



State of Washington

PUBLIC DISCLOSURE COMMISSION

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February 7, 2024

Delivered electronically to Snohomish Ebony PAC

Subject: Complaints filed by Michael Swanson and Geordy B, Greene, PDC Complaint 144427

Snohomish Ebony PAC Officers,

Below is a copy of an electronic letter sent to Michael Swanson and Geordy B. Greene concerning the two complaints they filed with the Public Disclosure Commission (PDC) against the Snohomish Ebony PAC.

On February 27, 2024, the Snohomish Ebony PAC completed a Statement of Understanding acknowledging violations of RCW 42.17A.235, .240, and .260, and paid a \$1,000 civil penalty in accordance with WAC 390-37-143 to resolve the four violations rather than having a Brief Adjudicative Proceeding (BAP) scheduled. There were additional minor violations alleged that did not rise to the level of scheduling a BAP or being included in the SOU, which are dismissed with this warning.

In accordance with WAC 390-37-060(1)(d), PDC staff is issuing a formal written warning to the Snohomish Ebony PAC concerning the requirement to timely and accurately file C-3, C-4 and C-6 reports in the future when registered as a political committee. The warning includes providing the required details for contributions, expenditures, and independent expenditures, and to be sure to include the complete sponsor identification such as the required "Notice to Voters" and Top 5 contributors language on all future independent expenditure advertisements. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules.

PDC staff has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s

Electronically Signed Kurt Young
Compliance Officer

/s

Electronically Signed Peter Lavalley, PDC Executive
Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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February 7, 2024

Sent electronically to Michael Swanson and Geordy B. Greene

Subject: Complaints filed against Snohomish Ebony PAC, PDC Case 144427

Michael Swanson and Geordy B. Greene:

The Public Disclosure Commission (PDC) staff has completed its review of the two complaints you both filed against the Snohomish Ebony PAC, a local political committee that has been registered and reporting with the PDC since 2020. The two complaints alleged the Snohomish Ebony PAC (Committee) violated:

- (1) **RCW 42.17A.235 and .240** for failing to timely and accurately file Monetary Contributions reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports) disclosing contribution and expenditure activities undertaken during the 2023 election cycle.
- (2) **RCW 42.17A.260** for failing to timely file Independent Expenditure reports (C-6 reports) within 24 hours of being presented to the public disclosing independent expenditures in support of two local candidates during the 2023 election cycle.
- (3) **RCW 42.17A.320** by failing to include the complete sponsor identification on independent expenditure advertising sponsored by the Committee.
- (4) **RCW 42.17A.405 and WAC 390-05-210** by receiving an in-kind contribution for the mailer sponsored by Snohomish Ebony PAC, that exceeded the \$1,200 general election contribution limits.

PDC staff reviewed the allegations listed in the complaint and the complaint exhibits; the applicable statutes, rules, and the reporting requirements for a local political committee supporting 2023 local candidates; the C-3, C-4 and C-6 reports filed by the Committee during the 2023 election cycle; and the email responses from Committee officers, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- The Committee has been registered and reporting with the PDC as a continuing political committee since 2020. The Committee participated in the 2023 primary and general elections and was required to file Pre-Primary and Pre-General Election C-4 reports, and Post-Primary and Post-General Election C-4 reports during the 2023 election.
- Specifically, the Committee was required to file a 21-Day Pre-General Election C-4 report on October 17, 2023, covering the period September 1 through October 16, 2023, and a 7-Day Pre-General Election C-4 report on October 31, 2023, covering the period October 17 through 30, 2023.

- The Committee was required to file weekly C-3 reports for the 2023 election cycle beginning July 1, 2023, disclosing monetary contributions received and deposited the previous five calendar days. In addition, the Committee made independent expenditures (IE) within 21 days of the November 7, 2023 general election, which required the Committee to file C-6 reports within 24 hours of presenting the IE advertisements to the public.
- On November 7, 2023, the Committee filed a C-4 report covering the period October 1 through October 31, 2023, disclosing \$180 in monetary contributions received, and \$16,150.58 in total Committee expenditures. The Committee expenditures included a \$7,953.12 expenditure made on October 9, 2023 for an IE in Everett; and a \$6,316.68 expenditure made on October 11, 2023 for an IE in Lake Stevens. The report also disclosed a \$1,000 expenditure made to The Soto's Photos on October 17, 2023, for "Photography."
- During calendar year 2023, the Committee filed most of its C-3 and C-4 reports late. The late filed C-3 and C-4 reports disclosed contribution and expenditure activities that were undertaken by the Committee during the year. While most of the late filed reports contained small amounts of contribution and expenditure activities, there were several reports that included two C-6 reports that were filed late disclosing two IE's. Those IE's constituted violations as detailed below.

Late filed reports addressed with the Committee completing a Statement of Understanding (SOU):

1. Late filed 21-Day Pre-General Election C-4 report: The C-4 report filed by the Committee and referenced above disclosed a \$7,953.12 IE made in support of Demetria Chatters, a 2023 candidate for the Everett City Council, and a \$6,316.68 IE made in support of Gloria Ngezaho, a 2023 candidate seeking election to the Lake Stevens Council. Both expenditures were required to be disclosed on October 17, 2023, on the 21-Day Pre-General Election C-4 report. The Committee filed a monthly C-4 report on November 7, 2023, 21 days late and on the date of the general election, disclosing the \$14,269.80 for the two IE mailers.
 2. Late filed C-3 report: On November 7, 2023, the Committee filed a C-3 report disclosing a \$25,000 monetary contribution had been received from the NAACP of Snohomish County, and that the funds were received and deposited on September 23, 2023. The C-3 report was required to have been filed no later than September 25, 2023, and was filed 43 days late by the Committee.
 3. Late filed C-6 report: On November 9, 2023, the Committee filed a C-6 report disclosing the same \$7,953.12 IE as discussed above. The C-6 report disclosed the Committee mailed out an 18,936-piece IE political advertisement in support of Ms. Chatters to voters on October 23, 2023. The report was due to have been filed on October 24, 2023, was filed 16 days late, and two days after the November 7, 2023 general election.
 4. Late filed C-6 report: On November 9, 2023, the Committee also filed a C-6 report disclosing the same \$6,316.38 IE as discussed above. The C-6 report disclosed that Committee mailed out a 15,039-piece IE political advertisement to voters on October 24, 2023. The report was due to have been filed by the Committee on October 25, 2023, was filed 15 days late, and two days after the November 7, 2023 general election.
- On February 7, 2024, the Snohomish Ebony PAC completed a Statement of Understanding acknowledging violations of RCW 42.17A.235, .240, and .260, and paid a \$1,000 civil penalty in accordance with WAC 390-37-143 to resolve the violations in lieu of having a Brief Adjudicative Proceeding (BAP) scheduled.

Allegation of exceeding contribution limits to Demetria Chatters (RCW 42.17A.405 and WAC 390-05-210)

- **RCW 42.17A.005(15)(a)** states in part that "Contribution" includes: (ii) "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 expenditures on behalf of the candidate or committee, or their agents; (iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent..."
- **WAC 390-05-210(6)** concerns consulting with a political committee and states in part that "An expenditure made by a person in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a political committee" is a contribution to/from the political committee. And (d) states in part: "An expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee or its agent..."
- The Committee stated in their response that the individual responsible for filing the PDC reports "stepped away from the role" during 2022, and that "contributed to the outdated C1pc filing for the Snohomish Ebony PAC's leadership." The response stated that Ms. Chatters was the official Committee Treasurer during part of calendar year 2022, but at the first 2023 Committee meeting in March or 2023, "our organization appointed Louis Harris to be the treasurer." The Committee stated that Ms. Chatters committed to serving as a board member while she was initially running as a candidate for Everett City Council, but there were two occasions during early calendar year 2023 when Ms. Chatters "stepped in to support SEPAC" and file the missing PDC reports since the Committee could not timely find a new Treasurer.
- Ms. Chatters assisted the Committee in bringing the Committee reports into compliance, and once the reports were brought up to date, she "officially stepped away from her board duties and was no longer involved in the decision making at SEPAC" or filed any further PDC reports. Regarding the Committee consulting, collaborating, or cooperating with Ms. Chatters "in any facet of the mailer's creation or production, we can say with certainty that did not happen." The Committee stated that while they were supportive of Ms. Chatters due to "her hard work and dedication to the community, she was not involved with activities of the Snohomish Ebony PAC after 08/2023" which including the creation and sending of the mailer. The Committee stated that "this information can be corroborated by our organization's minutes for all our meetings in 2023" that were submitted for PDC staff to review.
- Ms. Chatters confirmed that information in her response to the complaint filed against her in PDC Case 144428, stating that she had served on the Snohomish Ebony PAC's Executive board prior to the 2023 election cycle and "when their treasurer moved out of state, I stepped up to fill the need of reconciling their financial records and bringing their reporting into compliance." She informed the Committee of her "intention to run for the Everett City Council in January of 2023, when I filed with the PDC for my campaign committee."
- PDC staff conducted a search of the expenditures database and found there were no payments or expenditures made to Demetria Chatters by the Snohomish Ebony PAC for "compensation" or any "reimbursement" during the four years of the committee's existence, or more importantly during the twelve-month lookback period as outlined in WAC 390-05. In the response, the Committee stated that this allegation was "the subject of an unfortunate departure of one of our key compliance monitors."

- There was no evidence found that Snohomish Ebony PAC and Ms. Chatters “consulted” or “collaborated” with each other concerning the IE mailer, or that Ms. Chatters had knowledge about the IE, prior to it being presented to the public on October 23, 2023.

Allegation of failing to include sponsor identification (RCW 42.17A.320)

- The Committee sponsored and distributed two IE advertisements during the 2023 election, that required the Committee to include the name, complete mailing address, and a statement that "No candidate authorized this ad" followed by the top 5 contributor information.
- The Committee stated in their response that the failure to include the Top 5 contributor information and the “No candidate authorized this ad” statement on the two IE direct mail advertisements “was a regrettable oversight.” While it was clear that the Committee sponsored the IE, they acknowledged “the importance of this requirement and are committed to ensuring all future communications are fully compliant. This error was unintentional and arose during a period of high activity within our organization which led to a lapse in our usual checks and balances.”
- Finally, the Committee noted that there does not seem to be “a way to rectify this issue” after the fact to correct the omitted sponsor identification information on the two IE political advertisements.

Based on these findings, PDC staff found no evidence of violations that would require conducting a more formal investigation into the complaint or pursuing any further enforcement action in this instance. As noted above, no evidence was found that the Snohomish Ebony PAC consulted or collaborated with Ms. Chatters concerning the independent expenditure, and the allegation of exceeding contribution limits is dismissed.

In accordance with WAC 390-37-060(1)(d), PDC staff is issuing a formal written warning to the Snohomish Ebony PAC concerning the requirement to timely and accurately file C-3, C-4 and C-6 reports in the future when registered as a political committee. The warning includes providing the required details for contributions, expenditures, and independent expenditures, and to be sure to include the complete sponsor identification such as the “Notice to Voters” and Top 5 contributors language on all future independent expenditure advertisements. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules.

The PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s _____
Electronically Signed Kurt Young
Compliance Officer

/s _____
Electronically Signed Peter Lavallee, PDC Executive
Director



cc: Snohomish Ebony PAC