



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In Re Compliance with RCW 42.17

PDC Case No. 13-001

Todd Blackman and 2011 Todd  
Blackman Campaign

Report of Investigation

Respondent.

**I.**

**Background & Allegations**

- 1.1 Todd Blackman is an incumbent Fire Commissioner for Franklin County Fire Protection District # 3. He was appointed to that position in April of 2002, and was successfully elected in 2005.
- 1.2 Mr. Blackman was an unopposed candidate for Fire Commissioner in 2011, and was successfully re-elected to that position in November of 2011.
- 1.3 Mr. Blackman is employed full time as an energy services manager for Franklin County PUD District One (Franklin Co PUD #1) in Pasco, WA, a local government agency.
- 1.4 On June, 20, 2012, the Public Disclosure Commission (PDC) received a complaint from Roger Lenk alleging that Todd Blackman violated RCW 42.17.130 by using the public facilities of Franklin Co PUD #1 to assist his 2011 campaign for Fire Commissioner of Franklin County Fire Protection District No. 3. Mr. Lenk included with his complaint copies of emails he had obtained from a public records request he made of Franklin Co PUD #1 concerning Mr. Blackman. **See Exhibit # 1.**

**II. Findings**

- 2.1 Todd Blackman sent and received three emails while on PUD staff time, at his Franklin Co PUD #1 email address that related to his 2011 campaign for fire commissioner.
- 2.2 The first e-mail was received by Mr. Blackman on June 10, 2012, from Colleen Kimsey at 11:09 AM at his Franklin County PUD e-mail address, TBlackman@franklinpud.com. The subject line of the e-mail stated "Draft Letter" and included an attachment document entitled "ballot statement."

- 2.3 Later on June 10, 2012, Mr. Blackman returned an e-mail to Ms. Kimsey at 3:06 PM, and attached an edited version of his 2011 draft Voter's pamphlet statement. The e-mail contained a signature block for Mr. Blackman along with the Franklin County PUD address, and his work telephone number and work e-mail address. Mr. Blackman's ballot statement began by stating *"It has been a my honor and privilege to serve as Fire Commissioner for Franklin County Fire Protection District #3, thank you for considering my candidacy for reelection..."*
- 2.4 Mr. Blackman made eight minor editing changes while working on the draft document from his PUD workstation.
- 2.5 Mr. Blackman sent a second email to Ms. Kimsey about 20 minutes later at 3:26 PM, with an attachment titled "ballot statement2.doc." The attachment appeared to be a final version of the ballot statement.
- 2.6 On August 13, 2012, Mr. Blackman sent an e-mail to PDC staff responding to the complaint filed by Mr. Lenk. **See Exhibit # 2.** Mr. Blackman stated it did not occur to him at the time that the work he was doing on the ballot statement was going to be an issue, and he went on to state the following:
- "It is entirely possible that in this instance I had mistakenly used the wrong email account in an email exchange with someone. I have been a fire commissioner for about 10 years now and I try very hard to keep my private, professional and volunteer activities separate. My employer has been encouraging of my pursuits of volunteer and other community activities and patient with my efforts to separate out accounts firmly and not allow different tasks to intermingle. It can be a juggling exercise at times and clearly I messed up somehow on this one, I sincerely beg your pardon"*
- 2.7 Mr. Blackman stated that he made a technical mistake, in that he does not see himself as a political figure. He stated he had never filed a ballot statement before as a candidate, and it did not occur to him at the time that what he was doing could be a problem. He stated he should have been more careful about which e-mail account he was using.
- 2.8 Mr. Blackman stated that after he made the changes to the ballot statement, he decided not to submit it to the Auditor's Office. He said that since he did not submit the ballot statement, he felt his campaign did not benefit from the use of his Franklin Co PUD #1 email account. In addition, Mr. Blackman was unopposed as a Fire Commissioner candidate seeking re-election to that office in 2011.
- 2.9 Mr. Blackman stated that since the ballot statement was never submitted, no voter ever saw the statement and he did not benefit from it. He stated he is a salaried PUD employee, and went on to stated he is *"on call 24/7/365, I have discretion of my time day to day and minute to minute. If I work past regular hours one day I am free to come in later another time or leave for a period of time. My work computer is a laptop and travels with me in and out of the office and I have a cell phone that constantly ticks off messages and calls, I feel sometimes like I never get 100% leave of my day job. I promise however*

*that I do take the PDC position seriously and have made progress (ahead of this charge even from Mr. Lenk) to follow all PDC rules 100% to the letter."*

**III.**  
**Scope**

- 3.1 Staff reviewed the complaint received from Roger Lenk on June 20, 2012.
- 3.2 Staff reviewed Todd Blackman's written response received August 13, 2012.

**IV. Law**

- 4.1 **RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

Respectfully submitted this 21<sup>st</sup> day of September 2012.

  
Kurt Young  
Compliance Officer

**List of Exhibits**

- Exhibit # 1** Complaint received from Roger Lenk on June 20, 2012.
- Exhibit # 2** Response letter from Todd Blackman received August 13, 2012.