



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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February 23, 2017

The Honorable Robert Ferguson
Attorney General
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100

RE: Public Disclosure Commission Recommendation Following Staff Investigative Review
of Sound Transit Officials, and Josh Benaloh, and Pat McCarthy, PDC Case 11906

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission for review and possible investigation on December 2, 2016 in response to a 45-day Citizen Action Complaint (Complaint) filed by Will Knedlik with the Attorney General on November 17, 2016. The Complaint alleged that Respondents, Sound Transit Officials, and Josh Benaloh, and Pat McCarthy, violated RCW 42.17A.555 by using public facilities to promote the passage of Sound Transit 3 (ST3), a measure on the November 8, 2016 general election ballot, and that Sound Transit staff or its contracted lobbyists violated RCW 42.17A.655(2)(b) by deceiving legislators into believing Sound Transit was asking for only \$15 billion in new taxing authority, in 2015, instead of \$308 to \$345 billion, an amount alleged by Mr. Knedlik.

PDC staff reviewed the Complaint and conducted an investigate review of the allegations made against Sound Transit Officials, and Josh Benaloh, and Pat McCarthy in the Citizen Action Letter, and prepared an Investigative Review Memorandum with Conclusions and Exhibits.

The Commission considered the results of staff's investigative review at a regular Commission meeting held on February 23, 2017, where PDC staff presented its findings which included a recommendation regarding the allegations listed in the Complaint. A copy of the Investigative Review Memorandum with Exhibits is enclosed with this letter.

Staff Conclusion

As noted in the attached Investigative Review Memorandum, staff concluded that based on the factors identified in staff's investigative review of the allegations described in the Complaint:

1. Enforcement action for Sound Transit Officials, and Josh Benaloh, and Pat McCarthy would not be appropriate for alleged violations of RCW 42.17A.555 and RCW

42.17A.655(2)(b); and

2. Seeking a court order under RCW 42.17A.750(1) to hold the Sound Transit 3 election results void and order that a special election be held within sixty days of the finding would not be appropriate.

Sound Transit officials, and Josh Benaloh, and Pat McCarthy did not violate RCW 42.17A.555, and Sound Transit officials did not violate RCW 42.17A.655(2)(b) because:

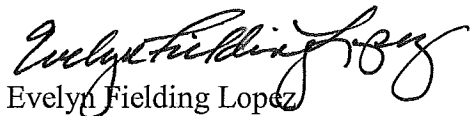
1. EnviroIssues, Inc. engaged in contracted public relations activities for Sound Transit that were part of the normal and regular conduct of Sound Transit.
2. An order signed by King County Superior Court Judge Bill Bowman, during a ballot title challenge, supported Sound Transit's use of the \$53.8 billion cost attributed to ST3 in the ballot title. This amount was also used in its communication materials.
3. No evidence was found that comments made by Citizens Oversight Panel member Josh Benaloh were a prohibited use of public facilities.
4. No evidence was found that members of Sound Transit staff or its contracted lobbyists deceived or attempted to deceive any legislator regarding any aspect of Sound Transit 3.
5. No evidence was found that Puget Sound Regional Council member Pat McCarthy misused public facilities to support the passage of the ST3 ballot measure.

Commission Recommendation

The Commission voted unanimously to accept staff's recommendation, and to recommend that no further action be taken on the Citizen Action Complaint filed against Sound Transit Officials, and Josh Benaloh, and Pat McCarthy.

If you have questions, please contact me at (360) 664-2735. Thank you.

Sincerely,



Evelyn Fielding Lopez
Executive Director

Enclosure

cc: Commissioners
Linda A. Dalton, Sr. Assistant Attorney General
Will Knedlik