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Sent via email to pdc@pdc.wa.gov

February 20, 2018

Peter Lavallee
Executive Director
Public Disclosure Commission
711 Capitol Way S., #206
PO Box 40908
Olympia, WA 98504-0908

RE: Notice of Violations of RCW 42.17A (Carl Torkelson)
SCBIL File No. 6567-001

Dear Mr. Lavallee:

On behalf of several concerned residents of Selah who have retained our firm to represent them in this matter, we write to notify you that there is good reason to believe several violations of the Fair Campaign Practices Act (“FCPA”), RCW 42.17A *et seq.*, have been committed by Carl Torkelson and/or Torkelson Construction, Inc. (the “Respondents”). We ask that you investigate these claims immediately in order to uphold the principles of transparency and ethical conduct in Washington State elections that are so crucial to the intent of the FCPA.

Statement of Facts

In late July and early August of 2017, Selah area residents began receiving a postcard in their mailboxes asking voters to “Vote NO” on Selah Park and Recreation Service Area Proposition One:

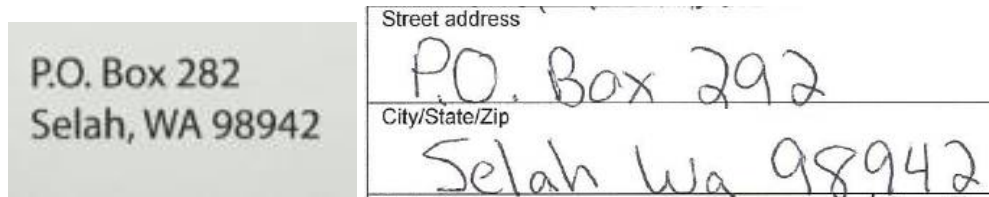


See **Exhibit A**. Notably, the postcard is devoid of sponsor identification or anything indicating the source of the card. The card’s only identifying information was “P.O. Box 282” in Selah.

Follow-up research on the Public Disclosure Commission's ("PDC") website did not reveal the source of this opposition mailing. Furthermore, follow-up inquiries to determine the owner of "P.O. Box 282" did not reveal the source of the card; in fact, the owner of this P.O. Box had nothing to do with the mailing.

In early August, concerned residents reached out to the PDC to determine if the mailing had in fact been reported. On or about August 11, 2017, PDC investigator, Kim Bradford, traced the bulk mail permit on the card to its printer, and contacted the business with a request that it identify its source.

After the PDC contacted the printer (and, notably, *after* the election whereby Proposition One was on the ballot and was defeated¹), Mr. Torkelson then submitted a C-6 form to the PDC reporting this independent expenditure. *See Exhibit B.* The form noted that the expenditure was made on July 20, 2017 and the mailer was first sent out to voters on or about July 22, 2017. The form also listed a different post office box than the one listed on the card:



Compare **Ex. A** and **Ex. B**.

Allegations

- 1) Respondents omitted sponsorship information and correct address information from the mailer (**Ex. A**), in violation of RCW 42.17A.320.
- 2) Respondents filed an untimely C-6 report (**Ex. B**), required by law to be filed with the Public Disclosure Commission, RCW 42.17A.305 and .240.
- 3) Upon information and belief, the amount listed on **Ex. B** is not the true and correct amount spent on the mailer.

¹ Results of the election can be found at: <http://www.yakimacounty.us/ArchiveCenter/ViewFile/Item/1023> (page 3). There were 10,083 voters. "Yes" received 2,010 votes, or 55.85%. "No" received 1,589 votes, or 44.15%. Proposition One needed 60% support in order to pass. Upon information and belief, this mailing—containing inaccurate information that could not be sourced and could not be rebutted absent information about its source—caused Proposition One to fail.

- 4) It is possible that this course of conduct was purposefully undertaken in order to conceal the source of the mailer, and that this course of conduct affected the outcome of the election.
- 5) This course of conduct did in fact cause the public to be deprived of vital information as to the source of the opposition mailer against Proposition One, until after the election.

Conclusion

The laws regulating the reporting of campaign contributions serve a critical role in promoting transparency and ethical conduct in our elections. Respondents' disregard for these laws show an unacceptable lack of commitment to the principles our campaign finance laws uphold. We believe it is urgent that you investigate this issue, as the measure will once again be on the ballot in 2018, and we fear that this issue may reemerge if unaddressed by the PDC.

Please do not hesitate to contact us if you have any questions.

Sincerely,



Laura Ewan

Per WAC 390-37-040(2)(e), the above signature of the complainant hereby certifies under penalty of perjury under the laws of the state of Washington that the information provided with the complaint is true and correct to the best of her knowledge and belief.

Enclosures

Exhibit A

Vote NO to Waste!

Vote NO on Selah Park and Recreation Service Area Proposition One!

A 6.2 million dollar bond has been passed for a two pool operation to be open only nine weeks per year!

The competition pool will primarily be used to serve a private swim club.

The Selah High School swim team will not be able to utilize it as it will only be open during the summer months.

It will cost \$420,000 dollars per year to operate and maintain the aquatic center for nine weeks of operation per year. That works out to \$6,666 dollars per day!

**An average \$250,000 home owner will pay an additional \$145 per year if this levy passes!
This will hit renters as hard as home owners.**

Costs will be passed on.

P.O. Box 282
Selah, WA 98942

PRSR STD
US POSTAGE
PAID
YAKIMA WA
PERMIT #7

ECRWSS

POSTAL CUSTOMER

**Vote NO on Prop 1 and DEMAND
that your elected representatives
stop this economic madness!
Stop the Aquatic Center!**

Local
Postal Customer

Vote NO to Waste!

Vote NO on Selah Park and Recreation Service Area Proposition One!

A 6.2 million dollar bond has been passed for a two pool operation to be open only nine weeks per year!

The competition pool will primarily be used to serve a private swim club.

The Selah High School swim team will not be able to utilize it as it will only be open during the summer months.

It will cost \$420,000 dollars per year to operate and maintain the aquatic center for nine weeks of operation per year. That works out to \$6,666 dollars per day!

If this levy passes and remains in force, residents of the Service Area will pay the following for the next 20 years in support of the Aquatic Center:

- \$.30 cents per thousand dollars of assessed value of pool bond.
- \$.28 cents per thousand dollars of assessed value for the maintenance and operations levy.
- This comes to a total of \$.58 cents per thousand dollars of assessed value.

An average \$250,000 home owner will pay an additional \$145 per year if this levy passes!

This will hit renters as hard as home owners. Costs will be passed on.

Vote NO on Prop 1 and DEMAND that your elected representatives stop this economic madness! Stop the Aquatic Center!

Exhibit B

From: Carl and Candi Torkelson <torkelson@fairpoint.net>
Sent: Wednesday, August 16, 2017 2:27:11 PM
To: Kim Bradford
Subject: RE: C-6 form for campaign flier

Hi Kim,

Thank you for all the information you have supplied. I have attached the completed form C-6. Please let me know if I need to do anything further.

I appreciate all the help that you have given me in this situation.

Carl Torkelson

Torkelson Construction, Inc.

Torkelson Rental Properties

P.O. Box 292

Selah, WA 98942

Office: (509) 697-3305

Cell: (509) 945-0133

Fax: (509) 697-3504



Reporting Form for: (check one)

Instructions on Page 3

- INDEPENDENT EXPENDITURES (Occurring at any time) — \$100 or more
 INDEPENDENT EXPENDITURE ADS (Appearing within 21 days of an election) — \$1,000 or more
 ELECTIONEERING COMMUNICATIONS, Except Contributions (Appearing within 60 days of an election) — \$1,000 or more

1. Name and complete postal mailing address of sponsor:

Torkelson Const Inc
 P.O. Box 292
 Selah Wa 98942

E-mail

Torkelson@Fairpoint.net

Telephone

509-697-3305

2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
7/20/2017	7/22/2017	(Vendor) Print Guys 101 N 3rd Ave Yakima Wa 98902	mailer Ad	\$ 1,000.13

Expenditures \$100 or less not itemized above \$

Total this report		\$ 1,000.13
Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.		\$ 1,000.13

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose		Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
			<input type="checkbox"/>	<input type="checkbox"/>		
Selah Park and Recreation Service Area-			<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
Proposition ONE			<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$	\$ 1,000.13
			<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
			<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
			<input type="checkbox"/>	<input type="checkbox"/>	\$	\$
Continued on attached sheet <input type="checkbox"/>					\$	\$

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

- a) An individual using only personal funds.
- b) An individual using personal funds and/or funds received from others.
- c) A business, union, group, association, organization, or other person using only general treasury funds.
- d) A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) A political committee filing C-3 and C-4 reports. (RCW 42.17A.205 - .240)
- f) A political committee filing C-5 reports. (RCW 42.17A.250)
- g) Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Sub-Total	\$
		Amount from attached pages	\$
		TOTAL FUNDS RECEIVED	\$

Continued on attached sheet

Sponsor of Independent Expenditure or Electioneering Communication

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005. I further certify that the above information is true, complete, and correct to the best of my knowledge.

Signature <i>Carl L Torkelson</i>	Printed Name Carl L Torkelson
Street address P.O. Box 292	
City/State/Zip Selah Wa 98942	
Date Signed 9-16-2017	Place Signed (city and county) Selah Wa Yakima County

*RCW9A.72.040 provides 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."