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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

Commissioner James A Fossos, candidate and incumbent South King Fire & Rescue,
position 5

20730 7th Ave S, Des Moines, Washington, 98198

206-824-8537

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.

A. RCW 42.17.060 (4) Candidate Fossos filed with the PDC on two separate occasions form C3 dated 9/12/11 and C3 dated 10/10/11 contributions received from 'Anonymous' in the amounts of \$366.00 and \$226.00 respectively. The campaign for James A Fossos has contributions below \$30,000 resulting in a maximum limit of \$300 for the calendar year 2011. There is no record that the campaign returned the excess to the donor(s) nor was the money escheated to the state as required by this law. Mr. Fossos makes no declaration of Fund-raising activities as defined in RCW 42.17.067.

B. RCW 42.17.080(2c) Expenditures for advertising with the Federal Way Mirror (Sound Publishing) for print advertising and internet advertising were under reported. Actual dates expenditures were made have not been reported (RCW 42.17.090 (1f)) and receipts were

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not provided when records inspection as required by RCW 42.17.080(4) was requested. This is compounded with a violation of RCW 42.17.080(4) by not accurately reflecting expenditures within five business days of expenditure.

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C. RCW 42.17.080(3) Candidate used funds deposited into account under the name Anonymous to hide identity of known contributors who may have used PayPal for these donations and that some of these contributions are alleged to have exceeded the limit of twenty-five dollars in the aggregate from any one person while the name is not listed on any C3 forms filed.

D. RCW 42.17.080(2c) Candidate made expenditures for publishing mailers sent to thousands of voters in the district by United States Postal Service. Actual dates expenditures were made have not been reported (RCW 42.17.090 (1f)) nor were receipts for this expenditure provided for review when records inspection as required by RCW 42.17.080(4) was requested nor has this expenditure been reported to the PDC on any report filed by candidate.

E. RCW 42.17.080(4) by not accurately reflecting expenditures within five business days of expenditure. Signs purchased from The Sign Shop in Tumwater, Washington were purchased and paid for earlier in the campaign year but candidate waited until November 7, 2011 to record or report the expenditure nor have actual dates expenditures were made been reported (RCW 42.17.090 (1f)).

F. RCW 42.17.090 (1f) On November 7, 2011, candidate filed a C3 report with the PDC on which a \$10,360.24 'expenditure' is inappropriately recorded. Line 10 reads "Previous total cash and in kind expenditures (from line 17, last C-4)" and candidate entered \$13,008.24. The last C4 filed by candidate was on November 1, 2011 and showed a "Total Cash and in kind expenditures during campaign" of \$2618.00.

This is clearly in violation of contents of report providing the name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure.

Nowhere in the report or associated schedules is the missing \$10,360.24 identified.

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On many occasions James A. Fossos has vehemently declared that he knows the law. Sadly, if this is to be an accurate statement, then the documents, and the statements of fact those documents represent, which Mr. Fossos has filed with the PDC, are attempts to violate those very laws.

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) Jerry Galland

Street address 4503 South 346th Street

City, state and zip code Auburn, WA 98001

Telephone number (including area code) 253-838-8690

E-mail address (optional) cuttinglight@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 

Date signed November 7, 2011

Place signed (city and county)

Unincorporated King County, Washington State

City

County

Attachments

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

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Whereas: Commissioner James A Fossos is an elected commissioner with South King Fire & Rescue. At the time of this complaint, he has been elected to the position a total of four occasions,

Whereas: Commissioner James A Fossos has on each of those occasions been required by law to submit reports and statements with the Washington State Public Disclosure Commission,

Whereas: Commissioner James A Fossos has been required by law to submit annual financial statements to the Washington State Public Disclosure Commission,

Whereas, Commissioner James A Fossos has failed to file documents as required with the Washington State Public Disclosure Commission, and has willfully and deliberately sought

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to deceive the public and prevent disclosure to the public those records which the public has a legal and lawful right to see,

Commissioner James A Fossos has been an elected public official far too long to plead innocence or ignorance of the law and should be disciplined to the fullest extent possible for his violations of our public disclosure laws.

RCW 42.17.080 - Reporting of contributions and expenditures — Public inspection of accounts. (Effective until January 1, 2012.)

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

Candidate Fossos has not filed proper reports as required by law.

These violations of RCW 42.17 have been going on for over two months and are apparently deliberate misrepresentations of the campaign contributions and expenditures for James A Fossos. James A Fossos obviously places no consideration on the legal requirements of his position and responsibilities. And as an incumbent, he has no basis for pleading innocent of these violations.

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.

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This complaint deals with documents that should have been filed with the Public Disclosure Commission in a timely manner as required by law, RCW 42.17.080(2) (b) "On the tenth day of the first month after the election" These documents do not appear on the PDC website and there is no evidence to show that they have been filed and therefore none are available on the PDC website for Candidate James A Fossos for Fire Commission of South King Fire & Rescue

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.

The witnesses for this complaint are James A Fossos, 20730 7th Ave S, Des Moines, Washington, 98198, phone number 206-824-8537 and each of the documents and reports that his campaign has filed with the Public Disclosure Commission up to the date of this complaint.

On many occasions James A. Fossos has vehemently declared that he knows the law. Sadly, if this is to be an accurate statement, then the documents, and the statements of fact those documents represent, which Mr. Fossos has filed with the PDC, are deliberate and willful actions to violate those very laws.

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Your signature 

Date signed December 14, 2011

Place signed (city and county)

Unincorporated King County, Washington State

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."*