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October 13, 2015

James Abernathy, General Counsel  
Freedom Foundation  
PO Box 522  
Olympia, WA 98507

Robert Lavitt  
Schwerin Campbell Barnard Iglitzin & Lavitt LLP  
18 W Mercer St, Suite 400  
Seattle, WA 98119

Re: Citizen Action Notice against SEIU 925

Dear Counsel:

I am writing to advise you of the Attorney General's Office decision regarding the Freedom Foundation's allegations that SEIU 925 violated certain campaign finance laws.

The AGO has received and reviewed the information provided by the Public Disclosure Commission regarding all of the allegations. The evidence developed by the Commission staff supports filing a court action on Allegation #2 contained in the Freedom Foundation notice. As a result, the State filed today a complaint against SEIU 925 for its reporting failures for in-kind and monetary contributions. Additionally, as a result of SEIU 925 PAC's failure to report the corresponding in-kind contributions, the complaint includes it as a defendant. 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).

With respect to Allegation #1, the evidence developed does not support a determination that SEIU 925 is a political committee based on its expenditures. The Freedom Foundation bases its assertion on an aggregation of all of SEIU 925'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 925 is campaign activities.

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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 925 union. The letter then requests that, after becoming a member of SEIU 925, 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  
Evelyn Lopez, Executive Director – Public Disclosure Commission w/enclosure  
Commissioners, Public Disclosure Commission