

1 2.6 The letter, dated June 17, 2016, was fourteen pages long and included a
2 number of legal conclusions that amounted to a formal determination of the merits of
3 AUTO's petition and looming citizen's actions. In support of her position, Ms. Lopez
4 included eight pages of comments received by the PDC from tribal governments in
5 opposition to AUTO's petition and looming citizen's complaint. None of the material
6 provided by AUTO was included or referenced. AUTO was not provided notice that the
7 PDC intended to determine the merits of AUTO's petition and looming citizen's action.
8 AUTO was not provided any opportunity to provide input.

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11 2.7 The PDC had no authority or duty to address AUTO's 45-Day Notice of a
12 Citizen's Actions. Knowing that fact, PDC drafted and published the 14 page letter that
13 included a great deal of material from a number of tribes originating from the initial rule
14 petition by AUTO. All supporting materials submitted by AUTO to the Commission were
15 withheld without reference. The letter was then carbon copied to the Friends of Bob
16 Ferguson and subsequently transmitted via email to tribal government representatives,
17 though tribal representatives had not been carbon copied to that letter. The purpose of the
18 letter was an attempt to deter AUTO from exercising its citizens rights, and in the event that
19 did not work, to provide political value that could be used in the upcoming elections by the
20 political action committee supporting Attorney General Robert Ferguson.

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23 **III. FIRST CAUSE OF ACTION: VIOLATION OF THE ADMINISTRATIVE**
24 **PROCEDURE ACT AND RCW 42.17A.755**

25 3.1 Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

26 3.2 RCW 42.17A.755 requires that the PDC must schedule and hold a hearing in
compliance with the Administrative Procedure Act if it elects to determine whether a

1 violation has occurred. Again, the PDC had no power to make such a determination in
2 response to AUTO's 45-day Notice of a Citizen's Action. However, if the PDC did have
3 some power to act, no hearing was held and the PDC thereby violated the Administrative
4 Procedure Act (hereinafter the "APA").

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6 3.3 The PDC did not have the power to act on AUTO's 45-Day Notice of
7 Citizen's action. The issuance of the letter, which purported to determine that Friends of Bob
8 Ferguson did not violate the law, exceeded the PDC's authority, was arbitrary and capricious,
9 and violated the APA.

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11 **IV. SECOND CAUSE OF ACTION: VIOLATION OF THE OPEN PUBLIC**
12 **MEETINGS ACT**

13 4.1 Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

14 4.2 The PDC did not give any notice that it was addressing AUTO's 45-Day
15 Notice of a Citizen's Action prior to the May 26, 2016 meeting and thereby violated the
16 Open Public Meetings Act.

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18 **V. PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for relief as follows:

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21 5.1 For a decree invalidating the June 17, 2016, letter, and any determination,
22 order or ruling that it reflects.

23 5.2 An award in favor of Plaintiff for all attorney fees and costs incurred in this
24 matter.

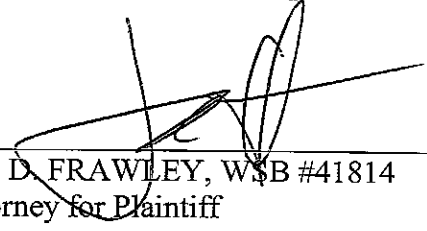
25 5.3 An award of all penalties imposed by statute.
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5.4 Such other relief as the Court deems equitable and just.

DATED this 17th day of August, 2016.

SCHEFTER & FRAWLEY



A handwritten signature in black ink, appearing to read 'Joe D. Frawley', is written over a horizontal line. The signature is stylized and somewhat cursive.

JOE D. FRAWLEY, WSB #41814
Attorney for Plaintiff