

To Whom it May Concern,

After researching a number of Washington state's Public Disclosure Commission (PDC) Schedule A to the C-4 reports filed by Senator Douglas Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)," and after reviewing FOIA records recently released by the U.S. Environmental Protection Agency (EPA), I have reason to believe that Senator Douglas Ericksen, in 2017 and late 2016, may have committed multiple violations of RCW 42.17A.430, WAC 390-16-238, WAC 390-16-037, and possibly RCW 42.17A.445.

Since my knowledge of Washington state campaign finance law and rules is very limited, I will leave it up to the experts at your agency as to which specific codes apply in terms of potential violations I describe below.

WAC 390-16-238 states, in-part:

"(1) Except as specifically allowed by chapter 42.17A RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW 42.17A.445.
(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign."

RCW 42.17A.430 specifically outlines the eight ways in which the surplus funds of a candidate or a candidate's authorized committee may dispose of surplus funds. One of those eight listed ways to dispose of surplus funds is to hold the surplus campaign funds in a separate account for non-reimbursed public office-related expenses or as provided in RCW 42.17A.430, and report any such disposition in accordance with RCW 42.17A.20. Accordingly, it is then my understanding that monies from surplus fund accounts can be used by elected officials to cover non-reimbursed public office-related expenses.

However, if the elected official incurs a non-reimbursed public office-related expense that also, in any manner, could be considered personal in nature, the PDC recommends paying the expenditure with personal funds, and then seeking reimbursement from a surplus funds account only for that specific portion that is directly related to his or her elected office. This does not appear to be the regular practice exercised by Senator Ericksen in terms of what I will outline below in my complaint.

Surplus fund monies used by Senator Ericksen in November 2017 relating to travel to Washington, D.C.

Using surplus funds for expenses related to obtaining and/or maintaining employment with the EPA would not appear to be an appropriate use of those surplus funds, yet it appears that Senator Douglas Ericksen used surplus account funds to pay for Washington D.C., travel-related expenses in mid-November 2017, for the purpose of meeting with EPA and/or White House officials to discuss and procure potential

personal employment with the EPA, which to my understanding, would not be a legitimate public office-related activity.

Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" filed a Schedule A to the C-4 report for the report date 11/1/17 through 11/30/17 (**Exhibit A, Photo #2**), which shows the following travel expenses pertaining to travel to Washington, D.C., for which, monies from his surplus account were used:

11/10/17 - Alaska Air - \$381.42 described as "Travel"

11/15/17 - Alaska Air - \$79.00 describes as "Travel"

11/20/17 - Embassy Suites in Washington, D.C. - \$845.70 described as "Travel"

11/20/17 - Lot M MPark at SeaTac in Seattle, WA - \$54.19 described as "Travel"

From looking at the expenses I listed above, they all appear to be associated with Senator Ericksen's trip to Washington, D.C., when he had one or more meetings about a potential new position/job with the EPA. If any part of Senator Ericksen's listed expenses for this trip, which were paid by monies from his surplus account, were not solely related to his public elected office this would appear to be in violation of RCW 42.17A.430, WAC 390-16-238, and possibly RCW 42.17A.445.

Also, on the Schedule A to the C-4 report for report date 11/1/17 through 11/30/17, under the column header, "Purpose of expense and/or description," the information provided by Mr. Ericksen is extremely limited.

For example, I assume that the Alaska Air expense showing for the date of 11/10/17 was for an airline ticket Mr. Ericksen purchased to travel to Washington, D.C., and for having him returning back to Washington state on 11/20/17. I assume that, because the Schedule to the C-4 report also shows that on 11/20/17, Mr. Ericksen paid for a hotel (Embassy Suites) in Washington, D.C., which is typically done on the check-out date, and that he paid for parking at a SeaTac parking lot on that same date. While I could assume that the listed \$79.00 Alaska Air expense dated 11/20/17 was also associated with his trip to Washington, D.C., I am not certain. It appears that Senator Ericksen failed to provide detailed descriptions regarding those expenses, and may be in violation of WAC 390-16-037 which requires that the expenditure be properly described.

EPA email communications related to Mr. Ericksen's potential personal employment with EPA

According to my review of EPA email communications obtained through FOIA records, it appears that Senator Ericksen met with EPA and/or White House officials on or around November 14, 2017, and discussed potential employment with the EPA, which resulted in Mr. Ericksen receiving an offer of an appointment position with the EPA, in its Region 10 office in Seattle, Washington.

A November 14, 2017 email (**Exhibit A, Photo #3**) sent at 4:05:48 PM EST to Doug Ericksen, from Nancy Grantham, Office of Public Affairs at EPA Headquarters in D.C., shows that Mr. Ericksen had seen Ms. Grantham earlier that day there at Headquarters (HQ) which indicates that there had been some kind of meeting at HQ between Mr. Ericksen and one or more EPA officials regarding potential employment with the EPA. Ms. Grantham had Ccd (copied) the EPA Region 10 Deputy Regional Administrator and the Public Affairs Director for EPA Region 10 office on that email communication.

It appears that Mr. Ericksen was offered an appointment/position with the EPA, at least verbally, either that day, November 14, 2017, or possibly prior to that, because Ms. Grantham said in her email that he should connect with two people she named who would coordinate the internal EPA Region 10 announcement about Mr. Ericksen's impending arrival to work at that office.

Later that same afternoon, on November 14, 2017, Ms. Grantham, sent an email (**Exhibit A, Photo #4**) at 5:41:21 PM to the Region 10 Deputy Regional Administrator and to the Public Affairs Director for EPA Region 10 office, confirming that Mr. Ericksen's new position title would be the same title as a particular individual she referenced in the email.

A November 27, 2017 email (**Exhibit A, Photo #5**) sent by the Team Leader, Operations Staff, OARM/OHR/ERD, to the Management/Program Analyst at the Region 10 office said they are hoping (back at that time) that Mr. Ericksen would be cleared by OPM in time to start his new position on December 4, 2017. The email explained he had been cleared by the security office, but that OPM had not yet released the required paperwork, and that the Team Leader hoped to know more by the next day or the day after that.

A November 29, 2017 email (**Exhibit A, Photo #6**) sent to the EPA Region 10 Deputy Regional Administrator, by the Acting Director, Executive Resource Division, EPA HQ OARM/OHR/ERD, informing her that Doug Ericksen "is slated to become the Senior Advisor to the RA [Regional Administrator] for Public Engagement under a Schedule C Appointment..."

On December 4, 2017, the Team Leader, Operations Staff, OARM/OHR/ERD sent an email (**Exhibit A, Photo #7**) to Mr. Ericksen, and Ccd nine other individuals, with his

attached appointment letter to Schedule C position titled Senior Advisor to Regional Administrator for Public Engagement, to be located in the Region 10 office in Seattle.

In December 2017, the start date for Mr. Ericksen's appointment/employment with the EPA was revised a couple times such that he was eventually scheduled to start on Monday, January 8, 2018. Ultimately, Mr. Ericksen sent a Friday, January 5, 2018 email (**Exhibit A, Photo #8**) at 1:46 PM to the Regional Administrator for the EPA's Region 10 office, letting him know that he would not be joining the EPA.

So, it appears that Mr. Ericksen's November 2017 trip to Washington D.C., for which he used monies from his "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)," included meeting with EPA and/or White House officials regarding employment with the EPA, and resulted in him procuring an offer of an appointed position of Senior Advisor with the EPA's Region 10 office.

2017 news coverage of Senator Ericksen's use of surplus fund monies relating to travel to Washington, D.C.

As a senator, Mr. Ericksen is certainly familiar with the rules governing the use of surplus campaign funds. It was reported in numerous news articles in late April and early May of 2017, that Senator Ericksen had spent thousands of dollars of surplus fund monies from his "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" to pay for airfare, along with lodging and meals in Washington, D.C. The articles called into question those surplus fund expenditures because of Mr. Ericksen's January 21, 2017 appointment to a Senior Advisor position at EPA HQ in Washington, D.C., which was not related to his elected public office.

An AP article published on May 1, 2017, in The Bellingham Herald, reported on several Washington state senators, one of whom was Douglas Ericksen, who had recently (at the time of publication) spent surplus fund monies on expenses which were called into question to some degree in the article. Link to the May 2, 2017 Bellingham Herald article:

<http://www.bellinghamherald.com/news/politics-government/article147819399.html>

In the AP article, Senator Ericksen was quoted from a written statement he had made in an email, saying, "All surplus fund expenditures are related to conducting my duties as an elected official." The article reported, "He [Ericksen] declined to answer questions about specific expenses, such as for airfare, lodging and meals in Washington, DC."

While Senator Ericksen declined to answer questions from the press about specific expenses, such as for airfare, lodging and meals in Washington, D.C., I do not think he could simply decline to answer if those questions were being asked by the PDC and/or the Washington state Attorney General's Office if there were to be an investigation into Senator Ericksen's surplus account spending as it relates to what I've outlined in this complaint.

Surplus fund monies used by Senator Ericksen in Dec. 2016, and Jan., March, and May 2017 relating to travel to Washington, D.C.

As reported in the AP news article I referenced above, it also appears that Senator Ericksen may have used surplus account funds to pay for Washington D.C., travel-related expenses in January, March and May of 2017, that were related to the performance of his appointed Temporary Transitional Schedule C position/job as Senior Advisor at EPA Headquarters in Washington, D.C. According to Mr. Ericksen's January 19, 2017 appointment letter (**Exhibit A, Photos #1 and #1a**) from the EPA, his appointment became effective January 21, 2017, and it ended 120 days later, on May, 20, 2017. To my understanding, at least some portion, if not all, of his listed surplus account expenditures relating to his trips (in Jan., March, May 2017) to Washington, D.C., would not be considered a legitimate public office-related activity.

And, it appears that Senator Ericksen may have used surplus account funds to pay for Washington D.C., travel-related expenses in December 2016, when he would have likely met with EPA and/or White House officials to discuss and procure a potential position/job with the EPA at that time, which would have likely been what turned out to be his January 21, 2017, Temporary Transitional Schedule C appointment position as Senior Advisor, at EPA Headquarters in Washington, D.C. To my understanding, at least some portion, if not all, of his listed surplus account expenditures relating to his December 2016 trip to Washington, D.C., would not be considered a legitimate public office-related activity.

According to Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 report filed for report date 12/1/16 - 12/31/16 (**Exhibit A, Photo #9**), Mr. Ericksen spent \$109.75 at Hard Rock Cafe on 12/13/16, and \$46.70 on 12/12/16 at Dubliner (Restaurant and Pub), both of which are in Washington, D.C. The information provided by Senator Ericksen about those expenses is extremely limited. He simply listed the code "5270" which corresponds to travel, accommodations and meals. It appears that Senator Ericksen failed to provide a detailed description regarding those expenses, which may be in violation of WAC 390-16-037 which requires that the expenditure be properly described.

While the "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" December 2016 Schedule A to the C4 report did not show an airfare was paid that month which might be associated with that December travel, there was a \$327.20 airfare charge paid on 11/23/16 listed on the November 2016 Schedule A to the C-4 report filed for report date 11/1/16 - 11/30/16 (**Exhibit A, Photo #10**), for the "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)." It is possible that this travel to Washington, D.C., was associated with Mr. Ericksen's upcoming (at that time) appointment/employment with the EPA which was effective 1/21/17. It is unclear where the travel destination was in terms of the \$327.20 airfare expenditure, or the purpose for the travel, since the description/purpose only reads "Travel." It appears that Senator Ericksen failed to provide a detailed description regarding that airfare expense, which

may be in violation of WAC 390-16-037 which requires that the expenditure be properly described.

Since Senator Ericksen failed to provide a detailed description of his travel on those November 2016 and December 2016 Schedule A to the C-4 reports, it is unclear whether the \$327.20 airfare spent on 11/23/16, pertained to his upcoming December 2016 travel to Washington, D.C., or if the airfare may have pertained to an "ALEC States and Nation Policy Summit," held in Washington, D.C., on 11/30/16 - 12/2/16. According to Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 report for report date 10/1/16 - 10/31/16 (**Exhibit A, Photo #11**), there is a listed expense for \$100.00 on 10/24/16 for a registration fee for ALEC event registration with a corresponding Washington, D.C., address. If any part of Senator Ericksen's listed expenses for the November and/or December 2016 Schedule A to the C-4 reports which were paid by monies from his surplus account were not solely related to his public elected office, this would appear to be in violation of RCW 42.17A.430, WAC 390-16-238, and possibly RCW 42.17A.445

According to Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 report filed for report date 1/1/17 - 1/31/17 (**Exhibit A, Photo # 12**), there was an expense of \$2,084.50 on 1/23/17 at Embassy Suites simply listed as "Travel," and there was a \$27.20 expense on 1/19/17 at Finn & Porter (restaurant inside the hotel) listed as code "5270," that corresponds to travel, accommodations and meals. Both the hotel and restaurant are in Washington, D.C.

Mr. Ericksen's Appointment as Senior Advisor for the EPA at Headquarters in Washington, D.C., was made effective 1/21/17, and his 1/19/17 appointment letter stated he should report to EPA Headquarters in D.C. on 1/23/17 for orientation, so it is likely that he was working for some portion of the time he was in Washington, D.C. If any part of Senator Ericksen's listed expenses for this trip, which were paid by monies from his surplus account, were not solely related to his public elected office, this would appear to be in violation of RCW 42.17A.430, WAC 390-16-238, and possibly RCW 42.17A.445. Also, it appears that Senator Ericksen failed to provide detailed descriptions regarding those expenses, and may be in violation of WAC 390-16-037, which requires that the expenditure be properly described.

According to Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 report for report date 3/1/17 - 3/31/17 (**Exhibit A, Photo #13**), there was an expense of \$321.80 on 3/16/17 for United Airlines listed as "Travel," and an expense of \$52.20 on 3/16/17 at the Elephant & Castle (Pub & Restaurant) in Washington, D.C. The information provided by Senator Ericksen is extremely limited. For the restaurant expense, he simply listed the code "5270" that corresponds to travel, accommodations and meals. It appears that Senator Ericksen failed to provide detailed descriptions regarding those expenses, and may be in

violation of WAC 390-16-037, which requires that the expenditure be properly described.

At that time in March 2017, Senator Ericksen was employed as a Senior Advisor for the EPA at Headquarters in Washington, D.C. If Senator Ericksen were to possibly claim that he was in Washington, D.C. at that time in March 2017, for the purpose of meeting with congressional legislators, etc., and/or other activities related to his public office, I would find it very difficult to believe that claim, because according to Douglas Ericksen's EPA Earnings and Leave Statement (pay stub) for the pay period ending on 3/18/17 (**Exhibit B, Photo # 1**), he worked a total of 124 hours. The pay periods are for two weeks. That 124 hours calculation was made by taking his gross pay for that pay period (\$9,619.92) and dividing that by his hourly pay rate (\$77.58). If any part of Senator Ericksen's listed expenses for this trip, which were paid by monies from his surplus account, were not solely related to his public elected office, this would appear to be in violation of RCW 42.17A.430, WAC 390-16-238, and possibly RCW 42.17A.445

According to Senator Ericksen's "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 report for report date 5/1/17 - 5/31/17 (**Exhibit A, Photo #14**), there was an expense of \$100.00 on 5/15/17 at BLT Prime (restaurant) in Washington, D.C., and \$35.97 was spent on 5/22/17 at Ivar's (restaurant) at SeaTac airport in Seattle, WA. At that time, Mr. Ericksen was employed as a Senior Advisor for the EPA at Headquarters in Washington, D.C. His last day of work (his appointment "not to exceed date") with the EPA was May 20, 2017. Also, the information provided by Senator Ericksen about those expenses is extremely limited. For the expense at BLT Prime, he simply listed the code "5270" which corresponds to travel, accommodations and meals. For the expense at Ivar's, he simply listed it as "Travel." It appears that Senator Ericksen failed to provide a detailed description regarding those expenses, and may be in violation of WAC 390-16-037, which requires that the expenditure be properly described. And, if any part of Senator Ericksen's listed expenses for this trip, which were paid by monies from his surplus account, were not solely related to his public elected office, this would appear to be in violation of RCW 42.17A.430, WAC 390-16-238, and possibly RCW 42.17A.445.

Senator Ericksen publicly denies using surplus account monies for travel expenses in Washington, D.C. related to his EPA employment, but there is evidence to contradict that denial

Senator Ericksen was a guest on the May 2, 2017, KGMI "The Morning Show" radio program, hosted by talk radio host Dillon Honcoop. Link to podcast of the May 2, 2017 radio program: <http://kgmi.com/podcasts/the-morning-show-522017/>

During the program, Honcoop asked Ericksen, "Did you spend that money on going over [to Washington, D.C.] and doing that other [EPA] job?"

Ericksen answered: "Absolutely not. I went back to Washington D.C. for the inauguration, met with our congressional delegation, met with a ton of elected officials, uh, while I was back there conducting business as an elected official."

However, Mr. Ericksen's January 19, 2017, EPA appointment/employment letter appears to contradict his stated denial described above that he told listeners on the May 2, 2017 radio program.

Mr. Ericksen's January 19, 2017, EPA appointment/employment letter (**Exhibit A, Photo #1a and 1b**) directed him to report to EPA Headquarters, on January 23, 2017, for orientation at 8:30 AM for his new position with the EPA. The letter instructed him to bring with him specific documents which would be needed to set up Ericksen's personnel record, set up benefits, and generate payroll information. Exhibit A Photo. Also, it is very probable that during the time Mr. Ericksen was in Washington, D.C. (from or around January 18, 2017 through January 23, 2017 or later), he met with EPA and/or White House officials regarding his EPA employment.

So, we have Senator Ericksen telling radio listeners that when he traveled to Washington, D.C., and spent surplus campaign fund monies during his time there, he did so in his elected role, representing Washington state. While it's possible that Mr. Ericksen may have met with elected officials in D.C. relating to his elected office as he claims he did, it does appear that some of his activities during that trip were directly related to his personal EPA employment.

No history of Senator Ericksen traveling to Washington, D.C. relating to his elected office

As a result from the April/May 2017 news media articles about his use of surplus funds for travel to Washington, D.C., in 2017, Senator Ericksen claimed that he sometimes travels to Washington, D.C. to meet with legislators as part of his elected position as senator. So, to check to see if Senator Ericksen has a history of doing that, I decided to review all of his "Douglas J. Ericksen (Committee to Elect Doug Ericksen Surplus Account)" Schedule A to the C-4 reports for the last 6 years; 2012, 2013, 2014, 2015, 2016, 2017, and 2018 (as of the date of this complaint there is only one Schedule A to the C-4 report for 2018).

According to my review of those Schedule A to the C-4 reports, I do not see any listed expenditures from Senator Ericksen's surplus account which indicate he traveled to Washington, D.C., any times other than in December 2016, January 2017, March 2017, May 2017, and November 2017, all of which, occurred when he was either meeting with EPA and/or White House officials about potential employment with the EPA, or were during the time that he was employed with the EPA.

I believe the only way to know for certain whether the listed surplus account expenditures pertaining to Mr. Ericksen's trips to Washington, D.C. in January 2017, March 2017, May 2017, November 2017, and December 2016, were, in fact, solely for legitimate public office-related activities, would be for the PDC and/or the Washington State Attorney General's Office to thoroughly investigate Senator Ericksen's use of his surplus campaign fund monies in terms of what I've outlined here in this complaint.

Such an investigation would ascertain a detailed, full accounting of those surplus fund expenditures, and would compel Senator Ericksen to provide substantiation to prove that his travel to Washington, D.C., and his activities there, on the occasions that I referenced in this complaint, directly related solely to him conducting business as a Washington state senator, and at no point, did those expenditures relate to his EPA employment or to his efforts in procuring potential EPA employment.

I await to hear from you as to whether your potential investigation of the information I have provided here, gives you reasonable cause to take civil enforcement action based on the allegations in my complaint.

If you should have any questions, please don't hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Sandy Robson