



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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**Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

June 13, 2024

Delivered electronically to [patmastaler@gmail.com](mailto:patmastaler@gmail.com) and [ken.brutzman@brutzmans.com](mailto:ken.brutzman@brutzmans.com)

Subject: Complaint filed by Glen Morgan, PDC Case 141620

Dear Kennewick Citizens Levy & Bond Committee:

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

On May 28, 2024, you completed a *Statement of Understanding* (SOU) and paid a \$150 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging a violation of RCW 42.17A.235 and RCW 42.17A.240 by failing to timely and accurately file a 7-day pre-Special Election C-4 report (covering 1/18/22-1/31/22). The original report was due on February 1, 2022, filed 10 days late, and did not disclose any expenditures. The committee amended the C-4 report on June 6, 2022 to disclose over \$9,500 in election-related (levy) expenditures. These expenditures were reported 125 days late, after the February 8, 2022 Special Election to which they relate, and deprived the public of information during a time-sensitive period in the election cycle.

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 expect you to 1) timely file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) and *Cash Receipts, Monetary Contributions* reports (C-3 reports); and 2) preserve the committee's books of account, bills, receipts, and other financial records for no less than five calendar years. 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 about the importance of 1) disclosing sufficient details regarding the purpose/description of expenditures on C-4 reports; and 2) submitting amended reports within 21 days of the original reports, whenever possible. PDC staff expects that, in the future, you will timely disclose the above information in accordance with PDC laws and rules or 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@pdc.wa.gov](mailto:pdcc@pdc.wa.gov).

Sincerely,

*Electronically signed Tabatha Blacksmith*

Tabatha Blacksmith  
Compliance Officer

Endorsed by,

*Electronically signed Peter Frey Lavalley*

Peter Frey Lavalley  
Executive Director



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June 13, 2024

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

Subject: Complaint regarding Kennewick Citizens Levy & Bond Committee, PDC Case 141620

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 21, 2023. The complaint alleged that Kennewick Citizens Levy & Bond Committee, a single election political committee, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately file disclose contributions and expenditures on *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) for 2018 - 2023. You also provided eleven specific examples of entries on C-4 reports that allegedly lacked expenditure description details.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response(s) provided by Kennewick Citizens Levy & Bond Committee (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.

Applicable Laws and Rules

- [RCW 42.17A.205](#) requires every political committee to register with the PDC by filing a *Committee Registration* (C-1pc report). A committee that selects the Full Reporting option on their C-1pc 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](#) and [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.
- Per RCW 42.17A.235(8), a committee's treasurer or candidate is required to preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for no less than five calendar years following the year during which the transaction occurred, if not longer as otherwise required by law.
- RCW 42.17A.235(10) requires the submission of amended C-3 and C-4 reports within 21 days of filing the original report. If there is no pending complaint about the report being amended and it meets the conditions set forth in .235(10)(a) through (d), it is not evidence of a violation to submit an amended report within 21 days of the original report.

- [RCW 42.17A.770](#) states that any action brought under the provisions of the chapter by the PDC must be commenced within five years after the date the violation occurred.

### Scope

In this case, PDC staff focused on the following allegations: 1) timeliness of C-3 and C-4 reports for election years 2022 and 2023 that were due to be filed 2019 through November of 2022; 2) timeliness of C-4 reports for the last six months of 2023; and 3) expenditure description details on C-4 reports filed between 2019-2023.

The allegations regarding late C-4 reports for 2023 that were due to be filed January 24, 2023 through May 10, 2023 (and covering the February 2023 Special Election), and multiple C-3 reports filed late in June of 2023, were already addressed in a previous case (PDC Case 139467). Activity that occurred in 2018 falls outside the five-year statute of limitations for enforcement.

### Background and Findings

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

- The Respondent first registered as a political committee with the PDC in 2014. Between 2018 and 2023, the Respondent registered for election years 2018, 2019, 2022, 2023 and 2026 under the following categories: Education, Local Ballot Measure and Single Election Committee. On each *Committee Registration* (C-1pc report), the Respondent selected the Full Reporting option.
- The Respondent committee first responded to the complaint by email on September 3, 2023 and asked about the scope of the case, the PDC's statute of limitations, the reporting periods that were previously addressed in a prior case (139467), and the reports that needed amendment.
- On September 7, 2023, the committee's Chair, Pat Mastaler spoke to PDC staff by telephone and indicated his belief that the committee is unable to view or amend any reports in the PDC's online filing system (ORCA) prior to September 30, 2019. After further research by the committee, the Chair confirmed, on September 12, 2023, that they are unable to electronically amend reports filed prior to May 1, 2019 due to a lack of records caused by the death and resignations of prior committee members. The committee's Chair offered to submit paper amendments in lieu of filing the reports electronically.
- In their September 19, 2023 written response to the complaint, the Respondent indicated the committee, which supports the Kennewick School District levy and bond campaigns, is strictly volunteer, does not have a professional accountant, and has relied on multiple volunteer Treasurers to meet their financial reporting requirements, including the submission of C-3 and C-4 reports. The committee said they experienced volunteer turnover during the Special (school) Elections for 2018, 2019, 2022, 2023 and future Special Election for 2026. Some prior volunteers have passed away, moved, or resigned, making it "impossible to understand the historical entries on reports." Nonetheless, the committee indicated they made a "best effort attempt" to amend their reports to respond to the allegation concerning missing expenditure descriptions on C-4 reports.

- Throughout our investigation, the Respondent was responsive to PDC requests and demonstrated a willingness to conduct research to obtain information regarding expenditure details to facilitate the amendment of reports.
- An Initial Hearing (Case Status Review) was held for this case on November 16, 2023. The committee's Chair, Pat Mastaler, and Treasurer, Ken Brutzman, attended remotely.
- The Respondent has a previous violation of PDC requirements for late reporting that was resolved on August 23, 2023 via the Respondent's submission of a signed *Statement of Understanding* and \$150 penalty payment (PDC Case 139467). The reports covered by the prior case include C-4 reports that were due 1/24/23-5/10/23 and late C-3 reports filed in June of 2023.
- Kennewick School District put forth the following ballot propositions for 2019-2023:

Date of Special Election	Name of Ballot Proposition	Voting Results
February 12, 2019	Capital Projects Bond	passed
February 8, 2022	Technology Levy	passed
February 8, 2022	Educational Programs & Operations Levy	failed
April 26, 2022	Educational Programs & Operations Levy	failed
February 14, 2023	Educational Programs & Operations Levy	passed

#### Allegation: Late Reporting (2018-2023)

Your complaint alleged the Respondent filed 61 late (original) C-3 and C-4 reports that were due 2018<sup>1</sup>-2023. Below are our findings concerning late-filed original reports for election years 2019, 2022 and 2023 that were due in years 2019-2023 (excluding those reports addressed in prior case 139467):

- One **2019** pre-Special Election C-4 report (covering 1/22/19-2/4/19) was submitted two days late but before the September 12, 2019 Special Election. The report disclosed election-related expenditures, including \$3,584.99 for "bond post cards" and \$4,051.52 for "door hangers."
- Eight **2019** monthly C-4 reports (for election year 2022) were filed 41-255 days late. Five reports did not contain any expenditures and three disclosed only operating expenses. Noncompliance is partially mitigated by minimal expenditure activity and the absence of election-related expenditures.
- Nine **2019** C-3 reports (for election year 2022) were filed 46-260 days late, but before the 2022 February and April Special Elections.
- Four **2020** monthly C-4 reports (for election year 2022) were filed 12-354 days late but did not contain any expenditures. Noncompliance is partially mitigated by the absence of expenditure activity and election-related expenditures.

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<sup>1</sup> Reports from election year 2018 fall outside of the five-year statute of limitations set forth in RCW 42.17A.770 for enforcement.

- One **2020** monthly C-4 report (for election year 2022) was timely filed but amended 14 days late to include \$529.75 in operating expenses; the late report is partially mitigated by a lack of election-related expenditures.
- Seven **2020** C-3 reports (for election year 2022) were filed 2-420 days late, but before the 2022 Special Elections.
- Three **2021** monthly C-4 reports (for election year 2022) were timely filed but amended 8-217 days late to include what appear to be operating expenditures.
- One **2021** monthly C-4 report (for election year 2022) was filed 20 days late, before the 2022 Special Elections, and contained an election-related expenditure (\$138.07 for a “levy planning meeting”).
- Six **2021** C-3 reports (for election year 2022) were filed 20-36 days late, but before the 2022 Special Elections.
- One **2022** pre-Special Election C-4 report (covering 12/1/21-1/17/22) was timely submitted and disclosed an election-related expenditure of \$2,854.01 for “bond and levy yard signs.” The report was amended 119 days late and after the 2022 Special Elections to include a \$1,562.50 expenditure to “prepare and print voting precinct maps.”
- One **2022** pre-Special Election C-4 report (covering 1/18/22-1/31/22) was filed 10 days late and did not disclose any expenditures. The report was amended 94 days late to include election-related expenditures of \$6,873.36 for “Levy postcard and postage” and \$2,644.68 for postage and mail permits. These expenditures were reported a total of 125 days late, after the February 8, 2022 election, thereby depriving the public of information during a time-sensitive period in the election cycle. *This matter was resolved via the submission of a signed Statement of Understanding and \$150 civil penalty.*
- One **2022** post-election/monthly (February) C-4 report was timely submitted and disclosed two election-related expenditures of \$330.14 and \$220.90 for “levy sign volunteers’ lunches.” The report was amended 67 days late to include a \$15 non-itemized expenditure; the minimal nature of this expenditure partially mitigates the late amendment.
- One **2022** pre-election/monthly (March) C-4 report was timely filed, before the April 26, 2022 Special election, and did not disclose any expenditures. The report was amended 37 days late to include a \$15 non-itemized expenditure; the minimal nature of this expenditure partially mitigates the late amendment.
- One **2022** pre-election/monthly (April) C-4 report was filed 9 days late, after the April 26, 2022 Special election, and did not disclose any expenditures. The report was timely amended to include a \$15 non-itemized expenditure; the minimal nature of this expenditure partially mitigates the late amendment.
- One **2022** C-3 report (due after the Special Elections) was filed 9 days late.

- Two **2022** monthly C-4 reports (for election year 2023) were filed 12 and 23 days late. One report did not disclose any expenditures but was later amended to include two deposits of monetary contributions received, and the other report only disclosed operating expenditures. Noncompliance is partially mitigated by minimal expenditure activity and a lack of election-related expenditures.
- One **2023** monthly C-4 report (for election year 2026) was filed 2 days late and partially mitigated by the absence of expenditures.
- Two **2023** C-3 reports (for election year 2026) were filed 9 and 30 days late respectively.
- One **2023** C-3 report (for election year 2026) was timely filed but was later amended to reflect an earlier deposit date, causing the report to be 146 days late.
- You alleged that an additional 17 amended C-3 and C-4 reports that were due in years 2019-2023 were not timely filed but did not indicate what changed on these amended reports that caused them to be late. Please be aware that the content and timing of amended reports determine whether they are late. For example, the lateness of an amended report might be mitigated if no substantive changes were made.

#### Allegation: Missing expenditure details (2019-2023)

- The Respondent committee omitted one or more of the following items from expenditure descriptions on 16 C-4 reports that were filed or amended between 2019-2023: 1) the number of yard signs, door hangers, postcards, robocalls, printed materials, and/or gift cards; 2) the purpose/description; and 3) the vendor's name and address.
- In their September 19, 2023 response to the complaint, the committee said they amended expenditure descriptions for seven entries on C-4 reports for election year 2022 and three entries on C-4 reports for election year 2023. The Respondent also provided paper copies of two amended C-4 reports for election year 2019 that the committee was not able to amend electronically. Additionally, the Respondent reviewed their expenditure descriptions and amended six additional entries on reports filed for election years 2022 and 2023 that were not alleged in the complaint.
- The committee amended its C-4 reports to include the missing expenditure details, per PDC staff's request, on September 12, 2023, September 16, 2023, and May 12, 2024.

#### Summary and Resolution

Overall mitigating factors in this case include volunteer Treasurer turnover, and the relatively small size and sophistication of the campaign.

Both aggravating and mitigating factors apply to the committee's late-filed C-3 and C-4 reports:

- One late pre-election C-4 report disclosed more than \$9,500 in election-related expenditures 125 days late and after the election, which deprived the public of information during a time-sensitive period in the election cycle (aggravating).

- One timely pre-election C-4 report was amended 119 days late, after the election, to disclose an indirectly election-related expenditure, which deprived the public of information during a time-sensitive period in the election cycle (aggravating).
- Several late original or amended C-4 reports disclosed either no or minimal expenditure activity or expenditures that were not election-related (mitigating).

The Respondent's failure to preserve electronic (ORCA) records for reports filed prior to May 1, 2019 appears to be the result of the death and resignations of past Treasurers. The committee's lack of electronic records for the first four months of 2019 is mitigated by the committee's submission of paper amendments in lieu of electronic reports and the age of the amended reports, which fall outside the PDC's 5-year statute of limitations.

As stated above, the Respondent previously acknowledged a violation of RCW 42.17A.235 and .240 for C-3 and C-4 reports filed in June of 2023 in PDC Case 139467. However, the late reports alleged in this case concern activity that occurred *before* the reporting periods addressed in the prior case. As a result, the findings in this case do not violate the conditions of the *Statement of Understanding* issued in PDC Case 139467. Furthermore, PDC staff notes that subsequent reports filed by the committee after June of 2023 were timely.

On May 28, 2024, Kennewick Citizens Levy & Bond Committee completed a *Statement of Understanding* (SOU) and paid a \$150 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging a violation of RCW 42.17A.235 and RCW 42.17A.240 by failing to timely and accurately file a 7-day pre-Special Election C-4 report (covering 1/18/22-1/31/22). The original report was due on February 1, 2022, filed 10 days late, and did not disclose any expenditures. The committee amended the C-4 report on June 6, 2022 to disclose over \$9,500 in election-related (levy) expenditures. These expenditures were reported 125 days late, after the February 8, 2022 Special Election to which they relate, and deprived the public of information during a time-sensitive period in the election cycle. The \$150 civil penalty assessed resolves the above allegation.

Furthermore, pursuant to WAC 390-37-060(1)(d), Kennewick Citizens Levy & Bond Committee will receive a formal written warning concerning their failure to 1) timely and accurately file C-3 and C-4 reports disclosing their contributions and expenditures; and 2) preserve the committee's books of account, bills, receipts, and other financial records for no less than five calendar years. The formal written warning will include staff's expectation that Kennewick Citizens Levy & Bond Committee comply with the above requirements in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding Kennewick Citizens Levy & Bond Committee about the importance of 1) disclosing sufficient details on C-4 reports regarding the purpose and/or description of expenditures; and 2) submitting amended reports within 21 days of the original reports, when possible, in the future in accordance with PDC laws and rules or 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](mailto:pdcc@pdcc.wa.gov).



Sincerely,

*Electronically signed Tabatha Blacksmith*

Tabatha Blacksmith  
Compliance Officer

Endorsed by,

*Electronically signed Peter Frey Lavallee*

Peter Frey Lavallee  
Executive Director

cc: Kennewick Citizens Levy & Bond Committee