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September 24, 2015

James Abernathy, General Counsel
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Dmitri Iglitzin
Schwerin Campbell Barnard Iglitzin & Lavitt LLP
18 W Mercer St, Suite 400
Seattle, WA 98119

Re: Citizen Action Notice against SEIU 775

Dear Counsel:

I am writing to advise you of the Attorney General's Office decision regarding the Freedom Foundation's allegations that SEIU 775 violated certain campaign finance laws.

At the outset, my office wishes to express its appreciation for the work of the Public Disclosure Commission and its staff in investigating a complex set of allegations under the limited timeframe provided for under the citizen action statute. I would also like to acknowledge the Commission's publicly expressed concerns about the constraints the process placed on the Commission's ability to fully vet the facts and their application to the law it vigorously enforces. While the Commission made its recommendation to take no further action, it did so with significant concerns about the amount of time available for investigation and review.

The AGO has reviewed the information provided by the Commission regarding all of the allegations. The Commission noted in its recommendation a possible violation by SEIU 775 concerning its lobbyist employer reporting obligations (Allegation #2 from the complaint). The AGO staff conducted a further review of the reports filed with the Commission related to this alleged violation. The evidence developed by the Commission staff coupled with our additional review supports filing a court action on Allegation #2. As a result, the State filed today a complaint against SEIU 775 and SEIU 775 PAC for reporting deficiencies of both in-kind and monetary contributions. A copy of the complaint is enclosed. As explained below, however, the AGO is accepting the recommendation from the Commission that no further action is warranted as to the other allegations (Allegations #1 and 3).

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With respect to Allegation #1, the evidence developed does not support a determination that SEIU 775 is a political committee based on its expenditures. The Freedom Foundation bases its assertion on an aggregation of all of SEIU 775's expenditures that are not directly related to representational activities. It then characterizes them as "election-influencing" or "election-oriented" activities. However, as the records provided during the staff review and the Commission analysis reveal, this approach significantly overstates the amounts spent on campaign activities as defined in RCW 42.17A. The records and the analysis do not support a conclusion that one of the primary purposes of SEIU 775 is campaign activities.

As to the assertions contained in Allegation #3, we agree with the Commission and its staff that the letter the Freedom Foundation labels as "political advertising" does not fit the statutory definition, and does not create disclosure responsibilities. The letter solicits non-union bargaining unit members to join the SEIU 775 union. The letter then requests that, after becoming a member of SEIU 775, the individual consider making a contribution to the SEIU Committee on Political Education, a federal committee. The state campaign finance laws do not control federal contribution activities.

With these decisions, the Attorney General's Office on behalf of the State of Washington has acted on the Freedom Foundation's allegations. If you have any questions, please do not hesitate to call me.

Sincerely,



LINDA A. DALTON
Senior Assistant Attorney General

LAD/dg
Enclosure

cc: David Horn, Chief Deputy Attorney General w/o enclosure
Christina Beusch, Deputy Attorney General w/o enclosure
Dan Satterberg, King County Prosecuting Attorney w/enclosure
Fred Kiga, Interim Executive Director – Public Disclosure Commission w/enclosure
Commissioners, Public Disclosure Commission