

1 October 2013

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Public Disclosure Commission

Washington State Public Disclosure Commission  
711 Capitol Way, Room 206  
PO Box 40908  
Olympia, WA 98504-0908

Dear PDC:

Attached please find a complaint against the persons calling themselves "Ethical Woodinville."  
Attachments are included as evidence.

I've received an email thread between Toby Nixon and Kurt Young, taking place over the past few days. Mr. Young's initial thoughts about the EthicalWoodinville.com Web site were, "it is not clear that the content of the information constitutes political advertising since the message is to contact Bernie Talmas about activities that are apparently related to the City Council and Mayor and not discussing a candidate."

We believe that Ethical Woodinville's activities – Web site, robocalls, letter to the editor, and postcards, do indeed fall under RCW 42.17A. Our analysis is documented in Section 2 of the complaint form.

Kind regards,



Susan Boundy-Sanders  
17859 149<sup>th</sup> Ave. NE  
Woodinville, WA  
98072-6202  
425.591.3672

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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*

The persons representing themselves as "Ethical Woodinville"  
14241 NE Woodinville-Duvall Road, PMB 156, Woodinville, WA, 98072  
EthicalWoodinville@hotmail.com  
425.949.6752  
EthicalWoodinville.com (forwards to EthicalWoodinville.blogspot.com)

#### 2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A 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. (Note that the RCW 42.17 citation applies to conduct before 2012 and the RCW 42.17A citation applies to conduct on or after January 1, 2012.)

The paragraphs below provide justification that the persons calling themselves Ethical Woodinville are identifying candidates by name, engaging in political advertising and electioneering communications, and are making campaign expenditures, and therefore are subject to RCW 42.17A.

**Specific violations of the RCW follow.**

Our complaints are that Ethical Woodinville operates anonymously (in fact, has gone to expense to cloak its identity through means such as proxy services and confidentiality agreements) and fails to comply with the registration and reporting requirements of the Revised Code of Washington. Within those overall complaints, we allege violations of specific code sections as listed below.

Ethical Woodinville claims that it is not involving itself in Woodinville's City Council elections; it claims its only goal is stronger ethics rules. We believe this is a disingenuous claim: It attacks candidates Bernie Talmas and Susan Boundy-Sanders

by name and advocates changes to the ethics code that Woodinville's city attorney has publicly stated are prohibited by state law and legal precedent.

Ethical Woodinville's advertising meets the criteria of political advertising in RCW 42.17A.005: its pieces include:

"flyers . . . [and] . . . other means of mass communication, used for the purpose of appealing, directly **or indirectly**, for votes or for financial or other support or opposition in any election campaign." (emphasis added)

Further indication that Ethical Woodinville's activities fall under campaign disclosure laws is found in RCW 42.17A.300:

"(1) The legislature finds that:

(b) **Electioneering communications that identify political candidates** for state, local, or judicial office and that are **distributed sixty days before an election** for those offices **are intended** to influence voters and the outcome of those elections.

(c) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (i) **Source of support or opposition** to those candidates; and (ii) **identity of persons** attempting to influence the outcome of state, local, and judicial candidate elections.

(d) Nondisclosure of financial information about advertising that **masquerades as relating only to issues and not to candidate campaigns fosters corruption** or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising." (emphasis added)

**In summary**, the activities meet the criteria of **political advertising** and **electioneering communications**. Therefore, Ethical Woodinville should register as a **political committee**, **identify** the persons involved, and report its **contributions** and **expenditures**.

This complaint is important because of the significant and apparently deliberate attempts to circumvent public disclosure laws in the 2013 elections.

Its importance is greater because Woodinville has an **18-year history of anonymous political advertising**, always supporting the same faction of candidates. We are asking the PDC to address a substantive, perennial problem in Woodinville's democratic process.

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**RCW 42.17A.205(1):** "Every political committee shall file a statement of organization with the commission . . ."

**Alleged Violation:** Ethical Woodinville has failed to file a C1PC form with the PDC.

**Supporting Evidence:** 3.01

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**RCW 42.17A.205(5):** ". . . the "name" of a sponsored committee must include the name of the person that is the sponsor of the committee. If more than one person meets the definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors"

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**Alleged Violation:** Ethical Woodinville has failed to use the sponsor(s) name(s) in the committee name.

**Supporting Evidence:** Self-evident.

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**RCW 42.17A.320(1):** "All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful."

**Alleged Violation:** Ethical Woodinville has failed to include the sponsor's name in its political advertising and electioneering communications.

**Supporting Evidence:** 3.03, 3.04, 3.05, 3.08, 3.09, 3.10, 3.13

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**RCW 42.17A.235:** The political committee "must file . . . a report of all contributions received and expenditures made . . . on the tenth day of each month."

**Alleged Violation:** Ethical Woodinville has demonstrable expenditures starting no later than August 7, 2013 but as of this writing (September 13, 2013) shows no C4 reports.

**Supporting Evidence:** 3.01

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**RCW 42.17A.320(2):** "(2) . . . all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication: (a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)"

**Alleged Violation:** Ethical Woodinville has failed to state whether it is associated with a candidate or candidate's committee. If not associated, it has failed to include the required disclaimer in its political advertising and electioneering communications.

**Supporting Evidence:** 3.03, 3.04, 3.05, 3.08, 3.09, 3.10, 3.13

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**RCW 42.17A.320(2)(b):** "If the sponsor is a political committee, the statement: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication"

**Alleged Violation:** Ethical Woodinville's political advertising and electioneering communications have failed to list contributors.

**Supporting Evidence:** 3.03, 3.04, 3.05, 3.08, 3.09, 3.10, 3.13

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**Evidence and Witnesses**

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**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.

- Evidence 3.01: Screen shots of pdc.wa.gov, showing absence of Ethical Woodinville from PDC's public database of single year and continuing committees.
- Evidence 3.02: Domain name registration and Whois anonymous proxy services for EthicalWoodinville.com, August 7, 2013
- Evidence 3.03: Web site EthicalWoodinville.com, August 6 2013 to present
- Evidence 3.04: Robocall 1, August 9, 2013 (attached to doc and on CD)
- Evidence 3.05: Robocall 2, August 15, 2013 (attached to doc and on CD)
- Evidence 3.06: Reverse phone lookup results for robocall origination number
- Evidence 3.07: Email correspondence with Ethical Woodinville, August 15-19, 2013
- Evidence 3.08: Postcard 1, August 29, 2013
- Evidence 3.09: Postcard 2, September 10, 2013
- Evidence 3.10: Postcard 3, September 24, 2013
- Evidence 3.11: Mailing house IQ Direct has confidentiality agreement with consultancy representing Ethical Woodinville
- Evidence 3.12: Private mailbox
- Evidence 3.13: Letter to editor, August 2, 2013
- Evidence 3.14: Editor's request that Ethical Woodinville identify themselves, August 9, 2013
- Evidence 3.99: Due diligence to identify persons representing themselves as Ethical Woodinville
- CD containing sound files of robocalls

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**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.

Allen, Candice B	14520 NE 180th St	Woodinville	(425) 483-3338
Boundy-Sanders, Susan Q	17859 149 <sup>th</sup> Ave NE	Woodinville	(425) 591-3672
Montgomery, Nancy M	15019 NE 201 <sup>st</sup> St	Woodinville	(425) 483-1712
Peterson, Sharon	15206 NE 202 <sup>nd</sup> St	Woodinville	(425) 485-6296
Pregler, Arthur G	18402 148 <sup>th</sup> Ave NE	Woodinville	(425) 908-7083
Stecker, Henry L	19026 152nd Ave NE	Woodinville	(425) 483-8804
Taylor, Alfred Herbert	18619 168 <sup>th</sup> Ave NE	Woodinville	(425) 949-5786
Tountas, Peter L	12505 NE 164th St	Woodinville	(425) 488-4424
Waters, Paula	14704 NE 184 <sup>th</sup> Pl	Woodinville	(425) 481-2758
Yabroff, Stephen M	19320 162 <sup>nd</sup> Ave NE	Woodinville	(425) 486-4458

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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) Susan Boundy-SandersStreet address 17859 149<sup>th</sup> Ave. NECity, state and zip code Woodinville, WA 98072Telephone number (including area code) (425) 591-3672E-mail address (optional) sbsand@hotmail.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 *Susan Boundy-Sanders*Date signed 30 September 2013

Place signed (city and county)

Woodinville 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."

**Washington State Public Disclosure Commission  
Instructions for Filing a Formal Complaint**

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**✦ When to use the formal complaint form:**

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While this form is not required, its use is recommended when you want to file formal allegations of a violation of the Public Disclosure Commission (PDC) statutes or rules. You can find the PDC statutes and rules on the PDC website at [www.pdc.wa.gov](http://www.pdc.wa.gov). If you have information or concerns about a possible violation but do not wish to file a complaint, please contact the PDC office directly.

**✦ How to submit your complaint form to the PDC:**

- Complete all sections. If you do not have some information, please write "unknown" instead of leaving a blank space.
- Attach copies of any evidence you have - we'll contact you if we need originals.
- Sign the oath if your complaint is against an elected official or a candidate for elective office.
- Mail, fax, or email your complaint and all attachments to the PDC.

**✦ If you have more questions:**

If you have more questions about filing a complaint, see the "Frequently Asked Questions about Filing a Complaint" guide available on the PDC's website at [www.pdc.wa.gov](http://www.pdc.wa.gov) under "Enforcement and Compliance." You may also contact the PDC directly.

**PDC Contact Information**

**MAILING ADDRESS:** Washington State Public Disclosure Commission  
711 Capitol Way, Room 206  
PO Box 40908  
Olympia, WA 98504-0908

**EMAIL ADDRESS:** [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

**PHONE:** 1-877-601-2828 (toll free)

**FAX:** (360) 753-1112

**HOURS:** Monday-Friday, 8:00 a.m. – 5:00 p.m., closed on state holidays.

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## Index of Attachments

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Attachments to this complaint:

- **Evidence 3.01:** Screen shots of pdc.wa.gov, showing absence of Ethical Woodinville from PDC's public database of single year and continuing committees.
- **Evidence 3.02:** Domain name registration and Whois anonymous proxy services for EthicalWoodinville.com, August 7, 2013
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- **Evidence 3.12:** Private mailbox
- **Evidence 3.13:** Letter to editor, August 2, 2013
- **Evidence 3.14:** Editor's request that Ethical Woodinville identify themselves, August 9, 2013
- **Evidence 3.99:** Due diligence to identify persons representing themselves as Ethical Woodinville
- **Historical context:** The perennial presence of an anonymous political committee in Woodinville
- **CD** containing all files related to this complaint, including the sound files of the robocalls listed as Evidence 3.04 and 3.05.

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**PDC Complaint T14-025—Ethical Woodinville**

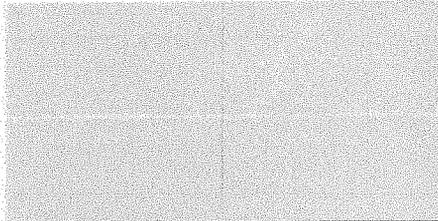
**Addendum 1: Postcard #4, received 8 October 2013**

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Woodinville voters received a fourth postcard from Ethical Woodinville on 8 October 2013:

EthicalWoodinville.com  
14241 NE Woodinville-Duvall, PMB 156  
Woodinville, WA 98072

Prsrt Std  
US Postage  
PAID  
IQ Direct  
98201



**Bernie Talmas** had an informant who  
**watched the home** of another  
Councilman late at night.

At the Feb. 12, 2013, City Council meeting, Mayor Bernie Talmas tried to bully a fellow Councilman into resigning on the spot.

In the heat of the debate, Talmas claimed that he had an informant who "saw you at that residence late at night."

This understandably left the Councilman with concern for his family's privacy. In a tearful public plea he responded: "It makes me nervous to think that someone is watching my wife and son's home after dark when I am not around to protect them."

Did we elect a Peeping Tom or did we elect a City Councilman and Mayor?

How about fixing downtown traffic? What about doing something about widening projects that sit stagnant while Bernie Talmas picks fights with other Councilmen?

Peeping  
Bernie.

Call Bernie Talmas today at 425-489-2700.

Ask him to stop the bullying  
and demand he vote yes on stricter ethics  
rules for Council conduct.

For more information visit: [EthicalWoodinville.com](http://EthicalWoodinville.com)

Please add this to Complaint T14-025

Thanks,

Susan Boundy-Sanders

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PDC Complaint T14-025—Ethical Woodinville

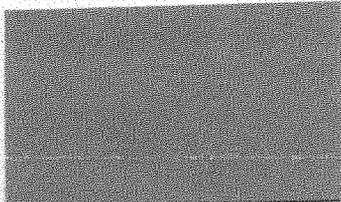
Addendum 2: Postcard #5, received 19 October 2013

Woodinville voters received a fifth postcard from Ethical Woodinville on 19 October 2013:

EthicalWoodinville.com  
14241 NE Woodinville-Duvall, PMB 156  
Woodinville, WA 98072

received 19 Oct 2013

Prsrtd  
Std  
US Postage  
PAID  
IQ Direct  
98201

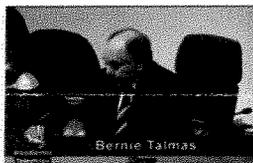


We need stronger  
ethics rules  
for Council conduct.

# Bernie Talmas: a pattern of bullying

- Talmas demanded the resignation of another Councilman, citing information he learned from his informant who had been watching the man's home late at night. *(Feb. 12, 2013, City Council meeting)*
- A Talmas agent harassed a Councilman filing a legal allegation of fraudulent voter registration. *(March 4, 2013, ThePatch.com)*
- Letter to Talmas' supporters called citizens and opposing Council members "bitch" and "ovil." *(May 18, 2013, letter)*
- Talmas operative trespassed onto private property to photograph Councilman's home and sent a threatening e-mail to City Hall. *(March 10, 2013, e-mail procured from City computers)*
- Following this pattern of harassment and bullying by Talmas, the City Council voted to draft stronger ethics rules governing Council behavior. Talmas voted no.

When the new, stronger ethics rules are drafted and come before the City Council for a final vote, Bernie Talmas and the City Council should vote yes. We need civility at Woodinville City Hall.



Call Bernie Talmas  
today at 425-489-2700  
and demand he vote yes on  
stricter ethics rules for Council conduct.

For more information visit: [EthicalWoodinville.com](http://EthicalWoodinville.com)

Please add this to Complaint T14-025

Thanks,

  
Susan Boundy-Sanders