



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

September 10, 2018

Delivered electronically to "vfosback@stevenscountywa.gov"

Subject: PDC Case 39554

Dear Vicki Fosback:

Below is a copy of an electronic letter sent to Fred Brown concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Fred Brown, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at micaiah.ragins@pdcc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 10, 2018

Delivered electronically to "fredrbrown3@gmail.com"

Subject: Complaint regarding Vicki Fosback, PDC Case 39554

Dear Fred R. Brown III:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on July 2, 2018. Your complaint alleged that Vicki Fosback may have violated RCW 42.17A.555 for using social media to support a political committee during public agency hours.

PDC staff reviewed your allegations, and as a result of staff's initial review, we found the following:

- Vicki Fosback posted a comment on a Facebook page relating to Brad Manke's campaign for election to Sheriff of Stevens County in opposition to Mike Berry's campaign for the same position. The comment indicated that Vicki Fosback had not seen reports cross her desk from Mike Berry; no other context for what the comment referred to was provided in the attachment.
- Fosback stated in her response that she was entitled to post the comment on social media because it was during personal time and not during office hours. She included that during a coaching and counseling session, the civil deputy reminded her that she cannot use social media during office hours. Fosback assured the civil deputy that the comment was during personal time and she informed PDC staff that the post was deleted from Facebook as requested by the civil deputy.

- PDC Staff determined that the screenshot attachments in the complaint do not provide a timestamp and there is no evidence from the Stevens County Prosecutor's Office to support the allegation that Vicki Fosback was on public agency time when the Facebook post was made.
- On August 17, 2017, PDC Staff requested additional evidence from the complainant that would show the date and time that the Facebook posts were made. As of September 10, 2018, Fred Brown III did not provide the necessary evidence to verify the time or day that the comments made by Vicki Fosback were posted on social media.

Based on these initial findings, staff has determined that in this instance regarding the use of public facilities to support a political campaign, there is no evidence to support a finding of a material violation warranting further investigation.

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case. If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at micaiah.ragins@pdc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Vicki Fosback