

**COMPLAINT LODGED WITH SECRETARY OF STATE'S OFFICE (08-06-2008)**  
(hyperlinks added post submission)

**Referral Information**

**What type of entity is involved?**

Local

**What category of entity is involved?**

County

**\*What state or local organization is involved?**

Pierce County Public Works & Utilities  
Pierce County Planning & Land Services  
Pierce County Executive  
Pierce County Council  
Washington State Department of Labor & Industries

**What category best fits the assertion you are submitting?**

Miscellaneous

**\*Please provide a detailed description of the assertion or outstanding achievement, including who, when, where, what, how and how much.**

I apologize in advance for the length of this complaint.

I left a message on your phone hotline last week, and received a return call from a female staff member telling me that my complaint would be looked at last Wednesday (I believe), and that I'd get a letter in the mail, or a call from someone.

Please add this to my already-lodged complaint as further explanation of the problem—and please, if deemed worthy of exploration, review the 2-years of documentation of this issue (articles, video, audio recording, etc.) at <http://www.lifeinpiercecounty.com/illegal-signs.htm>.

On with my complaint....

I testified to the Pierce County Council on May 29 30, 2006, during an in-district council meeting held in Dupont, regarding the issue of the thousands of illegally placed, off-premise advertisement signs blanketing Pierce County communities—and on the County's failure to enforce its sign codes, which resulted in blighted communities, public safety hazards galore, and the loss of potential revenue due to their failure to impose the fines allowable by code.

I testified again before the Council during another in-district meeting held in my community (Midland) on June 6, 2006, where I presented a packet of evidence, and included information on the tens of thousands of dollars that was not being collected—again due to the County departments failing to impose allowable fines on offenders.

I appeared before and/or corresponded with the Council, Executive, department directors and supervisors, and code enforcement members over the next year. During one of the hearings, a PWU supervisor, during testimony, stated that Labor & Industries had offered to assist in the enforcement effort by comparing the database on the signs collected to their database of licensed contractors, and fining those who failed to post their contractor license number on their advertisement sign, as required. This amount was supposed to be \$500.00.

I filed complaints with L&I on May 11, 2007, against five of Pierce County's most prolific offenders. After not hearing back from them, I phone about two months later, only to be told by the regional supervisor of the Pierce County area, Maryjo Boies (253-596-3801), and a man who was with her (as a result of her putting our call on

speaker phone), was told that they did not offer to, nor plan to impose fine developers, even though the developers listed in my complaints were licensed with L&I. Ms. Boise told me that they had only intended to fine individual contractors, such as licensed electricians, plumbers, roofers, etc. When I asked if they had issued any fines against Decks by Tex, who was included in my complaint bundle, I was told no.

On June 19, 2007, we saw promise in the [passing of amendments to the Pierce County sign code](#) which, in brief, amounted to decriminalizing the offense (supposedly to make it “easier” to enforce), and removing the requirement to give 48 hours notice to offenders before PWU could remove the illegally placed objects.

At this time the Council also “gave” \$40,000 to Public Works & Utilities (PWU) to [conduct an illegal sign removal pilot program over a designated 55 sq mile area of unincorporated Pierce County](#). Part of this pilot program was to create the database of offenders to share with L&I.

A couple of months into the pilot program, after learning from Bruce Wagner, PWU Road Maintenance Manager, that many of the signs they removed were re-erected in the same, or different spot by the time the crew did the second and final sweep only a few weeks after the first sweep, I requested the assistance of a neighboring community-involved person, Peggy Anderson, by asking her to contact Ms. Boise again and ask a few questions. Ms. Anderson received the same answers as I had in my previous call to Ms. Boise. No fines had been imposed; they had not intended on fining developers who were licensed with their agency.

During this pilot program, District 3 Councilmember Roger Bush sponsored the formation of an ad hoc committee to roundtable the issue of off-premise advertisement signs. This cost was approximately \$5,000. The committee members were hand picked by CM Bush – with four representatives from the building/real-estate industry, and four citizens. No consensus was reached by this group, however Council staff states that a consensus WAS met.

The Council then allocated \$164,000 to PWU for 2008 to continue with their “clean-up” of illegally placed signs. As reported by Bruce Wagner, Roads Maintenance Manager with PWU, 9,200+ illegally placed signs were removed from our public rights-of-ways in the first quarter of 2008. These 9,200+ signs COULD have amounted to more than 2.25 million dollars in fines had PWU imposed the allowable fines (which I have calculated based on the \$250 per day/per offense amount, but as if the signs were removed on “first day of discovery” – meaning this amount would be 5, 10, 20 or more times greater in actuality).

All the while PWU was conducting its clean-up effort, the offenders continued to illegally place off-premise signs (by the thousands) within ROW—and, additionally, they increased the number of off-premise signs being erected on private property. They did this, admittedly, through contractual agreements with private property owners who were compensated a one-time payment of \$400-500, or a monthly payment ranging from \$40-50. They did this even after the moderator of the ad hoc committee, Mike Kruger, and the code enforcement supervisor for Planning & Land Services (PALS), Diana Raines, [told them that they were breaking the law by doing this](#). They were also told that they were creating even more law-breakers by involving innocent citizens in their law-breaking activity.

PALS has also failed to impose fines on the private-property illegal sign posters who have been reported to them.

Even though these departments have failed to fully enforce the sign code, and have continued to place the burden on the taxpayer to fund clean-up efforts without potential for recouping the money without fining the offenders, several months ago Councilmember Bush sponsored [R2008-41](#) which would have, if passed, allowed the building/real-estate industries the exclusive right to place off-premise signage in County ROW's to help direct potential homebuyers to homes for sale. When the Ballen V. City of Redmond case was brought to the Council's attention, R2008-41 took a back burner.

Last month Councilmember Calvin Goings offered up [2008-56](#). The six remaining councilmembers have since signed on as co-sponsors. This legislation again pays favors to the building/real-estate industries, while discriminating against all other commercial industries. It was first heard before the [Community Development Committee on July 7th](#), but and was postponed due to “too many unanswered questions”. It then went before [Rules & Operations Committee on July 28th](#), where it was again postponed. It is now schedule to go before the Rules & Operations committee again on Monday, August 18, 2008, and is already schedule to go before the full Council on Tuesday, August 19<sup>th</sup>.

So, my concerns and questions are centered around the issue of Pierce County taxpayers, thus far, being made to pay more than \$200,000 for illegal sign removal programs and the ad hoc committee—and have now been asked to pay \$70,000 for the FTE PWU has said will be necessary in order to carry out the Council's demand to

store the illegal signs for ten days to allow offenders the opportunity to pick them up (giving them the opportunity to re-erect them yet again). The offenders are identifiable, due to the content of their signs, and yet fines are not being imposed on them. This, in my opinion, is undeniable evidence of waste, neglect and abuse of public funds.

Is this fair? Is this legal? If not, what, if anything, can the State Auditor do about it?

**\*How did this issue come to your attention?**

Anyone who travels through unincorporated Pierce County sees these illegal signs blighting our roadways and communities. This is how it came to my attention.

**\*What employee(s), contractors, etc., were involved in the assertion or achievement? Please include employee titles if possible.**

Pierce County Public Works & Utilities:

Brian Ziegler, Director  
Bruce Wagner, Roads Maintenance Manager  
Brian Stacey, Roads Engineer Supervisor  
Toby Rickman, Asst. Director

Pierce County Planning & Land Services:

Diana Raines, Code Enforcement Supervisor

Pierce County Executive John Ladenburg

Pierce County Council:

Roger Bush  
Shawn Bunney  
Barbara Gelman  
Dick Muri  
Timothy Farrell  
Terry Lee  
Calvin Goings

Washington State Department of Labor & Industries:

Maryjo Boise, Regional Supervisor, covering Pierce County

**\*Please provide the names of any witnesses to the assertion or achievement, if possible.**

Cindy Beckett – (253) 536-8798 (citizen who served on the ad hoc committee)  
Bud Rehburg – (253) 847-8704 (citizen who has testified numerous times on the issue)  
Scott McElhiney - (253) 370-4293 (citizen who has testified numerous times on the issue)  
Larry Volland - (253) 531-7795 (citizen who has testified numerous times on the issue)  
Betsy Stubbs - (253) 840-3514 (citizen who has testified numerous times on the issue)  
\* I can provide more upon request

**Please provide any additional details or comments that would help us understand your assertion or achievement.**

Please be sure to review the articles, video, audio, etc., on this issue via  
<http://www.lifeinpiercecounty.com/illegal-signs.htm>.

Thank you!

**Washington State Auditor's Office Hotline**

**Thank You**

Your referral has been submitted.

(08-06-08 – 12:11 AM)