

RECEIVED

NOV - 7 2011

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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*

Concerned Citizens of Kirkland, a continuing political committee registered in Washington state, and its treasurer, Kenneth Albinger, 11819 103rd Ave NE, Kirkland WA 98034. 425-941-5906, cck@gmail.com, http://concernedcitizensofkirkland.com.

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.

Concerned Citizens of Kirkland (CCK) filed its C1-PC indicating it was using mini-reporting, which limits aggregate contributions from any person to \$500. Based on inspection of campaign books by John Michael Gilday on November 4, 2011 (see photograph of notes made, attached), Kenneth Albinger has made contributions totaling \$1124 to CCK: \$220 by check, \$229 in expenses paid on behalf of CCK, and a \$675 loan. According to RCW 42.17.720(1), this loan, made by an individual, is considered a contribution. This aggregate contribution, more than double the \$500 limit, without previously switching to full reporting, is a violation of WAC 390-16-105(3) and WAC 390-16-125(5). CCK is fully aware of the \$500 limit, as evidenced by this statement of their web site at <http://concernedcitizensofkirkland.com/donate/>: "We can only accept a maximum of \$500 per person".

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.

Personal inspection of campaign books of Concerned Citizens of Kirkland, performed by John Michael Gilday on November 4, 2011. Gilday's notes of the inspection were posted on the Kirkland Views blog on November 4, at http://www.kirklandviews.com/archives/30605/. An annotated copy of Mr. Gilday's notes, identifying the contributions from Kenneth Albinger, is attached. Mr. Gilday lives at 17250 SE 140th St. Renton WA 98509, and his telephone number is 206-633-3332. Also, a copy of CCK's web site page showing their awareness of the \$500 limit is 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.

None.

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Certification

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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) Toby Nixon

Street address 12113 NE 141st Street

City, state and zip code Kirkland WA 98034-1411

Telephone number (including area code) 206-790-6377 (mobile)

E-mail address (optional) toby@tobynixon.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 *Toby L. Nixon*

Date signed November 4, 2011

Place signed (city and county)

Kirkland King

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."