



CALLIE A. CASTILLO
206.223.7145
castilloc@lanepowell.com

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VIA ELECTRONIC MAIL

Washington Public Disclosure Commission
PO BOX 40908
Olympia, WA 98504-0908
E-Mail: pdcc@pdcc.wa.gov

Re: PDC Case No. 140213 - Let's Go Washington (Sponsored by Brian Heywood)
Response to Request for Referral

Dear Commissioners:

This letter is submitted on behalf of Let's Go Washington (Sponsored by Brian Heywood) ("Let's Go Washington") in response to the July 17, 2023, letter submitted by Dmitri Iglitzin on behalf of certain clients, asking the Public Disclosure Commission to refer Case No. 140213 to the Attorney General for investigation and enforcement. The Commission must decline because this matter does not meet the statutory criteria set forth in RCW 42.17A.755.

As this body is aware, the PDC may refer a matter to the Attorney General *only* when one of three statutory criteria is found to have been met. The Commission must find (a) additional authority is necessary to ensure compliance with Title 42.17A; (b) an apparent violation warrants greater penalty than the Commission's statutory authority; or (c) the maximum penalty is not sufficient to address the severity of the alleged violation. *See* RCW 42.17A.755(4). None of these criteria is present here.

As a threshold matter, Mr. Iglitzen's request must be rejected because the Commission has not completed its investigation to determine whether any violation by Let's Go Washington has in fact occurred, must less a determination that additional authority or penalty is required. Mr. Iglitzen admits as such when he urges the Commission to refer the matter to the Attorney General simply because the Commission's investigation is still ongoing after eleven months. Moreover, Let's Go Washington has cooperated with PDC staff inquiries and recommendations regarding the Committee's reporting requirements. As recent as last week, Let's Go Washington provided additional information requested by PDC staff in cooperation with the investigation. It would exceed the Commission's authority to refer the matter to the Attorney General at this premature stage solely because of overall PDC case volumes as Mr. Iglitzen suggests.

Mr. Iglitzen next asserts that additional authority may be needed because of alleged violations of criminal law. Setting aside that these allegations concern a different entity and even then the complainants present no evidence of an actual crime only conjecture, the Attorney General lacks authority to investigate and prosecute crimes under RCW 42.17A in these circumstances. The Attorney General's authority in criminal matters is limited by state law. *See* RCW 43.10.030(4), .090, .230, .232. Importantly, the Attorney General may only investigate alleged crimes after written request of the Governor or a County Prosecuting Attorney, not the Commission. RCW 43.10.090, .232. Mr. Iglitzen's arguments regarding the Attorney General's additional authority are significantly misplaced.

Finally, Mr. Iglitzen suggests that the Commission lacks sufficient penalty authority in this case. Again, Mr. Iglitzen provides no evidence of any actual violation and instead offers only hyperbole as to the alleged public significance of this case. Nothing of the facts of this case, however, suggests that—if any violation is found after appropriate adjudicative procedure—the Commission's authority under RCW 42.17A.755 and WAC 390-37-182 would not be sufficient.

In sum, Mr. Iglitzen's request to refer this matter to the Attorney General is premature, misapprehends the applicable statutory authority, and serves nothing more than to detract the Commission and its staff. The Commission must reject Mr. Iglitzen's request.

Sincerely,

LANE POWELL PC

A handwritten signature in black ink that reads "Callie A. Castillo". The signature is written in a cursive, flowing style.

Callie A. Castillo

cc: Dan Brady, Let's Go Washington Legal Counsel

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