

Respondent Name
Mispati Semi Bird
Complainant Name
Dan Hillard
Complaint Description
Dan Hillard reported via the portal (Tue, 28 Nov 2023 at 1:15 PM)
See Attached
What impact does the alleged violation(s) have on the public?
See Attached
List of attached evidence or contact information where evidence may be found
See Attached
List of potential witnesses with contact information to reach them
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.

I write to notify the Public Disclosure Commission (“PDC”) of nearly 100 separate violations of the Fair Campaign Practices Act (“FCPA”) by Misipati Semi Bird and his authorized committee (“Semi Bird”).

As set forth below, this complaint details the numerous FCPA violations committed by Semi Bird, who has systematically and repeatedly failed to:

1. Deposit “[a]ll monetary contributions . . . within five business days of receipt of the contribution” as required by RCW 42.17A.220 (21 violations);
2. File contribution and expenditure reports by “the tenth day of each month” as required by RCW 42.17A.235 (36 violations);
3. Disclose the occupation and employer “of each person who has made one or more contributions in the aggregate amount of more than \$250” as required by WAC 390-16-034 (28 violations); and
4. Adhere to the contribution limits set forth in RCW 42.17A.405, as updated by WAC 390-05-400 (6 violations).

Semi Bird has also already received two formal written warnings in his current campaign for other FCPA violations, in addition to paying a fine to the PDC for failing to file a required report in 2021.

In light of these previous violations, and the litany of violations uncovered and set forth below, the PDC should promptly open an investigation into Semi Bird and his campaign and take strong enforcement action in order to protect We The People’s “right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.” RCW 42.17A.001(2).

Late Deposits (RCW 42.17A.220) – 21 violations

“All monetary contributions received by a candidate or political committee shall be deposited by candidates, political committee members, paid staff, or treasurers in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.” RCW 42.17A.220(1).

According to Semi Bird’s own PDC reports, on 19 separate occasions he received a contribution and failed to deposit the contribution within 5 business days as required by RCW 42.17A.220(1):

Contributor	Amount	Receipt Date	Deposit Date	Days Late	Report No.
Bessler Michael	\$104.10	12/8/22	12/15/22	1	110133155
Bird Masele	\$50.00	10/14/23	11/14/23	25	110189288
Bird Phil	\$100.00	1/30/23	2/8/23	3	110136274
Blodgett Debra	\$250.00	1/12/23	1/30/23	7	110134660
Brigdan Stevie	\$175.00	5/5/23	6/5/23	16	110154169
Davis Patricia	\$30.00	10/14/23	11/14/23	25	110189288

Dodd Leslie	\$35.00	5/8/23	5/23/23	7	110147840
Eldred Delmar	\$100.00	1/26/23	2/8/23	5	110136274
French Jean Ann	\$50.00	1/12/23	1/23/23	2	110134033
Fullerton Gwendolyn	\$175.00	5/13/23	6/5/23	10	110154169
Geary Janice	\$175.00	5/12/23	6/5/23	11	110154169
Harris Rod	\$100.00	12/8/22	12/15/22	1	110133155
Karther Madelyn	\$175.00	5/3/23	6/5/23	18	110154169
McClimans Theresa	\$175.00	5/1/23	6/5/23	20	110154169
McCoy Steve	\$175.00	5/1/23	6/5/23	20	110154169
Mioni Martha	\$60.00	8/22/23	8/31/23	3	110172538
Muttart Kelly	\$175.00	5/5/23	6/5/23	16	110154169
Pitts Matthew	\$175.00	5/5/23	6/5/23	16	110154169
Stephenson Dana	\$175.00	5/24/23	6/5/23	3	110154169
Strickler Jarold	\$150.00	4/3/23	6/3/23	39	110156286
Weisenhaus Rebecca	\$175.00	5/24/23	6/5/23	3	110154169

Late Reports (RCW 42.17A.235) – 36 violations

“[E]ach candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.” RCW 42.17A.235(1)(a). “Each treasurer of a candidate or political committee shall file with the commission a report on the tenth day of each month during which the candidate or political committee is not participating in an election campaign.” RCW 42.17A.235(3)(a).

Upon review of Semi Bird’s PDC filings, 31 C3 contribution reports were reported late and five C4 expenditure reports were filed late (including the most recent monthly C4 report which was due on November 10, 2023, and which still has not been filed at the time of this complaint).

The following table lists the 31 C3 contribution reports that were not filed within the time required by RCW 42.17A.235(3)(a):

Report No.	Date of Deposit	Report Due Date	Report File Date	Days Late
110133104	11/17/22	12/12/22	1/12/23	31
110133077	11/23/22	12/12/22	1/11/23	30
110133047	12/1/22	1/10/23	1/11/23	1
110133102	12/2/22	1/10/23	1/12/23	2
110133103	12/7/22	1/10/23	1/12/23	2
110133105 ¹	12/8/22	1/10/23	1/12/23	2
110133122	12/9/22	1/10/23	1/12/23	2
110133155	12/15/22	1/10/23	1/13/23	3

¹ Amended by Report No. 110133106.

110133166	12/21/22	1/10/23	1/13/23	3
110133168	12/21/22	1/10/23	1/13/23	3
110133167	12/22/22	1/10/23	1/13/23	3
110133170	12/23/22	1/10/23	1/13/23	3
110133183	12/23/22	1/10/23	1/13/23	3
110136709	1/27/23	2/10/23	2/20/23	10
110143137	3/15/23	4/10/23	4/14/23	4
110143139	3/23/23	4/10/23	4/14/23	4
110143136	3/27/23	4/10/23	4/14/23	4
110143135	3/28/23	4/10/23	4/14/23	4
110143134	3/29/23	4/10/23	4/14/23	4
110160388	6/29/23	7/10/23	7/19/23	9
110167039	7/5/23	8/10/23	8/19/23	9
110188993	10/23/23	11/10/23	11/14/23	4
110189010	10/24/23	11/10/23	11/14/23	4
110189032	10/25/23	11/10/23	11/14/23	4
110189034	10/27/23	11/10/23	11/14/23	4
110189035	10/27/23	11/10/23	11/14/23	4
110189038	10/29/23	11/10/23	11/14/23	4

The late reports listed above covered 59 itemized contributions, meaning each of those 59 contributions was reported late.

The following table lists the five C4 expenditure reports that were not filed within the time required by RCW 42.17A.235(3)(a):

Report No.	Period Covered	Report Due Date	Report File Date	Days Late
110133104	11/12/22 – 11/30/22	12/12/22	1/11/23	30
110133077	12/1/22 – 12/31/22	1/10/23	1/14/23	4
110133047	2/1/23 – 2/28/23	3/10/23	3/25/23	15
110133102	9/1/23 – 9/30/23	10/10/23	10/12/23	2
110189549	10/1/23 – 10/31/23	11/10/23	11/20/23	10

The four late reports above that were eventually filed covered 36 itemized expenditures and four in-kind contributions, meaning each of those 40 transactions was reported late.

Incomplete Occupation/Employer Information (WAC 390-16-034) – 28 violations

“[E]ach report required under RCW 42.17A.235 shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of more than \$250, their occupation, and the name and location (city and state) of their employer.” WAC 390-16-034.

Despite this requirement, Semi Bird has reported at least 28 contributions where occupation and employer information is missing or incomplete, as described in the following table:

Report No.	Contributor Name	Date	Amount	Aggregate	Occupation	Employer
110162347	Bacigalupi Richard	7/20/23	\$2,082.03	\$2,082.03	Self	Self
110156831	Balcolm Perry	7/6/23	\$400.00	\$400.00	Unknown	Unknown
110162340	Balcolm Perry	7/26/23	\$300.00	\$700.00	Unknown	Unknown
110183289	Balcolm Perry	10/18/23	\$200.00	\$900.00	Unknown	Unknown
110176763	Balcom Joelle	9/25/23	\$500.00	\$500.00	–	–
110147030	Cadematori Ann	5/3/23	\$500.00	\$500.00	–	–
110143958	Dowling Tom	4/20/23	\$104.10	\$312.30	–	Self
110156545	Gleason Jessica	6/14/23	\$260.25	\$260.25	Database Analyst	Somewhere
110147994	Kapitula Nino	5/10/23	\$300.00	\$300.00	Self Employed	Self Employed
110151029	Leddy John	6/5/23	\$1,000.00	\$1,000.00	Self Employed	Unknown
110169470	Leddy John	8/30/23	\$25.00	\$1,025.00	Self Employed	Unknown
110183289	Leddy John	10/18/23	\$300.00	\$1,325.00	Self Employed	Unknown
110172534	Lundeen Ryan	8/28/23	\$160.98	\$2,160.98	–	–
110173779	Lundeen Ryan ²	9/6/23	\$850.00	\$3,010.98	Chief Executive Officer	SPS
110158091	McClimans Theresa	6/27/23	\$104.10	\$279.10	–	–
110160414	Millman Stephanie	7/17/23	\$1,200.00	\$1,400.00	Self Employed	Self Employed
110181222	Moody Bernard	10/7/23	\$260.25	\$260.25	Corrections Sergeant	Bernard Moody
110183245	Mutton Tacjana	10/5/23	\$750.00	\$930.00	–	–
110151029	O'Neill Jackie	6/5/23	\$500.00	\$500.00	–	–
110147331	Roundhill Elton	5/11/23	\$1,041.02	\$1,041.02	Business Owner	Self
110175896	Sherman Lori ³	9/21/23	\$130.00	\$330.00	Self-Employed	Unknown
110151031	Stephenson Dana	6/5/23	\$200.00	\$415.00	–	–
110160405	Stephenson Dana	7/16/23	\$104.10	\$519.10	self employed	Self
110175850	Stephenson Dana	9/17/23	\$104.10	\$623.20	self employed	Self
110183254	Stephenson Dana	10/17/23	\$104.10	\$727.30	self employed	Self
110147030	Stewart Steve	5/3/23	\$500.00	\$600.00	–	–
110154169	Weisenhaus Rebecca	5/24/23	\$175.00	\$425.00	Worker	EXP
110151031	Weisenhaus Rebecca	6/5/23	\$500.00	\$925.00	Worker	EXP

A number of these 28 contribution records lack any information at all about the contributor's occupation or employer. Most of the others only indicate the contributor is self-employed, with no additional information about the contributor's occupation (e.g., a self-employed attorney's occupation is still attorney, even if he or she is self-employed) or employer name (e.g., many self-employed individuals still do business through a trade name or an incorporated business entity). The remaining contributions listed above contain obviously incomplete or incorrect data (e.g., an employer reported as "Somewhere" or as the contributor's own name, an occupation reported as "Worker," etc.).

² In prior and subsequent C3 reports (see Report Nos. 110147029 and 110177154), this contributor's occupation was listed as "Self Employed" and his employer as "Griffin Brewery," calling into question the accuracy of the occupation and employer reported in conjunction with this contribution.

³ This contributor's employer's city is also listed as "Unknown."

Over-Limit Contributions (RCW 42.17A.405) – 6 violations

“No person, other than a bona fide political party or a caucus political committee, may make contributions . . . to a candidate for . . . a state office other than a legislative office that in the aggregate exceed *one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate.” RCW 42.17A.405(2) (modified to \$2,400 by WAC 390-05-400). “No person may accept contributions that exceed the contribution limitations provided in this section.” RCW 42.17A.405(14).

Notwithstanding this clear limit, Semi Bird has accepted and reported contributions that exceed this \$2,400 per election limit from three individuals on five separate occasions, totaling \$2,148.48, as detailed in the table below (the over-limit contributions are denoted by †):

Contributor	Date	Amount	Aggregate Total	Report No.
James (Jim) Mischell	4/14/23	\$1,000.00	\$1,000.00	110143301
	6/7/23 [†]	\$2,400.00 [†]	\$3,400.00	110152865
Ryan Lundeen	5/3/23	\$2,000.00	\$2,000.00	110147029
	8/28/23	\$160.98	\$2,160.98	110172534
	9/6/23 [†]	\$850.00 [†]	\$3,010.98	110173779
	9/26/23 [†]	\$212.50 [†]	\$3,223.48	110173779
David Ballestrasse ⁴	3/28/23	\$1,000.00	\$1,000.00	110143221
	9/20/23	\$425.00	\$1,425.00	110175907
	10/5/23 [†]	\$1,000.00 [†]	\$2,425.00	110183245
	10/5/23 [†]	\$300.00 [†]	\$2,725.00	110183245

Because “[g]eneral election contributions shall not be spent for the primary election if to do so would cause the contributor of the general election contribution to exceed that contributor's contribution limit for the primary election,” Semi Bird may not retroactively designate portions of these over-limit contributions as general election contributions. WAC 390-17-300(5).

According to Semi Bird’s C4 report covering August 2023 (Report No. 110172540), his campaign’s cash on hand at the beginning of the month was \$1,988.55.⁵ As shown in the table below, based on the dates and amounts of the deposits and expenditures disclosed on this

⁴ Schedule C to Semi Bird’s October 2023 C4 report (Report No. 110189549) indicates that \$375 was refunded to David Ballestrasse on March 28, 2023. Not only is this disclosure eight months late, but as described below, because Semi Bird repeatedly overdraw his campaign bank account throughout August and September, and as low as \$283.15 in October, he violated WAC 390-17-300(5) by spending this overlimit contribution for the primary election prior to issuing the refund/correction.

⁵ In addition to the 91 specific violations detailed in this complaint, Semi Bird’s PDC reports also include numerous other inconsistencies. For example, his July 2023 C4 report (Report No. 110165777), lists \$145,245.72 in total cash and in-kind contributions (line 8) and \$143,404.22 in total cash and in-kind expenditures (line 17), resulting in cash on hand (line 18) of \$1,841.50. However, the August 2023 C4 report (Report No. 110172540), lists \$146,017.77 as the previous total cash and in-kind contributions (line 1) and \$144,029.22 as the previous total cash and in-kind expenditures (line 10), which do not align with the ending balances for the July C4 report.

report, Semi Bird's bank account was repeatedly and continually overdrawn throughout the month of August—for at least 18 days and reaching a low balance of at least –\$3,591.03⁶—as shown in this table:

Date	Deposits	Expenditures	Cash On Hand
8/1/23			\$1,988.55
8/2/23	\$1,070.82	\$(2,767.98)	\$291.39
8/3/23	\$124.98	\$(1,870.00)	\$(1,453.63)
8/4/23	\$204.10		\$(1,249.53)
8/5/23			\$(1,249.53)
8/6/23			\$(1,249.53)
8/7/23	\$183.05		\$(1,066.48)
8/8/23	\$500.00	\$(335.87)	\$(902.35)
8/9/23	\$175.54		\$(726.81)
8/10/23			\$(726.81)
8/11/23			\$(726.81)
8/12/23			\$(726.81)
8/13/23			\$(726.81)
8/14/23	\$591.01		\$(135.80)
8/15/23			\$(135.80)
8/16/23	\$1,091.37	\$(546.60)	\$408.97
8/17/23		\$(2,500.00)	\$(2,091.03)
8/18/23			\$(2,091.03)
8/19/23			\$(2,091.03)
8/20/23		\$(1,500.00)	\$(3,591.03)
8/21/23	\$279.04		\$(3,311.99)
8/22/23	\$4,525.00		\$1,213.01
8/23/23	\$465.23		\$1,678.24
8/24/23			\$1,678.24
8/25/23		\$(595.00)	\$1,083.24
8/26/23			\$1,083.24
8/27/23			\$1,083.24
8/28/23	\$597.00		\$1,680.24
8/29/23	\$1,272.19		\$2,952.43
8/30/23	\$4,731.15		\$7,683.58
8/31/23	\$1,044.96	\$(6,084.58)	\$2,643.96

A similar situation played out throughout the first half of September—based on the dates and amounts of the deposits and expenditures disclosed on his September 2023 C4 report (Report

⁶ This table and the similar analysis for September and October below assumes all non-itemized expenditures for each reporting period were incurred on the last day of that reporting period. If, as is more likely, such expenditures were paid throughout the month, the daily cash on hand figures would be even smaller than described here.

No. 110179342), Semi Bird's bank account was overdrawn for at least eight days in September, including a balance of at least –\$3,098.04, as shown in this table:

Date	Deposits	Expenditures	Cash On Hand
9/1/23	\$356.00	\$(1,870.00)	\$1,129.96
9/2/23	\$105.98		\$1,235.94
9/3/23	\$150.00		\$1,385.94
9/4/23	\$1,511.94		\$2,897.88
9/5/23	\$801.89	\$(2,500.00)	\$1,199.77
9/6/23	\$1,599.98		\$2,799.75
9/7/23	\$583.99	\$(5,546.10)	\$(2,162.36)
9/8/23			\$(2,162.36)
9/9/23	\$120.00		\$(2,042.36)
9/10/23	\$589.08		\$(1,453.28)
9/11/23			\$(1,453.28)
9/12/23	\$879.77	\$(2,524.53)	\$(3,098.04)
9/13/23	\$884.96		\$(2,213.08)
9/14/23	\$157.99		\$(2,055.09)

While Semi Bird did not appear to run a negative cash balance in October, based on the dates and amounts of the deposits and expenditures disclosed on his October 2023 C4 report (Report No. 110189549), his cash balance was reduced to \$283.15 on October 19 (or lower, to the extent that any of the non-itemized expenditures totaling \$766.27 in October were incurred prior to October 19).

Thus, Semi Bird cannot avoid accepting overlimit contributions in violation of RCW 41.17A.405 by retroactively refunding the overlimit contributions or designating them as general election contributions, because by drawing his cash balance below \$0 throughout August and September, and as low as \$283 in October, he necessarily spent those overlimit contributions for the primary election in violation of WAC 390-17-300(5).

In addition to the above violations involving overlimit cash contributions, Semi Bird also reported two in-kind contributions from Prologue Digital on March 17, 2023, totaling \$2,500. (see Report No. 110143146). At the time these in-kind contributions were made, the contribution limit was \$2,000 per person per election. See WAC 390-05-400. Therefore, of the \$2,500 aggregate in-kind contribution made by Prologue Digital on March 17, \$500 represented a general election contribution that was improperly accepted because doing so meant that Semi Bird used general election contributions for a primary election contribution in violation of WAC 390-17-300(5) and 390-05-235(4).

Prior Violations

This complaint is the third PDC complaint filed against Semi Bird during his current campaign, and his fifth PDC complaint overall:

- On July 16, 2021, Semi Bird entered into a Statement of Understanding with the PDC in which he admitted that he “did not timely file the required Personal Financial Affairs Statement (F-1 Report) with the Public Disclosure Commission.” Statement of Understanding, PDC Case No. 95488 (2021). Semi Bird agreed to pay a \$100 fine for this violation. *Id.*
- On September 2, 2021, the PDC dismissed a complaint against Semi Bird for exceeding the mini-reporting contribution limit because he was “a first-time candidate who worked closely with PDC staff to file the necessary reports and made a good faith effort to comply with the requirements for changing from the Mini to the Full Reporting option,” but this dismissal letter also noted that “[t]he manner in which . . . information was initially disclosed on the C-3 and C-4 reports gave the erroneous impression that [Semi Bird’s] campaign had exceeded the Mini Reporting limits.” Letter to Brigid Nelson, PDC Case No. 97850 (2021).
- On March 8, 2023, the PDC issued a “formal warning” to Semi Bird “concerning [his] campaign’s failure to timely report the campaign’s initial contribution.” Letter to M. Semi Bird, PDC Case No. 115351 (2023). Semi Bird was informed that PDC “Staff expects [him] to timely file all future required reports of contributions and expenditures” and that the PDC “will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.” *Id.*
- On September 6, 2023, the PDC yet again issued another “formal written warning” to Semi Bird “concerning the failure to timely and accurately report statutory monetary and contribution reports, as required by law.” Letter to Mr. Semi Bird, PDC Case No. 138400 (2023). As before, Semi Bird was informed that the PDC “will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws/rules.” *Id.*

Conclusion

Despite failing to file a required to report in 2021 and paying a fine, improperly filing PDC reports that gave an “erroneous impression” to the public and receiving two formal written warnings earlier this year in his current campaign, Semi Bird has nonetheless continued to engage in a systemic and repeated pattern of utter disregard for the Fair Campaign Practices Act and PDC rules.

This complaint has identified, with great specificity, no less than 91 separate and distinct violations of PDC laws and rules. Even if any single violation described herein could be dismissed

under WAC 390-37-060 as a “minor or remedial violation[]” or “resolve[d] as a technical correction,” the sheer volume of errors, omissions and violations warrant further investigation and action by the PDC.

Moreover, because Semi Bird has already received two formal written warnings for FCPA violations, the PDC should follow through on its promise to consider those warnings when taking action on this complaint.

Lastly, the vast extent of the PDC violations catalogued here (evident from Semi Bird’s own PDC filings)—along with other inconsistencies not specifically catalogued here (*see, e.g.*, footnote 5 above) and the fact that Semi Bird’s own reports indicate he has apparently overdrawn his campaign account by thousands of dollars across at least 26 days—cast serious doubt upon the accuracy and integrity of all other aspects of his PDC reports and his campaign’s compliance with the requirements of the FCPA and PDC rules.

Therefore, in addition to taking enforcement action against Semi Bird for the 91 separate violations identified above, the PDC should immediately open an investigation and audit of Semi Bird and his campaign for any additional violations of campaign finance law, in order to preserve We The People’s “right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.”