



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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November 8, 2012

HANK STECKER
19026 152ND AVE NE
WOODINVILLE WA 98072

Subject: Complaint filed against Karen Steeb, Woodinville Water District – PDC Case #12-141

Dear Mr. Stecker:

The Public Disclosure Commission (PDC) has completed its investigation of your complaint, received on September 28, 2011, alleging that Karen Steeb violated RCW 42.17.130 by using the facilities of the Woodinville Water District to assist her campaign, and the campaign of Ken Goodwin, for re-election to the board of water commissioners in the November 8, 2011 general election. Specifically, you alleged that Ms. Steeb requested a written statement from Christie True, Director of the King County Department of Natural Resources and Parks, concerning campaign statements made by you and Jack Vermeulen, also a candidate for water commissioner. You alleged that Ms. Steeb then read Ms. True's statement into the record at the September 20, 2011 regular meeting of the Woodinville Water District board of commissioners. Finally, you alleged that members of the news media were invited to the meeting to hear Ms. Steeb read the written statement, turning the meeting into a press conference used for the purpose of assisting Ms. Steeb and Mr. Goodwin's campaigns.

Your complaint was considered in light of the following statute and rule:

RCW 42.17.130¹ states, in part, that *“No elective official nor any employee of his 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[.]”* The prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

WAC 390-05-237 defines “normal and regular conduct” as conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.

PDC staff reviewed your complaint and enclosed exhibits, and supplemental information received from you by email on October 26, 27, 28, and 31, 2011, November 23, 28, and 30, 2011, and December 7, 2011. Staff reviewed editorial content and news reporting regarding

¹ Effective January 1, 2012, RCW 42.17.130 was recodified as RCW 42.17A.555.

King County's Brightwater waste treatment project and the 2011 campaigns for Woodinville Water District commissioner. Staff reviewed email correspondence between Ms. Steeb and the staff of the King County Department of Natural Resources and Parks, and correspondence within that agency. Staff reviewed minutes of meetings of the Woodinville Water District board of water commissioners, and the district's formal response to your complaint. Staff reviewed the formal response of Christie True in a separate complaint, PDC Case #12-140, and information received from Ms. True's staff. Finally, PDC staff conducted interviews under oath with Ms. Steeb and Ms. True. As a result of our review, we found the following:

- On September 6, 2011, Karen Steeb sent an email to Christie True's King County Department of Natural Resources and Parks address, requesting Ms. True's comments on statements by Hank Stecker and Jack Vermeulen regarding alleged forced hookups to the county's sanitary sewer system. The email was sent from Ms. Steeb's private email address.
- Ms. Steeb stated to PDC staff that her September 6, 2011 request was made in her capacity as a candidate for office. However, in her email to Ms. True, Ms. Steeb did not specify the use that she would make of her comments.
- Ms. Steeb anticipated that Ms. True would respond to her September 6, 2011 request by sending an email to Ms. Steeb's private email address, or that she would simply call Ms. Steeb at the telephone number she provided. Ms. Steeb did not ask Ms. True to send a letter to the Woodinville Water District in response to her inquiry.
- On September 7, 2011, Ms. True replied by email to Ms. Steeb's request, stating that she would provide a statement. Ms. Steeb replied the same day, thanking Ms. True. The emails exchanged between Ms. Steeb and Ms. True on September 6 and 7, 2011 were their only communications on the subject of Ms. Steeb's request, or the statement offered by Ms. True.
- The issue of alleged forced sewer hookups was one of several areas of controversy surrounding the Brightwater waste treatment system, dating from the project's early planning stages. For several years prior to the 2011 campaigns for Woodinville Water District commissioner, the King County Department of Natural Resources and Parks had been responding to public concern about the county's authority and the Brightwater project.
- With this history, Christie True elected to respond to Karen Steeb's September 6, 2011 request by sending a letter to Ken Howe, Woodinville Water District's general manager. Ms. True stated to the PDC that the sole purpose of her letter was to clear up confusion among Woodinville Water District officials and customers regarding King County's authority to require customers to connect to the sanitary sewer system. She stated that her only consideration in timing her response was to ensure that it was issued ahead of the grand opening of the Brightwater plant scheduled for September 24, 2011. Ms. True's letter was dated and mailed September 13, 2011.

- Ms. True's letter was drafted by Annie Kolb-Nelson, a communications specialist for the King County Department of Natural Resources and Parks. Although Ms. Kolb-Nelson identified Mr. Stecker and Mr. Vermeulen by name in the letter, it was not at the request or suggestion of Karen Steeb or any staff or official of the Woodinville Water district, and not at Ms. True's direction. Ms. Kolb-Nelson stated that the purpose of the letter, as she understood it, was to provide the water district with factual information it could use in responding to community questions or concerns about Brightwater; she stated that she identified Mr. Stecker and Mr. Vermeulen only to provide context for her agency's response.
- Other than identifying Mr. Stecker and Mr. Vermeulen, Ms. True's September 13, 2011 letter to Ken Howe contained no mention of the upcoming election for commissioner in the Woodinville Water District, and no mention of either Karen Steeb or Ken Goodwin.
- Like the officials of King County Department of Natural Resources and Parks, Woodinville Water District officials were occupied throughout the spring and summer of 2011 with the issue of alleged forced connections to the public sewer system. Minutes of water district meetings show the district responding to public concern about the issue at a time before either Mr. Stecker or Mr. Vermeulen became candidates for office in the 2011 election.
- Although Karen Steeb did not request or expect that Christie True would send a letter to the Woodinville Water District in response to her inquiry, when the agency received Ms. True's September 13, 2011 letter, Ms. Steeb asked district management and legal counsel whether it would be appropriate to use the letter in the water district's ongoing effort to respond to public concern about the issue of alleged forced sewer hookups. Both general manager Ken Howe and legal counsel advised Ms. Steeb that it would be appropriate to read the letter at a commissioner meeting, based on the district's normal and regular conduct in dealing with the issue.
- Accordingly, Ms. Steeb read Ms. True's letter aloud at the district's September 20, 2011, regular meeting; the meeting minutes indicate that the reading led to a detailed discussion of district policy, without further mention of any candidate or campaign.
- PDC staff found no evidence that Karen Steeb, or any staff or official of Woodinville Water District, invited the media to attend the district's September 20, 2011, regular meeting in order to hear Ms. True's letter. The only evidence that could be interpreted as such an invitation was in a September 19, 2011 email from water commissioner Ed Cebron, sent in response to an inquiry by Seattle *Times* reporter Bob Young. In that inquiry, Mr. Young sought clarification on the effect of a board resolution on the issue of sewer hookup requirements. Mr. Cebron stated in response, "*The Board meets Tuesday at 6pm. That would be the appropriate place to get accurate clarification on this matter.*" Neither Mr. Young's inquiry nor Mr. Cebron's response contained any mention of any candidate or campaign for Woodinville Water District Commissioner. Neither Mr. Cebron nor Mr. Young attended the September 20, 2011 district meeting.

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After a careful review of the alleged violations and relevant facts, we have concluded our investigation. Although Karen Steeb discussed the issue of alleged forced sewer hookups in her campaign, the Woodinville Water District's normal and regular conduct also permitted the agency to address the issue through public meetings and other official actions. No evidence was found that in reading Christie True's September 13, 2011 letter into the record at the Woodinville Water District's September 20, 2011 regular meeting, Karen Steeb acted outside of the district's normal and regular conduct. The fact that the letter included Hank Stecker's name and the name of Jack Vermeulen does not render Ms. Steeb's actions a use of public facilities prohibited under RCW 42.17.130 (now RCW 42.17A.555). Officials of Woodinville Water District will be reminded of the prohibition in RCW 42.17A.555, and cautioned to avoid using or authorizing the use of agency facilities in a manner that could be perceived as assisting a candidate's campaign.

Because staff's investigation has not revealed evidence of material violations or substantial non-compliance with any of the laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against Karen Steeb with the concurrence of the Chair of the Public Disclosure Commission.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of campaign restrictions and prohibitions.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Andrea McNamara Doyle
Executive Director

c: Karen Steeb