



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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

May 9, 2024

Sent electronically to Albert Merkel at al@alforval.com

Subject: Complaint filed by Nancy Miller, PDC Case 149149

Dear Albert Merkel:

Below is a copy of an electronic letter sent to Nancy Miller concerning the complaint filed with the Public Disclosure Commission (PDC) on February 11, 2024.

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

However, pursuant to WAC 390-37-060(1)(d), this letter constitutes a formal written warning to you concerning the failure to timely and accurately file the contribution and expenditure reports as a candidate registered under the Full Reporting option. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of the PDC laws/rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Erick O. Agina, Compliance Officer

s/_____
Peter Frey Lavalley, Executive Director



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May 9, 2024

Sent electronically to Nancy Miller at o4petesake@comcast.net

Subject: Complaint regarding Albert Merkel, PDC Case 149149

Dear Nancy Miller:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on February 11, 2024. Your complaint alleged that Albert Merkel, a candidate for the office of City Council Member in the City of Spokane Valley in 2019, 2021 and 2023, may have violated RCW 42.17A.235 and .240 for failure to timely and accurately file contribution and expenditure reports, as required by law.

To determine whether a formal investigation or enforcement action is warranted, PDC staff reviewed the allegation(s) in the complaint; the applicable statute(s), rule(s), and reporting requirements; the Cash Receipts Monetary Contributions (C-3) and Summary, Full Report Receipts and Expenditures (C-4) reports filed by Committee to Elect Al Merkel (Campaign); the February 29, 2024, response to the complaint submitted by Albert Merkel on behalf of the Campaign; 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:

- On March 19, 2019, Albert Merkel filed a Candidate Registration (C-1) and selected the Full Reporting Option. Mr. Merkel listed himself as Treasurer. For the 2021 and 2023 Campaigns, Mr. Merkel filed Candidate Registrations on April 6, 2021 and February 6, 2023, respectively. Mr. Merkel listed himself as the Treasurer for both Campaigns.

Alleged failure to report timely and accurate Summary, Full Report Receipts and Expenditures (C-4) reports (RCW 42.17A.235 and .240)

- Staff noted that the Campaign failed to timely file some contribution and expenditure reports. As a candidate registered with the PDC under the Full Reporting option, Albert Merkel was required to file timely C-3 and C-4 reports, including the pre-general 21- and 7-day C-4 reports for a candidate who appeared in the general in the 2023 election cycle. Albert Merkel was also required to file a post-general election and end of election cycle C-4 reports.
- During the 2023 election cycle, the 21-day pre-general C-4 report (covering September 1 – October 16, 2023) was due on October 17, 2023. The post-general election (covering October 31 – November 30,

2023) and end of election cycle C-4 (Covering December 1 - December 31, 2023) reports were due on December 11, 2023 and January 10, 2024, respectively. Staff noted that the 21-day C-4 report was filed four (4) days late on October 21, 2023, while the post-general and end of election cycle C-4 reports were filed 111 days late and 93 days late on March 31, 2023 and April 12, 2024, respectively.

- Regarding the 2021 election cycle, staff noted that while Mr. Merkel filed a C-1 with the PDC as a candidate in 2021, he did not raise or spend any money and/or participate in the election. Staff further noted that for the 2023 election cycle, Mr. Merkel's Campaign only raised \$610.76.
- In its response to the complaint received on February 29, 2023, the Campaign, by way of the Respondent, Albert Merkel, stated: "For the matters concerning 2017 and 2019 campaigns, these to my knowledge, passed the statute of limitations. For 2021, I registered for the PDC (C1 etc.), but ultimately did not run or collect any contributions, so there was nothing to report. For 2023, I intend to file the remaining reports as required. This is my first campaign to completion, so I am still familiarizing myself with the end requirements. I will say that no donations or expenditures have gone unreported to my knowledge. I made sure those were all reported. In the future, I will likely get a dedicated treasurer but at least now I will have some experience to make sure they are doing the job correctly."
- On April 12, 2024, the Campaign filed the required C-4 reports and amended several other C-4 reports to reconcile a negative balance on line 18 of the last C-4 report filed by the Campaign to reconcile the loan made to the Campaign by the candidate.

Based on these findings, staff has determined that, in this instance, the Campaign's failure to timely file contributions and expenditures reports in the 2023 election cycle, does not amount to a violation warranting further investigation.

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

However, pursuant to WAC 390-37-060(1)(d), Albert Merkel will receive a formal written warning concerning the failure to timely file contribution and expenditure reports, as required by the statutory scheme for a candidate who selected the "Full Reporting" option. Albert Merkel will be informed the Commission will consider the formal written warning in deciding on further Commission action if there are future violations of the PDC laws/rules.

If you have questions, you may contact Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by:

s/_____
Erick O. Agina, Compliance Officer

s/_____
Peter Frey Lavalley, Executive Director

cc: Albert Merkel