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DEC 19 2016

Superior Court
Linda Myhre Enlow
Thurston County Clerk

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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

JAMES M. COOPER, Jr.,
individually, and FRIENDS OF JIM
COOPER, a political committee,

Defendants.

NO. 16-2-04960-34

COMPLAINT FOR CIVIL
PENALTIES AND FOR
INJUNCTIVE RELIEF FOR
VIOLATIONS OF
RCW 42.17A

I. NATURE OF ACTION

The State of Washington (State) brings this action to enforce the state's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendants, JAMES M. COOPER, Jr. and FRIENDS OF JIM COOPER, a political committee, violated provisions of RCW 42.17A by 1) concealing and failing to disclose the true identity of contributors to the Thurston County Democratic Central Committee, 2) by improperly transferring campaign contributions to another political committee, and 3) using campaign funds for personal use. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

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1 **II. PARTIES**

2 2.1 Plaintiff is the State of Washington. Acting through the Washington State
3 Public Disclosure Commission, Attorney General, or a local prosecuting attorney, the
4 State enforces the state campaign finance disclosure laws contained in RCW 42.17A.

5 2.2 Defendant JAMES M. COOPER, Jr. (Cooper) was a 2016 candidate for
6 the Thurston County Board of Commissioners during the relevant time periods. As
7 such, he was expected to comply with the provisions of RCW 42.17A.

8 2.3 Defendant FRIENDS OF JIM COOPER (Campaign) is a political
9 committee registered by Defendant Cooper as his authorized candidate committee on
10 November 13, 2015. As such, the Campaign was expected to comply with the
11 provisions of RCW 42.17A.

12 **III. JURISDICTION AND VENUE**

13 3.1 This Court has subject matter jurisdiction over the present case, in
14 accordance with RCW 42.17A. The Attorney General has authority to bring this action
15 pursuant to RCW 42.17A.765.

16 3.2 This Court has personal jurisdiction over Defendants, who are either a
17 resident of the State of Washington or a political committee registered and reporting in
18 the State of Washington. Additionally, the acts complained of here took place in
19 Thurston County in the State of Washington.

20 3.3 Venue is proper in this Court pursuant to RCW 4.12.020(1).

21 **IV. FACTUAL ALLEGATIONS**

22 4.1 RCW 42.17A declares as a matter of public policy “[t]hat political
23 campaign and lobbying contributions and expenditures be fully disclosed to the public
24 and that secrecy is to be avoided.” RCW 42.17A.001(1). Further the statute provides
25 that the provisions of the law “shall be liberally construed to promote complete
26 disclosure of all information respecting the financing of political campaigns. . . ”.

1 Finally, RCW 42.17A declares as a matter of public policy “[t]hat the people have the
2 right to expect from their elected representatives at all levels of government the utmost
3 of integrity, honesty, and fairness in their dealings.” RCW 42.17A.001(2).

4 4.2 Washington’s campaign finance law also requires a campaign to timely
5 report expenditures of a candidate’s campaign. RCW 42.17A.235, .240(8);
6 RCW 42.17A.005(20). The PDC form to report expenditures is called a “Summary,
7 Full Report Receipts and Expenditures” and is a Form “C4.”

8 4.3 Washington’s campaign finance law requires a candidate for public office
9 to be responsible for the expenditures of his or her campaign. “No expenditures may be
10 made or incurred by any candidate or political committee unless authorized by the
11 candidate or the person or persons named on the candidate’s or committee’s registration
12 form.” RCW 42.17A.425.

13 4.4 A candidate may not dispose of campaign contributions without
14 restriction. Under RCW 42.17A.430, “No candidate or authorized committee may
15 transfer funds to any other candidate or other political committee.”

16 4.5 Under RCW 42.17A.435, a person may not conceal the identity of the
17 person on whose behalf a contribution is made. Additionally, under
18 RCW 42.17A.470(1), “[a] person, other than an individual, may not be an intermediary
19 or an agent for a contribution.” Under RCW 42.17A.445, personal use of campaign
20 funds is prohibited except in specific circumstances, none of which is relevant here.

21 4.6 Defendant Cooper formally declared his candidacy for Thurston County
22 Board of Commissioners by filing Public Disclosure Commission Candidate
23 Registration Form C-1 on November 13, 2015.

24 4.7 On October 17, 2016, the Attorney General’s Office, Thurston County
25 Prosecuting Attorney’s Office, and state Public Disclosure Commission received a
26 citizen action notice (Notice) from complainant Glen Morgan. In his Notice, Morgan

1 asserted that Defendants violated state law by using campaign funds to make
2 contributions to a political party.

3 4.8 Prior to May 7, 2016, the Thurston County Democratic Central
4 Committee announced a fundraising event to support the local political party's political
5 activities including contributions to other democratic candidates. The event was
6 referred to as the "Kennedy Dinner." Relevant to this litigation, the cost to attend the
7 event was at least \$100 per ticket. This cost covers the fair market value of the actual
8 dinner and a contribution to the Thurston County Democratic Central Committee.
9 According to Defendants, the estimated fair market value of the dinner is \$76.19.

10 4.9 Defendant Cooper invited 14 individuals to attend the event and sit at two
11 tables Defendants wanted to sponsor. Sixteen individuals attended the event (which
12 included Defendant Cooper and his spouse) and were associated with the Defendants'
13 two sponsored tables.

14 4.10 Four of the 16 attendees identified above purchased their event ticket
15 directly from the Thurston County Democratic Central Committee.

16 4.11 On May 7, 2016, Defendant Cooper authorized an expenditure of \$1,300
17 from campaign contributions Defendants received to purchase the additional 12 event
18 tickets. Defendants reports this expenditure to the Thurston County Democratic Central
19 Committee on their June 10, 2016 C4 report.

20 4.12 On information and belief, of the 12 additional individuals who attended
21 using Defendants' purchased tickets, Defendants state that certain individuals
22 reimbursed Defendants to defray the cost of event tickets which included a campaign
23 contribution to the Thurston County Democratic Central Committee.

24 4.13 Defendants used campaign funds to purchase tickets for Defendant
25 Cooper and his spouse to attend the event.

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1 4.14 To the extent that individuals contributed to the Campaign to cover the
2 cost of their ticket price, but their contributions did not cover the fair market value of
3 the dinner, Defendants used campaign funds to pay both the additional dinner cost as
4 well as the contribution to the Thurston County Democratic Central Committee.

5 **V. CLAIMS**

6 The State re-alleges and incorporates by reference all the factual allegations
7 contained in the preceding paragraphs, and based on those allegations, makes the
8 following claims:

9 5.1 First Claim: The State reasserts the factual allegations made above and
10 further asserts that Defendants in violation of RCW 42.17A.435 and .470 concealed and
11 failed to disclose the true identity of contributors to the Thurston County Democratic
12 Central Committee when Defendants purchased tickets to the Thurston County
13 Democratic Central Committee's pre-election fundraising dinner in Defendants' name
14 and received reimbursement from those contributors for the tickets.

15 5.2 Second Claim: The State reasserts the factual allegations made above and
16 further asserts that Defendants in violation of RCW 42.17A.430(8) improperly
17 transferred Defendants' campaign funds to another political committee.

18 5.3 Third Claim: The State reasserts the factual allegations made above and
19 further asserts that Defendants in violation of RCW 42.17A.445 improperly used
20 campaign funds for personal use including partial payment of the fair market value of
21 the dinner as well as contribution to the Thurston County Democratic Central
22 Committee's pre-election fundraising dinner.

23 5.4 Fourth Claim: The State reasserts the factual allegations made above and
24 further asserts that the Defendants' actions stated in the above claims were negligent
25 and/or intentional.

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1 **VI. REQUEST FOR RELIEF**

2 WHEREFORE, the State requests the following relief as provided by law:

3 6.1 For such remedies as the court may deem appropriate under
4 RCW 42.17A.750, including but not limited to imposition of a civil penalty, all to be
5 determined at trial;

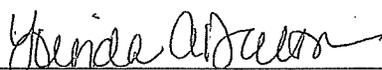
6 6.2 For all costs of investigation and trial, including reasonable attorneys'
7 fees, as authorized by RCW 42.17A.765(5);

8 6.3 For temporary and permanent injunctive relief, as authorized by
9 RCW 42.17A.750(1)(h); and

10 6.4 For such other legal and equitable relief as this Court deems appropriate.

11 DATED this 19th day of December, 2016.

12 ROBERT W. FERGUSON
13 Attorney General

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15 LINDA A. DALTON, WSBA No. 15467
16 Senior Assistant Attorney General
17 WALTER M. SMITH, WSBA No. 46695
18 Assistant Attorney General
19 Attorneys for Plaintiff State of Washington
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