

RECEIVED

SEP 21 2011

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

Phil Barberg, 4917 Evergreen Way #283, Everett, WA 98203-2828 Tel 425-259-3974

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.

Regarding the recent TV ads against the Liquor Initiative by public officials/employees I have observed Sheriff/Police ads where they are wearing their public uniforms and using public police vehicle/s (with blue lights) in the background.

These are items paid for with public funds and should not be used in promoting an opinion on an initiative. They make their opinion appear to be that of their departments and not a personal opinion.

The TV ads are being run on the local Seattle TV stations.

BARBERG PAGE 1 OF 3

PDC Exhibit # 1
Page 1 of 3

RECEIVED

SEP 21 2011

Evidence and Witnesses

Public Disclosure Commission

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.

The ads are being run on local Seattle TV stations on a regular basis.

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.

Witnessed by many thousands of the voters of the state who watch local TV stations.

BARBERG PAGE 2 OF 3

PDC Exhibit # 1
Page 2 of 3

RECEIVED

SEP 21 2011

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) Phil Barberg

Street address 4917 Evergreen Way #283

City, state and zip code Everett, WA 98203-2828

Telephone number (including area code) 425-259-3974

E-mail address (optional) philbarberg@yahoo.com

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 *Phil Barberg*

Date signed 9/21/2011

Place signed (city and county)

Everett Snohomish County

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."

BARBERG PAGE 3 OF 3

PDC Exhibit # 1
Page 3 of 3

RECEIVED

OCT 10 2011

Public Disclosure Commission

FAX

**WASHINGTON STATE PUBLIC DISCLOSURE
COMMISSION**

ATT: RANDY

FROM: PHIL BARBERG

RE: CORRECTED COMPALINT FORM

RECEIVED

OCT 10 2011

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

Mark Nelson, Sheriff, Cowlitz County, Washington

Robert (Bob) Heuer, Chief of Police, Castle Rock, Washington

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.

Regarding the recent TV ads against the Liquor Initiative by public officials/employees I have observed Sheriff/Police ads where they are wearing their public uniforms and using public police vehicle/s (with blue lights) in the background.

These are items paid for with public funds and should not be used in promoting an opinion on an initiative. They make their opinion appear to be that of their departments and not a personal opinion.

The TV ads are being run on the local Seattle TV stations.

RECEIVED

OCT 10 2011

Public Disclosure Commission

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.

The ads are being run on local Seattle TV stations on a regular basis.

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.*

Witnessed by many thousands of the voters of the state who watch local TV stations.

RECEIVED

OCT 10 2011

Public Disclosure Commission

Certification

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) Phil Barberg

Street address 4917 Evergreen Way #283

City, state and zip code Everett, WA 98203-2828

Telephone number (including area code) 425-259-3974

E-mail address (optional) philbarberg@yahoo.com

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 

Date signed 9/21/2011

Place signed (city and county)

Everett Snohomish County

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."



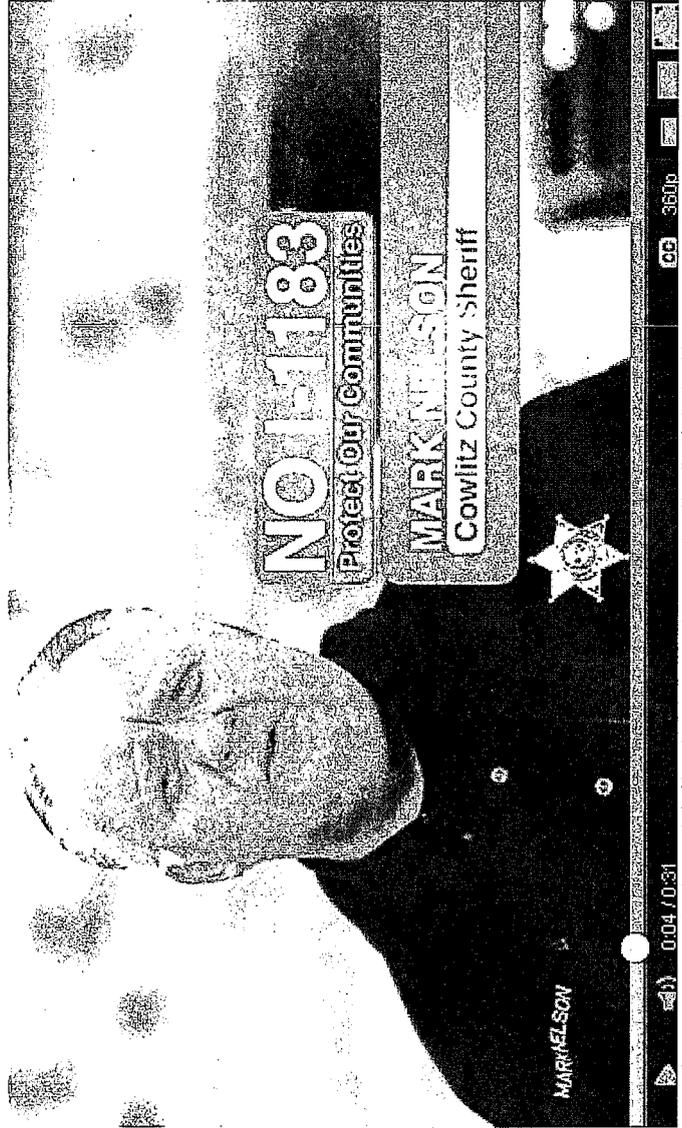
Across Washington Public Safety Officials Oppose I-1183

VoteInitiative1183

Subscribe

12 videos

[Browse](#) [Movies](#) [Upload](#) [Create Account](#) [Sign In](#)



- ...and I'm a Mormon
by Mormon
550,926 views Promoted Video
1:59
- Looked into the facts...
by VoteInitiative1183
2,124 views
0:31
- 1-1183 Minimart Exemption Creates Huge
by VoteInitiative1183
2,793 views
0:31
- Make the responsible choice: Vote No on I-
by VoteInitiative1183
5,845 views
0:31
- The Consequences Will Last a Lifetime: Vote
by VoteInitiative1183

Done

October 26, 2011

Mr. Philip Stutzman
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908
Attn: Randy Unruh

Re: PDC Case No. 12-122

Dear Mr. Stutzman,

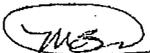
This letter is in response to your letter dated October 12, 2011 regarding a complaint received from Mr. Phil Barberg, alleging a violation of RCW 42.17.130. Having reviewed this RCW, I believe I may have, in fact, violated this statute.

In mid-August I was asked to participate in a video recorded message opposing the Privatized Liquor Sales initiative. Being a former D.A.R.E. officer, and believing that any increase in alcohol sales also increases accessibility to kids, as well as other alcohol-related social issues, I agreed. On August 30, 2011, I took personal time during this meeting and participated in the video recording.

In specific response:

- 1) The jacket that I wore is a personally owned jacket that I occasionally wear in or out of uniform.
- 2) The badge I wore is one of several Sheriff's badges from a personal collection of badges which I wear on/off-duty. I do not always wear the same badge. (Many of the badges belonged to, and were worn by my late father, retired Cowlitz County Sheriff Les Nelson.)
- 3) I was working on the day of the filming, and I drove my unmarked patrol vehicle to the area where the filming was being done and watched. I met the director/producer who said that they wanted to move to a different location for filming, so I suggested a nearby cemetery be used as the background. The director liked the idea and since all their vehicles were tied up tearing down and loading their equipment, I drove the

Mark S. Nelson, 4139 Poplar Way, Longview, WA 98632



director to the cemetery, a distance of about a mile or so. I signed off the air on personal time.

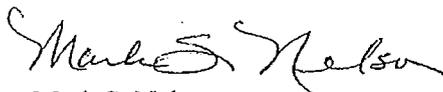
- 4) I had parked my vehicle nearby on a small, gravel drive within the cemetery. The film crew/director asked me to turn on the emergency lights on my vehicle to have in the background, and I agreed. They adjusted their cameras to have the vehicle lights in the background and shot the video.
- 5) I made every effort to keep any exposure of anything "official" at an absolute minimum.

After reviewing the RCW sent to me by your office, I realize I was not fully aware of the specifics of the law and this was likely a violation. I respectfully offer my sincere apology for the appearance of, or actual impropriety.

Knowing that this crew had done other filming on this project, I expected that they would be equipped with whatever props or gear that they would need. I trusted that if I (we) were operating outside of legal allowances, the director or producer certainly would know and not do anything that may discredit me or the efforts of the organization she was working with/for.

Any rule violation was unintended. Please know that I make great effort to do nothing which would compromise my reputation, or the integrity or honor of the Cowlitz County Sheriff's Office.

Sincerely,



Mark S. Nelson

Sheriff, Cowlitz County

Attachment: Photo-Private Collection of Sheriff's Badges

request for an unscheduled assignment change.

- 10.4 On or about January 5, employees of this agreement shall receive a uniform and equipment allowance check of six hundred seventy-five dollars (\$675). The purpose of this allowance is to purchase replacement items and maintain such items. The Sheriff shall create and maintain a list of required uniforms and equipment. It will be each member's responsibility to be appropriately dressed in neat and well maintained attire as prescribed by the sheriff.
- 10.5 Uniform and equipment items listed in Appendix B, damaged in the line of duty outside of reasonable wear and tear, will be replaced by the County at no expense to the employee. For members assigned to detectives this shall also include their plain clothes attire.
- 10.6 Employees agree to maintain all clothing, uniforms and equipment in good condition and not subject such items to abuse.
- 10.7 Up to Threat Level IIIA Bulletproof vests and two covers shall be issued and replaced on an "as needed" basis when approved by the Sheriff but no less than every three years up to a cost of Five Hundred Forty Three dollars and Ninety Five cents (\$543.95 per vest and Eighty dollars (\$80.00) per cover, or Purchasing's contract price, whichever is greater. Such issue and/or replacement shall not be at employee expense. Vests and covers that cost in excess of Five Hundred Forty Three dollars and Ninety Five cents (\$543.95) per vest and Eighty dollars (\$80.00) or Purchasing's contract price, whichever is greater, can be obtained, but the excess shall be at the employee's personal expense.
- 10.8 In the event of a dispute concerned with methods, problems, place of purchase, or items of purchase, a committee composed of two members appointed by the Guild and two members appointed by the Employer shall meet and confer and make appropriate recommendations to the Sheriff.
- 10.9 At time of separation from the Sheriff's Office the employee shall return to the Sheriff, all identifying uniforms and equipment except footwear purchased in the last 18 months prior to separation, pursuant to the terms of this article.

ARTICLE 11 - EQUIPMENT

- 11.1 Employees shall not be required to operate unsafe or mechanically unsound equipment.

ARTICLE 12 - DISCHARGE OR SUSPENSION

No employee shall be disciplined or discharged except for just cause. The Sheriff or his designee shall notify the employee and the Guild of his intent to discipline an employee. Provided that employees during their initial probationary period shall not be covered by this article.

ARTICLE 13 - GRIEVANCE PROCEDURE

- 13.1 Any dispute that might arise over the application or interpretation of any article of this agreement shall be handled as follows. Any grievable action or potentially grievable action shall be preceded by a good faith effort on the part of the Guild and the Sheriff to establish

