

File a Formal Complaint - Doug Starcher

[Doug Starcher](#) (Wed, 25 Oct at 8:26 PM) via Portal Meta

C1PC filed 9/28/2017

Ballot committee in support of a Whatcom County ballot measure for Jail Sales Tax

There appear to be violations of RCW 42.17A.265(1), RCW 42.17A.305(1), RCW 42.17A.265, RCW 42.17A.320(b), RCW 42.17A.320 (c), RCW 42.17A.555, multiple violations of RCW 42.17a.240 and RCW 42.17a.235, specifically a late C1PC filing, late C3 reports, late and completely missed C4 reports.

On October 23, 2017 voters in Whatcom County received the attached mailing from One Safe Jail Whatcom Correctional Deputies Association, a Political Action Committee formed on 9/28/2017.

The campaign manager is listed as Nicole Kallin, the treasurer is Barry Lovell, Wendy Tarkon performs ministerial functions and Mark Holst is listed as the President and decision maker for the PAC.

All the funds have come from the following law enforcement individuals, guilds or unions:

- Wendy Jones, Jail Chief
- Whatcom County Corrections. The address listed is the Whatcom County Courthouse
- Bellingham Police Guild, the address listed is the Bellingham Police Department
- Washington Teamsters
- Teamsters Local 231

Alleged violations

RCW 42.17A.265(1)

One Safe Jail sent direct mail within 21 days of an election yet failed to file the special report of political advertising within 24 hours. As of this date, they have yet to file any reports.

RCW 42.17A.305(1)

Failed to report electioneering communication.

RCW 42.17A.265

One Safe Jail received \$2,000 from Washington Teamsters Legislative League on 10/23/2017 yet they failed to file a special report of a contribution over \$1,000. This was required within 24 hours or on the first working day after the contribution.

RCW 42.17A.320(b)

The mail piece failed to disclose the top 5 donors. It says only 'Paid for by One Safe Jail, PO box 1577, Bellingham WA 98227-1577'

RCW 42.17A.320 (c)

The mail piece failed to state the controlling union even though it appears that this PAC was established by the Whatcom County Corrections Deputy Association.

RCW 42.17A.555

Two contributions list public addresses as their mailing addresses, an egregious violation of the use of public agency facilities in campaigns.

- The Bellingham Police Guild contribution, disclosed more than 26 weeks after receipt, uses the 505 Grand Ave, Bellingham WA 98225 as their address, which is the Bellingham Police Station.

- The Whatcom County Corrections Deputies Association uses 311 Grand Avenue, Bellingham WA 98225 as their address, which is the Whatcom County Courthouse.

These are a law enforcement guild and a law enforcement association. As such they should hold themselves to a high standard and follow laws. They should have been careful to avoid the appearance of using public facilities for a campaign.

As RCW 42.17A.555 states, “No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. “

There are multiple violations related to ignoring timely disclosure of donations.

Before June 1st 2017, contributions must be deposited within 5 business days of receipt.

A donation for \$3,000 on 3/28/2017 should have a C3 filed by 4/4/2017. The actual report was filed 10/24/2017, which is 203 days late.

This committee received a large donation on 3/28/2017 and should have filed a C1PC within 2 weeks. The C1PC was not filed until 9/28/2017, which is 170 days late.

Starting June 1st 2017, C3s are due every Monday (except on bank holidays) for the previous seven days of deposits.

A donation for \$1,500 on 9/27/2017 should have a C3 filed by 10/2/2017. The actual report was filed 10/24/2017, which is 22 days late.

A donation for \$1,000 on 9/28/2017 should have a C3 filed by 10/2/2017. The actual report was filed 10/24/2017, which is 22 days late.

A donation for \$1,500 on 10/16/2017 should have a C3 filed by 10/23/2017. The actual report was filed 10/24/2017, which is 1 day late.

This committee received a donation in March of this year and should have filed initial C1PC within 2 weeks.

With more than \$200 in donations in March, a C4 was due on April 10th but never filed.

A C4 filing was due on 7/10/2017 but was never filed.

A C4 filing was due on 8/10/2017 but was never filed.

A C4 filing was due on 9/11/2017 but was never filed.

A C4 filing was due on 10/17/2017 but filed on 10/24/2017, 7 days late. This C4 fails to list any expenses.

I recognize this is a brand new committee and likely first time treasurer. In 2015 a similar situation occurred with a brand new committee acting in favor of a very similar sales tax ballot measure. I am concerned that an intentional pattern is being displayed. Claiming ignorance of the law by supporters of basically the same ballot measure, but a revolving door of committee members. Please see 2015 PDC complaint 1125.

Large yard signs have been seen all over Whatcom County, likely paid for by this committee. Without any reported expenses, how are voters to know who is responsible for promoting this ballot measure? The Facebook Page likely connected to this committee claims to be operating under “first amendment rights” while communicating to voters about a ballot measure. I am especially concerned because the donations to

this committee come from public employee unions, and there is a recent history of public funds being inappropriately used to promote this same ballot measure in 2015. Please see 2015 PDC complaint 1122.

Finally, we also ask that you consider and look at Sheriff Bill Elfo's role in this mailing. He visibly participated, provided content and perhaps more. He also participated in the 2015 county mailing which resulted in a fine of Whatcom County Executive Jack Louws. He's run for office multiple times, has participated in at least three previous ballot measure campaigns, is a senior law enforcement officer in Whatcom County. He should and likely does, know better.



How will the tax affect you?

For Bellingham, Ferndale and Lynden, the tax rate will increase from .087% to .089%. For Blaine and Everson, the tax will increase from .085% to .087%. For Bellingham, a \$10.00 taxable purchase will cost \$10.89 instead of \$10.87, an increase of two cents.

Taxable v Non-Taxable

Washington State established sales tax increases as the way communities can raise money for Jails. To soften the impact on the public, sales tax is not charged for many necessities, including most food bought in a store. For EBT card users, there are additional food items exempt from sales tax. Prescription medication and medical equipment are also exempt. By offering this proposition as a sales tax, the cost will be spread to all those who shop in Whatcom County, not just the residents.

ONE SAFE JAIL

Technology and correctional design concepts have evolved over the past 35 years. The current linear, multi-story Whatcom County Jail design is insufficient for providing safe supervision of the inmate population. Closing both current facilities and consolidating them in one safe, modern and sustainable facility will reduce redundancy, optimize services and increase safety. A modern facility will provide safe spaces for much needed mental, health and educational programs that are designed to help offenders make better choices.

The First Line of defense
For our community's
medical and mental health
deserves a safe workspace

Our local Jail is the only "no refusal" medical and mental health provider in the County. Unlike hospitals or private facilities, no one can be turned away. Care is provided regardless of a person's behavior or their ability to pay. These services help stop the spread of communicable disease in the community and give offenders with behavioral health issues a chance to become stabilized. The new jail provides housing dedicated to offenders with special needs.



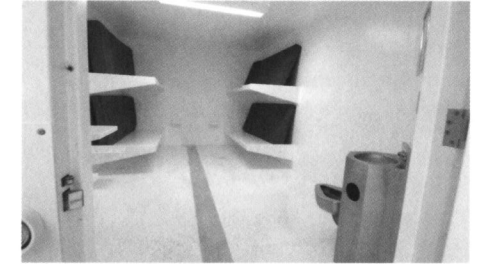
Above is the current jail medical clinic, inmates are brought to the clinic, then returned to their assigned housing area.



A Facility with housing in the medical area provides an environment conducive to healing and reduces inmate movement in the facility.

By law, Whatcom County must house all accused/convicted felons whose case originated anywhere in the County. The current jail layout does not provide housing options to separate inmates who pose a threat to themselves or to others. A modern, horizontal design will increase safety for all within the jail.

Modern, Secure, Safe



A modern jail design provides

- A safer environment for inmates
- A safer environment for all staff
- More space for educational programs
- Housing options for diverse offender populations
- Dedicated housing for offenders with special needs



Paid for by
ONE SAFE JAIL

PO BOX 1577 Bellingham WA 98227
Bellingham WA 98277-1577

Whatcom County Proposition 2017-6

The proposition before County voters would authorize a sales tax of 0.2% to be used for the construction and operation of a new jail, including medical and behavioral health programs, and for other public safety purposes as authorized by RCW 82.14.450

-This tax will be split between the County (60%) and the Cities (40%)

-The County will pay 78% of the capital costs, and the combined cities - 22%.

-Money collected by the County and Cities above the amount dedicated to capital costs can be used for other mental health and public safety services as allowed by law.

Capital Costs

Design and size - \$1 million

Repairing the Downtown jail until the new jail opens
- \$3.5 million

Construction of new jail -
\$70-75 million

Demolition of Downtown Jail and construction of inmate holding space in the County Courthouse
*Estimates in progress

Estimated rising costs in construction through the process -
15-20%

PRSRT STD
U.S. POSTAGE
PAID
LYNDEN WA
PERMIT NO. 20

One Safe Jail
PO BOX 1577
Bellingham, WA 98227-1577



*****ECRWSS**C 060

11118 T27 B27
CURRENT RESIDENT
1206 ST PAUL ST
BELLINGHAM WA 98229-2123



ONE SAFE JAIL

**Sheriff
Bill Elfo**

"The jail has been overcrowded and unsafe for decades. Over time, conditions have worsened. Twenty years of reports, meetings and analysis by consultants, planners, interest groups, the National Institute of Corrections and citizen committees all agree that there are life-threatening liability issues, that the jail lacks space for behavioral health and other programs to provide treatment and reduce recidivism. The Jail Planning Task Force, first convened in 2011, found that "Due to overcrowding, life/safety and physical plant concerns in the main jail facility, Whatcom County needs a new jail." Band-aid repairs have been approved and implemented, but the situation remains the same. The condition and layout of the downtown facility jeopardizes staff and inmates, and exposes taxpayers to huge liability issues. Passage of this proposition allows for the construction of a Jail on Labounty Road in Ferndale for use by all municipalities. It will provide dedicated housing for those with medical or behavioral health needs in a setting conducive to healing, and space and opportunities for educational programs will be increased."



Whatcom Jail



Whatcom Jail

@whatcomjail

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I am a private citizen who is concerned about our current jail facility -- my goal is to remind people that we still need a new safe jail... I'm simply exercising my 1st Amendment rights...

Impressum

I am a private citizen who is concerned about our current jail facility -- my goal is to remind people that we still need a new safe jail... I'm simply exercising my 1st Amendment rights...

Community



Barry Lovell shared Whatcom Jail's post.

October 12 at 9:01pm · 🌐



Whatcom Jail

October 12 at 8:12pm · 🌐

👍 Like Page

VOTE YES for Proposition 2017-6. #WhatcomJail

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👍 9