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JUL 16 2012



Public Disclosure Commission

**WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION
COMPLAINT FORM**

(See instructions on the last page.)

Description of Complaint

1. RESPONDENT:

Identify who you are filing a complaint against and provide all contact information you have for them. Give names and titles, if any, for individuals, and the full name of any organization. Please note that the PDC does not enforce federal campaign finance laws or local ordinances.

Todd Mielke, Spokane County Commissioner District 1

1116 W Broadway; Spokane, WA 99260

Campaign #: 509-220-2200

Spokane County Commissioner Officer: 509-477-2265

2. ALLEGED VIOLATIONS:

Explain how and when you believe the people/entities you are filing a complaint against violated RCW 42.17/RCW 42.17A or Title 390 WAC. Be as detailed as possible about dates, times, places and acts. If you can, cite which specific laws or rules you believe were violated. Attach additional pages if needed. (Note that the RCW 42.17 citation applies to conduct before 2012 and the RCW 42.17A citation applies to conduct on or after January 1, 2012.)

On April 5, I was contacted by Staci Lehman, a member of the Newman Lake Property Owners Association via cell phone. She asked me if I would be willing to attend the group's June meeting to answer homeowner submitted questions. Staci also said she would be asking my opponent in the upcoming county commissioner race, Commissioner Todd Mielke, to answer the same questions.

On April 9, 2012, Staci wrote me the first of many e-mails setting up the debate and provided a number of dates in June to select from. (Two pages)

On April 10, 2012, I responded with two dates I was available. (E-mail and question sheet)

On April 19, 2012, Ms. Lehman sent me an e-mail informing me Todd Mielke was available June 7. (attached)

On May 3, 2012, Staci requested a head shot "you are using for campaign purposes?" (attached)

On May 16, 2012, I officially filed to run for Spokane County Commissioner District 1

On May 29, 2012, Ms. Lehman sent me via e-mail the initial “questions that have been submitted to me to date for yourself and Mr. Mielke to answer...” at the meeting June 7. The e-mail detailed the process and structure of the debate, including the use of a moderator.

On June 4, 2012, Ms. Lehman sent me an e-mail copied to Todd Mielke; Todd Mielke’s assistant, Nancy Voermans; and the moderator, Ms. Georgie Weatherby, with the details of the debate structure, meeting location, and other details. Attached was the “**Final Newman Lake Debate Questions**”.

On June 7, 2012, after speaking with representatives of the Washington State Department of Fish and Game, the Washington Department of Ecology, and other sources, I called the Spokane Department of Building and Planning to speak with Marianne Barrentine, who is responsible for the Newman Lake Flood Control District for Spokane County. I was informed she was not available, but Jane Clark, an engineer in that department, was at her desk. I identified myself and began asking questions that I had developed through my research, specifically regarding the difference between a Lake Management District and the Flood Control District.

After a brief discussion, Ms. Clark said Commissioner Mielke had contacted them as well concerning the debate and she offered to send me some information that she had provided Commissioner Mielke. Attached to Ms. Clark’s e-mail were seven attachments. One of those attachments was the Newman Lake Homeowner’s Association questionnaire which had obviously been sent to staff to answer by Mr. Mielke or his assistant. The questions, for the most part, had been answered by staff and sent back to him (attachment 7).

Violation: The questionnaire provided by the Newman Lake Homeowners Association was for the sole purpose of the campaign debate and is in violation of RCW 42.17A.555, “**No elective official nor any employee of his or her 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. Facilities of a public office... include...machines, and equipment, use of employees of the office...**” Sending the campaign debate questions to Spokane County staff was a use of Spokane County personnel and facilities.

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Evidence and Witnesses

JUL 16 2012

3. EVIDENCE:

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List the documents or other evidence you have that support your complaint, if any, and attach copies to this form. If you do not have copies, provide any information you have about where you believe the documents or evidence can be found and how to obtain it. Attach additional pages if needed.

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JUL 16 2012

Public Disclosure Commission

E-mails sent between Staci Lehman and John Roskelley – April 9, 2012; April 10, 2012; April 19, 2012; May 3, 2012; May 29, 2012; June 4, 2012; June 5, 2012; June 13, 2012.

E-mail sent to John Roskelley from Jane Clark explaining she was sending me attached "*additional information that I provided to Todd Mielke*". June 7, 2012.

County Commissioner Debate Questions sent via attachment to Todd Mielke and later copied to John Roskelley from Staci Lehman. June 4, 2012.

Partially completed questionnaire sent from Spokane County employee Jane Clark to John Roskelley via an attachment. See Attachment 7 in packet

Assorted informational attachments sent with e-mail from Jane Clark to John Roskelley. Sent with June 4 e-mail and includes Attachments 1-6: 1. Funding Options Part 2-Meeting summary.pdf; 2. NLFCZD Funding Options Overview.pdf; 3. Proposed Modifications to RCW.pdf; 4. Follow up Meeting 3-17-12.pdf; 5. Witherspoon.pdf; 6. Benefit Classes.pdf.

Video of Newman Lake Homeowners Association debate between Todd Mielke and John Roskelley can be found at <http://www.newmanlakewa.com/News-or-Reviews.html>. I mention at the end of the program that Todd was using the staff's answers to most of the questions, so I knew exactly what he was going to say before he said it. (see video).

RCW 42.17A.555

I do not have access to the e-mail exchange between Todd Mielke (or his assistant, Nancy Voermans) and Jane Clark or one of the other two employees in the Newman Lake Flood Control District Department where Mr. Mielke or Ms. Voermans sent the questionnaire to county staff. This would take a public records request and Spokane County is notorious for withholding public records.

4. WITNESSES:

List the names and contact information, if known, of any witnesses or other persons who have knowledge of facts that support your complaint. Attach additional pages if needed.

Example: Jane Public was present when Candidate X spoke to me about the illegal contribution. Jane Public's address is 123 Main Street, Your Town, USA 12345, and her phone number is 555-123-4567.

Staci Lehman – Newman Lake Homeowners Association - stacilehman@hotmail.com
Jane Clark – Spokane County Engineers Office – janec@spokanecounty.org – 509-477-7431
Nancy Voermans – Spokane County Commissioners Office – nancyv@spokanecounty.org – 509-477-2265
Todd Mielke – Spokane County Commissioners Office – tmielke@spokanecounty.org - 509-477-2265
Bob Brueggeman – Spokane County Engineers Office – bbrueggeman@spokanecounty.org – 509-477-3600
Marianne Barrentine – Spokane County Engineers Office – mbarrentine@spokanecounty.org – 509-477-3600
All attendees of the Newman Lake Homeowner's Association meeting held on June 7, 2012.

Certification

In signing this complaint:

- I have provided all information, documents and other evidence of which I am aware;
- If I become aware of additional information, documents or evidence related to my complaint, I will promptly provide it to the PDC; and,
- I am providing the PDC current information on how to contact me, and will update that information if it changes.

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JUL 16 2012

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Your name (print or type): John Roskelley

Street address: 10121 E Heron View Lane

City, state and zip code: Mead, WA 99021

Telephone number (including area code) 509-954-5653

E-mail address (optional) john@johnroskelley.com

Oath

Required for complaints against elected officials or candidates for elective office:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this complaint is complete, true and correct to the best of my knowledge and belief.*

Your signature

John Roskelley

Date signed

7-13-2012

Place signed (city and county)

Mead
City

Spokane
County

JUL 16 2012

Attachments

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Check here if you are attaching copies of documentary evidence or extra pages explaining your complaint.

**RCW 9A.72.040 says that "(1) A person is guilty of false swearing if he makes a false statement which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."*

**Washington State Public Disclosure Commission
Instructions for Filing a Formal Complaint**

⚡ When to use the formal complaint form:

While this form is not required, its use is recommended when you want to file formal allegations of a violation of the Public Disclosure Commission (PDC) statutes or rules. You can find the PDC statutes and rules on the PDC website at www.pdc.wa.gov. If you have information or concerns about a possible violation but do not wish to file a complaint, please contact the PDC office directly.

⚡ How to submit your complaint form to the PDC:

- Complete all sections. If you do not have some information, please write "unknown" instead of leaving a blank space.
- Attach copies of any evidence you have - we'll contact you if we need originals.
- Sign the oath if your complaint is against an elected official or a candidate for elective office.
- Mail, fax, or email your complaint and all attachments to the PDC.

⚡ If you have more questions:

If you have more questions about filing a complaint, see the "Frequently Asked Questions about Filing a Complaint" guide available on the PDC's website at www.pdc.wa.gov under "Enforcement and Compliance." You may also contact the PDC directly.

PDC Contact Information

MAILING ADDRESS: Washington State Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

EMAIL ADDRESS: pdc@pdc.wa.gov

PHONE: 1-877-601-2828 (toll free)

FAX: (360) 753-1112

HOURS: Monday-Friday, 8:00 a.m. – 5:00 p.m., closed on state holidays.

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