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*Sent via email to: lindad@atg.wa.gov
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Linda Dalton
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RE: Valley Professional Firefighters PAC & Glen Morgan 45 Day Letter
SCBIL File No. 4500-001

Dear Ms. Dalton and Mr. Perkins:

On behalf of Valley Professional Firefighters PAC, we are hereby responding to the allegations raised by Mr. Glen Morgan in the above-referenced matter. In particular, this letter addresses the following allegations:

- Allegation One: Providing over-limit contributions in violation of RCW 42.17A.405(2).
- Allegation Two: Failure to report candidate contributions made by PAC (violation of RCW 42.17A.235).
- Allegation Three: Failure to file timely, accurate C3 and C4 reports (violation of RCW 42.17A.235).

As discussed in more detail below, most of Mr. Morgan's allegations are not meritorious and should be dismissed. The remaining allegations concern only *de minimis* violations that have since been rectified and that do not warrant judicial enforcement.

1. Providing over-limit contributions in violation of RCW 42.17A.405(2).

Valley Professional Firefighters PAC does not dispute that it inadvertently made an in-kind contribution of \$478.51 to the Backus campaign without realizing that it had already made

the maximum allowable donation to the campaign. Immediately upon becoming aware of this inadvertent error, the Valley Professional Firefighters PAC rectified it by requesting the Backus campaign refund the overage contribution. The Backus campaign did so, writing Valley Professional Firefighters PAC a check for \$478.51, the amount of the in-kind contribution that was inadvertently made to the Backus campaign in excess of the contributions limits. That refund was in turn properly reported by the PAC on Report Number 100799843.

This single violation of the FCPA was *de minimis*, isolated, and rectified immediately. It does not warrant judicial enforcement.

2. Failure to report candidate contributions made by PAC (violation of RCW 42.17A.235).

Mr. Morgan's complaint alleges that the Valley Professional Firefighters PAC made four donations to various candidates without reporting them on the PAC's C-4 reports. Apparently, Mr. Morgan assumed that such violations were made by the Valley Professional Firefighters PAC. Mr. Morgan is incorrect. As the candidates' C-3 reports indicate, the reports were received directly from the Valley Professional Firefighters, not its PAC. Valley Professional Firefighters maintains a separate segregated fund ("SSF") and the donations in question were made directly from that fund, not its PAC. Accordingly, Valley Professional Firefighters had no obligation to report those contributions to the PDC (note that Valley Professional Firefighters is not a lobbyist employer and accordingly was not obligated to report the donation in an L-3c form).

3. Failure to file timely, accurate C3 and C4 reports (violation of RCW 42.17A.235).

Mr. Morgan points to 25 allegedly late filed reports. As a preliminary matter, it is worth noting that **22 out of 25** of the alleged violations occurred more than two years ago and are thus not actionable by Mr. Morgan.

Moreover, Mr. Morgan's algorithm appears to have malfunctioned, as several of the alleged violations detailed in Exhibit A were not filed late at all, even accepting the truth of Mr. Morgan's allegations. For instance, Mr. Morgan alleges that C-4 Report 100666197 was due on November 10, 2015, yet perplexingly, Mr. Morgan correctly notes that the report was timely filed on October 26, 2015. Similarly, Mr. Morgan Alleges that C-3 Report 100714184 was due on August 10, 2016, but that report was submitted seven days *early* on August 3, 2016 (in fact, Mr. Morgan's chart lists the incorrect due date; Report 100714184 was due on August 3, 2016, the exact day the Committee filed it).

In sum, Mr. Morgan's letter details violations that are beyond the statutory period for citizen enforcement and are otherwise unmeritorious insofar as they detail reports that were timely filed. The allegations are of the type that the PDC is fully capable of investigating and enforcing and the Attorney General should dismiss Mr. Morgan's complaint as being unworthy of judicial enforcement.

Conclusion

With respect to Mr. Morgan's utterly unfounded claim that any of the above actions, if found to be violations of the law—which we again assert is not the case—were done with malice as contemplated by RCW 42.17A.750(2)(c): there has been absolutely no malicious action undertaken by Valley Professional Firefighters PAC.

If you have any questions, or if there is anything we can do to be of assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danielle Franco-Malone', written in a cursive style.

Danielle Franco-Malone

Counsel for Valley Professional Firefighters PAC

cc: Jesse Mitchell (by email)