

**Petition for Recall of
Metropolitan King County Council Member Dow Constantine**

I, Armen Yousoufian, file this Petition demanding the Recall of Dow Constantine, Metropolitan King County Council Member for District 8. Dow Constantine's full name is James Dow Constantine.

1. My name is Armen Yousoufian. I am a legal voter registered to vote at 6520 SW Luana Beach Road, Vashon Island, Washington 98070. I am qualified to vote in District 8 of the King County Council – the District now represented by Dow Constantine.
2. I contend that Dow Constantine (James Dow Constantine) has committed misfeasance or malfeasance in office, and/or has violated his oath of office as set forth below.

CHARGE 1

3. Charge 1: Writing and having published a newspaper article with knowledge that the article contained misrepresentation of facts regarding a public matter, namely the new CAO Land Use Ordinances.
4. Charge 1 Statement of Facts: Dow Constantine was listed as the author of an article in the Vashon Island Beachcomber newspaper dated November 17, 2004. The newspaper is circulated on Vashon Island. The subject of the article was the "Critical Areas Ordinances" (CAO) package of three land use ordinances just recently passed by the King County Council. Dow Constantine was intimately involved in passing the CAO because he chaired the Growth Management and Unincorporated Areas Committee, or "GMUAC Committee". I believe that Dow Constantine recklessly and intentionally distorted the truth in what he wrote in that article and made material omissions of important information he did not include in the article. I believe he had to have known that the statements he made in that article were distortions and that he intentionally omitted material and significant information, absent which the reader would not have fully understood and appreciated the CAO's consequences. Mr. Constantine completely left out any discussion of the impact of the CAO on anyone who wants to build a

home on land they had not yet cleared. That impact will be severe. Depending on the size of the parcel, property owners must leave 50% to 65% of their land in a natural state. Instead, Constantine claims that property will not have to give up their land. In the article, he asserted that the CAO preserved the ability to keep horses, but he does not reveal that the restrictions may limit a property owner to one or two horses on, say, a 10-acre parcel. In contrast, before the CAO you might have had 5 or 10 horses on such a parcel. Mr. Constantine also said you could “clear blackberries”, but did not reveal that it may require paying for a permit to do so, starting at a cost of \$500 and quickly rising to \$1,400.

5. Charge 1: Statement of Knowledge of These Facts: I personally attended many of the GMUAC Committee meetings and Council meetings, and watched and listened to Mr. Constantine carefully, and was aware of how involved Mr. Constantine had been in the evolution and details of the CAO. He obviously knew the content of the CAO. I also have reviewed the CAO, various documents discussing the CAO, and had numerous communications with County staff such that I am aware of the CAO provisions and learned what the permit fees would be. I personally read the newspaper article in question.
6. Charge 1 Grounds: I feel Constantine's misrepresentations and material omissions in his newspaper article amount to misfeasance, malfeasance, or violation of oath of office. I believe Mr. Constantine wrote the skewed and biased article intentionally to influence people's views and to discourage them from signing petitions or contributing to a campaign being waged at the time to gather signatures for referenda to force the CAO to a public vote.

CHARGE 2

7. Charge 2: Voted to unlawfully exempt public schools from the CAO restrictions while also voting not to exempt private schools in violation of Constitutional rights.
8. Charge 2 Statement of Facts: On October 25, 2004, the CAO package of Ordinances came to the full County Council for a vote. The meeting was held at the County Courthouse in Seattle. The ordinance that imposed the new critical areas rules was proposed as 2004-0122 and included a provision giving a special exception to public schools . Specifically, the provision authorized approval of alterations to certain critical area wetlands by public schools in Section 137. An amendment entitled “Schools private same as public” was proposed before the Council to also provide the same exception to private schools (originally amendment numbered 39 Sponsored by Council member

Hague, then later replaced by amendment number 39.5 with same effect). As part of the proceedings, an assistant prosecuting attorney informed the council of the legal status of granting special treatment of this type to public schools without also giving the exception to private schools. He told the committee that giving special treatment to only public schools involved violations of the United States Constitution. He told the Council that the County would almost certainly be sued and most probably lose if the Council did not also provide the exception to private schools or remove the exception for public schools.

Constantine voted against the amendment to also exempt private schools, and then Constantine voted to pass the ordinance with the provision exempting only public schools (Ordinance No. 15051).

9. Charge 2: Statement of Knowledge of These Facts: I personally attended the October 25, 2004 Council meeting, and watched and listened to the discussion on the amendment. I witnessed Mr. Constantine vote against the amendment and also for the Ordinance, and I am aware from numerous sources including newspaper reports and public documents that Constantine made these votes.

10. Charge 2 Grounds: I believe Mr. Constantine violated his oath of office, or committed misfeasance or malfeasance, when he voted to exempt public schools, but not private schools, from provisions of the CAO. Mr. Constantine, who is an attorney, and who I believe intentionally ignored the legal advice of the county's own assistant prosecuting attorney who was giving the Council legal advice on this matter, voted against the amendment and for the Ordinance. The vote was 6 to 7 each time. Only one vote would have changed the outcome. If Mr. Constantine had voted in favor of the amendment, the county would not have been put in the position I believe it is almost certainly in now, where it will be sued and lose. In the process, taxpayers' money will be needlessly and wastefully expended on defending that which Mr. Constantine heard a member of his own legal profession tell him was indefensible. Certainly, Mr. Constantine did not uphold or defend the Constitutions of the United States and the State of Washington in taking this action, and otherwise acted in violation of the Constitutions and the law, including 42 U.S.C. Section 1983(Civil Rights Act) and 42 U.S.C. §§ 2000cc etc. (the federal Religious Land Use and Institutionalized Persons Act of 2002 "RLUIPA").

CHARGE 3

11. Charge 3: Violated campaign finance laws.

12. Charge 3 Statement of Facts: Constantine violated the campaign finance laws of the State. The public records reflect that the campaign

finance reports for James Dow Constantine for November 2004 were due on Friday, December 10, 2004, but the report according to the Public Disclosure Commission automatic electronic received stamp was filed late on December 15, 2004, in violation of law and signed electronically by Dow Constantine. The reports show total contributions of \$14,685.97 and total expenditures of \$5,781.32. Specifically, the reports filed late are the C4 Summary Full Report Receipts and Expenditures, C3 Cash Receipts Monetary Contributions, and the Schedule A to C4 Cash Receipts and Expenditures. The filing of the reports was made electronically to the State Public Disclosure Commission in Olympia.

13. Charge 3: Statement of Knowledge of These Facts: I personally reviewed the reports which are available to the public on the website for the State Public Disclosure Commission (PDC). I spoke to staff persons at PDC to confirm that the reports are due on the 10th of the month and that the received date is automatically input electronically by the software program.
14. Charge 3 Grounds: I believe Mr. Constantine violated his oath of office, or committed misfeasance or malfeasance, when he violated the law by filing campaign finance reports late. In particular, RCW 42.17.080(2)(c) requires the filing of the reports by the tenth day of each month in non-election years unless total contributions received or total expenditures do not exceed \$200. RCW 42.17.390(4) makes it clear that failing to file a report within the time required is a violation of law. Constantine is obviously aware of the requirements having filed these reports for years, and nevertheless intentionally or recklessly disregarded the filing date imposed by law.
15. Verification. I verify that I believe the above charges to be true and that I have knowledge of the facts alleged upon which the stated grounds for recall are based.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and was executed by me this _____ day of January, 2005 at _____, Washington.

Armen Yousoufian
6520 SW Luana Beach Road
Vashon Island, Washington 98070