

FILED

JUN 29 2016

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

**STATE OF WASHINGTON
SNOHOMISH COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Petitioner,

v.

TIM EYMAN; VOTERS WANT
MORE CHOICES – SAVE THE
2/3RDS VOTE FOR TAX
INCREASES; VOTERS WANT
MORE CHOICES – SAVE THE
2/3RDS (MIKE FAGAN); PROTECT
THE INITIATIVE ACT (JACK
FAGAN); PROTECT YOUR RIGHT
TO VOTE ON INITIATIVES; 2/3-
FOR-TAXES CONSTITUTIONAL
AMENDMENT INITIATIVE-VWMC;
VWMC LOWER PROPERTY TAXES;
VOTERS WANT MORE CHOICES
PAC; HELP US HELP TAXPAYERS;
AND TIM EYMAN, WATCHDOG
FOR TAXPAYERS LLC,

Respondents.

NO. 16-2-15174-31

ORDER COMPELLING
COMPLIANCE WITH AGENCY
CIVIL ORDERS

~~[PROPOSED]~~—

THIS MATTER having come before the Court on June 29, 2016, on a Petition Pursuant to RCW 34.05.588(2) for Order Compelling Compliance With Agency Civil Orders, brought by the Petitioner, State of Washington, and the Court having considered the pleadings filed in this matter, and the Court having considered the argument of counsel, the Court now makes the following:

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I. FINDINGS OF FACT

1.1 Following a referral by the Public Disclosure Commission, the Attorney General commenced investigations against Respondents and others.

1.2 On November 13, 2015, the Attorney General, acting through Senior Assistant Attorney General Linda A. Dalton, issued Civil Order to Appear and Produce Documents Pursuant to RCW 42.17A.765(2) (Civil Order 1) to Tim Eyman and any political committee or business with which he is or has been associated. Their counsel accepted service of this order. The return date on Civil Order 1 was November 30, 2015.

1.3 Also on November 13, 2015, the Attorney General, acting through Senior Assistant Attorney General Linda A. Dalton, issued a Civil Order to Appear and Produce Documents Pursuant to RCW 42.17A.765 (2) (Civil Order 2) to: Voters Want More Choices – Save the 2/3rds Vote For Tax Increases; Voters Want More Choices – Save the 2/3rds; Protect the Initiative Act; Protect Your Right to Vote on Initiatives; 2/3-For-Taxes Constitutional Amendment Initiative-VWMC; Voters Want More Choices Lower Property Taxes; Voters Want More Choices PAC; Help Us Help Taxpayers; and Tim Eyman, Watchdog for Taxpayers LLC. Each of these entities is a political committee or business with which Tim Eyman is or has been associated since 2009. Their counsel accepted service of this order. The return date on Civil Order 2 was November 30, 2015.

1.4 The Respondents have produced some documents responsive to the Civil Orders, but have failed to produce all the records requested therein. Some of the documents produced contain redactions. The Respondents have not have not confirmed that all responsive documents have been provided to the State for any of the requests made in the Civil Orders.

II. CONCLUSIONS OF LAW

2.1 RCW 42.17A.765(3) and RCW 34.05.588 authorize the Attorney General to seek enforcement of a civil order by filing a petition for enforcement in superior court.

2.2 The Civil Orders were properly issued.

1 2.3 The Petitioner has broad statutory authority under RCW 42.17A.765(3) to compel
2 the production of documents.

3 2.4 The investigation is being conducted for a lawfully authorized purpose.

4 2.5 The documents requested are adequately identified and relevant to the
5 investigation.

6 2.6 The State has met the standards for judicial enforcement of an agency subpoena as
7 set forth in RCW 34.05.588 and *Steele v. State*, 85 Wn.2d 585 (1975).

8 2.7 In any action brought under RCW 42.17A.765, the court may award to the state
9 all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court.

10 III. ORDER

11 IT IS ORDERED, ADJUDGED AND DECREED as follows:

12 3.1 The Petition Pursuant to RCW 34.05.588(2) for Order Compelling Compliance
13 With Agency Civil Orders is granted and that Respondents shall comply with the Civil Orders
14 issued by the State according to their terms.

15 3.2 On or before July 13, 2016, Respondents shall deliver to the Petitioner's office,
16 800 Fifth Avenue, Suite 2000, Seattle, WA 98104, or via electronic mail, the records described in
17 the Civil Order 1 and Civil Order 2.

18 3.3 In the event no records are responsive to any of the requests contained in Civil
19 Order 1 or Civil Order 2, the Respondents shall provide an affidavit or declaration to the Attorney
20 General's Office by July 13, 2016 attesting to that fact. When all records responsive to all
21 requests contained in Civil Order 1 or Civil Order 2 have been delivered to the State, the
22 Respondents shall likewise provide a declaration or affidavit attesting to that fact. *In the event that*

23 3.4 Respondents shall pay to the State all costs associated with this action,
24 including reasonable attorneys' fees, in an amount to be fixed by this Court at the conclusion of
25 this matter.

26 *Respondents redact any information from responsive records. They shall provide a detailed log of the basis for each redaction Subject to the State's review and potential objection.*

3.5 The State shall provide the Respondents notice for any public records request for ~~the~~ records pertaining to this investigation Pursuant RCW 42.56.

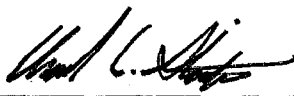
3.6 In the event Respondents fail to produce the records specified in the Civil Orders, it shall be deemed in contempt of this Court's Order and subject to the further direction of this Court.

DONE IN OPEN COURT this 29 day of June, 2016.



The Honorable ELLEN J. FAIR, Judge

PRESENTED BY:

ROBERT W. FERGUSON
Attorney General


LINDA A. DALTON, WSBA No. 15467
Senior Assistant Attorney General
CHAD C. STANDIFER, WSBA No. 29724
Assistant Attorney General
Attorneys for State of Washington

APPROVED as to form:


Mark C. Lamb
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