



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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

December 20, 2018

Sent electronically to Jon Tunheim at [electjontunheim@gmail.com](mailto:electjontunheim@gmail.com)

Subject: Complaint regarding Jon Tunheim, PDC Case 41292

Mr. Tunheim:

Below is a copy of a letter sent to Brian Drake concerning a complaint he filed with the Public Disclosure Commission (PDC) on September 21, 2018. The complaint alleged that your 2018 campaign for Thurston County Prosecutor, may have violated RCW 42.17A.555 by using Thurston County public facilities to assist your re-election campaign, and RCW 42.17A.565 by soliciting contributions from the Thurston County Prosecutor's Office employees and staff.

As noted in the letter to Mr. Drake, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

Based on this information, the PDC has dismissed the complaint in accordance with RCW 42.17A.755(1).

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdcc.wa.gov](mailto:erick.agina@pdcc.wa.gov).

Sincerely,

Endorsed by:

Erick Agina  
PDC Compliance Officer

BG Sandahl, Deputy Director for  
Peter Lavalley, Executive Director





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December 20, 2018

Sent electronically to Brian Drake at [Briandrake170@gmail.com](mailto:Briandrake170@gmail.com)

Subject: Complaint regarding Jon Tunheim, PDC Case 41292

Dear Mr. Drake:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 21, 2018. The complaint alleged that Jon Tunheim, an incumbent Thurston County Prosecutor and a candidate seeking re-election to that office in 2018, may have violated RCW 42.17A.555 by using Thurston County public facilities to assist his re-election campaign, and RCW 42.17A.565 by soliciting contributions from Thurston County Prosecutor's Office employees.

You also provided supplemental information alleging that Jeff Lippert, Chief Criminal Deputy was introduced as "Campaign Manager" at a voter forum held on September 29, 2018 (a Saturday), and that he appeared as a representative of the campaign at a community candidates forum (Jubilee forum) on October 2, 2018 (a Tuesday), in violation of RCW 42.17A.555.

PDC staff reviewed the allegations listed in the complaint including the supplemental allegation and the copy of an electronic disk/video submitted along with the complaint, the laws, rules, and PDC Interpretation #04-02 Guidelines for Local Government Agencies in Election Campaigns, the Candidate Registration (C-1 report) filed by Jon Tunheim, and the initial and supplemental responses from Mr. Tunheim.

Based on staff's review, we found the following:

- On February 24, 2018, Jon Tunheim filed a Candidate Registration (C-1 report) declaring his candidacy for Thurston County Prosecutor in 2018, selecting the Full Reporting Option and listing Marcia Tunheim as the campaign treasurer. Mr. Tunheim is the incumbent Thurston County Prosecutor since being elected to that office in 2010.

Allegation One: Using public facilities or agency to assist an election campaign.

- On Monday, May 14, 2018, Mr. Tunheim held his 2018 Campaign kick-off at St. Martin's College. The Campaign kick-off was scheduled to be held during the lunch hour, and there were several deputy prosecutors who attended the event.
- Mr. Tunheim stated the Deputy Prosecutors who attended his Campaign kick-off were not in attendance in their official capacity as representatives of the Prosecutor's Office but were voluntarily in attendance during their personal lunch hour. He noted that Deputy Prosecutors are exempt Thurston County Employees, who are allowed two hours in addition to the one-hour lunch for personal use at their own discretion.
- Mr. Tunheim stated that any Deputy Prosecutors or Thurston County Prosecutors Office staff who volunteered for his campaign, did so voluntarily and independent of their present duties. He stated that his staff "were told that if they wished to volunteer in the campaign, they would need to affirmatively contact the campaign outside of the office with an offer to volunteer."
- Mr. Tunheim stated concerning the September 29, 2018, candidate forum that "Mr. Lippert was not my campaign manager and never acted in that capacity. He was at all times, a general volunteer and was only present as an observer of the forum and no other reason." The Campaign did not list Mr. Lippert or any individual as Campaign Manager on the C-1 and amended C-1 reports filed with the PDC.
- Mr. Tunheim stated that Mr. Lippert did appear on his behalf as a candidate for re-election at the Jubilee event held on October 2, 2018, since he was scheduled to be out of town. Mr. Tunheim stated... "In discussing the event with several volunteers, Mr. Lippert volunteered to be the representative because of his familiarity with the operations of the office" and some of those operations were issues being raised by his opponent. He stated that because the Jubilee candidate forum was held late in the afternoon on a workday, "Mr. Lippert submitted a partial day leave request to leave early for the day so that it was clear he was on personal time and was therefore no longer on working hours when he appeared at the event."
- Mr. Tunheim stated that Marcia Tunheim was the campaign Treasurer throughout the campaign, but the Campaign filed an amended C-1 report on September 21, 2018 listing two Deputy Treasurers since Ms. Tunheim was scheduled to be out of state on a trip. He stated that Heidi Prihoda, Administrative Services Manager for the Prosecuting Attorney's Office, volunteered to act as a Deputy Treasurer in a volunteer capacity. He stated that it was understood by Ms. Prihoda that if she was performing any treasurer activities for the campaign, those activities would be conducted on her own time and with no use of Prosecutor's Office equipment or resources. He stated that Ms. Prihoda's assistance was never needed as Deputy Treasurer.

Allegation Two: Soliciting contributions from county employees.

- In his response, Mr. Tunheim stated that staff were told "that they were not expected in any way to participate in or donate to my campaign. They were told that they would not be solicited to participate or donate, and their employment status would in no way be affected by their participation or lack of participation in the campaign."

- No evidence was found that Mr. Tunheim's Campaign directly or indirectly solicited contributions from employees of the Prosecutor's Office either during work hours or within the confines of the prosecutor's office during work hours. During the Campaign kick-off at Saint Martins, a volunteer supporter made a general solicitation that was directed to all the people who were in attendance and not necessarily to the 11 deputy prosecutors who were voluntarily in attendance on their own time.
- Staff's review found that 20 Deputy Prosecutors and Thurston County Prosecutor's Office staff contributed to the 2018 Tunheim Campaign, out of a total office staff of 70.

Although 20 staff members contributed to Mr. Tunheim's campaign and about 11 exempt employees volunteered for his campaign, no evidence was provided or found that any of the employees conducted any campaign activities during work hours or using Thurston County Prosecutor's Office resources.

As such, the PDC staff found no evidence of a material violation that would require conducting a more formal investigation into your complaint or pursuing enforcement action in this instance.

Based on this information, the PDC has dismissed your complaint in accordance with RCW 42.17A.755(1)

If you have questions, you may contact me at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdc.wa.gov](mailto:erick.agina@pdc.wa.gov).

Sincerely,

Endorsed by:

Erick Agina  
PDC Compliance Officer

BG Sandahl, Deputy Director for  
Peter Lavalley, Executive Director

cc: Jon Tunheim

