

Public Disclosure Commission
711 CAPITOL WAY #206
PO BOX 40908
OLYMPIA, WA 98504-0908

RECEIVED
AUG 27 2010
Public Disclosure Commission

August 27, 2010

To Whom It May Concern:

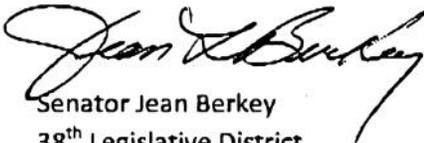
Please find enclosed a packet of documents that substantiate my complaint against Moxie Media, Cut Taxes PAC, and Conservative PAC. During the course of the campaign for the Primary election in the 38th Legislative District Senate race these three groups have conspired to funnel money with the purpose of concealing the funding source for political advertisements aimed at forcing me out of the election during the Primary thinking that their favored candidate would have an easier race in the General election.

Moxie Media is the consulting group that has coordinated the State Labor Council's attacks against me in this race, all of which came from the political left. After the Labor Council's PAC, Stand Up For Citizens, paid for polling research, a Moxie Media employee created the Cut Taxes PAC. Moxie Media then paid for the hit pieces, on behalf of Cut Taxes, that I am now filing this complaint about, which attacked me from the political right. The mailers were sent to likely Republican voters who had yet to vote in the final week of the Primary election. The first returns showed me significantly ahead of my opponent to the right, but the later returns, consisting of ballots the auditor received after the initial counts, became progressively worse in favor of my conservative opponent. This shows a strong correlation to the timing of the mailers and the votes counted in the later returns.

Moxie Media itself is not mentioned on the mailers, while the Cut Taxes PAC and another recently created PAC, the Conservative PAC, do appear on the mailer. The problem is that neither of those PACs has filed any reports with the PDC; neither has received any contributions; and neither has made any expenditures. By all appearances, those PACs are simply a shell game that Moxie Media is using to hide their efforts to unseat me on behalf of the groups behind Stand Up For Citizens. I believe this is a clear violation of RCW 42.17.120, which makes it illegal to use any means to hide the funding source of political advertisements, and was drafted for situations just like this.

I am asking the Public Disclosure Commission to investigate these PACs and Moxie Media to get to the root of this situation. I am aware that your Commission meeting for August has already passed, but because the deception perpetrated by these organizations likely had a material effect on the Senate race in the 38th Legislative District, I am requesting that you hold an emergency meeting to review and act on my complaint.

Sincerely,



Senator Jean Berkey
38th Legislative District
(425) 418-7810

AUG 27 2010

Office Use Only: No. _____

Public Disclosure Commission



**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
COMPLAINT FORM**

(See instructions on the last page.)

Description of Complaint

1. RESPONDENT:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

Example #1: Joe Public, Mayor of My Town,

123 Main Street, Your Town, State, Phone: 555-123-4567, Email: unknown

Example #2: The Political Action Group (instead of P.A.G.), 123 Main Street, Your Town, State,

Phone: 555-123-4567, Email: pag@pag.org

Moxie Media	Cut Taxes PAC	Conservative PAC
PO Box 30084	PO BOX 253	PO BOX 2154
Seattle, WA 98113	Everett, WA 98206	Seattle, WA 98111

2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17 or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed.

Moxie Media violated RCW 42.17.120 in that during the final week of voting during the
Primary election in 2010, Moxie Media likely conspired with opponents of Senator Jean
Berkey to funnel contributions through new PACs to attack Senator Berkey without
disclosing the actual groups who paid for the mailing pieces. Cut Taxes PAC has yet to
show any contributions or any expenditures, only showing a partial debt, which one
assumes is for the mailer. Similarly, Conservative PAC, one of the ostensible supporters of
the mailers, has not reported whatever aid it received through Moxie Media.

Evidence and Witnesses

3. EVIDENCE:

List the documents or other evidence you have that support your complaint, if any, and attach copies to this form. If you do not have copies, provide any information you have about where you believe the documents or evidence can be found and how to obtain it. Attach additional pages if needed.

Example: Emails between Joe public and Candidate X, attached OR

Joe Public has emails from Candidate X which describe an illegal campaign donation, and Joe Public's phone number is 555-123-4567.

- PDC Disclosure forms for the mailer in question showing that Moxie Media paid for the hit piece under Cut Taxes PAC, attached
- PDC Disclosure forms that show that Stand Up For Citizens, also represented by Moxie Media paid for "research" (polling) 2 weeks prior to the hit piece from Cut Taxes, attached
- A screen shot from the PDC's website showing that Cut Taxes PAC has received no money, and only carries a debt of \$4,764, attached
- An article from the Everett Herald in which the reporter investigated these allegations and came to the conclusion that it was Moxie Media who funded the piece, attached
- Copies of the mailer in question, attached

4. WITNESSES:

List the names and contact information, if known, of any witnesses or other persons who have knowledge of facts that support your complaint. Attach additional pages if needed.

Example: Jane Public was present when Candidate X spoke to me about the illegal contribution. Jane Public's address is 123 Main Street, Your Town, USA 12345, and her phone number is 555-123-4567.

- Jerry Cornfield, reporter at the Everett Herald, author of the article attached as evidence, 360-352-8623
- Senator Jean Berkey, 425-418-7810
- Nick Harper, 206-306-6451
- Principals of Cut Taxes PAC
- Principals of Conservative PAC
- Principals of Moxie Media

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Certification Public Disclosure Commission

In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will promptly update that information if it changes.

Your name (print or type) Jean L. Berkeley

Street address 2503 60th Street SE

City, state and zip code Everett, WA 98203

Telephone number (including area code) 425.355.1775 H, 425.418.7810 cell

E-mail address (optional) jeanberkeley@comcast.net

Oath

Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature Jean L. Berkeley

Date signed 8-27-10

Place signed (city and county)

Everett Snohomish

City

County

Attachments

Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

*RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."