October 19, 2016

Conner Edwards
c/o Nicholas E.D. Power
Attorney at Law
540 Guard Street, Suite 150
Friday Harbor, WA 98250

Re: Citizen Action Notice against Sound Transit

Dear Mr. Edwards:

I am writing to advise you of the decision of the Attorney General's Office (AGO) regarding your allegations that Sound Transit violated certain campaign finance laws. Following our receipt of materials and a recommendation from the state Public Disclosure Commission (PDC), the AGO conducted an investigation of your allegations, which included a review of records and witness interviews. The AGO investigation report is enclosed.

Following the AGO investigation, we concur with the PDC's recommendation that the AGO take no action in this matter.

Your Citizen Action Notice alleged that Sound Transit violated state campaign finance laws by improperly releasing email addresses for ORCA transit pass cardholders to the campaign committee "Mass Transit Now," in response to a request for the disclosure of public records submitted to Sound Transit by the campaign manager for Mass Transit Now. You alleged that this constituted a violation of RCW 42.17A.555.

As reflected in the investigation report, the AGO reviewed a number of relevant documents and websites, and conducted eight interviews under oath of Sound Transit employees and Mass Transit Now campaign managers. The AGO also reviewed the PDC's staff investigation and findings, the Commission's recommendation for no action, and Sound Transit's internal investigation report.

Based on its investigation, the Attorney General's Office has concluded the following:

1) No evidence was discovered that supported an allegation that Sound Transit staff intended to release the email addresses of ORCA transit pass holders to Mass Transit Now. Instead, the evidence indicates that those email addresses were inadvertently included with a group of Sound Transit subscriber email addresses, and that Sound Transit staff believed the subscriber email addresses were validly subject to public disclosure requests.

2) The evidence indicates that Sound Transit staff released emails to Mass Transit Now in the ordinary course of responding to a public disclosure request. RCW 42.17A.555(3) states that an agency does not violate the statute by engaging in an activity which is "part of the normal and regular conduct of the office or agency," such as responding to public disclosure requests. *See* RCW 42.17A.555(3).

3) No evidence was discovered to support an allegation that Sound Transit staff took action intended to promote or oppose Mass Transit Now or the Sound Transit 3 ballot measure.

4) As a result, no "person appointed to or employed by any public office or agency" appears to have taken any action that would constitute a violation of RCW 42.17A.555.

For these reasons, the Attorney General's Office, in concurrence with the PDC recommendation, will not take further action on your allegations on behalf of the State of Washington. If, after review of the investigation report, you decide to proceed with a citizen action pursuant to RCW 42.17A.765, please note that you do so in the name of the State. I would request that you provide me a copy of the complaint along with the case number. Additionally, in the event you prevail on behalf of the State in any action, please ensure that the judgment include an award of reasonable attorneys fees and costs.

Sincerely,

LINDA A. DALTON
Senior Assistant Attorney General

LAD/
Enclosure
cc: Shane Esquibel, Chief Deputy Attorney General w/o enclosure
        Darwin Roberts, Deputy Attorney General w/o enclosure
        Evelyn Lopez, Executive Director – Public Disclosure Commission w/enclosure
        John Gerberding, Senior Deputy Prosecuting Attorney – King County Prosecutor's Office w/enclosure
        Desmond Brown, General Counsel – Sound Transit w/enclosure