

SMITH & LOWNEY, P.L.L.C.  
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May 23<sup>rd</sup>, 2016

Robert Ferguson  
Washington State Attorney General  
1125 Washington St SE PO Box 40100  
Olympia, WA 98504-0100

Daniel Satterberg  
King County Prosecuting Attorney  
W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Re: 1<sup>st</sup> Notice of Intent to Sue for Violations of RCW 42.17A**

Dear Attorney General Ferguson and Prosecuting Attorney Satterberg:

We represent Washingtonians for Ethical Government (“Washingtonians”) in submitting this statutory notice of intent to sue.

Washingtonians have reason to believe that Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and Bring Back Our \$30 Car Tabs – VMWC – 2016 (collectively “Eyman”) have violated RCW Chapter 42.17A.

Washingtonians intend to bring a citizens’ action against Eyman under RCW 42.17A.765(4) if you do not commence an action against Eyman within the following notice periods specified by statute. At the expiration of 45 days from the date of this letter, a second notice of intent to sue will be sent to you if you have not yet filed suit against Eyman. If, after 10 days following receipt of the second notice you still have not filed suit against Eyman, Washingtonians will bring an action in Superior Court.

**I. Violations of RCW 42.17A.**

The basis for Washingtonians’ belief that Eyman violated certain sections of RCW Chapter 42.17A is described in the attached complaint and incorporated herein by reference. Indisputable evidence shows Eyman intentionally violated our public disclosure laws.

**II. Tim Eyman is a Serial Violator of RCW 42.17A.**

Eyman’s latest violations are part of a long history of Tim Eyman’s disregard for our state’s public disclosure laws. Eyman already has three strikes against him, and the current violations are the fourth. He should not be given another pass.

**Strike One:** In 2002, Eyman was required to pay \$50,000 in penalties and was barred from serving as a treasurer or having control over a political committee's financial accounts, based upon evidence tending to show that Eyman deceived contributors, embezzled funds from his campaign organization, and failed to properly report the committee's expenditures. For specific evidence and details, see PDC Case No. 02-281.

**Strike Two:** In 2005, following the completion of an investigation begun in 2004, fines were assessed against three of Tim Eyman's political committees in a brief enforcement hearing. See PDC Cases No. 05-066 and 05-068.

**Strike Three:** Most recently, the PDC again concluded that Eyman pocketed campaign funds for personal use and illegally used funds raised for one initiative to support a different initiative. The PDC found evidence of illegal concealment because the "expenditures were described in the committee's report as paying for I-1185 signatures, but were intended in part to result in compensation for Mr. Eyman." The PDC found multiple violations of the law and the matter is currently being prosecuted by the Attorney General, as described in the meeting minutes attached hereto.

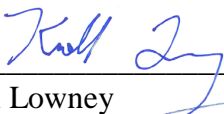
Tim Eyman has repeatedly shown a complete and utter disregard for our public disclosure laws, and must be prosecuted to the full extent of the law.

All of the persons and entities described in this letter should pay a penalty for their part in this concealment.

Washingtonians intend to sue for all violations, including those yet to be uncovered and those committed subsequent to the date of this notice of intent to sue. Washingtonians believe that this Notice sufficiently states grounds for filing suit. We intend, at the close of the notice periods, or shortly thereafter, to file a citizen's action against the above-named persons and entities under RCW 42.17A.765(4) for violations of the Fair Campaign Practices Act, RCW Chapter 42.17A. If you have any questions or concerns regarding this Notice, please contact the undersigned attorney.

Very Truly Yours,

**SMITH & LOWNEY, PLLC**

By:   
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Attorneys for Washingtonians for Ethical Government