



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 42.17A)	Report of Investigation
)	
Todd Mielke, Spokane County)	PDC CASE NO: 13-099
Commissioner)	
)	
Respondent)	
_____)	

I.
Background

- 1.1 Todd Mielke filed a Candidate Registration (C-1 report) on June 24, 2011, declaring his candidacy for re-election for Spokane County Commissioner, Position No. 1 in 2012. At that time, Mr. Mielke had served as a Spokane County Commissioner since being elected in 2004, and re-elected in 2008. Mr. Mielke also served as a State Representative from the Spokane area in the 1990s.
- 1.2 On January 7, 2012, John Roskelley filed a C-1 report declaring his candidacy for Spokane County Commissioner, Position 1, in 2012, challenging Mr. Mielke. Mr. Roskelley previously served as a Spokane County Commissioner from 1996 through 2004. Mr. Mielke was re-elected as a Spokane County Commissioner in the November 6, 2012 general election.
- 1.3 On July 16, 2012, Mr. Roskelley filed a complaint alleging that Mr. Mielke had violated RCW 42.17A.555 by using Spokane County facilities to assist his 2012 re-election campaign. Commission staff reviewed Mr. Roskelley's complaint and Mr. Mielke's initial response to determine whether a formal investigation was warranted. On July 10, 2013, staff opened a formal investigation. **Exhibit #1**

II.
Allegations

- 2.1 Mr. Roskelley alleged that Mr. Mielke violated RCW 42.17A.555 by using Spokane County facilities to assist his preparation for a candidate debate sponsored by the Newman Lake Property Owners Association (NLPOA). **Exhibit #2.**

III. **Summary of Findings**

- 3.1 On May 29, 2012, Staci Lehman, President of Newman Lake Property Owners Association (NLPOA), sent an email to Todd Mielke at his official Spokane County email address, containing an initial list of questions for a June 7, 2012 candidate debate sponsored by NLPOA. Between that date and June 6, 2012, the staff of the Spokane County Commissioner's office used county printers, scanners, email, telephone, and staff time on multiple occasions to process those questions, on Mr. Mielke's behalf and with his involvement, and to seek information to assist Mr. Mielke's preparation for the candidate debate.
- 3.2 Mr. Mielke stated that he personally received the first iteration of the debate questions from Staci Lehman, the debate organizer, at a meeting of the Spokane Regional Transportation Council (SRTC). However, Ms. Lehman could not corroborate Mr. Mielke's testimony. Rather, she stated that she provided the questions to Mr. Mielke only through his official agency email, with a copy to his Executive Assistant, Nancy Voermans. Mr. Mielke stated that he personally worked with Jane Clark, an Environmental Program Engineer in the Spokane County Engineer's Office, to obtain the information he required for the candidate debate, including by speaking in person with Ms. Clark, and on his personal cell phone. However, Ms. Clark could not corroborate Mr. Mielke's testimony. Rather, she stated that in preparing the information for Mr. Mielke, she did not communicate with him directly, whether in person or by telephone, and that she communicated only with his assistant, Nancy Voermans. Ms. Clark stated that she received the debate questions via email from Ms. Voermans, and from her alone.
- 3.3 Mr. Mielke stated that he did not direct Nancy Voermans to process or obtain answers to the NLPOA candidate debate questions. Ms. Voermans did not recall speaking with Mr. Mielke concerning the debate questions, but believes that she did likely speak with him about the questions. She stated that in using county facilities to facilitate responses to the debate questions, she believed that she was acting on Mr. Mielke's behalf.

Detailed Findings

Newman Lake Candidate Debate

- 3.4 In 2012, Staci Lehman was the President of Newman Lake Property Owners Association (NLPOA). At that time and currently, Ms. Lehman was employed as a Coordinator for the Spokane Regional Transportation Council (SRTC).
- 3.5 The Newman Lake Property Owners Association (NLPOA) conducted its annual meeting on June 7, 2012. Following the meeting, the NLPOA held a candidate debate between incumbent Spokane County Commissioner Todd Mielke and challenger John Roskelley. The debate questions asked the two candidates about a variety of issues important to property owners, such as financial responsibility for cleanup and protection of the lake, forming a local improvement district to treat milfoil in the lake, and seeking state legislation to make property assessments more equitable.

Timeline of Relevant Events

- 3.6 April 12, 2012: Mr. Mielke stated that following an April 12, 2012 SRTC board meeting, Staci Lehman asked him if he would be available to speak at the NLPOA annual meeting. However, Ms. Lehman stated that she did not recall speaking to Mr. Mielke following an SRTC meeting. She testified that she considers her duties as President of NLPOA to be personal, and only conducts personal activities on her own time using her personal cellular phone, computer and email address.
- 3.7 April 19, 2012: In an email sent to Mr. Roskelley on April 19, 2012, Ms. Lehman stated that she had recently heard from Mr. Mielke, and that he had confirmed he was available on June 7, 2012 for the NLPOA candidate debate.
- 3.8 May 10, 2012: Mr. Mielke stated that at an SRTC meeting on May 10, 2012, Ms. Lehman handed him a list of approximately 8 candidate debate questions for the June 7, 2012 NLPOA candidate debate. However, Ms. Lehman stated that she did not provide Mr. Mielke with the candidate debate questions at or following an SRTC meeting. Rather, Ms. Lehman said she provided Mr. Mielke with the candidate debate questions by email on May 29, 2012.
- 3.9 May 15, 2012: Mr. Mielke stated that following a Spokane County Commissioner meeting on May 15, 2012, he spoke to either Bob Brueggeman or Marianne Barrentine, both with the Spokane County Engineer's Office, to request information that their office had presented to the Board of Spokane County Commissioners concerning the Newman Lake Flood Control District. Mr. Mielke said he was told that his request should not be a problem. Jane Clark, an Environmental Program Engineer in the Spokane County Engineer's Office, stated that she did not receive instructions from Mr. Brueggeman or Ms. Barrentine to provide information to Mr. Mielke concerning Newman Lake, and that in researching and providing information to Mr. Mielke, she was acting solely in response to requests by Nancy Voermans, made on Mr. Mielke's behalf.
- 3.10 May 20 – June 1, 2012: Mr. Mielke stated that sometime between May 20 and June 1, 2012, he received a telephone call on his personal cell phone from Ms. Clark stating that she understood he wanted information compiled by staff concerning the Newman Lake Flood Control District. Mr. Mielke said he assumed that either Mr. Brueggeman or Ms. Barrentine had passed on his request to Ms. Clark and asked her to gather the Newman Lake information. Mr. Mielke said that during his conversation with Ms. Clark, she said she had received a similar request from John Roskelley. Mr. Mielke said Ms. Clark told him it would help her focus her search for the information if she saw the questions he wanted answered. Mr. Mielke said he offered to bring the questions to her, and recalls her saying that she had reason to be in the same building as Mr. Mielke's office, and that she could pick them up. Mr. Mielke said he left the questions in a file folder on the front counter of the Commissioners' offices with Jane Clark's name on it. He said he told the front office staff that Ms. Clark was going to pick up the folder at some point that afternoon. Mr. Mielke said he did not see the file folder or the questions after that time.
- 3.11 Jane Clark said she did not speak to Mr. Mielke directly about the Newman Lake candidate debate questions, either in person or over the telephone, and that Mr. Mielke

did not deliver the debate questions to her in person at the Spokane County Engineer's office. Ms. Clark said she did not pick up the questions from Mr. Mielke at his county commissioner's office, nor did she offer to pick up the questions at his county office.

- 3.12 May 29, 2012: On May 29, 2012, Ms. Lehman sent an email to Mr. Mielke with a copy to Ms. Voermans, at their respective Spokane County email addresses. The email included the initial list of NLPOA candidate debate questions. Ms. Lehman informed Mr. Mielke that the attached questions were only the initial debate questions, and said she would be sending more debate questions in a few days. Ms. Lehman told Mr. Mielke she was sending the initial questions to give him time to research answers to the questions. On May 29, 2012, Ms. Lehman sent the same information to Mr. Roskelley.
- 3.13 May 30, 2012: Mr. Mielke stated that he attended an SRTC Board meeting on May 30, 2012, and that he believed Ms. Lehman discussed the NLPOA annual meeting with him again prior to his leaving the building. However, Ms. Lehman stated that she did not recall speaking to Mr. Mielke about the NLPOA meeting or the candidate debate at the May 30, 2012 SRTC meeting.
- 3.14 June 4, 2012: On or around June 4, 2012, Ms. Voermans called Ms. Clark and told her Mr. Mielke was requesting information about Newman Lake, and that she would be sending an email detailing the requested information. On June 4, 2012, Ms. Voermans asked Ginna Vasquez, Deputy Clerk to the Board of Spokane County Commissioners, to scan a copy of the initial candidate debate questions (received from Ms. Lehman on May 29, 2012) and forward them to Ms. Voermans. Ms. Vasquez did so, and on June 4, 2012, Ms. Voermans forwarded the scanned questions to Ms. Clark, stating, "*Here are the questions. Thanks for your help. Nancy.*" Mr. Mielke acknowledged that he had circled four of the initial questions in the document that Ms. Vasquez scanned and forwarded to Ms. Voermans, and that Ms. Voermans then forwarded to Ms. Clark. He further acknowledged that a note in the margin by one of the questions ("*Is this accurate?*") was his handwriting.
- 3.15 June 4, 2012: Also on June 4, 2012, Ms. Lehman sent an email to Mr. Mielke and Ms. Voermans at their respective Spokane County email addresses, providing details of the June 7, 2012 candidate debate, and referring to an attached list of the final debate questions. The attached list of final debate questions included two new questions not on the initial list. Ms. Lehman sent an email with the same information to Mr. Roskelley and to the debate moderator. The attachment with the final debate questions was printed by some person in Mr. Mielke's office, and the two new questions were circled. Ms. Voermans understood that the two new questions had been circled because Mr. Mielke wanted Ms. Clark to answer the questions. However, neither Mr. Mielke nor Ms. Voermans acknowledged circling the questions, or knowing who circled the questions. PDC staff was unable to determine who circled the two additional questions.
- 3.16 June 6, 2012: On June 6, 2012, Ms. Voermans asked Ms. Vasquez to scan a copy of the final debate questions with the two new questions circled, and forward them to her. Ms. Vasquez did so, and on June 6, 2012, Ms. Voermans forwarded the scanned questions to Ms. Clark, stating, "*Hi Jane: The 2 new questions are circled. Thank you for your help. Nancy.*"

- 3.17 June 6, 2012: Between June 4, 2012 and June 6, 2012, Ms. Clark put together the packet of information for Mr. Mielke and Mr. Roskelley, with answers to the six circled candidate debate questions received from Mr. Mielke through Ms. Voermans. On June 6, 2012, Ms. Clark delivered the finished packet to Mr. Mielke (by email, through Ms. Voermans) and to Mr. Roskelley.
- 3.18 Mr. Mielke said he did not instruct Ms. Voermans to send the candidate debate questions to Ms. Clark. Ms. Voermans stated that she did not recall Mr. Mielke specifically directing her to send the questions to Ms. Clark. However, she said she understood that she was expected to take this action on behalf of Mr. Mielke.

Written Responses and Oral Testimony

- 3.19 **Todd Mielke Responses and Telephone Interview**: On July 28, 2013, Mr. Mielke sent an email to PDC staff with an attached six-page letter responding to Mr. Roskelley's allegations. **Exhibit #3**. On February 7, 2014, staff interviewed Mr. Mielke under oath by telephone. **Exhibit #4**. Mr. Mielke's emailed response and his statements during his telephone interview are incorporated into his answers below.
- 3.20 Mr. Mielke stated that the Newman Lake Flood Control Zone District (NLFCZD) was created by Spokane County several decades ago, is part of Spokane County government, and is staffed by the employees in the Spokane County Engineers Office. Mr. Mielke stated:
- He requested the Newman Lake information in response to the debate questions he received from Ms. Lehman.
 - He did not instruct staff to format the information in any specific manner.
 - After his initial request for information, Ms. Clark informed him that John Roskelley was seeking similar information.
 - He received the information from Ms. Clark on June 6, 2012, and was informed by her that Mr. Roskelley would be receiving the same information, plus additional information Mr. Roskelley had requested.
 - Ms. Clark provided Mr. Mielke with information that had previously been researched and compiled for presentations by the Engineer's Office to the Spokane County Commissioner's during Commissioner meetings that discussed Newman Lake and NLFCZD.
 - The information was factual and did not provide him or Mr. Roskelley an opinion.
- 3.21 On October 8, 2014, staff spoke with Mr. Mielke by telephone, and followed up by email on October 9, 2014. Mr. Mielke replied by email on October 16, 2014. These discussions are incorporated into Mr. Mielke's answers below:

3.22 Mr. Mielke stated that because of the length of time since the activities took place, he is not aware of whether or why Ginna Vasquez might have assisted Ms. Voermans in scanning the candidate debate questions.

3.23 Mr. Mielke stated that he did not forward the debate questions to Ms. Voermans.

3.24 Mr. Mielke stated in his email that he could only speculate as to why Ms. Voermans forwarded the Newman Lake information to Ms. Clark. He stated:

“...again noting that I was not a party to the e-mails and was unaware of them... Nancy (Ms. Voermans) knew that I was working with Jane (Ms. Clark) to gather information about the flood district. I can only speculate that as Nancy saw information coming in that she perceived involved the work that Jane was doing, she simply forwarded it. I did not instruct her to do that, and was totally unaware of it until it was pointed out to me by Kurt (PDC staff).”

“...I do know that Spokane County staff is hyper sensitive to providing public documents in a timely manner since the county has now paid out two significant fines for failing to do so. The general understanding of county staff is that if the information was presented in a public meeting, it is public and should be provided to the public upon request. In this regard, I believe Nancy felt she was forwarding relevant information to the county person assembling public documents....”

3.25 Mr. Mielke said that he told Ms. Clark that he would bring a copy of the questions to her office later in the afternoon, and that Ms. Clark:

“responded by saying that she would be in my building that afternoon (we are in adjacent buildings) and that she could pick them up on her way back to her office.”

Mr. Mielke stated that he:

“...circled the questions that I believed contained references to info she had previously presented, and left it in an envelope or file folder on the front counter (the ‘is this accurate’ writing is mine). This would have been prior June 6th and I never circled any questions on any subsequent sets of questions.”

“I did not leave this envelope with Nancy (Ms. Voermans) or Ginna (Ms. Vasquez), nor did I ask either one of them to give it to Jane (Ms. Clark). I simply told Jane I would leave it on the counter with her name on it. That was the last time I saw the questions. I did not ever circle any questions on the ‘supplemental draft’ or ‘Final Draft’ of the questions....”

3.26 Mr. Mielke stated that once Ms. Voermans:

“...began getting cc'd on e-mails from Staci Lehman and there was a reference to questions, Nancy asked me if she needed to be doing anything regarding ‘the questions’. I said, ‘No’ and indicated that I was working with Jane Clark to get some information regarding the Newman Lake Flood Control District. I want to emphasize

this...at no time did I ask Nancy to do anything with regard to these questions nor direct her to take any actions. But she was aware that I was working with Jane and had requested information....”

- 3.27 **Jane Clark Responses and Telephone Interview:** On March 7, 2014, Jane Clark submitted an email responding to PDC staff's request for information. **Exhibit #5.** In addition, staff conducted a telephone interview under oath with Ms. Clark on November 6, 2014, at PDC offices. Ms. Clark's emailed response and the statements she made during her telephone interview are incorporated into her answers below.
- 3.28 Ms. Clark stated that it is not uncommon for the Spokane County Engineer's Office to receive requests from the public for information and documents about the NLFCZD and Newman Lake.
- 3.29 Ms. Clark stated that she received a telephone call from Ms. Voermans indicating Mr. Mielke was requesting information about Newman Lake, and that Ms. Voermans would be sending an email detailing the requested information. She said that on June 4, 2012, Ms. Voermans sent her an e-mail (on behalf of Mr. Mielke) that included an attached copy of the initial Newman Lake candidate debate questions. She said there were 11 questions, and four were circled, indicating that Mr. Mielke was requesting information about those specific questions. **Exhibit #6**
- 3.30 On June 6, 2012, Ms. Voermans sent a second email to Ms. Clark with two additional questions circled because Mr. Mielke wanted information answering those questions. **Exhibit #6.** Ms. Clark received the initial questions and the follow-up questions from Ms. Voermans through the Spokane County e-mail system. Ms. Clark compiled the requested information and provided it to Ms. Voermans on behalf of Mr. Mielke later in the day on June 6, 2012.
- 3.31 Ms. Clark stated that both the requests from Ms. Voermans (on behalf of Mr. Mielke) and Mr. Roskelley concerned Newman Lake and were made in the same informal manner as other requests she receives from citizens for information. She confirmed that neither Mr. Mielke, Ms. Voermans, nor Mr. Roskelley filed a formal public records request for any of the Newman Lake information. She said she received a phone call from Mr. Roskelley requesting information about Newman Lake. Ms. Clark stated:
- She did not speak to Commissioner Mielke directly concerning the Newman Lake candidate debate questions, either in person or over the telephone.
 - Mr. Mielke did not deliver the Newman Lake debate questions to her in person at the Spokane County Engineer's office, nor did she pick up the questions from him at his Spokane County Commissioner's office. She did not leave the Newman Lake debate questions with another Spokane County staff member.
 - Mr. Mielke did not leave the questions "at the counter" for her to pick up, and he did not ask her to work with Ms. Voermans in connection with the Newman Lake debate questions.

- She did not receive an earlier version of the Newman Lake debate questions from Mr. Mielke or from anyone else during the period May 15 through June 2, 2012.
 - She only worked with Ms. Voermans, on behalf of Commissioner Mielke, concerning the Newman Lake candidate debate questions. She did not work with Ms. Vasquez, and did not know why or how she was involved with sending the debate questions to her.
- 3.32 Ms. Clark provided Mr. Roskelley with the information he requested, and included a copy of the debate questions and answers that she provided to Mr. Mielke.
- 3.33 **Staci Lehman Responses and Telephone Interview:** The following are excerpts from the telephone interview PDC staff conducted with Staci Lehman.
- 3.34 Ms. Lehman said the NLPOA decided around early April 2012 to host a candidate debate between Mr. Mielke and Mr. Roskelley as part of their annual meeting. Ms. Lehman stated:
- She communicated with Mr. Mielke by telephone and email concerning the candidate debate, and sent the candidate debate questions to his Spokane County Commissioners email address.
 - She did not raise the issue of the candidate debate with Mr. Mielke during or after an SRTC meeting. She said she considers her duties as President of NLPOA to be personal, and separate from her work duties with SRTC, and that she only conducts personal activities on her own time using her personal cellular phone, computer and email address.
 - Mr. Mielke agreed to participate in the debate approximately two months before the June 7, 2012 event. She considered the debate to be a candidate debate from the outset.
 - Mr. Mielke did not ask her to contact him using a personal or campaign email address concerning the debate.
 - On May 29, 2012, she sent emails to Mr. Roskelley, Mr. Mielke, and Ms. Voermans with the initial candidate debate questions. She did not hand-deliver the debate questions to Mr. Mielke or to a member of his staff. **Exhibit #7**
 - On June 4, 2012, she sent an email to Mr. Mielke at his Spokane County Commissioners email address with a list of final debate questions. She also sent Mr. Roskelley an email with the final debate questions on June 4, 2012.
 - She communicated with Ms. Voermans by telephone and email concerning Mr. Mielke's schedule for the NLPOA meeting and candidate debate. She stated that she did not email the debate questions to Ginna Vasquez.

- 3.35 **Nancy Voermans Responses and Telephone Interview:** On June 6, 2014, Nancy Voermans submitted an email responding to PDC staff's request for information. On October 20, 2014, she submitted a Declaration concerning her role in the alleged activities. **Exhibit #8.** Staff also conducted a telephone interview under oath with Ms. Voermans on November 14, 2014. Ms. Voermans' emailed response and the statements she made during her telephone interview are incorporated into her answers below.
- 3.36 Ms. Voermans has worked for 42 years in the Spokane County Commissioners office, including working for Mr. Mielke as his Executive Assistant. Her duties include arranging the schedule for Mr. Mielke, working and corresponding with constituents, and assisting Mr. Mielke as needed. Ms. Voermans stated:
- On May 29, 2012, she was copied on an email that Ms. Lehman sent to Mr. Mielke, containing the initial candidate debate questions. She asked Ms. Vasquez to scan the questions and forward them to her, after they had been reviewed by Mr. Mielke and he had circled four questions that needed answers from county staff.
 - On June 4, 2012, Ms. Voermans forwarded the initial candidate debate questions to Ms. Clark, with four of the questions circled by Mr. Mielke. Her email to Ms. Clark said, "*Hi Jane: Here are the questions. Thanks for your help. Nancy.*" **Exhibit #6.**
 - On June 4, 2012, Ms. Voermans was copied on an email that Ms. Lehman sent to Mr. Mielke, containing the final candidate questions. She asked Ms. Vasquez to scan the questions and forward them to her, after the two new questions had been circled, indicating that Mr. Mielke needed answers from County staff. On June 6, 2012, Ms. Voermans sent an email to Ms. Clark that said, "*Hi Jane. The 2 new questions are circled. Thank you for your help. Nancy.*" Ms. Voermans stated to PDC staff that she did not know who circled the two new questions. **Exhibit #6.**
 - Ms. Voermans could not recall whether she contacted Ms. Clark by telephone before she sent the candidate debate questions to her on June 4 and June 6, 2012, using Spokane County's email system.
 - To the best of Ms. Voermans' knowledge, there were no email exchanges between her and Mr. Mielke concerning the Newman Lake candidate debate. She did not recall speaking to Commissioner Mielke about the Newman Lake candidate debate questions, including why he was requesting information for some of the debate questions but not others. However, she said that it is likely she received a copy of the debate questions from him and probably spoke to him as well.
- 3.37 **Ginna Vasquez Telephone Interview:** Ginna Vasquez serves as Deputy Clerk to the Board of Spokane County Commissioners. Ms. Vasquez stated that she does not supervise or oversee the County Commissioners' Executive Assistants, including Ms. Voermans, but that she does work in close proximity to her. Ms. Vasquez estimated that Mr. Mielke's office door was within a few feet of her workspace. Ms. Vasquez stated:

- She did not speak to Commissioner Mielke about the Newman Lake candidate debate questions, and did not receive a copy of the debate questions from Mr. Mielke, or any person other than Ms. Voermans.
- She received the printed copy of the Newman Lake debate questions from Ms. Voermans, and because Ms. Voermans does not have a scanner, she scanned the requested documents for Ms. Voermans.
- She did not read or review the content of the scanned documents.
- She does not know who circled the debate questions in the documents she scanned.

3.38 **John Roskelley Informal Telephone Interview:** Staff spoke with Mr. Roskelley by telephone on February 20, 2014. He stated that as a former Spokane County Commissioner, he knew Marianne Barrentine, a Spokane County Engineer's Office Manager, and that she had made the staff presentations about Newman Lake when he was serving on the Commission. He said after he received the debate questions on June 4, 2012 from Ms. Lehman, he contacted Ms. Barrentine about some of the Newman Lake debate questions. He believed Ms. Barrentine told him that he should contact Ms. Clark with his questions.

3.39 Mr. Roskelley stated that when he contacted Ms. Clark, she informed him that Mr. Mielke had asked similar questions, and asked him if he wanted the same information being provided to Mr. Mielke. Mr. Roskelley responded that he did want the information, and Ms. Clark sent the information to him. Mr. Roskelley said he did not file a public records request for the information, nor was he required to make an in-person visit to get the information.

IV. Scope

4.1 PDC staff reviewed the following documents:

- July 16, 2012 complaint filed by John Roskelley against Todd Mielke.
- July 28, 2013, email and attached response submitted by Todd Mielke to the allegations made by Mr. Roskelley.
- March 7 and March 19, 2014, emails submitted by Jane Clark in response to PDC staff's requests for information.
- June 4 and 6, 2012, emails sent by Nancy Voermans to Ms. Clark concerning the Newman Lake candidate debate questions.
- October 16, 2014, email response submitted by Mr. Mielke in response to PDC staff's request for information.

- Emails submitted by Ms. Clark on November 6, 2014, and by Ms. Lehman on November 14, 2014.
 - Material delivered by Todd Mielke on October 30, 2014.
 - Information on the Spokane County website concerning the Newman Lake Flood Control Zone District and information on the Newman Lake Homeowner's Association website.
- 4.2 PDC conducted telephone investigative interviews under oath with Todd Mielke on February 7, 2014; Jane Clark on November 6, 2014; and Nancy Voermans, Staci Lehman, and Ginna Vasquez on November 14, 2014.

V.
Laws and Rules

RCW 42.17A.555 states, in part: *"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 for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:*

(3) Activities which are part of the normal and regular conduct of the office or agency."

WAC 390-05-273 defines the "normal and regular conduct" of a public office or agency 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."*

Respectfully submitted this 3rd day of February, 2015.



Kurt Young
PDC Compliance Officer

List of Exhibits

- Exhibit #1** July 16, 2012, complaint filed by John Roskelley against Todd Mielke.
- Exhibit #2** June 4, 2012, email from Staci Lehman to Todd Mielke concerning "Final Newman Lake Debate Questions."
- Exhibit #3** July 28, 2013, email from Todd Mielke responding to the allegations made by John Roskelley in the complaint.
- Exhibit #4** Excerpts from February 7, 2014, Todd Mielke telephone interview under oath.
- Exhibit #5** March 7, 2014, email from Jane Clark in response to PDC staff's request for information.
- Exhibit #6** June 4 and 6, 2012, emails sent by Nancy Voermans (Todd Mielke's Executive Assistant) to Jane Clark concerning the Newman Lake candidate debate questions.
- Exhibit #7** November 14, 2014 email from Staci Lehman to PDC staff, forwarding the May 29, 2012, email she sent to Mr. Mielke and Ms. Voermans with the initial candidate debate questions.
- Exhibit #8** June 6, 2014 email from Nancy Voermans answering PDC staff's questions, and October 20, 2014 Declaration of Nancy Voermans.