

Bailey J. Stober

1349 51st Pl NE Auburn, WA 98001 – (206) 733-0464 – stoberbailey@gmail.com

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Honorable Bob Ferguson
Attorney General of Washington
PO Box 40100 Olympia, WA 98504

Acting Director BG Sandahl
Public Disclosure Commission
711 Capitol Way #206 Olympia, WA 98504

Dear Attorney General Ferguson and Acting Director Sandahl,

I first want to thank you and commend you for your continued outstanding service to the people of Washington. I also must note you employ some of the highest caliber staff amongst any public service agency. In March I received notification that your respective offices had received complaints about me from Mr. Glenn Morgan that they were required to investigate.

1. **Illegal Use of Public Agency Time to Campaign**

The complaint alleges that during my current employment as the Director of Communications and External Relations for the King County Assessor that I illegally and inappropriately misused government resources for the benefit of a campaign. The post that was highlighted in the body of the complaint claims that I posted on my personal Facebook an invitation to a fundraiser benefitting the County Executive on March 1st at 4:05pm. This is comical for several reasons but I would like to note a few of them: 1. Nowhere has Mr. Morgan asked or inquired as to my working hours. For his information and yours I could work 7am to 4pm or 6am to 3pm. In fact, my employer at his discretion could dismiss me at 3:22. 2. It should be noted that I am a salaried, appointed employee and as a result I am not paid by the hour. Equally as a result, I consistently work more than 40 hours per week on average including afterhours community meetings. For example, this very evening I attended a community town hall in Fairwood from 7pm – 9pm. When this occurs, as it often does, I am authorized to leave the office before 5pm for a dinner break. But I think the most comical piece of this accusation is the day in question where I made this post at 4:05pm – I was out on sick leave. I wasn't in the office, I wasn't performing duties for the government – I was sick. Further, Mr. Morgan clearly acknowledges that I work excessive hours, he included a Facebook screenshot of me checked in at the King County Administration Building on 2/23/17 at 11:18pm. Well beyond normal business hours. To further show the lack of state of the art investigatory skills of Mr. Morgan I would point you to his screen shot of my Facebook page on February 20th 2017. He is noting that I was at the State Capitol lobbying with Democratic organizations. I would strongly encourage the accuser to open a calendar and look at the date as he would note it is Presidents day. A federal holiday in which

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King County offices are closed. What I chose to do on my work holiday really isn't his concern. I want to be very clear that although I am a public servant, which I believe to be the highest calling, I do reserve the rights to breaks, lunches, meals and time off. I do not engage in political posting at during work or utilizing government resources. But these two clear examples show his complete lack of disregard for the intent of these laws and the people that are tasked with investigation their potential violations.

2. Mr. Morgan makes all sorts of allegations about my previous campaigns for Kent City Council. While I won't go through each and every accusation I will generally say I concur. I will note that many of his accusations are opinions and not based in fact or reality. Hence, why after months and months to telling the PDC that I concur and them taking no action, I finally contacted my State Senator. My Senator happened to be having a meeting with the previous outgoing Director and the previous incoming Director and raised this issue. The PDC then contacted me at which point I again said I had screwed up my reporting, I concurred with the complaint and voluntarily cooperated and faced a penalty. I entered into a stipulated agreement for these violations and I have not violated the stipulated agreement. These issues have been addressed, investigated and settled as I am sure Mr. Morgan is well aware of.

I strongly deny and object to any allegations that I am breaking the law.

This obviously, as you are aware, leads to a much bigger and more significant issue. If I counted correctly, to date, Mr. Morgan has filed 156 complaints since December 30th 2016. All of these complaints are aimed at Democratic elected officials, Democratic candidates and Democratic organizations. So I have some questions I am hoping both of your offices can answer for me:

Under RCW 42.17A.005 Definitions:

1. (1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Does this mean if a party is filing false claims or complaints they are guilty of actual malice?
2. "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign. So if a person or team of people come together for the sole purpose of this type of political activity clearly benefitting one party, are they a continuing political committee? And if so, are they required to file and register? What are the penalties for failing to do so?
3. (13)(a) "Contribution" includes:
 - (i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration. Mr. Morgan's time, internet, phone and professional skill that is being used to benefit one party clearly is something of value. Doesn't it count as a contribution? And if so, does he need to list that as an inkind donation to the Washington State Republican Party or can he list it individually for each Republican campaign that he is directly benefitting?
4. Under Independent Expenditure definitions it reads: (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part

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for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office. So hypothetically if I could produce emails, text messages and schedules of republican legislators meeting with and encouraging a complainant who has filed over 100 complaints against one specific party – would the resources used to do so then count as an independent expenditure since it is used to oppose candidates?

It is my deepest hope that your office will not engage in this partisan game playing. Instead I hope that your agencies will collectively bring a bill to the legislature next session by agency request to address some of these issues. I hope the bill has input from both sides and removes one's ability to file frivolous complaints if your agencies deem them to be so.

Thank you for your time, dedication, service and commitment to the public.

Respectfully Yours,

Bailey Stober