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IN RE THE MATTER OF RECALL CHARGES  
AGAINST PORT OF SEATTLE COMMISSIONER  
PAT DAVIS

)  
) No. 07 E 2 - 1473 2e 2 SEA  
)  
) PETITION TO DETERMINE  
) SUFFICIENCY OF RECALL  
) CHARGES AND ADEQUACY OF  
) BALLOT SYNOPSIS  
)

COMES NOW Norm Maleng, King County Prosecuting Attorney, by and through his deputy, Thomas W. Kuffel, and petitions the Court pursuant to Chapter 29A.56 RCW to determine the sufficiency of recall charges against Port of Seattle Commissioner Pat Davis and to determine the adequacy of the ballot synopsis formulated from those charges.

PROCEDURAL FACTS

On April 21, 2007, Christopher Clifford filed a recall petition with the King County Records, Elections and Licensing Services Division ("Elections Division"). The petition sought the recall of Port of Seattle Commissioner Pat Davis. The Elections Division transmitted a copy of the Petition to the King County Prosecuting Attorney's Office ("Prosecuting Attorney"). By letter dated April 24, 2007, the Prosecuting Attorney informed Mr. Clifford that the petition was being rejected because the oath did not meet the requirements of state law.

1 On April 25, 2007, Mr. Clifford filed a new petition seeking the recall of Commissioner  
2 Davis that contained a corrected oath. The Elections Division transmitted a copy of the Petition  
3 to the Prosecuting Attorney for preparation of the ballot synopsis. The Elections Division  
4 proceeded to serve Commissioner Davis with a copy of the petition pursuant to the requirements  
5 of RCW 29A.56.120. A true and correct copy of the petition for recall is attached as Exhibit A.

6 The Elections Division has determined that the Petitioner, Mr. Clifford, is a registered  
7 voter in King County. The Declaration of Julie Wise is attached to this petition as Exhibit B.

8 Pursuant to RCW 29A.56.130(1)(b), Thomas W. Kuffel, Senior Deputy Prosecuting  
9 Attorney formulated a ballot synopsis based on the recall charges filed against Commissioner  
10 Davis. A true and correct copy of the ballot synopsis is attached to this petition as Exhibit C.

11 Pursuant to RCW 29A.56.130(2), the exact language of the ballot synopsis will be  
12 transmitted to the Petitioner along with a copy of this Petition and the Notice for Hearing.  
13 Commissioner Davis will also receive a copy of the ballot synopsis of the charges against her  
14 and a copy of this Petition and the Notice for Hearing.

15 CERTIFICATION AND PETITION FOR HEARING

16 Pursuant to RCW 29A.56.130(2), the Prosecuting Attorney, by and through his deputy,  
17 hereby certifies and transmits the recall charges and the ballot synopsis to the Superior Court of  
18 King County.

19 Pursuant to RCW 29A.56.130(2), the King County Prosecuting Attorney, by and through  
20 his deputy, petitions the Court to conduct, within fifteen (15) days after receiving this petition, a  
21 hearing to determine the sufficiency of the recall charges and the adequacy of the ballot synopsis.


22 Pursuant to RCW 29A.56.140, the hearing to determine the sufficiency of the recall charges and  
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the adequacy of the ballot synopsis shall be held without cost to any party.

DATED this 7<sup>th</sup> day of May, 2007.

NORM MALENG  
King County Prosecuting Attorney

By:   
THOMAS W. KUFFEL, WSBA #20118  
Senior Deputy Prosecuting Attorney

# **Exhibit A**

**PETITION FOR RECALL  
KING COUNTY RECORDS AND ELECTIONS**

**1) SWORN STATEMENT**

COMES NOW, Christopher P. Clifford, a resident of the City of Renton, in King County, in the State of Washington, being 18 years of age or older, being a registered voter in King County Washington, swears under the penalty of perjury, and under the laws of the State of Washington, that the following is true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

**2) PETITION FOR RECALL**

**FACTS**

On or about January 10, 2006, the Port of Seattle Commission met in an executive session.

On or about June 8, 2006, the Port of Seattle Commission met in an executive session.

On or about October 10, 2006, Port of Seattle Commission signed a memorandum granting Mic Dinsmore an outgoing employee of the Port of Seattle, \$339,841.00 of extra compensation outside the original employee contract for that employee.

On or about March/April of 2007 Mic Dinsmore sought to collect the monies granted to him by Port of Seattle Commissioner Pat Davis.

**Acts of Malfeasance and Misfeasance**

1) Port of Seattle Commissioner Pat Davis committed an act of malfeasance by signing an agreement to provide a "gift" of public money to an individual outside the employee contract approved by the Port of Seattle Commission.

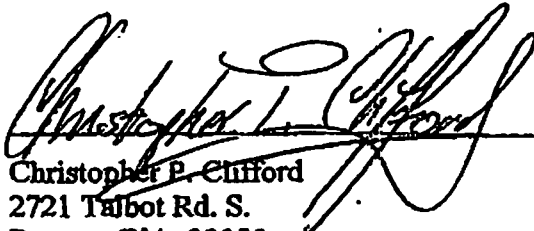
2) Port of Seattle Commissioner Pat Davis committed an act of malfeasance by obligating the Port of Seattle to pay monies not voted on or approved by the Port of Seattle Commissioners at a regularly scheduled public hearing.

- 3) Port of Seattle Commissioner Pat Davis committed an act of misfeasance and malfeasance by using her position as Port Commissioner to provide a "gift" of public money to her personal friend and political ally Mic Dinsmore.
- 4) Port of Seattle Commissioner Pat Davis committed an act of malfeasance by voting on an issue in an executive session on or about January 10, 2006, in violation of the Washington State Open Meetings Act.
- 5) Port of Seattle Commissioner Pat Davis committed an act of malfeasance by voting on an issue in an executive session on or about June 8, 2006, in violation of the Washington State Open Meetings Act.
- 6) Port of Seattle Commissioner Pat Davis committed an act of malfeasance by knowingly violating the limited context of the executive session exclusions of the Open Meetings Act to improperly negotiate and vote on a "gift" of public money.

The acts of malfeasance and misfeasance regarding Port of Seattle funds are evidenced by the October 10, 2006, memo signed by Pat Davis to Mic Dinsmore. Further evidence of these acts are Ms. Dinsmore's attempt to obtain the monies stated in the October 10, 2006 memo in 2007.

The Acts of malfeasance and misfeasance regarding violations of the open meetings act and the executive session exemption are evidenced by the public statements of Port of Seattle Commissioner Pat Davis.

Dated this 24<sup>th</sup> day of April, 2007

  
Christopher P. Clifford  
2721 Talbot Rd. S.  
Renton, WA 98055  
(425) 255-0447

Witness verification:

  
Timothy Clifford

# **Exhibit B**

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MATTER OF RECALL CHARGES  
AGAINST PORT OF SEATTLE COMMISSIONER  
PAT DAVIS

No. 07 E 2 E 1 6 7 8 9 SEA

DECLARATION OF  
JULIE WISE

I, Julie Wise, certify and declare the following to be true under penalty of perjury:

I am an Administrative Specialist for the King County Records, Elections and Licensing Services Division. In that capacity, I have reviewed the voter registration records for King County and determined that petitioner in the above-captioned matter, Christopher Clifford, is a registered voter in the Port of Seattle jurisdiction.

Dated at Seattle, Washington, this 30<sup>th</sup> day of April, 2007.

Julie Wise  
Julie Wise

DECLARATION OF JULIE WISE

Norm Maleng, Prosecuting Attorney  
CIVIL DIVISION  
E550 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9015/SCAN 667-9015  
FAX (206) 296-0191

# **Exhibit C**

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MATTER OF RECALL CHARGES  
AGAINST PORT OF SEATTLE COMMISSIONER  
PAT DAVIS

Notarized  
NOV 20 10 30 AM '07  
KING COUNTY CLERK

BALLOT SYNOPSIS

BALLOT SYNOPSIS OF RECALL CHARGES AGAINST  
PORT OF SEATTLE COMMISSIONER PAT DAVIS

Shall Pat Davis, Port of Seattle Commissioner, be recalled from public office because, as  
alleged by King County registered voter, Christopher Clifford:

1. Commissioner Davis committed an act of malfeasance when she signed an  
agreement to provide Mic Dinsmore, an outgoing Port of Seattle employee, with a gift of  
\$339,841 of public money outside of his employment contract. Mr. Dinsmore sought to collect  
this money in March or April of 2007.

2. Commissioner Davis committed an act of malfeasance by obligating the Port of  
Seattle to pay monies not voted on or approved by Port of Seattle Commissioners at a regularly  
scheduled public hearing.

