



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action  
Against

Robert Sheckler

Respondent.

PDC Case No. 1154

Notice of Administrative Charges  
(Brief Enforcement Hearing)

**I. Jurisdiction**

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to RCW 42.17A, the campaign disclosure and contribution law; RCW 34.05, the Administrative Procedure Act; and WAC 390. These charges incorporate the Report of Investigation and all related exhibits by reference.

**II. Allegations**

2. PDC staff alleges that Robert Sheckler, a Des Moines City Council Member during 2013 and 2014, violated RCW 42.17A.710 by failing to timely disclose on his Personal Financial Affairs Statement (PDC Form F-1) and in Part C of the F-1 Supplement, for 2013 activity, travel costs totaling \$2,993 associated with a trip to Miami, Florida, that were paid for by a source other than the City of Des Moines, in this case, by Yareton Investments. The travel costs were reported 377 days late on April 27, 201~~3~~<sup>5</sup> on an amended F-1 and F-1 Supplement for 2013 activity.

**III. Facts**

3. In May 2013, Yareton Investments was pursuing development of a \$45 million hotel in the City of Des Moines, initially known as the Artemis Hotel, and then as a Four Points Sheraton. Yareton Investments was seeking approval of the project through a federal EB-

- 5 program, which involves receiving green cards in exchange for \$500,000 or more in capital investment.
4. Robert Sheckler served as a Des Moines City Council Member for 20 years from January 1, 1996 through December 31, 2015.
  5. On May 10, 2013, Albert Sze, Project Manager for Yareton Investments, arranged a trip for Robert Sheckler and his spouse to travel to Miami, Florida on Friday, May 17, 2013 and return on Monday, May 20, 2013. The travel expenses for the trip totaled \$2,993.04 consisting of \$1,496.52 for Mr. Sheckler and \$1,496.52 for his spouse. The trip was paid for by Yareton Investments.
  6. Mr. Sheckler timely filed his Personal Financial Affairs Statement (PDC form F-1) covering 2013 activity on March 9, 2014. However, he did not report the travel costs associated with the Florida trip, paid for by Yareton Investments, on his F-1 Report for 2013 activity. Mr. Sheckler stated he believed he had no obligation to report the travel costs.
  7. Mr. Sheckler stated that he did not consider the travel costs paid for by Yareton Investments was reportable on his F-1 because he was providing tour guide services in exchange for the travel costs. Mr. Sheckler said he and his wife provided tour guide services for two full days for a party of 14 to 16 Chinese speaking individuals, in two different vehicles, with Mr. Sheckler guiding one van and his wife guiding the other van.
  8. Mr. Sheckler said it was known by Yareton Investments that he had lived in Miami for a number of years and was qualified to escort their visitors. Mr. Sheckler said he had also worked for Sitmar Cruises (now part of Princess Cruises) part-time while in college, meeting and greeting passengers and making sure that they were comfortable in the cruise environment. Mr. Sheckler provided documents showing that he had lived in Miami for approximately 14 years.
  9. Following receipt of the complaint and Mr. Sheckler's initial response, PDC staff explained to Mr. Sheckler that staff disagreed with his conclusion that the travel costs paid for by Yareton Investments were not reportable, and asked him to amend his 2013 F-1 and F-1 Supplement and report the travel costs.

10. On April 27, 2015, in response to staff's request, Mr. Sheckler filed an amended F-1 and F-1 Supplement for 2013, disclosing \$2,993 for expenses associated with his trip to Miami Florida in May 2013. The travel costs were required to be disclosed by April 15, 2014, and were filed 377 days late.
11. Although Mr. Sheckler amended his 2013 F-1 and F-1 Supplement to comply with staff's request, he continues to claim that the travel costs paid for by Yareton Investments was not reportable because he and his wife provided tour guide services in exchange for payment of the travel costs.
12. The Respondent has no prior violations, and his final term of office ended December 31, 2015.

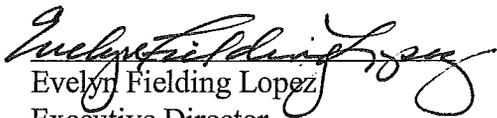
#### IV. Law

**RCW 42.17A.700** requires elected and appointed officials and candidates to file reports of financial affairs and gifts (PDC Form F-1). For elected officials, the reports are required to be filed by April 15<sup>th</sup> of each calendar year.

**RCW 42.17A.710** sets for the required contents for the Personal Financial Affairs Statement (PDC form F-1). It states, in part, in subsection (m) that the filer must report: "A list of each occasion, specifying date, donor, and amount, at which items specified in **\*\*RCW 42.52.010(10)** (d) and (f) were accepted; **\*\*2)** RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) and (f) to subsection (9)(d) and (f).

**RCW 42.52.010(9) (d) and (f)** states: (9) (d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event; and (9) (f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.

Respectfully submitted this 27<sup>th</sup> day of April, 2016.

  
Evelyn Fielding Lopez  
Executive Director



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH  
RCW 42.17 and RCW 42.17A

Robert Sheckler

Respondent.

PDC Case 1154

Report of Investigation

**I.**

**Background**

- 1.1 In May 2013, Yareton Investments was pursuing development of a \$45 million hotel in the City of Des Moines, initially known as the Artemis Hotel, and then as a Four Points Sheraton. As described in a King 5 news article, Yareton Investments was seeking approval of the project through a federal EB-5 program, which involves receiving green cards in exchange for \$500,000 or more in capital investment. **(Exhibit 1)**
- 1.2 Robert Sheckler served as a Des Moines City Council Member for 20 years from January 1, 1996 through December 31, 2015, choosing not to run for a sixth term. In May 2013, Mr. Sheckler took a trip to Florida with his spouse that was paid for by Yareton Investments. Mr. Sheckler did not report the value of the trip on his Personal Financial Affairs Statement (PDC Form F-1) believing he had no obligation to do so. Approximately two years after the Florida trip, Unite Here Local 8 filed a complaint alleging that Mr. Sheckler had failed to report the cost of the trip on his F-1 report.

**II.**

**Allegations**

- 2.1 On March 25, 2015, the Public Disclosure Commission (PDC) received a complaint from Abigail Lawlor of Unite Here Local 8, the Hospitality Union of the Northwest, alleging that Robert Sheckler may have violated RCW 42.17A.710 by failing to report the travel expenses associated with a trip he and his spouse took to Florida, on his annual F-1 report covering 2013 activities. **(Exhibit 2)**
- 2.2 The complaint alleged that Mr. Sheckler failed to disclose a May 2013 trip to a Miami Beach resort hotel on his Personal Financial Affairs Statement (F-1 Report) as required by RCW 42.17A.710. The complaint alleged that the trip was arranged for Mr. Sheckler and his wife by an employee of real estate developer Yareton Investment & Management, LLC (Yareton).

### **III.** **Findings**

- 3.1 The March 25, 2015 complaint stated that at the time of the trip, Mr. Sheckler was a proponent of Yareton's plan to construct a multi-million dollar hotel development in Des Moines. It stated that among other actions, Mr. Sheckler had advocated in favor of a petition that Yareton had filed with the federal government for approval under an immigrant visa program that would facilitate foreign financing of the development project. The complaint stated that between January and May 2013 efforts were made to secure approval of the petition, and that Mr. Sheckler was part of that effort. The complaint stated that on July 10, 2013, Yareton Investments received notification that its EB-5 application had been approved.
- 3.2 On May 10, 2013, Albert Sze, Project Manager for Yareton Investments, arranged a trip for Robert Sheckler and his spouse, Vicki Sheckler, to travel to Miami, Florida on Friday, May 17, 2013 and return on Monday, May 20, 2013. Mr. Sheckler and his spouse stayed at the Eden Roc Renaissance resort hotel in Miami Beach. The travel expenses for the trip totaled \$2,993.04 consisting of \$1,496.52 for Mr. Sheckler and \$1,496.52 for his spouse.
- 3.3 Mr. Sheckler timely filed his Personal Financial Affairs Statement (PDC form F-1) covering 2013 activity on March 9, 2014. It did not include the travel costs associated with the Florida trip, paid for by Yareton Investments. **(Exhibit 2, Pages 46-48)**

#### **Robert Sheckler's April 8, 2015 Response to Complaint**

- 3.4 On March 26, 2015, PDC staff provided a copy of the complaint to Mr. Sheckler, and asked for a written response by April 9, 2015. On April 8, 2015, Mr. Sheckler responded to the complaint, acknowledging that he had taken the trip described in the complaint, and that it had been paid for by Yareton Investments in exchange for tour guide services that he and his wife provided. He said the reason for the trip was to provide the tour guide services for 14 to 16 Chinese speaking individuals, in two different vehicles, with Mr. Sheckler guiding one van and his wife guiding the other van. He denied that the trip was associated with business of the City of Des Moines. **(Exhibit 3)**
- 3.5 Mr. Sheckler said the people he and his wife guided in two separate vans spoke no English, except for two, one in each vehicle, who acted as interpreters. He said he did not know the Chinese visitors. He said they were acquaintances or friends of Chun Yang, the CEO of the parent company of Yareton Investments and their spouses.
- 3.6 Mr. Sheckler said he did not consider the travel costs to be reportable because he and his spouse had provided tour guide services for two full days in exchange for the trip. Mr. Sheckler included a detailed itinerary and description of the tour guide services he and his wife provided for the four days involved in the trip. Following is Mr. Sheckler's description of the tour guide services he and his wife provided, in his own words:

**Friday, May 17, 2013** - Travel to Miami from Seattle, departing Seattle at 5:47 a.m. and arriving at Miami at 4:17 p.m. After arriving we met briefly in the lobby with the visitors we would be guiding and went our separate ways. My wife and I had dinner on our own.

**Saturday, May 18, 2013** – My wife took half of the visitors in one van and I took the other half in another. We escorted the visitors for a three-hour trip to Key West with stops along the way. After the three-hour trip back to Miami we took them to an out-of-the-way Chinese restaurant. We opted not to join them for this meal.

**Sunday, May 19, 2013** – As above, taking 2 vans, my wife in one and I in the other, we escorted the visitors around downtown Miami, ventured to a large marina as they had interest in seeing luxury yachts, viewed luxury homes, visited Little Havana, and Vizcaya gardens, taking pictures for them as we went. My wife and I had meals at our expense.

**Monday, May 20, 2013** – Everyone departed, going their separate ways. My wife and I took a cab (at our expense) to the airport, where our flight was delayed 18 hours due to inclement weather and airplane repairs. We spent the evening in the airport sleeping on the floor with no food or water as the airport closed down and all the local hotels were full.

### **Qualifications as a Tour Guide**

- 3.7 Mr. Sheckler said it was known by Albert Sze, Project Manager for Yareton Investments, that he had lived in Miami for a number of years and was qualified to escort their visitors. Mr. Sheckler said he had also worked for Sitmar Cruises (now part of Princess Cruises) part-time while in college, meeting and greeting passengers and making sure that they were comfortable in the cruise environment. Mr. Sheckler provided documents showing that he had lived in Miami for approximately 14 years.
- 3.8 Mr. Sheckler stated that he did not feel the travel costs paid for by Yareton Investments were reportable since he was providing tour guide services in exchange for the travel costs.
- 3.9 Mr. Sheckler noted that Mr. Sze stated to King 5 News that his business and Unite Here Local 8 union have been at odds since the project began and speculated that may be the root cause of the union's complaint. Mr. Sheckler noted that he is proud of his 20 years of service to the City of Des Moines as an elected official.

### **PDC Staff Request for Amended 2013 F-1 Report**

- 3.10 On April 21, 2015, PDC staff corresponded with Mr. Sheckler by email, thanking him for his April 8, 2015 response to the complaint, and informing him that staff disagreed with his conclusion that his travel costs were not reportable on his 2013 F-1 Report. Staff informed Mr. Sheckler that he should have answered "Yes" to the question in Part 5, E. 2), that said, "*Did any source other than your government agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training?*" (Emphasis added) and that it was staff's position that he was required to disclose the travel costs paid by Yareton Investments on his 2013 F-1 report by completing the F-1 Supplement, Part C, as directed by the F-1 Form. See WAC 390-24-203.
- 3.11 Four days later on April 25, 2015, Mr. Sheckler responded, stating that per PDC's request, he had mailed an F-1 Supplement to be attached to his 2013 F-1 report. Staff asked Mr. Sheckler to also amend his F-1 report, which he did on April 27, 2015. The

The amended F-1 report showed \$2,993 for expenses associated with a travel occasion that occurred on May 17, 2013. The expenses were paid for by Yareton Investments of Tacoma, Washington. They included \$1,496.52 for Mr. Sheckler and \$1,496.52 for Mr. Sheckler's spouse. **(Exhibit 4)**

- 3.12 On June 11, 2015, Abigail Lawlor of Unite Here Local 8 submitted additional information in support of her complaint. The additional information indicated that the Florida trip was paid for by Yareton Investments. It also indicated that Mr. Sheckler may have played a role, along with other City of Des Moines officials, in approving tax abatement measures for the Yareton project. **(Exhibit 5)**
- 3.13 On October 27, 2015, staff informed Mr. Sheckler and Unite Here Local 8 that staff's preliminary review had become a formal investigation, and asked that further information and comments be submitted by November 10, 2015.

#### **Robert Sheckler's November 8, 2015 Response to Complaint**

- 3.14 On November 8, 2015, Mr. Sheckler provided a second response to the complaint. **(Exhibit 6)** He stated that the additional comments submitted with Ms. Lawlor's June 11, 2015 letter are irrelevant to her original complaint. He said her exhibits were taken out of context without regard to the history of the City of Des Moines' business and economic development recruitment policies. He said the joint efforts of the City Council and staff in creating a more business-friendly environment for new development has been successful, and has beneficial to several business ventures, including the Artemis Hotel (now Four Points by Sheraton).
- 3.15 Mr. Sheckler restated that he stands by his original claim made in his April 8, 2015 response to the PDC that he never considered the Miami, Florida trip to be reportable on his F-1 Supplement since he received the trip in exchange for the tour guide services he provided during the trip.

#### **IV. Scope**

4.1 PDC staff reviewed the following:

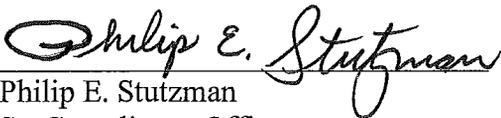
- Complaint filed by Abigail Lawlor, Unite Here Local 8, March 25, 2015
- Addendum to Complaint filed by Unite Here Local 8, June 11, 2015
- Robert Sheckler's April 8, 2015 Response to Complaint
- Robert Sheckler's November 8, 2015 Response to Complaint
- King 5 Article about Yareton Investments and Robert Sheckler's Florida Trip
- Amended F1 report, filed by Robert Sheckler April 27, 2015

V.

**Laws, Rules & PDC Interpretations**

- 5.1 **RCW 42.17A.700** requires elected and appointed officials and candidates to file reports of financial affairs and gifts (PDC Form F-1). For elected officials, the reports are required to be filed by April 15<sup>th</sup> of each calendar year.
- 5.2 **RCW 42.17A.710** sets for the required contents for the Personal Financial Affairs Statement (PDC form F-1). It states, in part, in subsection (m) that the filer must report: "A list of each occasion, specifying date, donor, and amount, at which items specified in \*\*RCW 42.52.010(10) (d) and (f) were accepted; \*\* (2) RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) and (f) to subsection (9)(d) and (f).
- 5.3 **RCW 42.52.010(9) (d) and (f)** states: (9) (d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event; and (9) (f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.

Respectfully submitted this 27<sup>th</sup> day of April, 2016.



Philip E. Stutzman  
Sr. Compliance Officer

**List of Exhibits**

- Exhibit 1** King 5 Article about Yareton Investments and Robert Sheckler's Florida Trip
- Exhibit 2** Complaint filed by Abigail Lawlor, Unite Here Local 8, March 25, 2015
- Exhibit 3** Robert Sheckler's April 8, 2015 Response to Complaint
- Exhibit 4** Amended F1 report, filed by Robert Sheckler April 27, 2015
- Exhibit 5** Addendum to Complaint filed by Unite Here Local 8, June 11, 2015
- Exhibit 6** Robert Sheckler's November 8, 2015 Response to Complaint



## Union alleges Des Moines politician broke ethics law

John Langelier, KING 5 News 5:49 p.m. PDT April 4, 2015

DES MOINES, Wash. -- Along Pacific Highway South in Des Moines, a large hotel is slowly taking shape. Formerly dubbed the Artemis Hotel, it will eventually become a Four Points Sheraton. It will feature 225 rooms, an award-winning restaurant and a large banquet hall.

The project is led by Yareton Investments, a subsidiary of a Shanghai-based real estate company.

The \$45 million project is funded largely through a federal EB-5 program, an effort to encourage foreign investment by offering green cards in exchange for \$500,000 or more in capital. As outlined by KING 5's media partner the Seattle Times, EB-5 projects have [become very popular recently](#).

They have also been the target of Unite Here Local 8. The union filed a complaint with Washington's Public Disclosure Commission last week over a trip to Miami paid for by Yareton's project manager just weeks before the EB-5 application was approved.

EB-5 applications are handled by U.S. Citizenship and Immigration Services and must meet a series of criteria in order to move forward.

Unite Here Local 8, which declined to be interviewed, said in a statement it is "engaged in efforts to increase accountability and enhance the economic impacts of hotel investments made through the EB-5 program."

Emails included in Local 8's complaint show Yareton project manager Albert Sze paid for the flight and hotel accommodations between May 17 and May 20, 2013.

Sheckler said the trip had nothing to do with the EB-5 process, even though Yareton paid for it. In a phone conversation, he said he had been "invited" to go on a trip with Yareton executives and more than a dozen other Chinese visitors because he used to live in Miami.

"This was not a gift," said Sheckler, "The trip occurred before the EB-5 was approved. It had nothing to do with EB-5."

Sze agreed and, in a phone conversation, said "the 20 people on the trip are all friends."

He then added his business and Unite Here Local 8 have been at odds since the project began and speculated that may be the root cause of the union's complaint.

Former Seattle and King County ethics board member, and current University of Washington professor Pat Dobel, believes Sheckler should have reported the trip to the state.

"He was involved in the lobbying effort on their behalf," Dobel said after reviewing the public complaint, "It's led by the business relationship and doesn't qualify as a friendship.

"Part of this is a perception issue," he continued. "After you've done all this work, then you get a reward."

Sheckler said the trip was far from a reward and hinted it was more trouble than it was worth. Nonetheless, he maintains he had no obligation to report the trip.

The Public Disclosure Commission is investigating. Sheckler is not running for re-election.

**Jon Ammons**

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**From:** Abby Lawlor <abby@unitehere8.org>  
**Sent:** Wednesday, March 25, 2015 12:14 PM  
**To:** PDC  
**Subject:** Complaint of reporting violations  
**Attachments:** Complaint of Reporting Violations.pdf

**Importance:** High

Hello,

Pursuant to WAC 390-37-020, I submit the attached complaint alleging a violation of financial disclosure reporting requirements by City of Des Moines Council Member Robert Sheckler. Please contact me if you have any questions concerning this submission.

Best,

Abby

Abby Lawlor  
UNITE HERE! Local 8

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Hospitality Union of the Northwest

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Vice President, Washington

March 25, 2015

Grant Degginger, Chair  
State of Washington  
Public Disclosure Commission  
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P.O. Box 40908  
Olympia, WA 98504-0908  
Fax: (360)753-1112  
Email: pdc@pdc.wa.gov

In re: Robert Scheckler

Dear Commissioner Degginger:

Pursant to WAC 390-37-020, I submit herewith the enclosed complaint alleging a violation of financial disclosure reporting requirements by City of Des Moines Council Member Robert Scheckler. Please contact me if you have any questions concerning this submission.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Abigail Lawlor".

Abigail Lawlor

UNITE HERE Local 8  
2800 1<sup>st</sup> Ave Ste. 3  
Seattle, WA 98121  
(206) 963-6458  
abby@unitehere8.org

STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

**In re: Robert Sheckler**

**Complaint of Reporting Violations**

**[RCW 42.17A.700]**

**1. RESPONDENT:**

Robert Sheckler, Des Moines City Council, Position 6

City of Des Moines

21630 11th Ave. S.

Des Moines, WA 98198

**2. ALLEGED VIOLATIONS:**

**A. Summary of Alleged Reporting Violation.**

This complaint presents the question whether Des Moines City Councilmember Robert Sheckler failed to disclose a May 2013 trip to a Miami Beach resort hotel on his statement of financial affairs required by RCW 42.17A.700. The trip was arranged for Councilmember Sheckler and his wife by an employee of real estate developer Yareton Investment & Management, LLC (“Yareton.”) At the time, Sheckler was a proponent of Yareton’s plan to construct a multi-million dollar hotel development in Des Moines. Among other actions, Sheckler advocated in favor of a petition that Yareton had filed with the federal government for approval under an immigrant visa program that would facilitate foreign financing of the

development project. That approval was eventually granted.

UNITE HERE Local 8 inquired with Councilmember Sheckler's office as to whether the Councilmember and his wife actually took the Miami Beach trip described in the evidence presented herein, and if so, for what purpose and at whose expense. Local 8 received no response to its inquiry. This complaint alleges that if Yareton paid for the trip that it arranged, Councilmember Sheckler should have reported financial details of it on his 2014 Form F-1. He did not.

**B. Yareton's efforts to secure favorable immigration treatment for potential foreign investors in the Artemis Hotel project.**

Yareton is a subsidiary of Mintong Real Estate Company from Shanghai China. Mintong's CEO is Chun Yang. According to press accounts, Councilmember Sheckler has had a relationship with Mr. Yang since 2009 when the two met during a trip the Councilmember (then the Mayor) took to China.<sup>1</sup> In 2011, Councilmember Sheckler, Mr. Yang and others met at a business dinner. (Exhibit A.)<sup>2</sup> Mr. Yang was Councilmember Sheckler's largest campaign donor in his reelection bid that year.<sup>3</sup>

In 2011, as part of its efforts to develop the \$45 million Artemis Hotel project (now known as the Four Points by Sheraton Airport South) in Des Moines, Yareton submitted an application to U.S. Customs and Immigration Services (USCIS) seeking what is referred to as

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<sup>1</sup><http://www.highlinetimes.com/2010/09/14/opinion/des-moines-may-reap-benefit-seed-planted-china>; <http://waterlandblog.com/2013/07/22/artemis-hotel-project-receives-funding-approval/>; <http://www.highlinetimes.com/2010/08/30/news/trip-china-des-moines-mayor-opposed-lawmaker>.

<sup>2</sup> The dinner for ten cost \$489.49. Councilmember Sheckler reimbursed the cost of his wife's dinner and part of his own in the amount of \$74.33. (See Exhibit A.)

<sup>3</sup> 2011 Detailed Contribution Report for Councilmember Sheckler showing a \$800 donation from Yang on 8/30/2011 and a total of \$8,720.72 raised. The next largest contribution was \$500 from King Carpet Corporation. Obtained via PDC online database.

“regional center” designation for the project under the EB-5 Immigrant Investor Program. The EB-5 program allows foreign investors to obtain green cards for themselves and other members of their families by investing \$500,000 in a new or struggling U.S. business operation, provided the investment generates 10 full-time jobs and is made through a designated regional center.<sup>4</sup> Although EB-5 investments do not need to be made through a regional center, doing so allows investors to contribute \$500,000 rather than \$1 million and to receive credit for indirect job creation.<sup>5</sup> A regional center designation enables developers to raise capital more cheaply than they would be able to through more traditional financing mechanisms.

In January 2013, USCIS sent Yareton notice that the agency intended to deny Yareton’s EB-5 petition. (Exhibit B.) The USCIS notice gave Yareton until February 6, 2013 to submit further information in response to the notice of intent to deny. Yareton did so.

On March 20, 2013, Yareton’s project manager Albert Sze wrote Des Moines’ Economic Development Manager Marion Yoshino, with a copy to Councilmember Sheckler, seeking assistance in convincing Congressman Adam Smith to intervene on Yareton’s behalf in the still-pending USCIS application. (Exhibit C.) Mr. Sze wrote: “As you know, the construction fund is totally depending on EB-5 regional Center then Mr. Yang can raise the immigrant fund from Chinese investors (his office has lined up a few immigration agents ready to promote this project upon the USCIS approval). Or the construction cannot be fully started without this funding from Chinese investors.” (Exhibit C.)

On April 17, 2013, Ms. Yoshino wrote Congressman Smith’s staff to inquire about a

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<sup>4</sup> <http://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor>.

<sup>5</sup> <http://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor>.

meeting between Congressman Smith and Councilmember Sheckler, noting that “[y]ou kindly checked for me a few weeks ago to see if Adam had any availability to meet with our Council Member Bob Sheckler regarding the Artemis Hotel project, here at the City of Des Moines.” (Exhibit D.) Ms. Yoshino continued to push for the proposed meeting in an ensuing email, and a meeting was scheduled between Congressman Smith and Councilmember Sheckler on May 2, 2013. (Exhibit E.) On May 13, 2013, Congressman Smith’s office wrote Ms. Yoshino to notify her:

[O]ur office in Washington DC is working hard to arrange for a phone conference between the USCIS Director and Congressman Smith regarding this case. Upon hearing any results of such conversation, I will share with you right away. Please help me extend this information with Councilmember Sheckler.

(Exhibit D.)

On July 10, 2013, Yareton received notification from USCIS that its EB-5 application had been approved. (Exhibit F.)

**C. The Miami Beach Trip.**

On May 10, 2013, a firm called AA Travel, 601 South King Street, Seattle, made two air ticket reservations for Robert F. Sheckler and Vicki C. Sheckler from Seattle to Miami, leaving Friday May 17, 2013 and returning Monday May 20, 2013. (Exhibit G.) A representative from AA Travel forwarded the reservations to Albert Sze with the message:

Hi Albert,

Here is the Air tickets information for Shecklers.

Thank you!

Wendy

On May 13, 2013, Mr. Sze sent an email to Sheckler regarding these arrangements. He wrote:

Mayor Bob<sup>6</sup>: The e-tickets are confirmed. The hotel reservations were made under Group name 'Albert Sze' at Eden Roc Renaissance begins 5/17 in 5/20 out. Let me know if you have any question.  
Albert.

(Exhibit G.)

The Eden Roc Renaissance is a luxury beachfront resort hotel in Miami Beach. Additional details are available on the hotel's website: <http://www.edenrocmiami.com>.

On February 2, 2015, in an effort to confirm details about this trip, UNITE HERE Local 8 ("Local 8") sent an inquiry to Councilmember Sheckler's office identifying the Sze email, asking Councilmember Sheckler whether he had taken the Miami Beach trip, and if so, for what purpose and at whose expense. (Exhibit H.) Local 8 received no response to this inquiry.

Local 8 also obtained Councilmember Sheckler's transaction reports from the City of Des Moines for 2013, indicating travel and miscellaneous expenses for which Councilmember Sheckler sought official reimbursement. There is no record that Councilmember Sheckler sought reimbursement from the City of Des Moines for travel to or from Miami in 2013. (Exhibit I.)

**D. Councilmember Sheckler did not report the trip on his 2014 F-1 form.**

Local 8 obtained Councilmember Sheckler's 2014 F-1, which covers the year 2013. (Exhibit J.) In response to the question "Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and /or dependents to travel or to attend a seminar or other training?," Councilmember Sheckler did not respond.

PDC Public Records Officer Jon Ammons confirmed that Councilmember Sheckler did

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<sup>6</sup> Councilmember Sheckler had formerly been Mayor of Des Moines.

not submit an F-1 Supplement covering the year 2013, as would be required given an affirmative response to the above question. (Exhibit K.)

**E. Legal Basis for Complaint.**

RCW 42.17A.700 requires elected officials to report a statement of financial affairs by April 15 of each year for the preceding calendar year. RCW 42.17A.700. The contents of the report are set forth in RCW 42.17A.710.

With respect to the reporting of travel expenses, RCW 42.17A.710 requires elected officials to report “[a] list of each occasion, specifying date, donor, and amount at, which items specified in RCW 42.52.010 (10)(d) and (f) were accepted.” RCW 42.17A.710 (1) (m).<sup>7</sup>

RCW 42.52.010(9)(d) refers to “payments by a governmental or non governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity.” RCW 42.52.010 (9)(d). RCW 42.52.010(9)(f) refers to “payments of . . . reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution.” RCW 42.52.010(9)(f).

Even where travel expenses are not covered by either of the above provisions, they are reportable nonetheless. WAC 390-24-203 states:

All persons required to file pursuant to RCW 42.17A.710 who attend *a field trip or other excursion* paid for or provided by a lobbyist, lobbyist employer, or *other person* paying for or providing field trips or other excursions shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the flier, applicable code value, and a brief description of the field trip or other excursion as part of the F-1 statement that covers the date of the field trip or other excursion.

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<sup>7</sup> RCW 42.52.010 subsections (10)(d) and (f) were changed to subsections 9(d) and (f) in 2011, and are referred to here by those numbers.

WAC 390-24-203 (emphasis added). The law's applicability to "other persons paying" and to "other excursions" makes clear that the reporting requirement applies to any trip paid for by a third party.

The F-1 form mandated by WAC 390-24-010 itself requires elected officials to report travel paid for by any non-governmental source. WAC 390-24-010; see Form F-1. It poses the question:

Regarding the receipt of items not provided or paid for by your government agency during the previous campaign year: . . . 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents *to travel* or to attend a seminar or other training?

(Form F-1, emphasis added).

**F. Action Requested.**

The evidence presented herein creates a serious question as to whether Councilmember Sheckler and his wife took the trip to Miami Beach that Mr. Sze arranged for him, and if they did, who paid for the travel and lodging. If Yareton paid for the trip, then Councilmember Sheckler required by law to report details on his 2014 F-1 form, and did not. Local 8 requests that the Commission investigate this question thoroughly, and to take appropriate action in response its findings.

**3. EVIDENCE**

All evidence is attached.

**4. WITNESSES**

Robert Sheckler, 21630 11th Ave. S., Des Moines, WA 98198;

Vicki Sheckler, 21630 11th Ave. S., Des Moines, WA 98198;

Albert Sze, 22444 Pacific Highway South, Des Moines, WA 98198

Dated: 3/25/15

Respectfully submitted,



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Abigail Lawlor

**CERTIFICATION**

I 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.



\_\_\_\_\_  
ABIGAIL LAWLOR

Name: Abigail Lawlor

Title: Strategic Researcher

Date: 3/25/15

Place of Execution: Seattle, WA

# **EXHIBIT A**

CITY OF DES MOINES, WA  
TRANSACTION DETAIL REPORT  
FOR THE YEAR 2011

ACCOUNT NO	ACCT_TITLE	DATE	PERIOD	DOC_SRC	DOC_REF	DESCRIPTION	AMOUNT	VENDOR ID	VENDOR	CHK DATE	CHK NO
001											
001.100.021.511.60.49.00	MISCELLANEOUS	1/21/11	1	Invoice	LOER 011811	MTG MEALS -PD ANALYSIS CONSULT	20.61	010152	ERICSON	1/26/11	126901
001.100.021.511.60.49.00	MISCELLANEOUS	1/28/11	1	permt	177357	MTG MEALS-PD ANALYSIS CONSULTA	-20.61				
001.100.021.511.60.49.00	MISCELLANEOUS	2/10/11	2	cashreg	177972	REFUND SHECKLER CK 1364	-74.33				
001.100.021.511.60.49.00	MISCELLANEOUS	2/28/11	2	Invoice	FEBRUARY 2011	BUSINESS DINNER WITH MR YANG	486.49	000498	KEY BANK OF WASHINGTON	3/4/11	22011
001.100.021.511.60.49.00	MISCELLANEOUS	3/28/11	3	Invoice	ROSH 032211	MEETING REFRESHMENTS	54.70	001328	SHECKLER	3/30/11	127677
001.100.021.511.60.49.00	MISCELLANEOUS	7/31/11	7	Invoice	JULY 2011	LUNCH MTG-TPBS,CS, & GUESTS-I	253.13	000498	KEY BANK OF WASHINGTON	9/5/11	72011

719.99  
719.99

EXPENDITURES TRANSACTION DATA

CITY OF DES MOINES, WASHINGTON

Credit Card Expense Form

CREDIT CARD # 1173

Tony Piasecki, City Manager 2/10/2011

NAME AND TITLE DATE

DATE	NAME OF COMPANY	PURPOSE (IN DETAIL)	MEALS	LODGING	OTHER
2/5/2011	Salty's Restaurant	Dinner with Chinese business owner, Mr. Yang, his son Eric, son's friend Sun, interpreter Albert Sze, Bob and Vicki Sheckler, Carmen Scott, Marion Yoshino & Tony Piasecki	\$486.49		
		Vicki's meal and part of Bob's reimbursed with attached personal check for \$74.33			
			\$486.49	\$0.00	\$0.00

\$486.49

Please attach all receipts for each expense.

I hereby certify under penalty of perjury that these are true and correct charges for necessary expenses incurred by me

Employee Signature Tony Piasecki

Date 2/10/11

Department Director Approval \_\_\_\_\_

Date \_\_\_\_\_

City Manager Approval (Dept. Directors Only) \_\_\_\_\_

Date \_\_\_\_\_

Expenditure No 001 100.021 511 60 49 00

**Audited:**

Finance Director [Signature]

Date Signed 2/2/11

INITIALS \_\_\_\_\_

DATE \_\_\_\_\_

**ROBERT F. SHECKLER**  
18016 - 5TH AVE. S  
DES MOINES, WA 98148-2424

19-7076/3250  
0672389676

1364

DATE 2/9/11

*City of Des Moines* \_\_\_\_\_ \$ 74.33  
*entry - fees & 33/100* \_\_\_\_\_ DOLLARS

**Washington Mutual**

Washington Mutual Bank, FA  
Des Moines Financial Center 142  
1 Maine View Drive S.  
Des Moines, WA 98108 1 800-758-7000  
24 hour Customer Service

Authorization for Salty's *Robert F. Sheckler*  
370760: 0672389676 1364

Salty's - Redondo Beach  
28201 Redondo Beach Dr S  
Des Moines, WA  
253-946-0636

Server: KASY 02/05/2011  
Table 28/1 9:00 PM  
Guests: 9

#20014

D Spring Mix (2 @5.99)	11.98
D Seafood Clipping	57.98
Iced Tea	3.00
D Salty's Chowder Cup (4 @5.99)	27.96
D FS Blackened Salmon	26.99
V D FS Tenderloin Medallion (2 @23.9)	59.98
San/Pelligrino	4.25
B Live Maine Lobster (1.5 Pound)	59.99
@ 39.99 per Pound (MAN WT)	
D Port...	67.98
D Porterhouse	39.99
A la Carte French Fries	3.99
Pop	3.00
<b>Subtotal</b>	<b>367.09</b>
WA State Tax	3.86
Local F/B Tax	65
Gratuity Tax	8.61
<b>Total Tax</b>	<b>40.32</b>
<b>Total</b>	<b>410.41</b>
Gratuity 18.00%	73.87
<b>Total</b>	<b>484.28</b>

Salty's - Redondo  
28201 Redondo Beach Dr S  
Des Moines, WA 98198  
253-946-0636

Server: KASY DOB: 02/05/2011  
09:04 PM 02/05/2011  
Table 28/1 2/20/14

Mastercard 2097162  
Card #XXXXXXXXXXXX1173  
Magnetic card present: PIASECKI ANTHONY A  
Approval: 325040

Amount: \$ 410.41  
+ Included Gratuity: \$ 66.08  
+ Additional Tip 10.00  
= Total: 486.49

**Balance Due 476.49**

Receive Exclusive Promotions!  
Sign up for Salty's Private &  
Confidential E-mails:  
E-mail address:  
First & Last Name:  
You may unsubscribe anytime.

Guest Copy

Vicks 24.99  
" 4.25 + tax = 44.33  
Bob (partial) + 30.02  
Personal cka Hechal # 74.33

# **EXHIBIT B**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**I-797E, Notice of Action**

A #	Application/Petition I924, Application for Regional Center under Immigrant Investor Pilot Program	
Receipt # <b>RCW1120950251</b>	Application/Petitioner <b>Yareton Investment Funds Regional Center, L L C</b>	
Notice Date <b>January 7, 2013</b>	Page <b>1 of 6</b>	Beneficiary

Shahzad Qadri, Esq.  
Wong Flemming  
RE: Yareton Investment Funds Regional Center, LLC  
2340 130th Avenue, Northeast, Suite D-150  
Bellevue, WA 98005

Intent to Deny Processing Coversheet

Notice also sent to:

**RETURN THIS BLUE PROCESSING COVERSHEET ON TOP OF YOUR RESPONSE TO THE INTENT TO DENY.**

**Note:** You are given until **February 6, 2013** in which to submit the requested information to the address at the bottom of this notice.

**RESPONSE TO AN INTENT TO DENY**

For more information, visit our website at **www.uscis.gov**  
Or call us at **1-800-375-5283**

Telephone service for the hearing impaired: **1-800-767-1833**

**For non-US Postal Service**  
**Attn: EB 5 RC Proposal**  
**24000 Avila Road, 2<sup>nd</sup> Floor**  
**Laguna Niguel, CA 92677**

CSC4639 WS25097 DIV III AC

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

USCIS - CALIFORNIA SERVICE CENTER  
P.O. BOX 10590  
LAGUNA NIGUEL, CA 92607-0590  
800-375-5283

  
RCW1120950251

Please see additional information on the reverse side.

Form I-797E (Rev. 05/05/06)

Yareton Investment Funds Regional Center / RCW1120950251/ ID1120950251

Page 2

The U.S. Citizenship and Immigration Service (USCIS) completed its review of your proposal to designate Yareton Investment Funds, LLC (YIF) as a regional center under the Immigrant Investor Pilot Program (Pilot Program). The Pilot Program was established under section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874). The purpose of this letter is to notify the Yareton Investment Funds Regional Center that USCIS intends to deny your proposal request. An explanation follows.

#### **I. Regional Center**

**Section 610 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993, Pub. L. 102-395, (8 USC 1153 note), as amended by Section 402 of the Visa Waiver Permanent Program Act of 2000, Pub. L. 106-396, provides:**

(a) Of the visas otherwise available under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), the Secretary of State, together with the Attorney General, shall set aside visas for a pilot program to implement the provisions of such section. Such pilot program shall involve a regional center in the United States for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

(b) For purposes of the pilot program established in subsection (a), beginning on October 1, 1992, but no later than October 1, 1993, the Secretary of State, together with the Attorney General, shall set aside 3,000 visas annually for five years to include such aliens as are eligible for admission under section 203(b)(5) of the Immigration and Nationality Act and this section, as well as spouses or children which are eligible, under the terms of the Immigration and Nationality Act, to accompany or follow to join such aliens.

(c) In determining compliance with section 203(b)(5)(A)(iii) of the Immigration and Nationality Act, and notwithstanding the requirements of 8 CFR 204.6, the Attorney General shall permit aliens admitted under the pilot program described in this section to establish reasonable methodologies for determining the number of jobs created by the pilot program, including such jobs which are estimated to have been created indirectly through revenues generated from increased exports, improved regional productivity, job creation, or increased domestic capital investment resulting from the pilot program.

The regulation at 8 CFR § 204.6(m) provides:

(3) Requirements for regional centers. Each regional center wishing to participate in the Immigrant Investor Pilot Program shall submit a proposal to the Assistant Commissioner for Adjudications, which:

(i) Clearly describes how the regional center focuses on a geographical region of the United States, and how it will promote economic growth through increased export sales, improved regional productivity, job creation, and increased domestic capital investment;

(ii) Provides in verifiable detail how jobs will be created indirectly through increased exports;

Attachment to ITD Coversheet

Yareton Investment Funds Regional Center / RCW1120950251 / ID1120950251

Page 3

(iii) Provides a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;

(iv) Contains a detailed prediction regarding the manner in which the regional center will have a positive impact on the regional or national economy in general as reflected by such factors as increased household earnings, greater demand for business services, utilities, maintenance and repair, and construction both within and without the regional center; and

(v) Is supported by economically or statistically valid forecasting tools, including, but not limited to, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or multiplier tables.

(4) \*\*\*

(5) Decision to participate in the Immigrant Investor Pilot Program. The Assistant Commissioner for Adjudications shall notify the regional center of his or her decision on the request for approval to participate in the Immigrant Investor Pilot Program, and, if the petition is denied, of the reasons for the denial and of the regional center's right of appeal to the Associate Commissioner for Examinations. Notification of denial and appeal rights, and the procedure for appeal shall be the same as those contained in 8 CFR 103.3.

In reviewing this proposal, USCIS has to determine whether the proposal has met all of the regulatory criteria and thereby will maintain a regional center within which aliens seeking to obtain permanent resident status under section 203(b)(5) of the Act will be able to successfully establish a new commercial enterprise (as described in 8 CFR § 204.6(h)) with the qualifying investment that will benefit the United States economy and create 10 full-time jobs, including jobs indirectly created through the new commercial enterprise.

## II. Background:

The proposed Regional Center entity, Yareton Investment, LLC, was established on June 26, 2011 in the state of Washington and is structured as a LLC. YIF is requesting jurisdiction over a geographic area to include:

State of Washington	Census Tract	City
	028902	Des Moines, WA
	029003	Des Moines, WA
	029004	Des Moines, WA

YIF plans to offer EB-5 capital investment opportunities in affiliated new commercial enterprises, organized as an LLC focusing on projects in the following industry categories:

Attachment to ITD Coversheet

Yareton Investment Funds Regional Center / RCW1120950251/ ID1120950251

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Industry Category	NAICS
Hotel Construction	236220
Hotel Casino	721120
Full-Service Restaurants	722110

The capital investment projects will involve equity investments to job creating enterprises located within the proposed bounds of the Regional Center.

### III. Issues:

**A. Issue 1 – In response to the previous Request For Evidence, there are two items of concern regarding the updated job creation impacts:**

#### 1. Scope of the Region Widened

The first item to be discussed from the previous response concerns the applicant stating that the scope of the region is to be widened to include the entire State of Washington and the applicant's employment impact estimate include 51 jobs outside of the originally requested region within Kings County. The applicant did not provide any rationale for broadening the scope of the study to the entire State of Washington or explain how the job creation estimates were calculated.

In response to this first issue, the applicant indicates that it does not wish to expand the borders of the regional center beyond those originally requested. Furthermore, the applicant indicates that the 51 jobs outside the regional center represent the impact and job creation in the State of Washington. Since the requested geographic scope, however, again only encompasses King County, it is unacceptable methodology to include jobs that occur outside the regional center geographic scope.

- Please make the necessary adjustments to this methodological issue to include only jobs that occur within the designated geographic scope.

#### 2. Job Creation Timeline

According to MCNW's timeline, the duration of the hard construction of the hotel is comparable to that of JTM Construction's timeline. Based on the evidence provided, the applicant has satisfied this timeline issue.

However, regarding the timing of operational jobs, the applicant indicates that certain operational jobs will be needed prior to the completion of the construction phase. The applicant provides a job creation timeline showing that construction is expected to last 26 months (from December 2012 to February 2015) and operational hiring is expected to start in January of 2015. The applicant cites Columbia Hospitality, a consulting firm specializing in the hospitality management industry, to show that operational hiring will not end until four months after the completion of construction (June 2015). The updated economic impact report, however, indicates that the methodology includes the first year of operational revenue and the increment in revenue in the second year. Since construction is expected to last 26 months, the applicant may not take credit for jobs created from the entire first year of operations and part of the second

Attachment to ITD Coversheet

Yareton Investment Funds Regional Center / RCW1120950251/ ID1120950251

Page 5

year of operations since this would fall out of the EB-5 job creation timeline of two years and six months of Form I-526 approval. Thus, the applicant has not resolved this issue.

- Please submit a detailed and itemized operational timeline showing all relevant phases of the construction effort.
- Since the applicant wants to claim jobs originating from the operations of the project, any job creation based on revenues should be pro-rated.

**B. Issue 2 - USCIS requested that the applicant source and clearly explain all data and calculations used in the analysis. Also, the applicant must provide an operations timeline and hiring estimate.**

Operations Timeline and Hiring Estimate

Regarding the job creation timeline, the applicant provides an additional timeline indicating that construction will last for 26 months with operational hiring set to commence one month before construction is scheduled to be complete. The timeline also presents how funds will be infused into each phase of the construction effort. In total, \$42.9 million will be used for construction expenditures and create 434 jobs. The applicant also indicates that 182 jobs will be created one month prior to the opening of the hotel. The Columbia Hospitality staffing report, however, indicates that the number of employees that will be hired is 139.

- Please clarify the exact number of jobs that will be created and resolve the discrepancy between the job creation timeline and the Columbia Hospitality staffing report.

**C. Issue 3 - USCIS requested that the applicant provide a project timeline that details the anticipated sequence and quantity of EB-5 capital infusion into the project.**

The applicant does not provide a satisfactory response to this issue. The applicant refers to Optimum Equilibrium Solutions' (OES) updated economic impact report addressing this specific issue. The report indicates the use of first-year revenue, and only the increment in revenue in the second year is used to calculate the final job count. The methodology performed by OES is reasonable. However, the total job creation will surpass the EB-5 job creation timeline of two years and six months. Again, since construction last for 26 months—according to the applicant—the applicant may not take credit for jobs created from the entire first year of operations and part of the second year of operations since this would fall out of the EB-5 job creation timeline of two years and six months. Thus, the applicant has not resolved this issue.

- Please provide a project timeline that details the anticipated sequence and quantity of EB-5 capital infusion into the project.
- Please source and clearly explain all data and calculations used in the analysis.

Attachment to ITD Coversheet

Yareton Investment Funds Regional Center / RCW1120950251/ ID1120950251

Page 6

#### **D. Issue 4 – Visitor Spending.**

Beginning on page 44 of the applicant's economic impact report (dated January 14, 2012), the applicant seeks to use expenditures made by the hotel guests (approximately \$13 million) as a final demand input into IMPLAN. The result is 166 new jobs created. It is normally not acceptable to accredit the jobs created from future expenditures of a guest of a hotel constructed using EB-5 capital for purposes of EB-5 job creation requirements because these expenditures are most often simply displaced from elsewhere. Thus, these impacts appear not to be new impacts created by EB-5 capital and/or have not been shown to constitute a source of new demand.

- Please provide reasonable estimates of how new visitor spending and tourism demand are driven by your specific project and show that this demand is new and not existing.
- Please source and clearly explain all data and calculations used in the analysis.

Or:

- Please make the necessary adjustments to this methodological issue to exclude jobs attributed to visitor spending.

#### **IV. Decision**

This notice shall serve as notification to YIF, LLC of USCIS' intention to deny the proposal request seeking the designation of YIF, LLC as a regional center, as the proposal does not appear to be compliant with EB-5 program requirements under 8 C.F.R. §204.6. You have 33 days from the date of this notice in which to offer evidence in opposition to the grounds for denial cited herein. Any response to this notice should include a detailed analysis that rebuts the grounds for denial raised above, corroborated by credible independent documentary evidence.

#### **V. Review Board Option**

Pursuant to 8 C.F.R. § 103.2(b)(9), USCIS has the authority to request the applicant's appearance for either an in-person interview at the California Service Center (CSC) or a telephonic interview. Should the petitioner prefer an in-person or telephonic interview, please indicate as such in response to this notice of intent to deny.

However, be advised that USCIS will need to review any additional information, evidence, or arguments YIF wishes to submit in support of the application before a review board may be scheduled. Upon review of the response, YIF will then be contacted via the USCIS Immigrant Investor Program mailbox at [USCIS.ImmigrantInvestorProgram@uscis.dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@uscis.dhs.gov) for further instructions regarding the time and date of the interview.

The interview will last approximately 60 minutes. During this time, the applicant will be given the opportunity to present additional information regarding the pending case. The CSC will issue a written decision at a later date, after full consideration of the written record and statements made during the interview.

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Failure to respond to this notice of intent to deny will result in the denial of the application based on the above stated reasons.

Attachment to ITD Coversheet

# **EXHIBIT C**

## CDM Exchange

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**From:** albert Sze AS3388 <as3388@msn.com>  
**Sent:** Wednesday, March 20, 2013 12:19 PM  
**To:** Marion Yoshino; Bob Sheckler  
**Subject:** FW: Courtesy Copy of the NOID, Unique Identifier: ID1120950251 Receipt Number: RCW1120950251 Regional Center Name: Yareton Investment Funds, LLC  
**Attachments:** ITD\_Yareton Investment Funds Regional Center, LLC\_ID1120950251\_RCW1120950251.pdf

Marion,

Further to my conversation with you, I forward to you and Bob for this " Notice of Deny" from USCIS. Our lawyer has re-submitted a request of information to USCIS in 2/6/13 with explanation from lawyer's economist of methodology. But now, he said we can do nothing but to wait for response from USCIS to give us a tele-conference time and date. Can we get more assistant from Adam Smith office to help get the USCIS officer to review and response to our lawyer's submitted information on 2/6/13. The application of this EB\_5 regional center has been 20 months without a clear indication if Yareton Investment Fund for Artemis Hotel can be a Regional Center that made Mr. Yang very nervous to move on even when construction permit is through by City of Des Moines in May. AS you know, the construction fund is totally depending on the approval of EB-5 regional Center then Mr. Yang can raise the immigration fund from Chinese investors ( his office has lined up a few immigration agents ready to promote this project upon the USCIS approval). Or the construction cannot be fully started without this funding from Chinese investors.

Here was the e-mail I sent to our lawyer in 1/7/2013. He did some reaction and modification of IMPLAN with his economist after that, however, he told us that we can only wait and see, as he has no way to communication further with USCIS;

"The notice of Intent to Deny Yareton Investment Fund Regional Center alarmed a few more issues that needed to re-submit and to be passed by USCIS again. There are issues indicated the methodology of estimating "Regional center jobs impact will widen to King County and to the entire State of Washington". Do we need the help from House Representative office for agreeing on your job estimation as a supporting document to your methodology? If so, I have to set up a meeting with City of Des Moines and look for help. Anyway, a meeting with you and your economist who wrote the IMPLAN is needed."

How and what do you think the City can help on contacting the USCIS official?

Please let me know,

Thanks,  
Albert

---

**From:** CSC-EB5-RCID0-2@uscis.dhs.gov  
**To:** sqadri@wongfleming.com; as3388@msn.com  
**Date:** Mon, 7 Jan 2013 13:11:17 -0500  
**Subject:** Courtesy Copy of the NOID, Unique Identifier: ID1120950251 Receipt Number: RCW1120950251 Regional Center Name: Yareton Investment Funds, LLC

Dear Form I-924 applicant,

On 07/28/2011 you filed an "Application for Regional Center under the Immigrant Investor Pilot Program" (Form I-924). USCIS has issued a Notice of Intent to Deny (NOID) which raises issues relating to eligibility for this immigration benefit. In this e-mail, USCIS is providing an electronic courtesy copy of the NOID that was issued on 01/07/2013 and mailed to the address listed on your Form I-924. If applicable, a copy was also sent to the recognized attorney or accredited representative.

If upon review of the NOID, you desire clarification or have questions concerning the issues raised in the NOID or matters related to your pending Form I-924, you may use this e-mail box to correspond with USCIS.

At this time, you may not include attachments in correspondence through this e-mail box. Also, USCIS cannot accept your official NOID response via this e-mail box. Once you are ready to submit your formal response to the NOID, you should follow the instructions listed on the NOID on how to respond by mail. When you submit your formal written response to the NOID, please note that 8 C.F.R. § 103.2(b) (11) requires all requested materials to be submitted together at one time, along with a copy of the originating NOID.

NOTE: Responses for initial or amended I-924 applications are matched with the case file upon receipt of the response. USCIS strives to finalize EB-5 cases within 30 days after the responses to NOIDs are received.

SUBJECT LINE: Please ensure that the subject line in your e-mail correspondence contains the following information in this order: (1) Regional Center Unique Identifier; (2) Receipt Number; and (3) Regional Center name. Doing so will facilitate the accurate recognition of your e-mail correspondence and the ability of USCIS to respond to your e-mail.

REMINDER: This e-mail address is to be used solely for issues related to your pending Form I-924. The direct e-mail communication initiative is not a forum for general policy and legal questions about adjudicative procedures or decisions, or for questions relating to either "Immigrant Petition by Alien Entrepreneur" (Form I-526), "Petition by Entrepreneur to Remove Conditions" (Form I-829), or any "Appeal or Motion" (Form I-290B). USCIS will not respond to e-mails received concerning issues unrelated to the currently pending Form I-924. For more information about how to make other EB-5 inquiries, visit the [EB-5 Inquiries](#) page on the USCIS website ([www.uscis.gov](http://www.uscis.gov)).

Thank you,

California Service Center  
U.S. Citizenship and Immigration Services

# **EXHIBIT D**

## CDM Exchange

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**From:** Marion Yoshino  
**Sent:** Monday, May 13, 2013 12:47 PM  
**To:** 'Thai, Linh'  
**Cc:** Tony Piasecki; Bob Sheckler; 'albert Sze AS3388'  
**Subject:** RE: City of Des Moines

Hello Linh,  
Thank you! We deeply appreciate these efforts, and please extend our appreciation in turn to Congressman Smith.  
Best regards,

Marion

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

---

**From:** Thai, Linh [mailto:Linh.Thai@mail.house.gov]  
**Sent:** Monday, May 13, 2013 12:39 PM  
**To:** Marion Yoshino  
**Cc:** Tony Piasecki  
**Subject:** RE: City of Des Moines

Hi Marion and Tony,

Just want to share a quick update, our office in Washington DC is working hard to arrange for a phone conference between the USCIS Director and Congressman Smith regarding this case. Upon hearing any results of such conversation, I will share with you right away. Please help me extend this information with Councilmember Sheckler.

Kind Regards,

*Linh Thai*

Community Liaison

Office of Congressman Adam Smith  
15 South Grady Way, Suite 101, Renton, WA 98057  
Phone: 425-793-5237 \* E-mail: [Linh.Thai@mail.house.gov](mailto:Linh.Thai@mail.house.gov)

[Sign up for Email Updates](#) | [Official Website](#) | [View Upcoming Events](#)



---

**From:** Marion Yoshino [mailto:myoshino@desmoineswa.gov]  
**Sent:** Thursday, April 18, 2013 4:38 PM  
**To:** Choe, Christine  
**Cc:** Thai, Linh; Tony Piasecki  
**Subject:** RE: City of Des Moines

Thanks Christine, can you see a time a little further down the road where Adam could schedule a meeting, in the coming months?  
Establishing an EB-5 investment center will have a big economic impact on this entire area, as more projects can use the designation.

It seems that it would be useful for Adam to know the details on something that is of major importance to our Mayor & Council, as well as area stakeholders who have been watching the progress on this.

Marion

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

---

**From:** Choe, Christine [<mailto:Christine.Choe@mail.house.gov>]  
**Sent:** Wednesday, April 17, 2013 3:36 PM  
**To:** Marion Yoshino  
**Cc:** Clapp, Ruth  
**Subject:** RE: City of Des Moines

Hi Marion,

At this time, Congressman Smith's calendar is incredibly full. He is rarely in the district this month due to the Congressional voting schedule, so his time here is very limited. I will be sure to let you know if time opens up, but if you need further assistance with the foreign investor visa program application, please contact Ruth directly. I have cc'd her to this e-mail. Thank you, Marion. I will be in touch.

-Christine

---

**From:** Marion Yoshino [<mailto:myoshino@desmoineswa.gov>]  
**Sent:** Wednesday, April 17, 2013 6:24 PM  
**To:** Thai, Linh; Choe, Christine  
**Cc:** Tony Piasecki  
**Subject:** City of Des Moines

Hello Christine,

You kindly checked for me a few weeks ago to see if Adam had any availability to meet with our Council Member Bob Sheckler regarding the Artemis Hotel project, here at the City of Des Moines.

He is still very interested in meeting with the Congressman regarding this EB-5 foreign investor visa program application - as this is a 'flagship project' that is very important to the community.

Could you let me know if Adam would have any openings in the foreseeable future? Council Member Sheckler is retired so his schedule is fairly open, and he would be happy to come to Adam's Renton office or meet where convenient.

(I met Linh at an event today and he was nice enough to take some time and listen to our situation, it has been 21 months since the application was submitted! We greatly appreciate the assistance of your office.)

Thank you,

Marion



\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

# **EXHIBIT E**

**CDM Exchange**

---

**From:** Marion Yoshino  
**Sent:** Monday, April 22, 2013 1:20 PM  
**To:** 'Choe, Christine'  
**Cc:** Tony Plasecki; Vicki Sheckler; Bob Sheckler  
**Subject:** FW: City of Des Moines

Hello Christine,

Thank you so much for your phone call letting us know that Congressman Smith would be available Thursday morning May 2<sup>nd</sup> to meet with our Council Member Bob Sheckler. It is much appreciated! As mentioned, we will wait to hear from you as to the exact address – at about 9:45am at one of the downtown Seattle Starbuck's locations.

Best,

Marion

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

---

**From:** Marion Yoshino  
**Sent:** Thursday, April 18, 2013 1:38 PM  
**To:** 'Choe, Christine'  
**Cc:** 'linh.thai@mail.house.gov'; Tony Plasecki  
**Subject:** RE: City of Des Moines

Thanks Christine, can you see a time a little further down the road where Adam could schedule a meeting, in the coming months?  
Establishing an EB-5 investment center will have a big economic impact on this entire area, as more projects can use the designation.  
It seems that it would be useful for Adam to know the details on something that is of major importance to our Mayor & Council, as well as area stakeholders who have been watching the progress on this.

Marion

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

---

**From:** Choe, Christine [mailto:Christine.Choe@mail.house.gov]  
**Sent:** Wednesday, April 17, 2013 3:36 PM  
**To:** Marion Yoshino  
**Cc:** Clapp, Ruth  
**Subject:** RE: City of Des Moines

# **EXHIBIT F**

## CDM Exchange

---

**From:** albert Sze AS3388 <as3388@msn.com>  
**Sent:** Thursday, July 11, 2013 10:03 AM  
**To:** shahzad qadri; Marion Yoshino  
**Cc:** 'Thai, Linh'; Tony Piasecki; Bob Sheckler  
**Subject:** RE: CONGRATS!

Shahzad and Marion,

Let's plan for a party 10 days from now when Shahzad returns from Pittsburgh. I'd like to invite all the people who gave us great helps and supports on this project. Marion, I know you are good at this kind of reception. I relied on you to send out the RSVP invitation, including invite the local press. Let's book a place that serves good food and drinks.

We shall meet at City Hall on Friday early afternoon to discuss a "to do list" for our next steps and beyond, getting prepare for promoting this hotel project to the overseas investors for Escrow account setting and follow by I-526 filings.

Let me know if it is work for everybody.

Thanks,  
Albert Sze, member  
Yareton Investment Fund LLC

---

**From:** sqadri@wongfleming.com  
**To:** myoshino@desmoineswa.gov  
**CC:** Linh.Thai@mail.house.gov; as3388@msn.com  
**Subject:** RE: CONGRATS!  
**Date:** Thu, 11 Jul 2013 15:58:13 +0000

Lol – we can certainly celebrate upon my return ☺ or have a second party!!!



Shahzad Q. Qadri | Partner | Wong Fleming

---

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

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[www.wongfleming.com](http://www.wongfleming.com)

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REPRESENTATIVE OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, COPYING, OR DISCLOSURE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

**From:** Marion Yoshino [mailto:myoshino@desmoineswa.gov]  
**Sent:** Thursday, July 11, 2013 8:57 AM  
**To:** Shahzad Qadri  
**Cc:** 'Thai, Linh'; albert Sze AS3388 (as3388@msn.com)  
**Subject:** RE: CONGRATS!

Sounds like the party has to be tonight if we are going to catch Shahzad(!)

\*\*\*\*\*

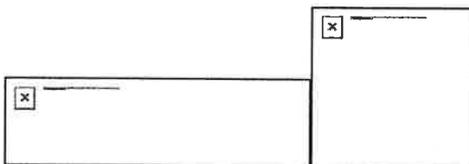
Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

**From:** Shahzad Qadri [mailto:sgadri@wongfleming.com]  
**Sent:** Thursday, July 11, 2013 8:55 AM  
**To:** albert Sze AS3388  
**Cc:** Marion Yoshino; [Linh.Thai@mail.house.gov](mailto:Linh.Thai@mail.house.gov)  
**Subject:** RE: CONGRATS!

Hi Albert,

We definitely need to meet so we can discuss and go over the next steps etc. I am in Pittsburgh for work most of next week, I can do Friday morning or we can schedule a time the following week that suits your schedule. Let me know what works.

Best,  
Shahzad



Shahzad Q. Qadri | Partner | Wong Fleming

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

[www.wongfleming.com](http://www.wongfleming.com)

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REPRESENTATIVE OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, COPYING, OR DISCLOSURE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

**From:** albert Sze AS3388 [mailto:as3388@msn.com]  
**Sent:** Wednesday, July 10, 2013 5:04 PM  
**To:** Shahzad Qadri  
**Cc:** Marion Yoshino (myoshino@desmoineswa.gov); Linh.Thai@mail.house.gov  
**Subject:** Re: CONGRATS!

I rec'd it, thanks for all the hard work after 24 months. Still great news for us .However, we still need some revision later on for how to increase the immigration numbers to 60 in order to collect investors , \$30 million for the project to construct. USCIS approved 47 or \$23 Million. Funny is the operation for hotel was only accepted 23 jobs( mistake?) for a hotel with restaurant ??

What time next week we shall meet?

Albert

Sent from my iPhone

On Jul 10, 2013, at 4:56 PM, "Shahzad Qadri" <sqadri@wongfleming.com> wrote:

The RC was approved! Thanks for all your support!

<image001.png><image002.png>

Shahzad Q. Qadri | Partner | Wong Fleming

---

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

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[www.wongfleming.com](http://www.wongfleming.com)

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# **EXHIBIT G**

**CDM Exchange**

---

**From:** albert Sze AS3388 <as3388@msn.com>  
**Sent:** Monday, May 13, 2013 10:50 PM  
**To:** Bob Sheckler  
**Subject:** FW: Air tickets for Shecklers

Mayor Bob,  
The e-tickets are confirmed.  
The hotel reservation was made under Group name " Albert Sze" at Eden Roc Renaissance begins 5/17 in -  
5/20 out.  
Let me know, if you have any question,  
Albert

---

**Subject:** Air tickets for Shecklers  
**From:** jade012000@hotmail.com  
**Date:** Fri, 10 May 2013 00:30:54 -0700  
**To:** as3388@msn.com

Hi Albert,

Here is the Air tickets information for Shecklers.

Thank you!

Wendy

A A Travel  
601 South King St  
Seattle WA 98104  
Tel(206)628-8888/Fax(206)467-1109

**Travel Consultant:**Ling

**Trip Locator:** 3W3787

ROBERT.F SHECKLER  
VICKI.C SHECKLER

---

Friday 17 May 2013			Air
<b>United Airlines Inc - Flight UA 1107</b>		<b>Status:</b>	Confirmed
<b>Depart:</b> Seattle/Tacoma Int'l Airport		<b>Airline Ref:</b>	I2T625
Seattle/Tacoma, WA, US		<b>Seat:</b>	
5:47 AM		<b>Class:</b>	V-Coach
			Class
		<b>Mileage:</b>	1883
<b>Arrive:</b> Houston Intercontinental Airport		<b>Travel Time:</b>	4:17
Houston, TX, US		<b>Stopovers:</b>	0
12:04 PM		<b>Aircraft:</b>	739
Terminal C		<b>Meal Service:</b>	Food for
			Purchase

**Remarks:**

---

Friday 17 May 2013 Air  
**United Airlines Inc - Flight UA 1158**  
**Depart:** Houston Intercontinental Airport **Status:** Confirmed  
Houston, TX, US **Airline Ref:** I2T625  
12:51 PM **Seat:**  
**Class:** V-Coach  
Class  
**Arrive:** Terminal C **Mileage:** 958  
Miami Int'l Airport **Travel Time:** 2:26  
Miami, FL, US **Stopovers:** 0  
4:17 PM **Aircraft:** 739  
**Meal Service:** Food And  
Beverage  
For  
Purchase

**Remarks:**

---

Monday 20 May 2013 Air  
**American Airlines Inc - Flight AA 0563**  
**Depart:** Miami Int'l Airport **Status:** Confirmed  
Miami, FL, US **Airline Ref:** ACNLBG  
8:55 PM **Seat:**  
**Class:** G-Coach  
Class  
**Arrive:** Seattle/Tacoma Int'l Airport **Mileage:** 2722  
Seattle/Tacoma, WA, US **Travel Time:** 6:45  
Tuesday, May 21, 2013 **Stopovers:** 0  
12:40 AM **Aircraft:** Boeing757-  
200/300  
**Meal Service:** Food for  
Purchase

**Remarks:**

Agency Remarks

----- I M P O R T A N T -----

PLEASE CHECK ITINERARY AND TICKETS FOR

Sent from my iPhone

# **EXHIBIT H**

---

**From:** Stefan Moritz <stefan@unitehere8.org>  
**Sent:** Monday, February 02, 2015 1:57 PM  
**To:** bsheckler@desmoineswa.gov  
**Subject:** Request for more information

Dear Councilman Sheckler,

Please see the email below. Did you take this trip? Why did you take this trip? Who paid for it?

Thank you.

**Stefan Moritz**  
**UNITEHERE! Local 8**

2800 First Avenue Ste. 3, Seattle, WA 98121  
Office Phone: (206) 470-2992  
Cell Phone: (206) 963-3166  
Fax: (206) 728-9772  
Stefan@unitehere8.org



**CDM Exchange**

**From:** albert Sze A53385 <as3300@marl.com>  
**Sent:** Monday, May 13, 2013 10:50 PM  
**To:** Bob Sheckler  
**Subject:** FW: Air tickets for Shecklers

Mayor Bob,  
The e-tickets are confirmed.  
The hotel reservation was made under Group name " Albert Sze" at Eden Roc Renaissance begins 5/17 in -  
5/20 out.  
Let me know, if you have any question.  
Albert

---

**Subject:** Air tickets for Shecklers  
**From:** jode012000@hotmail.com  
**Date:** Fri, 10 May 2013 00:30:54 -0700  
**To:** as3300@marl.com

Hi Albert,

Here is the Air tickets information for Shecklers.

Thank you!

Wendy

A A Travel  
601 South King St  
Seattle WA 98104  
Tel(206)628-3322/Fax(206)467-1100

Travel Consultant: Ling  
Trip Locator: 3W3787

**ROBERT F SHECKLER**  
**VICKI C SHECKLER**

---

Friday 17 May 2013  
United Airlines Inc - Flight UA 1197 Air  
**Depart:** Seattle/Tacoma Intl Airport **Status:** Confirmed  
Seattle/Tacoma, WA, US **Airline Ref:** 12T625  
5:47 AM **Sent:**  
**Class:** V-Coach  
Class  
**Mileage:** 1823  
**Arrive:** Houston Intercontinental Airport **Travel Time:** 4:17  
Houston, TX, US **Stopovers:** 0  
12:04 PM **Aircraft:** 739  
Terminal C **Meal Service:** Food for  
Purchase

**Remarks:**

346

---

Friday 17 May 2013 Air  
United Airlines Inc - Flight UA 1168  
Depart: Houston Intercontinental Airport Status: Confirmed  
Houston, TX, US Airline Ref: 127625  
12:51 PM Seat:  
Class: V-Coach  
Arrive: Terminal C Mileage: 958  
Miami Int'l Airport Travel Time: 2:26  
Miami, FL, US Stopovers: 0  
4:17 PM Aircraft: 739  
Meal Service: Food And Beverage For Purchase

Remarks:

---

Monday 20 May 2013 Air  
American Airlines Inc - Flight AA 0563  
Depart: Miami Int'l Airport Status: Confirmed  
Miami, FL, US Airline Ref: ACNLBG  
8:55 PM Seat:  
Class: G-Coach  
Arrive: Seattle/Tacoma Int'l Airport Mileage: 2722  
Seattle/Tacoma, WA, US Travel Time: 6:45  
Tuesday, May 21, 2013 Stopovers: 0  
12:40 AM Aircraft: Boeing757-300/300  
Meal Service: Food for Purchase

Remarks:

Agency Remarks  
-----IMPORTANT-----  
PLEASE CHECK ITINERARY AND TICKETS FOR

Sent from my iPhone

# **EXHIBIT I**

CITY OF DES MOINES, WA  
TRANSACTION DETAIL REPORT  
FOR THE YEAR 2013

ACCOUNT NO	ACCT_TITLE	DATE	PERIOD	DOC_SRC	DOC_REF	DESCRIPTION	AMOUNT	VENDOR ID	VENDOR	CHK DATE	CHK NO
001											
001.100.021.511.60.43.00	TRAVEL EXPENSES	3/21/13	3	Invoice	TXN00001528	SCA NETWORKING LUNCHEON-DAVE	45.00	011956	PAYPAL SCA	4/23/13	41984158
001.100.021.511.60.43.00	TRAVEL EXPENSES	3/21/13	3	Invoice	TXN00001527	SCA NETWORKING LUNCHEON-M IMU	45.00	011956	PAYPAL SCA	4/23/13	41984158
001.100.021.511.60.43.00	TRAVEL EXPENSES	4/30/13	4	Invoice	1014938	MEMBERSHIP LUNCHEON-T PHASECK	44.00	005619	SWKC CHAMBER OF COMMERCE	5/8/13	135655
001.100.021.511.60.43.00	TRAVEL EXPENSES	5/2/13	5	Invoice	MAYO 050313	MILEAGE & NETWORKING EVENT-M YI	20.00	010155	YOSHINO	5/8/13	135667
001.100.021.511.60.43.00	TRAVEL EXPENSES	5/21/13	5	Invoice	TXN00001794	SCA conference-M MUSSEER	45.00	011956	PAYPAL SCA	6/25/13	5312013
001.100.021.511.60.43.00	TRAVEL EXPENSES	9/30/13	9	Invoice	1015244	CHAMBER LUNCHEON	22.00	005619	SWKC CHAMBER OF COMMERCE	10/9/13	137517
001.100.021.511.60.43.00	TRAVEL EXPENSES	10/22/13	10	Invoice	1015304	CHAMBER LUNCHEON-B SHECKLER	22.00	005619	SWKC CHAMBER OF COMMERCE	10/23/13	137663
001.100.021.511.60.43.00	TRAVEL EXPENSES	11/30/13	11	Invoice	TXN00002580	CM Musser SCA dinner	45.00	011956	PAYPAL SCA	12/24/13	11302013
							<u>288.00</u>				
							<u>288.00</u>				

EXPENDITURES TRANSACTION DATA

# **EXHIBIT J**

<b>PUBLIC DISCLOSURE COMMISSION</b>  711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		<b>PDC FORM</b> <b>F-1</b> (1/12)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	<b>PDC OFFICE USE</b>  100566881
Refer to instruction manual for detailed assistance and examples.  <b>Deadlines:</b> Incumbent elected and appointed officials – by April 15. Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.  <b>SEND REPORT TO PUBLIC DISCLOSURE COMMISSION</b>		<b>DOLLAR CODE</b> A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more	Covers: 2013  Received: 03-09-2014	
Last Name First Middle Initial SHECKLER ROBERT F		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.  Vicki C. Sheckler SP		
Mailing Address (Use PO Box or Work Address) 19816 5TH AVE. SO. City County Zip + 4 DES MOINES KING 98148		Office Held or Sought Office title: CITY COUNCIL MEMBER  County, city, district or agency of the office, name and number: CITY OF DES MOINES  Position number: 6 Term begins: 01-01-2012 ends: 12-31-2015		
<b>1 INCOME</b> List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)		Show Sell (S) Spouse (SP/DP) Dependent (D) S  SP  Check Here <input type="checkbox"/> if continued on attached sheet		
Name and Address of Employer or Source of Compensation City of Des Moines 21630 11th Ave S DES MOINES WA 98198		Occupation or How Compensation Was Earned Councilmember		Amount: (Use Code) B
Name and Address of Employer or Source of Compensation City of Des Moines 21630 11th Ave S DES MOINES WA 98198		Occupation or How Compensation Was Earned Paralegal		Amount: (Use Code) D
<b>2 REAL ESTATE</b> List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)		Property Sold or Interest Divested Assessed Value (Use Code) Name and Address of Purchaser Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address Chase P.O. Box 78420 Phoenix AZ 85062	Payment Terms 4.5%, 30 yrs	Security Given Mortgage
All Other Property Entirely or Partially Owned King County; 19816 5th Ave S, Des Moines, WA; Parcel Check here <input type="checkbox"/> if continued on attached sheet		Assessed Value (Use Code) E	Mortgage Amount - (Use Code) Original Current E E	

CONTINUE ON NEXT PAGE

<b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b>		List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.	
A. Name and address of each bank or financial institution in which you or a family member, including registered domestic partner, had an account over \$20,000 any time during the report period. BECU PO Box 97050 Seattle WA 98124	Type of Account or Description of Asset Checking	Asset Value (Use Code) C	Income Amount (Use Code) 0
B. Name and address of each insurance company where you or a family member, including registered domestic partner had a policy with a cash or loan value over \$20,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member, including registered domestic partner, owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. ICMA Retirement Corp 777 No. Capitol St. NE Washington DC 20002-4240	401-K; 457	E	0
Check here <input checked="" type="checkbox"/> if continued on attached sheet.			

<b>4 CREDITORS</b>			List each creditor you or a family member, including registered domestic partner, owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.		AMOUNT (USE CODE)	
Creditor's Name and Address	Terms of Payment	Security Given	Original	Present		
Check here <input type="checkbox"/> if continued on attached sheet.						

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

**Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.**

- A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? \_\_\_ If yes, complete Supplement, Part A.
- B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part A.
- C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part A.
- D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part B.
- E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? \_\_\_ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? \_\_\_ If yes to either or both questions, complete Supplement, Part C.

<p><b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input checked="" type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.</p> <p>*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.</p>	<p><b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Robert Sheckler _____ 03-09-2014 Signature Date</p> <p>Contact Telephone: 206-824-2081 *</p> <p>Email: <u>shecklers@comcast.net</u> (work)*</p> <p>Email: _____ (Home) Optional</p>
---	---

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

**COMPANY, ASSOC., GOVERNMENT AGENCY CONTINUED**

**F-1**

Name SHECKLER, ROBERT F Page 3

**3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS**

C. Name and address of each company, association, government agency	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
WA DRS (PERS) P.O. Box 4820 Olympia WA 98504	PERS Vested Retirement	D	0
Aurora P.O. Box 4490 Hartford CT 06147	Retirement	D	0

Check here  if continued on attached sheet.

# **EXHIBIT K**

---

**From:** Jon Ammons <jon.ammons@pdc.wa.gov>  
**Sent:** Thursday, December 18, 2014 4:19 PM  
**To:** Abby Lawlor  
**Subject:** RE: Public Records/F-1 request

Hi Abby,

That is correct. Here is a list of the forms I provided to you for him in the PDF:

FILER NAME	FORM TYPE	DATE RECEIVED	Pages
SHECKLER ROBERT F	F1	3/9/2014	3
SHECKLER ROBERT F	F1	3/17/2013	3
SHECKLER ROBERT F	F1	3/31/2012	3
SHECKLER ROBERT F	F1 SUPPLEMENT	3/31/2012	2
SHECKLER ROBERT F	F1 AMENDED	4/11/2011	3
SHECKLER ROBERT F	F1 SUPPLEMENT AMENDED	4/11/2011	2
SHECKLER ROBERT F	F1 AMENDED	4/8/2011	3
SHECKLER ROBERT F	F1 SUPPLEMENT AMENDED	4/8/2011	2
SHECKLER ROBERT F	F1	4/7/2011	3
SHECKLER ROBERT F	F1 SUPPLEMENT	4/7/2011	2
SHECKLER ROBERT F	F1	4/14/2010	2
SHECKLER ROBERT F	F1	4/14/2009	3

Thanks!

**Jon Ammons**



Acting Public Records Officer | Public Disclosure Commission  
360-753-1111 | Toll Free 1-877-601-2828

---

**From:** Abby Lawlor [mailto:abby@unitehere8.org]  
**Sent:** Thursday, December 18, 2014 4:06 PM  
**To:** Jon Ammons  
**Subject:** RE: Public Records/F-1 request

Hi Jon,

Thank you for your reply. I just want to clarify that Robert Sheckler did not submit an F-1 Supplement that covers 2013. Is that indeed the case?

Thanks again,

Abby

Abby Lawlor  
UNITE HERE! Local 8

2800 First Ave. Ste. 3  
Seattle, WA 98121  
(206) 963-6458  
[abby@unitehere8.org](mailto:abby@unitehere8.org)

---

**From:** Jon Ammons [<mailto:jon.ammons@pdc.wa.gov>]

**Sent:** Thursday, December 18, 2014 1:22 PM

**To:** [ABBY@UNITEHERE8.ORG](mailto:ABBY@UNITEHERE8.ORG)

**Subject:** Public Records/F-1 request

Dear Ms. Lawlor,

This email is in response to your Public Records/F-1 request received this afternoon, December 18, 2014, to the Public Disclosure Commission. Attached are copies of the forms you requested in individual, date-descending PDFs.

Please feel free to contact us with any questions you may have.

Thank you.

**Jon Ammons**



Acting Public Records Officer | Public Disclosure Commission  
360-753-1111 | Toll Free 1-877-601-2828

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Robert F. Sheckler  
19816 5<sup>th</sup> Ave S.  
Des Moines, WA 98148  
206-824-2081

Public Disclosure Commission

April 5, 2015

Phillip E. Stutzman  
Director of Compliance  
PO Box 40908  
Olympia, WA 98504-0908

Re: PDC Complaint No. T15-108

Dear Mr. Stutzman:

This letter, with attached exhibits, is in response to your March 26, 2015 letter regarding a Notice of Complaint from Abigail Lawlor, PDC Complaint No. T15-108.

To begin with, let me respond to your three questions in your cover letter.

1. *Who funded the trip, and/or provided the travel to Miami Beach in 2013?* Technically, this would be Yareton Investments, in exchange for tour guide services that my wife and I provided.

2. *What was the reason for the trip?* To provide the above-mentioned tour guide services for 14-16 Chinese visitors ("hereinafter "visitors").

3. *Was the trip associated with public agency business?* Absolutely not. The people we were guiding through Miami and the Florida Keys in two separate vans spoke no English, except for two, one in each vehicle, who acted as interpreters. We did not know these 14-16 visitors. They were acquaintances or friends of Mr. Yang and their spouses. You will see further information about our services and my Miami background below.

**Secondly**, the February 2, 2015 email from Abigail Lawlor (page 2 of Ms. Lawlor's Complaint and her Exhibit H) was not deliberately ignored. We were in Maui from January 25, 2015 through February 6, 2015 (Exhibit A) and did not have a computer. Ms. Lawlor should have contacted the City Clerk with her follow-up questions and I would have been given the request for additional information upon my return. The City Clerk's email transmittal of Ms. Lawlor's public records specifically states that "If you have any questions, please let me know." (Exhibit B) The City of Des Moines Public Records Policy states on page 2 that "The City Clerk is the designated public records officer." (Exhibit C) Ms. Lawlor did not attempt to contact me by any other means. I do not have an office at City Hall and do not have staff assigned personally to me to respond to incoming emails or correspondence. I also do not open emails from addresses unknown to me because of the risk of computer viruses and/or computer hacking.

**In response to 2A of Ms. Lawlor's Complaint,** I did file an F1 for 2013. Since my wife and I were providing tour guide services for a party of 14 to 16 visitors, I did not consider this event to be reportable and felt that the F1-A did not apply. We provided tour guide services for two full days for the party of 14 to 16 Chinese speaking individuals (hereafter called "visitors"), in two different vehicles, with my wife guiding one van and I the other. Our itinerary was as follows:

**Friday, May 17, 2013** Travel to Miami from Seattle, departing Seattle at 5:47 a.m. and arriving at Miami at 4:17 p.m. After arriving we met briefly in the lobby with the visitors we would be guiding and went our separate ways. My wife and I had dinner on our own (Exhibit D, \$101.60).

**Saturday, May 18, 2013** My wife took half of the visitors in one van and I took the other half in another. We escorted the visitors for a three-hour trip to Key West with stops along the way. After the three-hour trip back to Miami we took them to an out-of-the-way Chinese restaurant. We opted not to join them for this meal.

**Sunday, May 19, 2013** As above, taking 2 vans, my wife in one and I in the other, we escorted the visitors around downtown Miami, ventured to a large local marina as they had interest in seeing luxury yachts, viewed luxury homes, visited Little Havana, and Vizcaya gardens, taking pictures for them as we went. My wife and I had meals at our expense. (Exhibit D, \$48.15 and \$53.36)

**Monday, May 20, 2013** Everyone departed, going their separate ways. My wife and I took a cab (at our expense) to the airport, where our flight was delayed 18 hours due to inclement weather and airplane repairs. We spent the evening in the airport sleeping on the floor with no food or water as the airport closed down and all the local hotels were full.

**In response to 2B of Ms. Lawlor's Complaint,** "In 2011 Councilmember Sheckler, Mr. Yang and others met at a business dinner", this was actually a social event (Exhibit E, page 1), not a business dinner as Ms. Lawlor assumes, as Mr. Yang was in town with his son. There was another councilmember and two other City employees in attendance. I reimbursed the City for my wife's dinner and the portion of mine that was in excess of what the City would pay. (Exhibit E, page 2). The check that is attached in Exhibit E (I have redacted my account number) confirms this, showing a history of my reimbursing when appropriate. This check, unfortunately, was negligently part of the King5 video without redaction of my account number, and has needlessly exposed me to ID theft and fraud. King5 has since taken this check off the video link, but it is most likely too late for fraud opportunists to take advantage of this King5's error since it was there for at least one full day.

**Additional response to 2B of the Complaint.** I did meet with Congressman Adam Smith, along with City Manager Tony Piasecki, to discuss the February 6, 2013 Notice of Action stating "Intent to Deny" the Yareton's EB-5 application. Congressman Smith indicated that he would look into the matter. News of the EB-5 approval came to me on July 11, 2013 through an email

Phillip E. Stutzman  
April 5, 2015  
Page 3

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from Albert Sze, long after the Miami trip. (Exhibit F) I did not have any other involvement other than an occasional conversation with Mr. Sze regarding the EB-5 status.

**Qualification as Tour Guide:** It was known by Mr. Sze that I lived in Miami for a number of years and he felt I was qualified to escort their visitors. I also had worked for Sitmar Cruises (now part of Princess) part-time while I was in college, meeting and greeting passengers and making sure that they were comfortable in the cruise environment. I have attached numerous documents that show my prior Miami residency ranging approximately 14 years, including my DD-214 from Homestead Air Force Base in Florida (where I was stationed for three years), college transcripts, other college (Miami-Dade Community College and Florida International University) documents, VA Card, and Deeds for a home owned in Miami from 1979 to 1982, most of which show a Miami residential addresses. (Exhibit G)

**Conclusion.** I did not feel that this travel was a gift, vacation, or reportable since I was providing tour guide services in exchange. Mr. Sze “agreed in a phone conversation” with King5 reporter, John Langelier, that this was not a gift and that “the 20 people on the trip were all friends” (see Exhibit E, King5 News article dated April 4, 2015) I did pay for my incidentals, including upgrades on airplane tickets, meals (see Exhibit D) and taxis. This was not a social event, business-related trip, or gift (remember that no one spoke English, including Mr. Yang, except for the two who interpreted for us). We were non-stop at the service of the visitors who had themselves decided on the places they wanted to visit while in Miami. My wife and I were in two separate vehicles so that each of the visitors would know what they were seeing. This service was provided to these visitors that had never before visited Miami. I had provided Mr. Sze with the names of hotels in the area that met their criteria (they wanted to be in Miami on the water). He picked the hotel and made the arrangements. There wasn’t much to choose from because of the late date and the number of rooms needed.

Mr. Sze advised King5 that in the April 4, 2015 article that “his business and Unite Here Local 8 have been at odds since the project began and speculated that may be the root cause of the union’s complaint.” (Exhibit H, page 2) The EB-5 program and the lack of interest for the Hotel to unionize at this time may be considered threats to Unite Here! Local 8 and they may feel that the Hotel will be intimidated by the union’s complaints (please see the “Do Not Patronize” list of hotels and restaurants on Local 8’s website, [www.unitehere8.org](http://www.unitehere8.org) under the tab “Stay Union”, which lists four hotels and restaurants in the Sea-Tac Airport area). The Artemis Hotel project has brought a \$45 million project to a blighted area of Des Moines on Pacific Highway South at a time when smaller cities are suffering financially. This project will be a definite boost to the City by providing jobs and income for the City’s coffers. It will be a boost to our economy and hopefully other investments and construction will follow suit. I have worked very hard to make this project a reality for the benefit of the City of Des Moines, not for myself.

I predict that the Union’s next attack will be on the City of Tacoma, where Yareton is in the process of submitting plans for a downtown convention center and hotel. This project is much

Phillip E. Stutzman  
April 5, 2015  
Page 4

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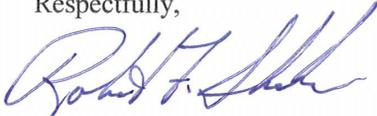
larger in scope than the one being constructed in Des Moines and is part of the EB-5 Program. Local 8 has a lot to lose if it cannot unionize the Artemis Hotel as the Tacoma project will no doubt follow Artemis's lead.

I am very proud of my 20 years of service to the City of Des Moines as an elected official. Everything I have done was for the betterment of this community, often at personal expense to me and my family. What I won't miss after retiring at the end of this term (December 2015) are the attacks against me from those with their own selfish agendas.

If you have any questions or need further information or documentation, please contact me at 206-824-2081. I would like to talk with you personally before a decision is made.

Thank you.

Respectfully,



Robert F. Sheckler

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# EXHIBIT A

APR - 8 2015

XFINITY Connect

shecklers@comcast.net

Public Disclosure Commission

+ Font Size -

Confirmation Letter - NWIGRG 01/25/15 - from Alaska Airlines

From : Alaska Airlines <Alaska.IT@alaskaair.com>

Sun, Oct 19, 2014 08:41 PM

Subject : Confirmation Letter - NWIGRG 01/25/15 - from Alaska Airlines

To : SHECKLERS@COMCAST.NET

Reply To : Alaska Airlines <Alaska.ConfirmationLetter@alaskaair.com>

If you have trouble viewing this message, click here to request a plain text-only version of this email.



- HOME
- PLAN & BOOK
- DEALS
- DESTINATIONS
- MILEAGE PLAN™

Confirmation Code: **NWIGRG**

Below is your award booking confirmation. Thank you and enjoy your trip.

**Need to change your flight?** Visit us in advance, online or through reservations.

Flight	Departs	Arrives	Class	Traveler(s)	Seat(s)
<i>Alaska</i> Alaska 861 Boeing 737-800	Seattle (SEA) Sun, Jan 25 8:55 am	Kahului/Maui (OGG) Sun, Jan 25 1:18 pm	N (Coach)	Vicki Sheckler Robert Sheckler	27E 27D
<i>Alaska</i> Alaska 874 Boeing 737-800	Kahului/Maui (OGG) Fri, Feb 6 1:25 pm	Seattle (SEA) Fri, Feb 6 9:00 pm	N (Coach)	Vicki Sheckler Robert Sheckler	23D 23C

Summary of Airfare Charges

Vicki Sheckler  
 Mileage Plan # \*\*\*\*\*1841  
 Ticket 0272157279459

Base Fare and Surcharges	\$0.00
Taxes and Other Fees	\$11.20
<i>per person total:</i>	\$11.20

Robert Sheckler  
 MP# Enter Mileage Program  
 Ticket 0272157279460

Base Fare and Surcharges	\$0.00
Taxes and Other Fees	

Hotels & Cars

**LOW PRICE GUARANTEE**  
Provided by Orbitz®

**Need a Hotel?**

Use our hotel deal finder to book a hotel in Kahului/Maui.

**Need a Ride?**

Use our car deal finder to rent a car in Kahului/Maui.

**Get the Signature Card**

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# EXHIBIT B

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APR - 8 2015

**Bonnie Wilkins**

---

**From:** Bonnie Wilkins  
**Sent:** Thursday, January 22, 2015 1:09 PM  
**To:** 'Abby Lawlor'  
**Subject:** RE: Request for Public Records  
**Attachments:** 2009 - 32009.pdf; 2009-32009.pdf; 2009-42009.pdf; 2010-32010.pdf; 2010-42010.pdf; 2011-22011.pdf; 2013-137123.pdf

Public Disclosure Commission

Hi Abby~

After a very exhausting and diligent search of the City for the records you have requested, the "Official travel log for former Mayor/Councilmember Robert Sheckler from January 1, 2009 to Dec 31, 2013", I have attached all documents we found responsive to your request.

If you have any questions, please let me know. Thank you for your patience.

Have a great weekend~  
Bonnie

**Bonnie Wilkins, City Clerk**  
**City of Des Moines**  
**21630 11th Avenue S**  
**Des Moines WA 98198**  
**206-870-6519**  
**206-870-6540 FAX**

CONFIDENTIALITY STATEMENT: The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.

---

**From:** Bonnie Wilkins  
**Sent:** Monday, January 12, 2015 3:41 PM  
**To:** 'Abby Lawlor'  
**Subject:** Request for Public Records

Hi Abby~

Sorry for the delay. Since prior year files have been purged the search process is taking a little longer than I had hoped. Hopefully I can have documents to you by the middle of the week.

Please let me know if you have any questions and thank you for your patience.

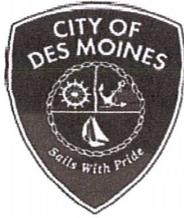
Talk to you soon~  
Bonnie

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# EXHIBIT C



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# *City of Des Moines*

## *Public Records Policy*

### **SECTION INDEX: Public Records Policy**

1. Purpose
  - 1.1. Public Records Act
  - 1.2. City Policy and Procedure
2. Reference
3. Policy
4. Responsibility/Authority
  - 4.1. Public Records Officer
  - 4.2. City Staff
  - 4.3. Requesters
5. Definitions
6. Guidelines
  - 6.1. Municipal Services and Central Office
  - 6.2. Availability of Public Records
  - 6.3. Making a Request for Public Records
  - 6.4. Processing Public Records Requests
  - 6.5. Inspection of Records
  - 6.6. Providing Copies of Records
  - 6.7. Providing Records in Installments
  - 6.8. Completion of Response to Inspect Records
  - 6.9. Closing Withdrawn or Abandoned Requests
  - 6.10. Later Discovered Documents
  - 6.11. Completion of Request
  - 6.12. No Duty to Create New Records
  - 6.13. Processing of Public Records Requests — Electronic Records
  - 6.14. Exemptions
  - 6.15. Costs of Providing Copies of Public Records
  - 6.16. Review of Denials of Public Records
7. Appendix
  - 7.1. List of Exemptions
  - 7.2. Organizational Chart

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**Public Records Policy**

Public Disclosure Commission

**POLICY**

**1. PURPOSE:**

**1.1 Public Records Act:** The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records.

**1.2 City Policy and Procedure:** The purpose of establishing the following policy and procedure is to provide a method by which City staff will review and respond to requests for public records within the Public Records Act framework. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. The policy and procedure should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

**2. REFERENCE:**

RCW 42.56, Public Records Act  
Chapter 44-14 WAC  
Public Records Act — Model Rules

**3. POLICY:** The City shall provide for inspection and copying of requested public records as provided in this policy and procedure, unless such records are exempt from disclosure under chapter 42.56 RCW or other law under which disclosure is regulated. City staff shall provide assistance to requesters in obtaining the public records they seek.

**4. RESPONSIBILITY/AUTHORITY**

**4.1 Public Records Officer:** The City Clerk is the designated public records officer. The City's public records officer will oversee compliance with the Public Records Act and these procedures. The City's public records officer may delegate the responsibilities of processing requests to other Departments which in turn may designate a records coordinator to facilitate access to public records within that department. Each such coordinator shall be identified to and coordinate any response through the public records officer.

**4.2 City Staff:** City staff will provide assistance to requesters, reasonably ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the City of Des Moines. Assigned City staff will be responsible and held accountable to meet the City's responsibilities of this policy. Failure to do so will result in disciplinary actions.

**4.3 Requesters:** While requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant

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# EXHIBIT D

7299  
May 18 - June 19, 2013  
Page 3 of 4

Transactions continued

Transaction Date	Posting Date	Description	Reference Number	Account Number	Amount	Total
<b>Purchases and Adjustments</b>						
05/16	05/18	SAFEWAY STORE00016642 BURIEN WA 463136819055787	0338	7299	15.00	
05/16	05/18	SAFEWAY STORE00016642 BURIEN WA 463136821210358	0654	7299	13.66	
05/16	05/18	UNITED 0162609468 800-932-2732 TX SHECKLER /FIRST 05/17 SEA/IAH ONEWAY IAH/MIA 1313701401812609468958	3120	7299	25.00	
05/17	05/20	RENAISSANCE HOTELS JIM MIAMI BEACH FL 3890002060008 ARRIVAL DATE 5/17/13	2088	7299	101.60	
05/17	05/20	UNITED 0162925207 800-932-2732 TX SHECKLER /INFLIG05/17 SEA/IAH ONEWAY 1313800694952925207322	7186	7299	13.48	
05/17	05/20	UNITED 0162925245 800-932-2732 TX SHECKLER /INFLIG05/17 IAH/MIA ONEWAY 1313800694962925245387	7194	7299	16.08	
05/18	05/20	CITY OF KEY WEST KEY WEST FL	7980	7299	3.00	
05/19	05/20	VIZCAYA CAFE & GIFT SH MIAMI FL 35289929	4735	7299	48.15	
05/19	05/21	AMERICAN AI 0010643214 DALLAS TX SHECKLER/ROBERT 05/19 XAA/XAA ONEWAY	4712	7299	58.01	
05/19	05/21	AMERICAN AI 0010643214 DALLAS TX SHECKLER/VICKIC 05/19 XAA/XAA ONEWAY	4720	7299	58.01	
05/19	05/21	RUSTY PELICAN MIAM KEY BISCAYNE FL	0925	7299	53.36	
05/20	05/22	STARBUCKS D15 12291571 MIAMI FL 8133141008628239	8363	7299	27.04	
05/20	05/22	AMERICAN AI 0010283943 MIAMI FL SHECKLER/ROBERT 05/20 XAA/XAE ONEWAY	1089	7299	25.00	
05/20	05/22	NEWSLINK 6 SFL MIAMI FL	3292	7299	18.18	
05/20	05/22	NEWSLINK 6 SFL MIAMI FL	3292	7299	8.52	
05/21	05/23	STARBUCKS D15 12291571 MIAMI FL 8123141428754675	8362	7299	1.56	
05/23	05/24	OFC #5805 SEATTLE WA	8143	7299	119.89	

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# EXHIBIT E

CITY OF DES MOINES, WASHINGTON

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Credit Card Expense Form

APR - 8 2015

CREDIT CARD # 1173

Public Disclosure Commission

Tony Piasecki, City Manager

2/10/2011

NAME AND TITLE

DATE

DATE	NAME OF COMPANY	PURPOSE (IN DETAIL)	MEALS	LODGING	OTHER
2/5/2011	Salty's Restaurant	Dinner with Chinese business owner, Mr Yang, his son Eric, son's friend Sun, interpreter Albert Sze Bob and Vicki Sheckler, Carmen Scoll, Marion Yoshino & Tony Piasecki	\$486.49		
		Vicki's meal and part of Bob's reimbursed with attached personal check for \$74.33			
			\$486.49	\$0.00	\$0.00

\$486.49

Please attach all receipts for each expense.

I hereby certify under penalty of perjury that these are true and correct charges for necessary expenses incurred by me

Employee Signature [Signature]

Date 2/10/11

Department Director Approval [Signature]

Date \_\_\_\_\_

City Manager Approval (Dept. Directors Only) \_\_\_\_\_

Date \_\_\_\_\_

Expenditure No. 001 100.021 511 60 49 00

Audited  
Finance Director [Signature]  
Date Signed 3/2/11

DATE

ROBERT F. SHECKLER  
18816 - 5TH AVE. S  
DES MOINES, WA 98148-2424

18-7876/3250  
697285578

1364

DATE 2/9/15

City of Redmond

\$ 74.33

City - fees 33/100

Washington Mutual

12000 Mutual Bank, FA  
One Federal Center 112  
1 Market View Drive S.  
Ore., WA 98108

1 800-738-7600  
24 Hour Customer Service

emburment for Salty's

Robert Sheckler

1364

Salty's - Rec  
28201 Redondo Beach  
Des Moines, WA  
253-946-0636

Server: KASY 02/05/2011  
Table 28/1 9:00 PM  
Guests: 9

#20014

D Spring Mix (2 @5.99)	11.98
D Seafood Cioppino	17.98
Iced Tea	3.00
D Salty's Chowder Cup (4 @6.99)	27.96
D FS Blackened Salmon	26.99
VD FS Tenderloin Medallion (2 @23.99)	59.98
San/Pellegrino	4.25
D Live Maine Lobster (1.5 Pound) @ 33.99 per Pound (RAW WT)	59.99
D Per	67.98
D Porterhouse	39.99
A la Carte French Fries	3.99
Pop	3.00
<b>Subtotal</b>	<b>367.09</b>
WA State Tax	3.86
Local F/B Tax	0.00
Gratuity Tax	1.61
<b>Total Tax</b>	<b>5.47</b>
<b>Total</b>	<b>410.41</b>
Gratuity 18.00%	73.87
<b>Total</b>	<b>484.28</b>

Balance Due 476.49

Receive Exclusive Promotions:  
Sign up for Salty's Private &  
Confidential E-mails:  
E-mail address:  
First & Last Name:  
You may unsubscribe anytime.

Vicks 24.44  
" 4.25 + tax = 44.33  
Bob (partial) + 30.00  
Personal ch & Receipt # 74.33

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APR -8 2015

Public Disclosure Commission

Salty's - Redondo  
28201 Redondo Beach Dr S  
Des Moines, WA 98198  
253-946-0636

Server: KASY DOB: 02/05/2011  
09:04 PM 02/05/2011  
Table 28/1 2/20G14  
Mastercard 2097162  
Card #XXXXXXXXXXXX1173  
Magnetic card present: PIASECKI ANTHONY A  
Approval: 325040

Amount: \$ 410.41  
+ Included Gratuity: \$ 66.98  
+ Additional Tip 10.00  
= Total: 487.49

Guest Copy

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Public Disclosure Commission

# EXHIBIT F

**CDM Exchange**

RECEIVED

**From:** albert Sze AS3388 <as3388@msn.com>  
**Sent:** Thursday, July 11, 2013 10:03 AM  
**To:** shahzad qadri; Marion Yoshino  
**Cc:** 'Thai, Linh'; Tony Piasecki; Bob Sheckler  
**Subject:** RE: CONGRATS!

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Shahzad and Marion,

Let's plan for a party 10 days from now when Shahzad returns from Pittsburgh. I'd like to invite all the people who gave us great helps and supports on this project. Marion, I know you are good at this kind of reception. I relied on you to send out the RSVP invitation, including invite the local press. Let's book a place that serves good food and drinks.

We shall meet at City Hall on Friday early afternoon to discuss a "to do list" for our next steps and beyond, getting prepare for promoting this hotel project to the overseas investors for Escrow account setting and follow by I-526 filings.

Let me know if it is work for everybody.

Thanks,  
Albert Sze, member  
Yareton Investment Fund LLC

---

**From:** sqadri@wongfleming.com  
**To:** myoshino@desmoineswa.gov  
**CC:** Linh.Thai@mail.house.gov; as3388@msn.com  
**Subject:** RE: CONGRATS!  
**Date:** Thu, 11 Jul 2013 15:58:13 +0000

Lol – we can certainly celebrate upon my return ☺ or have a second party!!!



Shahzad Q. Qadri | Partner | Wong Fleming

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

[www.wongfleming.com](http://www.wongfleming.com)

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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REPRESENTATIVE OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, COPYING, OR DISCLOSURE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

**From:** Marion Yoshino [mailto:myoshino@desmoineswa.gov]  
**Sent:** Thursday, July 11, 2013 8:57 AM  
**To:** Shahzad Qadri  
**Cc:** 'Thai, Linh'; albert Sze AS3388 (as3388@msn.com)  
**Subject:** RE: CONGRATS!

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Sounds like the party has to be tonight if we are going to catch Shahzad(!)

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\*\*\*\*\*

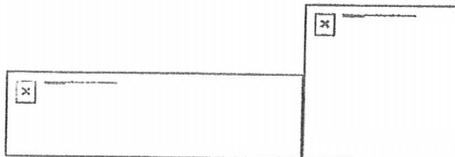
Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

**From:** Shahzad Qadri [mailto:sgadri@wongfleming.com]  
**Sent:** Thursday, July 11, 2013 8:55 AM  
**To:** albert Sze AS3388  
**Cc:** Marion Yoshino; Linh.Thai@mail.house.gov  
**Subject:** RE: CONGRATS!

Hi Albert,

We definitely need to meet so we can discuss and go over the next steps etc. I am in Pittsburgh for work most of next week, I can do Friday morning or we can schedule a time the following week that suits your schedule. Let me know what works.

Best,  
Shahzad



Shahzad Q. Qadri | Partner | Wong Fleming

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

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REPRESENTATIVE OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, COPYING, OR DISCLOSURE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

**From:** albert Sze AS3388 [mailto:as3388@msn.com]  
**Sent:** Wednesday, July 10, 2013 5:04 PM  
**To:** Shahzad Qadri  
**Cc:** Marion Yoshino (myoshino@desmoineswa.gov); Linh.Thai@mail.house.gov  
**Subject:** Re: CONGRATS!

I rec'd it, thanks for all the hard work after 24 months. Still great news for us .However, we still need some revision later on for how to increase the immigration numbers to 60 in order to collect investors , \$30 million for the project to construct. USCIS approved 47 or \$23 Million. Funny is the operation for hotel was only accepted 23 jobs( mistake?) for a hotel with restaurant ??

What time next week we shall meet?

Albert

Sent from my iPhone

On Jul 10, 2013, at 4:56 PM, "Shahzad Qadri" <sgadri@wongfleming.com> wrote:

The RC was approved! Thanks for all your support!

<image001.png><image002.png>

Shahzad Q. Qadri | Partner | Wong Fleming

2340 130<sup>th</sup> Avenue NE, D-150 | Bellevue, WA 98005  
Phone: 425.869.4040 | Fax: 425.869.4050

[www.wongfleming.com](http://www.wongfleming.com)

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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# EXHIBIT G



from the Armed Forces of the United States of America

*This is to certify that*

ROBERT F. SHECKLER, AF 1196 04 59, AB, AFRES

*was Honorably Discharged from the*

**United States Air Force**

*on the 30th day of November 1966 This certificate is awarded*

*as a testimony of Honest and Faithful Service*

*T. C. Hollick*

T. C. HOLLICK  
Colonel, USAF

DD FORM 1 NOV 51 256 AF PREVIOUS EDITIONS OF THIS FORM MAY BE USED.

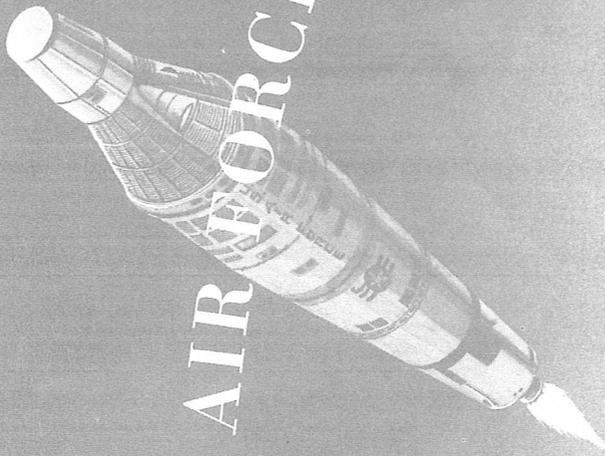
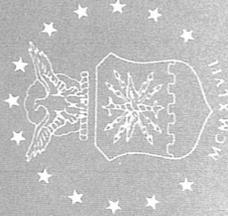
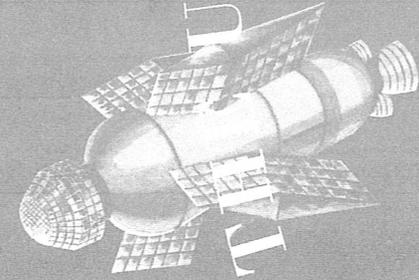
THIS IS AN IMPORTANT RECORD - SAFEGUARD IT

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THE UNITED STATES AIR FORCE



*Certifies that*

SERGEANT ROBERT F. SHECKLER, FR [REDACTED]

*has successfully completed the*

OJT ADMINISTRATOR CRS 4AJF75000-24 (PDS CODE E58) (32 HOURS)  
SHEPPARD TECHNICAL TRAINING CENTER, 319S FTD, HOMESTEAD AFB, FLORIDA

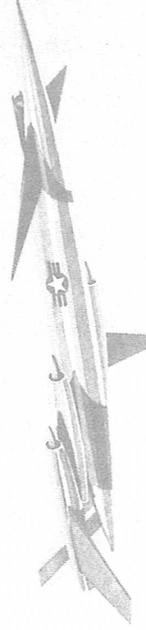
*and is herewith awarded this*

CERTIFICATE of TRAINING

*Joseph Amato*

JOSEPH AMATO, 1LT, USAF  
DETACHMENT COMMANDER

7 OCTOBER 1969  
*Date*



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**THIS IS AN IMPORTANT RECORD  
SAFEGUARD IT.**

PERSONAL DATA	1 LAST NAME-FIRST NAME-MIDDLE NAME <b>SHECKLER ROBERT FRANCIS</b>		2 SERVICE NUMBER <b>NA</b>		3 SOCIAL SECURITY NUMBER <b>[REDACTED]</b>		
	4 DEPARTMENT, COMPONENT AND BRANCH OR CLASS <b>AIR FORCE RegAF</b>		5a. GRADE, RATE OR RANK <b>SGT</b>	b. PAY GRADE <b>E4</b>	6. DATE OF RANK DAY: <b>1</b> MONTH: <b>FEB</b> YEAR: <b>69</b>		
	7 U S CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		8 PLACE OF BIRTH (City and State or Country) <b>WORCESTER MA</b>		9. DATE OF BIRTH DAY: <b>23</b> MONTH: <b>JUL</b> YEAR: <b>48</b>		
SELECTIVE SERVICE DATA	10a. SELECTIVE SERVICE NUMBER <b>NA</b>		b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE <b>NA</b>		c. DATE INDUCTED DAY: <b>NA</b> MONTH: <b>NA</b> YEAR: <b>NA</b>		
	11 a. TYPE OF TRANSFER OR DISCHARGE <b>RELEASE FROM ACTIVE DUTY</b>		b. STATION OR INSTALLATION AT WHICH EFFECTED <b>HOMESTEAD AFB FL</b>				
TRANSFER OR DISCHARGE DATA	c. REASON AND AUTHORITY <b>AFM 39-10 PAR 3-8j (SDN 413)</b>				d. EFFECTIVE DATE DAY: <b>2</b> MONTH: <b>SEP</b> YEAR: <b>70</b>		
	12 LAST DUTY ASSIGNMENT AND MAJOR COMMAND <b>4531 TAC HOSP (TAC)</b>		13 a. CHARACTER OF SERVICE <b>HONORABLE</b>		b. TYPE OF CERTIFICATE ISSUED <b>NA</b>		
	14 DISTRICT, AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED <b>USAFR</b>				15 REENLISTMENT CODE <b>1</b>		
	16 TERMINAL DATE OF RESERVE/UMTS OBLIGATION DAY: <b>30</b> MONTH: <b>NOV</b> YEAR: <b>72</b>		17 CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION a. SOURCE OF ENTRY <input checked="" type="checkbox"/> ENLISTED (First Enlistment) <input type="checkbox"/> ENLISTED (Prior Service) <input type="checkbox"/> REENLISTED <input type="checkbox"/> OTHER		b. TERM OF SERVICE (Years) <b>4</b>	c. DATE OF ENTRY DAY: <b>1</b> MONTH: <b>DEC</b> YEAR: <b>66</b>	
18 PRIOR REGULAR ENLISTMENTS <b>NONE</b>		19 GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC <b>AIRMAN BASIC</b>		20. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) <b>SPRINGFIELD MA</b>			
21 HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County, State and ZIP Code) <b>Ave Auburn Worcester MA 01501</b>		22 STATEMENT OF SERVICE					
23a. SPECIALTY NUMBER & TITLE <b>90650 Med Admn Spec</b>		b. RELATED CIVILIAN OCCUPATION AND D.O.T NUMBER <b>NA</b>		c. FOREIGN AND/OR SEA SERVICE			
24 DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN-RIBBONS AWARDED OR AUTHORIZED <b>NDSM//AFOUA AFM 900-3</b>		25 EDUCATION AND TRAINING COMPLETED <b>MED HOPR SPEC 90010 COMPL 67 OJT ADMIN CRSE 4AJF75000-24 COMPL 69</b>					
VA AND EMP. SERVICE DATA	26 a. NON-PAY PERIODS/TIME LOST (Preceding Two Years) <b>NO TIME LOST</b>		b. DAYS ACCRUED LEAVE PAID <b>40.0</b>		27 a. INSURANCE IN FORCE (NSLI or USGL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		c. MONTH ALLOTMENT DISCONTINUED <b>NA</b>
	28. VA CLAIM NUMBER <b>C- NA</b>		29. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE <input type="checkbox"/> \$10,000 <input type="checkbox"/> \$5,000 <input type="checkbox"/> NONE <b>\$15,000</b>				
REMARKS	30 REMARKS <b>BLOOD GROUP A NEG AQE SCORES: M75 A60 G65 E50 LNAC 5 JAN 67 FT HOLABIRD MD</b>						
AUTHENTICATION	31 PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County, State and ZIP Code) <b>SAME AS ITEM #21</b>			32. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>Robert F. Shekler</i>			
	33 TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER <b>O.R. CUNNINGHAM, MSGT, USAF CH CAREER ASSISTANCE &amp; COUNSELING</b>			34. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>O.R. Cunningham</i>			

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Form Approved  
Budget Bureau No. 763032

VETERANS ADMINISTRATION  
**ENROLLMENT CERTIFICATION**  
*(Under Chapter 34 or 35, Title 38, United States Code)*

Public Disclosure Commission  
IMPORTANT: Schools or Training Establishments will use this form to verify the student's enrollment in the program of education or training approved by the VA. TYPE OR PRINT IN INK. If additional space is required, attach separate sheets and key answers to item numbers 1 thru 4 and 16 thru 18 must always be completed.

1. CURRENT ADDRESS OF STUDENT OR TRAINEE (Number and street or rural route, City or P.O., State and ZIP Code. If serviceman on active duty, furnish complete address.)  
**Robert F. Sheckler**  
**10980 S.W. 202 Dr. Apt. 26**  
**Miami, Fla. 33157**

2. CREDIT ALLOWED FOR PREVIOUS TRAINING (Required on first enrollment)  
**3**

3. NAME OF COURSE OR CURRICULUM IN WHICH CURRENTLY ENROLLED OR POSITION FOR WHICH TRAINING  
**A. A. Degree**

4. TYPE OF COURSE (Check one only. Complete selected items as directed for the course.)  
 UNDERGRADUATE STANDARD COLLEGE DEGREE (Complete items 5-9)  
 GRADUATE OR ADVANCED PROFESSIONAL DEGREE (Complete items 5-10)  
 COURSE NOT LEADING TO STANDARD COLLEGE DEGREE (Complete items 5, 6, 9 and 11)  
 CORRESPONDENCE COURSE (Complete item 14)  
 COOPERATIVE COURSE (Not farm) (Complete items 5-8)  
 FARM COOPERATIVE (Complete items 5, 6, 11 and 12)  
 APPRENTICE-ON-THE-JOB TRAINING (Complete item 15)  
 FLIGHT TRAINING (Complete item 13)

LEGEND: IHL—Institutions of Higher Learning; BCL—Below College Level.

5. PERIOD OF INSTRUCTION CERTIFIED	6. EFFECTIVE DATE FOR PERIOD SHOWN IN ITEM 5	7. CREDIT HOUR LOAD		8. SUMMER SESSION ACCELERATED SEM. TERM, ETC. OR ATTENDANCE FOR CO-OP COURSE	9. CHARGES FOR PERIOD OF INSTRUCTION	10. TRAINING TIME FOR GRADUATE OR ADVANCED PROFESSIONAL COURSES
IHL-BCL-FARM CO-OP: Enter school year, fall term, summer or other period as applicable. CO-OP: Enter cycles of training as "Classroom" and "on-job."	IHL: Enter date of registration or date student was required to report in advance of registration and end of period. FARM CO-OP: Enter first and last date of student's period of enrollment. BCL-CO-OP: Enter first and last date of attendance or training.	Enter number of hours for which credit may be granted.	Enter credit equivalent of non-credit deficiency courses.	IHL: Enter number of standard class sessions per week. CO-OP: Enter clock hours of attendance for each cycle of training.	Complete only when: 1. Student is in Service OR 2. Student is enrolled for less than 11/2 time.	Enter fulltime, 3/4 time, 1/2 time, more than 1/4 time, or less.
School Year	8/25/70 4/29/71	15				Full Time

11. ADDITIONAL INFORMATION FOR COURSE NOT LEADING TO A STANDARD COLLEGE DEGREE AND FARM CO-OP

A. CLOCK HOURS OF ATTENDANCE PER DAY  
B. NUMBER OF DAYS PER WEEK  
C. DAYS OF REGULARLY SCHEDULED ATTENDANCE (Check applicable boxes)  
 5 DAY WEEK (Mon thru Fri) OR  
 M  TU  W  TH  F  SAT

12. FARM COOPERATIVE (Chapter 34 only)  
DOES STUDENT'S PERIOD OF ENROLLMENT IN ITEM 6 ABOVE INCLUDE PRESCHEDULED CLASSROOM INSTRUCTION?  
 YES  NO (If "Yes," attach schedule of attendance for each prescheduled enrollment period)

13. VOCATIONAL FLIGHT TRAINING (Chapter 34 only)  
A. DATE TRAINING BEGAN  
B. FLIGHT  
C. GROUND  
D. TOTAL CHARGES

14. CORRESPONDENCE COURSE  
A. DATE FIRST LESSON SENT TO STUDENT  
B. NUMBER OF LESSONS FOR WHICH STUDENT IS ENROLLED  
C. CHARGE PER LESSON TO STUDENT  
D. WERE ANY LESSONS SERVICED PRIOR TO DATE ENTERED IN ITEM 16?  
 YES  NO (If "Yes," attach list showing lesson number and date serviced.)

15. APPRENTICE/ON-THE-JOB TRAINING  
IMPORTANT: A signed copy of the training agreement outlining the training program and wage scale as approved by the state approving agency, or for apprentice, any document signed by the veteran incorporating this agreement by reference, must be attached to this form.

A. BEGINNING TRAINING DATES  
B. ENDING TRAINING DATES  
C. TYPE OF TRAINING (Check one)  
 APPRENTICESHIP  ON-THE-JOB  
D. NO. OF HOURS VETERAN IS EMPLOYED PER WEEK IN THIS COURSE  
E. NO. OF HOURS IN STANDARD WORK WEEK

IT IS HEREBY CERTIFIED THAT: (1) Facts stated above are true and correct;  
(2) Enrollment of this student does not exceed any limit established by the State Approving Agency for enrollment in this course;  
(3) This institution agrees to report promptly to the Veterans Administration any enrollment changes made in the student's institutional records which will affect his educational assistance allowance and any change due to unsatisfactory progress and/or conduct, and  
(4) FOR FLIGHT TRAINING - Student has private pilot's license and required Medical Cert. is on file in this institution.  
(5) FOR FARM COOPERATIVE TRAINING - Student is pursuing this course concurrently with agricultural employment.  
(6) FOR ENROLLMENTS UNDER CHAP. 34 IN NONACCREDITED COURSES BELOW THE COLLEGE LEVEL OFFERED BY A PROPRIETARY PROFIT OR PROPRIETARY NONPROFIT EDUCATIONAL INSTITUTION - On the date training began or first lesson sent to student not more than 85% of the students enrolled in the course, including this student, are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans Administration under Chapter 31, 34 or 35, Title 38, United States Code.

16. DATE SIGNED  
**10/2/70**  
mej

17. SIGNATURE AND TITLE OF VERIFYING OFFICIAL  
**John T. Steward, Jr.**  
**REGISTRAR**

18. NAME AND ADDRESS OF SCHOOL OR TRAINING ESTABLISHMENT  
**Miami-Dade Junior College - South Campus**  
**11011 S.W. 104th St., Miami, Fla. 33156**

CAUTION: Willful use of statements concerning matters in any document required by this law may constitute a crime under Federal law.

VETERANS ADMINISTRATION  
POST OFFICE BOX 1437  
ST PETERSBURG FLA 33731

OCTOBER 21, 1970

IN REPLY REFER TO: 21/24

RECEIVED

ROBERT F SHECKLER  
10980 SW 202 DR  
APT 26  
MIAMI FL 33157

APR -8 2015

FILE NUMBER:  
C- 26 161 381  
R F SHECK

Public Disclosure Commission

MONTHLY RATE	EFFECTIVE DATE	ENDING DATE
\$175.00	8-25-70	4-29-71

YOU HAVE BEEN AWARDED EDUCATIONAL ALLOWANCE AS FOLLOWS

AT THE END OF THE LAST PERIOD SHOWN ABOVE, YOU WILL HAVE USED 7 3/4 MONTHS OF ENTITLEMENT.

THE FIRST CHECK UNDER THIS AWARD PROVIDES FOR PAYMENT THROUGH 9-30-70. IF YOU HAVE NOT ACTUALLY CONTINUED IN ATTENDANCE THROUGH THAT DATE IN THE COURSE AND AT THE SCHOOL FOR WHICH YOUR ENROLLMENT WAS ACCEPTED, YOU ARE NOT ENTITLED TO THIS PAYMENT AND THE CHECK MUST BE RETURNED FOR ADJUSTMENT.

THEREAFTER, MONTHLY PAYMENTS WILL BE RELEASED TO YOU AUTOMATICALLY BASED ON YOUR CONTINUED ATTENDANCE IN SCHOOL. YOU CAN EXPECT YOUR CHECKS ON OR ABOUT THE TENTH DAY OF THE MONTH. DURING THE LAST FULL MONTH OF YOUR ENROLLMENT, WE WILL SEND YOU A CERTIFICATION OF ATTENDANCE CARD, TO VERIFY YOUR ATTENDANCE FOR THE ENTIRE ENROLLMENT PERIOD. UNLESS THIS VERIFICATION IS FURNISHED, YOU WILL NOT RECEIVE ANY FURTHER PAYMENT AND YOU MAY ALSO BE REQUIRED TO REPAY THE AMOUNTS PAID YOU FOR THIS ENROLLMENT PERIOD. IF ACTUAL ATTENDANCE IS DISCONTINUED PRIOR TO THE END OF A MONTH, YOU ARE NOT ENTITLED TO PAYMENT FOR A FULL MONTH.

IT IS MOST IMPORTANT THAT YOU INFORM THE VA AND SCHOOL OF ANY CHANGE IN ADDRESS, AND ANY CHANGE IN YOUR ENROLLMENT.

Any new evidence which you believe would justify a different decision should be sent to us promptly. If you have no further evidence but believe this decision is not correct, you may initiate an appeal to the Board of Veterans Appeals by filing a notice of disagreement at any time within one year from the date of this letter. A notice of disagreement is simply a written communication which makes clear your intention to initiate an appeal and the specific part of our decision with which you disagree. It should be sent to this office. In the absence of timely appeal, this decision will become final.

VETERANS ADMINISTRATION

Include Zip Code in your return address and give veteran's social security number.

Show veteran's full name and VA file number on all correspondence. If VA number is unknown, show service number.

VA FORM  
MAR 1968

21-8332A-2

**Certificate for Outstanding Service**

**Bestowed Upon**

*Robert Sheckler*

On this 1st day of NOVEMBER 1977 in Recognition of Meritorious Contributions to the **Florida International University Community**, through the Student Government Association.

*Judy Pruitt*

Vice President for Student Affairs

*Cyndi Burton*

Chairperson for Student Government Association

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APR - 8 2015

Public Disclosure Commission

# KINLOCH PARK JUNIOR HIGH SCHOOL

## Certificate of Appreciation

*This Award is presented to* MR. BOB SHECKLER

CORAL GABLES FEDERAL SAVINGS AND LOAN ASSOCIATION

*in recognition of*

UNSELFISH CONTRIBUTIONS TO THE EDUCATION OF KINLOCH PARK'S  
WORK EXPERIENCE PROGRAM

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*for the school year*  
1977-1978

Public Disclosure Commission

*Arthur A. Santella*  
*F. M. Johnson*  
*Mrs. F. Mann*

WEP TEACHER-COORDINATORS

# EMPLOYEE PERFORMANCE EVALUATION

Name Robert F. Sheckler Date 1/14/86

Dept. Savings Job Title Vice President

Check one:  Annual  New Employee  Termination  Other \_\_\_\_\_

Date of Last Review: 2/7/85 Date Employee Began Present Position: 5/14/84  
 Next Scheduled Review: January 1987

See rating information (Part III) on reverse side of this form.	U	F	S	G	E	Comments
1. <b>Job Understanding:</b> Employee possesses a clear knowledge of the responsibilities and the task he or she must perform.			X			
2. <b>Job Performance:</b> The neatness, thoroughness and accuracy of employee's work.			X			RECEIVED APR - 8 2015
3. <b>Job Productivity:</b> The quality of the employee's work in terms of volume and accomplishments.			X			Public Disclosure Commission
4. <b>Dependability:</b> Can you rely upon this individual in terms of being on time and completion of tasks.			X			
5. <b>Cooperation:</b> The ability to work willingly with associates, subordinates, supervisors and others.				X		
6. <b>Overall Rating</b>			X			

7. **General comments as to employee's strengths, weaknesses and action taken to improve job performance** \_\_\_\_\_  
 SEE ATTACHED

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Supervisor \_\_\_\_\_ Reviewing Officer *Boymiller*

Date \_\_\_\_\_ Date 1/15/86

Has this report been discussed with employee?  Yes  
 No, if not why? \_\_\_\_\_  
 If yes, note employee's comments \_\_\_\_\_

*Robert F. Sheckler*  
 Employee's Signature

Date Reviewed with Employee 1/15/86

(SEE INSTRUCTIONS ON REVERSE SIDE)

Thank you for your application for benefits. We are giving it our prompt attention and you will hear from us soon. Please retain this File Number Identification card for use in corresponding with us.

Mr. Robert Francis Sheckler  
10980 SW 202 Dr.  
Apt 26  
Miami, FL 33157

VA FORM 23-39a, FEB 1969

### ACKNOWLEDGMENT OF APPLICATION FOR BENEFITS

CUT HERE

	<b>VETERANS ADMINISTRATION</b>	
	<b>ROBERT FRANCIS SHECKLER</b>	
	<b>76161381</b>	
		<b>FILE NUMBER IDENTIFICATION</b>

CUT HERE

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Public Disclosure Commission

Miami-Dade County Clerk - County Recorder's Official Record Search Re... Page 1 of 1

Date: 4/3/2015

Time: 1:10 PM

Party Name: SHECKLER ROBERT F Recording Begin Date: 1/1/1978 Recording End Date: 1/1/1986 Doc Type: --ANY PROPERTY TRANSFER AND MORTGAGE - --PTMOR

Img	Clerk's File No	Doc Type	Rec Date	Plat Book/Page	Rec Book/Page	Blk	Legal	Misc Ref	First Party (Code)	
									Second Party (Code)	
<input type="checkbox"/>	1979 R 269451	DEE	09/24/79	110/990	10522/1423	5	LOT 5 PB 110/99		SHECKLER ROBERT F & W SUE E (R)	
									168 ST CORP	
<input type="checkbox"/>	1982 R 177050	DEE	08/05/82	110/990	11519/1360	5	LOT 5 PB 110/99		SHECKLER ROBERT F & W SUE E (D)	
									GARDNER KEITH & W FAY	

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APR -8 2015

Public Disclosure Commission

18540

79R269451

1979 SEP 24 PM 12:36

OFF REC 10522 PG 1423

This instrument was prepared by American Title Insurance Co 12177 South Dixie Highway Miami, Florida

# Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 21st day of August 19 79, Between

168th STREET CORP., a Florida corporation,

of the County of Dade State of Florida

Robert F. Sheckler and Sue E. Sheckler his wife

whose post office address is 11328 S.W. 167 Street Miami, Florida 33157

of the County of Dade State of Florida

**Witnesseth.** That said grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00)—

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Dade County, Florida, to-wit:

Lot 5 Block 5 of LAZARUS ON RICHMOND according to the plat thereof, recorded in Plat Book 110, page 99, of Public Records of Dade County, Florida; a/k/a: 11328 S.W. 167 Street Miami, Florida 33157

SUBJECT TO taxes for the year 1979 and subsequent years, restrictions, reservations, limitations and easements of record, applicable zoning ordinances, if any;

Street Lighting

STATE OF FLORIDA DOCUMENTARY STAMP TAX 185.40 RICHARD P. BRINKER, CLERK CIRCUIT COURT

SUBJECT TO a first mortgage in favor of Coral Gables Federal Savings and Loan Association in the original principal amount of \$ 58,600.00 filed in Official Records Book 10430, at Page 1789 of the Public Records of Dade County, Florida which the Grantee assumes and agrees to pay; and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of persons whomsoever.

\* "Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof.** Grantor has hereunto set grantor's hand and seal the day and year first above written, sealed and delivered in our presence:

*[Signature]*  
*[Signature]*

168th STREET CORP., a Florida corporation  
By: *[Signature]*  
Stuart M. Feder, Vice President  
168th St. Corp.

I, Stuart M. Feder, Vice President of 168th STREET CORP., a Florida corporation, do hereby certify that the foregoing instrument and acknowledgment were executed by the person or persons named in and who executed the foregoing instrument and acknowledgment in the County and State last specified in the foregoing instrument on the day of August 19 79.

FLORIDA DOCUMENTARY SUR TAX 03.85

RECEIVED

APR - 8 2015

Public Disclosure Commission

36090

1982 AUG -5 PM 1:22

82R177050

OFF REC. 11519 PG 1360  
WARRANTY DEED

For and in consideration of the sum of Ten Dollars and other good and valuable considerations, receipt of which is hereby acknowledged, we Robert F. Sheckler and Sue E. Sheckler husband and wife, do hereby grant, bargain and sell to Keith Gardner and Fay Gardner, his wife whose address is 11328 S.W. 167 Street, Miami, Florida 33157

their heirs and assigns forever, the following described property, situated in Dade County, Florida, to-wit:

Lot 5, Block 5 of Lazarus on Richmond, according to the Plat thereof, as recorded in Plat Book 110 at Page 99 of the Public Records of Dade County, Florida.

RECEIVED

APR -8 2015

Subject to a mortgage given by the Grantees to Ceral Collins Federal Savings and Loan Association in the original principal amount of \$71,200.00 recorded 7/28/82 at 11571/1496 in the Public Records of Dade County, Florida.

Public Disclosure Commission

This conveyance is given subject to taxes for the current year, to applicable zoning ordinances, and to conditions, restrictions and limitations of record as to the use of the property.

360.90 Documentary Stamps Collected  
Dade County  
Robert F. Brisher  
Clerk, Circuit & County Courts  
By: M. Doyle 8/5/82

We do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In witness whereof, we, the grantors, have hereunto set our hands and seals this the 5 day of August, 1982.

Signed in the presence of

Linda R. Young (Signature)  
Robert F. Sheckler (Signature) (SEAL)  
Sue E. Sheckler (Signature) (SEAL)  
Sue E. Sheckler

STATE OF FLORIDA }  
COUNTY OF DADE }

I hereby certify that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Robert F. Sheckler and Sue E. Sheckler husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged before me that they executed the same.

Witness my hand and official seal in the County of Dade and State of Florida this the 3d day of August, 1982.

NOTARY PUBLIC  
RICHARD BRINKER

Notary Public, State of Florida  
My commission expires



RECEIVED

APR - 8 2015

Public Disclosure Commission

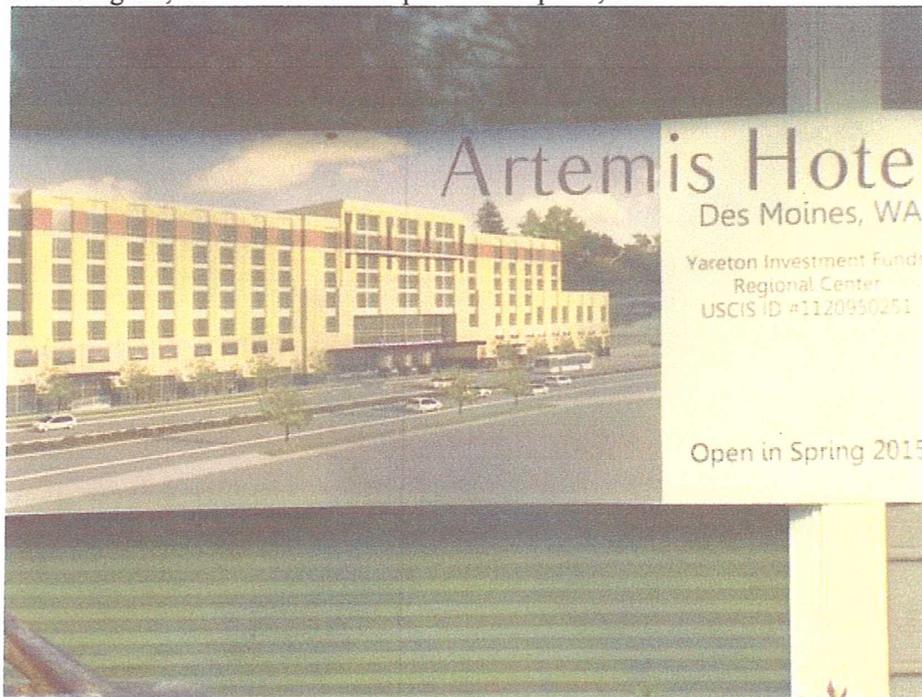
# EXHIBIT H

# Union alleges Des Moines politician broke ethics law

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APR - 8 2015

John Langelier, KING 5 News 5:49 p.m. PDT April 4, 2015



Public Disclosure Commission

Union alleges Des Moines politician broke ethics law(Photo: KING)

26 CONNECT [16 TWEET](#)[LINKEDIN](#) 1 COMMENTEMAILMORE

DES MOINES, Wash. -- Along Pacific Highway South in Des Moines, a large hotel is slowly taking shape. Formerly dubbed the Artemis Hotel, it will eventually become a Four Points Sheraton. It will feature 225 rooms, an award-winning restaurant and a large banquet hall.

The project is led by Yareton Investments, a subsidiary of a Shanghai-based real estate company.

The \$45 million project is funded largely through a federal EB-5 program, an effort to encourage foreign investment by offering green cards in exchange for \$500,000 or more in capital. As outlined by KING 5's media partner the Seattle Times, EB-5 projects have [become very popular recently](#).

They have also been the target of Unite Here Local 8. The union filed a complaint with Washington's Public Disclosure Commission last week over a trip to Miami paid for by Yareton's project manager just weeks before the EB-5 application was approved.

EB-5 applications are handled by U.S. Citizenship and Immigration Services and must meet a series of criteria in order to move forward.

Unite Here Local 8, which declined to be interviewed, said in a statement it is "engaged in efforts to increase accountability and enhance the economic impacts of hotel investments made through the EB-5 program."

Emails included in Local 8's complaint show Yareton project manager Albert Sze paid for the flight and hotel accommodations between May 17 and May 20, 2013.

Sheckler said the trip had nothing to do with the EB-5 process, even though Yareton paid for it. In a phone conversation, he said he had been "invited" to go on a trip with Yareton executives and more than a dozen other Chinese visitors because he used to live in Miami.

"This was not a gift," said Sheckler, "The trip occurred before the EB-5 was approved. It had nothing to do with EB-5."

Sze agreed and, in a phone conversation, said "the 20 people on the trip are all friends."

He then added his business and Unite Here Local 8 have been at odds since the project began and speculated that may be the root cause of the union's complaint.

Former Seattle and King County ethics board member, and current University of Washington professor Pat Dobel, believes Sheckler should have reported the trip to the state.

"He was involved in the lobbying effort on their behalf," Dobel said after reviewing the public complaint, "It's led by the business relationship and doesn't qualify as a friendship.

"Part of this is a perception issue," he continued. "After you've done all this work, then you get a reward."

Sheckler said the trip was far from a reward and hinted it was more trouble than it was worth. Nonetheless, he maintains he had no obligation to report the trip.

The Public Disclosure Commission is investigating. Sheckler is not running for re-election.

RECEIVED

PR - 8 2015

Public Disclosure Commission

**- AMENDED -**

APR 27 2015

 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828	PDC FORM <b>F-1</b> (1/12)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	PDC OFFICE USE  100566881  Covers: 2013  Received: 03-09-2014
Refer to instruction manual for detailed assistance and examples.  <b>Deadlines:</b> Incumbent elected and appointed officials – by April 15. Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.  <b>SEND REPORT TO PUBLIC DISCLOSURE COMMISSION</b>		<b>DOLLAR CODE</b> A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more	
Last Name First Middle Initial SHECKLER ROBERT F		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.  Vicki C. Sheckler SP	
Mailing Address (Use PO Box or Work Address) 19816 5TH AVE. SO. City County Zip + 4 DES MOINES KING 98148			
Filing Status (Check only one box.) <input checked="" type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: CITY COUNCIL MEMBER  County, city, district or agency of the office, name and number: CITY OF DES MOINES Position number: 6 Term begins: 01-01-2012 ends: 12-31-2015	
<b>1 INCOME</b> List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)			
Show Self (S) Spouse (SP/DP) Dependent (D)	Name and Address of Employer or Source of Compensation City of Des Moines 21630 11th Ave S DES MOINES WA 98198	Occupation or How Compensation Was Earned Councilmember	Amount: (Use Code) B
SP	City of Des Moines 21630 11th Ave S DES MOINES WA 98198	Paralegal	D
Check Here <input type="checkbox"/> if continued on attached sheet			
<b>2 REAL ESTATE</b> List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)			
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address Chase P.O. Box 78420 Phoenix AZ 85062	Payment Terms 4.5%, 30 yrs  Security Given Mortgage  Mortgage Amount - (Use Code) Original Current E E
All Other Property Entirely or Partially Owned King County; 19816 5th Ave S, Des Moines, WA; Parcel Check here <input type="checkbox"/> if continued on attached sheet			

**CONTINUE ON NEXT PAGE**

**3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS** List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
BECU PO Box 97050 Seattle WA 98124	Checking	C	0
B. Name and address of each insurance company where you or a family member, including registered domestic partner had a policy with a cash or loan value over \$20,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member, including registered domestic partner, owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount.			
ICMA Retirement Corp 777 No. Capitol St. NE Washington DC 20002-4240	401-K; - 457 -	E	0

DATE FILED PDC  
APR 27 2015

Check here  if continued on attached sheet.

**4 CREDITORS** List each creditor you or a family member, including registered domestic partner, owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here  if continued on attached sheet.

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filling your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filling an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? NO If yes, complete Supplement, Part A.
- B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? NO If yes, complete Supplement, Part A.
- C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? NO If yes, complete Supplement, Part A.
- D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? NO If yes, complete Supplement, Part B.
- E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? NO or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? YES If yes to either or both questions, complete Supplement, Part C.

**ALL FILERS EXCEPT CANDIDATES.** Check the appropriate box.

I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.

\*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.

**CERTIFICATION:** I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Robert Sheckler 03-09-2014  
Signature Date

Contact Telephone: 206-824-2081 \*

Email: shecklers@comcast.net (work)\*

Email: \_\_\_\_\_ (Home) Optional

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

APR 27 2015

F-1

**COMPANY, ASSOC., GOVERNMENT AGENCY CONTINUED**

Name SHECKLER, ROBERT F		Page 3	
<b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b>			
C. Name and address of each company, association, government agency	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
WA DRS (PERS) P.O. Box 4820 Olympia WA 98504	PERS Vested Retirement	D	0
Aurora P.O. Box 4490 Hartford CT 06147	Retirement	D	0
Check here <input type="checkbox"/> if continued on attached sheet.			

 <p><b>PUBLIC DISCLOSURE COMMISSION</b>          711 CAPITOL WAY RM 206          PO BOX 40908          OLYMPIA WA 98504-0908          (360) 753-1111          TOLL FREE 1-877-601-2828          EMAIL: pdc@pdc.wa.gov</p>	PDC FORM <b>F-1</b> SUPPLEMENT (1/15)	APR 27 2015 <b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT
--	--	---

**PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD**

Last Name Sheckler	First Robert	Middle Initial F	DATE 04/25/2015 (for 2013 rept)
-----------------------	-----------------	---------------------	------------------------------------

- A OFFICE HELD, BUSINESS INTERESTS:** Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents
- (1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or
  - (2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.
- Legal Name: Report name used on legal documents establishing the entity.
  - Trade or Operating Name: Report name used for business purposes if different from the legal name.
  - Position or Percent of Ownership: The office, title and/or percent of ownership held.
  - Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
  - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
  - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$12,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
  - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

**ENTITY NO. 1** Reporting For: Self  Spouse   
 Registered Domestic Partner  Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

**PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:**

Purpose of payments	Amount (actual dollars)
	\$

**PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:**

Agency name:	Purpose of payment (amount not required)
--------------	--

**PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE**

Customer name:	Purpose of payment (amount not required)
----------------	--

**WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST** (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**CONTINUE PARTS B AND C ON NEXT PAGE**

Name: APR 27 2015

ENTITY NO. 2 Reporting For: Self  Spouse   
 Registered Domestic Partner  Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:  
 Purpose of payments Amount (actual dollars)  
 \$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$12,000 OR MORE:  
 Agency name: Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$12,000 OR MORE  
 Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$24,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you, or any immediate family member, including registered domestic partner, lobbied or prepared state legislation or state rules, rates, or standards for compensation or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here  if continued on attached sheet

**C FOOD TRAVEL SEMINARS** Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion, excluding certain receptions as defined in WAC 390-20-020A; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
5/17-20/2013	Yareton Investments, Tacoma, WA	Travel & Lodging in lieu of services - self	\$ 1,496.52	A
5/17-20/2013	Yareton Investments, Tacoma, WA	Travel/Lodging in lieu of services - spouse	\$ 1,496.52	A

Check here  if continued on attached sheet



## Hospitality Union of the Northwest

Seattle Office: 2800 First Avenue, Room 3 • Seattle, WA 98121 • (206) 728-2326 • Fax: (206) 728-9772  
Portland Office: 1125 SE Madison Street, Suite 209 • Portland, OR 97214 • (503) 230-2304 • Fax: (503) 230-0542

**Erik Van Rossum**  
President

**Cindy Richardson**  
Secretary-Treasurer

**Shellea Allen**  
Vice President, Oregon

**Sarah Warren**  
Vice President, Washington

June 11, 2015

Grant Degginger, Chair  
State of Washington  
Public Disclosure Commission  
711 Capitol Way, #206  
P.O. Box 40908  
Olympia, WA 98504-0908  
Fax: (360) 753-1112  
Email: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

In re: Complaint T15-108 submitted March 25, 2015.

Dear Commissioner Degginger,

I am writing to provide two additional points of evidence related to complaint T15-108, both of which became known to me only after its submittal.

### **1. Public statements by Councilmember Sheckler**

First, following March 25, Councilmember Sheckler made statements to two separate media outlets indicating that Yareton Investment & Management paid for his 2013 trip to Miami Beach.

- [An April 4, 2015 news report by King 5 featured statements from Councilmember Sheckler that Yareton Investment and Management paid for the Miami Beach trip.](#)<sup>1</sup>
- [An April 24, 2015 blog post on the Waterland Blog featured statements from Councilmember Sheckler indicating that the trip was paid for by Yareton and that he did not feel that disclosure to the PDC was necessary.](#)<sup>2</sup>

These statements dispel any previous question as to the possibility that Councilmember Sheckler paid his own way.

<sup>1</sup> <http://www.king5.com/story/news/local/2015/04/03/des-moines-ethics-law-hotel-development/70873070/>

<sup>2</sup> <http://waterlandblog.com/2015/04/24/former-mayor-bob-sheckler-says-he-violated-no-rules-in-taking-miami-beach-trip/>



## **2. Additional public records indicating extent of Councilmember Sheckler's support of the Artemis Hotel**

On April 1, 2015, following submittal of our complaint to the PDC and to the Des Moines City Manager, the City of Des Moines provided additional public records under a previously closed request dated October 14, 2014 [Exhibit A]. These records indicate that Councilmember Sheckler played a role in approving tax abatement measures for the Artemis Hotel. A letter dated August 22, 2012 from Councilmember Sheckler to Chun Yang provided by the City on April 1, 2015 announces the City's intent to pass a Business and Occupation tax waiver and a gambling tax reduction that would apply to the Yareton project [Exhibit B]. A September 5, 2013 letter from the City provided on April 1, 2015 restates a number of development incentives offered by the City of Des Moines for the project: "The City has been able to provide a previously completed SEPA analysis for the development site, a 20% reduction in permit and inspection fees, and has waived the Business and Occupation Tax for the first three years of operation" [Exhibit C].

Based on the additional information contained in these records, I was able to locate the following city ordinances passed with Councilmember Sheckler's support which directly benefited the Artemis Hotel Project in Des Moines:

- **Ordinance 1548** adopted August 30, 2012: "An ordinance of the City of Des Moines, Washington, relating to the City's Business and Occupation Tax and adding a new subsection to DMMC 3.84.100 establishing a tax exemption for new businesses as an incentive for a period of three (3) years or twelve (12) consecutive quarters for new businesses through December 31, 2015" [Exhibit D].
- **Ordinance 1549-A** adopted October 4, 2012: "An ordinance of the City of Des Moines, Washington, relating to the City's imposition of gambling taxes, and amending DMMC 5.40.010 and Ordinance No. 1549 to provide a graduated tax structure for public cardrooms as a commercial stimulant [Exhibit E].
- **Ordinance 1591** adopted January 30, 2014: "An ordinance of the City of Des Moines, Washington, relating to zoning; replacing Title 18 DMMC entitled "Zoning"; and repealing the previously codified provisions of Title 18 DMMC and underlying ordinances [Exhibit F].

Previously provided public records had indicated that the Artemis hotel project would be unable to include a cardroom because of a prohibition in the city's zoning ordinance [Exhibit G]. However, zoning changes instituted by Ordinance 1591 lifted this prohibition.

Meeting minutes from the January 30, 2014 Des Moines City Council meeting show that Councilmember Sheckler requested that the public hearing for the zoning change be heard out of order. Councilmember Sheckler then moved to suspend Rule 26(a) in order to enact the draft

ordinance on first reading. Councilmember Sheckler then moved to adopt the zoning change ordinance [Exhibit H].

This zoning change gave Yareton Investment and Management legal authorization to apply for a gaming license for the Artemis project and to take advantage of the previously adopted reduction in cardroom taxes.

Yareton Investment and Management is actively marketing the hotel as including a cardroom,<sup>3</sup> but, according to the Washington State Gambling Commission, has yet to apply for a license [Exhibit I].

**Request for Action**

I request that this new evidence be included in your ongoing consideration of my complaint. Please update me as soon as possible as to the current status of your investigation.

Regards,



Abigail Lawlor

6/11/15

---

<sup>3</sup> <http://www.yareton.com/four-points-by-sheraton-1.html>

# **EXHIBIT A**

6/11/2015

Exhibit A.htm

**From:** Bonnie Wilkins [BWilkins@desmoineswa.gov]  
**Sent:** Wednesday, April 01, 2015 3:54 PM  
**To:** 'Abby Lawlor'  
**Subject:** Request for Public Records - Supplement  
**Attachments:** 5 27 10 Yang Chun Letter.pdf; 6 10 10 Yang Chun Letter.pdf; 7 16 12 Representative Asay Letter.pdf; 7 16 12 Representative Miloscia Letter.pdf; 7 16 12 Representative Orwall Letter.pdf; 7 16 12 Representative Upthegrove Letter.pdf; 7 16 12 Senator Eide Letter.pdf; 7 16 12 Senator Keiser Letter.pdf; 8 22 12 Mr Yang Chun Letter.pdf; May 7 2013 Letter to Adam Smith.pdf; September 5 2013 Letter to Artemis Hotel.pdf

Hi Abby~

There was a search in our Executive Offices and the attached documents were found that we feel are responsive to your initial request of October 14, 2014 seeking *“all correspondences, studies, reports, agreements, modifications, MOU’s, addenda and attachments to, from or referencing Yareton Investments and Management LLC, Yareton Investment Fund LLC, Artemis Hotel Group, Chun Yang, Albert Sze and 22406 Pacific Highway South, Des Moines WA 98198, from January 1, 2009 to present.”*

If you have any questions, please do not hesitate to contact me. I apologize for any inconvenience this may have caused.

Have a wonderful week!  
Bonnie

Bonnie Wilkins, City Clerk  
City of Des Moines  
21630 11th Avenue S  
Des Moines WA 98198  
206-870-6519  
206-870-6540 FAX

CONFIDENTIALITY STATEMENT: The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.

# **EXHIBIT B**



# City of Des Moines

ADMINISTRATION  
21630 11TH AVENUE SOUTH, SUITE A  
DES MOINES, WASHINGTON 98190-6398  
(206) 878-4595 T.D.D.: (206) 824-8024 FAX: (206) 870-6540



August 22, 2012

Mr. Yang Chun  
1465 Evergreen Point Road  
Medina, WA 98039

Dear Mr. Yang:

I hope this letter finds you and your family doing well. Mayor Kaplan, City Manager Piasecki and I enjoyed meeting with you, Albert, and your son last month when you were in the Seattle area. I trust you enjoyed your visit and found all your business ventures here to be going well.

During our meeting we discussed the status of your project and any other potential economic development incentives the City might be able to enact. We have spent a great deal of time over the last six weeks thinking about ways we can encourage new business to locate in our city. I am happy to inform you that the Des Moines City Council will consider two ordinances in the near future that will help new businesses in their first three years in Des Moines. The first ordinance concerns the Business and Occupancy (B&O) Tax that businesses pay on their gross revenues. Knowing that cash flow can be very tight in the first few years of any business' life, the ordinance will completely waive the B&O Tax for three years for all new businesses that locate in Des Moines and obtain a Des Moines business license prior to December 31, 2015. This ordinance is scheduled to be considered by the Des Moines City Council on August 30, 2012.

The second ordinance is in regard to the Gambling Tax assessed on card rooms. The current tax on gross receipts of card rooms in Des Moines is ten percent, starting the day they open their doors for business. Again, knowing that cash flow can be tight, the ordinance will phase in the ten percent tax as follows: in the first year of operation the tax will be one percent; in the second year the tax will be four percent; in the third year the tax will be seven percent; and finally, in the fourth year the tax will be the full ten percent. This is also for a business that obtains a Des Moines business license prior to December 31, 2015. This ordinance is scheduled to be considered by the Des Moines City Council on September 13, 2012. If passed, both of these ordinances will apply to the Artemis Hotel and the card room that you are planning to include in the project and should help make both successful in their first years of operation.

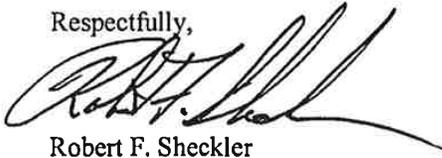
When we met last month, you indicated that you were targeting the first part of September to submit your land grading and building permit applications to the City, with a submission of the complete plans for review shortly after that.

*The Waterland City*  
Printed on Recycled Paper

I have been told that your consultants and staff here continue to work with City staff, and I hope your schedule for submittal of permit applications is still on track. As City Manager Piasecki said, staff is ready to process your applications as quickly as possible, particularly the grading permit, in order to allow you to start construction by the end of the year.

Please let me and our staff know if there is anything we can do to assist with the permitting. Thank you for choosing Des Moines for the location of this beautiful facility and thank you for the strong partnership we have established over these last two plus years.

Respectfully,



Robert F. Sheckler  
Councilmember

c: Des Moines City Council  
Mr. Albert Sze  
Mr. Tony Piasecki

Shanghai Minqiang Investment Group Co. Ltd.  
11F, No. 58 Yan'an Road (E)  
Shanghai, China 200002

Shanghai Minqiang Investment Group Co. Ltd.  
26/F, No. 558 Xizang Road (N)  
Shanghai, China 200071

# **EXHIBIT C**

September 5, 2013

Artemis Hotel  
Yareton Investment Fund LLC  
22406 Pacific Highway South  
Des Moines, WA 98032

Dear Sirs,

On behalf of the City of Des Moines, please accept our congratulations for being awarded an EB-5 Regional Center Designation by the United States Customs and Immigration Service. This is a tremendous accomplishment, and reflects the quality of a project that stood out from the many other applicants. The City is proud of the role that it was able to play in making this designation possible.

As a suburb of Seattle - located 20 miles south of the urban center - Des Moines is the perfect location for the new Artemis Hotel project. The hotel will have the wonderful views of the Puget Sound and mountains that are available from our coastal area. And Sea-Tac International Airport, one of the top 15 busiest airports in the United States, is ideally situated just to the north. Passenger traffic at the airport is projected to continue to grow rapidly, due to a booming trend in tourism from Asia and abroad. The Artemis Hotel will be the perfect complement to the infrastructure surrounding the airport, along with the planned card room casino and high-end restaurant, an amenity we believe is a great addition to enrich the entire Pacific Ridge business zone.

Because the project will be an enhancement to the City, Des Moines has been pleased to offer development incentives for the Artemis Hotel project. The City has been able to provide a previously completed SEPA analysis for the development site, a 20% reduction in permit and inspection fees, and has waived the Business and Occupation Tax for the first three years of operation.

The City of Des Moines welcomes the Artemis Hotel to our community, and looks forward to a strong future partnership with Yareton Investment Fund, through the construction of the Artemis Hotel project and beyond.

Respectfully,

Dave Kaplan  
Mayor

Robert Sheckler  
Councilmember and Former Mayor

**Matt Pina**  
Mayor Pro Tem

**Carmen Scott**  
Councilmember

**Jeanette Burrage**  
Councilmember

**Melissa Musser**  
Councilmember

**Jeremy Nutting**  
Councilmember

# **EXHIBIT D**

**ORDINANCE NO. 1548**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON,** relating to the City's Business and Occupation Tax and adding a new subsection to DMMC 3.84.100 establishing a tax exemption for new businesses as an incentive for a period of three (3) years or twelve (12) consecutive quarters for new businesses through December 31, 2015.

**WHEREAS,** Washington Constitution, Article XI, section 12; RCW 35A.11.020 and 35A.82.020; and chapter 3.84 DMMC authorize cities to levy and collect a Business and Occupation Tax on the gross income of those engaging in business within the City as defined in DMMC 3.84.030(13), and

**WHEREAS,** encouraging new business is of economic benefit to the City in providing added employment opportunities for residents and increased tax revenues to support municipal services, and

**WHEREAS,** the Council Finance and Economic Development Committee has recommend that a Business and Occupation Tax exemption should be established as an incentive for new businesses licensed before December 31, 2015 within the City of Des Moines, now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** A new subsection is added to DMMC 3.84.100 DMMC to read as follows:

**New business exemption established.** An exemption to the Business and Occupation Tax is hereby established for businesses applying for their initial business license, with their principal place of business in the City between October 1, 2012 and December 31, 2015. Said new businesses shall receive an exemption for the total Business and Occupation tax due at each filing, for a period of three (3) years or twelve (12) consecutive quarters from said business' date of inception. The quarter within which the business license is granted shall be counted as the first quarter.

**Sec. 2. Codification.** Section 1 of this Ordinance shall be codified as a new subsection in DMMC 3.84.100 entitled *New business exemption*.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 4. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 30th day of August, 2012 and signed in authentication thereof this 30th day of August, 2012.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: September 5, 2012

# **EXHIBIT E**

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1548, Adopted August 30, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the City's Business and Occupation Tax and adds a new subsection to DMMC 3.84.100 establishing a tax exemption for new businesses as an incentive for a period of three (3) years or twelve (12) consecutive quarters for new businesses through December 31, 2015.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: September 5, 2012

**ORDINANCE NO. 1549-A**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON,** relating to the City's imposition of gambling taxes, and amending DMMC 5.40.010 and Ordinance No. 1549 to provide a graduated tax structure for public cardrooms as a commercial stimulant.

**WHEREAS,** the state legislature authorizes cities to impose gambling taxes upon public cardrooms up to twenty percent (20%) of gross revenues conducted in accordance with chapter 9.46 RCW, and

**WHEREAS,** Ordinance No. 1305 was adopted by the City Council on September 27, 2002, amending Ordinance No. 361 and establishing a new tax rate of ten percent (10%) of gross receipts, less the amount awarded as cash or merchandise, for public cardrooms operated as a commercial stimulant, and

**WHEREAS,** encouraging business is of economic benefit to the City and provides increased tax revenues to support municipal services, and

**WHEREAS,** the City Council finds that it is in the best interest of the City to amend DMMC 5.40.010 to reduce the tax rates applicable to public cardrooms, and

**WHEREAS,** the Council Finance and Economic Development Committee recommends that a graduated tax rate be established as an incentive for public cardroom operations licensed before December 31, 2015 within the City of Des Moines; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 5.40.010 and section 1 of Ordinance No. 361 as amended by section 4 of Ordinance No. 1305 as amended by Ordinance No. 1549 are amended to read as follows:

**Taxes imposed.** In accordance with chapter 9.46 RCW as presently constituted or as may be subsequently amended, there is levied upon all persons who have been duly licensed by the Washington State Gambling Commission to conduct or operate:

- (1) Public cardrooms operated as a commercial stimulant, a tax of nine percent (9%) of

the gross receipts shall be imposed except those cardrooms that receive an initial business license prior to December 31, 2016, a tax of one percent (1%) of the gross receipts in the first twelve months of an initial business license issuance shall be imposed; a tax of four percent (4%) of the gross receipts in the second twelve months of an initial business license issuance shall be imposed; a tax of seven percent (7%) of the gross receipts in the third twelve months from the date of initial business license issuance shall be imposed; and a tax of nine percent (9%) of the gross receipts shall be imposed thereafter. Transfers of ownership or change of business name or location will not affect the date of initial business license issuance used to calculate the tax percentage.

(2) Punchboards and pulltabs, a tax of five percent (5%) of the gross receipts.

**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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**Sec. 3. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

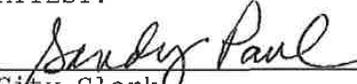
**PASSED BY** the City Council of the City of Des Moines this 4th day of October, 2012 and signed in authentication thereof this 4th day of October, 2012.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: October 16, 2012

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1549-A, Adopted October 4, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the City's imposition of gambling taxes, and amends DMMC 5.40.010 and Ordinance No. 1549 to provide a graduated tax structure for public cardrooms as a commercial stimulant.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: October 16, 2012

# **EXHIBIT F**

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1591, Adopted January 30, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to Zoning; replaces Title 18 DMMC; and repeals the previously codified provisions of Title 18 DMMC and underlying Ordinances.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: February 4, 2014

# **EXHIBIT G**

**CDM Exchange**

---

**From:** Marion Yoshino  
**Sent:** Thursday, January 17, 2013 11:27 AM  
**To:** Denise Lathrop; Robert Ruth  
**Subject:** casino hotel

**Denise & Robert,**

**I keep wondering about this section of the code, doesn't this mean that the Artemis Hotel w/ casino would be prohibited?**

**18.31.040 PR-C1 – Permitted uses.**

(15) Accommodation and food services (72), limited to the following:

(a) Hotels (72111), subject to the following:

(i) Casino hotels and motels are prohibited; and

M

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

**CDM Exchange**

---

**From:** Robert Ruth  
**Sent:** Friday, January 18, 2013 2:48 PM  
**To:** Marion Yoshino; Denise Lathrop  
**Subject:** RE: casino hotel

Marion brings up a good point. As I have now looked into this, I believe that we need to modify the code to get gambling as a permitted use. Right now casino, card rooms, gambling are all terms that we don't know if they are used interchangeable or mean different things under our code because they are not defined—not even in section 9.46.

**Robert Ruth, Development Services Manager  
City of Des Moines  
Planning, Building, Public Works Department  
21630 11th Avenue South, Suite D  
Des Moines, WA 98198**

**Telephone Contact: 206-870-6555  
E-mail Contact: rruth@desmoineswa.gov**

---

**From:** Marion Yoshino  
**Sent:** Thursday, January 17, 2013 11:27 AM  
**To:** Denise Lathrop; Robert Ruth  
**Subject:** casino hotel

**Denise & Robert,**

**I keep wondering about this section of the code, doesn't this mean that the Artemis Hotel w/ casino would be prohibited?**

**18.31.040 PR-C1 – Permitted uses.**

(15) Accommodation and food services (72), limited to the following:

(a) Hotels (72111), subject to the following:

(i) Casino hotels and motels are prohibited; and

M

\*\*\*\*\*

Marion Yoshino  
Economic Development Manager  
City of Des Moines  
21630 11th Ave S.  
Des Moines Wa 98198  
(206) 870-6725

# **EXHIBIT H**

**MINUTES**

**DES MOINES CITY COUNCIL  
REGULAR MEETING  
City Council Chambers  
21630 11<sup>th</sup> Avenue South, Des Moines**

**January 30, 2014 – 7:00 p.m.**

**CALL TO ORDER**

Mayor Kaplan called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The flag salute was led by Councilmember Sheckler.

**ROLL CALL**

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

At 7:03 p.m. Councilmember Burrage joined the meeting.

Staff present: Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Engineering Services Manager Brandon Carver; SWM Utility Manager Loren Reinhold; Planning, Community Development Manager Denise Lathrop; City Clerk Bonnie Wilkins.

**CORRESPONDENCE**

There were no correspondences.

**COMMENTS FROM THE PUBLIC**

- Amy Farquhar, 21937 7<sup>th</sup> Avenue S #222, introduced her new business, Sugars Gelato, to Council and passed out samples.
- J.C. Harris, 21834 12<sup>th</sup> Avenue S, is opposed to the paid parking proposal at the Marina and suggested Council market the Marina to increase revenue.
- Steve Comstock, 3402 I Street NE, Auburn, Coldwell Banker Commercial, working with Staff to develop a parcel of property on 259<sup>th</sup> & Pacific Highway South.
- Robert Hicks, 834 S 195<sup>th</sup> Street, is concerned about crime in his neighborhood and the lack of police presence.

**BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS**

Councilmember Pennington:

- No Comment.

Councilmember Sheckler:

- Here to support Title 18.
- Arts Commission:
  - Grant opportunities.
  - Sad to hear Florence McMullin is no longer on Arts Commission.
- Go Hawks!

Councilmember Burrage:

- Go Hawks!
- South County Transportation Board.

Councilmember Pina:

- Master Builder's Elected Official Reception.
  - Met with other elected officials to talk about opportunities in Des Moines.
- Finance & Economic Development Committee:
  - Pacific Highway South Charter & Work Program.
  - Mixed Use Projects in Marina District.
  - Review of Fee Simple Ordinance.

Councilmember Musser:

- Municipal Facilities Committee:
  - Named Committee Chair.
  - Update on Request for Qualifications.
    - Meeting on February 12 with Goodfit Development and Weslead Capital.
  - Dining Hall Project Update:
    - Pre-Construction Planning.
- Arts Commission:
  - Presentation from Nancy Stephan, Art on Poverty Bay Outdoor Sculpture Gallery:
    - New sculptures for 2014 Art season.
    - Art around town for sale.
- Marina and Beach Park Paid Parking.
- Spoke at Pacific Middle School.
- Poverty Bay Wine Festival February 28-March 2<sup>nd</sup> at Landmark on the Sound.

Councilmember Nutting:

- Enrollment Growth and Facility Needs:
  - Met at Pacific Middle School.

**PRESIDING OFFICER'S REPORT**

- Marina Paid Parking Open House:
  - Building height discussion.
- School District Open House.
- Association of Washington Cities Day:
  - Elected Officials met with Representatives:
    - Transportation Improvements and Funding.
    - Fair Distribution of sales tax and streamline sales tax.
    - Funding the Public Works Trust Fund.
  - Special meeting of the King County Council:
    - Public Hearing on proposed Ordinances:
      - Transportation Issues.
- Loren Reinhold will continue as the City's Representative to the Water Resource Inventory Area 9.
- Working Washington:
  - Asking Council to support the \$15 per hour minimum wage.
- Thanked Dr. Alexander Szabo and Dorothy Smith for volunteering to serve on the Human Services Advisory Committee.

- Acknowledged Novella Perry, Rita Lambert and Victor Anderson for serving on the Senior Services Advisory Committee.
- Presented Marta Kalve a plaque for her outstanding service and dedication to the Human Services Advisory Committee.

**ADMINISTRATION REPORT**

There was no Administration Report.

Mayor Kaplan took Public Hearing Item 1 out of order to accommodate Councilmember Sheckler's vacation schedule.

**PUBLIC HEARING/CONTINUED PUBLIC HEARING**

Item 1: AMENDMENTS TO TITLE 18 DMMC, THE ZONING CODE  
Staff Presentation: City Attorney Pat Bosmans

City Attorney Bosmans gave a brief presentation to Council on continued Amendments to Title 18 and explained some omissions that are now back in the Ordinance.

Mayor Kaplan asked 3 times if anyone wished to speak. Seeing none, Mayor Kaplan asked Council if they had any questions.

Mayor Kaplan closed the Public Hearing at 7:41 p.m.

**Direction/Action**

**Motion** made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-170 on first reading; seconded by Mayor Pro Tem Pina. The motion passed 7-0.

**Motion** made by Councilmember Sheckler to enact Draft Ordinance No. 13-170, repealing and replacing Title 18 DMMC, the Zoning Code; seconded by Councilmember Nutting. The motion passed 7-0.

**Motion** made by Councilmember Sheckler to amend Draft Ordinance No. 13-170 to include Chapters 18.100, B-C Business Commercial Zone and 18.120, C-G General Commercial Zone and to amend the Draft Ordinance at p. 95 in the Residential Zone Primary Uses Tables 18.52.010A in Townhouse Development under RM-900 to read: P/L[15]; seconded by Councilmember Nutting.

The motion as amended passed 7-0.

Mayor Kaplan read Draft Ordinance 13-170 into the record.

At 7:46 p.m. Councilmember Sheckler left the meeting.

### EXECUTIVE SESSION

At 7:46 p.m. Council went into an Executive Session. The purpose of the Executive Session was to discuss pending litigation under RCW 42.30.110 and the settlement pending in the matter before the Pollution Control Hearing Board No. 12-097c under RCW 42.30.110(1)(i). In attendance were Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Burrage, Musser, Nutting and Pennington. Also in attendance were Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning, Building and Public Works Director Dan Brewer and SWM Utility Manager Loren Reinhold. The Executive Session concluded at 8:00 p.m.

The Regular Council Meeting resumed at 8:01 p.m.

### CONSENT AGENDA

- Item 1: 2014 CITY COUNCIL VISION, MISSION STATEMENT, GOALS AND STRATEGIC OBJECTIVES  
Motion is to adopt the Vision, Mission Statement, Goals and Strategic Objectives as amended by the City Council at the January 11, 2014 Council goal setting retreat.
- Item 2: APPROVAL OF VOUCHERS  
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:  
Claim Checks: \$2,021,742.87  
Payroll Fund Transfers: \$856,275.89  
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$2,878,018.76
- Item 3: MAYORAL APPOINTMENT TO THE HUMAN SERVICES ADVISORY COMMITTEE  
Motion is to confirm the Mayoral appointment of Dr. Alexander G. Szabo to a two year term on the Human Services Advisory Committee, effective immediately and expiring on December 31, 2015.
- Item 4: MAYORAL APPOINTMENTS TO THE SENIOR SERVICES ADVISORY COMMITTEE  
Motion is to confirm the Mayoral appointment of Dorothy Smith to a four-year term on the City of Des Moines Senior Services Advisory Committee effective February 1, 2014 and expiring on December 31, 2017 and the Mayoral appointment of Jeanne Serrill to an unexpired term on the City of Des Moines Senior Services Advisory Committee effective February 1, 2014 and expiring on December 31, 2015.
- Item 5: DRAFT RESOLUTION NO. 14-006, SURPLUS OF PROPERTY – VEHICLES  
Motion is to adopt Draft Resolution No. 14-006 declaring 10 City vehicles identified in Attachment 2 as surplus and authorizing disposal of said surplus vehicles by auction or trade-in.
- Item 6: NPDES RESOLUTION AND SETTLEMENT AUTHORITY  
Motion is to authorize the City Manager, or his designee, to execute a settlement of the remaining issues in the appeal of the 2013-2018 NPDES Phase II Permit pending before the Washington State Pollution Control Hearings Board.

Item 7: WASHINGTON STATE HISTORICAL SOCIETY GRANT CONTRACT  
Motion is to approve Contract HCP 15-20 with the Washington State Historical Society to receive funds in the amount of \$850,000 for the Covenant Beach Bible Camp Historic District Dining Hall Rehabilitation Project and to authorize the City Manager to sign said contract substantially in the form as attached.

Item 8: 2014-2015 RECYCLING PROGRAM FUNDING AND PROFESSIONAL SERVICES CONTRACT  
First Motion is to authorize the City Manager to sign the 2013-2015 CPG Grant No. G1400145 between the City of Des Moines and the Washington State Department of Ecology; the 2014 LHWMP Grant No. EHS3364 between the City of Des Moines and the Seattle-King County Department of Public Health; and the 2014 WR/R Grant No. 5637571 between the City of Des Moines and the King County Department of Public Health.

Second Motion is to authorize the City Manager to sign the Professional Services Contract for the 2014-2015 Recycling Program between the City of Des Moines and Olympic Environmental Resources substantially in the form as submitted.

Councilmember Burrage removed Item 1 for a possible amendment.

**Direction/Action**

Motion made by Councilmember Nutting to approve the remainder of the consent agenda; seconded by Councilmember Musser.  
The motion passed 6-0.

Motion made by Councilmember Burrage to adopt the Vision, Mission Statement, Goals and Strategic Objectives as amended by the City Council at the January 11, 2014 Council goal setting retreat; seconded by Councilmember Musser.

Friendly Amendment made by Councilmember Burrage to change the wording of Short Term Strategic Objectives to read "Business Retention and Attraction Plan for the City"; agreeable to the maker of the motion.  
The motion, as amended, passed 6-0.

**NEW BUSINESS**

Item 1: 2014-2015 ON-CALL CONSULTANT AGREEMENTS FOR CIVIL ENGINEERING SERVICES

Staff Presentation: Engineering Services Manager Brandon Carver

Transportation Manager Carver gave a brief power point presentation.

**Direction/Action**

Motion made by Councilmember Pennington to approve the Consultant Agreements for On-Call Civil Engineering Services (2014-2015) with AMEC, BergerABAM, Blueline Group, ESA, Exeltech, Fehr & Peers, HDR, Kpff, KPG, Parametrix, Tetra Tech each up to \$1,000,000.00, and authorize the City Manager to sign the Agreements substantially in the form as submitted; seconded by Mayor Pro Tem Pina.  
The motion passed 6-0.

- Item 2:           PARAMETRIX TASK ORDER ASSIGNMENT FOR 2014 SWM  
                  COMPREHENSIVE PLAN  
                  Staff Presentation:           SWM Utility Manager Loren Reinhold

SWM Utility Manager Reinhold gave a brief presentation.

**Motion** made by Mayor Pro Tem Pina to approve the on-call Task Order Assignment 2014-01 with Parametrix for the 2014 Surface Water Comprehensive Plan in the amount of \$234,410.81, authorize a contingency in the amount of \$25,000, and further authorize the City Manager to sign said Task Order Assignment, substantially in the form as submitted; seconded by Councilmember Pennington.  
The motion passed 6-0.

- Item 3:           2014 BUILDABLE LANDS ANALYSIS  
                  Staff Presentation:           Community Development Manager Denise Lathrop

Community Development Manager Lathrop gave a brief power point presentation.

No formal action was taken.

**NEXT MEETING DATE**

February 13, 2014, Regular City Council Meeting

**ADJOURNMENT**

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Burrage.  
The motion passed 6-0.

The meeting was adjourned at 8:32 p.m.

Respectfully Submitted,  
Bonnie Wilkins  
City Clerk

# **EXHIBIT I**

## Abby Lawlor

---

**From:** Quiles, Jessica (GMB) [jessica.quiles@wsgc.wa.gov] on behalf of PublicDisclosure (GMB) [PublicDisclosure@wsgc.wa.gov]  
**Sent:** Wednesday, April 29, 2015 9:09 AM  
**To:** Abby Lawlor  
**Subject:** RE: public records request

Hi there Abby,

I conducted a search through our licensing system and sent out your request to our entire licensing unit, we did not find any application for this location.

Please let me know if you need any further information, thank you!

Jessica Quiles  
Records Officer  
WSGC  
360-486-3529

-----Original Message-----

**From:** Abby Lawlor [mailto:abby@unitehere8.org]  
**Sent:** Friday, April 24, 2015 9:51 AM  
**To:** PublicDisclosure (GMB)  
**Subject:** RE: public records request

Thank you for your response. I would like to expand my request to include any commercial business application packets filed with a business address of 22406 Pacific Highway South, Des Moines WA 98198 from January 1, 2011 to present.

Best,

Abby Lawlor  
UNITE HERE! Local 8

2800 First Ave. Ste. 3  
Seattle, WA 98121  
(206) 963-6458  
[abby@unitehere8.org](mailto:abby@unitehere8.org)

[www.unitehere8.org](http://www.unitehere8.org)

-----Original Message-----

**From:** Quiles, Jessica (GMB) [mailto:jessica.quiles@wsgc.wa.gov] On Behalf Of PublicDisclosure (GMB)  
**Sent:** Thursday, April 23, 2015 3:30 PM  
**To:** [abby@unitehere8.org](mailto:abby@unitehere8.org)  
**Subject:** FW: public records request

Good afternoon Ms. Lawlor,

After conducting research through our records, I have not found any applications for any of the entities you listed in your request. I also searched for records related to Albert Sze and did not find anything responsive.

At this time, we do not have any responsive records to your request. Please let me know if you have any other questions.

Thank you very much,

Jessica Quiles  
Records Officer  
Washington State Gambling Commission  
360-486-3529

-----Original Message-----

From: Abby Lawlor [<mailto:abby@unitehere8.org>]  
Sent: Tuesday, April 21, 2015 1:24 PM  
To: PublicDisclosure (GMB)  
Subject: public records request

Hello,

Please see attached request

Thanks,

Abby Lawlor



**WASHINGTON STATE GAMBLING COMMISSION**  
 LOCATION: 4565 7th Avenue SE, Lacey WA 98503  
**MAILING ADDRESS: P.O. Box 42400, Olympia WA 98504-2400**  
 TELEPHONE: 360-486-3440 – FAX NUMBER: 360-486-3630  
 TOLL-FREE IN-STATE: 1-800-345-2529 – TDD: 360-486-3637  
 EMAIL ADDRESS: [publicdisclosure@wsgc.wa.gov](mailto:publicdisclosure@wsgc.wa.gov)  
 WEB SITE: [www.wsgc.wa.gov](http://www.wsgc.wa.gov)

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**For Agency Use Only**

Date / Time Received: \_\_\_\_\_ / \_\_\_\_\_

Received by: \_\_\_\_\_

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**REQUEST FOR PUBLIC DISCLOSURE**

- Complete Items (1) and (2). (type or print)
- Name or describe the record you need. Be specific. **If you need help – call us.**
- Read the RCW and WAC reprints and sign the memorandum of understanding Item (3) below.
- Please sign, date, and return this form by mailing, faxing, or emailing using the above information.
- You will be notified of any costs due our agency.

**PERSON REQUESTING INFORMATION**

(1) Last Name: | L | a | w | l | o | r | \_\_\_\_\_

First Name: | A | b | i | g | a | i | l | \_\_\_\_\_ MI: | f | \_\_\_\_\_

Address: | 2 | 8 | 0 | 0 | | F | i | r | s | t | | A | v | e | | S | t | e | 3 | \_\_\_\_\_

City: | S | e | a | t | t | l | e | \_\_\_\_\_ State: | w | a | | Zip: | 9 | 8 | 1 | 2 | 1 | \_\_\_\_\_

Email Address: | a | b | b | y | \_\_\_\_\_  
 | @ | u | n | i | t | e | h | e | r | e | 8 | . | o | r | g | \_\_\_\_\_

Day Telephone: | 2 | 0 | 6 | | 9 | 6 | 3 | | 6 | 4 | 5 | 8 | \_\_\_\_\_ Fax: | \_\_\_\_\_ | | \_\_\_\_\_ | | \_\_\_\_\_ |

**DESCRIPTION OF RECORD**

(2) Any and all commercial business application packets filed with the WA State Gambling Commission by the following entities and/or individuals between January 1, 2011 to present: Yareton, Yareton Investment & Management, Yareton Investment & Management (WA), Yareton Investment FUNds, Artemis Hotel, Artemis Hotel USA, and/or Albert Sze. Please make records available electronically if possible.

**MEMORANDUM OF UNDERSTANDING / AGREEMENT**

I am requesting the above record(s) per the Public Records Act, RCW 42.56. I understand that there may be costs, described below, and I agree to pay such costs. I further understand that the commission may notify persons named in the record of this request. I further understand and agree that I do not intend to use the record(s), to contact, or in some way personally affect, any individual person(s) identified in the record(s), when the purpose of that contact would be to facilitate a profit-seeking business activity. I have read and am familiar with RCW 42.56.070, RCW 42.56.540 and WAC 230-21-015(4) as reprinted on this form.

Abigail Lawlor \_\_\_\_\_ | 0 | 4 | | 2 | 1 | | 2 | 0 | 1 | 5 | \_\_\_\_\_  
 Requestor's Signature Date

**CHARGES INCIDENTAL TO COPYING**

- The **copying fee** is \$.15 per page.
- Postage amounts are for **First Class U.S. Postage**.

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**REPRINT OF RCW 42.56.070**

This chapter shall not be construed as giving authority to any agency . . . to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies . . . shall not do so unless specifically authorized or directed by law. . .

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**REPRINT OF RCW 42.56.540**

An agency has the option of notifying persons names in the record or to whom a record specifically pertains . . . (and in some circumstances may be) . . . required by law to provide such notice.

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**REPRINT OF WAC 230-21-015(4)**

If a person is not specifically authorized by law to obtain lists of names of individuals from public records, that person must complete a statement agreeing not to release or use the public record information for commercial purposes.

<b>Business Office Use Only:</b>			
<u>Code</u>	<u>Date</u>	<u>Amount</u>	<u>Validation #</u>
_ _ _ _ - _ _ _  ~  _ _ _ / _ _ _ / _ _ _  ~ \$ _ _ _ , _ _ _  .00 ~ _____			
531EB	~  _ _ _ / _ _ _ / _ _ _	~ \$ _ _ _ , _ _ _  .00	~ _____

**Robert F. Sheckler**  
19816 5<sup>th</sup> Avenue S.  
Des Moines, WA 98148

November 8, 2015

PDC  
Via Email PDC Support, [pdcc@pdc.wa.gov](mailto:pdcc@pdc.wa.gov)

Copy to Phil Stutzman, [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov)

Re: Case 1554  
Previously T15-108

Dear Mr. Perkins, Mr. Stutzman and Members of the PDC Review Board:

This letter is in response to the PDC email dated October 27, 2015 regarding additional allegations made by Abby Lawlor of UNITE HERE! Local 8. You have my previous response that was received by PDC on April 8, 2015 and my Amended F1 that was received by PDC on March 21, 2015, both acknowledging that Yareton paid for the trip in lieu of tour guide services.

Ms. Lawlor's additional comments and exhibits are irrelevant to her original complaint as you will see from my responses below. Her exhibits have been taken out of context or without regard to the history of the City of Des Moines' business and economic development recruitment policies. Des Moines has been a "bedroom community" since its incorporation in 1959. Following the passage of I-695 and then the 2008 recession, it became apparent that Des Moines needed to actively pursue economic development by offering incentives to new developers in order to be more competitive with neighboring cities that were being successful in recruiting new commercial development. The joint efforts of the City Council and staff in creating a more business-friendly environment for new development has been successful; with new or proposed businesses currently in process, including the Des Moines Creek Business Park (with the FAA as a tenant), the Artemis Hotel (now Four Points by Sheraton), the Des Moines Theater (which has been vacant and in desperate need of repair or rebuild for as long as I can remember), apartment and condominium complexes, and more. Since the 2008 recession, many of the City's businesses have closed and their buildings have been left empty and in need of major repair, revitalization, or tear down. The City's recruitment efforts were desperately needed in order to bring income in for the failing City budget. The only other options would have been to drastically cut levels of service and staff (staff has already been cut, with additional proposed cuts for 2016) and raise taxes, along with disposing of the City's Parks, Recreation and Senior Services Department, all of which have been vehemently fought by local citizens.

Ms. Lawlor's original complaint was forwarded to the Washington State Patrol by Des Moines Chief of Police George Delgado for investigation. The WSP's investigation came back with "insufficient evidence" for any charges, after thorough review of documentation and interviews.

Their report was forwarded to the King County Prosecutor, who declined to file charges due to being “legally insufficient.” (**Sheckler Exhibit 1**).

**Ms. Lawlor’s Comments:**

**1. Public statements by Councilmember Sheckler:**

Both comments are moot as I submitted an Amended F1 on March 21, 2015 showing Yareton paid for the Miami trip in lieu of tour guide services. See PDC email dated March 21, 2015 (**Sheckler Exhibit 1**) and my previous response to T15-108 received by PDC on April 8, 2015, which you already have on file.

**2. Additional public records indicating extent of Councilmember Sheckler’s support of the Artemis Hotel:**

**August 22, 2012 letter to Mr. Yang.** Any prudent Councilmember would encourage new development in a City that was hit hard by the recession and has suffered a great deal with the passage of I-695, by communicating with interested parties that the Council as a whole is encouraging economic development within the City. This letter was not written by me, but was written for my signature as I have been the liaison between Yareton group and the City since the beginning of this project.

**September 5, 2013 letter from the City.** This is a letter, not written by me, that was signed by the entire City Council in an effort to continue encouraging new development in Des Moines. The same would have been done, either in writing or verbally, for any new development project from a member of the City Council, the City Manager, or the Economic Development Manager to show the City’s willingness to support and/or encourage new development. Please note that this letter appears to be a draft, is not on City letterhead, and does not contain any signatures.

The references to the “20% reduction in permit and inspections” in the September 5, 2013 letter (Lawlor Exhibit C) was done by City Manager’s Executive Order Nos. 10-001 and 13-003 (**Sheckler Exhibit 2**). These Orders were written by the City Manager to establish a “*City Wide Incentive Program for all commercial and multifamily zoned areas in Des Moines and to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan, the Downtown Neighborhood and North Center Neighborhood elements of the Comprehensive Plan, the City Council’s economic development goals and strategic objectives, and to provide additional incentives to encourage development throughout the City*”. (City Manager’s Executive Order 10-001. **Sheckler Exhibit 2**).

**Ordinance 1548.** This ordinance was proposed by Economic Development Manager Marion Yoshino, following review and input from the Council Economic Development Committee and staff from the Legal and Planning, Building and Public Works Departments, and submitted by Ms. Yoshino to the City Council for consideration as an “incentive to encourage new businesses to locate in commercial zones within the City of Des Moines.” (**Sheckler Exhibit 3**). Ordinance

1548 was passed unanimously by the City Council by a vote of 6-0 (one Councilmember was absent). Councilmember Musser made the motion and it was seconded by Councilmember Burrage. The City Council's Finance and Economic Development Committee recommended that a Business and Occupation Tax exemption be established as an incentive for new businesses licensed before December 31, 2015 within the City of Des Moines (See Ms. Lawlor's Exhibit D; and Agenda Item submitted by Economic Development Manager Marion Yoshino, **Sheckler Exhibit 3**).

Ordinance 1549-A was a reconsideration of Ordinance 1549. Ms. Lawlor did not submit the original Ordinance 1549, or even reference it. Ordinance 1549 was proposed by Economic Development Manager Marion Yoshino as an economic development incentive for businesses in Des Moines that receive business licenses between the ordinance effective date and December 31, 2015. (**Sheckler Exhibit 4, page 1**). Ms. Yoshino also recommended that offering newly-established businesses incentives communicates that the City welcomes new ventures that produce jobs and improve the developed environment and property values for Des Moines residents. (**Sheckler Exhibit 4, page 3**). The original motion passed unanimously by the City Council with a 7-0 vote on September 13, 2012. The motion was made by Councilmember Musser.

Ordinance 1549-A was presented to the City Council by Economic Development Director Marion Yoshino to modify the phase-in period of the gambling card rooms provided in Ordinance 1549. I did make the original motion, which was amended by Councilmember Burrage and passed 5-1, with one Councilmember voting "no" and one Councilmember being absent. (**Sheckler Exhibit 5**)

Ordinance 1591 was presented to the City Council by the City Attorney. The purpose of this Ordinance was "housekeeping" in nature and the amendments were made to provide uniformity and consistency within the DMMC and not to make substantive policy changes. (Agenda Item, page 1, **Sheckler Exhibit 6**). This was a 9-month project of the Legal Department, the Planning, Building and Public Works Department, and Michael Connelly (a contracted attorney) (Agenda Item, page 2, **Exhibit 6**) to re-organize Title 18, along with Titles 12, 14, 16, and 17. The purpose was to bring uniformity to Title 18, to organize Title 18 in a manner that is easier to search, and to ensure compliance with current state law and case law. (Excerpt from October 4, 2012 City Council Minutes, **Sheckler Exhibit 6**). The three motions were passed unanimously, all with a vote of 7-0. The third motion was to correct language that was unintentionally omitted or mislabeled in a table.

Please note that these ordinances were all discussed in depth by the City Council Finance and Economic Committee and staff before being presented to the City Council. Ordinance Nos. 1548, 1549, and 1549-A were products of the Economic Development Manager and proposed by her to the Council for consideration in an effort to establish Des Moines as more development friendly and to improve the business environment. None of these referenced ordinances are

relative to Ms. Lawlor's original complaint. Also, an individual Councilmember cannot amend the City Code – it takes a unanimous vote of the City Council to enact or amend legislation.

**Ms. Lawlor's Exhibit G** contains emails between the Economic Development Manager and City staff members, not involving me, but they do add evidence of the City staff's involvement in the process of pursuing City-wide economic development in Commercial Zones. This exhibit is not related to Ms. Lawlor's original complaint.

**Ms. Lawlor's Exhibit I.** Her public records request to the State Gambling Commission is irrelevant. I do not know if the Artemis Hotel (now Four Points by Sheraton) has applied, or intends to apply or even pursue, a gambling permit at this time. This is their project, not mine. It does not appear that the hotel will be ready to open for business until early 2016.

**My Additional Comments.**

I would like to add as an additional Exhibit letters written by Mayor Kaplan on July 16, 2012 to Senators Karen Keiser and Tracey Eide, Representatives Dave Upthegrove, Mark Miloscia, Tina Orwall, and Katrina Asay, requesting their support for the Yareton application for a federal EB-5 designation, to show that Ms. Lawlor has targeted me by only providing documentation that she feels show me to be at fault for any actions of the City Council. (**Sheckler Exhibit 7**). Mayor Kaplan's letters requesting support were written prior to my August 22, 2015 courtesy letter to Mr. Yang Chun (referred to above and in Ms. Lawlor's Exhibit C) and were provided to her by the Des Moines City Clerk on April 1, 2015. These letters were obviously not of significance to Ms. Lawlor's continuing complaints about my efforts. Mayor Kaplan's letters are excellent examples on how the entire City Council is pursuing (and continues to pursue) a reputation of being "development-friendly" and supportive of new development.

**Conclusion.**

My only regret is that I referred to the general definition of "gift" as defined in the Webster's and Black's Law Dictionaries (**Sheckler Exhibit 8**). Their definitions provide "gift" as being "...something voluntarily transferred by one person to another without compensation..." And "The act of voluntarily transferring property to another without compensation..." I felt that providing tour guide services to the 14 people in attendance was my compensation (please see my earlier response in Case T15-108 for a description of the services provided and documentation of my Miami residency of 14 years).

In addition, I regret the confusion of this incident and the time and energy spent with investigations by the PDC, Washington State Patrol, King County Prosecutor, and the City of Des Moines. Anyone that was in Miami with the group would, without a doubt, understand and see that this was not a vacation for me.

Efforts to discredit me have been made to make it appear that I am an unethical politician. My reputation in the community, and as a member of the City Council for 20 continuous years, has

been exemplary. I have worked hard in the last 20 years with numerous development projects in the City, including the 89-acre Des Moines Creek Business Park which will house the regional FAA offices, and numerous other businesses. This project was 15 years in the making, in the effort of making Des Moines a better place, to bring a much-needed tax base to the City coffers, and to create additional jobs for the community. The work of the entire Des Moines City Council and staff in its efforts to make Des Moines a place where businesses want to locate has been commendable. All of the new development activity the City has seen lately, both in the planning and construction stages, is the result of amendments to the City's codes, policies, and fees city-wide to make the City more competitive with neighboring jurisdictions. These were necessary changes for all of the City Commercial Zones and are not site specific amendments.

My last exhibit, the City's "Vision, Mission & Business Plan" outlines the efforts the City has made, and continues to make, as a "coordinated team effort." (**Exhibit 9**). *Emphasis added.* The ordinances (except for Ordinance 1591, which was a reorganization of Title 18 DMMC), the reductions in permit fees and inspection fees, and letters mentioned above, and in Ms. Lawlor's additional allegations, have all been part of this "coordinated team effort."

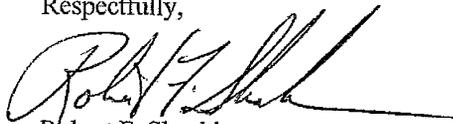
I add that I feel I have been singled out by Ms. Lawlor, a strategic researcher for UNITE HERE! Local 8, as a result of the Four Points by Sheraton's (originally Artemis Hotel project) refusal to unionize with UNITE HERE! Local 8. This complaint appears by those who know me and who are familiar with my background and professionalism, and by me, to be an act of retaliation or in some way to force this hotel to unionize.

I am proud of my 20 years of service to the City as an elected official. All my accomplishments have been for the betterment of the entire community, not for personal gain or influence. I will miss my involvement as a public servant when I retire from the City Council at the end of this year.

In conclusion, I stand by my original claim in my April 5, 2015 response that I never considered the Miami trip a gift, or reportable, since it was in lieu of tour guide services provided.

Please feel free to contact me if you need further information.

Respectfully,



Robert F. Sheckler

# **SHECKLER EXHIBIT 1**

**WSP Investigative Report**

**King County Prosecutor Decline (to File)**



WASHINGTON STATE PATROL  
 INVESTIGATIVE SERVICES BUREAU

INVESTIGATIVE REPORT

FILE TITLE City of Des Moines		OFFICER'S Medeiros, Ruth	CASE NO. 02-15-007604	
SUBJECT SHECKLER, Robert		CRIMINAL ACTIVITY CODE	OTHER CASE NO.	
SYNOPSIS Allegations of ethics and possible criminal violations by a City of Des Moines council member and his wife.				
DETAILS OF REPORT				
	NAME	ADDRESS	CONTACT	
Suspect	Sheckler, Robert DOB: 7/23/1948	19816 5th Ave South Des Moines WA 98148 United States	Home Phone (206)824-2081	
Witness	Sze, Albert	Yareton Investments and Managment LLC 21300 Pacific Hwy South, #301 Des Moines WA United States	Business Phone (206)824-2379	
VEHICLE INFORMATION:				
	VIN	YEAR MAKE-MODEL	LICENSE	VEHICLE TYPE
	RECOVERY DATE	DESCRIPTION	STATE NUMBER	COLOR(S)
			BLUE BOOK VALUE	
EXHIBITS:				
	PACKAGE #			
	ITEM TYPE	ITEM #	DESCRIPTION	
INVESTIGATION SUMMARY: The Des Moines Police Department is requesting WSP investigate an ethics and possible criminal violations by one of the city council members and his wife. Information was brought to the city with items documenting an arrangement between Mr. Albert Sze and Coucilmember Robert Sheckler. The business arrangement was in May 2013.				
I certify/declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085)				
PAGE 1 OF 1 PAGES		OFFICER'S SIGNATURE <i>[Signature]</i>	DATE 3/12/15	
		SUPERVISOR'S SIGNATURE <i>[Signature]</i> DIS	DATE 5/14/15	

3000-220-268 R 12/00

**WASHINGTON STATE PATROL**  
**CRIMINAL INVESTIGATION DIVISION**  
*Investigative Report*



FILE TITLE	DETECTIVE	CASE NUMBER
Des Moines PD Assist	R.A. Medeiros, #1056	15-007604

On April 9, 2015, I received an investigation from Lieutenant B. Lantz, #63, and Sergeant S. Moate, #151. The investigation was a request from the City of Des Moines Police Chief G. Delgado. Chief Delgado requested WSP to investigate allegations into both ethics and criminal violations by the City of Des Moines Councilman Robert Sheckler. The Des Moines City Manager received a letter dated March 25, 2015 by Ms. Abigail Lawlor a strategic researcher of Unite Here Local 8.

The letter dated March 25, 2015, indicated a possible violation of Chapter 2.44 of the Des Moines Municipal Code (DMMC). The allegation arises from travel taken by Councilman Robert Sheckler and his wife to a Miami Beach Resort in May 2013. The travel was arranged by Mr. Albert Sze, project manager for Yareton Investment and Management LLC. Yareton Investment and Management LLC are working with the City of Des Moines on the Artemis Hotel project (currently called the Four Points by Sheraton Airport South). On July 28, 2011, Yareton Investment and Management LLC had submitted an application to United States Customs and Immigration Services (USCIS) for EB-5 Regional Center under the Immigrant Investor Program. On January 7, 2013, USCIS sent an "Intent to Deny" notice stating they needed additional information. Yareton Investment and Management LLC attorney sent the additional information to USCIS on February 6, 2013. On March 20, 2013, Mr. Albert Sze sent an email request to Ms. Marion Yoshino and Councilman Sheckler asking if Congressman Adam Smith's office would be able to assist in contacting USCIS regarding the EB-5 application. Soon after this, Ms. Yoshino began contact with Congressman Smith's office to set up an appointment with Councilman Sheckler regarding the matter (these emails are included in the attached report). In July 2013 the EB-5 was approved. In a July 22, 2013, Business Examiner blog, Councilman Sheckler was reported saying "I would particularly like to thank Congressman Adam Smith, who worked to pull this application out of the federal agency backlog and get it approved."

Ms. Lawlor provided copies of an email indicating Mr. Sze arranged roundtrip airfare for Mr. Sheckler and his wife to Miami on May 17-20, 2013. Ms. Lawlor's letter asked the City of Des Moines to investigate this to determine if the Sheckler's had accepted the travel to Miami in 2013, and whether such travel constitutes a "gift" under the City of Des Moines Ethics Code, and then what the appropriate response should be.

On April 21, 2015, I contacted the City of Des Moines to request all emails pertaining to the travel and Artemis Hotel Project. These included emails between Councilman Robert Sheckler, Ms. Marion Yashino, Mr. Albert Sze, Congressman Adam Smith's Office, and the City Manager Tony Piasecki. I also requested a copy of the City of Des Moines Code of Ethics for 2013.

Supervisor's Signature: George Moate #151 Date: 5-14-15

On April 30, 2015, Sergeant Moate and I contacted Mr. Albert Sze at Yareton Investment and Management LLC in Des Moines, Washington. Mr. Sze provided a recorded statement. I advised Mr. Sze why we were there and that Unite Here Local 8 had submitted a complaint to the City of Des Moines regarding Councilman Robert Sheckler. Mr. Sze advised us that Local 8 had contacted him about a year ago about all the hotels they are building but Yareton Investment and Management uses a lot of different unions so he couldn't just make an agreement with them right then before the hotel opened. I asked Mr. Sze what he and Councilman Sheckler's relationship was and he indicated it was a business relationship. They met in 2009 when Councilman Sheckler traveled to China (Sheckler was Mayor of Des Moines at this time). Councilman Sheckler met with Mr. Sze and Mr. Chun Yang, the CEO of Mintong Real Estate Co from Shanghai China. Yareton Investment and Management is a subsidiary of Mintong Real Estate Company. While in China they discussed purchasing property for a hotel in Des Moines. Mr. Sze went on to say he dealt with a number of City employees, mostly Marion Yoshino and the City Manager Tony Piasecki. Mr. Sze described the long process of obtaining permits for the project and for obtaining the EB-5 Regional Center under the Immigrant Investor Program. Mr. Sze indicated he knew Councilman Sheckler (or the city for that matter) could not do anything directly with the USCIS to get the EB-5 approved. When I asked him about the email he sent requesting help from Congressman Adam Smith he said he very well could have asked that. When asked about the Miami trip, Mr. Sze indicated Yareton Investments and Management LLC were planning a trip for Mr. Chun Yang and other family members and investors, the exact dates and location were still being discussed. Mr. Sze thought it was around March or April that they were discussing a sightseeing vacation for a group of about 16 people. Mr. Sze had told Councilman Sheckler about the vacation and mentioned Miami was one of the possible places they were looking at going. Councilman Sheckler indicated he was from Miami and could be their "tour guide" if they wanted. Mr. Sze stated it was decided to travel to Miami so they invited Councilman Sheckler to accompany them as their "tour guide". They never expected Councilman Sheckler to pay them back for the trip. Mr. Sze said he didn't know what the policy was on whether Councilman Sheckler had to report the trip but he was sure Councilman Sheckler would know.

On May 6, 2015, Sergeant Moate and I interviewed Councilman Sheckler at his residence in Des Moines, Washington. I explained to Councilman Sheckler we were there regarding an investigation where the Unite Here Local 8 had sent a letter to the City of Des Moines with questions about his travel to Miami. Councilman Sheckler said he has been on the city council for 20 years. He was elected in 1996; 2002-2003 he was pro-tem mayor; 2004-2011 he was the Mayor of Des Moines and then returned to his current position. I asked Councilman Sheckler to give us a background on his relationship with Yareton Investment and Management LLC. Councilman Sheckler said it all started in 2008 when he was on a trip to China as the Mayor of Des Moines. During this time he thought he would try to establish a relationship with them as a "sister city" and then also discussed an exchange program between China and Highline College in Des Moines. While staying at the hotel in China Mr. Chun Yang contacted him because he wanted to meet with the Mayor. Mr. Yang was discussing his interest of building a hotel in Tacoma Washington. Councilman Sheckler knew Des Moines had property for sale so discussed these options with Mr. Yang and showed him pictures of the view of the sound. Mr. Yang appeared very interested and then began discussing the EB-5 program with him. Once Councilman Sheckler returned to Des Moines he started looking into the EB-5 process to see if that could be done in Des Moines, which he found out it could be. Councilman Sheckler said he had a business relationship with Albert Sze, who is the project manager for the hotel. Councilman Sheckler said when Mr. Sze received the notice of "Intent to Deny" from the USCIS he contacted Councilman Sheckler to see if there was anything the city or Congressman Adam Smith could do to

help. Councilman Sheckler said there wasn't anything he could do but he would set up a meeting with Congressman Smith and discuss the issue. I asked if he's ever contacted the Congressman and Senators regarding other city business and he said he has on occasion. Councilman Sheckler was asked if he would be able to approve anything with regards to the hotel himself and he said no, he didn't have that kind of power within the city. The City Manager, Tony Piasecki, and others make those decisions. When asked about his trip to Miami, he said it was as a "tour guide" for Mr. Yang and Mr. Sze. There was a large group of people going to Miami and since Councilman Sheckler had lived there for 14 years he went as their "tour guide." The Public Disclosure Commission (PDC) guideline for filing the F-1 clearly indicates if you answer "Yes" to one of the questions in Part 5 of the F-1 then you need to fill out the F-1 Supplement form. "The Supplement discloses your or a family member's relationships with businesses, unions, associations and the like if you or they were an owner, partner or officer of the entity. The Supplements also shows if you or your family members lobbied at the state level. Officials filing an annual report must also file the Supplement if they or an immediate family member received food and beverages costing over \$50 per occasion, travel expenses or educational benefits from some person or entity other than the official's agency." Councilman Sheckler said he did not think he had to report this trip on his F-1 to the PDC because it was not for city business; therefore he did not fill out the F-1 Supplemental. Councilman Sheckler said the PDC contacted him regarding the Miami trip so he filed an amendment on April 25, 2015 documenting the trip from May 2013. Councilman Sheckler was adamant the trip had nothing to do with the EB-5 or the building of the hotel.

On May 7, 2015, I picked up a CD from Des Moines Police Chief with the documents Abigail Lawlor received from her public disclosure request. Amongst these items were letters authored by Mayor Dave Kaplan dated July 16, 2012 to Representatives Katrina Asay, Mark Miloscia, Tina Orwall, Dave Upthegrove, Senators Tracey Eide and Karen Keiser. It was a letter outlining the delay in the application for the EB-5 program and the request for assistance in contacting the USCIS to help expedite the approval. There is also a letter authored by Councilman Sheckler dated May 7, 2013, to Congressman Smith. The letter is thanking the Congressman for his time in meeting with Councilman Sheckler, City Manager Tony Piasecki and Marion Yoshino regarding the delay in the EB-5 application.

On May 11, 2015, I called and left a voicemail for City Manager Tony Piasecki and on May 12, 2015 he returned my call. He said the only person in the city that can approve permit applications. The councilmembers can call and see why a permit is not being approved and what needs to be done to get it approved but that's all. Mr. Piasecki said Councilman Sheckler had been working on the hotel project since the beginning so he does get phone calls from him but it's always to see what is missing or needs to be done. Councilman Sheckler has never asked for something to be overlooked to get a permit application approved. He also indicated that Albert Sze has also called with the same type of questions regarding the permits. As for the EB-5 program, he said Councilman Sheckler has a more personal contact with Congressman Adam Smith so if Councilman Sheckler was to call to set up a meeting then he would have better luck than Mr. Piasecki would. Mr. Piasecki also indicated that all the councilmembers will use their powers of persuasion to help out the city with things to include getting votes passed. They others will also call to see why various permits are not going through and what can be done to get them approved.

Since the hotel project has been going on they have made two to three changes in the city code so the hotel could be passed but these were all passed, he thought, unanimously through a council meeting.

The Sheckler's had in fact accepted travel and lodging to Miami Beach in May 2013 from Mr. Sze and Yareton Investment and Management for the sole purpose to act as a "tour guide" for Mr. Chun Yang, his family, and other business partners. Councilman Sheckler failed to report the trip to the PDC but he has since remedied that by filing an amendment that included the F-1 Supplemental.

*END OF REPORT*

I certify (declare) under penalty of perjury under the laws of Washington that the foregoing is true and correct. (RCW 9A.72.085)

  
\_\_\_\_\_  
Detective R.A. Medeiros, #1056

*King Co*  
\_\_\_\_\_  
Location

05/12/2015  
Date

## Investigation Log Report

Case #: 02-15-007604

Entry Date	Time	Entered By	Log Entry
04/09/2015	13:30	Medeiros, Ruth	<p>Received Case</p> <p>I received the case from Lieutenant Lantz and Sergeant Moate.</p>
04/20/2015	10:44	Medeiros, Ruth	<p>WA State Ethics Board</p> <p>I called and left a voicemail for Investigator David Killeen (360) 586-1811. His email is davidk5@atg.wa.gov</p>
04/21/2015	10:30	Medeiros, Ruth	<p>City of Des Moines Disclosure Request</p> <p>I contacted the City of Des Moines and requested the following information.</p> <ol style="list-style-type: none"> <li>1. City of Des Moines Code of Ethics for 2013</li> <li>2. E-mail correspondence between Councilmember Robert Sheckler and the following individuals, between 1/2013-7/2013:               <ol style="list-style-type: none"> <li>a. Marion Yoshino</li> <li>b. Tony Piasecki</li> <li>c. Chun Yang</li> <li>d. Albert Sze</li> <li>e. Adam Smith</li> <li>f. Christine Choe</li> <li>g. Linh.phai@mail.house.gov</li> </ol> </li> <li>3. Councilmember Sheckler's 2014 F-1</li> </ol>
04/22/2015	13:20	Medeiros, Ruth	<p>City of Des Moines Disclosure Request Update</p> <p>City of Des Moines said they would be filling the request by May 1, 2015. They indicated they did not have the request for number three and that I would need to contact the Public Disclosure Commission at 1-877-601-2828.</p>
04/27/2015	13:05	Medeiros, Ruth	<p>Albert Sze</p> <p>I called and left a voicemail at Yareton Investments for Albert Sze, his name was listed on the website. (206) 824-2311 albert@yareton.com</p>
04/29/2015	13:25	Medeiros, Ruth	<p>Yareton Investments</p> <p>Sergeant Moate and I contacted Yareton Investments in Des Moines looking for Albert Sze. At this time there was no one around. We returned at 1:45 p.m. One of the men working there said Albert Sze was not in the office but did provide us with his cell phone number. He also indicated the office had moved south of their location by the donut shop (at the corner of SR99 and SR516). He wasn't sure exactly where it was located. Sergeant Moate and I drove to the intersection and went inside the building complex but could not locate an office for Yareton Investments.</p>
04/29/2015	13:30	Medeiros, Ruth	<p>City of Des Moines</p> <p>Sergeant Moate and I contacted the City of Des Moines looking for Marion Yoshino. We are told she hadn't worked there for a while, that she was laid off. The Human Resource Manager, Maureen Murphy, was not in the office so they provided me with her number.</p>
04/29/2015	14:05	Medeiros, Ruth	<p>Albert Sze</p> <p>I called and left a voicemail on Albert Sze's cell phone (253-640-8033) and emailed him at albert@yareton.com and as3388@msn.com</p>
04/29/2015	14:30	Medeiros, Ruth	<p>Maureen Murphy - City of Des Moines HRD</p> <p>I called and spoke with Maureen regarding Marion Yoshino. She said Yoshino was laid off a while ago and she wasn't sure where she was working now. She</p>

## Investigation Log Report

Case #: 02-15-007604

Entry Date	Time	Entered By	Log Entry
			provided me with two phone numbers for Yoshino. 206-431-2629 and 206-650-6195 as her cell.
04/30/2015	12:32	Medeiros, Ruth	<p>Albert Sze</p> <p>I received an email response from Albert Sze indicating he is available today for an interview. Sergeant Moate and I will contact him at his office. 23100 Pacific Hwy South, Des Moines, WA 98198, office number is 206-824-2379.</p>
04/30/2015	13:30	Medeiros, Ruth	<p>Albert Sze</p> <p>Sergeant Moate and I contacted Albert Sze at Yareton Investments in Des Moines. Mr. Sze provided a recorded statement regarding his relationship with Mr. Robert Sheckler. Mr. Sze indicated it was a business relationship only and he dealt a lot with the city manager, not Mr. Sheckler. As for the trip to Miami, he indicated Yareton Investments was planning a big trip in May for when Mr. Yang, the owner came to the US. Once it was determined they were going to Miami, Mr. Sheckler indicated he was from Miami and could be their tour guide. Yareton Investments made the decision to pay for his trip and in return for Mr. Sheckler would be the guide for them while Mr. Sze was the interpreter. There was a group of about 16 people that went.</p>
05/05/2015	9:11	Medeiros, Ruth	<p>City of Des Moines Disclosure Request</p> <p>I received the disclosure request from the city of Des Moines.</p>
05/06/2015	9:00	Medeiros, Ruth	<p>Robert Sheckler</p> <p>I called and left a voicemail for Mr. Sheckler.</p> <p>Mr. Sheckler returned my call and we will meet at his residence at 2 pm today. 19816 5th Avenue S, Des Moines, WA.</p>
05/11/2015	12:20	Medeiros, Ruth	<p>City Manager - Tony Piasecki</p> <p>I called and left a voicemail for Mr. Piasecki. Waiting to speak with him to finish up my report.</p>
05/12/2015	14:05	Medeiros, Ruth	<p>City Manager - Tony Piasecki</p> <p>Mr. Piasecki returned my call. He said the only person in the city that can approve permit applications. The councilmembers can call and see why a permit is not being approved and what needs to be done to get it approved but that's all. Mr. Piasecki said Councilman Sheckler had been working on the hotel project since the beginning so he does get phone calls from him but it's always to see what is missing or needs to be done. Councilman Sheckler has never asked for something to be overlooked to get a permit application approved. He also indicated that Albert Sze has also called with the same type of questions regarding the permits.</p> <p>As for the EB-5 program, he said Councilman Sheckler has a more personal contact with Congressman Adam Smith so if Councilman Sheckler was to call to set up a meeting then he would have better luck than Mr. Piasecki would. Mr. Piasecki also indicated that all the councilmembers will use their powers of persuasion to help out the city with things to include getting votes passed. They others will also call to see why various permits are not going through and what can be done to get them approved.</p> <p>Since the hotel project has been going on they have made two to three changes in the city code so the hotel could be passed but these were all passed, he thought, unanimously through a council meeting.</p>

# Investigation Log Report

Case #: 02-15-007604

Entry Date	Time	Entered By	Log Entry
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Mr. Piasecki asked if I would be contacting other councilmembers and I said no, that I was only addressing the initial complaint that had to do with the Miami trip from Local Union 8, unless he thought I should be talking with others about something else. I explained to him that Councilman Sheckler had not reported the trip to the PDC but he has since amended his F-1 filing to report it. Mr. Piasecki said he would let them know we wouldn't be interviewing them.

*RAM*  
D.0576  
5/12/15

## King County Prosecutor's "Decline"

**CONFIDENTIAL - FOR POLICE AGENCY USE ONLY  
DECLINE**

Suspect(s): Robert Frank Sheckler

Crime: Theft In The First Degree

Case No: 15-7604

Investigator: Detective Ruth A Medeiros

Agency: Washington State Patrol, District 2 Unit: Unit???

We are declining to file this case in Superior Court for the following reasons:

- A. Case is being returned for filing in municipal or city court.
- B. Case is being sent to our District Court Unit for review.
- C. Case is being declined for non-evidentiary reasons.
- D. Case is being returned because it is legally insufficient.
- E. Case has been used as part of a plea package. (Cause# CAUSE NUMBER???)
- F. Case is being declined at this time because we have not received the materials requested on REQUEST DATE???. If you resubmit the case with the requested materials, please be sure to include copies of any CDs, DVDs or thumb drives.

- Please submit the sexual assault kit to the WSPCL for analysis.
- DO NOT DESTROY EVIDENCE, filing on co-defendant(s).

Facts:

Robert Sheckler has been either a councilmember or mayor of Des Moines from 1996 to the present. In 2009 while mayor he took a trip to China and met Chun Yang and Albert Sze of Yareton Investment and Management LLC. Mr. Yang was interested in building a hotel in Tacoma. Sheckler showed Yang photographs of vacant land for sale in Des Moines with views of the mountains and water. Yang began discussing the EB-5 visa program with Sheckler. The EB-5 visa program provides a method of obtaining a green card for foreign nationals who invest either \$1,000,000 or at least \$500,000 in a "Targeted Employment Area" in the U.S. After Sheckler returned from his trip he did some research and determined that an EB-5 project could be done in Des Moines. Sheckler reported this to Sze who had an office in Des Moines. On July 28, 2011, Yareton submitted an EB-5 application to the United States Customs and Immigration Service (USCIS). Yang was Sheckler's biggest campaign donor in 2011.

In January of 2013 Sze received a "Notice of Intent to Deny" letter from USCIS in response to his EB-5 application. On March 20, 2013, Sze wrote Sheckler asking him if there was anything he or Congressman Adam Smith could do about it. Sheckler told Sze he couldn't do anything but offered to contact Smith. Sheckler met with Smith on May 2, 2013. Smith wrote Sheckler a letter on May 13, 2013, telling Sheckler his office was working on it. Yareton's EB-5 application was approved on July 10, 2013.

On May 10, 2013, after Sheckler met with Smith but before Yareton's EB-5 application was approved, Sze bought two round-trip airline tickets and made hotel reservations for a trip to Miami for Sheckler and his wife leaving Seattle on May 17, 2013 and returning May 20, 2013. Sheckler failed to report the tickets and hotel reservations to the Washington Public Disclosure Commission on his F-1 Personal

Financial Affairs Statement for 2013. The form asked "Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner, and/or dependents to travel or to attend a seminar or other training?" The place on the form to answer this question either "yes" or "no" was left blank. The form directed Sheckler to complete Part C of the form if the answer to this question was yes. Sheckler did not complete Part C. Sheckler's typewritten name appears on the form under the words "I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge." The form was dated March 9, 2014.

Stacy Moate of WSP interviewed Sze. Sze admitted that he contacted Sheckler's office for help with his EB-5 application and sent Sheckler an email asking Sheckler to contact Adam Smith. Sze said that Yareton was planning a sightseeing vacation in the U.S. for Mr. Yang, his family members, and investors and told Sheckler they were considering visiting Miami as part of the trip. Sze said Sheckler told them he was from Miami and could act as their tour guide. Sze said they decided to go to Miami and invited Sheckler to come on the trip as their tour guide. Sze said they never expected Sheckler to pay them for the trip.

Moate also interviewed Sheckler. Sheckler admitted that he met with Smith at Sze's request to discuss Yareton's EB-5 application. He also admitted that he accepted travel and lodging for the Miami trip from Sze and Yareton but claimed he did so as their tour guide because he had lived in Miami for 14 years. He told Moate that he, his wife, Yang, Sze, and others stayed at a hotel in Miami Beach and visited Key West. He told Moate that he didn't report the trip on his F-1 report because no city business was involved so he didn't think he had to report it.

In 2015 at the PDC's request Sheckler filed an amended report for 2013 claiming \$2,993.04 in travel paid for by Yareton. This incident was reported in Des Moines local media. Sheckler has decided not to run for office again.

Discussion:

There are two statutes that could apply: RCW 9A.68.010, Bribery, a class C felony, and 9A.72.040, False Swearing, a gross misdemeanor.

(1) A person is guilty of bribery if:

\* \* \*

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will be used to secure or attempt to secure a particular result in a particular matter.

\* \* \*

(1) A person is guilty of false swearing if he or she makes a false statement, which he or she knows to be false, under an oath required or authorized by law.

The evidence is insufficient for the bribery charge because there is no evidence that Sheckler had an agreement or understanding with Sze or Yang that he would receive a paid trip to Miami at the time that he met with Smith. False swearing is also problematic. The plain language in the F-1 form requiring Sheckler to disclose the trip and his failure to do so are the only evidence that he made a false statement on the form. His most likely defense is that because he didn't answer either "yes" or "no" in the box on the form the evidence does not show he made an affirmative false statement. He could also claim that he accidentally overlooked the box on the form or failed to recall the trip when he completed the form, negating the element of knowledge. As a result I believe the evidence is also insufficient to support a charge of false swearing.

Deputy: Scott A. Peterson Date: 07/13/2015

Telephone Number: (206) 477-1895

Supervisor: Supervisor??? Date: \_\_\_\_\_

Detective contacted: Yes  Left message  No

Criminal Division, King County Prosecuting Attorney's Office, (206) 477-3733

# **SHECKLER EXHIBIT 2**

**City Manager's Executive Order Nos. 10-001 & 13-003**

**CITY MANAGER'S EXECUTIVE ORDER NO. 10-001  
CITY OF DES MOINES**

**AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES** establishing the *City-Wide Development Incentive Program* for all commercial and multifamily zoned areas in Des Moines, and to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan, the Downtown Neighborhood and North Central Neighborhood elements of the Comprehensive Plan, the City Council's economic development goals and strategic objectives, and to provide additional incentives to encourage development throughout the City, effective **September 1, 2010**.

**RECITALS**

WHEREAS, DMMC 12.04.100 provides that the fee for right-of-way permits issued by the City under the authority of Chapter 12.04 DMMC shall be established by the City Manager.

WHEREAS, DMMC 14.04.080 provides that the fee for any permit issued by the City under the authority of Title 14 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 16.04.260 provides that the fee for a State Environmental Policy Act (SEPA) determination issued by the City under the authority of Title 16 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 17.40.010 provides that the fee for any approval issued by the City under the authority of Title 17 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 18.58.050 provides that "the City Manager may adopt by executive order procedural rules for the efficient implementation of this chapter" [Chapter 18.58 DMMC – Design Review], and

WHEREAS, DMMC 18.64.050 provides that "fees for the following land use applications are established by the City Manager

- (a) Change of zone;
- (b) Unclassified use permit;
- (c) Planned unit development;
- (d) Variance;
- (e) Conditional use permit;
- (f) Comprehensive plan amendment

) WHEREAS, the Des Moines City Council established "Improved economic vitality and development" as a strategic goal and "facilitate development of the Des Moines Creek Business Park" and changes to Downtown development regulations and improvements to the Downtown water system as strategic objectives to advance this strategic goal; and

WHEREAS, the City Manager by Executive Order No. 07-005, established the Pacific Ridge Redevelopment Incentive Program to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan effective January 1, 2008; and

WHEREAS, DMMC 18.31.010 provides that the purpose of the Pacific Ridge Zone is "to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside," and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Polices for King County," and

) WHEREAS, Policy 11-03-06 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment. Utilize innovative land use review techniques/procedures to minimize timeframes and uncertainty during permit review. Examples of such techniques/procedures include: streamlined environmental review; optional DNS; impact fees, etc." within the Pacific Ridge, and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge," and

WHEREAS, DMMC 18.25.010 provides that the purpose of the Business Park Zone is, "provide suitable areas of the city for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and retail uses serving the needs of business park tenants," and

WHEREAS, DMMC 18.27.010 provides that the purpose of the Downtown Commercial Zone is, "to enhance, promote, and maintain the business areas of the downtown neighborhood," and

) WHEREAS, Policy 2-03-08 of the Land Use Element of the Des Moines Comprehensive Plan provides that the City should, "promote new development and

redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements," and

WHEREAS, Policy 10-02-04 of the Downtown Neighborhood Element of the Des Moines Comprehensive Plan provides that the City should, "promote new development and redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements," and

WHEREAS, given the size of the large scale projects envisioned in the Pacific Ridge and Des Moines Creek Business Park and potential for such projects in the Downtown, along Pacific Highway South and in the RM-900B Restricted Service Zones, the City will achieve an economy of scale allowing the City to recover the cost of land use and building permitting at a lower rate than needed for smaller scale projects, and

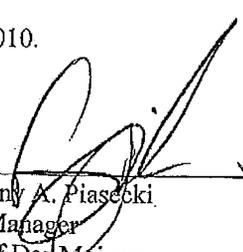
WHEREAS, encouraging development throughout the City is in the best interest of the public health, safety or welfare of the City's citizens, **NOW THEREFORE.**

It is hereby **ORDERED** as follows:

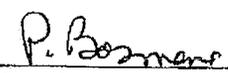
1. The City-Wide Development Incentive Program is established.
2. The Incentive Program shall reduce fees for design review, environmental review, subdivision, planned unit development, short subdivision and lot line adjustment, engineering plan review, building plan check and building permit, land clearing, grading or filling, mechanical, electrical and plumbing permit, and right of way permits as follows:
  - a. By 20%, provided that the individual permit applications contain a minimum of 50,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
  - b. By 10%, provided that the individual permit applications contain a minimum of 25,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
3. The Incentive Program shall not apply to any fee established by ordinance or by another agency including transportation impact fees, park in-lieu fees, South King Fire & Rescue review fees, surface water management hook up fees, or business licenses and taxes. The Incentive Program shall also not include the cost for any third-party review.
4. The Incentive Program shall apply to the first group of tenant improvements provided that the building was constructed as a "shell building." All future tenant improvements regardless of size shall comply with the City wide fee schedules.

5. The Incentive Program is only available to the first 3,125,000 square feet of occupiable commercial development (excluding the area necessary for any required parking) and 5,541 residential units if the project is in Pacific Ridge. Once the allotments are exhausted this Incentive Program will cease for Pacific Ridge projects unless additional allotments are added by executive order of the City Manger.
6. The Incentive Program for the Downtown Neighborhood and the North Central Neighborhood will cease five years from the date of this Executive Order unless an extension is granted by executive order of the City Manager.
7. Fees for development activity that qualify for the Incentive Program will be assessed in accordance with the City Development Services Fee Schedule (Exhibit A), the Building Permits Fee Schedule (Exhibit B), Right-of-Way Permit Fee Schedule (Exhibit C).
8. Issuance of the Executive Order replaces and supersedes Executive Order Number 07-005 regarding the Pacific Ridge Redevelopment Fee Incentive Program

DATED this 19<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Anthony A. Piasecki  
City Manager  
City of Des Moines

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

CITY MANAGER'S EXECUTIVE ORDER NO. 13-003  
CITY OF DES MOINES

AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES establishing the *City-Wide Development Incentive Program* to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan, the Marina District Neighborhood and North Central Neighborhood elements of the Comprehensive Plan, the City Council's economic development goals and strategic objectives, and to provide additional incentives to encourage development throughout the City, effective **December 26, 2013**.

RECITALS

WHEREAS, DMMC 12.04.100 provides that the fee for right-of-way permits issued by the City under the authority of Chapter 12.04 DMMC shall be established by the City Manager.

WHEREAS, DMMC 14.04.160 provides that the fee for any permit issued by the City under the authority of Title 14 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 16.04.260 provides that the fee for a State Environmental Policy Act (SEPA) determination issued by the City under the authority of Title 16 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 17.40.010 provides that the fee for any approval issued by the City under the authority of Title 17 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 18.58.050 provides that "the City Manager may adopt by executive order procedural rules for the efficient implementation of this chapter" [Chapter 18.58 DMMC – Design Review], and

WHEREAS, DMMC 18.64.050 provides that "fees for the following land use applications are established by the City Manager

- (a) Change of zone;
- (b) Unclassified use permit;
- (c) Planned unit development;
- (d) Variance;
- (e) Conditional use permit;
- (f) Comprehensive plan amendment

WHEREAS, the Des Moines City Council established “Improved economic vitality and development” as a strategic goal and “facilitate development of the Des Moines Creek Business Park” and changes to Marina District development regulations and improvements to the Downtown water system as strategic objectives to advance this strategic goal; and

WHEREAS, the City Manager by Executive Order No. 07-005, established the Pacific Ridge Redevelopment Incentive Program to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan effective January 1, 2008; and

WHEREAS, DMMC 18.31.010 provides that the purpose of the Pacific Ridge Zone is “to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside,” and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Polices for King County,” and

WHEREAS, Policy 11-03-06 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment. Utilize innovative land use review techniques/procedures to minimize timeframes and uncertainty during permit review. Examples of such techniques/procedures include: streamlined environmental review; optional DNS; impact fees, etc.” within the Pacific Ridge, and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should “promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge,” and

WHEREAS, DMMC 18.25.010 provides that the purpose of the Business Park Zone is, “provide areas of the city for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and limited retail uses,” and

WHEREAS, DMMC 18.27.010 provides that the purpose of the Downtown Commercial Zone is, “to enhance, promote, and encourage development within the marina district,” and

WHEREAS, Policy 2-03-08 of the Land Use Element of the Des Moines Comprehensive Plan provides that the City should, “promote new development and

redevelopment within the Marina District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements,” and

WHEREAS, Policy 10-02-04 of the Marina District Element of the Des Moines Comprehensive Plan provides that the City should, “promote new development and redevelopment within the commercial district to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements,” and

WHEREAS, given the size of the large scale projects envisioned in the Pacific Ridge and Des Moines Creek Business Park and potential for such projects in the Marina District, the City will achieve an economy of scale allowing the City to recover the cost of land use and building permitting at a lower rate than needed for smaller scale projects, and

WHEREAS, encouraging development throughout the City is in the best interest of the public health, safety or welfare of the City’s citizens, **NOW THEREFORE.**

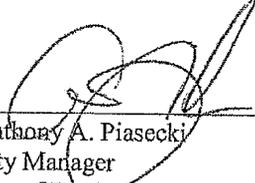
It is hereby **ORDERED** as follows:

1. The City-Wide Development Incentive Program is established.
2. The Incentive Program shall reduce fees for environmental review, subdivision, planned unit development, short subdivision and lot line adjustment, engineering plan review, building plan check and building permit, mechanical, electrical and plumbing permit, and right of way permits as follows:
  - a. By 20%, provided that the individual permit applications contain a minimum of 50,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
  - b. By 10%, provided that the individual permit applications contain a minimum of 25,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
3. The Incentive Program shall not apply to any fee established by ordinance or by another agency including transportation impact fees, park in-lieu fees, South King Fire & Rescue review fees, surface water management hookup fees, or business licenses and taxes. The Incentive Program shall also not include the cost for any third-party review.
4. The Incentive Program shall apply to the first group of tenant improvements provided that the building was constructed as a “shell building.” All future tenant improvements regardless of size shall comply with the City wide fee schedules.
5. The Incentive Program is only available to the first 3,125,000 square feet of occupiable commercial development (excluding the area necessary for any required parking) and 5,541 residential units if the project is in Pacific Ridge. Once the allotments are

exhausted this Incentive Program will cease for Pacific Ridge projects unless additional allotments are added by executive order of the City Manger.

6. The Incentive Program for the Marina District Neighborhood and the North Central Neighborhood will cease five years from the date of this Executive Order unless an extension is granted by executive order of the City Manager.
7. Fees for development activity that qualify for the Incentive Program will be assessed in accordance with the City Development Services Fee Schedule (Exhibit A), the Building Permits Fee Schedule (Exhibit B), Right-of-Way Permit Fee Schedule (Exhibit C).
8. Issuance of the Executive Order amends and supersedes Executive Order Number 10-001 regarding the City-Wide Development Incentive Program

DATED this 26<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Anthony A. Piasecki  
City Manager  
City of Des Moines

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

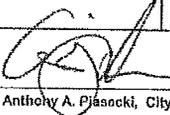
**CITY OF DES MOINES**  
**DEVELOPMENT and ENGINEERING SERVICES FEE SCHEDULE**  
*Effective December 26, 2013*

<b>MISCELLANEOUS FEES AND SERVICES</b>	
<b>G.I.S. SERVICES</b> Hourly Labor Rate \$85.00* *Materials and Copy Medium (disks, etc.) are at cost	PHOTOCOPIES - Per the Public Records Fee Schedule  SMALL AND LARGE DOMESTIC ANIMAL REVIEW \$250.00
<b>APPEALS</b> Administrative Decisions \$800.00 Hearing Examiner Decisions \$1350.00* Court Filing Fee \$ 500.00*  *plus labor cost for transcript preparation at \$70.00/hour.	LEGAL LOT OF RECORD RESEARCH AND CODE INTREPRETATIONS \$250.00* *plus \$55.00/hour for research in excess of 3 hours.  APPLICATION CHANGES, REVISIONS, OR RE-SUBMITTALS \$150.00* *Plus 10% of the original base application fee for each resubmittal, change, or revision filed. Also, extra fees only apply to applicant initiated changes or revisions or when more than 1 resubmittal is filed in response to staff comments.
<b>AUTOMATION FEES</b> Single Family Residential \$10.00 Commercial \$25.00	<b>ZONING CODE DEVIATION REQUEST*</b> Administrative \$1,500.00 Hearing Examiner \$8,000.00 *For Modifications or Waivers specifically established by the Zoning Code Title 18 DMMC and does not include Variances and PUDs
<b>PRE-APPLICATION MEETINGS</b> First or Second Meeting No Fee Each Meeting after Second Meeting \$350.00	<b>PLANNING AND LAND USE SERVICES</b>
<b>CONDITIONAL USE PERMITS</b> \$6,000.00	<b>UNCLASSIFIED USE PERMITS</b> \$7,500.00
<b>COMPREHENSIVE PLAN AMENDMENTS</b> \$2,500.00	<b>ZONE RECLASSIFICATIONS*</b> \$8,500.00  *Reclassifications which Achieve Consistency with the Comprehensive Plan \$1,200.00
<b>SUBDIVISION AND LAND ALTERATION SERVICES</b>	
<b>LOT LINE ADJUSTMENTS</b> Lot Consolidations \$1,300.00 Encroachment Resolution/Minor \$2,200.00 Reorientations/Other \$3,450.00	<b>PLANNED UNIT DEVELOPMENTS (PUD'S)</b> Preliminary \$8,500.00* *+ 5.10/ sq.ft. of total lot area up to a maximum of 15 acres Final \$4,000.00
<b>SUBDIVISIONS</b> Preliminary Plats \$8,500.00 Final Plats \$4,000.00	<b>MODIFIED SUBDIVISIONS</b> Preliminary \$8,500.00* *+ \$.10/ sq.ft. of total lot area up to a maximum of 15 acres Final \$4,000.00
<b>SHORT SUBDIVISIONS</b> Preliminary Short Plats \$5,850.00 Final Short Plats \$1,750.00	<b>BINDING SITE PLANS</b> Preliminary \$8,500.00* *+ \$.10/ sq.ft. of total lot area up to a maximum of 15 acres Final \$4,000.00
<b>MODIFIED SHORT SUBDIVISIONS</b> Preliminary \$8,500.00* *+ \$ 10/ sq.ft. of total lot area up to a maximum of 15 acres Final \$4000.00	<b>MASTER PLAN REVIEW</b> North Subarea \$8,500.00 South Subarea \$5,850.00

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SURFACE WATER MANAGEMENT	
Development Fee	\$1,040.83*
Service Fee	\$12.93**
<p>* Per Equivalent Billing Unit (2,400 square feet) of new impervious area. Updated annually in January based on the construction cost index for the Seattle area as reported in the Engineering News Record. Refer to DMMC 11.12.030 for more information.</p> <p>** Monthly service charge applied per Equivalent Billing Unit for new development activity resulting in 500 square feet of new impervious area. Charge is made effective on the date land is cleared, graded, or modified. Adjusted annually for inflation. Refer to DMMC 11.12.020 for more information.</p>	

Effective December 26, 2013

  
Anthony A. Piasocki, City Manager

NOTE: FEES WITHIN THIS FEE SCHEDULE DO NOT REFLECT FEE REDUCTIONS FOR LARGE SCALE COMMERCIAL AND RESIDENTIAL DEVELOPMENT PROJECTS SET BY EXECUTIVE ORDER OF THE CITY MANAGER. SEE STAFF FOR INCENTIVE PROGRAM DETAILS.

# **SHECKLER EXHIBIT 3**

**Agenda Item for B&O Tax Amendments  
&  
Excerpt from August 30, 2012 City Council Minutes**

New Business #2

**A G E N D A I T E M**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: B&O Tax Exemption

FOR AGENDA OF: August 30, 2012

ATTACHMENTS:

DEPT. OF ORIGIN: Economic Development

1. Draft Ordinance No 12-063

DATE SUBMITTED: August 22, 2012

CLEARANCES:

Legal   *JB*  

Finance \_\_\_\_\_

Marina \_\_\_\_\_

Parks, Recreation & Senior Services \_\_\_\_\_

Planning, Building & Public Works \_\_\_\_\_

Police \_\_\_\_\_

Economic Development   *MMJ*  

APPROVED BY CITY MANAGER  
FOR SUBMITTAL:   *MMJ*  

Purpose and Recommendation

The proposed ordinance establishes an exemption to the B&O tax for new businesses that physically locate in the City of Des Moines before December 31, 2015.

Suggested Motion

**First Motion:** I move to Rule 26(a) to pass Draft Ordinance No 12-063 on the first reading.

**Second Motion:** I move to enact Draft Ordinance No 12-063 amending DMMC 3.84.100 establishing an exemption to the B&O tax of three years for new businesses that physically locate in the City Des Moines before December 31, 2015.

### **Background**

The B&O tax exemption is an incentive to encourage new businesses to locate in the City of Des Moines. Des Moines currently charges the maximum B&O tax allowed by State statute of .2% (\$2 for every thousand dollars of revenue) on the gross revenues of companies with business activity in the City (even if they are not physically located within the City). The tax is applied to businesses with gross revenues over \$50,000.

Currently most cities in southwest King county are not charging a B&O tax. Of the cities surrounding Des Moines, the cities of Kent, SeaTac, Federal Way, Tukwila, and Normandy Park do not charge a B&O tax. Burien charges .05% tax on businesses with gross revenues over \$100,000 (\$.50 for every thousand dollars of gross revenue). Seattle charges a .215% B&O tax (.415% for services), which is voter-approved above the statutory limit.

### **Discussion**

Most businesses located in Des Moines are smaller establishments that are paying minimal or no B&O tax. The main sources of B&O tax revenue for the City are the large restaurants, grocery stores, nursery, and (the largest source of all) contractors. Even when a contractor's offices are not located in Des Moines, they pay B&O tax on construction and renovation projects that are done within the City.

### **Alternatives**

Alternatives to the ordinance presented are as follows:

- The tax exemption could be reduced from 100% to 50% or other amounts.
- The tax exemption period could be adjusted to a shorter or longer time frame (one, two or five years for example).
- The exemption window (as written in the ordinance to extend from 2012 from 2015) could also be adjusted for a shorter or longer duration.

### **Financial Impact**

The vast majority of new businesses established in the last few years in the City do not generate a substantial amount of B&O tax revenue. It is estimated that the businesses that have been established in the last three years (since 2009) are generating less than \$5,000 annually in total.

It is estimated that a large new hotel project would generate approximately \$23,000 in B&O tax annually. (Assumptions: 228 rooms at \$200 per night x 365 days, at 70% occupancy = \$11.6 million revenues at .2% = \$23,000 B&O tax annually).

A box retailer that generates \$50 million in annual sales would create \$100,000 in B&O tax for the City.

**Recommendation or Conclusion**

Offering incentives for newly established businesses communicates that the City welcomes new ventures that produce jobs and improve the developed environment and property values for Des Moines residents. Simply stating that the City is business friendly does not have as much impact and substance as a gesture that offers financial support to prospective businesses.

Economic development staff recommends adopting the ordinance as written.

Councilmember Musser moved to approve Draft Resolution No. 12-130 directing the City Manager to sign the First Addendum to the Sea-Mar Development Agreement substantially in the form as submitted; Councilmember Caldwell, second. The motion passed 5-1. Councilmember Scott voted no.

Mayor Kaplan read the Resolution as approved into the record.

#### OLD BUSINESS

##### 1. SECOND READING BUDGET AMENDMENT DRAFT ORDINANCE NO. 12-105

Finance Director Paula Henderson highlighted revenue changes since Council last discussed the budget amendment ordinance on July 26, 2012.

#### ACTION/DIRECTION

Councilmember Musser moved to enact Draft Ordinance No. 12-105, relating to municipal finance, amending the 2012 budget adopted in Ordinance No. 1529; Councilmember Caldwell second. The motion passed 6-0.

Mayor Kaplan read the ordinance title into the record.

##### 2. BUDGET PROCESS

City Manager Tony Piasecki presented the City Council's goals and the supporting activities which each department/division performs to promote those goals. Councilmembers rated each item, 1-10, using half numbers, e.g., 6.5, if they wished. Once each activity linked to a goal is ranked, averages are calculated, and the priorities sorted prior to costs for those activities being assigned. Findings will be used to determine how to budget for 2013.

#### ACTION/DIRECTION

A complete prioritized list will be ready for discussion at the September 13 City Council meeting. No other action was taken; this presentation was for information only.

#### NEW BUSINESS

##### 1. FINANCIAL UPDATE – YEAR END 2011/EARLY 2012

Finance Director Paula Henderson updated the Council on year end revenues and expenditures 2011 showing a series of charts and graphs depicting revenues with a similar presentation on expenditures dating back to 2007.

Following was a 2012 year-to-date financial report. Revenues shown were 4.25% below last year at the same time at 48% of the budget year being completed. Expenditures shown were 2.1% above projections. All 3 funds are below revenue stabilization levels, but a positive cash balance is shown.

#### ACTION/DIRECTION

This presentation was for information and discussion only. No action was required.

##### 2. DRAFT ORDINANCE B&O TAX ECONOMIC DEVELOPMENT INCENTIVE

B & O tax provides over \$600,000 in revenues to the City of Des Moines. Other cities have a higher threshold at which businesses are exempt from paying B & O tax. Economic Development Manager Marion Yoshino presented to the City Council a proposal to relax B&O tax requirements for new businesses in Des Moines. With some south sound cities not charging a B & O tax, the tax may factor in when a new business is making a choice of a prospective location in which to conduct its business.

The proposed exemption must be for physical businesses located in Des Moines beginning in 2012 through the end of 2015.

#### ACTION/DIRECTION

Councilmember Musser moved to waive Rule 26(a) to pass Draft Ordinance No. 12-063 on first reading; Councilmember Caldwell, second. The motion passed/failed 6-0 .

Councilmember Musser moved to enact Draft Ordinance No. 12-063 amending DMMC 3.84.100 establishing an exemption to the B&O tax of three years for new businesses that physically locate in the City of Des Moines before December 31, 2015; Councilmember Burrage, second. The motion passed 6-0.

Mayor Kaplan read the ordinance title as enacted.

NEXT MEETING DATE            September 6, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council Councilmember Burrage moved to adjourn; Councilmember Scot, second. The motion passed, 6-0.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Sandy Paul

City

CMC  
Clerk

# **SHECKLER EXHIBIT 4**

**Agenda Item for Gambling Tax Amendments  
Excerpt from September 13, 2012 Minutes**

**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Cardroom Tax Exemption Ordinance

FOR AGENDA OF: September 13, 2012

ATTACHMENTS:

DEPT. OF ORIGIN: Economic Development

1. Draft Ordinance No. 12-160

DATE SUBMITTED: September 5, 2012

CLEARANCES:

- Legal 16
- Finance \_\_\_\_\_
- Marina \_\_\_\_\_
- Parks, Recreation & Senior Services \_\_\_\_\_
- Planning, Building & Public Works \_\_\_\_\_
- Police \_\_\_\_\_
- Economic Development MM

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: MM

**Purpose and Recommendation**

The purpose of this agenda item is to present for Council approval an ordinance that changes the gambling tax for public cardrooms to allow a three-year phase in period as an economic development incentive.

Currently the City of Des Moines taxes cardrooms at 10% of gross receipts. This ordinance changes the tax to just 1% for the first year the business license is issued, then 4% for the second year, 7% for the third year, and 10% thereafter. The proposed ordinance also makes this tax incentive available only to businesses which receive business licenses between the effective date of the ordinance and December 31, 2015.

**Suggested Motion**

**First Motion:** I move to suspend Rule 26(a) to enact Draft Ordinance No. 12-060 on the first reading.

**Second Motion:** I move to enact Draft Ordinance No. 12-060 amending DMMC 5.40.010 to provide a graduated tax structure for newly established cardrooms.

**Background**

Public cardrooms are allowed in Washington State with a maximum of 15 tables. The City of Des Moines categorizes them as 'a commercial stimulant' ("an activity operated in connection with an established business, with the purpose of increasing the volume of sales of food or drink for consumption on that business premises"). Popular games are poker, black jack and baccarat.

Cardrooms accounted for \$225 million in gross gambling receipts in 2011, roughly 10% of total gambling receipts for the state and about equal to the gross sale of lottery tickets.

Local municipalities in Washington were able to collect a corresponding \$22.9 million in gambling taxes in 2011 from cardrooms.

The Washington State Gambling Commission provides the following data on receipts for nearby municipalities:

<u>Name</u>	<u>Location</u>	<u>2011 Receipts</u>	<u>Reported Local Tax</u>
Roman Casino*	Skyway	\$10.281 million	\$1.114 million
Riverside	Tukwila	\$10.430 million	\$.829 million
Great American	Tukwila	\$6.672 million	\$.667 million
Silver Dollar	SeaTac	\$5.459 million	\$.411 million
Wizards	Burien	\$4.433 million	\$.564 million

\*Roman Casino is the largest grossing cardroom in the State.

**Discussion**

'Gross receipts' taxes (for example B&O taxes and gambling taxes) can make survival difficult in the first few years of a new business' operation when revenues are generated but there are little to no profits or even a loss. A tax reduction for new businesses enables them to survive the fragile first few years when statistically most businesses fail, and provides the City with another economic development incentive to encourage new businesses to locate in Des Moines.

At the August 31, 2012 meeting, the City Council adopted an ordinance that waives the B&O tax for new businesses in their first three years of operation. The attached ordinance changes the gambling tax on cardrooms from 10% on day one of operation to a graduated tax structure that allows new card rooms the opportunity to use revenues to build and promote a new location. As an addition to the City of Des Moines, an upscale card room is an attractive entertainment venue that can draw guests from nearby SeaTac Airport and create a significant source of revenue for the City

**Alternatives**

Alternatives to the ordinance presented are as follows:

- No gambling tax reduction may be offered.
- The tax reduction could be graduated by other amounts.
- The tax reduction period could be revised to a shorter or longer time frame (one, two or five years for example).
- The sunset date of 2015 could be adjusted.

**Financial Impact**

Encouraging a card room to establish in Des Moines, where none currently exist, could be expected to result in over half a million dollars in gambling tax revenues per year to the City once the business is established.

However, reducing the tax from 10% in the initial years could be estimated to cost the City a half million dollars in tax revenue over a three-year period, calculated as follows:

	<u>Gross Receipts</u>	<u>Tax Revenue</u>	<u>Uncollected Revenue</u>
Year One:	\$2 million	\$20,000 (1%)	\$180,000 (9%)
Year Two:	\$3 million	\$120,000 (4%)	\$180,000 (6%)
Year Three	\$4 million	\$280,000 (7%)	\$120,000 (3%)
Year Four	\$5 million	\$500,000 (10%)	\$0

**Estimated Uncollected Revenue Total: \$480,000**

**Recommendation/Conclusion**

Offering incentives for newly established businesses communicates that the City welcomes new ventures that produce jobs and improve the developed environment and property values for Des Moines residents. Simply stating that the City is business friendly does not have as much impact and substance as a gesture that offers financial support to prospective businesses.

Economic Development staff recommends adopting the ordinance as written.

are legal to work in the US.

**ACTION/DIRECTION**

The topic died for lack of a motion.



**4. DRAFT ORDINANCE CARD ROOM TAX MODIFICATION**

Economic Development Manager Marion Yoshino explained temporary reduction in the card room tax. The average tax rate is 10%. This proposal would reduce the tax rate to 1% the first year, 4% the second year, 7% the third year, and 10% taxes in the fourth year and thereafter for businesses which get a business license by December 31, 2015.

Councilmember Musser moved to suspend Rule 26a to enact Draft Ordinance No. 12-060 on the first reading; Councilmember Caldwell, second. The motion passed 7-0.

Councilmember Musser moved to enact Draft Ordinance No. 12-060 amending DMMC 5.40.010 to provide a graduated tax structure for newly established card rooms; Mayor Dave Kaplan, second.

Councilmember Burrage offered a friendly amendment to change the tax reduction to 1%/6%/10% for a three year period; accepted by both maker and seconder of the original motion.

Councilmember Burrage moved to amend the motion to extend the sunset date to December 31, 2016; Councilmember Sheckler second. The motion passed, 6-1. Mayor Kaplan voted *no*.

The original motion as previously amended passed. The vote was 7-0.

Mayor Kaplan read the title of the resolution into the record.

**NEXT MEETING DATE**

September 27, 2012, City Council Regular Meeting

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro-Tem Pina moved to adjourn; Councilmember Burrage, second. The motion passed, 7-0.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Sandy Paul

CMC

City Clerk

# **SHECKLER**

# **EXHIBIT 5**

**Agenda Item for Gambling Tax Reconsideration**  
**Excerpt from October 4, 2012 Minutes**

**AGENDA**

**REGULAR MEETING  
DES MOINES CITY COUNCIL  
21630 11<sup>th</sup> Avenue South, Des Moines, City Council Chambers**

**October 4, 2012 - 7:00 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

COMMENTS FROM THE PUBLIC:

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR

Page 1      Item 1:      NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM  
(NPDES) PERMIT PHASE II APPEAL

Motion is to adopt contribute \$15,000 to the NPDES Coalition Fund for the City's share of litigation costs and expenses in the appeal of the NPDES Phase II permits and to authorize the City Manager to sign an ILA reflecting the City's participation and contribution to the litigation expenses, substantially in the form as attached.

Page 11      Item 2:      MARINA DISTRICT PARKING LOT LEASE (FISCHER PROPERTY)  
Motion is to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

Page 23      Item 3:      RESOLUTION NO. 11-074C SETTING THE DATE FOR LAND  
USE REVIEW PROCEDURES

Motion is to adopt Draft Resolution No. 11-074C setting a public hearing on November 29, 2012 to consider proposed amendments to the City's land use review procedures.

OLD BUSINESS

Page 29      1.      RECONSIDERATION OF ORDINANCE NO. 1549, RELATING TO THE CITY'S  
IMPOSITION OF GAMBLING TAXES AND PROVIDING A GRADUATED TAX STRUCTURE  
FOR PUBLIC CARDROOMS AS A COMMERCIAL STIMULANT

Staff Presentation:      Economic Development Manager Marion Yoshino

NEW BUSINESS

Page 35      1.      MARINA/BEACH PARK SECURITY ISSUES AND PAID PARKING  
Staff Presentation:      Harbormaster Joe Dusenbury; Parks Recreation and  
Senior Services Director Patrice Thorell; Police Chief George Delgado

followed up with letters to all those who spoke at the meeting to share their concerns

- Stated the when he attends meetings he often finds the acoustics prevent him from hearing well
- Was at the beach today and saw for himself the problem the harbormaster has launching boats into rough water

#### PRESIDING OFFICER'S REPORT

- Attended the stakeholders meeting where the review of the potential development at the Marina is taking place

#### ADMINISTRATION REPORTS

- Thanked Councilmember Caldwell for his comments about the letters that went out to those speakers at the Woodmont meeting. He said all he did was to sign them and other staff did all the work!
- Please note that the first 2 consent items were switched. The clerk will read them in their proper order
- Grant Fredricks has announced his retirement after 47 years of public service in the Corps of Engineers, Washington state, and the City of Des Moines. Dan Brewer, Transportation Engineer, will be Acting Public Works Director, and Denise Lathrop, Planning Manager, will assume the duties of Acting Community Development/Building/Planning Director. Additionally, Senior Planner Jason Sullivan is going to take a position in Bonney Lake, nearer to his home.

#### CONSENT CALENDAR

Item 1: MARINA DISTRICT PARKING LOT LEASE (FISHER PROPERTY)

Motion is to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

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Item 3: RESOLUTION NO. 11-074C SETTING THE DATE FOR LAND USE REVIEW PROCEDURES

Motion is to adopt Draft Resolution No. 11-074C setting a public hearing on November 29, 2012 to consider proposed amendments to the City's land use review procedures.

#### ACTION/DIRECTION

Item 1 was pulled by Councilmember Burrage.

Councilmember Burrage moved to approve the remaining Consent items; Councilmember Scott, second. The motion passed 5-0.

Councilmember Burrage asked to make changes to the length of time the City would have to use the property if a sale were pursued. She pointed out that since the City was responsible for all utilities, the City could be made to pay for new hook-up charges. SWM fees would continue to be the City's responsibility. And dumpsters placed there would be included in the City's contract with CleanScapes. Protection from invalid liens should also be clarified.

No action was taken. This matter will come appear on a later agenda after further staff review.

#### OLD BUSINESS

City Manager Tony Piasecki called Mayor Kaplan on the telephone at this time.

1. RECONSIDERATION OF ORDINANCE NO. 1549, RELATING TO THE CITY'S IMPOSITION OF GAMBLING TAXES AND PROVIDING A GRADUATED TAX STRUCTURE FOR PUBLIC CARDROOMS AS A COMMERCIAL STIMULANT

**ACTION/DIRECTION**

Councilmember Sheckler moved to modify Ordinance No. 1549 by changing the phase-in period of the gambling tax on card rooms as follows: One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and ten percent (10%) thereafter; Councilmember Burrage, second.

Councilmember Burrage moved to amend the motion to change 10% to 8% to encourage more business in the City of Des Moines and realize more revenue; seconded by Councilmember Scott. The motion to amend failed 4-2. Councilmembers Sheckler and Scott voted *yes*.

Councilmember Burrage moved to amend the original motion to reduce 10% to 9% where it appears twice in the ordinance; second by Councilmember Scott. The motion passed, 5-1. Councilmember Caldwell voted *no*.

Councilmember Sheckler moved to modify Ordinance No. 1549 (as amended) by changing the phase-in period of the gambling tax on card rooms as follows: One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and nine percent (9%) thereafter; Councilmember Burrage, second. The motion passed 5-1. Councilmember Caldwell voted *no*.

City Manager Piasecki read the title of the reconsidered ordinance.

Mayor Kaplan left the meeting.

**NEW BUSINESS**

**1. MARINA/BEACH PARK SECURITY ISSUES AND PAID PARKING**

Harbormaster Joe Dusenbury made a short introductory presentation. Police Chief George Delgado and Parks Recreation and Senior Services Director Patrice Thorell spoke afterwards.

**ACTION/DIRECTION**

Councilmember Sheckler moved to direct staff to proceed with the analysis and discussion of ways to improve the management of Marina and Beach Park including investing in security equipment and technology, parking and traffic management systems, and develop a parking fee structure that would support improvements to the facilities; second by Mayor Pro-Tem Pina. The motion passed 5-0.

Councilmember Sheckler moved to establish an ad-hoc committee for the purpose of seeing this project through and making recommendations for improvements. The committee would dissolve at the end of the assignment; second by Councilmember Burrage. The motion failed 3-2. Councilmembers Sheckler and Caldwell voted *yes*.

Councilmember Sheckler left the meeting at 8:35 p.m.

**2. SWIM CIP**

Assistant Director of Utilities and Environmental Engineering Loren Reinhold presented the Surface Water Management CIP for 2013-2018. He highlighted projects completed in 2012 moving into projects scheduled for next year and through 2018.

**ACTION/DIRECTION**

This was a policy discussion and there was no action taken.

**3. MARINA CIP**

Harbormaster Joe Dusenbury presented the 2013-2018 Marina CIP. He pointed out projects that were completed in 2012. One project desired for 2013 is a more permanent 'tent' with sides to keep out the wind and rain and made of a more durable material. He also talked about the need for an offsite storage yard/shelter for spare floats, pilings, and lumber to get them out of the weather and out of sight. It would be located at the south end of the Public Works yard on South 223<sup>rd</sup> street.

# **SHECKLER EXHIBIT 6**

**Agenda Item for Title 18 DMMC Amendments  
Excerpt from January 30, 2012 Minutes**

## AGENDA ITEM

### BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amendments to Title 18 DMMC, the Zoning Code.

FOR AGENDA OF: January 30, 2014

ATTACHMENTS:

1. Draft Ordinance No. 13-170 Available in the City's Website Packet Only Due to Size

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: January 22, 2014

CLEARANCES:

Legal PO

Finance NA

Marina NA

Parks, Recreation & Senior Services NA

Planning, Building & Public Works DJB

Police NA

Courts NA

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: [Signature]

#### Purpose and Recommendation

The purpose of this agenda item is to revise Title 18 DMMC to bring uniformity to the Title, to organize the Title in a manner that is easier to search, and to ensure compliance with current state law and case law. We ask that the Council consider all of the amendments to Title 18, along with the included use charts for residential and commercial zones.

#### Suggested Motions

**FIRST MOTION:** "To suspend Rule 26(a) in order to enact Draft Ordinance No. 13-170 on first reading."

**SECOND MOTION:** "To enact Draft Ordinance No. 13-170, repealing and replacing Title 18 DMMC, the Zoning Code."

#### Background

The City Attorney seeks to make certain amendments to the City Code, specifically Title 18 DMMC, to bring uniformity to the DMMC, to organize chapter 18 DMMC in a manner that is easier to search and to ensure compliance with current state law and case law. The purpose of these amendments is to provide uniformity and consistency within our DMMC and not to make substantive or policy changes.

The DMMC will also include any textual code amendments the Council has passed up to this point. We ask that these amendments to Title 18 be considered this evening for final passage.

The required public hearing for enacting an ordinance which amends Title 18 DMMC was held on November 14, December 5, 2013, January 9 and January 30, 2014. Portions of Title 18 have been discussed at these meetings, but tonight we ask the Council to consider Draft Ordinance No. 13-170 for final reading and passage.

Because this Draft Ordinance is 414 pages, we have placed the Draft in legislative format on the City's website, [www.desmoineswa.gov](http://www.desmoineswa.gov), as part of the on-line packet. If any Councilmember wants a printed version, we would be happy to provide a printed copy.

#### Discussion

Over the last nine months the staff of the Legal Department, the Planning, Building and Public Works Department, and Mike Connelly of Koegen Edwards, LLP, have met to discuss how to better organize the DMMC so that it is user friendly and consistent with current statutes and case law. This effort has required input from the Departments that read and enforce the DMMC routinely.

Title 18 DMMC is the largest Title in the DMMC and has required considerably more work to update. Given the complexity and length of Title 18, staff has divided the Title into five separate sections. Staff brought Sections I and III to the Council on November 14, 2013, Sections IV and V on December 5, 2013, and Section II on January 9, 2014. At tonight's meeting we ask that the Council move to waive the second reading of Draft Ordinance No. 13-170 and consider final passage. At that time, the reorganization of Title 18 will be complete. All five sections will make up the entirety of the newly enacted Title 18, chapters 18.01 - .250 DMMC with an effective date of February 4, 2014.

#### Alternatives

None.

#### Recommendation or Conclusion

Staff recommends the proposed motions.

R:\1-Legal Files\2013\13-170 - Title 18, Repeal & Replace\Council Agenda\_1-9-14\_Title 18 (2).docx

- Acknowledged Novella Perry, Rita Lambert and Victor Anderson for serving on the Senior Services Advisory Committee.
- Presented Marta Kalve a plaque for her outstanding service and dedication to the Human Services Advisory Committee.

#### ADMINISTRATION REPORT

There was no Administration Report.

Mayor Kaplan took Public Hearing Item 1 out of order to accommodate Councilmember Sheckler's vacation schedule.

#### PUBLIC HEARING/CONTINUED PUBLIC HEARING



Item 1: AMENDMENTS TO TITLE 18 DMMC, THE ZONING CODE  
Staff Presentation: City Attorney Pat Bosmans

City Attorney Bosmans gave a brief presentation to Council on continued Amendments to Title 18 and explained some omissions that are now back in the Ordinance.

Mayor Kaplan asked 3 times if anyone wished to speak. Seeing none, Mayor Kaplan asked Council if they had any questions.

Mayor Kaplan closed the Public Hearing at 7:41 p.m.

#### **Direction/Action**

**Motion** made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-170 on first reading; seconded by Mayor Pro Tem Pina. The motion passed 7-0.

**Motion** made by Councilmember Sheckler to enact Draft Ordinance No. 13-170, repealing and replacing Title 18 DMMC, the Zoning Code; seconded by Councilmember Nutting. The motion passed 7-0.

**Motion** made by Councilmember Sheckler to amend Draft Ordinance No. 13-170 to include Chapters 18.100, B-C Business Commercial Zone and 18.120, C-G General Commercial Zone and to amend the Draft Ordinance at p. 95 in the Residential Zone Primary Uses Tables 18.52.010A in Townhouse Development under RM-900 to read: P/L[15]; seconded by Councilmember Nutting.

The motion as amended passed 7-0.

Mayor Kaplan read Draft Ordinance 13-170 into the record.

At 7:46 p.m. Councilmember Sheckler left the meeting.

# **SHECKLER EXHIBIT 7**

**Mayor Kaplan Letters dated July 16, 2012**



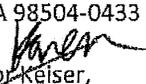
# City of Des Moines

ADMINISTRATION  
21630 11TH AVENUE SOUTH, SUITE A  
DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



Senator Karen Keiser  
PO Box 40433  
Olympia WA 98504-0433

July 16, 2012

Dear Senator  Keiser,

I am writing to request your assistance with a support letter for the applicant Yareton Investment Fund LLC, to receive federal EB-5 Regional Center designation for the "Artemis Hotel," a four-star hotel complex to be built here in the City of Des Moines which will be of great economic benefit to our area.

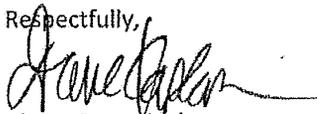
Yareton Investments and Mr. Yang Chun, Principal, became personally known to our former Mayor Sheckler when introductions were made during his visit to China in 2009. Since then the City of Des Moines has developed a close working partnership with Yareton as the plans for the hotel have been processed by the City planning department and other staff.

Yareton would like to move forward with the hotel construction, but their EB-5 application is still waiting for final approval from the USCIS. The project which was slated to commence this spring has been delayed pending the approval from the USCIS. We are hoping that a letter from your office will help expedite the approval. We have also attached select portions of the business plan for this project as background information (please respect that the business plan is CONFIDENTIAL).

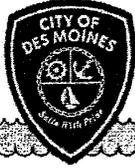
This large-scale project will bring multiple economic benefits. The employment opportunities, first in construction and then in hotel services, will help provide wages to support families hard hit by the recession. The new buildings will improve the appearance of the commercial area, replacing deteriorated structures located there previously, and stimulating investment in adjacent properties. And a hotel complex such as this will generate substantial tax revenue for city, county and state services.

We thank you in advance for your assistance in making this project possible, it is much appreciated. Please find attached a sample letter of support for Yareton Associates and the "Artemis Hotel" project. If you have further questions please direct them to Marion Yoshino, Economic Development Manager, (206) 870-6725.

Respectfully,

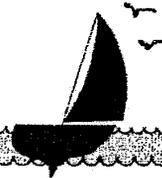
  
Mayor Dave Kaplan

*The Waterland City*  
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# City of Des Moines

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DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D.; (206) 824-6024 FAX: (206) 870-6540



Senator Tracey Eide  
PO Box 40433  
Olympia WA 98504-0433

July 16, 2012

Dear Senator Eide,

I am writing to request your assistance with a support letter for the applicant Yareton Investment Fund LLC, to receive federal EB-5 Regional Center designation for the "Artemis Hotel," a four-star hotel complex to be built here in the City of Des Moines which will be of great economic benefit to our area.

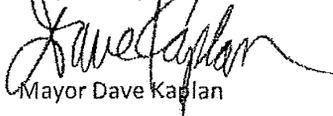
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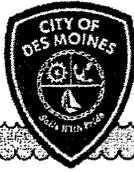
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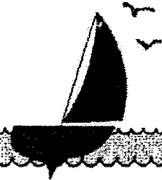
  
Mayor Dave Kaplan

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# City of Des Moines

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(206) 878-4595 T.D.D.; (206) 824-6024 FAX: (206) 870-6540



Representative Dave Upthegrove  
PO Box 40600  
Olympia WA 98504-0600

July 16, 2012

Dear Representative Upthegrove,

I am writing to request your assistance with a support letter for the applicant Yareton Investment Fund LLC, to receive federal EB-5 Regional Center designation for the "Artemis Hotel," a four-star hotel complex to be built here in the City of Des Moines which will be of great economic benefit to our area.

Yareton Investments and Mr. Yang Chun, Principal, became personally known to our former Mayor Sheckler when introductions were made during his visit to China in 2009. Since then the City of Des Moines has developed a close working partnership with Yareton as the plans for the hotel have been processed by the City planning department and other staff.

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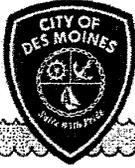
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Respectfully,

  
Mayor Dave Kaplan

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PO Box 40600  
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July 16, 2012

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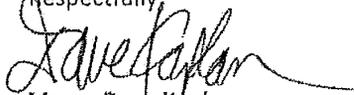
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This large-scale project will bring multiple economic benefits. The employment opportunities, first in construction and then in hotel services, will help provide wages to support families hard hit by the recession. The new buildings will improve the appearance of the commercial area, replacing deteriorated structures located there previously, and stimulating investment in adjacent properties. And a hotel complex such as this will generate substantial tax revenue for city, county and state services.

We thank you in advance for your assistance in making this project possible, it is much appreciated. Please find attached a sample letter of support for Yareton Associates and the "Artemis Hotel" project. If you have further questions please direct them to Marion Yoshino, Economic Development Manager, (206) 870-6725.

Respectfully,

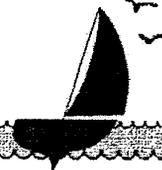
  
Mayor Dave Kaplan

*The Waterland City*  
Printed on Recycled Paper



# City of Des Moines

ADMINISTRATION  
21630 11TH AVENUE SOUTH, SUITE A  
DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D.; (206) 824-6024 FAX: (206) 870-6540



Representative Tina Orwall  
PO Box 40600  
Olympia WA 98504-0600

July 16, 2012

Dear Representative Orwall,

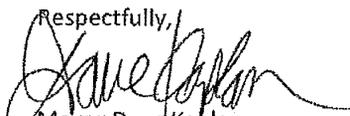
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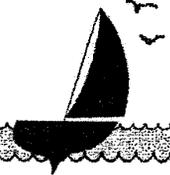
Respectfully,  
  
Mayor Dave Kaplan

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DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D.; (206) 824-6024 FAX: (206) 870-6540



Representative Katrina Asay  
PO Box 40600  
Olympia WA 98504-0600

July 16, 2012

Dear Representative Asay,

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Respectfully,

  
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# **SHECKLER**

# **EXHIBIT 8**

**General Definitions of “Gift”**  
**(Webster’s & Black’s Law Dictionaries)**

## **Full Definition of *GIFT***

1  
: a notable capacity, talent, or endowment

2  
: something voluntarily transferred by one person to another without compensation

3  
: the act, right, or power of giving

*germanus*

A whole brother; a child of both of one's own parents.

**gerrymandering** (jer-ee-man-dar-ing or ger-ee-), *n.* 1. The practice of dividing a geographical area into electoral districts, often of highly irregular shape, to give one political party an unfair advantage by diluting the opposition's voting strength. — Also termed *political gerrymandering*. 2. The practice of dividing any geographical or jurisdictional area into political units (such as school districts) to give some group a special advantage. — Also termed *jurisdictional gerrymandering*. — **gerrymander**, *vb.* Cf. REAPPORTIONMENT.

**gersum** (gor-som). *Hist.* 1. Money paid for a thing; specif., compensation paid by a tenant to a superior on entering a holding. 2. A penalty or amercement paid for an offense. — Also spelled *garsumme*; *gersuma*; *gersume*.

**gersumarius** (jer-s[y]ə-mair-ee-əs). *Hist.* Fiable; liable to be fined at the discretion of a feudal superior. • A villein who gave his daughter in marriage was *gersumarius* — he was liable to pay a fine to the lord.

**gestio** (jes-chee-oh). [Latin] *Roman law.* 1. Behavior or conduct. See GESTIO PRO HAEREDE. 2. The management of a thing, esp. a transaction.

*negotiorum gestio* (ni-goh-shee-or-əm jes-chee-oh). See NEGOTIORUM GESTIO.

**gestio pro haerede** (jes-chee-oh proh her-ə-dee). [Latin "behavior as heir"] *Roman & Hist. Scots law.* An appointed heir's conduct (such as selling or leasing the decedent's property) that indicates the heir's intent to receive the inheritance and thereby take on the estate's debts.

**gestor** (jes-tor). [Latin] *Roman law.* 1. One who carries on a business. 2. NEGOTIORUM GESTOR.

**gestu et fama** (jes-t[y]oo et fay-mə). [Latin "demeanor and reputation"] *Hist.* A writ used by a person who had been imprisoned because of a poor reputation in the community to gain release from jail pending the arrival of justices with commissions of gaol delivery. See COMMISSION OF GAOL DELIVERY.

**gestum** (jes-təm). [Latin] *Roman law.* A deed or an act; a thing done. • *Gestum* is synonymous with *factum*. See FACTUM (2).

**gesture**. A motion of the body calculated to express a thought or emphasize a certain point

<the prosecutor was known for her dramatic gestures during closing argument>.

**gibbet** (jib-it), *n.* *Hist.* A post with one arm extending from the top, from which criminals are either executed by hanging or suspended after death as a warning to other potential offenders; a type of gallows.

**double gibbet**. A gibbet with two arms extending from its top so that it resembles a capital "T."

**gibbet law**. See HALIFAX LAW.

**GIC**. See *guaranteed investment contract* under INVESTMENT CONTRACT.

**gift**, *n.* 1. The act of voluntarily transferring property to another without compensation. 2. A thing so transferred. — **gift**, *vb.*

**absolute gift**. See *inter vivos gift*.

**anatomical gift**. A testamentary donation of a bodily organ or organs, esp. for transplant or for medical research.

**antenuptial gift**. See *prenuptial gift*.

**class gift**. A gift to a group of persons, uncertain in number at the time of the gift but to be ascertained at a future time, who are all to take in definite proportions, the share of each being dependent on the ultimate number in the group.

"The typical class gift is to 'children,' 'issue,' 'heirs,' 'brothers and sisters,' 'nieces and nephews,' 'grandchildren.' A class gift is one in which the donor intends to benefit a group or a class of persons, as distinguished from specific individuals; the class gift donor is said to be 'group-minded.' The class gift is one in which the donor intends that the number of donees, from the time of the delivery of the instrument of gift in the case of the *inter vivos* gift, or from the time of the execution of the will in the case of the testamentary gift, is subject to fluctuation by way of increase or decrease, or by way of increase only, or by way of decrease only, depending on the circumstances of the gift." Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 136 (2d ed. 1984).

**completed gift**. A gift that is no longer in the donor's possession and control. • Only a completed gift is taxable under the gift tax.

**gift causa mortis** (kaw-zə mor-tis). A gift made in contemplation of the donor's imminent death. • The three essentials are that (1) the gift must be made with a view to the donor's present illness or peril, (2) the donor must actually die from that illness or peril without ever recovering, and (3) there must be a delivery. Even though *causa mortis* is the more usual word order in modern law.

# **SHECKLER EXHIBIT 9**

**The City's "Vision, Mission & Business Plan"**

## **Vision, Mission & Business Plan**

### **Economic Development Vision**

Des Moines, an economically thriving community that maximizes the potential of its natural assets.

### **Economic Development Mission**

For the year 2013, the City of Des Moines has positioned itself to grow with a multi-faceted approach to improving the local economy. The city has a proactive commitment to Economic Development, and the City Council and staff at all levels are committed to action steps a part of a coordinated team effort.

### **Economic Development Business Plan Goals**

- Easing of development regulation and restrictions
- Pro-active outreach to investors and developers
- Encouraging high economic impact development such as tourism
- Promoting the city by attracting target populations to patronize Des Moines businesses

### **Action Steps:**

- Promote economic vitality and strategically position Des Moines for the future
  - Promote Des Moines as the progressive, opportunity - rich city in the Puget Sound region
  - Capitalize on opportunities through bold and creative economic development strategies
  - Recruit and retain businesses to ensure a dynamic, diversified employment base
  - Nurture entrepreneurship and foster successful partnerships with businesses and community leaders
  - Leverage public / private resources to focus development on economic centers
- Support planned growth and influence decisions that impact the city
  - Foster development of vibrant, sustainable, attractive, mixed-use neighborhoods in urban centers
  - Uphold a high standard of design and property maintenance
  - Advocate city interests through state and federal lobbying efforts, regional partnerships, and other organizations
  - Pursue transportation and other regional improvements and services that improve quality of life
  - Balance development with environmental protection
- Building an inclusive city with opportunities for all
  - Improve access to city services and programs and make residents and businesses aware of opportunities to be involved with their community
  - Build connections with all communities that reflect the breadth and richness of the diversity in our city
  - Promote understanding and appreciation of our diversity through celebrations and festivals
  - Provide critical and relevant information on a timely basis and facilitate two-way dialogue between city government and the community
  - Encourage volunteerism, participation, and civic engagement
- Meet service demands and provide high quality customer service
  - Plan, develop, and maintain; quality services, infrastructure, and amenities
  - Prioritize services at levels that can be sustained by revenue
  - Develop and maintain collaborative partnerships and investment strategies that improve services

- Respond to growing service demands through partnerships, innovation, and outcome management