

FILED
KING COUNTY, WASHINGTON

AUG 08 2017

SUPERIOR COURT CLERK
BY Lisa Roque
DEPUTY

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Petitioner,

v.

BAILEY STOBER,

Respondent.

NO. 17-2- 16162- 4 KNT

ORDER COMPELLING
COMPLIANCE WITH AGENCY
CIVIL ORDER

~~PROPOSED~~

THIS MATTER having come before the Court on August 8, 2017, on a Petition Pursuant to RCW 34.05.588(2) for Order Compelling Compliance With Agency Civil Order, 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:

I. FINDINGS OF FACT

1.1 On or about March 6, 2017, the Attorney General received a citizen action notice alleging that Respondent Stober violated state campaign finance disclosure laws, located at RCW 42.17A (the Act). The notice was submitted in accordance with RCW 42.17A.765.

1.2 On or about March 7, 2017, the Attorney General received a second citizen action notice making additional allegations that Respondent Stober violated state campaign finance disclosure laws.

ORIGINAL

1 1.3 A response to the allegations was sought from Respondent Stober and he
2 eventually provided a single document response to both citizen action notices on May 10,
3 2017 denying the allegations.

4 1.4 On May 22, 2017, the Attorney General, acting through then Assistant
5 Attorney General Walter M. Smith, issued a Civil Order to Appear, Produce Documents, and
6 Answer Questions Under Oath Pursuant to RCW 42.17A.765 to Respondent Stober, which
7 was properly served on him both by certified mail and electronic mail to Respondent Stober's
8 email address. The return date on the Civil Order was June 8, 2017.

9 1.5 The Civil Order requested the following documents and records:

- 10 1. All campaign financial records, including contracts, invoices, bills, and receipts,
11 and all letters, emails, notes, faxes, and other records documenting orders placed for
12 the following expenses by the 2015 Bailey Stober election campaign for Kent City
13 Council:

Date	Amount	Vendor	Description
6/17/2015	\$450.00	Redwoods Enterprises	Kickoff deposit
7/13/2015	\$450.00	Redwoods Enterprises	Kickoff final payment
7/22/2015	\$2,404.31	Overnight Printing	Printing
7/27/2015	\$1,656.41	Overnight Printing	Printing
8/5/2015	\$250.00	James Dion Mr.	June management fee
8/10/2015	\$1,200.00	James Dion Mr.	July and August management

- 21 2. To the extent not provided above, all campaign financial records, including
22 contracts, invoices, bills, and receipts, and all letters, emails, notes, faxes, and other
23 records that concern or relate to the following expenses by the 2015 Bailey Stober
24 election campaign for Kent City Council:

Date	Amount	Vendor	Description
2015-08-05	\$315.86	Costco	BBQ sponsorship food
2015-08-05	\$250.00	James Dion Mr.	June management fee

2015-08-05	\$114.17	Safeway	BBQ sponsorship food
2015-08-05	\$100.00	Schukar Mary	Volunteer stipend
2015-08-10	\$1,200.00	James Dion Mr.	July and August management
2015-08-10	\$321.27	Costco	Thank you BBQ

3. All campaign financial records, including contracts, invoices, bills, and receipts, and all letters, emails, notes, faxes, and other records that concern or relate to payment of the candidate filing fee for the 2015 Bailey Stober election campaign for Kent City Council.
4. All campaign financial records, including contracts, invoices, bills, and receipts, and all letters, emails, notes, faxes, and other records that concern or relate to use of mailing lists by the 2015 Bailey Stober election campaign for Kent City Council.
5. All campaign financial records, including contracts, invoices, bills, and receipts, and all letters, emails, notes, faxes, and other records that concern or relate to professional or amateur photography services obtained by the 2015 Bailey Stober election campaign for Kent City Council.
6. Records documenting the regular work schedule of Bailey Stober in his employment with the office of the King County Assessor, January 2016 to May 2017.
7. Records documenting time worked and leave taken by Bailey Stober in his employment with the office of the King County Assessor, and any documentation of employee breaks and meal periods, on the following dates:
March 7, 2016, October 25, 2016, November 21, 2016, December 2, 8, 9, 12, 13, and 23, 2016, January 6, 24, and 27, 2017, February 13, 14, and 17, 2017, March 1 and 3, 2017, April 6 and 24, 2017.

1.6 Respondent Stober did not produce any documents that appear responsive to items 1-6 of the Civil Order.

1.7 On June 2, 2017, the Attorney General's Office staff investigator contacted Respondent Stober by telephone to confirm his attendance at the June 8, 2017 appearance in response to the State's Civil Order. Respondent Stober denied receiving the Civil Order, even though he verified the State had the correct addresses. On June 2, 2017, another copy of the Civil Order was provided to Respondent Stober.

1 1.8 On June 2, 2017, counsel for Respondent Stober contacted the State confirming
2 Respondent Stober was represented by counsel and that he would not be able to attend the June
3 8, 2017 appearance.

4 1.9 As a result, the State rescheduled Respondent Stober's appearance for June 12,
5 2017. While he appeared and his statement was taken, Respondent Stober failed to produce the
6 requested documents on that date.

7 1.10 On June 19, 2017, Respondent Stober was given one more opportunity to
8 produce the requested records no later than close of business on June 21, 2017. He did produce
9 some records on that date but not all the records requested.

10 1.11 To date, the investigation of the Attorney General's Office has been
11 significantly hindered by Respondent Stober's refusal to produce documents and comply with
12 the Civil Order.

13 1.12 Respondent Stober failed to provide ^{all of} the documents requested in the Civil Order.
14 ^

15 1.13 _____
16 _____
17 _____

18 1.14 _____
19 _____
20 _____
21 _____

22 **II. CONCLUSIONS OF LAW**

23 2.1 RCW 42.17A.765(3) and RCW 34.05.588 authorize the Attorney General to seek
24 enforcement of a civil order by filing a petition for enforcement in superior court.

25 2.2 The Civil Order was properly issued.

26 2.3 Petitioner has broad statutory authority under RCW 42.17A.765(3) to compel the

1 production of documents.

2 2.4 The investigation is being conducted for a lawfully authorized purpose.

3 2.5 The documents requested are adequately identified and relevant to the
4 investigation.

5 2.6 The Petitioner has met the standards for judicial enforcement of an agency
6 subpoena as set forth in RCW 34.05.588 and *Steele v. State*, 85 Wn.2d 585 (1975).

7 2.7 In any action brought under RCW 42.17A.765, the court may award to the state
8 all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court.

9 **III. ORDER**

10 IT IS ORDERED, ADJUDGED AND DECREED as follows:

11 3.1 The Petition Pursuant to RCW 34.05.588(2) for Order Compelling Compliance
12 With Agency Civil Order is granted and that Respondent Stober shall comply with the Civil
13 Order issued by the State according to its terms.

14 3.2 On or before August 15, 2017, Respondent Stober shall deliver to the Petitioner's
15 office, 1125 Washington St SE, Olympia, WA, the documents requested in the Civil Order.

16 3.3 In the event Respondent Stober does not have records responsive to any of the
17 requests contained in Civil Order, Respondent Stober shall provide an affidavit or declaration to
18 the Attorney General's Office by August 15, 2017 attesting to that fact. When all records
19 responsive to all requests contained in Civil Order have been delivered to the State, the
20 Respondent Stober shall likewise provide a declaration or affidavit attesting to that fact.

21 3.4 Respondent Stober shall pay to the State all costs associated with this action,
22 including reasonable attorneys' fees, in an amount to be fixed by this Court at the conclusion of
23 this matter.

24 3.5 In the event Respondent Stober fails to produce the records specified in the Civil
25 Order or a declaration, he shall be deemed in contempt of this Court's Order and subject to the
26 further direction of this Court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


DONE IN OPEN COURT this 8th day of August, 2017.


The Honorable SAMUEL CHUNG, Judge

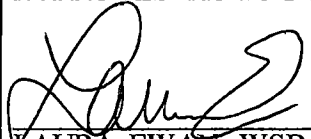
PRESENTED BY:

Samuel S. Chung

ROBERT W. FERGUSON
Attorney General


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

APPROVED AS TO FORM:


LAURA EWAN, WSBA No. 45201
Attorney for Respondent