

June 16, 2016

**TO: WASHINGTON STATE ATTORNEY GENERAL ROB
McKENNA, PIERCE COUNTY PROSECUTOR MARK
LINDQUIST, AND THE WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION**

**RE: CITIZEN'S ACTION LETTER RE UNLAWFUL CAMPAIGN
ACTIVITY BY THE PORT OF TACOMA, THE ECONOMIC
DEVELOPMENT BOARD OF TACOMA-PIERCE COUNTY,
THE TACOMA-PIERCE COUNTY CHAMBER, AND THE
THIRD TRIUMVIRATE CREATED BY THEIR CONCERTED
ALLIANCE OPPOSING TACOMA CITIZENS' INITIATIVES
AND COMPLAINT FOR VIOLATION OF RCW 42.17A.555
BY THE PORT OF TACIOMA IN EXPOENDING PUBLIC
FUNDS TO OPPOSE A BALLOT MEASURE**

**FROM: ARTHUR WEST
120 State Ave. NE #1497
Olympia, Washington, 98501**

Please consider this as a complaint for violation of RCW 42.17A.555 and a formal citizen's action letter under RCW 42.17.460 concerning the continuing unregistered campaign activity, unregistered PAC activity, and campaign related receipts and expenditures to oppose Tacoma Citizen's Initiatives 5 and 6 by the Port of Tacoma, the Economic Development Board of Tacoma-Pierce County and the Tacoma-Pierce County Chamber, and by the "Third Triumvirate" formed by the political alliance of these three powerful and influential organizations.

RCW 42.17A.555 provides...

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency...

By using public funds to oppose Tacoma Citizen's Initiatives 5 and 6 in an extraordinary manner that was not part of the regular and ordinary conduct of the Port of Tacoma, the Port violated RCW 42.17A.555

As PDC Interpretive letter 07-2 states...

- **a person or organization may become a political committee by either (1) expecting to receive or receiving contributions, or (2) expecting to make or making expenditures to further electoral political goals.**
- **The organization making expenditures must have as its "primary or one of the primary purposes ... to affect, directly or indirectly, governmental decision making by supporting or opposing candidates or ballot propositions...."** State v. Dan J. Evans Campaign Comm., 86 Wash.2d at 509, 546 P.2d 75 (Pages 598-599)
- **An organization is a political committee if one of its primary purposes is to affect governmental decision making by supporting or opposing candidates or ballot propositions, and it makes or expects to make contributions in support of or in opposition to a candidate or ballot measure.**

The recent actions, pleadings, press releases and statements of the Port

of Tacoma, the Economic Development Board of Tacoma-Pierce County (EDB) and the Tacoma-Pierce County Chamber clearly demonstrate that (despite the legal restrictions upon the use of public funds to oppose ballot measures) one of the actual primary purposes of each of these groups individually, and as their new incarnation as a tripartite political organization with a unified political agenda, is to affect governmental decision making by opposing ballot measures such as Tacoma Citizen's Initiatives 5 and 6.

Attached and incorporated by reference is a copy of a lawsuit and news articles that demonstrate the organized concerted actions of this third triumvirate, and the circumstance that one of the primary purpose of each of these organizations is to oppose ballot measures such as Tacoma Citizen's Initiatives 5 and 6.

As their websites demonstrate, the members of the Triumvirate all have opposing ballot measures such as Tacoma Citizen's Initiatives 5 and 6 as one of their primary purposes, and it is apparent that the organization created by their joint efforts has no other purpose whatsoever than to oppose these measures.

By so acting, failed to register or report campaign related expenditures made to and in addition failed to register or report as PACs as required by RCW 42.17A. 205-240 of organizations opposing a ballot proposition such as Tacoma Citizen's Initiatives 5 and 6

This violated the intent of RCW 42.17.0001, including section (1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

In addition, there is a valid concern that the actions and finances of .

Please investigate and take any necessary action in regard to this

complaint and Citizen's Action Letter.

Done June 16, 2016, in Olympia. I, Arthur West, certify the factual assertions above to be correct and true under penalty of perjury of the laws of the State of Washington.

S/ *Arthur West*
ARTHUR WEST