

May 2, 2016

Bob Ferguson
Attorney General
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

Dan Satterberg
King County Prosecuting Attorney
King County Prosecutor's Office
King County Courthouse
516 Third Avenue, W400
Seattle, WA 98104

In re: Campaign Law Violation – Friends of Bob Ferguson

Gentlemen:

It has come to the attention of Automotive United Trades Organization (“AUTO”) that the above-referenced political committee, based in King County, filed C-3s with the Public Disclosure Commission in November and December 2014 reflecting deposits made into the committees of substantial campaign contributions from the Muckleshoot and Snoqualmie Indian tribal governments. (The address for the Tribes is identical to the address for the Tribes’ governmental offices.)

These contributions are illegal and the committee violated the law in receiving them.

Washington law makes clear that public entities in Washington may not use public funds to support political campaigns in Washington. RCW 42.17A.550 states:

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or school district office. A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection.

Similarly, RCW 42.17.555 forbids the use of public facilities to assist political campaigns:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during work hours, vehicles, office space, publications of the office or agency, and clientele lists of person served by the office or agency.

See, e.g., Herbert v. Wash. State Pub. Disclosure Comm'n, 186 Wn. App. 249, 148 P.3d 1102 (2006) (upholding fines of teachers using school facilities for campaigns).

That funds of a tribal government in Washington are public funds within the meaning of these statutory provisions is supported by the definitions contained in the Fair Campaign Practices Act ("FCPA"), as well as the long history of virtually every state agency and local government treating tribal governments on a "government-to-government" basis.

While RCW 42.17A.550 does not define "public funds," the definitions in the FCPA treat "public" broadly. For example, RCW 42.17A.005(39) defines "public office" as "any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office." Tribes are recognized under federal law and have claimed governmental status in Washington. Similarly, RCW 42.17A.555 says any person appointed to or employed by a public office may not authorize use of public office facilities directly or indirectly for assisting electoral campaigns. RCW 42.17A.005(35) defined a "person" as "an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized."

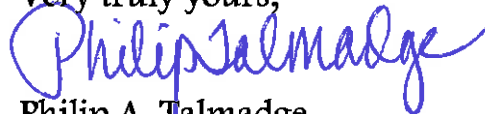
In sum, the public policy of RCW 42.17A.550/.555 is to forbid governmental entities from using public funds and facilities to aid campaigns for public office, and campaigns from receiving such support. It is no less a violation

of the law for a political committee to illegally receive public funds or use public facilities for campaigning. Citizens should not be subjected to the involuntary use of their public moneys or publicly-funded facilities to aid political candidates with whom they may not agree, particularly when those in power in government may be making public funds or facilities available to favored political campaigns unbeknownst to the citizens they represent. First Amendment concerns are implicated. Such contributions are compelled speech forbidden by the First Amendment. See, e.g., *Chicago Teachers Union, Local No. 1, AFT, AFL-CIO v. Hudson*, 475 U.S. 292, 106 S. Ct. 1066, 89 L.Ed.2d 232 (1986) (right of non-union members where agency shop is present); *Keller v. State Bar of Cal.*, 496 U.S. 1, 110 S. Ct. 2228, 110 L.Ed.2d 1 (1990) (bar members use of funds for political purposes).

This public policy in Washington applies with equal vigor to tribal governments whose citizens may not be fully aware that their public funds or facilities are being used to aid political campaigns unbeknownst to them, campaigns with which they may not agree.

Consequently, AUTO requests that you take action against the illegal contributions received by the political action committee, Friends of Bob Ferguson, referenced above in the name of the State of Washington. Please treat this letter as notice to you within the meaning of RCW 42.17A.765(4).

Thank you in advance for your assistance in this matter.

Very truly yours,

Philip A. Talmadge

cc: Tim Hamilton, Executive Director, AUTO

**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 (1/02)

THIS SPACE FOR OFFICE USE

100613580

11-10-2014

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Mailing Address
 PO Box 2405

City Zip + 4 Office Sought (candidates) Election Date
 Seattle, WA 98111 ATTORNEY GENERAL 2016

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

| Date Received | Amount | Total |
|--|--------|-------|
| a. Anonymous | | |
| b. Candidate's personal funds deposited in the bank (include candidate loans in 1c)..... | | |
| c. Loans, notes, security agreements. Attach Schedule L..... | | |
| d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation | | |
| e. Small contributions \$25.00 or less not itemized and number of persons giving (persons) | | |

2. CONTRIBUTIONS OVER \$25.00

| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100: Employer's Name, City and State | P R I | G E N | Amount | Aggregate* Total |
|---|--|--|-------------|-------------|----------|----------------------------------|
| 10/27/14 | Alexandra A Brookshire 250 39th Ave E Seattle, WA 98112 | Self Seattle, WA OccupationAttorney | X | | 500.00 | 500.00 |
| 10/27/14 | Ronald C. Forest 10203 47th Ave SW, Apt B21 Seattle, WA 98146-1011 | None Seattle, WA OccupationRetired | X | | 250.00 | 1,002.50 |
| 10/27/14 | Muckleshoot Indian Tribe 39015 172nd Ave SE Auburn, WA 98092-9763 | , Occupation | | X | 1,900.00 | 1,900.00 |
| 10/27/14 | Muckleshoot Indian Tribe 39015 172nd Ave SE Auburn, WA 98092-9763 | , Occupation | X | | 900.00 | 1,900.00 |
| 10/30/14 | Northwest Racing Associates LP PO Box 617 Auburn, WA 98071 | , Occupation | X | | 500.00 | 500.00 |
| <input checked="" type="checkbox"/> Check here if additional pages are attached | | Sub-total | | | 4,050.00 | *See reverse for details. |
| | | Amount from attached pages | | | 1,950.00 | |

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT
 Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

6,000.00

4. Date of Deposit
 10/30/14

Treasurer's Daytime Telephone No.: (206) 382-5552

I certify that this report is true and complete to the best of my knowledge
 Treasurer's Signature: Philip Lloyd
 Date: 11-10-2014

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Deposit Date
 10/30/14

| 2. CONTRIBUTIONS OVER \$25.00 | | | | | | |
|-------------------------------|---|--|-------------|-------------|----------|---------------------|
| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100: Employer's Name, City and State | P R I | G E N | Amount | Aggregate Total* |
| 10/28/14 | Puget Sound Pilots PAC PO Box 2042 Seattle, WA 98111 | , Occupation | X | | 900.00 | 1,850.00 |
| 10/28/14 | Puget Sound Pilots PAC PO Box 2042 Seattle, WA 98111 | , Occupation | X | | 50.00 | 1,850.00 |
| 10/27/14 | The Home Depot Inc. PAC 1155 F St NW Ste 400 Washington, DC 20004 | , Occupation | X | | 1,000.00 | 1,250.00 |
| | | , Occupation | | | | |
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**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 (1/02)

THIS SPACE FOR OFFICE USE

100615172

12-05-2014

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Mailing Address
 PO Box 2405

City: Seattle, WA Zip + 4: 98111 Office Sought (candidates): ATTORNEY GENERAL Election Date: 2016

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

| Date Received | Amount | Total |
|--|--------|-------|
| a. Anonymous | | |
| b. Candidate's personal funds deposited in the bank (include candidate loans in 1c)..... | | |
| c. Loans, notes, security agreements. Attach Schedule L | | |
| d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation | | |
| e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons) | | |

2. CONTRIBUTIONS OVER \$25.00

| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100:* Employer's Name, City and State | P R I | G E N | Amount | Aggregate* Total |
|---|---|---|-------------|-------------|-----------|----------------------------------|
| 11/05/14 | Assoc. of WA Spirits & Wine 1201 Pacific Ave Ste 2100 Tacoma, WA 98402 | | X | | 950.00 | 950.00 |
| | | Occupation | | | | |
| 11/05/14 | Rebecca L. Bogard 2607 Western Ave, Apt 701 Seattle, WA 98121 | Bogard & Johnson Olympia, WA | X | | 250.00 | 850.00 |
| | | Occupation | | | | |
| 11/05/14 | Frances J. Boroughs 116 Fairview Ave N, Apt 810 Seattle, WA 98109 | None Seattle, WA | X | | 500.00 | 1,250.00 |
| | | Occupation | | | | |
| 11/05/14 | Broadband Communications of WA 216 1st Ave S Ste 435 Seattle, WA 98104 | | | X | 50.00 | 50.00 |
| | | Occupation | | | | |
| 11/05/14 | Broadband Communications of WA 216 1st Ave S Ste 435 Seattle, WA 98104 | | X | | 900.00 | 1,900.00 |
| | | Occupation | | | | |
| | <input checked="" type="checkbox"/> Check here if additional pages are attached | Sub-total | | | 2,650.00 | |
| | | Amount from attached pages | | | 13,100.00 | |
| 3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4. | | | | | 15,750.00 | *See reverse for details. |

4. Date of Deposit: 11/07/14

Treasurer's Daytime Telephone No.: (206) 382-5552

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature: Philip Lloyd Date: 12-05-2014

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Page 2

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Deposit Date
 11/07/14

| 2. CONTRIBUTIONS OVER \$25.00 | | | | | | |
|-------------------------------|---|---|-------------|-------------|----------|---------------------|
| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100:* Employer's Name, City and State | P R I | G E N | Amount | Aggregate Total* |
| 11/05/14 | Eric B. Cohen 10745 Sand Point Way NE Seattle, WA 98125-6925 | Mercer Education Bellevue, WA Occupation School Director | X | | 250.00 | 750.00 |
| 11/03/14 | Gene J. Colin 13810 SE Eastgate Way #110 Bellevue, WA 98005 | Ferguson Construction Seattle, WA Occupation CEO | X | | 250.00 | 250.00 |
| 11/05/14 | Jerrold Mark Dion 832 31st Ave S Seattle, WA 98144-3211 | None Seattle, WA Occupation Retired | X | | 250.00 | 1,000.00 |
| 11/05/14 | Shelley Gibson 1654 Interlaken Pl E Seattle, WA 98112 | None Seattle, WA Occupation Retired | X | | 250.00 | 250.00 |
| 11/05/14 | Margaret M. Haggerty 725 9th Ave Apt 2105 Seattle, WA 98104 | None Seattle, WA Occupation Retired | X | | 250.00 | 600.00 |
| 11/03/14 | Iron Workers District Council 11620 NE Ainsworth Circle #200 Portland, OR 97220 | , Occupation | | X | 600.00 | 600.00 |
| 11/03/14 | Iron Workers District Council 11620 NE Ainsworth Circle #200 Portland, OR 97220 | , Occupation | X | | 1,400.00 | 1,900.00 |
| 11/05/14 | B. Gerald Johnson 719 W Lee St Seattle, WA 98119 | Pacifica Law Group Seattle, WA Occupation Attorney | X | | 500.00 | 750.00 |
| 11/05/14 | Victor Paul Johnson 725 9th Ave Apt 1109 Seattle, WA 98104 | None Seattle, WA Occupation Retired | X | | 100.00 | 200.00 |
| 11/05/14 | Linda R. Larson 719 W Lee St Seattle, WA 98119 | Marten Law Group Seattle, WA Occupation Attorney | X | | 500.00 | 750.00 |
| 11/05/14 | Steve Ohlenkamp 16506 79th Pl NE Kenmore, WA 98028-4443 | TCG LLC Seattle, WA Occupation Consultant | X | | 500.00 | 1,000.00 |

Page Total 4,850.00

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Page 3

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Deposit Date
 11/07/14

| 2. CONTRIBUTIONS OVER \$25.00 | | | | | | |
|-------------------------------|---|---|-------------|-------------|----------|---------------------|
| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100:* Employer's Name, City and State | P R I | G E N | Amount | Aggregate Total* |
| 11/05/14 | Our Patients Come First PAC 3760 Squalicum Lake Rd Bellingham, WA 98226 | | X | | 1,000.00 | 1,000.00 |
| | | Occupation | | | | |
| 11/05/14 | PEMCO Mutual Insurance Company 325 Eastlake Ave E Seattle, WA 98109 | | X | | 500.00 | 1,500.00 |
| | | Occupation | | | | |
| 11/05/14 | Premera Blue Cross PO Box 327 Seattle, WA 98111 | | | X | 900.00 | 900.00 |
| | | Occupation | | | | |
| 11/05/14 | Premera Blue Cross PO Box 327 Seattle, WA 98111 | | X | | 100.00 | 1,900.00 |
| | | Occupation | | | | |
| 11/05/14 | Joanne M. Roberts 116 Fairview Ave N #403 Seattle, WA 98109 | None Seattle, WA | X | | 1,000.00 | 1,250.00 |
| | | Occupation Retired | | | | |
| 11/05/14 | Seattle Firefighters Volunteer 517 2nd Ave W Seattle, WA 98119 | | X | | 250.00 | 250.00 |
| | | Occupation | | | | |
| 11/05/14 | Snoqualmie Tribe PO Box 969 Snoqualmie, WA 98065 | | X | | 1,000.00 | 1,000.00 |
| | | Occupation | | | | |
| 11/05/14 | Bill Stauffacher 7009 53rd St W University Place, WA 98467-2213 | Stauffacher Communications University Place, WA | | X | 100.00 | 100.00 |
| | | Occupation Consultant | | | | |
| 11/05/14 | Bill Stauffacher 7009 53rd St W University Place, WA 98467-2213 | Stauffacher Communications University Place, WA | X | | 900.00 | 1,900.00 |
| | | Occupation Consultant | | | | |
| 11/05/14 | Vulcan Inc. 505 5th Ave S Ste 900 Seattle, WA 98104-3821 | | X | | 1,000.00 | 1,500.00 |
| | | Occupation | | | | |
| 11/05/14 | Wallace Properties Inc. PO Box 4184 Bellevue, WA 98009-4184 | | X | | 500.00 | 500.00 |
| | | Occupation | | | | |

Page Total 7,250.00

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Candidate or Committee Name (Do not abbreviate. Use full name.)
 Robert Watson Ferguson (Friends of Bob Ferguson)

Deposit Date
 11/07/14

| 2. CONTRIBUTIONS OVER \$25.00 | | | | | | |
|-------------------------------|---|---|-------------|-------------|--------|---------------------|
| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100:* Employer's Name, City and State | P R I | G E N | Amount | Aggregate Total* |
| 11/05/14 | Weyerhaeuser 33663 Weyerhaeuser Way S Federal Way, WA 98003 | | | X | 100.00 | 100.00 |
| | | Occupation | | | | |
| 11/05/14 | Weyerhaeuser 33663 Weyerhaeuser Way S Federal Way, WA 98003 | | X | | 900.00 | 1,900.00 |
| | | Occupation | | | | |
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