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Office Use Only: No. _____

Public Disclosure Commission



**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
COMPLAINT FORM**

(See instructions on the last page.)

Description of Complaint

1. RESPONDENT:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

Example #1: Joe Public, Mayor of My Town,

123 Main Street, Your Town, State, Phone: 555-123-4567, Email: unknown

Example #2: The Political Action Group (instead of P.A.G.), 123 Main Street, Your Town, State,
Phone: 555-123-4567, Email: pag@pag.org

Bailey Stober - See attached documents

2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed. (Note that the RCW 42.17 citation applies to conduct before 2012 and the RCW 42.17A citation applies to conduct on or after January 1, 2012.)

Bailey Stober - See attached documents

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Certification

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In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will promptly update that information if it changes.

Your name (print or type) DON MASON

Street address 9805 S. 212TH ST.

City, state and zip code KENT, WA. 98031

Telephone number (including area code) 253-852-6763

E-mail address (optional) DMLMASON@COMCAST.NET

Oath

Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature Don Mason

Date signed NOV. 27, 2013

Place signed (city and county)

KENT KING
City County

Attachments

☒ Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

*RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

Description of Complaint

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1. Respondent

Bailey Stober
2013 Candidate for Kent City Council Pos #6
2011 Candidate for Kent City Council Pos #1

2013 Address:

Committee to Elect Bailey Stober
PO Box 3033
Kent, WA 98089
Email: BaileyStober2013@gmail.com
206-651-6187

2. Alleged Violations

Overview: Mr. Stober was a candidate running unsuccessfully for a Kent City Council, Pos #1 in 2011. He demonstrated his knowledge and ability to generally follow the PDC requirements for full reporting. As a candidate in 2013, Mr Stober indicated he would be filing the PDC reports required with full reporting for his race for Kent City Council, Pos #6. Mr Stober was in a three person primary where he succeeded in placing 2nd and moving on to the general election.

Mr. Stober demonstrated he is well spoken, intelligent and well connected and had prior campaign experience. Yet, for whatever reason he greatly failed to follow the intent and the established rules in public disclosure in his 2013 campaign with one exception of filing C-3 reports. I assume Mr Stober correctly reported his income donations by filing C-3 reports in 2013 but can not be certain since he refused to make his campaign records available as required in the eight day period specified.

I feel that Mr Stober's campaign should be totally investigated since he disregarded the PDC laws. The same laws he followed in an earlier campaign. For this reason I'm filing a formal complaint against Mr. Stober.

Here are the specific violations that I allege against Mr Stober:

1. Failure to have timely and complete C-4 reporting for 2011 Campaign.

In 2011 Campaign Mr. Stober was late on almost all C-4 filings and failed to have a final C-4 filing indicating what he did with his campaign balance of \$3,231.88.
(Information on file with PDC)

2. Failure to have any C-4 reporting for 2013 Campaign including all items required on C-4, Form A and any other reporting documents dealing with

in-kind contributions or loans. These would include all the reporting dates for the primary and general elections where the Stober campaign exceeded the minimum activity requirement. (Information on file with PDC)

For the 2013 Campaign Mr. Stober once again selected the Full reporting option and filed C-3 reports but failed to file any C-4 reports. There is no reporting of any expenditure and other activities as require by PDC filing procedures. Mr Stober's campaign had activities that require expenditures or reporting of in-kind donations.

Here are specific examples of activities that should require reporting and were observed or received by many residents in the Kent area. I have included a list of people who observed or received the following campaign activities that require campaign expenditures.

Example A) The use of plastic yard signs that were attached to wooden stakes or zip tied to fences and widely placed throughout the City of Kent two to three weeks prior to the 2013 Primary Election. Additional signs were placed and maintained before the 2013 General Election.

Provided is a Stober sign picked up after the election lying in the street that was printed at a Union printing location with Union bug #1. I have been told this Union bug is associated with an Olympia Printer. It should be possible to determine when and how many signs Mr Stober purchased. His sign was 18" x 24" one color printed on one side. Checking with Boruck Printing in Seattle this type of sign would cost about \$2.90 each for a quantity of 250 or around \$750. Although I did not count Mr. Stober's signs around the city I would estimate he placed several hundred. Wooden stakes are about \$0.75 each for the four foot length and zip ties are inexpensive but are still a campaign expense not reported. (Campaign sign provided as item #1)

Example B) Mr Stober used automated phone calling (I'm told these are commonly called Robo calls) for the Primary election asking for people to vote for him. These calls were receive in my household and reported to me many other people and were made once a day for five to six days before the primary election date. All these calls were made with different recordings made by Mr. Stober himself where he asked for voter support.

Example C) Mr. Stober used automated phone calling (Robo calls) for the General election asking for people to vote for him and other calls against his General opponent. Again these calls were received in my household and reported to me by many people. People reported to me two to four different calls. I have no way of knowing how many calls Mr Stober paid for but many of my friends and neighbors also received these calls in both the primary and general elections. All calls made were promoting Mr. Stober and attacking his opponent

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for the general election. These calls were phone ID'ed to a phone number 253-564-5710.

(Attached items #2 & #3 is a computer record and an electronic recording of a "robo" call that was received on Wednesday, October 30, 2013 at 02:08:12 PM made to 253-852-0874 from 253-564-5710.

Example D) Mr. Stober had a campaign website that is a commercial product that has to be purchased. The website was apparently contracted at CampaignPartner.com that has monthly fees. I have no way of knowing what website plan Mr Stober purchased and for how long but assuming he contracted for 8 months his cost would range from \$480 to \$240 depending on the specific website format he purchased. The company plans can be found at <http://www.campaignpartner.com/#plans>.

(Items #4, #5, #6, #7, #8 and #9 are electronic copies of the website pages found on line at www.baileystober.com)

3) Failure to have campaign records available at the address specified in filed C1 report when requested and the request acknowledge by the candidate.

Mr. Stober refused to allow his campaign records to be viewed when he was contacted by phone and email. Mr Stober filed his C1 that was signed and submitted on April 9, 2013. (On file PDC records) He selected the address of 212 2nd Ave., Kent that is the Kent Public Library where his records would be available for public viewing.

On Wednesday, October 30, 2013, I visited the Kent Library to see if the campaign records were there. In the past, I have done this with other candidates who have used this location to have their records available for review. I spoke to Mr Andy Wickens, Reference Librarian, (253-859-9872, email: awickens@kcls.org) who informed me that he was the person responsible for government documents such as these. He said he had no records on file and that he had never been contacted about having Mr. Stober's campaign records available at the library.

On Thursday October 31, 2013, I requested to see his records by contacting him via phone message and email using the information he provided on his C1 filing to see his records. (Items #10a & #10b. Mr Stober and I exchanged phone conversations where he acknowledged my requests to see his records.

On Friday November 1, 2013 I sent a second request to see his records and indicated that I would like to see his records at 12:00 noon or at his connivance on Monday November 4, 2013. (Item #11)

Late Sunday evening at 11:26 pm, November 3, 2013, I received an email from Mr. Stober where he ironically provided the PDC requirements for having records

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PDC Complaints filed against Bailey Stober
City of Kent Council Candidate 2011 & 2013

available for review. He was trying to clarify that he didn't need to keep his records at the address he selected and that I could not "demand" to see his records and that I could only "request" to see his records. He also informed me that Monday was a work day and he could not be available to meet with him in person. Then he went on to describe how I could look on line at his C-1 report. Amazingly he added, "I also should note, you may want to keep checking the PDC reports as we have just submitted and are in the process of submitting new reports and this information will be updated." To my knowledge he never submitted any other reports.

(Item #12)

My final contact to Mr. Stober was an email on Monday morning, November 4, 2013 where I once again made the request to see his campaign records. I offered a time between 5:00 & 7:00 pm to be available at the Library to look at his records after his work day. Just to make sure he wouldn't be able to say he tried to show me his campaign records; I went with a friend to the library and waited for him to bring his records. As expected he never showed up with his records.

It was clear to me that Mr. Stober refused my requests and knowingly violated the PDC requirements for public access to his campaign records in the 8 day period.

4) Failure to have proper Campaign disclosure information on printed material.

Mr Stober handed out campaign materials at various events where his literature failed to follow the PDC requirements for proper disclosure.

(Item #13)

Mr. Stober was passing out this literature at various events. This specific example was placed out for distribution at a candidate forum held on October 11, 2013 at Sunrise Elementary School.

5) Failure to properly disclose sponsor information on paid phone calling.

Mr. Stober allegedly coordinated and paid for negative calls against his opponent using paid phone calling (Robo Calling) with no identification of who paid for the call and no mention of his name.

Households received two negative calls against his opponent. One recorded by a woman claiming to be a former State Representative asking people not to vote for Ken Sharp (Stober's General opponent) citing newspaper articles. Another call came from an unidentified woman asking that one should vote for anyone but Ken Sharp. Neither of these negative ads mentioned Bailey Stober but the calls came from the same number used on alternate days with a positive call with Mr Stober's voice. These calls had 253-564-5710 appear as the caller ID. These calls were received the week before the General election.

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3. Evidence

1. Failure to have timely and complete C-4 reporting for 2011 Campaign.

Evidence: Information on file with PDC

2. Failure to have any C-4 reporting for 2013 Campaign including all items required on C-4, Form A and any other reporting documents dealing with in-kind contributions or loans.

Evidence: Information on file with PDC

The following is evidence of campaign activities normally requiring expenditures that should be reported.

Example A. Campaign yard signs - Bailey Stober yard sign provided as item #1
Example B & C. Automated phone (Robo) calling - Recorded message of Bailey Stober call that was received on Wednesday, October 30, 2013 at 02:08:12 PM made to 253-852-0874 from 253-564-5710.

Printed log of the date and time of voice mail is provided as item #2

Electronic recording of Bailey Stober Robo call on Wednesday, October 30, 2013 at 02:08:12 PM as item #3. Note: Provided on flash drive

Example D.

Use of a commercially hosted website.

Items #4, #5, #6, #7, #8 and #9 are electronic copies of the website pages found on line at www.baileystober.com. Note: Provided on flash drive

3) Failure to have campaign records available at the address specified in filed C1 report when requested.

Provided evidence is a series of emails sent to Bailey Stober or received from Bailey Stober

Item #10a & 10b - Emails sent to Stober from Don Mason requesting to see campaign records on Thursday October 31, 2013 at 1:24 pm & 1:35

Item # 11 - Email second attempt requesting to see campaign records on Friday, November 1, 2013 at 1:52 pm

Item #12 - Email from Bailey Stober where he responds to requests by promising that records will be filed with PDC sent on Sunday, November 3, 2013 at 11:26 pm.

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Item #13 - Email to Bailey Stober again requesting to see records offering to look at records in the evening due to Stober's explanation of having Monday be a work day.

Email sent on Monday, November 4, 2013 10:10 am.

4) Failure to have proper Campaign disclosure information on printed material.

Item #14 - Example of literature passed out by candidate Bailey Stober at a public candidate's forum held at Sunrise Elementary School on Oct 10, 2013

5) Failure to properly disclose sponsor information on paid phone calling.

Item #15 - Statement from Dave Mortenson about phone calls received that were auto dialing recorded messages that all caller ID'ed to phone number 253-564-5710.

4. Witnesses:

Mike Cook 253-852-2276
1005 Crest Place
Kent, WA

Witnessed Bailey Stober campaign yard signs for the 2013 election for Kent City Council in his area with in Kent, WA

- - - -

Jim Johnson 253-852-0871
26027 Woodland Way S.
Kent, WA

Witnessed Bailey Stober campaign yard signs for the 2013 election for Kent City Council in his area with in Kent, WA

- - - -

Lee Ann Johnson 253-852-3454
320 Summit Avenue N
Kent, WA

Witness that received recorded telephone messages just prior to the 2013 General election from Bailey Stober

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Al Skorupa 206-617-7514
26131 Woodland Way
Kent, WA

Witnessed that Don Mason checked with the Kent Library to see if Bailey Stober's campaign records were made available or that the candidate showed up at the time requested. He was at the Kent library from 5:00 to 7:00 pm. On November 4, 2013

Dave Mortenson 253-852-0874
27137 96th Place So
Kent, WA

Witnessed Bailey Stober campaign yard signs for the 2013 election for Kent City Council in his area with in Kent, WA

Witness that received recorded telephone messages just prior to the 2013 Primary & General election from Bailey Stober.

Witness that received recorded telephone messages just prior to the 2013 General election from unidentified source attacking Bailey Stober's opponent Ken Sharp from same telephone number used to promote Bailey Stober.

Witness that observed Bailey Stober place literature at public campaign forum that failed to have proper information on who sponsored and paid of the campaign material.

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Item #2

Computer record of voice message msg0005.wave from Bailey Stober:

magicJack via davemortenson.com

Oct
30

to PAM

Dear magicJack User:

You received a new 0:31 minutes voicemail message, on Wednesday, October 30, 2013 at 02:08:12 PM in mailbox 2538520874 from 2535645710.

To access your voicemail:

Double click the attached ".WAV" audio file to play the message, or dial your magicJack telephone number from any telephone and press the "*" key at the welcome prompt. You will be asked to enter your voicemail password.

You may also click on the "VMAIL" button on your computer's magicJack display.

Note: To play the attached voicemail file on your Android device, you will need to download and install the free app Remote Wave.

You can download Remote Wave by either visiting play.google.com and searching for Remote Wave or by clicking here.

msg0005.wave

Item
Attachment #109

Lynn Mason

From: "Lynn Mason" <dmlmason@comcast.net>
To: <BAILEYSTOBER2013@GMAIL.COM>
Sent: Thursday, October 31, 2013 1:24 PM
Subject: C-I Form

I would like to see your form C-I that you signed saying you would have available on display at the Kent Library. Could you have it there by Monday, November 4th? I checked with the Kent Library today, October 31st and it was not there. Thank you, Don Mason

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Item
Attachment #103

Lynn Mason

From: "Lynn Mason" <dmlmason@comcast.net>

To: <BAILEYSTOBER2013@GMAIL.COM>

Sent: Thursday, October 31, 2013 1:35 PM

Subject: More Information

Forgot to mention, I'd like all financial records for your campaign. Thanks again, Don Mason

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Item
Attachment #13

Lynn Mason

From: "Lynn Mason" <dmlmason@comcast.net>
To: <BAILEYSTOBER2013@GMAIL.COM>
Sent: Friday, November 01, 2013 1:52 PM
Subject: 2nd request

Bailey Stober - According to the PDC staff you have to make your records available at the address you indicated on your C-I form that you signed as a candidate. This is my second attempt requesting to see your 2013 campaign records. I wish to see them on Monday, Nov 4, 2013, 12:00 noon or at your convenience, at the address you selected, 212 2nd Ave., Kent, which appears to be the Kent Library. Thanks, Don Mason

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*Item
Attachment #12***RECEIVED****Lynn Mason**

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From: "Bailey Stober" <baileystober2013@gmail.com>
To: "Lynn Mason" <dmlmason@comcast.net>
Sent: Sunday, November 03, 2013 11:26 PM
Subject: Re: PDC requirements
Mr. Mason,

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I'd like to make sure we are clear on the PDC requirements for inspection. Despite your claim that my C1 is to be on file at the library, that is not true. The PDC requirement clearly states "Campaign books must be open to the public BY APPOINTMENT between 8am and 8pm during the eight days before the election, except Saturdays, Sundays and legal holidays." Not only does it not state these records must be kept there at all times, it also states this inspection is by appointment – not demand.

However, these records are available 24 hours a day, 7 days a week online. Being that Monday is a work day I will be unavailable to meet with you in person. Luckily, these records are online and easy to use/see so I am providing some links below for your review.

My contribution information can be found here:

[https://www.pdc.wa.gov/MvcQuerySystem/CandidateData/contributions?
param=UIRPQkIgIDA4OQ====&year=2013&type=local](https://www.pdc.wa.gov/MvcQuerySystem/CandidateData/contributions?param=UIRPQkIgIDA4OQ====&year=2013&type=local)

Once you click that link you will see a button towards the top center of your screen where you can click "C1 Report" which will take you directly to my C1 that you have requested to see.

I also should note, you may want to keep checking PDC reports as we have just submitted and are in the process of submitting new reports and this information will be updated.

Thanks,

Bailey Stober

On Sat, Nov 2, 2013 at 5:16 PM, Lynn Mason <dmlmason@comcast.net> wrote:

The PDC rules require that your records to be available for public review at the address you specified. All your records. I have contacted you and requested to view your records on Monday, Nov. 4th. You have acknowledged my requests and the PDC expects you to respond to this request. Thanks, Don Mason

Item
Attachment #13

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Lynn Mason

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From: "Lynn Mason" <dmlmason@comcast.net>
To: <BAILEYSTOBER2013@MAIL.COM>
Sent: Monday, November 04, 2013 10:10 AM
Subject: PDC requirements

Mr. Stober, My desire is to see your campaign records. You selected the Kent Library as your location. As required by the PDC I have requested to see your records in the period when campaign records are to be available. You have acknowledged my request last week and have had ample time to suggest an "appointment" convenient to you. I'm sure the PDC will be pleased to see you have reviewed the form that you signed with the instructions about having your records open for public review.

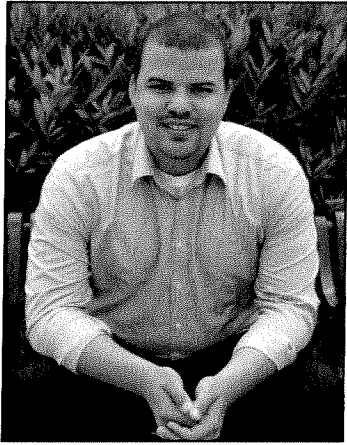
I will be available this evening between 5:00 AND 7:00 pm to look at your records at the address you selected "212 2nd Ave, Kent" which is the Kent Library. We will need at least an hour to review your records. Thanks, Don Mason

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BAILEY STOBER

for Kent City Council



Bailey Stober was born and raised in our community. He was taught to work hard and give back to your community that has given so much to you. He did just that – started one of the City of Kent's first neighborhood councils, served as Board President for a Kent based non-profit and worked hard in our local Kiwanis Club. He left the private sector and went to Olympia to make government more efficient, accountable and transparent. He's worked hard to deliver results for families across Washington and has been applauded for ensuring our State is transparent and accountable to the hardworking citizens of Washington.

Now, Bailey wants to bring those skills to our local government and serve you on the Kent City Council. We've all felt the impacts of the recession, watched our neighbors lose their jobs or their homes and watched our taxes skyrocket. We need leaders on our City Council who bring people together while fighting for our values. As a nonprofit leader, state employee, community organizer, Bailey will be the kind of elected leader we need to protect working families, invest in public safety and to fight for economic opportunity for everyone.

Investing In Public Safety

The City of Kent estimates they are 20 – 30 police officers under staffed for a City of our size. Bailey wants to ensure Kent residents feel safe and comfortable in our community. Whether at home or the grocery store – you should know you are protected.



Bailey will work with his colleagues on the City Council to hire at least 30 police officers over the next 5 years. He will do this by re-evaluating the tax structure in Kent and coming up with a stable funding source for law enforcement rather than continuously raising taxes. Bailey will advocate for an ordinance mandating a per capita police officer requirement. So, as our City grows – our police department grows.

Item #15

Automated phone calls from Bailey Stober promoting his campaign and allegedly attacking his opponent.

On Tuesday, October 29, 2013 during the afternoon I received a phone call that I answered. A recorded voice of a woman claiming to be a former representative using a name I did not recognize proceeded to attack Ken Sharp who was running for Kent City Council against Bailey Stober. She cited a number of very negative reasons to be against Sharp and asked that I don't vote for Ken Sharp. The recorded message had no paid for or sponsored by statement. The recorded message was about 30 seconds. The caller ID gave me the phone number 253-564-5710 and I wrote this number down.

On Wednesday, October 30th, 2013, I once again received a phone call that was a recorded automated call that was in the mid afternoon. Since I was not able to answer the phone it went to my voice mail system that includes an email and a recording of the voice message. The recorded message was an automated call made by Bailey Stober asking for people to vote for him. The caller ID gave me the phone number 253-564-5710.

Note: I've provided copies of the calling data and a recording of the 30 second message to be included in the Don Mason complaint against Bailey Stober.

On Thursday, October 31, 2013 once again in the afternoon another automated call was answered by me. This recording had a women's voice again this time asking that I not vote for Ken Sharp and to vote for anyone but Ken Sharp. A different recording then the first negative call that was more emotional and extreme. The recorded message again had no paid for or sponsored by statement. The recorded message was about 30 seconds. The caller ID gave me the phone number 253-564-5710 that matched the number of the other auto dialed calls received on Tuesday and Wednesday.

On Friday, November 1, 2013, a fourth automated dialing phone call that was answered by me and was a positive Bailey Stober asking for people's votes. This last call was very similar to the Wednesday call from Stober. The caller ID gave me the phone number 253-564-5710 that matched the three other calls.

Having personally contracted for auto dialed calls, I'm very aware of the process. One must contract for a charge per call and provide a list of phone numbers to the vender. These lists are sometimes provided by the political parties, interest groups or can be purchased. Usually, the campaign records different messages and there is an easy system to provide them to the call vendor. The campaign has complete control of the message.

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Statement from Dave Mortenson on automated phone calls received at his phone number

Bailey Stober used auto calling in the primary and I receive five to six calls in the week prior to the Primary Election date. All these calls were using Stober's voice and asking for people to vote for him. I was not surprised at Stober's use of this method of campaigning in the General. But as had been his pattern he failed to follow the proper campaign PDC procedures by identifying who paid for the negative calls against Sharp.

I called PDC Compliance Officer Kurt Young to inquire to the rules about the automated calls. If I understood correctly from what Mr. Young explained, calls identifying the candidate and asking for the vote do not need a paid for statement. But calls by a campaign or committee other than the candidate being discussed need some sort of identification as to who was paying for the call. Clearly the two anti Sharp calls had no such sponsor information. The only person to benefit from these calls was Bailey Stober. I believe a reasonable person could only conclude that they were paid for by Bailey Stober since these local elections very rarely get interest groups involved.

I certify under penalty of perjury under the laws of the State of Washington that this statement is complete, true and correct to the best of my knowledge and belief.



Dave Mortenson
Nov 26, 2013
21737 96th Place So.
Kent, WA 98031
253-852-0874.

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Signed in Kent, Washington in King County.