

Executive Summary and Staff Analysis
Grant County Concerned Voters (Ken Greene & Jerry Moberg)
PDC Case 2138

This summary highlights staff's findings, conclusions, and recommendations concerning alleged violations of RCW 42.17A in PDC Case 2138. This case involves the investigation of two complaints received October 13, 2014 after Grant County residents received an anonymous mailing (Garth Dano flyer), identified only by the name Grant County Concerned Voters (GCCV). The mailing concerned Garth Dano, a 2014 candidate for Grant County Prosecuting Attorney, and Angus Lee, the incumbent Grant County Prosecutor, running for re-election. The mailing was controversial because it attacked Mr. Dano's character and was distributed anonymously.

On October 14, 2014, one of the complainants submitted an additional anonymous flyer for PDC review that was also identified only by the name Grant County Concerned Voters (Tom Dent flyer). The Tom Dent flyer was also controversial because it attacked Tom Dent, a candidate for State Representative in the 13th Legislative District. The Tom Dent flyer was distributed shortly after the Garth Dano flyer was received by Grant County residents, and copied some of the same phrases and graphics that were used in the Garth Dano flyer. As Public Disclosure Commission (PDC) staff has been unable to determine the sponsor of the Tom Dent flyer, this summary only addresses alleged violations by the sponsors of the Garth Dano flyer.

Background

In 2014, Angus Lee, the incumbent Grant County Prosecuting Attorney, ran for re-election. Garth Dano, a long-time criminal defense attorney in Grant County, became a candidate for prosecutor. Both candidates were well known in Grant County, and the election was bitterly contested. The two individuals associated with Grant County Concerned Voters were Ken Greene and Jerry Moberg. Both men were friends with Garth Dano, but believed he would not make a good prosecutor. Consequently, Mr. Greene and Mr. Moberg decided to support Angus Lee, and did so in part by sponsoring a mailer that contained controversial information about Mr. Dano that they deemed relevant to the campaign. The sponsors distributed the flyer anonymously, as Grant County Concerned Voters, purportedly because Mr. Greene, who had written multiple blog posts opposing Mr. Dano, wanted the mailer to appear to be from a group of concerned citizens, and not from him personally. On November 4, 2014, Mr. Dano defeated Mr. Lee 53.42% to 46.58%, and currently serves as the Grant County Prosecuting Attorney.

Allegations

On October 13, 2014, the PDC received a complaint from Casey Cooper, alleging that on October 11, 2014, he received a two-sided, try-fold mailer. His complaint stated, *"the material contained in it is awful, but it is also not identified as to who sent it except to say Concerned Voters of Grant County."* Mr. Cooper also alleged that Grant County Concerned Voters did not register and report as a political committee under RCW 42.17A.205, .235, and .240.

Also on October 13, 2014, the PDC received a complaint from Anna Unruh, stating that she had received the same mailer, and that the flyer did not contain sponsor identification. She said, *"I find the information about his family life both misleading and produced with malice."*

The two complaints alleged that the mailing failed to identify the individuals who had created and paid for the mailer, and that the group's leaders had not registered GCCV as a political committee or reported their activities to the PDC in any way.

Investigative Findings and Conclusion

PDC staff had a difficult time identifying the actual sponsor of the Garth Dano mailing. Following is a brief description of those challenges. A complete description can be found in staff's Report of Investigation.

One of the complainants identified Borns Group, a printer and mailhouse in South Dakota, as having printed and mailed the Garth Dano mailing. PDC staff contacted Borns Group to learn the identity of the actual sponsor, but Borns Group would not reveal the requested information. On April 1, 2015, staff issued an administrative subpoena, which Borns Group failed to respond to. During a call to Borns Group from an Assistant Attorney General on behalf of staff on June 18, 2015, Borns Group indicated that Ken Greene, the owner of True Step in Moses Lake, Washington, a shoe repair business, had placed the order for the Garth Dano mailer, and that attorney Jerry Moberg had some role in reviewing the matter on behalf of Mr. Greene. On September 8, 2015, staff spoke with a Borns Group official who confirmed the information previously disclosed on June 18th, and further revealed that they had worked mostly with Jerry Moberg while preparing the flyer. Staff asked for and received the invoice sent to Ken Greene, along with a copy of the check used to pay for the work.

On September 21, 2015, staff contacted Ken Greene, informing him that a formal investigation had been opened, notifying him that staff had learned he was associated with Grant County Concerned Voters, and asking him to respond to the allegations by October 5, 2015. Mr. Greene questioned staff's method of communicating with him, and asked why staff had associated him with Grant County Concerned Voters. He did not provide the information requested by staff.

After several unsuccessful attempts to obtain a meaningful response from Mr. Greene, on November 9, 2015, staff informed Ken Greene, and Jerry Moberg, by letter, of the two complaints, and requested a detailed response to the allegations. Staff also stated if no response was received, subpoenas would be issued. Jerry Moberg responded by contacting PDC staff, and on November 20, 2015 met with staff to discuss the complaint. Mr. Moberg raised concerns about whether he could represent Ken Greene in this matter because of his own involvement in the mailing, and requested multiple extensions to respond to the complaint. On January 8, 2016, attorney Francis Floyd contacted PDC staff, stating that he was representing

both Ken Greene and Jerry Moberg in this matter.

On January 19, 2016, Mr. Floyd responded in writing on behalf of Mr. Greene and Mr. Moberg. He provided the following information: (1) Ken Greene came up with the name Grant County Concerned Voters, and did not know there were any PDC requirements for this activity. He was friends with Garth Dano but did not consider him to be a qualified candidate for prosecuting attorney, and did not think it was necessary to reveal his identity on the flyer. (2) Grant County Concerned Voters was never a legal entity, and no one was involved except Ken Greene. Ken Greene was the sole decision-maker and financial contributor. It was Ken Greene's sole idea to prepare the flyer regarding Garth Dano, and he was solely responsible for its preparation and content. (3) Ken Greene never contacted Angus Lee or anyone else regarding the content of the flyer or the fact that it would be mailed. (4) Ken Greene believed the flyer was within his constitutional right of free speech. He was unaware of any PDC requirements for registration, and his only concern was the possibility of civil liability for defamation. (5) Ken Greene and Jerry Moberg have been friends for a number of years. Ken Greene asked Jerry Moberg as a friend for an informal opinion on whether the content of the flyer was defamatory and for his help in finding someone to mail the flyer. Mr. Moberg was not involved with the content of the flyer, and advised Mr. Greene that if the statements were factually true, there was no exposure for defamation. Mr. Moberg helped Mr. Greene contact Borns Group in South Dakota regarding the mailing. (6) Mr. Floyd attached a copy of the check from Ken Greene to Borns Group. (7) Ken Greene had nothing to do with the flyer regarding Tom Dent, and has no idea who was responsible or involved with that flyer.

During 2016, staff conducted additional investigative work, which including interviewing Mr. Greene and Mr. Moberg under oath.

Political Committee - On or around October 11, 2014, voters received a two-sided tri-fold mailer that opposed Garth Dano and supported Angus Lee. The mailer spoke positively about Mr. Lee and attacked Mr. Dano's character by describing personal events in his life. The mailer alleged that Mr. Dano had neglected his responsibilities as a father and husband. The mailer also provided details of several driving citations and asked whether Mr. Dano could be trusted to be the county's most important law enforcement officer. On several occasions before the mailer was prepared and distributed, Mr. Greene spoke out in blog posts printed in the Columbia Basin Herald opposing Mr. Dano's candidacy for Grant County Prosecutor. After the primary election, Mr. Greene developed the information for his October mailer.

Mr. Greene has been friends with Mr. Dano and Mr. Moberg for many years. Mr. Moberg provided the advice requested, and then proceeded to assist Mr. Greene in completing the work of sending out the mailer. Mr. Moberg located Borns Group in South Dakota, and made arrangements for Borns Group to provide the required printing and mailing services.

Mr. Greene said he alone made the decision to spend money for the mailer, and said no one helped pay for the flyer. He said the cost of the flyer was totally his expense. Mr. Moberg said he did not pay for the flyer, and said he was not aware of anyone offering to help pay for the flyer.

After reviewing the \$3,872.10 check from Ken Greene to Borns Group to pay for the mailer, staff asked for a copy of Mr. Greene's bank statement, and discovered a \$4,000 deposit made close to the time of Mr. Greene's payment to Borns Group. Staff learned that Mr. Greene did not have funds to pay for the mailers, and asked Mr. Moberg for financial assistance. Mr. Moberg agreed and provided \$4,000 to Mr. Greene on September 30, 2014, who then paid Borns Group \$3,872.10 for the printing and mailing services.

Mr. Moberg characterized the \$4,000 check as a "loan" to Mr. Greene so he could pay Borns Group for the printing and mailing services. Mr. Moberg has allegedly loaned Mr. Greene money on other occasions. The loan was informal, and not documented with a written loan agreement. Mr. Moberg states Mr. Greene has been repaying the loan by providing shoe repair and business-driving services.

Sponsorship of Mailer – The mailer included the name "Grant County Concerned Voters," an assumed name since the group was not a political committee registered with the PDC or otherwise a known entity. The mailer did not include the required words "No candidate authorized this ad. It is paid for by (name, address, city, state)" nor did it include Ken Greene or Jerry Moberg as a "Top 5 Contributor" for having contributed funds in excess of \$700 during the 12 months before the date of the advertisement or communication. The mailer did not identify Ken Greene or Jerry Moberg as sponsoring the Electioneering Communication Political Advertising.

Reporting Electioneering Communication – Ken Greene and Jerry Moberg did not file a C-6 Report of Electioneering Communication Political Advertising for direct mail political advertising supporting Angus Lee and opposing Garth Dano.

Incurring Expenditures in a Manner that Concealed their Identities – Ken Greene and Jerry Moberg incurred expenditures for a mailer costing \$3,872.10 in a manner that concealed their identities as sponsors of Electioneering Communication Political Advertising supporting Angus Lee and opposing Garth Dano.

Based on the factors identified in the investigation, staff found and concluded as follows:

First Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.205, .235, and .240 by failing to register Grant County Concerned Voters as a political committee when they decided to sponsor political advertising under the name Grant County Concerned Voters and Jerry Moberg contributed funds to pay for this effort, and failing to report campaign activity totaling \$3,872.10 during the November 4, 2014 Grant County Prosecutor General Election campaign.

Second Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.320 by using the assumed name "Grant County Concerned Voters" instead of Ken Greene and Jerry Moberg as the sponsor of Electioneering Communication Political Advertising, and failing to include their names as the actual sponsors, along with other required identifying information concerning sponsorship of the Garth Dano mailer.

Third Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.305 by failing to file a C-6 Report of Electioneering Communication Political Advertising totaling \$3,872.10, for direct mail political advertising supporting Angus Lee and opposing Garth Dano.

Fourth Allegation: That Ken Greene and Jerry Moberg violated RCW 42.17A.435 by incurring expenditures in a manner to conceal their identities as the sponsors of Electioneering Communication Political Advertising totaling \$3,872.10, for direct mail political advertising supporting Angus Lee and opposing Garth Dano.

Recommendation

For the reasons described above, staff recommends that the Commission find Ken Greene and Jerry Moberg committed the following multiple apparent violations of RCW 42.17A, and that due to the nature of the violations, and that an appropriate penalty may exceed the Commission's penalty authority. Therefore, staff recommends that the Commission refer this matter to the Attorney General for appropriate action.

Applicable Statutes:

RCW 42.17A.205 requires political committees to file a committee registration within two weeks of becoming a political committee.

RCW 42.17A.235 and **RCW 42.17A.240** require political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-3 and C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report.

RCW 42.17A.320(1) requires all written political advertising, whether relating to candidates or ballot propositions, to include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

RCW 42.17A.320(2) (2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication: (a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)"...

RCW 42.17A.305 requires the sponsor of an electioneering communication to report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published, and include: (a) Name and address of the sponsor; (b) Source of funds for the communication, (c) Name and address of the person to whom an electioneering communication related expenditure was made; (d) A detailed description of each expenditure of more than one hundred dollars; and (e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published.

RCW 42.17A.435 states, No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17 and RCW 42.17A

Grant County Concerned Voters
(Ken Greene and Jerry Moberg)

Respondent.

PDC Case 2138
(Formerly Case No. 15-080)

Report of Investigation

I. Background

- 1.1 In 2014, incumbent Grant County Prosecuting Attorney Angus Lee ran for re-election. He was opposed by Garth Dano, a local criminal defense attorney. On or around October 11, 2014, voters received a two-sided tri-fold mailer strongly opposing Garth Dano and supporting Angus Lee. The mailer raised issues of a personal and negative nature concerning Mr. Dano. The mailer attacked his character, and two individuals filed complaints to learn who had sponsored the flyer.
- 1.2 The mailer did not include proper sponsor identification. It contained an assumed name of Grant County Concerned Voters. In addition, the sponsor did not register a political committee or file a report of independent expenditures or electioneering communications to identify the sponsor or to report the contributions and expenditures associated with producing the mailing the flyer.
- 1.3 These actions prompted Casey Cooper and Anna Unruh to file separate complaints on October 13, 2014, to find out who was responsible for producing and mailing the flyer. Another individual, Bill Thompson, expressed concern in writing, but did not file a formal complaint. In Mr. Cooper's complaint, he noted that according to the pre-sort postage marker on the flyer, it was mailed by a business named Borns Group, a direct mail company located in South Dakota.
- 1.4 Upon receiving the complaint, PDC staff contacted Borns Group in South Dakota to learn the identity of the sponsor, but Borns Group staff would not reveal the requested information. Eventually, following issuance of an administrative subpoena and a call from the Washington Attorney General's Office, PDC staff learned that the sponsor of the mailer was Ken Greene, a business owner from Moses Lake, Washington, and that Jerry Moberg, an attorney from Ephrata and a

friend of Ken Greene, had worked with Borns Group to place the order on behalf of Mr. Greene.

- 1.5 Garth Dano defeated incumbent Angus Lee in the November 4, 2014 general election, and is now the elected Grant County Prosecutor. Mr. Dano received 10,440 votes (53.42%) and Mr. Lee received 9,103 votes (46.58%).
- 1.6 In addition, complainant Anna Unruh submitted a copy of an anonymous flyer received on or around October 14, 2014 with the name Grant County Concerned Voters that supported Dani Bolyard and opposed Tom Dent for State Representative in the 13th Legislative District.

II. Allegations

- 2.1 On October 13, 2014, the Public Disclosure Commission (PDC) received a complaint from Casey Cooper, alleging that on October 11, 2014, he received in the mail a two-sided, try-fold mailer. His complaint stated, *"the material contained in it is awful, but it is also not identified as to who sent it except to say Concerned Voters of Grant County."* Mr. Cooper also alleged that Grant County Concerned Voters did not register and report as a political committee under RCW 42.17A.205, .235, and .240. **(Exhibit 1)**
- 2.2 Also on October 13, 2014, the PDC received a complaint from Anna Unruh, stating that she had received the same mailer, and that the flyer did not contain sponsor identification. She said, *"I find the information about his family life both misleading and produced with malice."* **(Exhibit 2)**
- 2.3 On October 14, 2014, Ms. Unruh submitted an additional flyer to the PDC that lacked proper sponsor identification. The mailer stated only "Grant County Concerned Voters." This flyer supported Dannette (Dani) Bolyard and opposed Tom Dent in the 2014 campaign for State Representative in the 13th Legislative District. **(Exhibit 3)**
- 2.4 The 13th Legislative District is a Multi-county district in Grant, Kittitas, Lincoln, and Yakima Counties. The results for the General Election in Grant County were: Tom Dent, 10,211 votes (60.76%); and Dannette (Dani) Bolyard, 6,595 (39.24%). The results for the entire 13th Legislative District in the General Election were: Tom Dent 20,876 (63.26%); and Dannette (Dani) Bolyard 12,123 (36.74%). As previously stated, no group using the name Grant County Concerned Voters registered with the PDC or filed reports disclosing the contributions and expenditures associated with the Tom Dent flyer.

III. Findings

Complaints About Anonymous Mailer from Grant County Concerned Voters Opposing Garth Dano and Supporting Angus Lee

- 3.1 The mailer opposing Garth Dano and supporting Angus Lee for Grant County Prosecutor in 2014 failed to properly identify the sponsor, stating only Grant County Concerned Voters. It did not include a mailing address, nor did it include

the names of the individuals or entities who sponsored the flyer. No evidence was found that Grant County Concerned Voters registered and reported as a political committee or filed a C-6 report of Independent Expenditures or Electioneering Communications to report the expenses associated with the Garth Dano mailing.

- 3.2 Staff eventually learned from Lee Borns, Vice President of Borns Group in Watertown, South Dakota, that Ken Greene sponsored the Garth Dano flyer, and that Jerry Moberg assisted Mr. Greene by placing the order with Borns Group for printing and mailing services. Mr. Borns stated that the printing and mailing services cost \$3,872.10, as stated on an invoice dated October 1, 2014, and that the bill was paid shortly thereafter by Ken Greene. Staff learned from Jerry Moberg that he gave Mr. Greene his informal opinion, as a friend, that the statements in the flyer about Mr. Dano, if true, would not constitute defamation. He also located Borns Group and placed the printing and mailing order on behalf of Mr. Greene.

Supplemental Information Received After Complaints Received

- 3.3 On October 16, 2014, Bill Thompson, from Moses Lake, Washington, sent an email to PDC staff stating that he had received an anonymous mailer over the weekend opposing Garth Dano. The mailer described by Mr. Thompson was the same mailer included with the complaints filed by Casey Cooper and Anna Unruh. Mr. Thompson stated, in part:

"The only thing I can find is a mention of the "Borns Group" in the "US Postage Paid" box on the mailer. The attached mailer was mailed to thousands of people in Grant County which must have cost thousands of dollars. I have emailed the Borns Group below and have not received a response. The Borns Group appears to be based in South Dakota. As it is my understanding that campaign mailers for local and state races must provide some sort of contact information under Washington State campaign laws, and also groups or organizations that spend money on campaign mailers for state and local races must register with or report to the Washington State Public Disclosure Commission, can you investigate who the "Grant County Concerned Voters" are? It sure appears like they or the Borns Group (if they are the GCCV) may have broken or violated Washington State campaign laws. Furthermore, I've heard from many people in Moses Lake and Grant County that received this mailer and they are quite upset about receiving something like this anonymously."

- 3.4 The flyer included several statements about Mr. Dano that were personal and negative (**Exhibit 1**).

Chronology for Discovering Information about the Anonymous Grant County Concerned Voters Mailer

- 3.5 On October 24, 2014, PDC staff sent an email with a copy of the two complaints to Virgil Borns, President of Borns Group, seeking clarification about the work

done for Grant County Concerned Voters. The email explained the PDC's regulatory role, and cited RCW 42.17A.345 and WAC 390-18-050, the statute and rule requiring commercial advertisers to provide information about their work to the public and to the PDC. The request asked Mr. Borns to identify the sponsor of the advertising work performed for Grant County Concerned Voters and provide details about the cost of the advertising by October 28, 2014. This request was made because the November 4, 2014 general election was only 11 days away. Mr. Borns did not respond to staff's email.

- 3.6 On October 31, 2014, PDC staff contacted Borns Group and spoke with a company receptionist. Borns Group is located at 1610 14th Ave. S.E., Watertown, South Dakota 57201. Staff asked for Virgil Borns, President of Borns Group. The receptionist stated that Mr. Borns was not in the office. PDC staff explained that the Public Disclosure Commission is the agency in Washington State responsible for administering and enforcing the state's Campaign Finance laws, which include political advertising requirements. Staff informed the receptionist that the PDC sent an email to Mr. Borns on October 24, 2014 asking about advertising produced by Borns Group for someone using the name "Grant County Concerned Voters." PDC staff stated that Washington State's laws require Borns Group to disclose to the PDC who purchased the political advertising. The receptionist said she would tell Mr. Borns that the PDC had called and remind him of the PDC's October 24, 2014 email requesting information about the Grant County Concerned Voters' mailer. The receptionist said Virgil Borns would get back to the PDC by phone or email. Mr. Borns did not contact the PDC.
- 3.7 On April 1, 2015, PDC staff sent a Subpoena Duces Tecum by certified mail to Borns Group, attention Virgil Borns, President, requiring him to provide by April 15, 2015 printed copies of documents or books of account concerning the political advertisement they printed and mailed for Grant County Concerned Voters, to include the following:
- The name of the candidate supported or opposed;
 - The name and address of the person who sponsored the advertising;
 - The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and what method of payment was used;
 - Date(s) the commercial advertiser rendered service;
 - Quantity of items printed; and
 - Quantity of items mailed.

The Subpoena Duces Tecum was delivered April 6, 2015. No response was received. **(Exhibit 4)**

- 3.8 On April 3, 2015, PDC staff sent an email to Virgil Borns with a copy of the Subpoena Duces Tecum attached to the email. The email summarized staff's October 24, 2014 email and stated that because he had not responded to staff's October 24, 2014 request, staff had issued a Subpoena Duces Tecum requiring the production of specified information.

- 3.9 On May 11, 2015, June 8, 2015, and June 9, 2015, PDC staff discussed various options for proceeding in its efforts to obtain the records about the political advertising sponsored by Grant County Concerned Voters.
- 3.10 On June 18, 2015, PDC staff's attorney contacted Borns Group by telephone and spoke with Lee Borns, Vice President of Borns Group, who indicated that the individual who placed the order was Ken Greene (kengreene@live.com) who he believed to be the owner of a company called True Step in Moses Lake, Washington. Mr. Borns mentioned that the salesperson for Borns Group who took the order was let go a few months ago. Mr. Borns also stated that attorney Jerry Moberg of Moberg & Associates had some role in reviewing the matter on behalf of Ken Greene.
- 3.11 On September 4, 2015, PDC staff left a telephone message with Lee Borns scheduling a telephone call for September 8, 2015, and providing him with a copy of staff's Subpoena Duces Tecum sent April 1, 2015 to Virgil Borns.
- 3.12 On September 8, 2015, PDC staff spoke with Lee Borns, and asked about the advertising material produced for Grant County Concerned Voters. Mr. Borns said Borns Group made a bid on the job by responding to a notice from Buyer Zone, a national organization that sends out job requests it receives to five national companies who are all encouraged to make a bid. He said Borns Group had no personal connection to the people who placed the order. He said their firm worked mostly with Jerry Moberg, who he described as a former judge, who he understood approved the content for Grant County Concerned Voters. He said Borns Group later worked with Ken Greene to complete the order. Lee Borns agreed to send the information requested in the subpoena, and asked if he could send the invoice to the PDC. PDC staff asked Mr. Borns to send the invoice, and asked that he compare the information on the invoice with the information requested in staff's Subpoena, and supplement the invoice as necessary. Mr. Borns said it would take some time to comply because he would need to research the work order.
- 3.13 Lee Borns said his firm did not design the work, but printed and mailed it for Grant County Concerned Voters. He described the work as a small job. He also noted that the person who worked on the order no longer works for Borns Group. He said the person's leaving was not connected to the content of the order placed on behalf of Grant County Concerned Voters.
- 3.14 On September 10, 2015, PDC staff sent an email to Lee Borns, thanking him for speaking with staff on September 8, 2015 and for agreeing to send the invoice issued by Borns Group regarding the services performed for Grant County Concerned Voters in October 2014. Staff asked Mr. Borns to produce the invoice by September 15, 2015.
- 3.15 On September 11, 2015, Lee Borns replied by email, stating, "Good morning all, We just found the invoice this morning. The invoice is attached. Please let me know if you have any questions." The invoice was dated October

1, 2014. It was billed to True Step, 210 West 3rd Avenue, Moses Lake, WA 98837. The total cost was \$3,872.10. It included:

- Prepare 12,000 mailers for mailing - \$540.00
- Postage for 11,995 mailers - \$2,628.10
- Drop Ship Freight - \$209.00
- Printing 8-1/2x11 3/3 60# offset - \$425.00
- Graphic Time - \$70.00

3.16 On September 11, 2015, staff asked Mr. Borns who paid the invoice, when it was paid, and the method of payment. On September 11, 2015, Mr. Borns replied, stating that the invoice was paid by a check that was run as an ACH (Automated Clearing House) which is a term to describe an electronic banking network often used for direct deposit and electronic bill payment. Mr. Borns said once a check clears their bank, Borns Group shreds the checks. He said he believed Ken Greene paid for the mailing.

3.17 On September 21, 2015, PDC staff converted its initial review of the two complaints to a formal investigation. On that date, staff sent a letter to Ken Greene, the person identified by Borns Group, by email and U.S. mail, informing him that PDC staff had opened a formal investigation into two complaints about an anonymous mailer sent by Grant County Concerned Voters. Staff included a copy of the complaints and the mailer, and notified Mr. Greene that staff had been working to learn the identity of the sponsors of Grant County Concerned Voters, and had learned that he was associated with the group Grant County Concerned Voters. Staff asked Mr. Greene to respond to the allegations by October 5, 2015, and to provide the following information in his response:

1. Who is Grant County Concerned Voters? When was it organized? In which election campaigns has it been involved? Provide contact information for its decision makers, members, contributors as requested in item 2 below, and advisors.
2. Who are the contributors to Grant County Concerned Voters? Provide Name, address, email address, telephone number, amount contributed, and date contributed for each contributor. If contributions were in-kind, also include a description of the in-kind contribution.
3. Who paid for the two flyers included with the complaints? Was the person who paid reimbursed by others? If so, provide contact information for the persons who provided reimbursement, and the amounts reimbursed by each person.
4. For each vendor paid by or on behalf of Grant County Concerned Voters, provide the name, address, date paid, amount paid, and a description of what was purchased.

3.18 The September 21, 2015 letter states, *"To be more efficient, PDC staff would like your permission to provide future correspondence to you*

electronically, for example, by scanning our letter and attaching it to an email, rather than sending it by U.S. mail. If this is acceptable, please indicate your agreement by letter or email. Thank you." This statement was a standard staff request whose purpose was to reduce the cost of corresponding by postal mail service and to make correspondence with Respondents more efficient. As noted below, Mr. Greene interpreted staff's request to correspond electronically in a way that complicated communication and resulted in Mr. Greene not answering staff's questions.

- 3.19 On October 2, 2015, Ken Greene sent an email to PDC staff stating, *"Dear Sir, I would like all responses from your office to be made via email and postal. Your letter stated thatSince the time the complaints were filed, PDC staff has been working to learn the identity of the sponsors of Grant County Concerned Voters, and have learned that you are associated with the group. I would like to understand why PDC has associated me with 'the group'. I would like for PDC to provide me with all materials and names associated with this complaint including emails, mail and phone logs. I would also like to understand how and why PDC got my email address and mailing address."*
- 3.20 On October 7, 2015, PDC staff replied to Mr. Greene's October 2, 2015 email stating, *"We were able to identify Borns Group in Watertown, South Dakota as the business that printed, processed, and mailed the material included with the complaints. As a commercial advertiser under RCW 42.17A.005(9) subject to RCW 42.17A.345(2) and WAC 390-18-050, at the request of the Public Disclosure Commission (PDC) Borns Group provided documents concerning work performed for the political advertising for Grant County Concerned Voters. The Borns Group identified you as being in contact with their business concerning the work performed, and provided your contact information. Please provide all information requested in my September 21, 2015 letter, with a due date of October 5, 2015, immediately. If you would like to discuss this matter, please call me at (360) 664-8853. Thank you."*
- 3.21 On October 9, 2015, Mr. Greene replied by email, stating, *"I received your e-mail but not postal letter yet. I will get back to you mid-week."*
- 3.22 On October 14, 2015, Mr. Greene replied by email, stating, *"I have yet to receive the postal reply to my last email. As I want all correspondence between us to include postal. Including this one."*
- 3.23 On October 16, 2015, PDC staff replied by letter sent by U.S. mail stating, *"In your email sent October 2, 2015, you stated, in part, 'I would like for PDC to provide me with all materials and names associated with this complaint including emails, mail and phone logs.' It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.56.240(1). See WAC 390-37-060(4). I am also enclosing a copy of my email to you dated October 7, 2015. Please provide the information requested in my letter dated September 21, 2015. I am happy to discuss this matter with you. You can reach me at (360) 664-8853."*

- 3.24 On October 19, 2015, Mr. Greene sent an email to PDC staff, stating, *"I have yet to receive any hard copy postage from your office; you stated in your first letter this was my option. Please provide the postage. I believe this is my third request."*
- 3.25 On November 9, 2015, Mr. Greene sent an email to PDC staff, stating, *"I know nothing about the flyer or mailer put out about Tom Dent. I was not involved with that on any level. So please disassociate me from that production. Also it seems that the best way for us to communicate is by postal mail only."*
- 3.26 Later on November 9, 2015, PDC staff sent a letter to Ken Greene and Jerry Moberg with a copy of the two complaints. The letter provided background about the two complaints, and stated that Borns Group had identified Ken Greene and Jerry Moberg as the individuals they worked with to perform the requested services for Grant County Concerned Voters. The letter included 14 questions, and asked Ken Greene and Jerry Moberg to provide information about Grant County Concerned Voters and its political advertising work by November 20, 2015. The letter said failure to respond as requested would result in the issuance of subpoenas.
- 3.27 On November 18, 2015, Jerry Moberg replied by email, stating that he was out of state taking depositions for a jury trial starting November 30, 2015. He said he would not have time to respond by November 20, 2015 as requested, and said he would get back to staff the following week. He asked if he could meet with staff in person at the PDC's offices on November 20, 2015. Staff agreed to meet with Mr. Moberg on November 20, 2015, and agreed to wait until the following week for a written response.
- 3.28 On November 20, 2015, Jerry Moberg met with Phil Stutzman at the PDC offices. Mr. Moberg shared the following information with Mr. Stutzman:
- Jerry Moberg stated that Ken Greene was the sole contributor to the Garth Dano mailer. The mailer stated "Grant County Concerned Voters" but did not include Ken Greene's name and address. (Mr. Moberg failed to disclose what staff later learned on September 28, 2016, that Mr. Moberg had provided the money to pay for the flyer. He provided \$4,000.00 to Ken Greene on October 1, 2014, so that Mr. Greene could pay the Borns Group \$3,872.10 on October 3, 2014 for printing and mailing the Garth Dano flyer.)
 - Jerry Moberg is a friend of Ken Greene. Mr. Greene asked Mr. Moberg to review the draft mailer to make sure the statements in the flyer about Garth Dano would not be considered defamatory.
 - Mr. Greene designed the flyer on his personal computer and did not use a design service.
 - Mr. Greene needed help in getting the flyer printed and mailed, so Mr. Moberg went on-line and found Borns Group. Mr. Moberg said the local

printer in Moses Lake was expensive, and he went on-line to find a low cost printer, not to hide the sponsor of the flyer.

- Mr. Moberg worked with Borns Group, and as such, became a player in the activity.
- Mr. Moberg said he knew very little about PDC law, and acknowledged that it appears he gave Mr. Greene bad advice.
- Mr. Moberg's legal advice was donated, and may be an in-kind contribution to the sponsorship of the Garth Dano flyer.
- Mr. Greene is a friend of Garth Dano, and did not want to put his name on the flyer, so he used the name Grant County Concerned Voters.
- Neither Ken Greene nor Jerry Moberg know anything about the Tom Dent flyer, allegedly sponsored by Grant County Concerned Voters.
- Mr. Moberg and Mr. Greene do not want to contest the violations and want to cooperate with the PDC.
- PDC staff informed Mr. Moberg about Lucy DeYoung, and the size of the penalty in that case.
- Mr. Moberg wants to make sure the penalty is fair.

3.29 On November 25, 2015, Mr. Moberg contacted PDC staff by email and said he had been fully consumed in preparation for a trial that was to start November 30, 2015. He acknowledged that the November 20, 2015 in-person meeting with PDC staff had raised important issues about whether he could represent Ken Greene, given his involvement in the matter at issue. He asked for a continuance to study the matter and respond in writing shortly after December 14, 2015, the date the trial he is involved in is scheduled to end.

3.30 On November 25, 2015, PDC staff responded to Mr. Moberg by email granting his request for an extension to respond in writing to Monday, December 21, 2015. In the email, staff noted that Mr. Moberg's initial legal services to Ken Greene and Grant County Concerned Voters appeared to be in-kind contributions, while services provided later to make the mailing happen may not be in-kind contributions. Staff stated that Mr. Greene is still expected to answer the 14 questions in staff's November 20, 2015 letter, and provide a copy of all invoices he received for work performed. The email said PDC staff wants to interview Mr. Greene.

3.31 On December 23, 2015, Mr. Moberg emailed staff and said his trial ran over by one week and ended December 17, 2015. He said he had taken a few days off after the trial, and would like an extension to January 8, 2016 to respond to the complaint. Staff replied on December 23, 2015, granting an extension to January 8, 2016, to respond in writing.

3.32 On January 8, 2016, PDC staff received an email from Francis Floyd, an attorney, stating that he is representing Jerry Moberg and Ken Greene. He attached a letter of representation. He said he is looking forward to working with the PDC. His letter said he was in an out-of-state trial in St. Louis, Missouri until January 18, 2016, and asked for an extension to January 22, 2016 to "provide a response to this matter." Mr. Floyd said he would be happy to set a conference call to discuss this matter on January 18, 2016, or any other day during the week of January 18-22, 2016.

3.33 On January 8, 2016, PDC staff emailed Mr. Floyd, acknowledging his letter of representation and granting an extension to provide a written response to January 22, 2016.

3.34 On January 19, 2016, PDC staff member Phil Stutzman spoke by telephone with Francis Floyd, the attorney representing Jerry Moberg and Ken Greene. Mr. Floyd shared the following information with Mr. Stutzman:

- Francis Floyd said he will reply in writing by January 22, 2016 to staff's November 9, 2015 letter of inquiry about the two complaints filed by Casey Cooper and Anna Unruh on October 13, 2014 concerning an anonymous flyer sent out by Ken Greene under the name Grant County Concerned Voters.
- Mr. Floyd said he will ask Ken Greene if he knows who mailed the flyer about Tom Dent under the name Grant County Concerned Voters.
- Mr. Floyd said it is his understanding that Ken Greene thought the mailer was a free speech right, and he did not know the rules about sponsor identification or reporting his expenses to the PDC.
- Mr. Floyd said Jerry Moberg is a friend of Ken Greene who offered free legal advice to Mr. Greene about whether the content of the mailer constituted defamation based on what it said about Garth Dano, a 2014 candidate for Grant County Prosecutor, running against incumbent Angus Lee. He said Mr. Moberg also helped Mr. Greene by finding and contacting Borns Group, a printer and mailhouse in South Dakota.
- PDC staff told Mr. Floyd that staff would like to interview Ken Greene and Jerry Moberg.
- Mr. Floyd said Ken Greene did not consult with Jerry Moberg about PDC requirements. Mr. Floyd did not elaborate on why Mr. Moberg did not advise Mr. Greene about PDC requirements, or at least advise him to call the PDC and ask about PDC requirements.

3.35 On January 19, 2016, Francis Floyd responded to staff's November 9, 2015 letter concerning the complaints filed by Casey Cooper and Anna Unruh. Mr. Floyd's response provided the following information: **(Exhibit 5)**

1. Grant County Concerned Voters was merely the name utilized by Ken Greene for the flyer regarding Garth Dano. Ken Greene came up with the name and did not know there were any PDC requirements for this activity. The Garth Dano flyer was the only activity attributed to Grant County Concerned Voters. Mr. Greene was friends with Garth Dano but did not consider him to be a qualified candidate for prosecuting attorney and he did not think it was necessary to reveal his identity on the flyer.
 2. Grant County Concerned Voters had no members, was not an organization, was never a legal entity, and no one else was involved except Ken Greene. Ken Greene was the sole decision-maker and financial contributor. It was Ken Greene's sole idea to prepare the flyer regarding Garth Dano, and he was solely responsible for its preparation and content.
 3. Ken Greene never contacted Angus Lee or anyone else regarding the content of the flyer or the fact that it would be mailed.
 4. Ken Greene believed the flyer was within his constitutional right of free speech. He was unaware of any of the PDC requirements for registration and his only concern was the possibility of civil liability for defamation. This was the first time Mr. Greene had ever engaged in this type of political / free speech activity.
 5. Ken Greene and Jerry Moberg have been friends for a number of years. Ken Greene asked Jerry Moberg as a friend for an informal opinion on whether the content of the flyer was defamatory and for his help in finding someone to mail the flyer. Mr. Moberg was not involved in any way with the content of the flyer, and merely advised Mr. Greene that if the statements were factually true, there was no exposure for defamation. Mr. Moberg was merely acting as a friend with no expectation of any payment. Mr. Moberg helped Mr. Greene contact Borns Group in South Dakota regarding the mailing. This was an incidental activity as a friend and was not an activity he would do as part of his practice as an attorney. As a result, this should not and could not be characterized as any type of in-kind contribution.
 6. Mr. Floyd attached a copy of the check from Ken Greene to Borns Group.
 7. Ken Greene had nothing to do with the flyer regarding Tom Dent, and has no idea who was responsible or involved with that flyer.
- 3.36 The check was written on the checking account of Ken Greene / True Step. It was dated September 30, 2014 for \$3,872.10 and was signed by Ken Greene. The memo line states, "GCCV."
- 3.37 Staff asked the Grant County Clerk for records showing the names of persons who requested copies of documents during the period January 1, 2014 through December 31, 2014 concerning the Garth Dano Grant County Superior

Court domestic case that was described in the Garth Dano flyer. No relevant records were produced. The Grant County Clerk remembered that the Garth Dano file was retrieved for a member of the public who viewed the file in the Clerk's office. The Clerk said they do not have a tracking mechanism for people who review files in the Clerk's office.

3.38 Staff also asked the Grant County District Court Administrator for the names of persons who had requested information about Garth Dano's driving citations that were listed in the Garth Dano flyer. The District Court Administrator provided one relevant record, which was a request on July 3, 2014 from Carolyn Pence for copies of three driving citations issued to Garth Dano in 2010, 2011 and 2012. Carolyn Pence is the spouse of Lee Pence who worked in the prosecutor's office for Angus Lee during 2014.

3.39 The first driving citation listed in the Garth Dano flyer was identified as a Reckless Driving citation, which staff had reason to believe occurred in Lincoln County. Staff asked Shelly Johnston, Lincoln County Auditor, for a list of every person who made a Public Records Request with Lincoln County concerning Garth Dano, including his driving record, during the period January 1, 2014 through December 31, 2014. Staff also asked for a copy of the information provided to the requester. Ms. Johnston stated that the only relevant request was received on January 7, 2015, when Sally Voight of Moses Lake, Washington requested the "name of individual or agency who requested any records (including drivers criminal history) on Garth Dano between 6/24/14-7/1/14."

3.40 Ms. Johnston stated that after completing her research, the Lincoln County Sheriff's Office reported that there have not been any public records requests submitted for any of Mr. Dano's information. Ms. Johnston stated that Lincoln County District Court had a telephonic contact concerning Garth Dano's driving record, but no official request was made at the time. She suggested that staff contact Renee Honey, Lincoln County District Court Administrator, to obtain the specifics of that contact. Staff contacted Ms. Honey for details of the telephonic contact, and Ms. Honey stated she had no information about any such contact, and said the District Court does not keep records of its telephonic contacts.

Complaint About Anonymous Mailer Opposing Tom Dent and Supporting Dani Bolyard

3.41 On October 14, 2014, Anna Unruh sent the PDC a copy of a separate flyer supporting Dani Bolyard and opposing Tom Dent in the 2014 campaign for State Representative in the 13th Legislative District. The flyer did not include proper sponsor identification, stating only "Grant County Concerned Voters." (**Exhibit 3**)

3.42 As previously noted, when Jerry Moberg spoke with PDC staff on November 20, 2015, he stated that neither he nor Ken Greene knew anything about the Tom Dent flyer. When Francis Floyd responded on behalf of Ken Greene and Jerry Moberg on January 22, 2016, he stated that Ken Greene had

nothing to do with the flyer regarding Tom Dent, and has no idea who was responsible or involved with that flyer.

- 3.43 A review of the Tom Dent flyer shows three similarities to the Garth Dano flyer that Ken Greene admits creating and mailing to voters:

Tom Dent Flyer

- "PUBLIC ENDANGERMENT
The line that defines a minor traffic violation from a serious criminal offense is sadly measured by death, serious injury or destruction. It comes down to mere seconds and inches"
- "Should we really trust Tom Dent?"
- "Adherence to moral pr...In ethics, Integrity is ... the honesty and truth... uprightness, sincerity..."

Garth Dano Flyer

- "PUBLIC ENDANGERMENT
The line that defines a minor traffic violation from a serious criminal offense is sadly measured by death, serious injury or destruction. It comes down to mere seconds and inches"
- "Should we really trust this man?"
- "Adherence to moral princi...In ethics, Integrity is rega... the honesty and truthful... uprightness, sincerity, a..."

- 3.44 No evidence was provided or found identifying the sponsor of the Tom Dent flyer, and no evidence was found that a group named Grant County Concerned Voters registered as a political committee or filed a C-6 report of Independent Expenditures or Electioneering Communications to report the expenses associated with the Tom Dent mailer. On October 17, 2014, Bill Stevenson, News Director for iFIBER One News, posted an editorial denouncing the sponsor of the Tom Dent flyer for using iFIBER's story without permission, lying about the content of the story through editing, hiding their identity, and making serious allegations anonymously (**Exhibit 6**).
- 3.45 On May 12, 2016, PDC staff sent an email to complainant Anna Unruh, and to Matthew Glencoe, the individual who provided the Tom Dent flyer to Ms. Unruh. The email asked both individuals when the Tom Dent flyer was received by households in the community. The email asked if the flyer was received by households at the same time as the Garth Dano flyer, and whether they believed the two flyers were produced by the same person or group. The email asked whether they had any information about who produced and sent out the two flyers.

- 3.46 On May 12, 2016, Ms. Unruh responded by email, stating that she believed the Garth Dano flyer and the Tom Dent flyer were received in the community within a few days of each other. She said the two flyers look very similar in style which leads her to believe they were produced by the same person or group.
- 3.47 On May 12, 2016, Matthew Glencoe responded by email, saying he did not have a record of exactly when the flyers were received, but saying that the two flyers were received during the 2014 Fall campaign season. He said they were most likely received in mid-October 2014. Mr. Glencoe said he did not believe the two flyers were received on the same day, but within days of each other. He said that at the time, it was reasoned that the Borns Group was responsible for sending both flyers. Mr. Glencoe indicated that he may have a lead as to who was behind the Garth Dano flyer.
- 3.48 On May 13, 2016, PDC staff called Mr. Glencoe and spoke with him by telephone. Mr. Glencoe said he has a marketing and advertising business, and did some work for Garth Dano during his 2014 campaign. He said the anonymous flyer about Mr. Dano was hurtful to Mr. Dano and his family, but said the Dano family was not surprised by the information in the flyer. He said the Dano family decided before the campaign that they were willing to withstand negative campaigning because they believed the Prosecutor's Office needed new leadership.
- 3.49 Mr. Glencoe said the information in the Dano flyer was of such a personal nature that only someone close to Mr. Dano's situation would be capable of disclosing the information in the flyer. He suggested speaking with Melea Johnson to see if she knew anything about the Dano flyer. He said Ms. Johnson publishes Venue, a lifestyle magazine, in the Moses Lake area.
- 3.50 Mr. Glencoe said the three printing businesses in Moses Lake are Staples, A & H Printing, and Business Interiors and Printing. Mr. Glencoe said he uses Business Interiors and Printing for his printing needs. He said they are reasonably priced.
- 3.51 Mr. Glencoe said the effect of the negative flyer on Mr. Dano's campaign was that it pushed people into supporting him. He said Mr. Dano's reaction was not combative, even though it was hurtful to him and his family. He said Mr. Dano's adult children were involved in the campaign, and were supportive of him.

Melea Johnson

- 3.52 PDC staff spoke with Melea Johnson on May 19, 2016 to see if she had any information about the anonymous flyer concerning Mr. Dano. Ms. Johnson said she heard about the flyer when it was distributed, but did not ever see it. She said she has no idea who was behind the flyer, and has long since forgotten about it.

Tom Dent

- 3.53 On May 23, 2016, staff spoke with Tom Dent about the anonymous flyer sent out under the name Grant County Concerned Voters on or around May 14, 2014. The flyer opposed Mr. Dent and supported Dani Bolyard for State Representative in the 13th Legislative District.
- 3.54 Mr. Dent said that after the flyer came out he called a meeting of his campaign team and told them the campaign would not respond negatively to the flyer. On May 24, 2016, Mr. Dent forwarded a copy of the flyer to PDC staff. Mr. Dent said the flyer was distributed by email, and possibly by U.S. mail. He said his campaign Information Technology (IT) person had attempted to track who sent the email, but was unable to determine its origin. On May 25, 2016, Mr. Dent identified his IT person as Patrick Boss, and said Mr. Boss was willing to talk with PDC staff.
- 3.55 Mr. Dent said Ken Greene is in the shoe repair business. He said he would be surprised if Mr. Greene was behind the Tom Dent flyer because Mr. Greene had a Dent campaign sign in his store-front window.
- 3.56 Mr. Dent said that before running for State Representative in 2014, he served as Chair of the Grant County Republican Party. He said that at that time he worked with Dani Bolyard, who later became his 2014 opponent. Mr. Dent said he and Ms. Bolyard had some disagreements during the campaign, however, he acknowledged that he did not know who was behind the negative flyer sent out using the name Grant County Concerned Voters.

Patrick Boss

- 3.57 On June 10, 2016, staff talked with Patrick Boss. Mr. Boss said he believes there was a group of people from the Ephrata area that was responsible for both the Garth Dano flyer and the Tom Dent flyer. He said his belief is based on the similar themes in the two flyers, which included talking about the children of the candidates. He said the Garth Dano flyer accused Mr. Dano of not taking financial responsibility for his children, and the Tom Dent flyer blamed Mr. Dent for the behavior of his son.
- 3.58 Mr. Boss said he thought the group responsible for the two flyers was an ad hoc group trying to influence the outcome of the Grant County Prosecutor campaign and the 13th Legislative District campaign. Mr. Boss speculated that Ken Greene, Jerry Moberg, or Melea Johnson might have had something to do with the Tom Dent flyer. Mr. Boss said during the campaign there were multiple negative postings on social media about the candidates for Prosecutor. He said some of those postings were by Ken Greene, before the Garth Dano flyer was distributed in mid-October 2014.

Ken Greene, 7/15/16 Interview Summary

- 3.59 Ken Greene was interviewed under oath by Phil Stutzman, PDC Sr. Compliance Officer, on July 15, 2016. Mr. Greene's attorney, Francis Floyd, was present at the interview. Mr. Greene has owned and operated a shoe repair

business for 35 years in Moses Lake, Washington, and has known Garth Dano since around 1991. At one time, Mr. Greene worked for Mr. Dano, conducting investigative interviews and other investigative work.

- 3.60 Mr. Greene said he was surprised when Mr. Dano filed to run for Grant County Prosecutor, and said he informed Mr. Dano early in the campaign that he would not be supporting him, but would be supporting Angus Lee instead. Mr. Greene said he was troubled that Mr. Dano's campaign had been discrediting Mr. Lee by using a newspaper article that was very critical of Mr. Lee and one of his prosecutors. He said he encouraged Mr. Dano to "take the high road" and refrain from negative campaigning. Mr. Greene said he was also distracted by the fact that Mr. Dano wanted to bring up mistakes made by Mr. Lee in the past. He said the tone of the campaign did not feel good to him.
- 3.61 Mr. Greene said he spoke with Mr. Dano again in August 2014 at the Grant County fair because the Dano campaign was engaging in negative campaigning on the campaign's Facebook page, and in blog posts.
- 3.62 Mr. Greene said he felt a lot of Mr. Dano's negative campaigning included untrue information, and as a result, after the Primary, he decided to get more involved in the campaign. Mr. Greene said he personally researched the facts that he included in the Garth Dano flyer by going to the Grant County Courthouse, finding cases associated with Mr. Dano, and reading about those cases.
- 3.63 The Garth Dano flyer included information about paternity and child support payment issues associated with Mr. Dano, and listed several driving citations. Mr. Greene said he included the personal information about Mr. Dano's child support case because Mr. Dano had made an issue about an old Driving Under the Influence (DUI) case involving Angus Lee. Mr. Greene said he wrote the statement under the "Public Endangerment" heading, and said all of the text in the flyer was totally his work. Mr. Greene said he did all of the research himself, and did not receive help, assistance, or information from anyone, including Angus Lee, about Mr. Dano's driving record or about the other issues included in the flyer.
- 3.64 The Tom Dent flyer stated that it was from Grant County Concerned Voters. It included an exact quote from the Garth Dano flyer, under the heading, "Public Endangerment." The Tom Dent flyer also included an exact quote and image from the Garth Dano flyer under the heading "Integrity" and identical wording as the Garth Dano flyer under the heading, "Should we really trust ... ?" Mr. Greene said he had absolutely nothing to do with the Tom Dent flyer on any level. Mr. Greene said it was very disheartening to him when the Tom Dent flyer came out. He said Mr. Dent is a friend, and said he had Mr. Dent's campaign posters inside his business shop, outside his shop, and at his home. Mr. Greene said he would greatly appreciate it if the PDC could clarify that he had nothing to do with the Tom Dent flyer.

- 3.65 Mr. Greene said he did not believe any other people had access to his electronic version of the Garth Dano flyer that he sent to the Born Group for printing. He said he does not believe he sent a PDF of the Garth Dano flyer to Mr. Moberg or to anyone else. Mr. Greene said he believes someone physically cut quotes from the Garth Dano flyer and pasted them into the Tom Dent flyer. Mr. Greene said he was shocked when he saw the Tom Dent flyer.
- 3.66 Mr. Greene said he thought the sponsor of the Tom Dent flyer was likely a Garth Dano supporter who put the name Grant County Concerned Voters in large letters at the top of the Tom Dent flyer in an attempt to attack and discredit the name Grant County Concerned Voters and the Garth Dano flyer without regard to the impact on Mr. Dent.
- 3.67 Mr. Greene said he used the name Grant County Concerned Voters on the Garth Dano flyer because he had made multiple blog posts, and did not want the flyer to be seen as "just a Ken Greene thing." He said he assumed that because the Garth Dano flyer included some of the same phrases he used in his blog posts, readers would attribute the flyer to him. He noted that he identified himself in every blog post in the Columbia Basin Herald (**Exhibit 7**).
- 3.68 Mr. Greene said that when asked in an October 16, 2014 blog post in the Columbia Basin Herald who heads Grant County Concerned Voters, he did not want to identify himself as heading up Grant County Concerned Voters because the Tom Dent email had just been sent out using the name Grant County Concerned Voters, and he did not want to be associated with it because it attacked Tom Dent in a way that was offensive to Mr. Greene. He said it bothered him that the community was more concerned about finding out who was behind Grant County Concerned Voters than in learning about Garth Dano the candidate, who had a driving record that would disqualify others from certain County jobs (**Exhibit 8**).
- 3.69 Mr. Greene said he had nothing to do with the Tom Dent flyer that was attached to an email even though it was attributed to Grant County Concerned Voters. Mr. Greene said he wanted the attention to be on the message, not on the messenger. He said he did not want the message to be, "Oh, Ken Greene did it" because of the Tom Dent flyer. Mr. Greene said he did not want to identify himself with Grant County Concerned Voters because he did not know how he could separate himself from the Tom Dent flyer. He said he did not want to have to explain, "I did this one (Garth Dano flyer) but I did not do the Tom Dent flyer." He said he did not think people would believe him.
- 3.70 Mr. Greene said he went to South Dakota to print the Garth Dano flyer because he needed a quick turnaround. He also said he was uncomfortable using a local printer because Mr. Dano had indicated he would not give future business to people who supported Angus Lee in the campaign. Mr. Greene denied that he used a South Dakota printer to hide or conceal who was sponsoring the mailer. He said his only intent was to get his message out without it being received as, "a message from Ken Greene, a person who doesn't like Garth Dano."

- 3.71 Mr. Greene said he alone made the decision to spend money for a flyer about Garth Dano. Mr. Greene said no one offered to help pay for the flyer, and no one helped pay for the flyer or reimbursed him for any portion of the cost of the flyer. He said the cost of the flyer was totally his expense.
- 3.72 Mr. Greene's attorney, Francis Floyd, agreed to consult with Mr. Greene and consider PDC staff's request to review Mr. Greene's bank statements during the period shortly before to shortly after the date of paying for the mailer, to verify whether Mr. Greene was reimbursed for the cost of the mailer.
- 3.73 Mr. Greene said he was aware of the Public Disclosure Commission, but thought he did not need to file reports for his expenditure because he was not a group. He said he wishes he had included a statement on the flyer that said it was from "A Concerned Citizen" or a statement that it was not paid for by Angus Lee.
- 3.74 Mr. Greene said he did not discuss PDC reporting requirements with Jerry Moberg. Mr. Greene said he did not think he was required to report the cost of the flyer because he was not running for office, did not solicit contributions, and was exercising his free speech rights.
- 3.75 Mr. Greene said that when he sent out the mailer in October 2014, no one else, except Mr. Moberg, knew the flyer was being mailed. Mr. Greene said he talked with the Borns Group in South Dakota when placing the order, but had Mr. Moberg speak to them as well, to ensure that there were no problems with the transaction.
- 3.76 Mr. Greene said the Garth Dano flyer was sent to a list of around 14,000 Grant County voters. Mr. Greene said he hopes the PDC is able to clarify that he was not involved with the Tom Dent flyer.

Jerry Moberg, 7/15/16 Interview Summary

- 3.77 Jerry Moberg was interviewed under oath by Phil Stutzman, PDC Sr. Compliance Officer, on July 15, 2016. Mr. Greene's attorney, Francis Floyd, was present at the interview. Mr. Moberg is an attorney with the firm Jerry Moberg & Associates. Mr. Moberg said he and Garth Dano have been close personal friends for many years. He said it was difficult on their friendship when he did not support Mr. Dano in the 2014 Prosecutor campaign.
- 3.78 Mr. Moberg said he learned from Mr. Dano before filing week in 2014 that he was going to run for Prosecutor against Angus Lee. Mr. Moberg said he told Mr. Dano he did not think he would make a good prosecutor, and said he would not support him because he did not think he had the qualities to be the Grant County Prosecutor.
- 3.79 Mr. Moberg said he did not meet with any group of people to talk about the 2014 Prosecutor Campaign, but said he did talk with Ken Greene, on occasion, about the campaign. Mr. Moberg said Ken Greene was also a long-time friend of

- Mr. Dano. He said the conversations he had with Mr. Greene were about their common surprise that Mr. Dano was running for Prosecutor. Mr. Moberg said Mr. Greene told him he had nothing against Mr. Dano personally, but was supporting Mr. Lee because he thought he was most qualified for the job of Prosecutor.
- 3.80 Mr. Moberg said he was not surprised that Mr. Greene spent nearly \$4,000 of his own money on the Prosecutor race. He said Mr. Greene has always been advocate for causes in which he believes.
- 3.81 Mr. Moberg said Mr. Greene approached him during the campaign and sought legal advice about whether statements he had included in the Garth Dano flyer could be the basis for a charge of defamation. He said when Mr. Greene showed him the flyer, it was the first time he had seen the flyer. Mr. Moberg said he did not believe Mr. Greene gave him a copy of the flyer, either in paper or electronic format.
- 3.82 Mr. Moberg could not recall whether he or Mr. Greene sent the flyer to the Borns Group for printing and mailing services. Mr. Moberg said he did not provide a copy of the flyer to anyone other than the Borns Group.
- 3.83 Mr. Moberg said Mr. Greene asked him for help in finding someone who could print and distribute the flyer. Mr. Moberg said he looked into potential companies that provided those types of services. He said he conducted an internet search and provided Mr. Greene with the information. Mr. Moberg could not recall whether he or Ken Greene selected the Borns Group. Mr. Moberg said he thought the Borns Group was selected because of price and because they indicated they could meet the required timeline.
- 3.84 Mr. Moberg confirmed that Ken Greene initially spoke with the Borns Group, but later, at the request of Mr. Greene, he worked with the Borns Group to complete the transaction. Mr. Moberg said he did not recommend A & H Printing, a company he had used in the past, because they were very expensive.
- 3.85 Mr. Moberg denied that he recommended a printer from a different state to help Mr. Greene send the flyer anonymously. He said Mr. Greene was not concerned with remaining anonymous. He said choosing the Borns Group did not have anything to do with going out-of-state to remain anonymous.
- 3.86 Mr. Moberg said he was not sure if he noticed that the flyer did not have Ken Greene's name on it when he was first shown a copy of the flyer. He said he was concerned with whether the flyer contained statements that could be deemed defamatory.
- 3.87 Mr. Moberg said he did not ask Ken Greene why he was using the name Grant County Concerned Voters, or discuss with him anything about Public Disclosure Commission (PDC) requirements, such as including the name of the sponsor on the flyer or reporting the cost of the flyer. Mr. Moberg said that at the

time the flyer was printed and mailed, he had no knowledge about sponsor identification or reporting requirements.

- 3.88 Mr. Moberg acknowledged that he is a former Grant County Superior Court Judge and that he is aware of the PDC, including that candidates are required to report to the PDC. Mr. Moberg said it never crossed his mind that there might be PDC issues connected to sending out the flyer. Mr. Moberg acknowledged that he saw the bid from the Borns Group for \$3,872.10.
- 3.89 Mr. Moberg said he did not assist Ken Greene in any way in gathering the information that Mr. Greene included in the flyer. Mr. Moberg said Mr. Greene told him he gathered the information about Mr. Dano's driving record from publicly available sources.
- 3.90 Mr. Moberg said he did not offer to help pay for the flyer, and said he was not aware of anyone offering to help pay for the flyer. Mr. Moberg said he did not help pay for the flyer.
- 3.91 Mr. Moberg said he did not receive a copy of the Tom Dent flyer when it was distributed around October 15, 2014. He speculated that it might have been sent out by someone sympathetic to the Garth Dano campaign.
- 3.92 Mr. Moberg said that when the issue of putting a name on the Garth Dano flyer came up, Ken Greene told him he thought putting his name on the flyer would interfere with getting his message out, because he had been very outspoken about Mr. Dano and the campaign.
- 3.93 Mr. Moberg said he did not try to help Ken Greene remain anonymous. He said Mr. Greene was always very clear about his positions in the Prosecutor campaign. Mr. Moberg said it never crossed his mind that Mr. Greene was trying to remain anonymous. He said he thought Mr. Greene had a First Amendment constitutional right to express his opinion. He said the issue about the flyer being anonymous did not come up until it was mentioned by the PDC.
- 3.94 Mr. Moberg said he is sorry he got involved in the Prosecutor race. He said he probably should have stayed on the sidelines. He said Mr. Dano has been very critical of him for not staying out of the race, and it has hurt his relationship with Mr. Dano.

Information Concerning Who Paid for the Garth Dano Flyer

- 3.95 During the July 15, 2016 interview of Mr. Greene, PDC staff asked Francis Floyd, attorney for Mr. Greene and Mr. Moberg, to provide copies of Mr. Greene's bank statements for the period May 2014 through January 2015. On August 9, 2016, Mr. Floyd informed PDC staff that Mr. Greene's bank had changed from American West to Banner Bank, and he was attempting to get the old statements. On September 13, 2016, Mr. Floyd provided the requested bank statements. The statements showed that on October 1, 2014, Mr. Greene made

a \$4,000.00 deposit, and on October 3, 2014, he made an ACH payment to Borns Group for \$3,872.10.

- 3.96 On September 16, 2016, PDC staff contacted Mr. Floyd, thanking him for a copy of Mr. Greene's bank statements, and asking him to provide evidence that verifies the source of the \$4,000 deposit, including a copy of the \$4,000 check deposited on October 1, 2014.
- 3.97 On September 26, 2016, PDC staff followed-up, again asking Mr. Floyd for evidence that verifies the source of the \$4,000 check deposited on October 1, 2014.
- 3.98 On September 28, 2016, staff spoke with Mr. Floyd by telephone, who stated that Mr. Moberg had provided Mr. Greene \$4,000.00 in the form of a loan so he could pay the Borns Group for printing and mailing the October 2014 Garth Dano flyer. He said Mr. Greene needed money to print and mail the flyer, and asked Mr. Moberg for financial assistance. Mr. Floyd said Mr. Moberg has loaned Mr. Greene money on other occasions. Mr. Floyd said the loan was informal, and not documented with a written loan agreement. He said Mr. Greene was repaying the loan by providing Mr. Moberg with shoe repair and business driving services. Mr. Floyd said he did not know how much of the loan has been repaid as of September 28, 2016, the dates of repayment, or the value of goods or services provided to repay the loan.
- 3.99 PDC staff asked for a detailed description of the loan agreement, and of the goods or services provided in repayment of the loan. Mr. Floyd stated that Mr. Greene and Mr. Moberg accurately answered PDC staff's interview questions when Mr. Greene answered that he was not reimbursed by anyone for his \$3,872.10 payment to the Borns Group, and when Mr. Moberg answered that he did not reimburse Mr. Greene for his payment to the Borns Group. While Mr. Moberg did not "reimburse" Mr. Greene, he did provide Mr. Greene with the funds he needed to pay the Borns Group for printing and mailing services, and he failed to disclose that fact when asked during his PDC interview if he helped Mr. Greene pay for the flyer. In addition, during Mr. Greene's PDC interview, when staff asked Mr. Greene if anyone offered to help him pay for the flyer, Mr. Greene did not disclose that Mr. Moberg had provided the funds needed to pay for printing and mailing the Garth Dano flyer.
- 3.100 Paragraphs 3.71 and 3.90 summarize what appear to be incomplete, deceptive, or untrue answers to staff's questions about whether anyone helped Ken Greene pay for the Garth Dano flyer. Jerry Moberg provided the funds to pay for the flyer when he gave Ken Greene \$4,000 in cash that was deposited on October 1, 2014 so that the payment for \$3,872.10 could be made on October 3, 2014 to the Borns Group.
- 3.101 Two years after these transactions, Mr. Moberg and Mr. Greene have acknowledged that Mr. Moberg provided \$4,000 in cash to Mr. Greene so that Mr. Greene could pay the Borns Group for the flyer. Mr. Greene and Mr. Moberg characterize the transaction as an informal loan. Mr. Floyd said Mr. Greene is

repaying the loan by providing Mr. Moberg with shoe repair and driving services. There was no written loan agreement requiring Mr. Greene to repay Mr. Moberg with monetary payments over a set period of time. The intention of the parties on October 1, 2014, when Mr. Moberg provided Mr. Greene with \$4,000, is unclear. The value and dates of any repayments, in-kind, are unknown.

Partial Audio Transcript Re: Payment for Garth Dano Flyer (Ken Greene)

3.102

- (PS) Okay. Did anyone, Jerry, anybody, not necessarily Jerry, but anyone, offer to help you with this, to say, "Hey, this is a lot of money..."
- (KG) Nobody offered.
- (PS) I'd be happy to help you pay for that."?
- (KG) No.
- (PS) No one?
- (KG) Nope.
- (PS) Did you receive any reimbursement from anyone?
- (KG) Nope.
- (PS) To help you pay for that?
- (KG) Nope.
- (PS) So it's totally your money, and no reimbursement?
- (KG) My expense.

Partial Audio Transcript Re: Payment for Garth Dano Flyer (Jerry Moberg)

3.103

- (PS) Did you offer to help Ken Greene pay for the expense of the flyer?
- (JM) No.
- (PS) Do you know if anyone offered to help him pay for it, the flyer?
- (JM) No, I don't know.
- (PS) You don't know?
- (JM) I don't think so, but I don't know.

- (PS) Okay. Did you help him pay for the flyer?
- (JM) No.

- 3.104 On October 12, 2016, staff sent an email to Mr. Floyd, confirming his September 28, 2016 telephone call in which he acknowledged that Mr. Moberg had provided \$4,000 to Mr. Greene to pay for the Garth Dano mailing. Staff again asked for a copy of the \$4,000 check, asking that it be produced by October 26, 2016.
- 3.105 On November 7, 2016, staff called Mr. Floyd, and left a message, reminding him of staff's October 12, 2016 email request, and asked whether the check was going to be produced.
- 3.106 On November 9, 2016, Mr. Floyd returned staff's call, and left a message stating that he was back after an extensive trial, and that he had sent staff's request for a copy of the \$4,000 check to Mr. Greene, and that he would keep staff informed.
- 3.107 On November 30, 2016, staff sent an email to Mr. Floyd, requesting a copy of the \$4,000 check by December 9, 2016. Staff told Mr. Floyd that if a copy of the check is not produced by December 9, 2016, or if satisfactory progress in obtaining a copy of the check is not made by that date, an administrative subpoena will be issued.
- 3.108 On December 21, 2016, PDC staff issued an administrative subpoena requesting a copy of the \$4,000 check or other financial instrument that was credited to Mr. Greene's business bank account on October 1, 2014 for the purpose of allowing Ken Greene to pay the Borns Group \$3,872.10 for printing and mailing his Grant County Concerned Voters flyer.
- 3.109 On December 29, 2016, Francis Floyd, Mr. Greene's attorney, responded, stating: "Phil – In response to your previous requests and Subpoena Duces Tecum, attached is a copy the \$4,000 check from Jerry Moberg, which was the source of Mr. Greene's bank deposit you previously identified. The check was written to Jerry and he cashed it. Jerry then gave the cash to Ken because Ken wanted to deposit it and have it clear that day. The \$4,000 was a loan from Jerry Moberg to Ken Greene. Ken offered Jerry security for the loan, but Jerry refused. Jerry and Ken were friends and Jerry had loaned Ken money on previous occasions under similar circumstances and Ken had always paid him back. Consistent with their past practices, this was merely an oral agreement and there was nothing in writing. Ken has been paying the loan back with shoes, shoe repair services and acting as a chauffeur driving Jerry to appointments all around the State while Jerry works in his car and takes calls. The current balance owing on the loan is approximately \$700. I have attached a copy of the \$4,000 check to Jerry and the \$3,872.10 check to Borns Group from Kenneth Greene. Jerry and Ken have both indicated they will attempt to get a copy of the back of each check. I will send them as soon as I receive them. I did not want to delay our response any further waiting for the backs of the checks. I hope this

answers all of your questions and satisfies your Subpoena Duces Tecum."
(Exhibit 9)

IV. Scope

4.1 PDC staff reviewed the following:

- Complaints filed by Casey Cooper and Anna Unruh.
- Responses received from Francis Floyd, Attorney, on behalf of Ken Greene and Jerry Moberg.
- Interviews under oath with Ken Greene and Jerry Moberg.
- Spoke with, gathered, or reviewed information from Bill Thompson, Lee Borns, Garth Dano, Matt Glencoe, Robert Schiffner, Tom Dent, Patrick Boss, Melea Johnson, Dani Bolyard, Kim Allen, Shelly Johnston, and Renee Honey.
- Reviewed newspaper articles and blog posts from the Columbia Basin Herald.
- ifiberone.com news article and editorial about Tom Dent flyer.

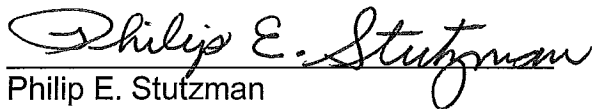
V. Laws and Rules

- 5.1 **RCW 42.17A.320(1)** requires all written political advertising, whether relating to candidates or ballot propositions, to include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.
- 5.2 **RCW 42.17A.320(2)** (2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication: (a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)"...
- 5.3 **RCW 42.17A.305** requires the sponsor of an electioneering communication to report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published, and include: (a) Name and address of the sponsor; (b) Source of funds for the communication, (c) Name and address of the person to whom an electioneering communication related expenditure was made; (d) A detailed description of each expenditure of more than one hundred dollars; and (e) The date the expenditure was made and the date the

electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published.

- 5.4 **RCW 42.17A.435** states, No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.
- 5.5 **RCW 42.17A.205** requires political committees to file a committee registration within two weeks of becoming a political committee.
- 5.6 **RCW 42.17A.235** and **RCW 42.17A.240** require political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-3 and C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report.

Respectfully Submitted this 17TH day of March, 2017.



Philip E. Stutzman
Sr. Compliance Officer

List of Exhibits

- Exhibit 1** Complaint from Casey Cooper about flyer opposing Garth Dano and supporting Angus Lee sent by "Grant County Concerned Voters." (Garth Dano flyer is part of complaint.)
- Exhibit 2** Complaint from Anna Unruh about flyer opposing Garth Dano and supporting Angus Lee sent by "Grant County Concerned Voters." (Garth Dano flyer is part of complaint.)
- Exhibit 3** Supplement to complaint filed by Anna Unruh concerning flyer opposing Tom Dent and supporting Dani Bolyard. (Tom Dent flyer is part of complaint.)
- Exhibit 4** Subpoena to Borns Group, sent April 1, 2015.
- Exhibit 5** Francis Floyd response on behalf of Ken Greene and Jerry Moberg, dated January 22, 2016, with copy of Ken Greene check to Borns Group for \$3,872.10.
- Exhibit 6** Bill Stevenson opinion piece in iFIBER One News about Tom Dent flyer.
- Exhibit 7** Blog posts by Ken Greene in Columbian Basin Herald
- Exhibit 8** Additional blog posts by Ken Greene in Columbia Basin Herald.
- Exhibit 9** Subpoena to Ken Greene requesting copy of \$4,000 check, and copy of check.

Phil Stutzman

From: Toni Lince on behalf of PDC
Sent: Thursday, August 27, 2015 3:55 PM
To: Phil Stutzman
Subject: FW: Illegal electioneering at best!
Attachments: Concerned Voters Flier.pdf

From: Casey Cooper [mailto:ccjm.cooper@gmail.com]
Sent: Monday, October 13, 2014 9:20 AM
To: PDC <pdcc@pdc.wa.gov>
Subject: Illegal electioneering at best!

attached is a 2 sided, trifold mailer that I recieved in the mail on Saturday. The material contained in it is awful, but it is also not identified as to who sent it except to say "Concerned Voters of Grant County". I could not find "Concerned Voters of Grant County" on the PDC listing. With this email I would like to file an official complaint for violation of PDC rules and would like to know before the election (ASAP) who is responsible for mailing it out (who are the principles of "Concerned Voters of Grant County"). The mailer was sent by the Borns Group out of South Dakota (a direct mail company) and should be easy to track back to the one who paid for it from there. Please handle this quickly as the election is coming up soon.

Casey Cooper
PCO Moses Lake 7
Grant county Republican Party
State Committeeman

**"Whoever is careless
with the truth in small
matters cannot be
trusted with important
matters"**

—Albert Einstein

**"I'm finding that the
biggest bunch of liars
I know are perspective
jurors"**

—Garth Dano

**...fiber news commentary
during the David Nickels
MURDER trial (8/01/12).**

**Really? Our jury pools are a
"bunch of liars?" These are the
words of a man whose reckless
patterns endanger public safety.**

**Don't be fooled. Be smart.
Read on.**

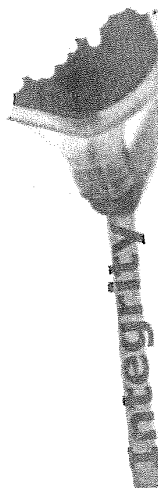
GCCV

Grant County Concerned Voters

PRSR1 STD
US POSTAGE
PAID
BORNS GROUP

8564*J15 P1*****Auto**S-Digit 98837

Casey Lloyd Cooper
OR Current Resident
1424 Hamilton Rd NE
Moses Lake WA 98837-8800



Integrity
Adherence to moral principles.
In ethics, integrity is regarded
as the honesty and truthfulness
and uprightness, sincerity, and

**To reach a great
height a person
needs to have a
great depth.**

—Anonymous

**When people get out
of law school they
follow their passions.**

**My passion is public
service. My passion
is prosecuting criminals.**

—Angus Lee

**Angus Lee has been
our prosecutor for
over 8 years.**

Grant County Concerned Voters

GCCV

PERSONAL RESPONSIBILITY

It appears after reviewing the files from Grant County case #91-3-00424-2 Garth Dano seriously neglected his responsibilities as a father and husband.

While married he fathered 2 children with a girlfriend in Oregon. Those children were on public assistance as Dano fought paternity in the courts.

First he denied he was the father, but blood tests proved he was. Then he testified he had paid child support in cash. If he thought the children weren't his then why did he pay? And if he payed then why did he resist admitting they were his?

Finally the trial judge found that there was **"NO CREDIBLE EVIDENCE"** that Dano had paid any child support and ordered back child support.

PUBLIC ENDANGERMENT

The line that defines a minor traffic violation from a serious criminal offense is sadly measured by death, serious injury or destruction. It comes down to mere seconds and inches.

Dano has displayed a pattern of disregarding the simplest of laws and adult responsibility. And yet he thinks he's qualified to be our county's most important law enforcement officer.

Should we really trust this man?

Please look at his record.

Here are some but not all of the citations issued:

#C0567341
RECKLESS DRIVING !!
#9Y6321595
DRIVING WITH WHEELS OFF
ROADWAY
#XY0024560
SPEEDING 16 MILES OVER
#AIN034172
SPEEDING 10 MILES OVER
#C0014195
DRIVING WHILE LICENSE
SUSPENDED
#J144005
SPEEDING 81 IN A 55
#2Z0046187
SPEEDING 14 OVER
#2Z0075479
SPEEDING 15 OVER
#2Z0534174
SPEEDING 12 OVER AND
CELL PHONE
#3Z0045867
SPEEDING 10 OVER AND
NO SEAT BELT
#3Z0802562
SPEEDING 13 OVER
#3Z0479774
SPEEDING 17 OVER
#4Z0259222
SPEEDING 10 OVER AND
NO INSURANCE
#4Z0513674
SPEEDING 18 OVER

GRANT COUNTY CONCERNED VOTERS
INVITES YOU SEE THE PUBLIC RECORDS
because there is MORE!!!!

VOTE FOR A PROVEN LEADER
VOTE ANGUS LEE

Phil Stutzman

From: Toni Lince on behalf of PDC
Sent: Thursday, August 27, 2015 3:57 PM
To: Phil Stutzman
Subject: FW: Complaint Concerned Voters of Grant County Pamphlet
Attachments: 20141013115217591.pdf

From: Anna Unruh [mailto:aunruh1981@hotmail.com]
Sent: Monday, October 13, 2014 9:48 PM
To: PDC <pdcc@pdc.wa.gov>
Subject: Complaint Concerned Voters of Grant County Pamphlet

This pamphlet came to my house last week, addressed to my fiance. There is no information on who presented this, and I find the information about his family life both misleading, and produced with malice.

Please consider this a formal complaint.

Sincerely,

Anna Unruh PCO Moses Lake 12
1453 W Fern Dr
Moses Lake, WA

509-431-2493

----- Forwarded message -----

From: Anna Unruh <Anna@InlandCellular.com>
Date: Oct 13, 2014 8:14 AM
Subject: Concerned Voters of Grant County Pamphlet
To: "aunruh1981@hotmail.com" <aunruh1981@hotmail.com>
Cc:

Anna Unruh | | Inland Cellular
1035 Stratford Road Suite H | Moses Lake WA 98837
Office: (509) 765-6670 | Cell: (509) 431-2493

anna@inlandcellular.com | www.inlandcellular.com

Text ANNA to 87940

From: mlcopier@inlandcellular.com [mlcopier@inlandcellular.com]
Sent: Monday, October 13, 2014 8:52 AM
To: Anna Unruh
Subject:

This E-mail was sent from "RNPE91FBD" (Aficio MP C2050).

Scan Date: 10.13.2014 11:52:17 (-0400)

Queries to: mlcopier@inlandcellular.com

"Whoever is careless
with the truth in small
matters cannot be
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matters"

—Albert Einstein

"I'm finding that the
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I know are perspective
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GCCV

Grant County Concerned Voters

PRSRT STD
US POSTAGE
PAID
BORNS GR

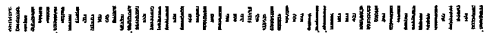
5738*TL11 P1*****Auto***5-Digit 98837

Nickolas David Lorensen

OR Current Resident

1453 W Fern Dr

Moses Lake WA 98837-2624



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Adherence to moral principles
In ethics, integrity is regarded
as the honesty and truthfulness
and uprightness, sincerity, and

To reach a great
height a person
needs to have a
great depth.

—Anonymous

When people get out
of law school they
follow their passions.
My passion is public
service. My passion
is prosecuting criminals.

—Angus Lee

Angus Lee has been
our prosecutor for
over 8 years.

Grant County Concerned Voters

GCCV

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#AIN034172
#C0014195
#J144005
#220046187
#220075479
#220534174
#3Z0045867
#3Z0802562
#3Z0479774
#4Z0259222
#4Z0513674

RECKLESS DRIVING !!
DRIVING WITH WHEELS OFF ROADWAY
SPEEDING 16 MILES OVER
SPEEDING 10 MILES OVER
DRIVING WHILE LICENSE SUSPENDED
SPEEDING 81 IN A 55
SPEEDING 14 OVER
SPEEDING 15 OVER
SPEEDING 12 OVER AND CELL PHONE
SPEEDING 10 OVER AND NO SEAT BELT
SPEEDING 13 OVER
SPEEDING 17 OVER
SPEEDING 10 OVER AND
NO INSURANCE
SPEEDING 18 OVER

GRANT COUNTY CONCERNED VOTERS
INVITES YOU SEE THE PUBLIC RECORDS
because there is MORE!!!!

VOTE FOR A PROVEN LEADER
VOTE ANGUS LEE

Jacob Berkey

From: Anna Unruh [anna_2250@yahoo.com]
Sent: Tuesday, October 14, 2014 9:10 AM
To: Jacob Berkey
Subject: Email evidence from Grant County Concerned Voters
Attachments: Grant County Concerned Voters - Can We Really Trust Tom Dent.pdf

Jacob,

Here you go!

Let me know if you need anything else!

Anna Unruh
Norwex Independent Sales Consultant
"Clean Without Chemicals"
www.annaunruh.Norwex.biz

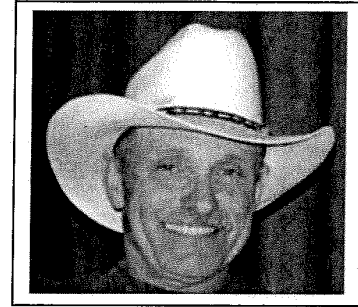
----- Forwarded message -----

From: Matthew Glencoe <matthew@lendum-media.com>
Date: Oct 14, 2014 9:05 AM
Subject: GCCV
To: anna_2250@yahoo.com
Cc:

As discussed...

Grant County Concerned Voters

Should we really trust Tom Dent?



HIS SON HAS MULTIPLE OFFENSES OF RECKLESS DRIVING AND IS OUT-OF-CONTROL AND TOM IS DOING NOTHING TO STOP IT.....

Moses Lake man tries to intimidate police with his "connections"

By Cameron Probert | September 29, 2014

EPHRATA – A Moses Lake man allegedly tried to use his "connections" to intimidate a police officer after fleeing from police.

Prosecutors charged **Monty E. Dent**, a 22-year-old man, in Grant County Superior Court with attempting to elude a pursuing police vehicle and reckless driving.

PUBLIC ENDANGERMENT

The line that defines a minor traffic violation from a serious criminal offense is sadly measured by death, serious injury or destruction. It comes down to mere seconds and inches.

A police officer reportedly spotted Dent on Sept. 24 riding a motorcycle on Interstate 90 at about 120 mph. The detective was driving an unmarked patrol SUV at about 75 mph when he reported hearing noise coming from behind him, according to Moses Lake police.

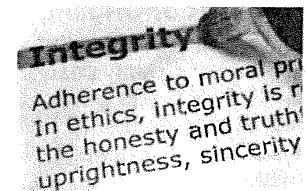
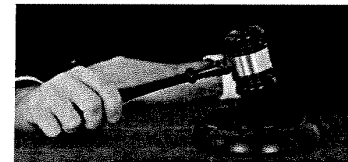
"The motorcyclist traveled past him at an extremely high rate of speed," according to Moses Lake police. "(The detective) said he had never been passed by anyone at that speed."

When the officer activated his siren, Dent reportedly turned onto Juniper Drive and accelerated to about 60 mph in a 25 mph zone. Dent allegedly stopped in the 900 block of Juniper Drive. Dent reportedly told the officer he fled because he had a warrant.

After the officer advised Dent of his rights, he allegedly changed his story, saying he didn't see or hear the officer. When the officer challenged Dent about the change, the man reportedly asked the officer if "I knew who he was."

Dent continued to state he was friends with Judge (Evan) Sperline and Judge (John) Knodell. Dent chuckled and indicated he was not worried and would be having a conversation with them in the morning."

Dent is the son of Tom Dent, who is a candidate seeking office as the state representative of the 13th District.



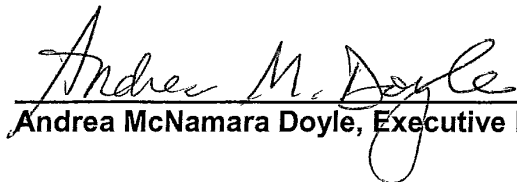
**VOTE FOR A PERSON WITH INTEGRITY AND HONESTY
VOTE FOR DANI BOLYARD**

Borns Group, Attention Virgil Borns, President
Subpoena Duces Tecum
Re: Grant County Concerned Voters; PDC Case No. T15-064 & T15-065
Page 2 of 2

In the event of your unexcused failure to comply with this subpoena, the undersigned will apply to the Superior Court for an appropriate order or other remedy to enforce the terms of this subpoena.

Dated this 1st day of April, 2015.

FOR THE PUBLIC DISCLOSURE COMMISSION


Andrea McNamara Doyle, Executive Director

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with the truth in small
matters cannot be
trusted with important
matters"**

—Albert Einstein

**"I'm finding that the
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Grant County Concerned Voters

5738*TL1 P1*****Auto**5-Digit 98837
Nickolas David Lorenson
OR Current Resident
1453 W Fern Dr
Moses Lake WA 98837-2624



**Adherence to moral principles
In ethics, integrity is regarded
the honesty and truthfulness
uprightness, sincerity, and**

**To reach a great
height a person
needs to have a
great depth.**

—Anonymous

**When people get out
of law school they
follow their passions.**

**My passion is public
service. My passion
is prosecuting criminals.**

—Angus Lee

**Angus Lee has been
our prosecutor for
over 8 years.**

Grant County Concerned Voters

GCCV

PERSONAL RESPONSIBILITY

It appears after reviewing the files from Grant County case #91-3-00424-2 Garth Dano seriously neglected his responsibilities as a father and husband.

While married he fathered 2 children with a girlfriend in Oregon. Those children were on public assistance as Dano fought paternity in the courts.

First he denied he was the father, but blood tests proved he was. Then he testified he had paid child support in cash. If he thought the children weren't his then why did he pay? And if he payed then why did he resist admitting they were his?

Finally the trial judge found that there was "**NO CREDIBLE EVIDENCE**" that Dano had paid any child support and ordered back child support.

PUBLIC ENDANGERMENT

The line that defines a minor traffic violation from a serious criminal offense is sadly measured by death, serious injury or destruction. It comes down to mere seconds and inches.

Dano has displayed a pattern of disregarding the simplest of laws and adult responsibility. And yet he thinks he's qualified to be our county's most important law enforcement officer.

Should we really trust this man?

Please look at his record.

Here are some but not all of the citations issued:

#C0567341
RECKLESS DRIVING !!
#9Y6321595
DRIVING WITH WHEELS OFF
ROADWAY
#XY0024560
SPEEDING 16 MILES OVER
#AIN034172
SPEEDING 10 MILES OVER
#C0014195
DRIVING WHILE LICENSE
SUSPENDED
#J144005
SPEEDING 81 IN A 55
#2Z0046187
SPEEDING 14 OVER
#2Z0075479
SPEEDING 15 OVER
#2Z0534174
SPEEDING 12 OVER AND
CELL PHONE
#3Z0045867
SPEEDING 10 OVER AND
NO SEAT BELT
#3Z0802562
SPEEDING 13 OVER
#3Z0479774
SPEEDING 17 OVER
#4Z0259222
SPEEDING 10 OVER AND
NO INSURANCE
#4Z0513674
SPEEDING 18 OVER

GRANT COUNTY CONCERNED VOTERS
INVITES YOU SEE THE PUBLIC RECORDS
because there is MORE!!!!

VOTE FOR A PROVEN LEADER
VOTE ANGUS LEE

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DAVID J. COREY*
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NICHOLAS L. JENKINS
LEVI S. LARSON
SEAN E.M. MOORE[†]
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THOMAS W. STONE
ALEXANDER J.R. WISBEY

*ALSO ADMITTED IN AK
*ALSO ADMITTED IN AK, OR
*ALSO ADMITTED IN AK, OR, IL
*ALSO ADMITTED IN CT
*ALSO ADMITTED IN NY
*ALSO ADMITTED IN OR

January 22, 2016

VIA EMAIL ONLY: PHIL.STUTZMAN@PDC.WA.GOV

Phillip Stutzman
Sr. Compliance Officer
State of Washington
Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

RE: Complaints filed by Ann Unruh and Jim Cooper, PDC Case No. 15-080

Dear Mr. Stutzman:

As you know, I represent Ken Greene and Jerry Moberg in the above-referenced matter. Pursuant to our phone conversation of January 19, 2016, I will respond to the questions raised in your November 9, 2015 letter.

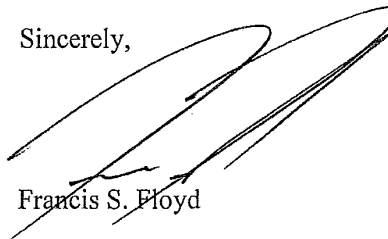
1. Grant County Concerned Voters was merely the name utilized by Ken Greene for the flyer regarding Garth Dano. Ken Greene came up with the name and did not know there were any PDC requirements for this activity. The Garth Dano flyer was the only activity attributed to Grant County Concerned Voters. Mr. Greene was friends with Garth Dano but did not consider him to be a qualified candidate for prosecuting attorney and he did not think it was necessary to reveal his identity on the flyer.
2. Grant County Concerned Voters had no members, was not an organization, was never a legal entity and no one else was involved except Ken Greene. Ken Greene was the sole decision-maker and financial contributor. It was Ken Greene's sole idea to prepare the flyer regarding Garth Dano and he was solely responsible for its preparation and content.
3. Ken Greene never contacted Angus Lee or anyone else regarding the content of the flyer or the fact that it would be mailed.
4. Ken Greene believed the flyer was within his constitutional right of free speech. He was unaware of any of the PDC requirements for registration and his only concern was the possibility of civil liability for defamation. This was the first time Mr. Greene had ever engaged in this type of political / free speech activity.

Phillip Stutzman
January 22, 2016
Page 2

5. Ken Greene and Jerry Moberg have been friends for a number of years. Ken Greene asked Jerry Moberg as a friend for an informal opinion on whether the content of the flyer was defamatory and for help in finding someone to mail the flyer. Mr. Moberg was not involved in any way with the content of the flyer and merely advised Ken that it was factually true that there was no exposure for defamation. Mr. Moberg was merely acting as a friend with no expectation of any payment. Mr. Moberg helped Mr. Greene contact The Borns Group regarding the mailing. This was an incidental activity as a friend and was not an activity he would do as part of his practice as an attorney. As a result, this should not and could not be characterized as any type of in-kind contribution.
6. Attached is a copy of the check from Ken Greene to Borns Group.
7. Ken Greene had nothing to do with the flyer regarding Tom Dent and has no idea who was responsible or involved with that flyer.

Let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. S. Floyd', with a large, sweeping flourish above the name.

Francis S. Floyd

cc: Jerry Moberg
Ken Greene

;

OPINION: Attack ad used iFIBER One News story without permission

By Bill Stevenson | Posted: Friday, October 17, 2014 2:38 pm

Political advertising can backfire.

An attack message aimed at bolstering 13th District state House of Representatives candidate Dani Bolyard damaged her reputation, the reputation of her opposition and our company.

“Grant County Concerned Voters” attempted to help Bolyard and damage the reputation of Tom Dent by stealing our story and editing it.

The group’s flier advertisement is being emailed as a PDF file attachment and illegally uses an edited version of an iFIBER One News story. A select paragraph was removed to give a false impression of legitimacy for their attack on candidate Tom Dent and his son.

iFIBER One News reported how Monty E. Dent, a 22-year-old Moses Lake man, was charged with attempting to elude a pursuing police officer and reckless driving.

“Tom Dent said he wasn’t aware of the arrest until recently. His son lives on his own and isn’t involved in his life,” the omitted paragraph stated.

The people behind the flier used our story without permission. They violated copyright laws. They stole from us and demonstrated a lack of integrity and honesty.

We were never contacted by “Grant County Concerned Voters” nor did we ever give permission to use our story in their political ad.

We traced their email - grantcountyconcernedvoters@vistomail.com – to a company guaranteeing anonymous, untraceable email services. They tout how their servers are outside of the U.S. and beyond the legal jurisdiction of the United States. The flier is being sent from Panama. This indicates they know what they were doing was wrong and did not want to accept the responsibility of their actions.

“Grant County Concerned Voters” damaged the reputation of Tom Dent and his son. They claim Monty “has multiple offenses of reckless driving and is out-of-control [sic] and Tom is doing nothing to stop it.”

Their evidence is the mangled copy of our story.

They have also forgotten adults are responsible for themselves. Monty Dent is 22 years old.

“Grant County Concerned Voters” asks people receiving the flier to “vote for a person with integrity and

Grant County Concerned Voters

Should we really trust
Tom Dent?



HIS SON HAS MULTIPLE OFFENSES OF RECKLESS DRIVING AND IS OUT-OF-CONTROL AND TOM IS DOING NOTHING TO STOP IT.....

Moses Lake man tries to intimidate police with his “connections”

By Cameron Probert | September 29, 2014

EPHRATA – A Moses Lake man allegedly tried to use his “connections” to intimidate a police officer after fleeing from police.

Prosecutors charged Monty E. Dent, a 22-year-old man, in Grant County Superior Court with attempting to elude a pursuing police vehicle and reckless driving.

PUBLIC ENDANGERMENT

The fine that defines a minor traffic violation from a serious criminal

A police officer reportedly spotted Dent on Sept. 24 riding a motorcycle on Interstate 90 at about 120 mph. The detective was driving an unmarked patrol SUV at about 75 mph when he reported hearing noise coming from behind him, according to Moses Lake police.



Political flier

honesty – vote for Dani Bolyard.”

Stealing our story, lying about our content through editing, hiding their identity, and making serious allegations anonymously makes Bolyard look bad. Their failure to comprehend integrity and honesty is reflecting on the opponent they want to help.

Bolyard responded to the flier in a public statement and said they have filed a complaint with the state Public Disclosure Commission.

"Apparently a Grant County group sent out an email about my opponent in the last day or so. I want to make it very clear: I don't know who this is and I did not approve the message. We have launched an investigation. Please be patient as we sort through what little information we have on hand. This is not how I've run my campaign! I do not approve of attacks on the families of candidates. Do your own research instead of relying on any anonymous mailers, no matter which campaign you're supporting," Bolyard stated.

She told iFIBER One News she called Tom Dent about the "Grant County Concerned Voters" flier.

"I did call Tom (Dent) and assured him we didn't do this. I also talked to Dayna (Dent) in person and said the same," Bolyard said.

Tom Dent confirmed the two spoke.

Politics get dirty and some candidates use unsubstantiated allegations. Political advertising is legally allowed to contain lies thanks to court rulings. Many would say this type of flier is nothing new. But it is to us.

We are a digital news service. We deliver our stories and content through our website, television and through two radio stations. Copying content from our webpage is very simple. Even with copyright laws protecting our work, others will believe they can use it for free however they want. It's not true. Just as we cannot copy a news story from a competitor and use it, people are not legally allowed to use our work without our permission.

We have a policy about licensing video footage. ABC's "Dateline," KIRO TV News in Seattle and a Spokane station have all contacted us and use our material. Even a couple of candidates have paid to use our footage.

We have legal contracts for the Associated Press and CNN to use our stories, and we can use theirs.

But we have yet to license the use of a news story for a political ad.

iFIBER One News is upset that an anonymous person would steal our story, alter it for their benefit and use it to damage the reputations of two candidates in the same political race.

"Grant County Concerned Voters" blundered in their attempt to help a candidate. Instead they damaged their preferred candidate's reputation, the opposing candidate, his son and us.

We hope they can learn the meaning of the words integrity and honesty, and avoid the same reckless political tactic in the future.

6/10/2016

OPINION: Attack ad used iFIBER One News story without permission - iFIBER One News: iFIBER ONE News

This is an editorial (opinion) written for iFIBER One News. It does not represent the views of all of our staff or iFIBER Communications.

-- Bill Stevenson, news director

72°
Few Clouds
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(R) Elect Tom TAYLOR
County Commissioner District 2
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 Support Law, Justice & Public Safety
 Promote Fiscal Accountability
 Increase Efficiency in Building & Planning

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Ken Greene
 31 Posts

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THE FOLLOWING STATEMENT FROM PUBLIC RECORD CONCERNING THE COMPLAINT FILED AGAINST ANGUS LEE:

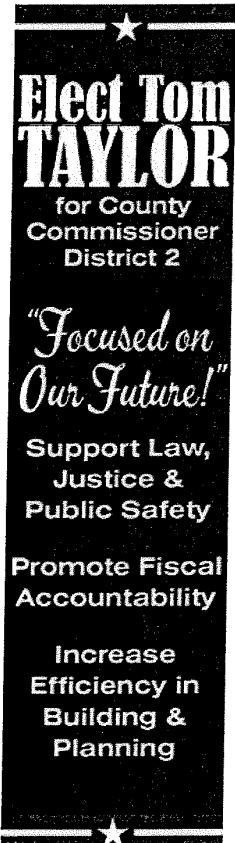
Mr. Honeywell told me (MICHAEL E. McFARLAND) that he met in person for a couple hours with MR. DANO and MR. SCHIFFNER prior (IN 2013) to Mr. Lee's deposition. I am aware that Mr. Schiffner is a prior political opponent of Mr. Lee.

Mr. Honeywell advised me that he "MOSTLY LISTENED" to MR. DANO and MR. SCHIFFNER as they told many stories about "what a bad guy Mr. Lee is." Mr. Honeywell further said that since NONE of the information was RELEVANT to the charges he was handling, he did not do anything with the information. However, Mr. Honeywell did tell me that he asked Mr. Lee at least one question that was unrelated to the charges Mr. Honeywell is handling and was based upon the information he was provided by Mr. Lee's current and former political opponents.

SO DANO AND SCHIFFNER ACTING LIKE LITTLE SCHOOL BOYS GO TO TEACHER AND TRY TO SQUEAL ON MR. LEE.....and GARTH DANO RUNS AROUND ACTING LIKE HE HAS BEEN TREATED BADLY AND UNDERHANDEDLY BY ANGUS

Oct 30, 2014

..Letter to editor: October 23, 2014 My name is Ken Greene. I am the owner of True Step shoe repair and have been so since 1981. I think Garth Dano and I met in 1991 or '92. We have traveled a "road less traveled" and we have known each other on a human level not enjoyed by most folks. It's sad to me I may have lost a friend because of what I am about to write but so be it. Garth knows where I'm coming from and he's got my phone number. Unlike some I have no ax to grind. I'm not suing anybody for monetary gain but I am baffled by Garth Dano's desire and ability to manipulate abuse and insult a voter's intelligence. I expect more from those who want to represent Grant County's security and well-being. So much for my opinion; here are the facts. At this very moment a Garth Dano client is suing Grant County. Garth Dano was on the defense team of convicted murderer David Nickels that was paid \$600,000 by Grant County. But it was not his case. He was not the lead attorney. The team he was on lost. I can't think of a time Garth Dano was ever the lead in a juried felony trial. Garth Dano as a play


CBH Newscast

00:00 01:19

News: June 21, 2016

Latest E-Edition

to gain votes embraced an article that appeared in the Seattle Times that was described by fellow defense attorney and former Spokane prosecutor Steven Graham as a "hatchet job." In that article the Grant County Commissioners came under false attack and even the deputy prosecutor, a man who paid his dues and is well respected throughout his community became fair game. The reporter depicted Grant County as incapable of bringing justice to the guilty and then to top it off on Dano's Facebook 4 Prosecutor page, he has a video playing of one Mr. Doyle. Mr. Doyle was represented by Dano in a lawsuit against Quincy. Mr. Doyle is considered a "Brady Cop", which means he has lied under oath as a cop. Mr. Doyle did so many times. He could be considered a disgrace to law enforcement. Yet Dano in his desperation to get elected at any cost touts the lies that spout from Doyle's lips. And by the way Dano's client Mr. Doyle lost the suit. And the latest findings about Dano are even more disturbing: 1) Intense speeding tickets, which display a disregard for human safety. 2) Illegal endorsements only to be explained away as simple mistakes or blaming his opponents or the newspaper for being bias. 3) Court records showing Dano's attempts to distance himself from his two children when they needed him most. Dano blames anyone but himself for the woes of his bad choices. Court records are very clear. His opponents did not make them up. Dano's first sentence when the story broke about the endorsement façade on his Dano 4 Prosecutor page read, "Believe it or Not..." Hey Garth believe it or not, we the voters and letter writers of Grant County are not stupid. There are other facts I do not wish to discuss because there are innocent people who do not want give up their names. The bottom line is; vote for Angue Lee. If you really want to dispel the incorrect information you've heard then call the man. The one thing he will do, unlike his opponent, is speak clearly and to the point. Thanksken greene.....small business owner.....not a lawyer.....not looking for a job....not wanting to be elected....don't want a speeding ticket.....just a voter.

Oct 24, 2014

Public officials are protected from frivolous suits; so yes the county has to insure it's officials. Mr. Dano wants to fire the county's two top civil attorneys. Mr. Dano has already lost one frivolous suit and if elected I'm sure he'll need good attorney insurance also because his mismanagement will get us sued right and left. Being charged with misconduct is not the same as committing misconduct. But even if Angus was the first (and I don't believe he was) why would we want to replace him with a defense attorney? Defense attorneys get charged and disbarred at three times the rate or more. Even the fact that Mr. Lee is under the microscope makes him a better candidate. Mr. Lee has a proven record; all Dano can do is keep trying to bring up past issues that have already been settled. Dano has no experience. No record of felony juried trials. A despicable driving record and evidence of voter endorsement fraud. Misconduct in the present.

Oct 22, 2014

First | Prev | 1 | 2 | 3 | 4 | Next | Last



Friday, June 24,
2016

Ephrata residents injured in rollover near Soap Lake • Montana man dies in accident near Moses Lake • Doug Sly ends 31-year Big Bend CC career • Tickets for Rubber Duck Regatta available now • Farmers Market seeking celebration sponsors • Sheriff's office to participate in Operation Dry Water • Bits and Pieces: Polar Pantry offered 16 flavors of ice cream • Klockers - Part 3: So I'm going to my high school reunion • Moss throws a perfect game, River Dogs win 2 in Wyoming • Clay: Special hunt permit results available • Fresh News from MarDon • Dave Graybill: The Fishin' Magician

Updated: 10:38 am | See more

Prosecutor candidates spar over 17 traffic tickets

32 comments

jaydee - at 4:35 pm Oct 27, 2014

<http://www.wenatcheeworld.com/news/2014/oct/27/bar-complaint-against-grant-prosecutor-moves-ahead/>

Kaumanua - at 11:05 am Oct 20, 2014

WOW!!!! It is clear neither candidate is perfect. Clearly both want to knock each other down. What should be clear is what they bring to the community for their time as our prosecutor. Do they do community service? What are the positives of each candidate and why should I vote for them. Tired of the smear campaigns....give me a reason to vote for you....don't tell me about your opponent, tell me about you and what you are going to do for us. What makes you better....and I don't mean what your opponent has done wrong either...it just makes you look bad.

mathew23 - at 7:34 am Oct 20, 2014

Pull anyones case records on the Washington courts website...just about everyone has a ridiculous amount of traffic tickets in Grant County..hmmmm ...pull ANY attorney, judge, doctor etc in town and you will see ...I think maybe someone needs follow the money trail in all aspects of the county government and not just with the prosecutors office....corruption in Grant County is a much bigger picture.

GRANTED - at 3:17 pm Oct 19, 2014

Sorry, I meant the Chicago Tribune.

GRANTED - at 3:10 pm Oct 19, 2014

It's so blatantly biased articles like this that make the CBH a joke around the state. For whatever reason, they suck up to Lee so much, it's obvious the CBH had an ethical bypass at birth. Instead, look to the Seattle Times, Chicago Herald, and the Wenatchee World for REAL information and news, not just these lazy "journalists".

jaydee - at 1:35 pm Oct 16, 2014

Oh wow. Mr Greene, with a e, wake up and smell the roses.

jaydee - at 1:24 pm Oct 16, 2014

Traffic tickets or disbarment. Hummmmm. If Mr Dano wants to give the State of Washington his hard earned Money that is fine with me. I am thinking Mr Dano has a high level of ethics, cause he did not try to get out of them. Can Lee say the same?

ken greene - at 12:36 pm Oct 16, 2014

So my name is Greene, that's Green with an "e" on the end. And as I stated before I'm using my real name because I'm not afraid to stand behind the facts. I don't think this campaign is all about mudslinging or desperation; supporters on both sides of the coin are doing their best to get their guy elected. But it is about qualifications and though some would like to believe Dano is qualified; there is no measurable proof other than the rhetoric. May the best man win and remember "...you can't fool all of the people all of the time."

Best of luck to you and yours.

thanks...ken greene...small business owner...not a lawyer...not running for office...not looking for a job...only 2 speeding tickets in my life.....just a voter.

Amused - at 11:43 am Oct 16, 2014

I agree with cisea. The mudslinging by Angus smells of desperation and hypocrisy. Last Thursday, Dano was only up 58% to 42% in the Herald's online poll. Then after the Angus' hit piece came out, Dano surged further ahead to 71% to 29%. I think Angus' mudslinging is having the exact opposite effect he hoped for. It appears that he is driving the undecided voters straight to Dano.

And I disagree with msrosebud. If Dano's speeding tickets "prove" that he has a disrespect for the law, what does Angus' DUI say about his respect for the law? Or the fact that Ed Owens, Angus' right hand man, is a convicted felon? If msrosebud is correct, this "proves" that Angus and Owens have even a greater disrespect for the law.

And while speaking of disrespect for the law, what about Angus' ongoing problems with the bar association. And before Mr. Greenee falsely claims that matter has been closed, it's public information that we, the taxpayers of Grant County, have paid \$93,000 to a Seattle lawyer this year to defend Angus against disbarment. If the matter is closed, why are we still paying for his lawyer?

msrosebud - at 11:10 am Oct 16, 2014

This article proves that Mr Dano has no regard or respect for the law!

Julie P - at 11:04 am Oct 17, 2014

This article implies that Mr. Dano has no regard or respect for the law. That is the objective of his opponent. It does not prove anything of the sort.

cisea - at 9:03 am Oct 16, 2014

History shows that a campaign is in trouble when it resorts to pettiness and mudslinging. Thank you for helping me make up my mind. My vote is for Dano.

ken greene - at 8:07 am Oct 16, 2014

James C. Walker aren't you the lawyer from Michigan? What in the world brings you to weigh in on little ol' Grant County? Do they have to wear seat belts in Michigan? Is doing 25 over just another one of those pesky speed traps? I thank you for helping us poor dumb folks figure all this out. Is there really any way to justify 15 violations in the last 4 or 5 years?

ken greene.....trying to stay alive on the road.....not a lawyer.....voter.

jcwconsult - at 7:36 am Oct 16, 2014

Many public officials arrogantly operate on the principle of: "Do as I say, not as I do".

Posted speed limits are deliberately set too low to create lucrative speed traps. Some communities also use speed cameras to automatically pilfer the wallets of safe drivers in those lucrative speed traps. Some communities use red light cameras where the yellow intervals are deliberately and improperly set too short to trap safe drivers into making inadvertent split second violations. Unfair? Sure. Common? Sure.

James C. Walker, Life Member - National Motorists Association

ken greene - at 6:59 am Oct 16, 2014

I read the Seattle Times article too and found it to be bogus. The story was generated by a man who tried and failed to sue Grant County for over 2 million dollars. Of course Dano has no problem using it to be vindictive and petty and negative. And Jim let us not forget he has no problem using the video of the crooked cop. The same crooked cop Dano represented in a failed suit against Quincy. I know of no email from Grant County Concerned Voters, but I do know that the information that was mailed contained nearly the same information as the front page of the CBH. I think the voters should be told of information of public record. Angus' DUI was public record and that was brought out by Dano back in 2009. And I believe that was correct information; it gave the voters a better choice. Does Dano deserve a double standard? I think the message is pretty clear. I think the issues are very clear and Dano followers would soon talk about other things besides the issues. Look at Angus Lee's job performance; it is of the highest standard. His involvement with his community started day one. Dano has virtually no experience. None. I'm willing to wager in the last 4 years he's defended more of his own case numbers than clients. How about 2 simple questions: Is Garth Dano as we speak representing a plaintiff suit against Grant County and does he think it's okay to have continual traffic violations as long as the fines get paid?

thanks.....still using my real name.....ken greene.....small business owner.....voter

Jamesmoseslake - at 1:52 am Oct 16, 2014

This front page story in the Seattle Times from a couple of years ago says it all about the state of the current Grant County Prosecutor's office. The article also discusses the Angus Lee's DUI and Ed Owens meth conviction.

http://seattletimes.com/html/localnews/2019103486_grantcounty09m.html

After reading this article, it is apparent that we are dealing with vindictive and petty people in the current Grant County Prosecutor's office. Their campaign has done nothing to show me and others that things have changed. In fact, the pettiness and negativity coming from Angus' campaign continues to sink to new lows.

local reader - at 1:28 am Oct 16, 2014

I am also curious whether anyone at the prosecutor's office is pulling a full disability pension while working full time? And I wonder if both incomes would be taxpayer dollars?

ken greene - at 9:15 pm Oct 15, 2014

Mr. Owens got his job from Mr. Knodell. He has certainly paid his debt to society. Again the issues are about the qualifications of the candidates. It should be pretty obvious that both Mr. Lee and his team are under the microscope and they are transparent but I don't see the same values being displayed by team Dano.

thanks.....ken greene.....small business owner.....voter.

ken greene - at 8:36 pm Oct 15, 2014

The biggest difference between me and you is that I can state my case by using my real name and I'm not afraid to stand behind my words. I know of no incidence of record about Mr. Dano's supposed DUI and I don't believe that should be an issue unless it is of public record. I know of no such record. If anybody would like to truly discuss anything I've said or wrote I'm easy to find, but beware I'm not the one running for office. I have not put any words in anyone's mouth nor do I need any of Dano's links, I've already seen them. Garth has not...has not... tried dozens and dozens of jury trials. Where are the case numbers? Mr. White is a good man, he has little experience, but he still has more than Garth.

You use your words in a most distasteful way. Your words distort and dishonor both men. The facts are Mr. Dano is not qualified to be prosecutor. It's not a beauty contest about endorsements or money raising. I know of a lot of his contributors that regret not knowing about his \$86,000. Ask Dano about the crooked cop endorsement. Ask him if he knows what the term "Brady Cop" means? And my last name has an "e" on the end.

Jamesmoseslake - at 2:01 am Oct 16, 2014

Ken,

Can you tell me who the Grant County Concerned Voters are, or provide me the name of person that heads that GCCV? I was leaning toward supporting Angus Lee until I received that anonymous mailer over the weekend attacking Garth Dano and then an email yesterday from them attacking Tom Dent.

Any campaign that resorts to using anonymous mailers and emails has some serious problems. It smacks of some serious desperation!

Thanks.

Jim

local reader - at 8:14 pm Oct 15, 2014

Is it true that Angus's chief deputy prosecutor is a felon who was convicted of stealing meth?

Amused - at 6:46 pm Oct 15, 2014

Here Mr. Green, let me help you get your facts straight. Here is link to Garth's endorsements:
<http://www.garthdano4prosecutor.com/Endorsements.aspx>. Please compare that to Angus' endorsement list.

And here is a link to Garth's contributors: <http://www.pdc.wa.gov/MvcQuerySystem/CandidateData/contributions?param=REFOT0cglDgzNw====&year=2014&type=local> Please compare that to your allegations of where he is getting the vast majority of his money from.

And finally, let's not forget that Angus's father was a criminal defense attorney from the day Angus was born. So if criminal defense attorneys are so evil, has he renounced his father? Doubt it.

But in the end, the only question remains is "Why is Angus throwing so much mud?" or "Why is he being a hypocrite about parenting and criminal records?" or "Why are his supporters telling so many fabrications?"

bigmouth - at 6:43 pm Oct 15, 2014

Go back further into Dano's driving record and you will find alcohol related charge and loss of life. Also Dano harasses the courts, affidavit's judges for prejudice just to get his clients off of a DUI charge. He will do anything to make a deal. I can't imagine what the court will go through if you elect him PA. Dano is arrogant with no respect for our judicial system.[sad]

Amused - at 6:38 pm Oct 15, 2014

Not sure where you are getting your facts. Angus' DUI was from 10 years ago. Alan White was a very successful felony prosecutor in Idaho before moving to Moses Lake. And Ed Owens is a convicted felon. Which means that Angus is a hypocrite for employing Owens if he really believes speeding tickets mean you are not qualified to be a prosecutor. And Garth has tried dozens and dozens of jury trials. And the vast majority of money raised by Garth has come from average citizens right here in Grant County. Angus has a handful of endorsements while Garth literally has hundreds and hundreds including dozens of community leaders. But the one thing Angus has that Garth doesn't is ardent supporters who are willing to lie and twist facts. In that category, Angus has Garth beat hands down.

Finally, Angus has had the gumption to question Garth's parenting when in fact Angus' three children have been moved out of Moses Lake and are enrolled in a school district over 200 miles away. How is that for being a father?

ken greene - at 6:18 pm Oct 15, 2014

I think you're talking about the other guy; the one who really did get his license suspended. Angus learned his lesson nearly 20 years ago. Dano's last speeding ticket was in May. Dano's traffic violations weren't just about speeding. It's about attitude and respect. The voters already had their say the last 2 times Angus ran and he was forthright with his past. Dano has tried to slip slide his way past all the issues. And he won't face Angus in a one on one debate. Only Angus has real jury trial experience, only Angus has kept a budget and only Angus promises to keep an experienced core of prosecutors and civil attorneys on staff. Dano wants to fire the most experienced ones so he can sell his illusion to the fools. This county cannot afford another bad manager. Ask Dano if he has a client right now that is suing the county. Ask Dano if he represented a crooked cop that sued Quincy (and lost)? Ask Dano if "he" has ever taken a felon to trial. He wants to replace Ed Owens who has nearly 20 years convicting felons with Alan White who has virtually none. And ask Dano about the money. \$86,000. Ask him about the PAC group out of Seattle.

Angus is supported by all three county commissioners, the Grant County Sheriff and other very experienced folks who love this county and know a good man when they see one.

Amused - at 5:41 pm Oct 15, 2014

So, let me get this straight. Angus gets a DUI, fails to come to court twice, gets a warrant issued for his arrest, and eventually plea bargains the DUI down to Negligent driving in the first degree and he thinks that some speeding tickets disqualify Garth from being prosecutor? Wow. Just plain, wow.

ken greene - at 12:23 pm Oct 15, 2014

And what was posted on facebook was also pasted in the Washington court system before facebook.

ken greene - at 12:20 pm Oct 15, 2014

Listen up children: it's okay to speed as long as you pay the fine.

ken greene - at 12:05 pm Oct 15, 2014

Well it's obvious now Dano can run for Sherfff. Day or night.

Ken Greene (Owner True Step Shoe Repair)

Chatty - at 11:44 am Oct 15, 2014

Can we add some mileage statistics to this report? When a person drives all over the state, at different times of the day or night, this might shed a different perspective on this article. The CBH needs to do a little investigating rather than just posting what is on facebook.

applecore - at 4:42 pm Oct 15, 2014

Are we saying it's OK to speed and drive reckless or without a valid license if it's done somewhere else in the state? Looks like the CBH had the facts. Good grief, 17 speeding tickets in 9 years. Now that's what could be considered a serious lack of regard for the law. Arrogance in the extreme.

ken greene - at 10:59 am Oct 15, 2014

If Dano is so concerned about the over crowded civil courts then why doesn't he do his part to be a part of the solution instead of part of the problem. Speed kills, maims and destroys property. While some poor cop has to deal with Dano some other victim may really be very much in need. People who really care don't speed like serial offenders. And no seat belt?! Give me a break. And the money keeps coming in. And chasing down a speeder; maybe the speeder thought you were chasing her!

Ken Greene (owner True Step Shoe Repair)



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

**IN THE MATTER OF THE
INVESTIGATION OF**

**Grant County Concerned Voters
(Ken Greene & Jerry Moberg)**

Respondent.

PDC CASE 2138

SUBPOENA DUCES TECUM

To: Ken Greene, c/o of Francis Floyd, Floyd, Pflueger & Ringer, 200 West Thomas Street, Suite 500, Seattle, WA 98119-4296


IN THE NAME OF THE STATE OF WASHINGTON, and under the authority of RCW 42.17A.110 and Washington Administrative Code 390-37-063, you are hereby required to provide printed copies of the following records:


- A copy of the front and back of the \$4,000.00 check, wire transfer documentation, or other financial instrument that was credited to Ken Greene's Banner Bank account (formerly American West Bank) on October 1, 2014, that is identified as a deposit on the attached Page 5 from Mr. Greene's bank statement, that was previously submitted to the Public Disclosure Commission on September 13, 2016.
- You are hereby required to deliver the requested document by Friday, January 6, 2017 to the offices of the Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, Washington 98504-0908.

In the event of your unexcused failure to comply with this subpoena duces tecum, the undersigned will apply to the Superior Court for an appropriate order or other remedy.

Dated this 21st day of December, 2016.

FOR THE PUBLIC DISCLOSURE COMMISSION


Evelyn Fielding Lopez, Executive Director

10/8/14	POS Payment CHEVRON 00091405 EPHRATA WA #8547		-\$38.95	\$793.76
10/8/14	POS Payment CWHS CAFETERIA WENATCHEE WA #8547		-\$3.15	\$832.71
10/7/14	POS Payment AMAZON VIDEO ON DEMAN 866-216-1072 W...		-\$3.23	\$835.86
10/6/14	Internet Trf W/D		-\$112.00	\$839.09
10/6/14	POS Payment CHEVRON 00091405 EPHRATA WA #8547		-\$33.91	\$951.09
10/6/14	POS Payment AMAZON VIDEO ON DEMAN 866-216-1072 W...		-\$4.31	\$985.00
10/6/14	Credit Dep Correct.		\$24.97	\$989.31
10/6/14	Deposit		\$574.16	\$964.34
10/3/14	ACH Payment Borns Group PAYMENTS		-\$3,872.10	\$390.18
10/3/14	POS Payment OREGON LEATHER COMPAN 503-2284105 OR...		-\$25.00	\$4,262.28
10/3/14	POS Payment OREGON LEATHER COMPAN 503-2284105 OR...		-\$46.98	\$4,287.28
10/2/14	POS Payment RITE AID CORP. EPHRATA WA #8547		-\$48.00	\$4,334.26
10/1/14	ACH Payment STATE FARM RO 27 SFPP		-\$103.83	\$4,382.26
10/1/14	Deposit		\$399.02	\$4,486.09
10/1/14	Deposit		\$4,000.00	\$4,087.07
9/30/14	POS Payment AMAZON VIDEO ON DEMAN 866-216-1072 W...		-\$2.15	\$87.07
9/30/14	POS Payment AMAZON VIDEO ON DEMAN 866-216-1072 W...		-\$2.15	\$89.22
9/29/14	Internet Trf W/D		-\$15.00	\$91.37
9/29/14	ATM Withdrawal 447 BASIN ST SW EPHRATA WA #8547		-\$40.00	\$106.37
9/29/14	POS Payment RITE AID CORP. EPHRATA WA #8547		-\$15.00	\$146.37
9/26/14	POS Payment PHO SAIGON VIETNAMESE MOSES LAKE WA...		-\$18.88	\$161.37
9/25/14	Service Charge		-\$12.00	\$180.25
9/25/14	Accr Earning Pymt Added to Account		\$0.02	\$192.25
9/25/14	POS Payment OREGON LEATHER COMPAN PORTLAND OR...		-\$100.00	\$192.23
9/25/14	POS Payment EPHRATA ACE HARDWARE EPHRATA WA #8547		-\$18.33	\$292.23
9/23/14	POS Payment AMAZON VIDEO ON DEMAN 866-216-1072 W...		-\$2.15	\$310.56
9/23/14	Deposit		\$225.58	\$312.71
9/18/14	POS Payment SAFEWAY FUEL 1001544 EPHRATA WA		-\$41.19	\$87.13



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

December 19, 2014

mark@northcreeklaw.com

Lucy DeYoung
c/o Mark C. Lamb
12900 NE 180th Street, Suite 235
Bothell, WA 98011

Subject: Final Order, Lucy DeYoung, PDC Case No. 14-008

Dear Mr. Lamb:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case No. 14-008. Also enclosed is a copy of the Stipulation and information about appeals and enforcement of final orders. Please note that the Final Order amends the Stipulation. PDC staff received the required C-6 filed by Ms. DeYoung on December 5, 2014. Thank you for your cooperation throughout this process.

If you have questions, please contact me at (360) 664-8853; toll free at (877) 601-2828 or by email at phil.stutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Director of Compliance

Enclosure – Stipulation and Information about appeals and enforcement of final orders

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4
5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 IN RE COMPLIANCE WITH RCW 42.17A:

PDC CASE NO. 14-008

FINAL ORDER

8 Lucy DeYoung

9 Respondent.
10
11

12 This matter came before the Washington State Public Disclosure Commission (PDC)
13 on December 4, 2014 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.
14 Those present included Grant Degginger, Chair; Katrina Asay, Vice Chair; Amit Ranade,
15 Member; and Kathy Turner, Member. In attendance were Andrea McNamara Doyle, PDC
16 Executive Director; Tony Perkins, Acting Assistant Director; Assistant Attorney General Linda
17 Dalton serving as counsel for PDC staff; Assistant Attorney General Callie Castillo serving as
18 counsel for the Commission; and Jana Greer as recorder/reporter of the proceeding. Lucy
19 DeYoung was present and represented by attorney Mark Lamb. Mr. Lamb addressed the
20 Commission. The proceeding was open to the public and recorded.

21 This case concerns allegations that the Respondent violated: (A) RCW 42.17A.255 by
22 failing to file a report of Independent Expenditures (C-6 report) disclosing approximately
23 \$2,905 for a postcard presented to the public on August 29, 2013 opposing Bernie Talmas, a
24 Woodinville City Council candidate, running for re-election in the November 5, 2013 general
25 election; (B) RCW 42.17A.255 by failing to timely file a C-6 report of Independent
26 Expenditures disclosing \$298 for advocacy phone calls opposing Mr. Talmas that were

presented to the public on October 21, 2013 at a cost of \$298; (C) RCW 42.17A.305 by failing to timely file a C-6 report of Electioneering Communications disclosing \$11,740 for direct mail postcards opposing Mr. Talmas; (D) RCW 42.17A.320 by using the assumed name "Ethical Woodinville" as the sponsor of Independent Expenditure Political Advertising, and failing to include the name of the actual sponsor, Lucy DeYoung, and the required language, "No candidate authorized this ad. It is paid for by (name, address, city, state);" and (E) RCW 42.17A.435 by incurring expenditures in a manner to conceal the Respondent's identity as the sponsor of Electioneering Communications and Independent Expenditure Political Advertising totaling approximately \$14,973 for direct mail and advocacy phone calls opposing Mr. Talmas.

The Commission was provided with a Report of Investigation dated November 25, 2014 (and exhibits); a Notice of Administrative Charges dated November 25, 2014; and a staff memo dated November 25, 2014.

Stipulation

The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty (Stipulation). Mr. Perkins summarized the Stipulation and comparable cases, and asked the Commission to accept the Stipulation. Mr. Lamb urged the Commission to accept the Stipulation.

After deliberating, the Commission voted 4-0 to accept the Stipulation as to Facts, Violations, and Penalty with the following amendment adding a third condition to the penalty section of the Stipulation: the suspended portion of the penalty is also conditioned on the Respondent filing a C-6 report of Independent Expenditures by Friday, December 5, 2014, disclosing the expenditures for a postcard presented to the public on August 29, 2013 opposing Bernie Talmas. The parties accepted the Commission's amendment to the Stipulation.

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I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the Stipulation, as amended, which is hereby attached and incorporated by reference, the Commission finds and concludes:

1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in the Stipulation.
2. Respondent committed violations of RCW 42.17A.255, RCW 42.17A.305, RCW 42.17A.320 and RCW 42.17A.435 as provided in the Stipulation.
3. A civil penalty of \$40,000 with \$30,000 suspended on the conditions enumerated below is an appropriate resolution of this matter with respect to the Respondent.

II. ORDER

Based upon the findings and conclusions, the Commission orders that the amended Stipulation is accepted, in which the Respondent Lucy DeYoung agrees to pay a civil penalty of \$40,000. Under the terms of the stipulation, \$30,000 of the total penalty amount is suspended based on Respondent's compliance with the following conditions:

1. Respondent is not found to have committed further violations of RCW 42.17A within four years from the date of the Commission's Final Order in this matter;
2. Respondent pays the non-suspended portion of the penalty (\$10,000) within 30 days from the date of entry of the Commission's Final Order in this matter; and
3. Respondent files a C-6 report of Independent Expenditures by Friday, December 5, 2014, disclosing the expenditures for a postcard presented to the public on August 29, 2013 opposing Bernie Talmas.

1 In the event Respondent fails to meet any of the conditions of the amended stipulation, under
2 the terms of the amended stipulation the suspended portion of the penalty (\$30,000) shall
3 become due without any further intervention of the Commission.

4 The Executive Director is authorized to enter this order on behalf of the Commission.

5
6 So ORDERED this 19th day of December, 2014.

7 WASHINGTON STATE PUBLIC
8 DISCLOSURE COMMISSION

9 FOR THE COMMISSION:

10 
11 Andrea McNamara Doyle
Executive Director

12 **ATTACHMENTS**

- 13 (1) Stipulation as to Facts, Violation, and Penalty
14 (2) Appeals and Enforcement of Final Orders

15 *Copy of this Order sent to:*

16 Lucy DeYoung
17 C/O Mark C. Lamb
12900 NE 180th Street, Suite 235
Bothell, WA 98011

18 I, Jacob Berkeley, certify that I mailed a copy
19 of this order to the Respondent/Applicant at his/her
20 respective address postage pre-paid on the date stated
21 herein.

EMAIL

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action
Against:

Lucy DeYoung

Respondents.

Case No. 14-008

**STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY**

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Lucy DeYoung, through her counsel Mark Lamb, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

JURISDICTION

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance and disclosure laws; RCW 34.05, the Administrative Procedure Act; and WAC 390.

FACTS

1. During 2013, Bernie Talmas served as Mayor of the City of Woodinville. On March 28, 2013, Mr. Talmas filed a Candidate Registration (C-1 report) registering his candidacy for re-election to the Woodinville City Council in the November 5, 2013 general election.
2. The Woodinville City Council was considering legislation to change its Council Ethics and Rules of Procedures at its June 18, 2013, July 2, 2013, July 16, 2013, September 24, 2013, and October 22, 2013 meetings. Ms. DeYoung states that she desired to influence that legislation by sending out mailings and phone calls to have the Council adopt strengthened Council Ethics and Rules of Procedures. She states that she sent out information to influence

Mayor Talmas to put the issue on the Council Agenda and to vote for improved Council Ethics and Rules of Procedures

Direct Mail Postcards and Automated Calls

3. Between August 29, 2013 and October 21, 2013, Lucy DeYoung sponsored \$14,973 in Independent Expenditure political advertising automated phone calls and direct mail postcard Electioneering Communications opposing Bernie Talmas, a Woodinville City Council candidate, running for re-election in the November 5, 2013 general election. Five direct mail postcards were presented to the public on August 29, 2013, September 9, 2013, September 23, 2013, October 7, 2013, and October 18, 2013, each costing approximately \$2,935.05. Automated phone calls were presented to the public on October 21, 2013 at a cost of \$298.
4. Ms. DeYoung's direct mail postcards and automated telephone calls attacked the character and campaign tactics of Mr. Talmas, making the communications subject to only one reasonable interpretation: an exhortation to vote against Mr. Talmas.
5. Lucy DeYoung presented an Independent Expenditure direct mail postcard to the public on August 29, 2013 opposing Mr. Talmas. The postcard had a value of \$2,905. Ms. DeYoung was required to file a C-6 report disclosing the Independent Expenditure postcard by September 3, 2013. She failed to file the C-6 report.
6. Lucy DeYoung presented four Electioneering Communication direct mail postcards to the public on September 9, 2013, September 23, 2013, October 7, 2013, and October 18, 2013. Each of the postcards cost \$2,935.05, for a total cost of \$11,740. Ms. DeYoung was required to report the Electioneering Communications by electronically filing C-6 reports on September 10, September 24, October 8, and October 21, 2013. The communications were reported from 109 to 150 days late on February 7, 2014, by facsimile. A C-6 report for these four expenditures was re-filed electronically on March 4, 2014, as required.
7. Lucy DeYoung was required to file a C-6 report of Independent Expenditures by October 28, 2013 for the automated telephone calls presented to the public on October 21, 2013. She filed the C-6 report on February 7, 2014, 105 days late, by facsimile. She re-filed the C-6 report electronically on March 4, 2014.

Sponsor Identification for Direct Mail Postcards/Automated Calls

8. None of Ms. DeYoung's Electioneering Communication postcards, her Independent Expenditure political advertising postcard, or her Independent Expenditure political advertising telephone calls included a statement of sponsor identification taking the form, *"No candidate authorized this ad. It is paid for by (name, address, city, state)."* Rather, the postcards identified Ethical Woodinville with a web address and a rented UPS mailing address. The telephone calls identified Ethical Woodinville with a web address and telephone number. None of the communications identified Ms. DeYoung as their sponsor.

Concealment of Expenditures for Direct Mail and Advocacy Phone Calls

9. Ethical Woodinville is not a registered political committee nor a separate legal entity of any kind. It is an assumed name created by agents of Lucy DeYoung for the purpose of sponsoring various forms of election-related communications. All communications attributed to Ethical Woodinville were funded and ultimately approved by Ms. DeYoung.
10. Despite media attention seeking the identity of the person or persons responsible for the communications attributed to Ethical Woodinville, during the weeks leading up to the 2013 general election, Ms. DeYoung failed to identify herself as the sponsor of the communications. Inquiries from the media went unanswered, or were met with responses that did not identify Ms. DeYoung.
11. On October 2, 2013, PDC staff mailed notification of a complaint filed by Susan Boundy-Sanders to the address listed in the Ethical Woodinville communications. Ms. DeYoung did not submit any disclosure filings in response to staff's letter, and did not contact PDC staff or provide any other response.
12. On December 4, 2013, PDC staff mailed a letter to the address listed in the Ethical Woodinville communications, containing notification that staff would conduct a formal investigation of Ms. Boundy-Sanders' complaint. In an email received on December 20, 2013, an unidentified person acknowledged receipt of staff's December 4, 2014 letter. Lucy DeYoung was not identified in the email as the sponsor of the Ethical Woodinville communications.

13. The first notification the public received of Ms. DeYoung's sponsorship of the Ethical Woodinville communications was in an L-6 report of Grass Roots Lobbying activity she submitted to the Public Disclosure Commission on January 10, 2014, more than two months after the 2013 general election.
14. Ms. DeYoung states that at all times, she believed that her actions were lawful. She states that she expended considerable resources to secure the advice of legal and political professionals whom she believed were well versed in campaign finance laws and would ensure that all communications complied with disclosure requirements. She states that her only desire was to send out communications to influence the Woodinville City Council to adopt an ethics ordinance to prevent bullying and abusive behavior by members of the council. When it was brought to her attention that their advice may have been erroneous, Ms. DeYoung acted to report all activity to the PDC through her new counsel, though her disclosures were untimely, and were made following the 2013 election.

STATUTORY AND RULE AUTHORITY

RCW 42.17A.005(19)(a) defines "Electioneering communication" to mean any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that: (i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name; (ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and (iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

RCW 42.17A.005(36) defines "Political advertising" to include any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

RCW 42.17.005(26) states, (26) "Independent expenditure" means an expenditure that has each of the following elements:

- (a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (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 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;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of *eight hundred dollars or more.¹ A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

Washington State Supreme Court's ruling in *Washington State Republican Party v. Public Disclosure Commission*, 141 Wn.2d245 (2000) (WSRP). (Excerpt) The Court ... stated, in defining "express" advocacy, that when an ad "is unmistakable and unambiguous in its meaning, and presents a clear plea for the listener to take action to defeat[a] candidate," it is "express" advocacy. *Id.* At 273. The Supreme Court held as "important" that if, in an ad, "a candidate's character and campaign tactics are attacked, the ad may be subject to only one reasonable interpretation: an exhortation to vote against the candidate." *Id.* At 270. In contrast, the Court described "issue" advocacy as advocacy that "intend[s] to inform the public about political issues germane to [an] election." *Id.* At 272. (This paragraph is from the meeting materials for the January 26, 2012 Commission Meeting, on page 122 of 312.)

RCW 42.17A.255 states: (1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.220, 42.17A.235, and 42.17A.240. ... (2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

RCW 42.17A.305 requires that the sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published, and include: (a) Name and address of the sponsor; (b) Source of funds for the communication, (c) Name and address of the person to whom an electioneering communication related expenditure was made; (d) A detailed description of each expenditure

¹ Per WAC 390-05-400, in 2013 this dollar amount was set at \$900.

of more than one hundred dollars; (e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published; (f) The amount of the expenditure; and (g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate.

RCW 42.17A.320 requires (1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

(2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication:

(a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)"; ...

RCW 42.17A.435 states that no contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

VIOLATIONS

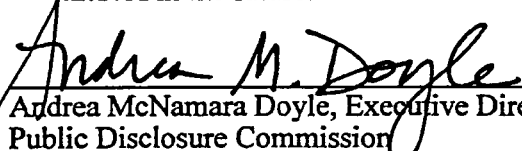
15. Based on the Stipulation of Facts set forth above, Lucy DeYoung violated RCW 42.17A as follows:

- A. RCW 42.17A.255 by failing to file a C-6 report of Independent Expenditures disclosing approximately \$2,905 for a postcard presented to the public on August 29, 2013 opposing Bernie Talmas, a Woodinville City Council candidate, running for re-election in the November 5, 2013 general election. The Independent Expenditure Political Advertising has not been disclosed on the C-6 report.

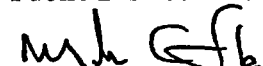
- B. RCW 42.17A.255 by failing to timely file a C-6 report of Independent Expenditures disclosing \$298 for advocacy phone calls opposing Mr. Talmas that were presented to the public on October 21, 2013.
- C. RCW 42.17A.305 by failing to timely file a C-6 report of Electioneering Communications disclosing \$11,740 for direct mail postcards opposing Mr. Talmas.
- D. RCW 42.17A.320 by using the assumed name "Ethical Woodinville" as the sponsor of Independent Expenditure Political Advertising, by failing to include the name of the actual sponsor in the communications, and the required language, *"No candidate authorized this ad. It is paid for by (name, address, city, state)."*
- E. RCW 42.17A.435 by making approximately \$14,973 in expenditures for Electioneering Communications and Independent Expenditure Political Advertising opposing Mr. Talmas in a manner that concealed her identity as the sponsor of the communications.

PENALTY

16. Based upon the Stipulation of Facts and Violations set forth above, Respondent Lucy DeYoung agrees to pay a total civil penalty of \$40,000 with \$30,000 suspended on the following conditions:
- a. Lucy DeYoung is not found to have committed any violations of RCW 42.17A within four years of the date of the final order in this matter.
 - b. Ms. DeYoung pays the non-suspended portion of the penalty (\$10,000) within 30 days of the date of the final order.
17. Ms. DeYoung affirms her intention to comply in good faith with the provisions of RCW 42.17A in the future.


Andrea McNamara Doyle, Executive Director
Public Disclosure Commission

12/3/14
Date Signed


Mark Lamb, Counsel for Lucy DeYoung

12-3-14
Date Signed

INFORMATION ABOUT APPEALS AND ENFORCEMENT OF FINAL ORDERS

APPEALS

RECONSIDERATION OF FINAL ORDER – BY THE COMMISSION

Any party may ask the Commission to **reconsider** a final order. Parties seeking reconsideration must:

- Make the request in writing;
- Include the specific grounds or reasons for the request; and
- Deliver the request to the PDC office so it is received within **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order upon the party. *WAC 390-37-150*. (Note that the date of service by the Commission on a party is considered the date of mailing by U.S. mail if the order is mailed, or the date received if the order is personally served. RCW 34.05.010(19). The Commission orders are generally mailed via U.S. mail.)

Within twenty (20) business days after the petition for reconsideration is filed, the Commission may either act on the petition or notify the parties in writing of the date by which it will act. If neither of these events happens within twenty business days, the Commission is deemed to have denied the petition for reconsideration. *WAC 390-37-150*.

A Respondent is not required to ask the Commission to reconsider a final order before seeking judicial review by a superior court. *RCW 34.05.470(5)*.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A final order issued by the Public Disclosure Commission is subject to **judicial review** under the Administrative Procedure Act (APA), chapter 34.05 RCW. *RCW 42.17A.755*. The procedures are provided in the APA at RCW 34.05.510 - .574.

ENFORCEMENT OF FINAL ORDERS

If **enforcement** of a final order is required, the Commission may seek to enforce a final order in superior court under RCW 42.17A.755 - .760, and recover legal costs and attorney's fees if a penalty remains unpaid and no petition for judicial review has been filed. This action will be taken without further order by the Commission.

Penalty Paid

Ethical Woodinville/Lucy DeYoung

PDC Case No. 14-008

\$10,000.00

Check No. 6710

1/2/2015

ja