , Redmond, WA 98052	Retired / Retired Redmond, WA	Printing Initiatives (10000 - Pixelpure Media)	Fair market value: \$19,018.13 Aggregate total (N): \$97,164.04

Let's Go WA has also incurred significant expenses related to radio and other advertising, SMS messages, and "initiative outreach and distribution services" (discussed further below). These expenses are of particular public interest as they relate to outreach efforts that voters will directly experience. But the Committee's failure to adequately state the purpose of these expenses undermines voters' ability to connect communications they are receiving to expenditures reported to the PDC.

Let's Go WA's failure to disclose the ballot proposition(s) supported by specific expenditures is also particularly harmful to transparency because the Committee has supported at least 17 ballot propositions in the 15 months since first registering with the PDC, 11 of which are no longer reflected on its statement of organization. Because the PDC's website only displays a committee's most recent statement of organization, members of the public cannot currently connect reported expenditures to prior supported ballot propositions absent adequate disclosure of the purpose of each individual expenditure.

II. Failure to fully and accurately report expenditures to R.M. as required by RCW 42.17A.435, RCW 42.17A.235(1)(a) and RCW 42.17A.240

Let's Go WA's reported pattern of in-kind expenditures to R.M. suggest at least three distinct violations of the Fair Campaign Practices Act. First, by inaccurately reporting the name of the entity to which payments were made on behalf of the Committee, Let's Go WA appears to have engaged in unlawful concealment in violation of RCW 43.17A.435. Second, by failing to report promises to pay for services rendered by R.M. as debts incurred by the Committee, the Committee appears to have violated RCW 43.17A.235(1)(a), and RCW 43.17A.240(9)(a). Third, Let's Go WA has likely violated RCW 42.17A.235(1)(a) and RCW 43.17A.240(7) by failing to report TDM Strategies as a subvendor of R.M. Alternatively, if TDM Strategies is in fact a direct vendor, the Committee has instead likely violated RCW 43.17A.235(1)(a) and RCW 43.17A.240(9)(a) by failing to report expenses related to paid signature gathering.

A. Unlawful concealment of the true identity of R.M. in violation of RCW 42.17A.435

Under RCW 42.17A.435, "no expenditure shall be incurred, directly or indirectly, in a fictitious name . . . or by one person through an agent, relative, or other person . . . so as to effect concealment." According to the PDC's general guidance, compliance with RCW 42.17A.435 entails that all campaigns "accurately record and report . . . the true recipients and amounts of expenditures."⁸ Furthermore, "It is a serious violation of the law to use a fictitious name, no name, or substitute name in order to conceal the truth."⁹

Let's Go WA has reported in-kind expenditures with an aggregate value of \$123,743.45 to an entity referred to variously as "R.M. Consulting Services," "RM Consulting Service," "R.M. Consulting," and "RM Consulting." No address or other identifying information is provided for the entity, as required by RCW 42.17A.240(7). A search of Washington Department of Revenue business license records indicates

⁸ <https://www.pdc.wa.gov/rules-enforcement/guidelines-restrictions/concealment>.

⁹ *Id.*

four licensed businesses in the State of Washington with the business name “RM Consulting” and one with the name “RM Consulting Services.”¹⁰ According to Department of Revenue records, RM Consulting Services is a sole proprietorship governed by Roberta L Marta. However, this entity is almost certainly not the entity to which Brian Heywood has made significant payments on behalf of Let’s Go WA. Instead, R.M. is most likely “Research Mom Consulting Service,” a sole proprietorship governed by Sharon R Koshi-Hanek that also operates under the registered trade name “Let’s Go Washington.”

License Information:
[New search](#) [Back to results](#)

Entity name: KOSHI-HANEK, SHARON R

Business name: RESEARCH MOM CONSULTING SERVICE

Entity type: [Sole Proprietor](#)

UBI #: 600-572-793

Business ID: 001

Location ID: 0002

Location: Active

Location address: 21502 CONNELLS PRAIRIE RD
BUCKLEY WA 98321-9710

Mailing address: PO BOX 8055
BONNEY LAKE WA 98391-0897

Excise tax and reseller permit status:
[Click here](#)
Governing People
May include governing people not registered with Secretary of State

Governing people	Title
KOSHI-HANEK, SHARON R	

Registered Trade Names

Registered trade names	Status	First issued
LETS GO 11 PAC	Active	Nov-16-2022
LETS GO WASHINGTON	Active	Nov-09-2022
RESEARCH MOM CONSULTING SERVICE	Active	Nov-16-2022
RESEARCH MOM CONSULTING SERVICES	Active	Jul-27-2009

Sharon Hanek is a repeat candidate for elected office in Washington State,¹¹ a current member of the Pierce County Planning Commission,¹² and a regular contributor to Washington political campaigns as well as frequent recipient of campaign expenditures. Let’s Go WA’s apparent failure to accurately report the true name of her consulting business or to provide an address for R.M. amounts to concealment of her receipt of in-kind expenditures. This has deprived the public of vital information not only about how Brian Heywood is spending money on behalf of the Committee, but of the relationship between the Committee and other political actors in the state.

B. Failure to report apparent services rendered by R.M. as in-kind contributions or debts incurred by the Committee as required under RCW 42.17A.235(1)(a) and RCW 42.17A.240

As discussed above, a political committee must timely report all contributions received and expenditures made. RCW 42.17A.235(1)(a). Contributions received include donations of “personal and

¹⁰ There appear to be no businesses licensed in Washington State under the name “R.M. Consulting” or similar.

¹¹ Hanek has previously filed with the PDC as a candidate for state representative, state treasurer, Pierce County charter review commissioner, and Pierce County councilmember.

¹² <https://www.piercecountywa.gov/5944/Planning-Commission>.

professional services for less than full consideration.” RCW 42.17A.005(15)(a)(i).¹³ Expenditures made include “a promise to pay.” RCW 42.17A.005(22). Additionally, a committee must report “[t]he name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed.” RCW 42.17A.240(9)(a).

According to Let’s Go WA’s reporting to the PDC, on June 30, 2022, the Committee incurred an in-kind expenditure reimbursing R.M. for mileage.¹⁴ The committee reported substantial additional mileage and other reimbursements to R.M. on August 10, 2022, September 7, 2022, October 5, 2022, and November 10, 2022.¹⁵ However, the Committee did not report a single expenditure related to services rendered by R.M. until November 21, 2022.¹⁶ After November 21, 2022, the Committee reported numerous expenditures to R.M. for “consulting,” “consulting fees,” and “initiative outreach and distribution services.”¹⁷

This pattern of reporting indicates two possible arrangements. R.M. could have donated its services for the period from June to November 2022 for less than fair market value, claiming only mileage and other reimbursements. Alternatively, R.M. could have provided services with an expectation of future payment. Regardless of the arrangement between the Committee and its consultant, Let’s Go WA has failed to fulfill its reporting obligations. Under the first arrangement, services rendered by R.M. were reportable as in-kind contributions to the Committee. Under the second arrangement, services rendered by R.M. were reportable as outstanding debts of the Committee until paid. Therefore, the Committee is either in violation of its obligations to report in-kind contributions under RCW 42.17A.235(1)(a) and RCW 42.17A.240(2) or its obligations to report expenditures including debts under RCW 42.17A.235(1)(a) and RCW 42.17A.240(9)(a).

C. Failure to provide subvendor information as required by RCW 42.17A.240(7)

As discussed, RCW 42.17A.240(7) requires a political committee to report the purpose of all expenditures in excess of fifty dollars. When a committee enters into an agreement with a vendor to provide specific services, its reporting “must describe in detail” the services to be provided. WAC 390-16-037(2). Thus, “[i]f any person, agency, consultant, firm, organization, etc. employed or retained by the . . . political committee, subcontracts or otherwise has an agreement with a subvendor or third party to provide or perform services, the expenditures paid to that subvendor or other third party must also be disclosed.” WAC 390-16-205(2).¹⁸

¹³ While certain volunteer services or labor are exempted, services or labor rendered for which the individual is compensated by any person must be reported. RCW 42.17A.005(15)(b)(vi); WAC 390-17-405.

¹⁴ Let’s Go WA C-4 report no. 110097944 filed July 11, 2022.

¹⁵ Let’s Go WA C-4 report no. 110112262 filed September 12, 2022; C-4 report no. 110118390 filed October 11, 2022; C-4 report no. 110126431 filed November 11, 2022; C-4 report no. 110128915 filed December 11, 2022. During this period, Brian Heywood reimbursed R.M. on behalf of the Committee for just shy of 6,000 miles of driving—the equivalent of traversing the state from Seattle to Spokane twenty-one times.

¹⁶ Let’s Go WA C-4 report no. 110128915 filed December 11, 2022.

¹⁷ See Let’s Go WA C-4 report no. 110132961 filed January 10, 2023; C-4 report no. 110139093 filed March 10, 2023; C-4 report no. 110146568 filed May 10, 2023; C-4 report no. 110151153 filed June 9, 2023; C-4 report no. 110158134 filed July 10, 2023. These payments for services range from \$1,212.64 to \$22,136.94, all well in excess of the \$750 threshold for reporting a debt.

¹⁸ Where expenditures are made by agents of a campaign, including “any person, agency, consultant, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate’s or committee’s efforts,” such expenditures “shall be reported by the . . . committee as if made or incurred by the . . . committee directly.” WAC 390-16-205(1).

On April 27, 2023, “TDM Strategies LLC” filed a certificate of formation with the Washington Secretary of State listing Sharon Hanek as its registered agent and executor.¹⁹ As early as May 2, 2023, Let’s Go WA began to advertise paid signature gathering opportunities through TDM Strategies on the Committee’s Facebook page.²⁰



To date, Let’s Go WA has not reported any direct or in-kind expenditures to TDM Strategies for paid signature gathering, nor has it reported any in-kind contributions or debts associated with services provided by TDM Strategies. However, on six separate occasions beginning February 7, 2023 through June 15, 2023, the Committee has reported payments to R.M. for “initiative outreach and distribution services” totaling over \$75,000.²¹

Given the timing of these payments and Sharon Hanek’s apparent role in both R.M. and TDM Strategies, it appears likely that payments to R.M. are financing TDM Strategies’ paid signature gathering efforts on behalf of Let’s Go WA. However, the Committee has failed to report any payments to subvendors of R.M. for “initiative outreach and distribution services” as required under RCW 42.17A.240(7).

If TDM Strategies is not operating as a subvendor of R.M., its activities are nonetheless reportable, as discussed below.

¹⁹ The LLC’s initial report to the Secretary of State list both Sharon Hanek and Brian Heywood as its governors.

²⁰ <https://www.facebook.com/photo.php?fbid=211628578251759&set=pb.100082138546950.-2207520000.&type=3>.

²¹ See Let’s Go WA C-4 report no. 110139093 filed March 10, 2023; C-4 report no. 110146568 filed May 10, 2023; C-4 report no. 110151153 filed June 9, 2023; C-4 report no. 110158134 filed July 10, 2023.

D. Failure to otherwise report expenditures related to TDM Strategies as required by RCW 42.17A.235 and RCW 42.17A.240

If services provided by TDM Strategies were not reportable as a component of services rendered by R.M., they nonetheless should have been reported as in-kind contributions, or alternatively as expenditures made or debts incurred by Let's Go WA (or Brian Heywood). Instead, the Committee has made no disclosures whatsoever identifying TDM Strategies and the paid signature gathering efforts that kicked off in May of this year if not earlier.

Let's Go WA's failure to report these activities is particularly damaging to public transparency and trust for because the use of paid signature gatherers is of significant public interest. As recently as July 12, 2023, the Let's Go WA website stated that the Committee was not engaged paid signature gathering, stating: "We are using grassroots volunteers to collect signatures all around the state right now." As of July 16, 2023, this language has been scrubbed from the Committee website.²² However, for a period of over two months, it appears that Let's Go WA was actively hiring for paid signature gatherers through TDM Strategies, not reporting these efforts to the PDC, and representing to the public that it was engaged in an all-volunteer effort.

×

Q: Are you using paid signature gatherers?

Right now – No we are not. We are using grassroots volunteers to collect signatures all around the state right now. This has been successfully done in the past (without using paid signature gatherers). For example with R-90 (Repeal Sex-Ed in Schools -2020), I-912 (Repeal Gas Tax – 2005), I-695 (\$30 Car Tabs – the first one – 1999), and many other initiatives before paid signature gatherers became legal in Washington State in the early 1990s.

There are several reasons for this strategy. First, paid signature gatherers are absurdly expensive right now. Sometimes charging over \$10 per signature. As generous as donors might be to launch this project, it is just too expensive to use paid signature gatherers. Secondly, if you review these initiatives, most of them are popular initiatives that most people want to see implemented in Olympia, but there are no deep-pocket special interests who would fund them.

So, if we are going to be successful, we have to do this ourselves with hard work, time, and a real grassroots effort involving thousands of volunteers all over the state to pull it off.

III. Near total reliance on in-kind expenditures in possible violation of RCW 42.17A.235 and RCW 42.17A.240

The vast majority of the hundred-and-thirty-plus expenses incurred by Let's Go WA to date have taken the form of in-kind expenditures by the Committee's sponsor and chair, Brian Heywood. Let's Go WA's near-exclusive reliance on in-kind expenditures undermines public oversight, including by reducing the frequency of reporting and concealing the Committee's plans for future spending.

The Fair Campaign Practices Act and accompanying regulations require that a political committee establish a bank account and presume that a political committee will collect contributions and incur expenditures in its own name. *See* RCW 42.17A.205(d). Though the frequency of reporting varies depending on the proximity to an election, a committee must generally file a weekly C-3 report detailing any bank deposits made during the prior week. RCW 42.17A.235(5); WAC 390-16-031. A committee must also file a monthly C-4 report indicating contributions and expenditures. RCW 42.17A.235(3), .240; WAC 390-16-041. This includes pledged contributions, RCW 42.17A.005(15)(a)(i), and the PDC has further clarified that "a pledge is a promise from a contributor to make a future contribution to the campaign [and] may be written or verbal and for monetary and/or in-kind contributions." PDC Interpretation No. 12-01.

²² *See* <https://letsgowashington.com/faq>.

The C-4 report provides “[a] snapshot of the committee’s finances at any given point in time,” including “cash on hand” as well as expectations for future monetary and in-kind contributions.²³

By using Brian Heywood’s deep pockets as its near-exclusive source of campaign spending, Let’s Go WA has circumvented the need to use its campaign bank account and has largely avoided filing C-3 reports that would give the public a weekly snapshot of the Committee’s fundraising activities. Let’s Go WA has also never disclosed pledges from Brian Heywood related to planned in-kind expenditures on its monthly C-4 reports. The Committee’s approach to reporting has meant that the public has no insight into the Committee’s capacity or plans for future spending. The public cannot tell how much money Let’s Go WA has in the bank because the Committee is in effect using Heywood’s bank account as a surrogate repository of its funds, rather than its own bank account. And the public cannot glean any sense of what money Heywood is planning to spend on behalf of the Let’s Go WA because the Committee is not reporting planned in-kind expenditures as pledges. Instead, expenditures are reported (if at all) only after the fact—once Brian Heywood has already made them. This approach runs counter to the PDC’s established framework for reporting and likely violates the Committee’s reporting requirements under RCW 42.17A.235 and RCW 42.17.240.

As detailed above, our review of Let’s Go WA’s reporting to the PDC has revealed evidence of numerous violations of Fair Campaign Practices Act. These violations are particularly troubling because they undermine the public’s ability to know what spending is occurring in support of particular ballot propositions, to accurately identify entities and individuals receiving campaign funds, and to evaluate whether Let’s Go WA is, in its own words, a “a real grassroots effort,” or funded by “deep-pocket special interests.” We urge the Commission to investigate the possible violations set forth in this letter.

Please do not hesitate to contact us if you have any questions, or if we can be of further assistance.

Sincerely,

Abby Lawlor
Dmitri Iglitzin

Counsel for Heather Weiner

²³ <https://www.pdc.wa.gov/registration-reporting/forms-reports-directory>.

Hi Kurt:

I am writing in response to PDC Complaint #140213, filed against Let's Go Washington (LGW).

As a preliminary matter, I want to note that none of the ballot measures supported by LGW have yet qualified for the ballot. To the extent that future ballot measures will qualify, they will qualify for the 2024 and not the 2023 General Election. This being the case, there has been no material impact to the public as of yet regarding the issues alleged by the complainant.

I will note that many of the allegations in this complaint consist of pure conjecture and are asserted without evidence.

To the extent that there were errors with the PDC filings, these errors were both unintentional and insignificant. I take full responsibility for my work and I am happy to work with the PDC to amend any filings if the agency determines that amendments are necessary.

Below, I will address each allegation in the complaint.

Response to Allegation #1: Failure to report the ballot proposition(s) supported by specific expenditures as required by RCW 42.17A.240(7)

The allegations here relate to in-kind contributions and not expenditures. However, I will still provide a response.

Pursuant to WAC 390-16-037: *"any person required to report the 'purpose' of an expenditure under RCW 42.17A.240(6), or 42.17A.255 (5)(b), must identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure **unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17A.205 (2)(f) and (g)**".*

The complainant notes that these ballot propositions have been identified on the committee's statements of organization. As such, the precise initiative numbers need not be disclosed in the "purpose" field on form C4 for each and every expenditure made.

Nevertheless, if the agency determines that WAC 390-16-037 does not apply here, I am happy to work with the agency to amend any reports as needed.

The complainant also writes that: *"[b]ecause the PDC's website only displays a committee's most recent statement of organization, members of the public cannot currently connect reported expenditures to prior supported ballot propositions absent adequate disclosure of the purpose of each individual expenditure."*

This statement is false: a committee's past statements of organization are available through the agency's website as part of its "Open Data" program under the dataset "Candidate and Committee Registrations". However, even if this statement were true, it would have no bearing whatsoever on LGW's reporting obligations under the law.

Response to Allegation #2A: Unlawful concealment of the true identity of R.M. [sic] in violation of RCW 42.17A.435

There was no concealment here, intentional or otherwise.

The allegations here relate to in-kind contributions and not expenditures. However, I will still provide a response.

As the complainant has noted, Sharon Hanek is indeed the owner of R.M. Consulting Services. Ms. Hanek let me know the name of her business was "R.M. Consulting Services" and so I reported it as such. I was not aware that her business was officially registered as "Research Mom Consulting Services."

There are many businesses/sole proprietorships that have acronyms in their "DBA" tradename but are registered as different entities. Campaign treasurers must necessarily rely on the information that is reported to them by others to file accurate reports.

There are numerous other expenditures on the PDC's website that have been made and disclosed by other campaigns for "Accounting, legal, regulatory compliance, etc." (usually the description used to indicate a payment to a treasurer) paid to RM Consulting where the candidate's treasurer was Sharon Hanek.

Going forward, I am happy to report "Research Mom Consulting Services" as opposed to "RM Consulting Services".

Response to Allegation #2B: Failure to report apparent services rendered by R.M. as in-kind contributions or debts incurred by the Committee as required under RCW 42.17A.235(1)(a) and RCW 42.17A.240

We have reported all payments to RM Consulting pursuant to state law.

WAC 390-17-405 provides that: "an individual may perform services or labor for a candidate or political committee without it constituting a contribution, so long as the individual is not compensated by any person for the services or labor rendered and the services are of the kind commonly performed by volunteer campaign workers."

Ms. Hanek performed volunteer services for LGW from June to November of 2022. This involved expenses for mileage that were reimbursed to her sole proprietorship at her request. In light of the quality of the volunteer services she performed, starting in November 2022, she was compensated for subsequent work through her sole proprietorship.

Response to Allegation #2C: Failure to provide subvendor information as required by RCW 42.17A.240(7)

The allegations here relate to in-kind contributions and not expenditures, however, I will still provide a response.

The guidance on the agency's website indicates that when disclosing in-kind contributions, the following information must be provided:

Disclosing in-kind contributions

In-kind donations that are not incidental must be fully reported in Part 1 of Schedule B to the C-4 with the following details:

- the date the contribution was received;
- the name and full address of the contributor;
- if the in-kind contribution is a good or service purchased from a vendor, include the name and the address of the vendor;
- a brief description of the contribution;
- its fair market value;
- the cumulative total this contributor has given for the primary or general election, whichever applies;
- a designation whether this contribution is for the primary or general election; and
- if the contributor is an individual who has cumulatively given more than \$250 to the campaign, including both primary and general contributions, identify the individual's employer (by name, city and state) and occupation.

We complied with that requirement by providing a brief description of the contribution as requested by the PDC. If the agency determines that additional information is required and provides a basis for that request, we are happy to amend our reports to include that information.

Response to Allegation #2D: Failure to otherwise report expenditures related to TDM Strategies as required by RCW 42.17A.235 and RCW 42.17A.240.

This allegation is false: TDM Strategies has not been paid by RM Consulting. TDM Strategies was only formed in late April of 2023, and TDM Strategies has not yet rendered any services to LGW, nor does LGW have any reportable debts owed to TDM Strategies.

Response to Allegation #3: Near total reliance on in-kind expenditures in possible violation of RCW 42.17A.235 and RCW 42.17A.240

These allegations do not constitute a violation of RCW 42.17A or WAC 390, although I will note that the committee does have a bank account and has disclosed the location of that bank account on our statement of organization (C1PC). Relating to pledges, the complainant conveniently omitted the fact that in order for a pledge to be reportable, it must be for a specific amount with every intention of the giver to pay the stated amount in its entirety. See PDC Interpretation 12-01. A general desire to continue to support a committee with possible future in-kind contributions is not reportable as a pledge.

The complaint also notes that they: *“...cannot glean any sense of what money Heywood is planning to spend on behalf of the Let’s Go WA.”* Under the FCPA, candidate committees and political committees are not required to attempt to predict what levels of spending it may or may not spend in the future.

It is true that Mr. Heywood has provided “the near-exclusive source of campaign spending” for LGW. This is a fact that should be construed in favor of, and not against, LGW and Mr. Heywood.

RCW 42.17A.005 (41) provides that an individual spending only their own money and having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition is **not** a political committee. If an entity is not a political committee, they have no obligation to file C3 or C4 reports under RCW 42.17A.235 or .240.

Under these statutes, my understanding is that an individual who seeks to qualify an initiative or referendum using exclusively their own funds has no obligation to register as a political committee or file C3 or C4 reports. Notwithstanding this, LGW was filed as a political committee and has filed regular C3 and C4 reports, which has had the result of greater transparency compared with the alternative.

Sincerely,

Conner Edwards
Professional Campaign Treasurer

Original via email to:
pdcc@pdcc.wa.gov

August 24, 2023

Kurt Young
Compliance Officer
Public Disclosure Commission
711 Capitol Way S #206
Olympia, WA 98504

Re: Response to Let's Go Washington in Complaint No. 140213
BIL File No. 3263-331

Dear Mr. Young:

We are writing on behalf of Heather Weiner to respond to Let's Go Washington's reply in PDC Complaint Number 140213. As the Committee's amended filings do not adequately address the underlying issues raised in our complaint, and new issues have emerged since our initial filing, we ask the PDC to initiate an investigation as soon as possible.

I. The Public Has an Established Present Interest in Disclosure Related to Efforts to Qualify Ballot Propositions.

At the outset of his reply, Let's Go WA's campaign treasurer Conner Edwards asserts that deficiencies in reporting related to propositions that have not yet qualified for the ballot "have no material impact to the public." This is plainly false. "Ballot proposition" is defined to include measures, initiatives, recall, or referendum propositions to be submitted to the voters "from and after the time when the proposition has been initially filed with the appropriate election officer . . . before its circulation for signatures." RCW 42.17A.005(4). Thus, the obligation to report contributions and expenditures in support or opposition to a state ballot proposition begins when it is filed with the Secretary of State. *See State v. Evergreen Freedom Found.*, 192 Wash. 2d 782, 796 (2019) (en banc). In *State v. Evergreen Freedom Foundation*, the state Supreme Court found that the state has an "important governmental interest in informing the public about the influence and money behind ballot measures," and that the Fair Campaign Practices Act (FCPA) plays a "vital role" in advancing that interest, including by requiring early disclosure. *Id.* at 801. The court observed that "[t]he high stakes of the ballot context only amplify the crucial need to inform the electorate." *Id.* at 800 (citing *Cal. Pro-Life Council, Inc. v. Getman*, 328 F.3d 1088, 1106 (9th Cir. 2003)). Here, where Let's Go WA is rapidly approaching seven-digits of spending to qualify ballot propositions touching on numerous areas of intense public concern, any violations of the FCPA do immediate harm to public transparency.

II. Let's Go WA Cannot Avoid Disclosure by Relying on In-Kind Contributions.

Throughout Let's Go WA's reply, Mr. Edwards also asserts that various provisions of the FCPA and accompanying regulations are not applicable because they deal with expenditures and not in-kind contributions. However, the cited provisions must be interpreted broadly in this particular case where: 1) the Committee is wholly reliant on in-kind support; and 2) greater disclosure would be required if these same expenditures were made directly by the Committee (rather than its Sponsor/Chair) or were reported as independent expenditures. Washington's campaign reporting requirements "shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns." RCW 42.17A.001. Thus, the PDC should interpret the Act based on its "history, purpose, and the particular facts of [the] case," and avoid narrow readings that would create unexpected inconsistencies or loopholes for the very wealthy to exploit. *See State v. Evergreen Freedom Found.*, 192 Wash. 2d at 796.

If the PDC seeks an additional textual basis to require more detailed reporting related to Mr. Heywood's in-kind spending, it may be found in WAC 390-16-205. This rule provides that "[e]xpenditures made on behalf of a . . . political committee by any person, agency, consultant, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the . . . committee's efforts shall be deemed expenditures by the . . . committee" and must be reported as if made or incurred by the committee directly. WAC 390-16-205(1). This language does not strictly require that the person or other entity be employed or retained *by the committee*, merely that they be employed or retained for the purpose of advancing its efforts and that they make expenditures on its behalf. Both Mr. Heywood and Ms. Hanek, as governors of TDM Strategies, have been retained (by Mr. Heywood) to make expenditures on behalf of the Committee to conduct paid signature gathering. Thus their expenditures should be reported with the same level of detail as would be required if they had been directly incurred by the Committee.

III. Let's Go WA Has Failed to Adequately Report the Ballot Proposition(s) Supported by Specific In-Kind Expenditures (Allegation #1).

In response to our complaint, Mr. Edwards argues that the ballot propositions supported by the Committee have been adequately identified in the Committee's statements of organization. But Mr. Edwards adopts an overly narrow reading of the language of WAC 390-16-037, one that would undermine the purpose of the rule to allow voters to track the spending in support of or opposition to specific propositions. WAC 390-16-037 provides that associated ballot propositions must be identified for individual expenditures "unless such . . . ballot proposition(s) have been previously identified in a statement of organization." In keeping with a liberal construction in favor of broad disclosure, such language should be read to require reporting at the expenditure level unless there is a total match between the propositions identified on the committee's statement of organization and those supported by a given expenditure. Where a committee has been formed to support or oppose a single ballot proposition, there can be little doubt that any expenditures relate to that proposition, and a committee would have no need to further report at the expenditure level. However, in the case of a committee like Let's Go WA, which is currently supporting six ballot propositions (and previously supported eleven ballot propositions in 2022), regular expenditure-level reporting is necessary to effectuate the language and purpose of WAC 390-16-037.

In calling attention to Let's Go WA's earlier-filed statements of organizations available through the PDC's Open Data program, Mr. Edwards provides further evidence of the need for expenditure-level reporting and of past infirmities in the Committee's disclosures to the PDC. The FCPA requires every political committee to file a statement of organization "within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign."¹ RCW 42.17A.205(1). That statement must include the ballot proposition(s) supported or opposed by the committee. RCW 42.17A.205(2)(g). Let's Go WA first registered with the PDC on April 14, 2022, and listed "#TBD" as the ballot proposition it would be supporting or opposing.² The Committee further revised its statement of organization on April 16, 2022³ and April 19, 2022,⁴ but did not update the "#TBD." Meanwhile, according to the Committee's own reporting, Brian Heywood began spending on the Committee's behalf on March 28, 2022. Fully two months later, on May 31, 2022, the Committee finally revised its statement of organization to include the eleven ballot propositions it would be supporting that year.⁵ None of these propositions were successfully submitted by the December 30, 2022, deadline to go before the legislature.

Despite its failures in 2022, Let's Go WA continued to receive significant in-kind support from Brian Heywood throughout the first half of 2023. But it appears that its statement of organization was only updated to reflect the six propositions it is supporting this year on July 7.⁶ Thus, for many months, the public could not in fact refer to the Committee's statement of organization to at least narrow down to six the field of potential ballot proposition(s) being supported by a particular expenditure. The timely filing of a statement of organization is required by the FCPA and failure to do so is a violation in its own right. *See* 42.17A.205(1), (2)(g). But Let's Go WA's delay in updating its statement of organization from one year to the next, and the sheer number of propositions it has supported over the last two years, also underscores the importance of expenditure-level disclosure under WAC 390-16-037.

IV. Let's Go WA Has Failed to Adequately Report Work Performed by Research Mom (Allegation #2A-B).

Let's Go WA's stated willingness to accurately report the name of a consultant that has received nearly \$150,000 and counting in the future does not remedy its past violations. While sole proprietorships can register trade names with the state Department of Revenue, and Ms. Hanek has registered several trade names associated with Research Mom Consulting Service (including "Let's Go Washington"), she has not registered any trade name involving the abbreviation "RM." The fact that other campaigns have

¹ "Election campaign" is defined as "any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition." RCW 42.17A.005(19).

² https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=48759.

³ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=48780.

⁴ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=48814.

⁵ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=49383. This delay cannot be excused by the timing of the issuance of the relevant ballot titles, the first of which became public on April 13 and all of which were public by May 19, 2022.

https://www2.sos.wa.gov/elections/initiatives/initiatives.aspx?y=2022&t=l&_gl=1*usvmcp*_ga*NjEwODI2ODYyLjE2ODkxODI5ODg.*_ga_7B08VE04WV*MTY5MjY2NDA2MC43LjEuMTY5MjY2NDcwMy4wLjAuMA.

⁶ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=54053. Once again, the relevant ballot titles were issued between May 5 and June 27, 2023. <https://www2.sos.wa.gov/elections/initiatives/initiatives.aspx?y=2023&t=l>.

inaccurately reported the name of Ms. Hanek's sole proprietorship does not excuse the Committee from its own errors. And because those cases were ones in which Ms. Hanek's name was already associated with the committee, the impact on public knowledge and transparency was less consequential.

More significantly, Mr. Edwards' argument that the Committee has no obligation to report services provided by Research Mom from June to November of 2022 pursuant to WAC 390-17-405 must fail. Research Mom's services cannot be excused as volunteer in nature both because Ms. Hanek otherwise receives compensation for the services rendered and because they are not of the kind commonly performed by volunteer campaign workers. Though the Committee's lack of disclosure makes it difficult to know what exactly Ms. Hanek was doing for the campaign from June to November, Mr. Edwards' reply suggests that there was no substantive difference between the "volunteer" services provided during that period and subsequent services for which Ms. Hanek was compensated through her sole proprietorship.

These later payments of well over \$100,000 for "consulting services" and "initiative outreach and distribution services" show that Ms. Hanek's work on behalf of the campaign was both work for which she is otherwise compensated and beyond the scope of work typically performed by campaign volunteers. Indeed, as Mr. Edwards noted, Research Mom has been paid for work on other campaigns. Ms. Hanek registered her sole proprietorship with the State of Washington precisely because she uses it to make money, including by providing campaign services. And her website accepts payment "for accounting, consulting and research" and states that "Research Mom is a private business," not a volunteer undertaking.⁷

Examples of services commonly performed by volunteers include doorbelling, setting up yard signs, and transporting voters to polling places on election day. *See* WAC 390-17-405(1). They also include "campaign consulting and management services"; however, only if "the individual does not ordinarily charge a fee or receive compensation for providing the service." *Id.* The sheer amount of money that Ms. Hanek has now been paid for her services to the Committee should dispel any illusion that they were ever volunteer in nature.

V. Let's Go WA Has Failed to Adequately Report Work Performed by TDM Strategies (Allegation #2D).

Mr. Edwards states that "TDM Strategies was only formed in late April of 2023, and TDM Strategies has not rendered any services to LGW, nor does LGW have any reportable debts owed to TDM Strategies." This simply cannot be the case. As early as April 25, TDM Strategies began advertising paid signature gathering opportunities on behalf of Let's Go WA. By June 30, 2023, it had sought and obtained a minor work permit to employ people under the age of eighteen and registered with the Washington Department of Revenue. Throughout, its website stated that it was hiring for positions with a start date of July 1. In a mid-July interview, Brian Heywood said that the Committee was seeking to hire 200 people and described paid signature gathering that had already taken place during the All-Star Game, from July 7–11.⁸ Though the Committee has now reported an \$89,632 debt to TDM Strategies, that debt is listed as being first incurred on June 30, well after TDM Strategies was formed and first embarked on its

⁷ <http://www.researchmom.org/contact.html>.

⁸ https://www.youtube.com/watch?v=suxEzOue_tk.

considerable hiring efforts. It appears highly likely that at least some of these expenses were reportable many weeks earlier.

VI. Let's Go WA Has Failed to Adequately Report Planned Spending (Allegation #3).

Mr. Edwards characterizes Brian Heywood's continued spending on behalf of Let's Go WA as "a general desire to continue to support a committee" that does not give rise to reportable pledges. However, this significantly downplays both the relationship between Mr. Heywood, Let's Go WA, and various campaign vendors, and Mr. Heywood's apparently longstanding commitment to financing a paid signature gathering effort after his all-volunteer efforts fell short in 2022. Because there is no separation between Let's Go WA's decision to use paid signature gatherers and Mr. Heywood's plan to pay for those signature gatherers, they were reportable as a pledge far earlier than they appeared as a campaign debt.

PDC Interpretation 12-01, which Mr. Edwards cites, provides that "[t]o be considered a pledge for purposes of reporting requirements . . . the promise must be for a specific amount if a monetary pledge *or for specific goods or services if an in-kind pledge*." (Emphasis added). Mr. Heywood established a new entity, TDM Strategies, specifically for the purpose of providing signature gathering services to the Committee. Thus, when Mr. Heywood formed TDM Strategies in April, 2023, it was clear that he had already committed to purchase paid signature gathering services on the Committee's behalf. Mr. Heywood's later announcement that the Committee was seeking to hire around 200 people at \$18-20 per hour shows how concrete those plans likely were.⁹

Mr. Edwards also greatly mischaracterizes Mr. Heywood's reporting obligations under the FCPA by suggesting that Mr. Heywood has registered as a political committee and filed C3 and C4 reports voluntarily and in the interest of greater transparency. The definition of political committee in the FCPA excepts "an individual dealing with the . . . individual's own funds or property"; however, it nonetheless includes "any person . . . having the expectation of receiving contributions or making expenditures in support of" any ballot proposition. RCW 42.17A.005(41). As Let's Go WA has received in-kind contributions from entities other than Brian Heywood, it was nonetheless required to register as a political committee under state law.

Moreover, even if Mr. Heywood had spent purely his own money to advance the supported ballot propositions, the alternative to registering as a political committee and filing C3 and C4 reports is not no reporting whatsoever, as Mr. Edwards seems to imply. Rather, Mr. Heywood would be subject to the reporting requirements of RCW 42.17A.255 and WAC 390-16-063 governing independent expenditures. Indeed, pursuant to RCW 42.17A.255(5)(b), Mr. Heywood would be required to report the name and address of each person to whom an independent expenditure was made in support of a ballot proposition, and the amount, date, and purpose of the expenditure—the level of disclosure we have argued is appropriate all along.

VII. Brian Heywood Is Sponsoring Multiple Committees Supporting the Same Ballot Propositions, in Violation of RCW 42.17A.205(5) (New Allegation).

⁹ See https://www.youtube.com/watch?v=suxEzOue_tk.

In preparing our response to Mr. Edwards' reply, it has come to our attention that Mr. Heywood is now sponsoring multiple political committees in support of the same ballot propositions. Mr. Heywood is not only the sponsor of Let's Go WA, supporting 2023 ballot propositions I-2081, I-2109, I-2111, I-2113, I-2117, and I-2124, but the below committees as well:

- Taxpayers Accountability Alliance – Sponsored by Brian Heywood (supporting I-2109, I-2111, I-2117, and I-2124)¹⁰
- Safer Streets for All Sponsored by Brian Heywood (supporting proposition I-2113)¹¹

RCW 42.17A.205(5) states that “[a] person may sponsor only one political committee for the same elected office or same ballot proposition per election cycle. Mr. Heywood is in clear violation of this limitation.

Mr. Edwards' reply has not alleviated the concerns raised in our initial letter and further research has only revealed additional violations of the FCPA by Let's Go WA and Mr. Heywood. As Mr. Heywood's spending continues apace and has begun to attract greater public attention,¹² we urge the Commission to initiate an investigation into both our initial allegations and those now raised in this response.

Please do not hesitate to contact us if you have any questions, or if we can be of further assistance.

Sincerely,



Abby Lawlor
Dmitri Iglitzin

Counsel for Heather Weiner

¹⁰ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=54322.

¹¹ https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=54321.

¹² See Danny Westneat, *The great debate about climate and gas prices is only heating up*, *Seattle Times* (Aug. 9, 2023) <https://www.seattletimes.com/seattle-news/politics/the-great-debate-about-climate-and-gas-prices-is-only-heating-up/>.

Response to Complainant's Letter dated August 24, 2023

re: PDC Case #140213

I am writing to respond to the above-mentioned letter.

1) "The public has an established present interest in disclosure related to efforts to qualify ballot propositions."

The main thrust of this allegation appears to be that the committee has an obligation to file with the PDC. We have never contested this and we have regularly filed C3 and C4 reports pursuant to the applicable deadlines.

2) "Let's Go WA cannot avoid disclosure by relying on in-kind contributions."

We have already addressed this allegation in our last response. We are not attempting to "avoid disclosure". We have disclosed a brief description of in-kind contributions received by the committee pursuant to the PDC's guidance, which I cited in my last response.

3) "Let's Go WA has failed to adequately report the ballot proposition(s) supported by specific in-kind expenditures."

We have already addressed this allegation in our last response. The allegations here relate to in-kind contributions and not expenditures. We have disclosed a brief description of in-kind contributions received by the committee pursuant to the PDC's guidance, which I cited in my last response. Moreover, even if the agency adopted the view that in-kind contributions were reportable as expenditures, WAC 390-16-037 **specifically** contemplates that a committee may support more than one ballot measure as a time, as indicated in the language of the WAC when it uses the phrase "ballot proposition(s)". Even if that rule was given the most liberal constructions possible it could not be interpreted in a way that directly contradicts its own plain language.

4) "Let's Go WA has failed to adequately report work performed by Research Mom."

We have already addressed this allegation in our last response. Ms. Hanek communicated to me the fact that her business was named RM Consulting Service. I reported it as such. I was not aware that her business was officially registered as "Research Mom Consulting Services." There are many businesses/sole proprietorships that have acronyms in their "DBA" tradename but are registered as different entities. Campaign treasurers must necessarily rely on the information that is reported to them by others to file accurate reports.

5) "Let's Go WA has failed to adequately report work performed by TDM Strategies."

Whether or not LGW had incurred a reportable debt in the month of June is open to interpretation. The exact date the obligation occurred in June (if there was any obligation in June at all) is also open to interpretation. However, in the interest of resolving this issue, we amended our June report to include a debt to TDM and listed the 30th as the date incurred.

6) “Let’s Go WA has failed to adequately report planned spending.”

The main thrust of this allegation appears to be that the complainant believes we are not reporting pledges received by the committee. We have already addressed this allegation in our last response. However, I will note that TDM Strategies has been billing LGW for the services that it renders to LGW, and we have been reporting this. Going forward, this bill will be paid out of LGW’s bank account.

7) “Brian Heywood is sponsoring multiple committees supporting the same ballot propositions, in violation of RCW 42.17A.205(5).”

The agency clarified the requirement contained in RCW 42.17A.205(5) on its website.¹

The agency’s website guidance states that: “[a] person may sponsor only one political committee for the same elected office or same ballot measure per election cycle. **In other words, two committees who have the same sponsor may not contribute to the same candidate or ballot measure committee.**” [emphasis added]

Here, neither of the committees referenced by the complainant (Taxpayers Accountability Alliance & Safer Streets for All) have contributed to the same candidate or ballot measure committee. The bank accounts for both committees have now been closed out.

Over the life of these committees, Mr. Heywood provided only nominal amounts of money to these committees to cover administrative expenses.

Since both of these committees have been closed, we believe there is no further action we have to take in response to this allegation. However, in the event that the PDC believes we need to take some corrective action here in response to this allegation, and the agency provides a basis for that conclusion, we are happy to take corrective action.

Sincerely,

Conner Edwards
Campaign Treasurer
Let’s Go Washington - 2023

¹ <https://pdc.wa.gov/rules-enforcement/guidelines-restrictions/political-committee-sponsor>

Respondent Name
Let's Go Washington (Sponsored by Brian Heywood)
Complainant Name
Abby Lawlor
Complaint Description
<p>Abby Lawlor reported via the portal <i>(Tue, 17 Oct 2023 at 11:30 AM)</i></p> <p>Please see attached complaint filed on behalf of SEIU 775, Civic Ventures, Washington Conservation Action, and Planned Parenthood Alliance Advocates.</p>
What impact does the alleged violation(s) have on the public?
List of attached evidence or contact information where evidence may be found
List of potential witnesses
Certification (Complainant)
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Original via webform

October 17, 2023

Peter Frey Lavallee
Executive Director
Public Disclosure Commission
711 Capitol Way S #206
Olympia, WA 98504

Re: Violations of the FCPA by Let's Go Washington (Sponsored by Brian Heywood)
BIL File No. 3263-331

Dear Director Lavallee:

We are writing on behalf of SEIU 775, Civic Ventures, Washington Conservation Action, and Planned Parenthood Alliance Advocates to report numerous apparent violations of RCW 42.17A.225 and .240 by Let's Go Washington (Sponsored by Brian Heywood) (Let's Go WA or Committee) related to the Committee's reporting of paid signature gathering and other campaign expenses. Let's Go WA is already on track to be the costliest effort by an individual to rewrite Washington law since at least the PDC's current era of reporting, and may be the most expensive in the state's history. Because of the unprecedented and unusual nature of Heywood's political spending and the PDC's recently opened formal investigation into the Committee, we urge you to promptly investigate these additional violations before the year-end deadline for Let's Go WA's signature gathering efforts.

I. Inaccurate and misleading reporting of \$4 million dollar paid signature gathering contract in violation of RCW 42.17A.225 and .240

Under the Fair Campaign Practices Act (FCPA), continuing committees must report all contributions received at least monthly. RCW 42.17A.225, .240. A contribution includes a loan, forgiveness of indebtedness, advance, pledge, payment, transfer of funds, or anything of value. RCW 42.17A.005(15)(a)(i). This includes in-kind contributions of goods or services. *See* WAC 390-16-207. PDC regulations further define "pledge" as "a promise to make a future contribution." WAC 390-16-245. An in-kind pledge is reportable if it is for a specific amount or for specific goods or services. PDC Interpretation No. 12-01.

On its September 11 C-4 report, Let's Go WA disclosed a \$400,000 in-kind contribution from Brian Heywood for paid signature gathering field work by Your Choice Petitions, LLC made on August 29, 2023.¹ On that same date, the Committee also reported incurring a \$3.6 million debt to Your

¹ Let's Go WA C-4 Report No. 110172123.

Choice Petitions.² From these two data points, it is clear that a massive \$4 million paid signature gathering contract was entered into for the benefit of the Committee on that date.³ However, what is obscured by the Committee's reporting is whether the contract was entered into by Brian Heywood or by the Committee itself. Given that Heywood made an upfront payment equal to ten percent of the cost of the overall contract to Your Choice Petitions, and the Committee had at that point raised just \$57,000 in cash this year, it seems likely that Heywood entered into the contract or at least served as its guarantor. Assuming this is the case, Heywood's commitment to pay the entirety of the \$4 million signature gathering contract should have been reported as a pledge to the Committee on its September 11 C-4 report because it was a promise to make a future payment for campaign services on behalf of Let's Go WA. However, no such pledge was reported. Instead, the Committee reported a \$3.6 million dollar debt as though the Committee planned to fundraise and exhaust the debt itself.⁴

The Committee's reliance on Heywood to fulfill any payment obligations under a contract with Your Choice Petitions was further evident through Let's Go WA's October 10 C-4 report.⁵ On this report, the Committee disclosed a \$500,000 contribution from Brian Heywood on September 11, 2023⁶ and a \$427,641 payment to Your Choice Petitions that same day.⁷ The Committee also disclosed an \$800,000 loan from Brian Heywood on September 18, 2023⁸ and a \$900,000 payment to Your Choice Petitions that same day.⁹ Lastly, the Committee disclosed an \$8,000 cash contribution and a \$1,050,000 loan from Brian Heywood on September 25, 2023¹⁰ and a \$1,053,366 payment to Your Choice Petitions that same day.¹¹ This pattern demonstrates that Heywood was making agreed-to contributions and loans to the Committee for purposes of fulfilling the Your Choice Petitions contract.

The Committee's approach to reporting payments and obligations related to Your Choice Petitions creates confusion as to who is ultimately responsible for financing the colossal paid signature gathering effort currently underway in Washington state. Heywood has almost single-handedly financed the Let's Go WA effort, largely through in-kind contributions of goods and services. There can be little question that he plans to bear the cost of this signature gathering, and has almost certainly entered into an understanding with Your Choice Petitions and the Committee to that effect. And yet the Committee has failed to report this pledge as required under RCW 42.17A.225 and .240. Instead, the Committee has reported its obligations to Your Choice Petitions as being fulfilled through well-timed contributions and purported loans from Heywood (loans valued at over twelve times what the Committee has currently raised outside of Heywood's contributions). As Heywood's commitment to cover the costs of the Your Choice Petitions contract was likely known from the time the contract was entered into, it should have been reported as a pledge beginning on the Committee's September C-4 filing, providing public disclosure of this planned contribution.

² *Id.*

³ If wholly paid by Brian Heywood, this contract would represent the largest single campaign contribution by an individual in Washington state since at least 2007 and possibly in the state's history.

⁴ Let's Go WA C-4 Report No. 110172123.

⁵ Let's Go WA C-4 Report No. 110178979.

⁶ See Let's Go WA C-3 Report No. 110178982.

⁷ Let's Go WA C-4 Report No. 110178979.

⁸ See Let's Go WA C-3 Report No. 110178983.

⁹ Let's Go WA C-4 Report No. 110178979.

¹⁰ See Let's Go WA C-3 Report No. 110178980.

¹¹ Let's Go WA C-4 Report No. 110178979.

II. Inaccurate and misleading reporting of second paid signature gathering contract in violation of RCW 42.17A.225 and .240

Let's Go WA's previous reporting of payments to a second paid signature gathering firm, TDM Strategies, LLC, is already the subject of an earlier PDC complaint currently under formal investigation. However, the Committee's reporting related to this entity may have additional flaws obscuring further contributions by Brian Heywood to the Committee. On its last several C-4 reports, Let's Go WA has disclosed a significant and growing debt to TDM Strategies for paid signature gathering, a debt reported to have been initially incurred on June 30, 2023.¹² Heywood and campaign consultant Sharon Hanek formed TDM Strategies in April 2023 for the purpose of conducting paid signature gathering on behalf of Let's Go WA. The company began hiring paid signature gatherers in May with the goal of employing as many as 200 individuals.¹³

As discussed, in-kind contributions of goods and services, including payments to third parties considered in-kind loans, are reportable under RCW 42.17A.225 and .240. TDM Strategies is newly formed, lacks other revenue streams, and likely has significant nondeferrable payroll obligations. Thus, it seems probable that Heywood has personally provided the funds necessary for the company to remain in operation while six-figure debts from Let's Go WA are still outstanding. Any transfers of money from Heywood to TDM Strategies to pay the wages of signature collectors or other nondeferrable expenses should have either been reported as in-kind contributions to the Committee from Heywood or as in-kind loans. By reporting them as debts to TDM Strategies, Let's Go WA has likely failed to disclose Heywood's ongoing role in keeping TDM Strategies' signature gathering operation afloat and underreported Heywood's total contributions to the Committee to date.

III. Failure to report significant expenditures made to benefit the campaign in violation of RCW 42.17A.225 and .240.

A. September 13 gas station event

On September 13, 2023, Let's Go WA was the beneficiary of a stunt signature gathering event hosted by Americans for Prosperity-Washington (AFP-WA) and Future 42 at Jackson's Shell Station in Kent, Washington.¹⁴ During the event, attendees received discounted gas and were encouraged to sign petitions for I-2117, one of six initiatives backed by Let's Go WA.¹⁵ According to *Seattle Times* reporting, hundreds of people waited in line to purchase gas at \$3.82 per gallon,¹⁶ during which time they were a

¹² See C-4 Reports No. 110165937 (\$29,144.80); 110166000 (\$89,632); 110172123 (\$124,079.73); 110178979 (\$163,435.75).

¹³ https://www.youtube.com/watch?v=X-2IxS_tXIw.

¹⁴ See <https://future42.org/media-advisory-gas-will-be-rolled-back-to-3-82-in-kent-to-highlight-why-was-gas-is-among-most-expensive-in-the-country/>.

¹⁵ *Id.*

¹⁶ The gas was marked down from \$5.17, a discount of \$1.35 per gallon. See *Organizations host \$3.82/gallon at Kent gas station to rally support against state gas tax*, KIRO 7 (Sept. 13, 2023), <https://www.kiro7.com/news/local/organizations-host-382gallon-kent-gas-station-rally-support-against-state-gas-tax/KD2FGCJBDZDT7FN775OWMG3UUU/>. According to KIRO 7, AFP-WA and Future 42 "helped pay the price difference," but it is unclear what the financial split was between the two organizations.

captive audience for signature gatherers from Let's Go WA.¹⁷ The Committee's sponsor, Brian Heywood, was also present during the event, which garnered significant media attention.¹⁸

The sale of discounted gas and costs associated with promoting the event were apparently in-kind contributions from AFP-WA and Future 42. RCW 42.17A.005(22) defines "expenditure" to include "a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of . . . assisting in furthering or opposing any election campaign." This would include the costs associated with a discounted gas promotion that attracted people to a location for purposes of securing their support for I-2117.¹⁹ RCW 42.17A.005(15)(a) defines "contribution" to include a gift, donation, payment, or "transfer of funds, or anything of value, including personal and professional services for less than full consideration." It also includes an "expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct the expenditures on behalf of the candidate or committee, or their agents." And WAC 390-05-210 further provides that the term contribution includes "furnishing services, property or rights on an unequal basis or at less than their fair market value . . . for the purpose of assisting any candidate or political committee." This does not require that services, property, or rights be furnished to the committee, merely that they be furnished for the purpose of assisting the committee. If Let's Go WA did not itself pay for the costs of the promotional event, then it was in receipt of an in-kind contribution from those entities that did.²⁰

Because Let's Go WA failed to report any contributions associated with the September 13 event on its October 10 C-4 report, it was in violation of RCW 42.17A.225 and .240 requiring timely disclosure of expenditures and contributions.²¹

B. We the Governed interviews

Sometime prior to August 3, 2023, We the Governed produced three video interviews by Glen Morgan with Brian Heywood to promote the signature gathering effort by Let's Go WA. These videos were posted to Let's Go WA-run accounts on Rumble²² and YouTube,²³ and the Rumble-hosted videos were also directly embedded in the Let's Go WA website homepage.²⁴ The videos encourage individuals to sign the six Let's Go WA-supported ballot propositions and to volunteer or seek work with the campaign as paid signature collectors.

¹⁷ Conrad Swenson, *Will high gas prices derail WA's climate policy?* *Seattle Times* (Oct. 8, 2023), <https://www.seattletimes.com/seattle-news/environment/will-high-gas-prices-derail-was-climate-policy/>.

¹⁸ See <https://future42.org/why-we-fight-for-lower-gas-prices/>.

¹⁹ This stunt butts up against, if it does not in fact contravene, the restriction in RCW 29A.84.250, making it a gross misdemeanor in Washington state to "give[] or offer[] any consideration or gratuity to any person to induce him or her to sign or not to sign or to vote for or against any initiative or referendum measure."

²⁰ While the event arguably served multiple purposes, including not only support for I-2117 but also grassroots lobbying on the issue of statewide climate policy, some portion of the event costs were nonetheless reportable as an expenditure or in-kind contribution to Let's Go WA.

²¹ See Let's Go WA C-4 Report No. 110178979.

²² <https://rumble.com/c/c-3649941>. These videos have each been viewed nearly 20,000 times.

²³ <https://www.youtube.com/@letsgowashington2957>.

²⁴ See www.letsgowa.com.

Let's Go WA has also failed to report these campaign videos as either a campaign expenditure or an in-kind contribution from Glen Morgan/We the Governed,²⁵ in violation of RCW 42.17A.225 and .240. The interviews plainly do not fall within the exception in WAC 390-16-206 for endorsements or other news media exceptions in the FCPA because they were not separately reported by Morgan and were not published through a "regularly scheduled news medium." See RCW 42.17A.005(30)(b); WAC 390-05-290. Instead, they were videos produced by a campaign donor²⁶ and turned over to the campaign for hosting and promotional use on its own video channels and website.

IV. Failure to properly report expenditure details in violation of RCW 42.17A.225 and .240

Under RCW 42.17A.225, continuing committees are required to file monthly reports "detailing expenditures made and contributions received for the previous calendar month," including the information required by RCW 42.17A.240. For expenditures greater than fifty dollars, this includes the name and address of the person to whom the expenditure was made and the amount, date, and purpose of the expenditure. RCW 42.17A.240(7).

On its May C-4 report, Let's Go WA disclosed a \$1,750 payment to "Palmer K." for "admin work," failing to report the full name of the person who was paid and their address.²⁷ This same payment recurred on the Committee's June,²⁸ July,²⁹ August,³⁰ and September³¹ C-4 reports without any additional disclosure. The Committee also reported a \$7,000 in-kind payment from Brian Heywood to Palmer K. for "wages" on its August C-4³² and a \$3,500 debt on its September C-4 also for "wages."³³ By failing to timely report the full name and address of the recipient of ongoing campaign expenditures, Let's Go WA has violated RCW 42.17A.225 and .240.

As the PDC has already opened a formal investigation into Let's Go WA and the Committee's activities have only accelerated, we urge you to promptly investigate the numerous allegations that Let's Go Washington has violated the FCPA in advance of the December cutoff for signature gathering.³⁴ Given the unprecedented spending underway by a single individual seeking to enact statewide policy on pressing issues of climate, tax policy, long-term care, policing, and education, the Committee's compliance with the FCPA is a matter of pressing public concern.

Please do not hesitate to contact us if you have any questions, or if we can be of further assistance.

²⁵ See Let's Go WA C-4 Reports No. 110166000, 110172123.

²⁶ See Let's Go WA C-4 Report No. 110097944.

²⁷ Let's Go WA C-4 Report No. 110165997.

²⁸ Let's Go WA C-4 Report No. 110165999.

²⁹ Let's Go WA C-4 Report No. 110166000.

³⁰ Let's Go WA C-4 Report No. 110172123 (this time reported as an in-kind contribution from Brian Heywood).

³¹ Let's Go WA C-4 Report No. 110178979.

³² Let's Go WA C-4 Report No. 110172123.

³³ Let's Go WA C-4 Report No. 110178979.

³⁴ While we understand the PDC is currently handling a significant volume of complaints, it should not be lost that the current resource strain at the agency is entirely by the design of Let's Go WA campaign donor and supporter Glen Morgan. Thus, the PDC should not allow Morgan's serialized and stale complaints to detract from its oversight and investigation of a committee that is presently engaged in historic levels of highly consequential political spending.

Sincerely,

A handwritten signature in black ink, appearing to be 'Al' or 'Abby Lawlor' in a cursive style.

Abby Lawlor
Dmitri Iglitzin

*Counsel for SEIU 775, Civic Ventures, Washington
Conservation Action, and Planned Parenthood
Alliance Advocates*



November 2, 2023

Kurt Young
Washington State Public Disclosure Commission
711 Capitol Way S., #206
Olympia, WA 98504

Via Email Only

RE: Case No. 140213 Let's Go Washington

Mr. Young:

Thank you for your email of October 19, 2023, asking Let's Go Washington (the Committee) to respond to the October 17, 2023, "supplemental complaint" regarding case No. 140213 filed by Abby Lawlor of Barnard Iglitzin & Lavitt LLP on behalf of opponents (the Complainants) to the ballot measures supported by the Committee.

Most of the allegations in this new letter revolve around issues addressed in Barnard Iglitzin's earlier letters and in the Committee's responses. I will not address those here, yet again, but I will address a few of the specific allegations in this latest filing.

I. Paid signature gathering contract

Complainants suggest that any contract between Your Choice Petitions, LLC (YCP) and the Committee must have been guaranteed by Brian Heywood, Sponsor of the Committee (Sponsor), and therefore should have been disclosed as such. This is false: No such guarantor arrangement was made and there is no language to that effect in any contract of any kind. The Sponsor did not make any commitment to the Committee or to YCP, either through the Committee or directly, to pay for any portion of any such agreement. The Sponsor had every intention of, and did, in fact, solicit additional funding for the signature gathering project which would then therefore require none or just some direct financial support from the Sponsor.

II. September 13, 2023 "gas station event"

Complainants suggest that an event jointly directed by Americans for Prosperity (AFP) and Future 42 (F42) was an inkind contribution to the Committee. However, the Committee did not plan and was not made aware of this event until just days before it occurred. Both Americans for Prosperity and Future 42 have indicated that the purpose of this event was to raise awareness of "Cap and Trade" legislation recently adopted in Washington and, most importantly, to asked Washingtonians to contact their legislators and ask them to fix the legislation. The Committee's understanding is that a Grassroots

Kurt Young
November 2, 2023
Page 2 of 2

Lobbying Report either has been or soon will be filed to this effect. There were no materials, signs, banners, or anything else created by the organizers asking or suggesting that voters support I-2117.

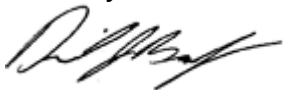
The Committee has been made aware, however, of some statements by at least one organizer supporting I-2117 through the event and, as mentioned, the organizers did contact the Committee about the event eventually. Because there was some small amount of support for I-2117 at the event by that organizer, the Committee has asked for an accounting of the value of any support for I-2117 and will amend the appropriate C4 when received.

III. We the Governed interviews

Glen Morgan and his organization, We the Governed, has for years published countless media stories in writing, audio, and video formats about all things political. He has endorsed or opposed candidates and ballot measures just as the Northwest Progressive Institute has done. The Committee did not pay for any of the interviews conducted by We the Governed, nor has the Committee been notified that there is an inkind contribution intended. The Committee on its own simply imbedded the interviews on its website as allowed by anyone.

I hope you find this information useful. As mentioned previously, portions of this supplemental complaint have already been answered. The Committee is now in the process of considering making one or amendments next week that might address additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Brady', written in a cursive style.

Dan Brady
Counsel to Let's Go Washington

CC: Conner Edwards

Original via email

August 15, 2024

Peter Frey Lavallee
Executive Director
Public Disclosure Commission
711 Capitol Way S, Suite 206
Olympia, WA 98504
peter.lavallee@pdc.wa.gov

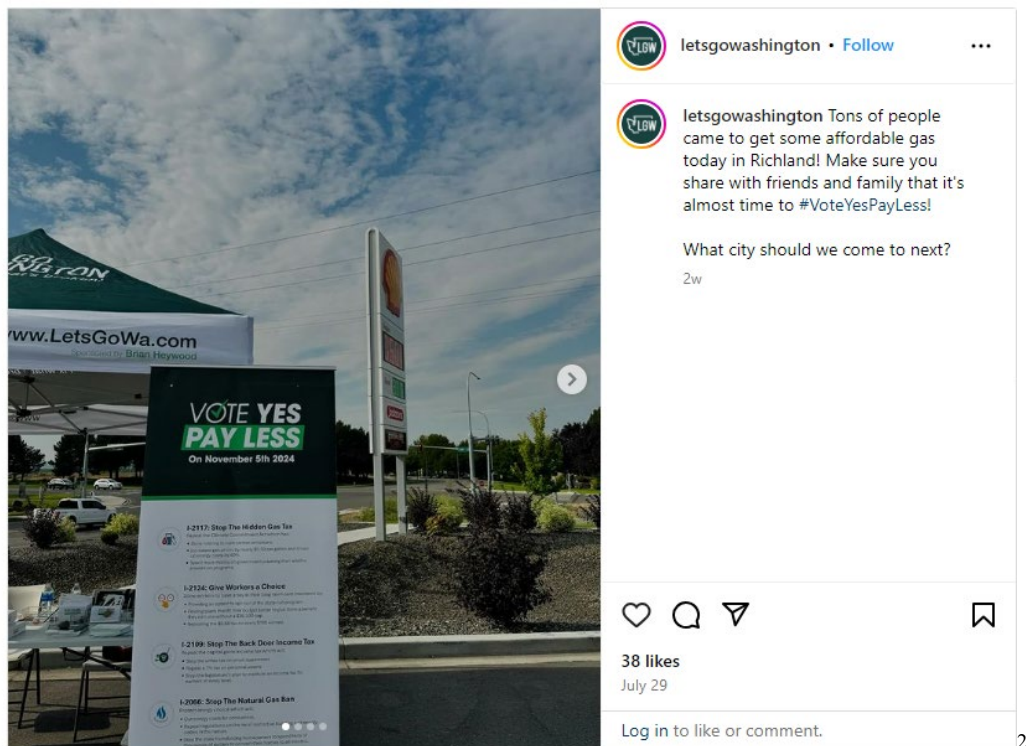
Re: Ongoing Violations of the FCPA and FCPC by Let's Go Washington (Sponsored by
Brian Heywood)
BIL File No. 6676-002

Dear Director Lavallee:

We are writing on behalf of Defend Washington to report violations of both the Fair Campaign Practices Act (FCPA), RCW 42.17A, and the Fair Campaign Practices Code, WAC 390-32-010, by Let's Go Washington (Sponsored by Brian Heywood) occurring in the immediate aftermath of the Commission's July 25 meeting.

At that meeting, the Commission considered the request by SEIU 775, Washington Conservation Action, Civic Ventures, and Planned Parenthood Alliance Advocates that the PDC's ongoing investigation into Let's Go Washington be referred to the Attorney General, including on the basis that Let's Go Washington's conduct had violated state criminal law. The Commission declined to refer the investigation, instead tentatively scheduling a hearing for the Commission's August meeting.

Just four days after the Commission's deliberations, Let's Go Washington once again engaged in the conduct that gave rise to the request for referral: offering discounted gas to voters to induce them to vote for Let's Go Washington-backed initiatives. Under the banner "Vote Yes, Pay Less," Let's Go Washington offered discounted gasoline to drivers at a Jacksons Shell in Richland on July 29 with the undeniable objective of encouraging them to vote yes on Initiative 2117 and the rest of the Let's Go Washington slate.



¹ <https://www.instagram.com/letsgowashington/p/C98QI98y5qK/>.

² https://www.instagram.com/letsgowashington/p/C-BAy6cS7g4/?img_index=1

This conduct violates RCW 29A.84.250(4), making it a misdemeanor to “[g]ive[] or offer[] any consideration or gratuity to any person to induce him or her to sign or not to sign or to vote for or against any initiative or referendum measure.” On August 9, Let’s Go Washington again offered discounted gasoline to drivers at a Shell Gas Station in Burien.³ On August 10, Let’s Go Washington offered \$5 off vouchers at the food truck Burger Buds during a campaign event in Enumclaw, once again instructing voters: “Vote Yes, Pay Less.”⁴ Let’s Go Washington has indicated that future discount events are planned as part of the campaign’s “Vote Yes, Pay Less Tour.”⁵

This conduct implicates criminal provisions that are beyond the scope of the Commission’s authority and that continue to justify referral of this investigation to the Attorney General. However, Let’s Go Washington has also violated the FCPA by failing to report the July 29 gas station event on its August 12 C-4 report and the FCPC by offering financial incentives to voters in order to sway their votes.

I. Let’s Go Washington failed to report expenditures made by or to benefit the campaign in violation of RCW 42.17A.225 and .240.

Under the FCPA, continuing committees must report all expenditures and contributions received at least monthly. RCW 42.17A.225(2), .240. RCW 42.17A.005(22) defines “expenditure” to include “a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of . . . assisting in furthering or opposing any election campaign.” This would include the costs associated with a discounted gas promotion that attracted people to a location for purposes of securing their support for I-2117. RCW 42.17A.005(15)(a) defines “contribution” to include a gift, donation, payment, or “transfer of funds, or anything of value, including personal and professional services for less than full consideration.” It also includes an “expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate’s or committee’s registration form who direct the expenditures on behalf of the candidate or committee, or their agents.” And WAC 390-05-210 further provides that the term contribution includes “furnishing services, property or rights on an unequal basis or at less than their fair market value . . . for the purpose of assisting any candidate or political committee.” This does not require that services, property, or rights be furnished to the committee, merely that they be furnished for the purpose of assisting the committee.

Let’s Go Washington may have paid directly for the gas discount and other costs associated with the promotional event at Jacksons Shell in Richland. Or, as with Let’s Go Washington’s previous discounted gas event, it may have received an in-kind contribution from another entity. In either case, Let’s Go Washington failed to report the expenditure or the contribution on its August 12 C-4 report, in violation of RCW 42.17A.225 and .240 requiring timely disclosure of expenditures and contributions.⁶

³ <https://www.instagram.com/letsgowashington/p/C-S4J8lvIRO/>.

⁴ <https://www.instagram.com/letsgowashington/p/C-YCQq9vyle/>.

⁵ See <https://letsgowashington.com/events/>.

⁶ See Let’s Go WA C-4 Report No. 110238125.

II. Let's Go Washington's conduct corrupts our system of free election in violation of WAC 390-32-010(5).

The FCPC prohibits campaign practices by political committees “which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of the will of the voters.” WAC 390-32-010(5). Let's Go Washington's repeated offering of financial incentives to voters to encourage them to sign and vote for initiatives does just that. By giving voters discounts on gas and food, Let's Go Washington seeks to buy support rather than win it through the strength of the initiatives themselves. With voters standing in the shoes of legislators, these discounts have a corrupting influence on their ability to fairly evaluate whether the initiatives are good policy and should be enacted. That is precisely why such practices contravene the FCPC and are prohibited by Washington criminal law. *See* RCW 29A.84.250(4); RCW 29A.84.620.

Defend Washington requests that this complaint be processed as one arising under both RCW 42.17A and WAC 390-32-010. *See* WAC 390-32-030(2). Given Let's Go Washington's continued disregard for the Commission's ongoing investigation and Washington's campaign finance laws, Defend Washington also requests that the Commission make good on its stated intention of holding a hearing on the numerous allegations against Let's Go Washington later this month.

Please do not hesitate to contact us if you have any questions, or if we can be of further assistance.

Sincerely,



Abby Lawlor
Dmitri Iglitzin

Counsel for Defend Washington

Cc: Kim Bradford, kim.bradford@pdc.wa.gov



CALLIE A. CASTILLO
206.223.7145
castilloc@lanepowell.com

August 26, 2024

VIA ELECTRONIC MAIL

Washington Public Disclosure Commission
PO BOX 40908
Olympia, WA 98504-0908
E-Mail: pdcc@pdcc.wa.gov

Re: PDC Case No. 140213 - Let's Go Washington (Sponsored by Brian Heywood)
Response to Defend Washington, letter dated August 15, 2024

Dear Mr. Stutzman:

This letter is submitted on behalf of Let's Go Washington (Sponsored by Brian Heywood) ("Let's Go Washington") in response to the August 15, 2024 letter submitted by Abby Lawlor and Dmitri Iglitzin on behalf of Defend Washington (collectively "Complainants").

As with their prior letters, Complainants are mistaken on both the facts and the law. Simply put, the accusations against Let's Go Washington are false. While it is true that Let's Go Washington has held events during which the cost of gasoline or the price of a burger has been discounted, it is also true that there is nothing illegal about such events. It is also true that Let's Go Washington has complied with the requirements sets forth in RCW 42.17A and WAC 390 with regard to reporting the expenditures incurred for these events.

Campaign Events

To understand why Complainants' accusations are unfounded, it is important to know the facts of these events which Complainants do not have. For the roll back gas price events, Let's Go Washington arranges for the corporate or individual owner of a particular gas station to lower the cost of gasoline to the national average rate for a gallon of gas for a set time period on a particular day. To date, these roll back events have occurred on July 29, August 9, and August 21.¹ After the event, the gas station owner calculates the amount of gas purchased during the time set and the difference in cost from what would have been paid at Washington's rates and

¹ Two more events are scheduled for August 27 and August 29, with more dates to be scheduled in the future.

that paid at the national average rate. Let's Go Washington is then invoiced for the difference in the amounts.

The purpose of these events is to demonstrate the hidden impact of Washington's policies on the price of gasoline and to make information about the initiatives supported by Let's Go Washington available to anyone interested. The events are open to the public. Everyone purchasing gas during the time of the event receives the same rate for gas regardless whether they are interested in the campaign's information or not, and regardless whether they are registered voters or not.

The same is true for the August 17, 2024 campaign event that was held at Headworks Brewing in Enumclaw. Let's Go Washington passed out vouchers for \$5 off a burger from a local food truck to anyone interested, regardless whether—again—the persons supported the initiatives or not, and—again—whether they were registered voters or not. As with the gas at the roll back events, Let's Go Washington paid for the difference between the regular price and the vouchered price of the burgers. This is akin to a campaign selling burgers at a fair booth. The only difference is the use of a food truck instead of volunteers.

There is thus nothing about these events that implicates the illegal practices set forth in RCW 29A.84.250. At no point in time is or has Let's Go Washington given or offered consideration—in any form—to a voter in exchange for their vote. Complainants' baseless accusations are simply not grounded in reality.

Reporting

Complainants' assertions regarding the reporting of these events are likewise off base. For the July 29 roll back event, Let's Go Washington has been invoiced a total of \$833.81 for the gas purchased. The invoice remains unpaid, however, because the station's corporate owner requires a specific payment method that is in the process of being arranged by Let's Go Washington. Thus, under WAC 390-16-042, the less than \$1000 invoice was not required to be reported on Let's Go Washington's July C4 report. The expenditure will be reported upon payment, likely for the August C4 reporting period.

For the August 17 Enumclaw event, the cost of the burgers amounted to \$200 and will be reported on Let's Go Washington's August C4 as required. The August roll back events have not yet been invoiced, and, of course, neither has the planned August 27 and August 29 events. Those expenditures will be timely reported as required.

* * *

In sum, Ms. Lawlor, Mr. Iglitzen, and Defend Washington have again accused Let's Go Washington without any factual or legal basis. Let's Go Washington is fully compliant with Washington's campaign finance laws. The complaint must be closed.

Washington Public Disclosure Commission
August 26, 2024
Page 3

Sincerely,

LANE POWELL PC

A handwritten signature in black ink, appearing to read "Callie A. Castillo". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Callie A. Castillo

cc: Dan Brady, Let's Go Washington Legal Counsel

135479.0002/9857833.1

Professional Services Agreement

This Agreement entered into August 29, 2023 between "Your Choice Petitions, LLC.", a Washington State Company, hereafter "YCP", and Let's Go Washington, a Washington State Political committee, hereafter "Proponent", shall remain in full force and effect until fulfillment on or before December 18, 2023, but no later.

1. YCP agrees to circulate Proponent's 2023 Initiatives:

- I-2113 REASONABLE POLICE PURSUIT
- I-2117 STOP THE HIDDEN GAS TAX
- I-2124 OPT OUT OF STATE-RUN LONG TERM CARE COVERAGE ACT
- I-2109 REPEAL THE CAPITAL GAINS TAX
- I-2111 NO STATE INCOME TAX
- I-2081 PARENTAL NOTIFICATION

such initiatives referred to hereinafter as the "Petitions", ON OR ABOUT August 28, 2023, obtaining up to 200,000 signatures per Petition. Proponent has the right to order YCP to end circulation of one or more petitions at any time.

2. **Fees.** Proponent agrees to pay consideration to YCP of \$3.00 per signature contained in each turn-in batch with completed name, signature and address collected in accordance with this contract at time of delivery. Proponent shall not be charged for illegible, or incomplete petition lines. If any turn-in batch has less than a 70% validity rate, Proponent will not be charged for the number of signatures that equal the percentage below 70%, and subsequent invoices will be adjusted to reflect prior weeks' difference. Proponent agrees to acknowledge P.O. Box addresses as valid. Proponent agrees Voter registration cards gathered at time of signing of petitions, will be counted as valid.

3. **Validity.** Proponent will perform a 100% check of the validity of signatures obtained against the most recent Washington State Voter file and agrees to supply a complete validity report EVERY MONDAY MORNING by 10am, from the week's prior turn-in.

4. **Payment Terms.** YCP will deliver full and partially full original signature sheets to Proponent on a regular basis at a time and location mutually agreed upon. Prior to delivery, YCP will invoice Proponent for the amount of signatures to be delivered. YCP will invoice Proponent weekly with payment due the following week after completion of validity. Pay to YCP is not contingent on unforeseen circumstances (I.E. acts of God, Proponent withdrawal or cancellation of contract for any reason, or circumstances which are beyond YCP's control)

5. **Deposit.** Proponent agrees to pay YCP a non-refundable deposit of \$400,000 upon execution of this contract. Deposit is for the sole purpose of executing the services required under this agreement and deposit will be applied to the last 22,000 signatures obtained by YCP. If the Agreement by YCP is terminated early, then any difference between fees accrued and funds deposited will be refunded to Proponent within five days.

6. **Assignment and Subcontractors.** This Agreement is between the parties to this Agreement only. YCP may subcontract any part of this Agreement but may not assign YCP's performance, rights, obligations, or liabilities under this Agreement.

LGW-PDC_000886

7. **Petitions.** Proponent will provide YCP blank petition sheets in quantities as requested by YCP.

8. **Expenses.** Proponent agrees to provide up to an additional \$22,000 to YCP to cover the cost of temporary housing for YCP through the end of the signature campaign. YCP will not be entitled to any other expense allowances or reimbursements.

9. **Termination.** This agreement may be terminated by Proponent via email notice to YCPoffice@gmail.com. YCP will then have five full business days to turn the final signatures over to Proponent. YCP recognizes and affirms that the final signatures are the sole property of the Proponent and will be provided with no additional terms other than provided for under this Agreement.

10. **Data Ownership.** All data that is compiled or developed by or on behalf of Proponent shall be owned by Proponent alone. YCP has no ownership rights to the signatures or data collected before, during, or after completion or termination of the Agreement. All data, files, and other materials must be returned to Proponent within seven (7) days of completion or termination of the Agreement.

11. **Notice.** Any notice provided concerning this Agreement shall be in writing and be deemed sufficiently given when sent by certified or registered mail or hand-delivered to the other party at its respective address as set forth below.

Notice to YCP shall be provided to:

Name BRENT JOHNSON
Company GIL E. GLASS
Address SPOKANE, WA 99207
YOUR CHOICE PETITIONS, LLC

Notice to Proponent shall be provided to:

Name _____
Company _____
Address _____

12. **Governing Law, Venue, and Attorneys' Fees.** This Agreement will be governed by and construed exclusively in accordance with the laws of the State of Washington. Venue for any dispute arising under this Agreement will be in the King County Superior Court. The substantially prevailing party in any litigation arising under this Agreement will be entitled to recover all attorneys' fees and all costs expended in such litigation.

13. **Confidentiality.** YCP will not disclose any of the internal business of Proponent, including actions, discussions, or decisions, during or after the term of this Agreement to any person without express permission from Brian Heywood. YCP acknowledges that during the term of the Contract they will have access to and become acquainted with various goals, strategies, plans, processes, information, records, and data owned or licensed by Proponent. Data sets could include, but are not limited to, voter files or data, email and/or phone lists. YCP agrees to not disclose any of the aforesaid, directly or indirectly, or use any of them in any manner, either during the term of this Agreement or at any time thereafter, except as required in the course of this contract with Proponent. Notwithstanding the foregoing, YCP may disclose such information if, in the written

LGW-PDC_000887

opinion of counsel, such disclosure is required by law and then only with as much prior written notice to Proponent as is practical under the circumstances.

14. Limitation of Liability. To the fullest extent permitted by applicable law, and notwithstanding any other provision in this Agreement, the total aggregate liability of Proponent to YCP and all of its affiliates (and their respective successors, subcontractors, and permitted assigns) shall be limited to the amounts owed to YCP for the services provided in accordance with this Agreement. This limitation shall apply regardless of the cause of action plead or legal theory advanced, unless otherwise prohibited by applicable law. In no event shall Proponent be liable to YCP or any of its affiliates (or their respective contractors, successors or permitted assigns) for any consequential, incidental, indirect, punitive, or special damages (including loss of profits, data, business, or good will) arising out of any breach of this Agreement by Proponent.

15. Indemnification. YCP agrees to defend, indemnify, and hold harmless Proponent and Proponent's officers, board members, employees, agents, volunteers or anyone else acting on Proponent's behalf from any and all claims, demands, liabilities or obligations arising in whole or in part, from the services YCP or its subcontractors performs under this Agreement, including but not limited to any claims arising out of Contractor's entry onto, or activities on, any property or premises owned, operated or controlled by Proponent.

16. Severability. If any provision of this Agreement will be determined by any court or arbitrator of competent jurisdiction to be unenforceable or otherwise invalid for any reason, the remaining provisions of this Agreement are severable, and the unenforceability or invalidity of any single provision hereof will not affect the remaining provisions of this Agreement.

17. Amendments. This agreement may be amended or modified only with the agreement of both parties.

It is hereby agreed.

Signed

"YCP":

DATED:

NAME:

"PROPONENT":

DATED:

NAME:

LGW-PDC_000888



To: "Kurt Young" <kurt.young@pdc.wa.gov>, "PDC Support" <pdc@pdc.wa.gov> Cc: dan@danbradylaw.com

External Email

Hi Kurt:

We are really appreciative of all your efforts to help us here. I read through your e-mail to Dan and just wanted to follow up with a few questions. Making the changes that you are suggesting would take a fair amount of time and resources for the committee, so I just want to make sure we are all on the same page.

Here are the questions I'm hoping you can help us answer.

1) What is the basis of your request that we break out the in-kind contributions by initiative?

The agency's published guidance on describing in-kind contributions says filers have to provide "a brief description" of the in-kind contribution, which we have done. The agency's guidance makes no mention of providing subvendor breakdowns for in-kind contributions donated to the committee. I've viewed many C4 reports over the years where the filers disclose in-kind contributions but I don't recall any filers disclosing subvendors on an in-kind contribution. In fact, many filers don't even disclose the name of the vendor where the in-kind contribution was purchased from; we have done this.

2) What is the basis of your request that we provide the sub-vendor breakdown for in-kind contributions?

The agency's published guidance on describing in-kind contributions says filers have to provide "a brief description" of the in-kind contribution received, which we have done. The agency's guidance makes no mention of providing subvendor breakdowns for in-kind contributions donated to the committee. I've viewed many C4 reports over the years where the filers disclose in-kind contributions but I don't recall any filers disclosing subvendors on an in-kind contribution. In fact, many filers don't even disclose the name of the vendor where the in-kind contribution was purchased from; we have done this.

3) What is our obligation as a committee to seek out information about sub-vendors? If we receive a receipt or invoice that does not indicate that a sub-vendor was used, are we obligated to request this information from every vendor for every purpose? If the vendor does not provide this information in response to our requests, how should we handle this?

Generally speaking, invoices and receipts do not include information about sub-vendors utilized by the vendor.

4) When breaking out sub-vendor information about in-kind contributions and expenditures, to what degree do you expect us to disclose granular detail?

For instance, with TDM and Your Choice Petitions, there are a number of people who are paid as part of the signature gathering efforts. Are you requesting that we disclose the information about payments to individual employees/contractors and employment tax related payments?

5) What format would you like us to use to disclose sub-vendor information about in-kind contributions?

As mentioned above, I don't recall seeing any filers disclose subvendors on an in-kind contribution. What format would you like us to use to disclose this type of information? Typically, when disclosing an in-kind contribution, I will disclose the identity of the contributor, and then in the description of what was donated I will put the name of the vendor in parenthesis. For example, if we received cell phone services from a contributor I will put: "Cell Phone Services (AT&T)". I'm not clear on the format that you would like us to utilize here to disclose what you are requesting.

6) Over what time period do you want us to amend our reports to include the level of detail you are seeking?

Are you requesting that we amend all of our C4 reports (including the previous effort to qualify 11 initiatives) over the last ~18 months? Or just the reports relating to the 6 initiatives we are currently trying to qualify?

7) When breaking out in-kind contributions by subvendors, are you also requesting that we include the address of the vendors and/or subvendors? If so, is it OK to simply include the city and state where the vendor/subvendor is located or are you requesting that we disclose the full address?

8) For expenditures and in-kinds (and debts I assume?) how would you like us to disclose the per-initiative cost associated with a particular item?

It seems to me like there would be three primary options.

Option A: After I describe the item, I could put the fraction percentage of the item associated with each initiative. For example: I could put: "6000 Brochures (Approximately 1/6th of this expense is attributable to initiatives 2113, 2117, 2124, 2109, 2111, and 2081 respectively)."

Option B: After I describe the item, I could put the dollar amount associated with each initiative. For instance, I could put: "6000 Brochures (\$500 for I-2113, \$500 for 2117, \$500 for 2124, \$500 for 2109, \$500 for 2111, \$500 for 2081). The complicating factor with this option would be, how would you like us to handle this when the amounts are not evenly divisible by 6? For instance, when you divide an in-kind contribution of \$400 by 6 you get \$66.6666667. How would you like us to handle that?

Option C: I could divide each individual item into 6 individual line items (or 11 individual line items for the previous effort) and put the amount attributable to each measure in the description field. This would have the same complicating factor as Option B. How would you like us to handle this when the amounts are not evenly divisible by 6? For instance, when you divide an in-kind contribution of \$400 by 6 you get \$66.6666667.

9) How would you like us to calculate the percentage/amount attributed to each ballot measure for each item?

Sometimes this is easy, such as with instances where we order a number of signature sheets for each initiative. However, with other expenditures such as signature gathering this is not as clear. For instance, if we have an expenditure or in-kind contribution for signature gathering, it may not be the case that we receive an exactly equal number of signatures back as part of the effort. Would you like us to use some type of pro-rata formula for calculating the signatures we get back and arriving at an amount attributable to each measure? And if so, what method would you like us to use to calculate that?

10) Why does the agency's guidance not match up with what you are requesting us to disclose, particularly as it relates to breaking down subvendors for in-kind contributions?

11) What is the date that you are requesting the committee make these changes by?

It will take a considerable amount of time to make the changes that you are requesting.

12) If we make the changes you've proposed, will the agency dismiss the complaint or will the agency request that we make additional changes?

Again, we are really appreciative of your assistance with this matter. Please let me know if you have any questions and I look forward to hearing from you.

Best,

Conner Edwards

Kurt Young replied

10 months ago (Thu, 26 Oct 2023 at 6:58 PM)



To: dan@danbradylaw.com Cc: cg.edwards53@gmail.com

Dan Brady and Connor Edwards,

Thank you for the prior email, your cooperation throughout this investigation, and your patience while we worked on this response.

Prior to responding, PDC staff would note that Mr. Brady, you are an experienced attorney with years of legal experience with PDC enforcement, laws, and rules. And Mr. Edwards, you are an experienced Treasurer, a long time PDC stakeholder who has participated in PDC rulemaking and made numerous citizens comments over the years.

This is a PDC investigation concerning a complaint filed against Let's Go Washington (Sponsored by Brian Heywood), and not a question-and-answer session with Filer Assistance or related to any stakeholder work. PDC staff will not be responding to every question, point by point, that you submitted.

Staff understands you are asking these questions to seek guidance for bringing the committee into compliance with the law, and the answers provided here are offered as what staff believes would achieve that purpose. Of course, the committee may seek its own counsel on the law. RCW 42.17A.001 states in part the following:

"(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided."

"(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

PDC staff would note this is a highly unusual fact pattern for a political committee to be supporting six different ballot measures through one committee, and with all expenditure activities being paid for by receiving in-kind contributions from a single contributor, the sponsor of the committee, Brian Heywood.

No expenditures have been disclosed to date being made directly by the Committee. All expenditure activities to date have been made by the Committee sponsor, Mr. Heywood, through in-kind contributions received from him, with those activities being made in coordination with Committee principal decision-makers, officers, and agents.

Staff's guidance would be that since in-kind contributions are expenditures made in cooperation, consultation, or concert with the campaign, as noted in RCW 42.17A.005(15) & (22), the same expenditure descriptions and sub-vendor breakdown information for all in-kind contributions received from Mr. Heywood would be required in the same manner as required for any Committee expenditure.

Concerning the Committee invoices, if the invoices received by the Committee do not adequately include sub-vendor information, it is incumbent on the Committee Officers to obtain the required information for the services that have been provided for the expenditure or in this case the in-kind contributions/expenditures that were provided by the sponsor of the Committee.

The sub-vendor information you are inquiring about would be the same as for any expenditures and in this case the Committee in-kind contributions/expenditures, of which you are aware of from your Treasury services for numerous filers and the stakeholder work you have been intimately involved with.

If any of the in-kind contributions/expenditures are for goods or services that have been sub-contracted out to a third-party vendor, then the sub-vendor information for those activities should be disclosed by the Committee on amended reports and all future reports.

Staff suggests that your immediate priority would be to amend the Committee's 2023 C-4 reports for the reports relating to the six 2023 initiatives the Committee is currently trying to collect enough signatures for. Once those reports have been amended and filed correctly, all prior C-4 reports dating back to the Committee's inception in 2022 should be amended.

When breaking out in-kind contributions/expenditures, all the required sub-vendor information should be disclosed for each in-kind contribution/expenditure received, including the complete vendor address and City/State.

Concerning one of the examples you listed in your inquiry, PDC staff would be looking for the reports disclosing in-kind contribution to include the following: "6000 Brochures printed by XYZ Printing, followed by the complete address and then something like: \$500 and 1,000 brochures printed for I-2113; \$500 and 1,000 brochures printed for 2117, etc....."

Regarding your inquiry about the percentages or dollars amounts attributable to each initiative for all in-kind contributions/expenditures, the Committee should disclose the actual amounts spent or attributable to each ballot measure on the reports. Those amounts may be a pro-rata amount if the in-kind contribution/expenditure is attributable equally to all six initiatives.

Since the next C-4 report and any C-3 reports are required to be filed by the Committee no later than November 10, 2023, staff suggests that you file the amended C-4 reports by that date prior to filing the October 2023 C-4 report.

If the Committee files the amended C-4 reports and makes all the requested changes that staff has identified in a timely manner, and amends the C-4 reports providing the information in the manner requested to come into Compliance, staff would likely not be requesting any additional information or amendments.

Finally, while staff cannot state at this time whether the complaint will be dismissed, as noted at the Initial Hearing PDC staff has several alternatives to scheduling an enforcement hearing to resolve the case which may be an appropriate resolution for this matter. Prior to make that determination, PDC staff would need to weigh the mitigating and aggravating factors of the case in coming to a resolution for this matter.

Sincerely,

Kurt Young
PDC Compliance Officer

--

Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111



To: "PDC Support" <pdcc@pdc.wa.gov>, "Kurt Young" <kurt.young@pdc.wa.gov> Cc: dan@danbradylaw.com

External Email

Hi Kurt:

We are really grateful for your help with this matter. We want to continue to cooperate with your investigation and we thank you for your patience with us. Your most recent e-mail does answer some of our questions, but it appears that the bulk of our questions have remained unanswered.

To begin with, we want to make it clear that we don't want to engage in a big back-and-forth question-and-answer session with you. That wouldn't be productive for us, and we know that it wouldn't be productive for you. As a committee, we collectively reviewed the questions that we asked you on 10/10/23 prior to sending them. We felt that the answers to these questions would provide much needed clarity that would give us the information that we need to help us collectively get this case resolved as quickly as possible.

I do want to reiterate that the amendments that you appear to be proposing would be an extremely time-consuming proposition for the committee to attempt to accomplish. Additionally, they don't appear to be required by any law or rule. These changes are not something that could just happen overnight. I am unable to provide an exact estimate on the amount of time it would take to make these changes because your answers contain quite a bit of ambiguity with respect to exactly what you are asking us to do and how exactly we are supposed to attempt to collect the information you are asking us to include in the proposed amendments.

I did also want to quickly respond to one thing. You noted that: "...this is a highly unusual fact pattern for a political committee to be supporting six different ballot measures through one committee, and with all expenditure activities being paid for by receiving in-kind contributions from a single contributor, the sponsor of the committee, Brian Heywood... No expenditures have been disclosed to date being made directly by the Committee. All expenditure activities to date have been made by the Committee sponsor, Mr. Heywood, through in-kind contributions received from him, with those activities being made in coordination with Committee principal decision-makers, officers, and agents..."

I would like to respond by reiterating what I already said to you in a previous e-mail when this complaint first came in: this effort is a unique challenge for all of us. I will note however that your comment about all activities being paid for by receiving in-kind contributions from a single contributor is no longer accurate, as evidenced by the September C4 we timely filed on 10/10/23. See PDC Report No. 110178979. Recent changes to transition to a traditional funding model with monetary contributions in and monetary expenditures out will make future reporting much more straightforward. We have also started to receive monetary contributions from a variety of other donors. That being said, unless you are aware of some requirement that we are unaware of, there is nothing illegal about a contributor funding a committee with in-kind contributions.

You also noted that: "Staff's guidance would be that since in-kind contributions are expenditures made in cooperation, consultation, or concert with the campaign, as noted in RCW 42.17A.005(15) & (22), the same expenditure descriptions and sub-vendor breakdown information for all in-kind contributions received from Mr. Heywood would be required in the same manner as required for any Committee expenditure."

I would like to respond by letting you know that this is the first time I have heard the agency staff take the position that in-kind contributions are required to be broken down by subvendor. The guidance on the agency's website provides that we only need to provide a "brief description" of the in-kind contribution received by the committee, which we have done. If the agency no longer believes that a "brief description" is what is required when describing an in-kind contribution, why hasn't the agency updated the guidance on its website that filers rely on when disclosing in-kind contributions on C4 reports?

I would also like to note that in the response made by the Washington Education Association (WEA) PAC in PDC Case No. 139384, the attorney representing WEA-PAC noted that: "The PDC's rules provide that in kind contributions must be reported on C-4 reports and indicate that in-kind contributions fall within the larger definition of 'contribution' in RCW 42.17A.005. WAC 390-16-207(1). **Thus, a plain reading of the FCPA suggests that C-4 reporting for in-kind contributions requires the same disclosures as contributions generally:** the name and address of the contributor and, if the person has made contributions in the aggregate amount of more than \$250, their occupation and the name and location (city and state) of their employer. RCW 42.17A.240(2); WAC 390-16-034." [emphasis added]. This position was taken by Abigail Lawlor, who is also the complainant in this case. To the extent that the PDC recognizes this position as being accurate, our committee has gone above and beyond the disclosures required by law.

You also note that: "Concerning the Committee invoices, **if the invoices received by the Committee do not adequately include sub-vendor information, it is incumbent on the Committee Officers to obtain the required information for the services that have been provided for the expenditure or in this case the in-kind contributions/expenditures that were provided by the sponsor of the Committee.**" [emphasis added]

In response, I would like to ask: how are we supposed to evaluate whether or not the invoices received by the committee adequately include sub-vendor information? Additionally, I would ask this: assuming that we somehow determine that an invoice is lacking sub-vendor information, and we reach out to the vendor to request this information, but they do not provide it, what is our responsibility at that point?

You also note that: "Staff suggests that your immediate priority would be to amend the Committee's 2023 C-4 reports for the reports relating to the six 2023 initiatives the Committee is currently trying to collect enough signatures for. Once those reports have been amended and filed correctly, all prior C-4 reports dating back to the Committee's inception in 2022 should be amended."

I would respond by saying that unless we receive answers to our earlier questions about what exactly staff are requesting that we do, we are unable to estimate the amount of time any requested amendments would take to accomplish. However, even using the most favorable interpretation of what staff are asking us to do, I believe that it would be impossible to make the required amendments by the date you are suggesting. For that reason, we are requesting that you extend your deadline to make the requested changes until January 10, 2024.

You also note that: "Regarding your inquiry about the percentages or dollars amounts attributable to each initiative for all in-kind contributions/expenditures, the Committee should disclose the actual amounts spent or attributable to each ballot measure on the reports. **Those amounts may be a pro-rata amount if the in-kind contribution/expenditure is attributable equally to all six initiatives.**" [emphasis added]

Thank you, this is very helpful. But can you clarify what you mean by a pro-rata amount if the in-kind/expenditure is attributable equally to all six initiatives? Can you provide an example of how we should disclose this?

I also had one additional question that I would like to raise. My understanding is that other political committees have been given the option of uploading PDFs to be appended to their PDC reports to include the appropriate level of detail for expenditures. Is this something that our committee could take advantage of? This would greatly reduce the amount of work that would be involved in providing the amendments you are seeking.

In closing, I'll just reiterate that we need additional clarity from you on exactly what you are looking for us to do. On the face of things, it appears that you are requesting us to make changes that go beyond the requirements of the law. This being said, we are actively considering the most appropriate way to cooperate and respond. We need to understand how much time and effort it will take to comply with your supplemental requests. I think that the current lack of specificity makes it difficult for us to gauge this. However, I am hoping we can work together to quickly move forward and resolve this matter.

Thank you again for working with us on this matter and being so patient with us.

Best,

Conner Edwards
Campaign Treasurer – LGW 2023

Kim Bradford replied

10 months ago (Wed, 15 Nov 2023 at 11:27 AM)



To: dan@danbradylaw.com Cc: cg.edwards53@gmail.com, kurt.young@pdc.wa.gov

Conner,

Kurt has provided you guidance as requested by the Committee on how to complete its filing obligations. Your latest email mostly includes your thoughts and rebuttal to the guidance the Committee had requested. As Kurt explained, we are not engaging here in a general discussion about the law. The Committee is represented by counsel in this matter. Counsel has submitted the Committee's response to the complaint on behalf of the Committee, and the Committee can raise any legal issues through its counsel.

We believe that the guidance Kurt provided is clear and sufficient to complete the reporting. However, in the abundance of clarity I will address the two additional questions within your response relating to completing of reports. First, concerning your questions about what Kurt meant by a pro-rata amount if the in-kind/expenditure is attributable equally to all six initiatives, and if the pro-rata amounts were only spent on two initiatives, it seems clear that he is explaining that the amount would be divided proportionally among the applicable initiatives. To expand on the example that Kurt had provided: (1) **In-kind contribution attributable equally to all six initiatives:** 6000 Brochures printed by XYZ Printing and costing a total of \$3,000: \$500 and 1,000 brochures printed for I-2113; \$500 and 1,000 brochures printed for I-2117; etc....listing all six initiatives with the same information; or (2) **In-kind contribution attributable to only two initiatives:** 6000 Brochures printed by XYZ Printing and costing \$3,000: \$2,000 and 4,000 brochures printed for I-2113; \$1,000 and 2,000 brochures printed for I-2117.

Second, you asked whether the Committee can report expenditure activity simply by submitting a PDF attachment to the report. I understand that to be a request to report the pro-rata amounts discussed above as an attachment to an already submitted report. PDC staff's position is that method would not provide full disclosure. The committee should instead amend those reports to include the amounts attributed to each initiative so that the public has ready access to the expenditure totals via electronic reporting, as the law requires.

Sincerely,

Kim Bradford

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Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

Washington Public Disclosure Commission
<http://www.pdc.wa.gov>
1.360.753.1111

Friday, October 6, 2023 at 10:19:09 Pacific Daylight Time

Subject: Contract
Date: Friday, October 6, 2023 at 7:04:27 AM Pacific Daylight Time
From: ROY
To: Kelly Palmer
Attachments: IMG_4636.jpeg, IMG_4637.jpeg, IMG_4638.jpeg

Professional Services Agreement

This Agreement entered into October 3, 2023 between "ALLSTATE PETITION MANAGEMENT, LLC.", a Washington State Company, hereafter "APM", and Let's Go Washington, a Washington State Political committee, hereafter "Proponent", shall remain in full force and effect until fulfillment on or before December 18, 2023, but no later.

1. APM agrees to circulate Proponent's 2023 Initiatives:

- I-2113 REASONABLE POLICE PURSUIT
- I-2117 STOP THE HIDDEN GAS TAX
- I-2124 OPT OUT OF STATE-RUN LONG TERM CARE COVERAGE ACT
- I-2109 REPEAL THE CAPITAL GAINS TAX
- I-2111 NO STATE INCOME TAX
- I-2081 PARENTAL NOTIFICATION

such initiatives referred to hereinafter as the "Petitions", ON OR ABOUT October 3, 2023, obtaining up to 125,000 signatures per Petitions. Proponent has the right to order APM to end circulation of one or more petitions at any time.

2. **Fees.** Proponent agrees to pay consideration to APM of \$2.00 per signature contained in each turn-in batch with completed name, signature and address collected in accordance with this contract at time of delivery. Proponent shall not be charged for illegible and duplicates. If any turn-in batch has less than a 70% validity rate, Proponent will not be charged for the number of signatures that equal the percentage below 70%, and subsequent invoices will be adjusted to reflect prior weeks' difference. Proponent agrees to acknowledge P.O. Box addresses as valid. Proponent agrees Voter registration cards gathered at time of signing of petitions, will be counted as valid.

3. **Validity.** Proponent will perform a 100% check of the validity of signatures obtained against the most recent Washington State Voter file and agrees to supply a complete validity report EVERY MONDAY MORNING by 10am, from the week's prior turn-in.

4. **Payment Terms.** APM will deliver full and partially full original signature sheets to Proponent on a regular basis at a time and location mutually agreed upon. Prior to delivery, APM will invoice Proponent for the amount of signatures

1 of 5

LGW-PDC_000120

to be delivered. APM will invoice Proponent weekly with payment due the following week after completion of validity. Pay to APM is not contingent on unforeseen circumstances (I.E. acts of God, Proponent withdrawal or cancellation of contract for any reason, or circumstances which are beyond APM's control)

5. Deposit. Proponent agrees to pay APM a non-refundable deposit of \$120,000 upon execution of this contract. Deposit is for the sole purpose of executing the services required under this agreement and deposit will be applied to the signatures obtained by APM. If the Agreement by APM is terminated early, then any difference between fees accrued and funds deposited will be refunded to Proponent within five days.

6. Assignment and Subcontractors. This Agreement is between the parties to this Agreement only. APM may subcontract any part of this Agreement but may not assign APM's performance, rights, obligations, or liabilities under this Agreement.

mlb

ons. Proponent will provide APM blank petition sheets in quantities as by APM.

ation. This agreement may be terminated by Proponent via email notice ireman@aol.com. APM will then have five full business days to turn the natures over to Proponent. APM recognizes and affirms that the final s are the sole property of the Proponent and will be provided with no l terms other than provided for under this Agreement.

wnership. All data that is compiled or developed by or on behalf of shall be owned by Proponent alone. APM has no ownership rights to the s or data collected before, during, or after completion or termination greement. All data, files, and other materials must be returned to within seven (7) days of completion or termination of the Agreement.

a. Any notice provided concerning this Agreement shall be in writing and sufficiently given when sent by certified or registered mail or hand- to the other party at its respective address as set forth below.

b APM shall be provided to:

to Proponent shall be provided to:

governing Law, Venue, and Attorneys' Fees. This Agreement will be by and construed exclusively in accordance with the laws of the Washington. Venue for any dispute arising under this Agreement will be King County Superior Court. The substantially prevailing party in litigation arising under this Agreement will be entitled to recover all its fees and all costs expended in such litigation.

Confidentiality. APM will not disclose any of the internal business of Proponent, including actions, discussions, or decisions, during or after the term of this Agreement to any person without express permission from Brian Proponent. APM acknowledges that during the term of the Contract they will have to and become acquainted with various goals, strategies, plans, information, records, and data owned or licensed by Proponent. This could include, but are not limited to, voter files or data, email lists, phone lists. APM agrees to not disclose any of the aforesaid, directly or indirectly, or use any of them in any manner, either during the term of the Agreement or at any time thereafter, except as required in the course of the Contract with Proponent. Notwithstanding the foregoing, APM may disclose information if, in the written opinion of counsel, such disclosure is required by law and then only with as much prior written notice to Proponent as is practicable under the circumstances.

mfb

Limitation of Liability. To the fullest extent permitted by applicable law, notwithstanding any other provision in this Agreement, the total aggregate liability of Proponent to APM and all of its affiliates (and their respective subcontractors, and permitted assigns) shall be limited to the amount paid to APM for the services provided in accordance with this Agreement. This limitation shall apply regardless of the cause of action, whether in contract or tort.

3 of 5

LGW-PDC_000122

enced, unless otherwise prohibited by applicable law. In no event shall Proponent be liable to APM or any of its affiliates (or their respective successors or permitted assigns) for any consequential, indirect, punitive, or special damages (including loss of profit, loss of business, or good will) arising out of any breach of this Agreement.

Indemnification. APM agrees to defend, indemnify, and hold harmless Proponent and Proponent's officers, board members, employees, agents, or anyone else acting on Proponent's behalf from any and all claims, demands, liabilities or obligations arising in whole or in part, from the performance of APM or its subcontractors performs under this Agreement, but not limited to any claims arising out of Contractor's entry on, any property or premises owned, operated or controlled by Proponent.

Entire Agreement. If any provision of this Agreement will be determined by an arbitrator of competent jurisdiction to be unenforceable or invalid for any reason, the remaining provisions of this Agreement shall remain in full force and effect, and the unenforceability or invalidity of any single provision shall not affect the remaining provisions of this Agreement.

Amendment. This agreement may be amended or modified only with the written consent of both parties.

agreed.

ROY RUFFINO ALL STATE PETITION MGT.

OCT 3, 2023

ROY RUFFINO MEMBER

WR

Message

From: ROY [signatureman@aol.com]
Sent: 1/17/2024 5:45:06 PM
To: LGW [info@letsgow.com]
Subject: Re: Vendor Letter

Content-type: multipart/alternative;
boundary="B_3805267749_2370727625"

> This message is in MIME format. Since your mail reader does not understand this format, some or all of this message may not be legible.

--B_3805267749_2370727625
Content-type: text/plain;
charset="UTF-8"
Content-transfer-encoding: quoted-printable

Kelly, what you asking for is proprietary information and is outside the realm of reason to disclose to you who Allstate Petition Management LLC may or may not have used for any services including but not limited to postage, rental cars, lodgingetc etc

ROY RUFFINO
ALLSTATE PETITION MANAGEMENT LLC
1401 MARVIN RD NE STE 307 BOX 433
LACEY WA 98516-20
1-800-683-1099
On Wednesday, January 17, 2024 at 05:28:05 PM PST, LGW <info@letsgow.com> = wrote:=20

Roy,

=20

=20

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As you are aware, under Washington State Public Disclosure Law RCW 42.17A.2=35, all political campaigns, PACs, and political committees of any kind are required to disclose to the public all expenditures made during the course of the year including the name and address of any and every vendor or payee, purpose of payment, as well as additional details such number of items purchased (as applicable) and the date of payment or obligation. As a ballot measure campaign committee, Let's Go Washington (LGW) is required to comply with this law. In addition, the law requires that any subvendors or subcontractors used by any vendors or payees of LGW also be disclosed to the public.=20

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For example, if LGW creates a mail piece to be sent to voters, LGW might hire a firm to design, print and process/mail the piece. LGW is required to disclose the firm name and address and that the purpose of the expenditure was a mail piece along with the number of pieces sent. If the firm hired to send this mailer does its own design and printing and processing/mailing in-house, that will all be disclosed as being just from that firm. However, if the firm hires another firm or firms to do the design work, the printing, and/or the processing/mailing, then each firm must be disclosed including the payment made to that firm by the original vendor or contractor to complete the work for LGW.

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Because your firm is a vendor and payee of LGW, I am writing you to find out if any subvendors or subcontractors were used by your firm during the course of your providing goods and/or service to LGW. If you did not use any such vendors or subcontractors, please reply to this email indicating such. If you did use other subvendors or contractors in the course of your work for LGW, please provide the names, addresses, amount of any payments, and information regarding what kind of work was done and for what project or invoice billed to LGW.

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Time is of the essence, and your prompt reply is appreciated.

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Thank you,

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Kelly Palmer

=20

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charset="UTF-8"

Content-transfer-encoding: quoted-printable

<html><head>
<meta http-equiv=3D"Content-Type" content=3D"text/html; charset=3Dutf-8"></head><=body><div>Kelly, what you asking for is proprietary information and is outside the realm of reason to disclose to you who Allstate Petition Management LLC may or may not have used for any services including but not limited to postage, rental cars, lodgingetc etc

ROY RUFFINO
ALLSTATE PETITION MANAGEMENT LLC
1401 MARVIN RD NE STE 307 BOX 433
LACEY WA 98516
1-800-683-1099
</div><div class=3D"yahoo_quoted" style=3D"margin:10px 0px =0px 0.8ex;border-left:1px solid #ccc;padding-left:1ex;"><div style=3D"font-family:'Helvetica Neue', Helvetica, Arial, sans-serif;font-size:13px;color:#262=82a;"><div>On Wednesday, January 17, 2024 at 05:28:05 PM PST, LGW <info@l=etsgowa.com> wrote: </div><div>
</div><div>
</div><div id=3D"yiv=1788237693"><style><!--#yiv1788237693 filtered {}#yiv1788237693 filtered {}#yiv1788237693 p.yiv1788237693MsoNormal, #yiv1788237693 li.yiv1788237693MsoNormal, #yiv1788237693 div.yiv1788237693MsoNormal {margin:0in;font-size:11.0pt;font-family:'Calibri', sans-serif;}#yiv1788237693 span.yiv1788237693EmailStyl=yle17 {font-family:'Calibri', sans-serif;color:windowtext;}#yiv1788237693 .yiv1788237693MsoChpDefault {font-family:'Calibri', sans-serif;}#yiv1788237693=filtered {}#yiv1788237693 div.yiv1788237693WordSection1{}--></style><div><=div class=3D"yiv1788237693WordSection1"><p class=3D"yiv1788237693MsoNormal">Roy,=</p><p class=3D"yiv1788237693MsoNormal"> </p><p style=3D"text-indent:.5in;" class=3D"yiv1788237693MsoNormal"> </p><p class=3D"yiv1788237693MsoNormal"> </p><p class=3D"yiv1788237693MsoNormal">As you=are aware, under Washington State Public Disclosure Law RCW 42.17A.235, &nb=sp;all political campaigns, PACs, and political committees of any kind are r=equired to disclose to the public all expenditures made during the course of=the year including the name and address of any and every vendor or payee, p=urpose of payment, as well as additional details such number of items purcha=sed (as applicable) and the date of payment or obligation. As a ballot measu=re campaign committee, Let=E2=80=99s Go Washington (LGW) is required to comply wit=h this law. In addition, the law requires that any subvendors or subcontract=ors used by any vendors or payees of LGW also be disclosed to the public. </=p><p style=3D"margin-left:.5in;" class=3D"yiv1788237693MsoNormal"> </p><p s=yle=3D"margin-left:.5in;" class=3D"yiv1788237693MsoNormal">For example, if LGW =creates a mail piece to be sent to voters, LGW might hire a firm to design, =print and process/mail the piece. LGW is required to disclose the firm name =and address and that the purpose of the expenditure was a mail piece along w=ith the number of pieces sent. If the firm hired to send this mailer does it= its own design and printing and processing/mailing in-house, that will all be =disclosed as being just from that firm. However, if the firm hires another f=irm or firms to do the design work, the printing, and/or the processing/mail=ing, then each firm must be disclosed including the payment made to that firm= by the original vendor or contractor to complete the work for LGW.</p><p s=yle=3D"margin-left:.5in;" class=3D"yiv1788237693MsoNormal"> </p><p style=3D"=margin-left:.5in;" class=3D"yiv1788237693MsoNormal">Because your firm is a ven=dor and payee of LGW, I am writing you to find out if any subvendors or subc=ontractors were used by your firm during the course of your providing goods =and/or service to LGW. </p><p style=3D"margin-left:.5in;" class=3D"yiv17882=37693MsoNormal"> </p><p style=3D"margin-left:.5in;" class=3D"yiv17882=37693MsoNormal">Thank you,</p><p style=3D"margin-left:.5in;" class=3D"yiv1788237=693MsoNormal"> </p><p style=3D"margin-left:.5in;" class=3D"yiv1788237693Mso=Normal">Kelly Palmer</p><p class=3D"yiv1788237693MsoNormal"> </p></div></=

LGW-PDC_005053

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SERVICES AGREEMENT

This Services Agreement (the "Agreement") is entered as of this 10 day of May, 2024, with an Effective Date of May 10, 2024 (the "Effective Date") between Let's Go Washington ("LGW"), a Washington State Political Committee, and CollectiveVoice Solutions Inc., a corporation registered in Delaware ("Vendor").

1. Term. This Agreement will commence on the Effective Date and the services will be provided on an ongoing basis through July 5, 2024, provided that either party may terminate this Agreement for any reason or for no reason, at any time, upon written notice to the other party. If Agreement is terminated for any reason prior to expiration, Vendor must turn in all petitions with signatures in its possession to LGW within five business days. Vendor recognizes and affirms that the final signatures are the sole property of the LGW and that signature petitions will be provided with no additional terms other than provided for under this Agreement.

2. Scope of Services. LGW and Vendor agree that the Vendor's responsibilities are to circulate and gather completed petitions for statewide ballot measure I-2066.

3. Fees. LGW will pay Vendor a fee of \$5.00 per signature contained in each turn-in batch with completed name, signature and address collected in accordance with this contract at time of delivery. LGW shall not be charged for illegible, or incomplete petition lines. If any turn-in batch has less than a 70% validity rate, LGW will not be charged for the number of signatures that equal the percentage below 70%, and subsequent invoices will be adjusted to reflect prior weeks' difference. LGW agrees to acknowledge P.O. Box addresses as valid. LGW agrees Voter registration cards gathered at time of signing of petitions will be counted as valid.

3.1 Vendor will receive an additional \$ 0.50 per signature for every signature turned in to LGW above 225,000 signatures turned in up to 325,000 signatures turned in for a total of \$5.50 per signature. Vendor will receive an additional \$1.00 per signature for every signature turned in to LGW above 325,001 signatures turned in up to 375,000 signatures turned in for a total of \$6.00 per signature. Vendor will receive an additional \$1.50 per signature for every signature turned in to LGW above 375,001 signatures turned in up to a maximum of 425,000 signatures turned in for a total of \$6.50 per signature. For purposes of this section, signature batches must meet the 70% validity requirement referenced in Section 3.

4. Validity. LGW will perform a 100% check of the validity of signatures obtained against the most recent Washington State Voter file and agrees to supply a complete validity report every Monday from the week's prior turn-in.

5. Payments. Vendor will deliver full and partially full original signature sheets to LGW on Wednesdays at a place mutually agreed upon. Prior to delivery, Vendor will invoice LGW for the number of signatures to be delivered. Vendor will invoice LGW weekly with payment due the following Monday after completion of validity. Pay to Vendor is not contingent on unforeseen circumstances (I.E., acts of God, LGW withdrawal or cancellation of contract for any reason, or circumstances which are beyond Vendor's control)

6. Deposit. LGW agrees to pay Vendor a deposit of \$300,000 upon execution of this contract of which \$100,000 is non-refundable unless Vendor chooses not to circulate or gather petitions as required in Section 2. Deposit is for the sole purpose of executing the services required under this

agreement. If the Agreement with Vendor is terminated early, then any difference between fees accrued and funds deposited will be refunded to LGW within five days.

7. Assignment and Subcontractors. This Agreement is between the parties to this Agreement only. Vendor may subcontract any part of this Agreement but may not assign VENDOR's performance, rights, obligations, or liabilities under this Agreement.

7.1 Subcontractor Disclosure. Vendor agrees to disclose to LGW any subcontractors used for any services provided to LGW by the Vendor. Any such work completed by any subcontractors will be disclosed on every invoice referenced in Section 5 and will include the following information:

- (a) The name and address of the subcontractor;
- (b) The nature of the service(s) provided; and
- (c) Total cost of the service(s) provided.

8. Petitions. LGW will provide vendor blank petition sheets in quantities as requested by vendor.

9. Expenses. Vendor will not be entitled to any other expense allowances or reimbursements.

10. Data Ownership. All data that is compiled or developed by or on behalf of LGW shall be owned by LGW alone. Vendor has no ownership rights to the signatures or data collected before, during, or after completion or termination of the Agreement. All data, files, and other materials must be returned to LGW within five (5) days of completion or termination of the Agreement.

11. Confidentiality. The Vendor will not disclose any of the internal business of LGW, including actions, discussions, or decisions, during or after the term of this contract to any person other than LGW representatives and team members without express permission. Vendor will not disclose the terms of this Agreement with a third party except if, in the written opinion of counsel, such disclosure is required by law and then only with as much prior written notice to LGW as is practical under the circumstances.

12. Governing Law, Venue, and Attorneys' Fees. This Agreement will be governed by and construed exclusively in accordance with the laws of the State of Washington.

12.1 The Parties acknowledge and agree that they will first attempt to resolve any dispute resulting from or arising from this contract through consultation with one another. If consultation fails to resolve the dispute, the Parties agree to submit the dispute to a mediator for resolution. The Parties shall attempt to agree upon a mediator. The parties shall share equally in the costs of the mediation.

12.2 If mediation is unsuccessful the Parties agree that the contract may be enforced in court, and that the exclusive venue shall lie in King County, Washington. Each Party hereby submits to the jurisdiction of that court and waives any objections it may have to that court-asserting jurisdiction. The substantially prevailing party in any litigation arising under this Agreement will be entitled to recover all attorneys' fees and all costs expended in such litigation.

10. Indemnification. Vendor agrees to defend, indemnify, and hold harmless LGW and LGW's officers, board members, employees, agents, volunteers or anyone else acting on LGW's behalf from any and all claims, demands, liabilities or obligations arising in whole or in part, from the services Vendor performs under this Agreement, including but not limited to any claims arising out of Vendor's entry onto, or activities on, any property or premises owned, operated or controlled by LGW.

10.1 Vendor further agrees under Section 10 to prevent signature gatherers, whether individually or through subcontractors, from circulating petitions on behalf of LGW on the premises or property of any Costco or Winco Foods establishment. Vendor agrees to accept liability on behalf of LGW should vendor managed or directed signature gathers cause sanctions, fines, or penalties of any kind to be levied on LGW. Vendor further agrees that any costs of litigation arising under this activity by LGW including attorneys' costs and fees will be accepted by and fully recoverable from Vendor under this Agreement.

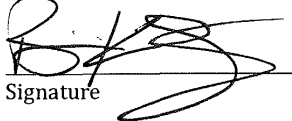
11. Entire Agreement. This Agreement represents the entire Agreement between the parties and supersedes any prior oral or written understandings with respect to the subject matter of this Agreement. The provisions of this Agreement are fully severable and the invalidity or unenforceability of any provision will not affect the validity or enforceability of the remaining provisions of this Agreement. This Agreement may only be amended by an agreement signed in writing by both parties.

12. Modification of Agreement. No modification of any of the provisions of this Agreement will be binding on either party unless in writing and signed by the party against whom such modification is sought to be enforced.

13. Severability. If any provision of this Agreement will be determined by any court or arbitrator of competent jurisdiction to be unenforceable or otherwise invalid for any reason, the remaining provisions of this Agreement are severable, and the unenforceability or invalidity of any single provision hereof will not affect the remaining provisions of this Agreement.

14. Assignment. This Agreement may not be assigned without the written consent of the other party.

LET'S GO WASHINGTON:


Signature

Brian Heywood_____
Printed Name

5/10/24
Date:

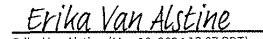
Address for Notices:

16625 Redmond Way_____

Suite M-PMB18_____

Redmond, WA 98052_____

COLLECTIVEVOICE SOLUTIONS INC.:


Erika Van Alstine (May 10, 2024 12:07 PDT)
Signature

Erica Van Alstine_____
Printed Name

05/10/24
Date:

Address for Notices:

2619 River Preserve Ct____

Bradenton, FL 34208_____

Kurt Young replied

5 months ago (Thu, 18 Apr 2024 at 1:45 PM)



To: dan@danbradylaw.com Cc: jason@electnw.com

Dan Brady,

Just following up with you concerning staff's investigation of the complaints filed against the Let's Go Washington -Sponsored by Brian Heywood (Committee). I have reviewed the amended Committee Summary Full Report Contribution and Expenditure Reports (C-4 reports) filed by Mr. Michaud.

My review indicated the Committee has complied with PDC staff's request in providing the required in-kind contribution and expenditure details for activities undertaken in support of the six initiatives. I appreciate the amended C-4 report filings completed by Mr. Michaud as requested.

In reviewing the reports, the complaints and supplemental information, PDC staff still has questions about some Committee's expenditures, in-kind contributions and monetary contributions received, that I have included below. Please respond to staff's questions by **Thursday, May 2, 2024**.

- Based on a review of the Committee Registrations, who are the current Committee Officers and the principal Committee decision-makers? Is there any Committee staff, and if not, how does the Committee run its day-to-day operations?
- Who were the Committee Officers and the principal Committee decision-makers for all of calendar year 2023, and same question for the portion of calendar year 2022 that the Committee was registered for?

Staff reviewed the Initial Report filed by TDM Strategies, LLC (TDM) with the Washington Secretary of State Corporations Division, which listed TDM's nature of business stated, "Administration & Business Support Services."

- Please describe the scope of the work conducted, and the services TDM provided to the Committee.
- Did TDM Strategies hire or pay any individuals to collect signature gatherers for any of the six initiatives during calendar year 2023, and if yes, were the signature gatherer's employees of TDM Strategies, LLC, or contract workers?
- The signature gatherers that were paid by TDM, were they paid by signature, or an hourly wage for all six initiatives? Please explain.
- Was any of the work paid by the Committee to TDM sub-contracted out to a third party? Please explain and describe the type of work or services did Brian Heywood or Sharon Hanek provide for TDM?
- Did Mr. Heywood or Ms. Hanek receive payments, salaries, distributions from the LLC, or any other form of compensation from TDM since its inception?

PDC staff's additional questions/issues concerns the following:

- Staff's review found that Committee disclosed receiving a \$100,000 monetary contribution on a Monetary Contributions report (C-3 report) from the Washington State Republican Party (WSRP) made on December 11, 2023. As part of my review, I found that the WSRP appeared to use exempt funds to make the contribution to the Committee.
- The C-3 report filed by the Committee did not indicate where the WSRP used exempt or non-exempt funds. Please review the Committee books of account to determine the source of the funds the WSRP used to make the contribution to the Committee, provide staff with the written answer, along with a copy of the check, electronic transfer confirmation or any other documentation.
- What role, if any has the Washington State Republican Party had in the Committee's operations or decision-making in supporting the initiatives CY 2022, 2023, and for the first 3 ½ months of the 2024?
- Concerning the loans reported as being owed to Mr. Heywood, did the Committee execute a formal loan document with Mr. Heywood for the various loans he made?
- Please provide copies of the Heywood loan documentation maintained by the Committee in its books of accounts.
- As noted in Mr. Edwards earlier response, Sharon Hanek is the sole individual behind Research Mom Consulting Services, who received \$24,000 in payments from the Committee on July 31, 2023, that listed the description as "Initiative Outreach and Distribution Services." Describe the services that were provided to the Committee by Research Mom Consulting Services?
- Staff could find any other expenditures or in-kind contributions were made to pay Research Mom Consulting Services, please provide the invoices, or any other documentation in the Committee's books of accounts for these payments.
- Mr. Edwards alluded to the fact that Ms. Hanek was operating in a "volunteer capacity" during 2022 and that her services provided to the Committee were not reportable as contributions in accordance with WAC 390-17-405. Based on Ms. Hanek's involvement with several statewide, local, and school district ballot measures in the last few years, staff is requesting you describe the services Ms. Hanek provided to the Committee as a "volunteer" for all of 2022, and up until April of 2023.

Thank you in advance for your continued cooperation concerning this matter and let me know if you have any questions.

Sincerely,

Kurt Young
PDC Compliance Officer

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Washington State law established email as the PDC's official means of communication as of June 7th, 2018 (RCW 42.17A.055). Filers have a duty to amend their reports within 10 days of any material changes, such as new email addresses. Please ensure your email address is up to date.

To respond, please reply to this email.

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