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September 1, 2023

Phil Stutzman
Compliance Office
Washington Public Disclosure Commission
711 Capitol Way S. #206
P.O. Box 40908
Olympia, WA 98504-0908

Re: PDC Case No. 141192
BIL No.: 3263-333

Dear Mr. Stutzman,

We are writing on behalf of the SEIU 775 Quality Care Committee Sponsored by SEIU PEAFF (the Quality Care Committee or Committee) to respond to the allegations raised by Glen Morgan in his August 4, 2023, complaint. This complaint is one of nearly 70 filed by Mr. Morgan so far this year, including 43 in the last month alone, many of which specifically target political committees affiliated with labor unions. Mr. Morgan's speculative and sensationalist complaints have a clear two-prong strategy: to focus the PDC's limited staff resources on finding reasons to investigate union-affiliated and other progressive PACs and away from oversight of ultra-conservative committees with which Mr. Morgan is affiliated; and to drain the time and resources of union-affiliated committees during a consequential local election season. Because the Quality Care Committee has amended its reports to provide additional detail about campaign mailings and the remainder of Mr. Morgan's allegations have no basis in the Fair Campaign Practices Act, we ask the PDC to reject Mr. Morgan's strategy and to promptly dismiss this case as unfounded or frivolous.

I. Background

Mr. Morgan's complaint alleges that the Quality Care Committee is in violation of RCW 42.17A.240, .260(3)(C), .305 and WAC 390-16-037 for failing to accurately describe expenditures on C-6 reports of independent expenditures and electioneering communications. As Mr. Morgan's complaint is focused on C-6 reporting, it is unclear why he included an alleged violation of RCW 42.17A.240. In any case, it appears that the PDC's current investigation is focused on potential violations of 42.17A.260 and .305.

Mr. Morgan identified ten recent C-6 reports filed by the Quality Care Committee that he alleges contain insufficient details about independent expenditures by the Committee. The insufficiencies alleged by Mr. Morgan fall into two categories. First, Mr. Morgan targets three instances of the Committee's reporting of expenditures related to IE mailings. Second, Mr. Morgan targets seven instances involving expenditures related to staff phone/texts that were in-kind contributions by SEIU 775. These alleged insufficiencies will be addressed in turn.

II. The Quality Care Committee has amended/will soon amend its July C-6 reports to provide additional information about the number of mail pieces purchased and subvendors used by Moxie Media.

Under RCW 42.17A.260(3)(c), the sponsor of political advertising is required to report a "detailed description of the expenditure." RCW 42.17A.305(d) creates the same requirement for reporting of electioneering communications. There is no further guidance in the RCW or the WAC about what constitutes a "detailed description," including whether that description must include the quantity of campaign literature purchased or information about subvendors. However, under RCW 42.17A.255(5)(b), a provision not cited in Mr. Morgan's complaint or by the PDC, entities making independent expenditures are additionally required to report the "purpose" of those expenditures. WAC 390-16-037 explains this requirement and implies, but does not state explicitly, that when an expenditure is a piece of campaign literature, the reported purpose must include the number of pieces that were produced. WAC 390-16-205, another provision not cited by Mr. Morgan, provides that consultants or other firms retained by a political committee must report payments to subvendors or third parties.

The language of WAC 390-16-037 does not explicitly state that the number of pieces of campaign literature must always be reported, though such a requirement is suggested by Example B dealing with the printing of campaign brochures. Moreover, it is not clear that the requirements for subvendor reporting set forth in WAC 390-16-205 are applicable to C-6 reports, which can be filed by entities other than candidates or committees.

Nonetheless, the Quality Care Committee has chosen to amend its July C-6 reports to provide both the number of pieces mailed and the subvendors used by Moxie Media.

III. The FCPA does not require additional disclosure related to in-kind staff phone/texts.

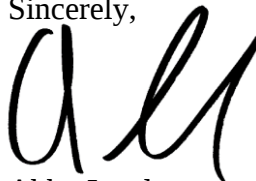
No further reporting is required for the remaining seven expenditures targeted by Mr. Morgan. All of these expenditures involved in-kind contributions of staff time for phone calls and texts in support of the City of Burien candidates. SEIU 775 did not utilize a vendor for robocalls or mass texting. And WAC 390-16-037 Example A indicates that the number of calls or texts placed is not required to be reported. Thus, these contributions have been fully disclosed.

Conclusion

The Quality Care Committee has promptly amended three of its July 2023 C-6 reports to provide additional disclosure related to the number of mailings purchased and Moxie Media's use of subvendors. No further amendments are necessary to the remaining seven C-6 reports as the Committee has fully

disclosed the in-kind contribution of staff phone/texts from SEIU 775. We ask that the PDC not expend more of its time, or the Committee's time, on this matter and to dismiss Mr. Morgan's complaint as frivolous or unfounded.

Sincerely,

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

Abby Lawlor
Danielle Franco-Malone
Counsel for SEIU 775