

**FILED**

APR 07 2016

Superior Court  
Linda Myhre Enlow  
Thurston County Clerk

**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

WASHINGTON STATE  
ASSOCIATION FOR JUSTICE,

Defendant.

NO. 16-2-01409-34

COMPLAINT FOR CIVIL  
PENALTIES AND FOR INJUNCTIVE  
RELIEF FOR VIOLATIONS OF  
RCW 42.17 / RCW 42.17A

**I. NATURE OF ACTION**

The State of Washington (State) brings this action to enforce the state's campaign finance disclosure law, RCW 42.17A and its predecessor, RCW 42.17.<sup>1</sup> The State alleges that Defendant WASHINGTON STATE ASSOCIATION FOR JUSTICE (WSAJ) violated provisions of the state's campaign finance disclosure laws contained in RCW 42.17A by failing to timely and properly report monetary contributions made by WSAJ to political committees in Washington. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

<sup>1</sup> The State's campaign finance disclosure laws, formerly located at RCW 42.17, were recodified effective January 2012 to RCW 42.17A. The alleged violations may span time where both statutes were in effect; for clarity purposes, the State will refer to the current version of each statute when setting out its alleged statutory violations.

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1 **II. PARTIES**

2 1.1 Plaintiff is the State of Washington. Acting through the Washington State  
3 Public Disclosure Commission (Commission), Attorney General, or local prosecuting attorney,  
4 the State enforces the state campaign finance disclosure laws contained in RCW 42.17A.

5 1.2 Defendant WSAJ is a registered Washington non-profit corporation comprised  
6 of attorneys licensed to practice law in Washington State, who in their practices, represent  
7 injured parties, people whose constitutional or other legal rights are jeopardized, or persons  
8 accused in criminal proceedings. WSAJ claims over 2,400 member attorneys.

9 **III. JURISDICTION AND VENUE**

10 2.1 This Court has subject matter jurisdiction over the Defendant, in accordance  
11 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to  
12 RCW 42.17A.765.

13 2.2 Defendant's actions which form the basis for the violations alleged below  
14 occurred in whole or in part, in Thurston County, Washington.

15 2.3 Venue is proper in this Court pursuant to RCW 4.12.

16 **IV. FACTUAL ALLEGATIONS**

17 3.1 Pursuant to RCW 42.17A.630(2), employers of lobbyists registered in  
18 Washington must file a monthly political contribution report with the Commission when they  
19 make one or more contributions, including in-kind and monetary contributions, during one  
20 calendar month totaling more than \$110 (or more than \$100 prior to December 2014) to a  
21 candidate for state or local office, an elected state or local official, an officer or employee of  
22 any public agency, or a political committee. This report is entitled "Employer of Lobbyist  
23 Monthly Political Contribution Report" and is designated by the Commission as form L-3c,  
24 pursuant to WAC 390-20-111. In lieu of this filing, a lobbyist may report such contributions  
25 made by his or her employer on the lobbyist's report, form L-2.  
26

1           3.2     State law also requires registered political committees to report contributions  
2 received and expenditures made by the committee. Included in those disclosures, political  
3 committees must disclose the value of services furnished to the committee for less than fair  
4 market value as an "in-kind" contribution. This is required pursuant to  
5 RCW 42.17A.005(13)(a)(i) and (c).

6           3.3     On or about January 25, 2016, the Attorney General received a citizen's action  
7 notice filed pursuant to RCW 42.17A.765 complaining that WSAJ had violated state campaign  
8 finance disclosure laws by failing to file reports of monetary and in-kind contributions to state  
9 political committees on WSAJ's lobbyist employer reports.

10          3.4     The Attorney General's Office requested and received a report of investigation  
11 by the Commission of the allegations made by the complainant.

12          3.5     During the five-year period of February 1, 2011 through March 1, 2016, state  
13 political committees reported that WSAJ itself made approximately \$81,872.20 in cash  
14 contributions to candidates and political committees in Washington. Other funds that were  
15 attributed to WSAJ were really made from WSAJ Justice for All PAC.

16          3.6     The \$81,872.20 in cash contributions were broken down as \$11,872.20 to the  
17 WSAJ Justice for All PAC and \$70,000 to the Our Washington PAC. These contributions  
18 were made in 2012.

19          3.7     None of WSAJ's lobbyist employer reports reflected the contributions WSAJ  
20 made to the two Washington political committees identified in paragraph 3.6.

21          3.8     None of the registered lobbyists employed by WSAJ during the requisite time  
22 period reported the value of the contributions identified in paragraph 3.6 on their lobbyist  
23 reports.

24          3.9     WSAJ failed to report in accordance with RCW 42.17A.630(2) the value of  
25 cash contributions it made to political committees in Washington. To the extent such  
26 contributions exceeded \$100 in any month during the period January 1, 2011 through

1 December 2014, and \$110 from January 1, 2015 to the date of this complaint, WSAJ should  
2 have reported them as monetary contributions in either its registered lobbyists' L-2 reports, or  
3 its own L-3 or L-3c reports, depending on the timing of its contributions.

4 3.10 WSAJ staff provided services to political committees. The political committees  
5 paid WSAJ for those services, and reported those payments on the political committees'  
6 expenditure reports.

#### 7 V. CLAIMS

8 Plaintiff re-alleges and incorporates by reference all the factual allegations contained in  
9 the preceding paragraphs, and based on those allegations, makes the following claims:

10 4.1 First Claim: Plaintiff reasserts the factual allegations made above and further  
11 asserts that Defendant WSAJ, in violation of RCW 42.17A.630(2), failed to properly report its  
12 monetary contributions, aggregating more than \$100 in a calendar month until December 2014  
13 and afterward \$110, to Washington political committees.

#### 14 VI. REQUEST FOR RELIEF

15 WHEREFORE, Plaintiff requests the following relief as provided by statute:

16 5.1 For such remedies as the court may deem appropriate under RCW 42.17A.750,  
17 including but not limited to imposition of a civil penalty, all to be determined at trial;

18 5.2 For all costs of investigation and trial, including reasonable attorneys' fees, as  
19 authorized by RCW 42.17A.765(5);

20 5.3 For temporary and permanent injunctive relief, as authorized by  
21 RCW 42.17A.750(1)(h); and

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1 5.4 For such other legal and equitable relief as this Court deems appropriate.

2 DATED this 7th day of April, 2016.

3 ROBERT W. FERGUSON  
4 Attorney General

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6 LINDA A. DALTON, WSBA No. 15467  
7 Senior Assistant Attorney General  
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