



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

September 8, 2010

Dale Washam
Assessor-Treasurer
Office of the Pierce County Assessor-Treasurer
2401 South 35th Street, Rm 142
Tacoma, WA 98409-7498

Dear Mr. Washam:

For well over a year, I have been receiving materials from your office addressing concern with the manner in which your predecessor conducted property assessments in Pierce County. In your latest submission to this Office, you renew your request that the Office of the Attorney General conduct a criminal inquiry into these assessments.

On April 1, 2009, I wrote and advised you that the Office of the Attorney General is limited to providing legal advice to "state officers". *Washington State Constitution, Article III, §21*. I advised you then, that as a county official, appropriate legal guidance should be sought from the Pierce County Prosecuting Attorney's Office. One week later, on April 8, 2009, you called me to follow up on your request and to get some indication of what role, if any, the State might play in addressing your concerns. My notes of that call reflect that I explained to you that the law did not authorize our Office to conduct the inquiry you were requesting and I again referred you to the Pierce County Prosecuting Attorney's Office.

More recently, your assistant, Gretchen Borck, stopped by my Office to hand deliver another large packet of materials. I met with Ms. Borck several weeks ago and we discussed this matter. A review of those materials made it readily apparent that you were renewing your request that this Office conduct a criminal investigation into your allegations of criminal misconduct. As I believe I expressed to Ms. Borck during our meeting, and again to you on the telephone on Tuesday of this week, this Office is unable to perform the investigation you have repeatedly requested.

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As a threshold legal matter, this office has no jurisdiction to conduct the criminal inquiry you request. RCW 43.10.232 provides:

Concurrent authority to investigate crimes and initiate and conduct prosecutions — Payment of costs.

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

(a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

(b) The governor of the state of Washington; or

(c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

As I informed you during our most recent call, this office has received no request pursuant to RCW 43.10.232 to conduct the investigation you desire. I am also aware that the Pierce County Prosecuting Attorney's Office -- the Office with jurisdiction over the matters you allege -- has reviewed your complaints and has twice declined to pursue this matter criminally. Given the very limited resources of this Office's criminal division, present demands upon that division's resources and the Pierce County Prosecuting Attorney's prior evaluation and declination of the matters you allege, this Office will not seek to obtain jurisdiction in this matter.

Thank you for bringing this matter to my attention.

Sincerely,



BRIAN T. MORAN
Chief Deputy Attorney General

BTM:kw