



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

April 17, 2024

Delivered electronically to jeannette.twitty@yahoo.com , twittyforcommissioner@gmail.com
and tlabouve@netzero.net

Subject: Complaint filed by Glen Morgan, PDC Case 141053

Dear Jeannette Twitty:

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

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

On March 28, 2024, you completed a *Statement of Understanding* (SOU) and paid a \$200 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging violations of RCW 42.17A.235 & .240 by incorrectly classifying monetary contributions as anonymous contributions on C-3 reports for election year 2023. Our records indicate that we previously issued your campaign a formal written warning letter for incorrectly classifying monetary contributions as anonymous contributions during election year 2021 ([PDC Case 95992](#)).

Furthermore, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Mr. Morgan. In the future, PDC staff expects you to timely and accurately file all required reports of contributions and expenditures especially during the time-sensitive periods before and after an election. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding you to 1) maintain accurate records of contributors per RCW 42.17A.235(6)(a); 2) monitor anonymous contributions to ensure they do not exceed the limits set forth in RCW 42.17A.220(4); and 3) return anonymous contributions prior to deposit if accepting them would cause the committee to exceed limits. Staff is also reminding you to submit amended reports within 21 days of the original filings, when possible; and include sufficient expenditure descriptions on C-4 reports. PDC staff expects that, in the future, you will comply with these requirements in accordance with PDC laws and rules.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at cdc@cdc.wa.gov

Sincerely,

Electronically signed Tabatha Blacksmith

Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley

Peter Frey Lavalley
Executive Director



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

April 17, 2024

Delivered electronically to glen@wethegoverned.com

Subject: Complaint regarding Jeannette Twitty, PDC Case 141053

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 3, 2023. The complaint alleged that Jeannette Twitty, 2023 candidate for Port Commissioner of Port of Tacoma, may have violated RCW 42.17A.220(4) by exceeding anonymous contributions limits.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response(s) provided by Jeannette Twitty (the “Respondent”); the applicable PDC reports filed by the Respondent; and other relevant information to determine whether the record supports a finding of one or more violations.

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

- The Respondent was a candidate for Port Commissioner of Port of Tacoma during election year 2023. She first filed a *Committee Registration* (C-1 report) with the PDC for her 2023 campaign on May 25, 2023 and selected the Full Reporting option. The Respondent originally served as her own Treasurer but updated her registration on July 14, 2023 to disclose the campaign had acquired a new Treasurer.
- A candidate committee that selects the Full Reporting option on its C-1 report is required to report contributions and expenditures to the PDC on *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). The due dates for these reports are based upon the election cycle, the committee’s election participation, and their financial activity.
- Pursuant to RCW 42.17A.240(2), C-3 reports must include, but are not limited to, the name and address of each person¹ who contributed more than \$100² during the period

¹ “Person” includes “an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.” [RCW 42.17A.005\(39\)](#)

² Per [WAC 390-05-400](#), this dollar amount increased from \$25 to \$100 effective April 1, 2023.

covered by the report; and the value and date of each contribution, except for the items specifically mentioned in subsection (2)(a) through (g). “Contribution³,” as defined, includes an in-kind contribution, which is disclosed on a C-4 report.

- RCW 42.17A.220(4) prohibits candidates and committees from depositing, using, or expending accumulated unidentified (anonymous) contributions that exceed 1% of the total accumulated contributions received in the current calendar year or \$500⁴, whichever is more. Contributions reportable as a lump sum pursuant to .240(a)(c) are excluded. Contributions that exceed 1% of total accumulated contributions or \$500, whichever is more, shall be returned to the donor, if his or her identity can be ascertained, or shall escheat to the state and be paid to the state treasurer if the donor’s identity cannot be ascertained.
- The Respondent first replied to the complaint by telephone on August 14, 2023 and indicated that her campaign did not realize the anonymous contribution limit is determined based on accumulated contributions received *in a calendar year*. She also indicated that the campaign has an inexperienced Treasurer. The Respondent said she did not participate in the 2023 Primary election. When asked how to resolve the over-limit anonymous contribution amount, PDC staff suggested that the campaign first confirm that the contributions disclosed on their reports were in fact anonymous and could not subsequently be correctly attributed to the donors on amended reports.
- A Case Status Review (Initial Hearing) was held for this case on October 19, 2023. The Respondent, Jeannette Twitty, and her Treasurer, Tina La Bouve, attended the hearing remotely.
- The Respondent was previously issued a formal Written Warning letter in 2021 for incorrectly classifying monetary contributions as anonymous contributions during election year 2021 ([PDC Case 95992](#)).

Allegation: Receiving and depositing anonymous contributions in excess of statutory limits (RCW 42.17A.220(4))

- On a C-3 report for a 6/26/23 deposit submitted the same day, the Respondent disclosed an anonymous contribution amount of \$200 (see [report 110154871](#)). According to its amended reports, the campaign’s total accumulated contributions as of 6/26/23 were \$1,317, one percent of which was \$13.17. Therefore, the total accumulated contributions limit permitted by the campaign as of 6/26/23 was \$500, which was not exceeded by the \$200 anonymous contribution reported on 6/26/23. The campaign amended the C-3 report filed 6/26/23 multiple times and the final amendment, dated 1/29/24, shows the anonymous contribution was reduced from \$200 to \$100 ([report 110199029](#)).

³ [RCW 42.17A.005\(15\)\(a\)](#) defines a “contribution” to include a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds or anything of value, including personal and professional services for less than full consideration. [WAC 390-05-210\(1\)](#) further defines “contribution” to include, but not be limited to, furnishing services, property, or rights on an unequal basis or at less than fair market value for the purpose of assisting any candidate or political committee, and refers to the latter as an “in-kind contribution.”

⁴ Per [WAC 390-05-400](#), this dollar amount increased from \$300 to \$500 effective April 1, 2023.

- On a C-3 report for a 7/23/23 deposit submitted on 7/24/23, the Respondent disclosed an anonymous contribution amount of \$500 (see [report 110161580](#)), for an aggregate total of \$700 in accumulated anonymous contributions. According to its amended reports, the campaign's total accumulated contributions as of 7/24/23 were \$2,269, one percent of which was \$22.69. Subsequently, the total accumulated contributions limit permitted by the campaign as of 7/24/23 was \$500, which was exceeded by \$200 based on the reported aggregate total of \$700. The campaign amended the C-3 report filed 7/24/23 and the amendment, dated 1/29/24, shows the anonymous contribution was reduced from \$500 to \$392 ([report 110199031](#)).
- The campaign also amended its C-4 reports for June and July of 2023 to reflect changes made to its C-3 reports.
- After correcting its contributions on C-3 reports, the campaign's total accumulated anonymous contributions for election year 2023 were \$492, and therefore below the \$500 threshold.
- As stated above, the Respondent's amended reports indicate that the campaign did not receive and deposit over-limit anonymous contributions during election year 2023. However, the campaign's ability to sufficiently amend its reports to attribute portions of its "anonymous" contributions to named donors suggests their identity was either not entirely unknown to the committee or could be obtained through diligent effort. The campaign took over five months to fully correct their reports disclosing contributions that were originally misclassified as anonymous, which deprived the public of accurate and timely information before and after the General election.

Failure to timely and accurately disclose contributions and expenditures on reports (RCW 42.17A.235 and .240)

- During our investigation, we discovered that seven of the committee's C-4 reports were filed 4-49 days late. Late disclosures included monthly C-4 reports for June & August that covered pre- and post-Primary reporting periods, and four pre- and post-General election C-4 reports covering critical pre- and post-General reporting periods. One late monthly report (for May) was mitigated by the fact that the committee had no contributions or expenditures to disclose.
- The misclassification of monetary contributions as anonymous contributions appears to have contributed to other inaccuracies on the Respondent's C-3 & C-4 reports. Between 9/12/23 and 3/29/24, the Respondent's campaign amended sixteen reports to correct contributions and expenditures and disclose debt. Six of the amended reports were not fully corrected until after the General election, which deprived the public of accurate information during the time-sensitive period before an election. At the PDC's request, the committee also corrected some expenditure details, debt, and carry-forward amounts on their C-4 reports.

Aggravating factors in this case include prior PDC action in 2021 (PDC Case 95992) for incorrect classification of monetary contributions as anonymous contributions, and late reported information on pre- and post-election C-4 reports that deprived the public of accurate information during the time-sensitive periods before and after the 2023 elections.

Mitigating factors include a good-faith misunderstanding, albeit a persistent one, regarding anonymous contribution limits, an inexperienced Treasurer starting 7/14/23, and a relatively small or unsophisticated campaign. The Respondent's lack of participation the Primary election also partially mitigates late pre- and post-Primary reporting.

Based on our findings, staff has determined that, in this instance, misclassifying monetary contributions as anonymous contributions, and failure to timely and accurately report contributions and expenditures are not violations that warrant further investigation.

On March 28, 2024, Jeannette Twitty completed a *Statement of Understanding* (SOU) and paid a \$200 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging violations of RCW 42.17A.220(4) by incorrectly classifying monetary contributions as anonymous contributions on C-3 reports for election year 2023. The \$200 penalty assessed resolves the allegation regarding over-limit anonymous contributions listed in your complaint.

Furthermore, pursuant to WAC 390-37-060(1)(d), Jeannette Twitty will receive a formal written warning concerning her failure to timely and accurately disclose all contributions and expenditures on reports. This formal written warning will include staff's expectation that Jeannette Twitty will timely file accurate reports of contributions and expenditures in the future, especially during the time-sensitive periods before and after an election. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is reminding Jeannette Twitty about the importance of 1) maintaining accurate records of contributors per RCW 42.17A.235(6)(a); 2) monitoring anonymous contributions to ensure they do not exceed the limits set forth in RCW 42.17A.220(4); and 3) returning anonymous contributions prior to deposit if accepting them would cause the committee to exceed limits. Staff is also reminding Ms. Twitty to submit amended reports within 21 days of the original filings, when possible; and include sufficient expenditure descriptions on C-4 reports, in accordance with the PDC laws, rules and guidance.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley
Peter Frey Lavalley
Executive Director

cc: Jeannette Twitty