

[Cjwriter](#) (Thu, 4 Oct at 1:50 PM)

to : pdc@pdc.wa.gov

Hi Tabatha,

Unfortunately, I have another complaint regarding Mr. Tunheim. This is another incident of him using an employee of the prosecutor's office to assist with his campaign while that employee was on-duty. This incident occurred on Tuesday, October 2nd.

Should I file this as another complaint or add to the current one?

Appreciate your reply

Brian Drake

[Cjwriter](#) (Fri, 12 Oct at 11:30 AM)

to : pdc@pdc.wa.gov

Tabatha,

The employee whom I am speaking of is Jeff Lippert. Mr. Lippert is the chief criminal deputy prosecutor for Jon Tunheim. There are two issues:

1. At a voter forum on Saturday, September 29, both Jeff Lippert and Jon Tunheim were in attendance. This forum took place at the Thurston County media studio for the Thurston County League of Women Voters. At that forum Lippert was introduced to people as Jon Tunheim's campaign manager. I looked and could find no reference to Lippert being the campaign manager in the PDC records. Again, Tunheim continues to use employees for his campaign purposes. One of the people that Lippert introduced himself to was Troy Kirby, the cameraman for the event.
2. Jeff Lippert attended a forum at Jubilee community forum in northeast Thurston county on Tuesday, October 2, at 3:45 to well after five p.m. Lippert spoke as Tunheim's political surrogate at a campaign forum. Lippert is the Chief Criminal Deputy. Lippert said that Tunheim was out of town, so he was not at work supervising deputies. Again, this was during work hours and on the paid time working for Thurston county.

Lippert is a subordinate of Tunheim's. Deputy prosecutors are "at will" employees meaning that they can be fired at any time for any reason. Even if he wanted to, how can he say no to his boss without the fear of repercussions or termination. This is why we have laws against this kind of behavior.

[Cjwriter](#) (Fri, 12 Oct at 12:11 PM)

to : pdc@pdc.wa.gov

Tabatha, one more issue that I forgot to include:

Heidi Prihoda, the person listed as "deputy Treasurer" for Jon Tunheim's campaign on PDC documents, works at the prosecuting attorney's office. She is the "Admin Services Manager". And again, how can she say no to being his treasurer when he is her boss at the prosecutor's office?

In my previous career, my direct supervisor was a city councilman for the City of Seatac. I have known this man for decades. During the time that he was my supervisor I NEVER heard him even speak of his political position while at work. That was integrity.

Thanks again,
Brian Drake

Cjwriter (Sat, 20 Oct at 5:52 PM)

to : pdc@pdc.wa.gov

Tabatha;

I wanted to let you know that Mr. Tunheim continues to violate the PDC laws. During the past couple of days he has posted messages on his Facebook about endorsements from Olympia Police Department Guild and Tumwater Police Guild. Photos were posted along with the endorsement message. The photos included officers dressed in full uniform with insignia displayed. They standing in front of their respective police department buildings in the photos. I sent Mr. Tunheim a message that police insignia cannot be displayed on a political endorsement. It appears that someone, Mr. Tunheim I assume, removed those endorsements and photos from his Facebook a short time later.

Here is his Facebook page: <https://www.facebook.com/Jon-Tunheim-for-Thurston-County-Prosecutor-1258519977613581/>

I am sure that Mr. Tunheim will confirm what I have stated.

Though I did not save all the photos of these violations, please add this to my complaint about his campaign and violations.

There is still a photo of Mr. Tunheim with Thurston County Sheriff John Snaza on his Facebook. Snaza is in full uniform. I did save this photo and can provide a copy of it to you.

Please confirm your receipt of this new information.

Thank you,
Brian Drake

(Tue, 23 Oct at 8:41 AM)

Subject: Get help or information - Brian Drake

Description:

I know of a candidate for office who has had numerous employees contribute to his campaign. (14 in total). Of the 14, nine correctly identified themselves as an employee. The remaining five did not identify themselves with either their employer name or their occupation. This information is listed on this candidate's C3.

Is this a violation of the PDC laws. And if so, which section. I want to file a violation regarding this.

[Cjwriter](#) replied 6 days ago (Tue, 23 Oct at 1:15 PM)

to : pdc@pdc.wa.gov

Ms. Blacksmith

This is an additional violation that can be added to Jon Tunheim's case. On his web site: <https://www.electjontunheim.com/#endorsements>

Tunheim lists his endorsements for his campaign. He continues to flaunt the PDC law. There are numerous names on that web page that identify **current government employees** as his endorsers. This includes at least 20 people on staff at the Thurston County prosecutor's office.

Again, the public disclosure laws specifically prohibit this, as does Thurston County's own human resources policies. The PDC web site even goes further to warn candidates that identifying public employees with uniforms, insignia or other identifying information is not allowed.

Thank you,

Brian Drake

[Cjwriter](#) replied 2 days ago (Sat, 27 Oct at 2:53 PM)

to : pdc@pdc.wa.gov

Ms. Blacksmith

I have viewed Mr. Tunheim's response to the complaint I filed. There are numerous errors in it. Am I supposed to respond to it?

One error: He quotes the "Chapter 5 Personnel Policies dated March 24, 2014"

However, the personnel policies posted on Thurston County Human Resources web site is dated October 4, 2012 with revisions dated January 1, 2018. There do not appear to be any revisions dated March 24, 2014.

Here is the link and information I used to form my statements:

<https://www.co.thurston.wa.us/hr/docs/personnel-rules-policies.pdf>

The most recent updates to the above linked policy is dated September 11, 2018

Mr. Tunheim's Response:

On the top of page two Mr. Tunheim defines an exempt position as: "prosecuting attorney, all deputy prosecuting attorney, along with the administrative service manager, legal support coordinator, community engagement specialist and executive assistant to the prosecuting attorney."

In addition, Mr. Tunheim asserts on page 2 of his response: "Exempt employees are not required to request leave for a lunch period. The lunch periods are the employee's personal time and the office does not monitor the time they are absent for lunch."

Mr. Tunheim also states at the bottom of page 2 top of page 3: "In addition, as noted above, exempt employees are not required to complete a leave request form for any partial day absence of two hours or less. Therefore, if a two hour absence is combined with a lunch hour, an exempt employee could be out of the office for up to three hours over a lunch period without having to submit a leave request form."

- Can they do this every day? Every week? Every month?
- According to Thurston County HR policy:
- Overtime-exempt employees are accountable for completing their work and for meeting the objectives and requirements of the office or department for which they work. Full-time overtime-exempt employees are expected to a minimum of forty (40) hours on average per week (prorated for part-time employment).

On page 20-21 of the posted Thurston County Human Resources Policy covering Overtime-Exempt Employees the following is stated:

2. Overtime-Exempt Employees

Mr. Tunheim concedes in his response that “Deputy prosecutors are classified by Thurston County as “exempt” employees.”

Therefore, deputy prosecutors are bound by the Thurston County Human Resources Policy on use of absence for “political activity.”

For partial -day absences, overtime- exempt employees must use leave in increments of fifteen (15) minutes, if the partial -day absence is for:

1. FMLA leave;
2. **Participation in political activity;**
3. Outside employment, subject to approval; Or
4. Other activities that would be in violation of the Ethics and Conflict of Interest Policy if conducted during regular work hours.

So, clearly the Thurston County Human Resources policy on page 21 states that attending political activity REQUIRES an employee to use leave in increments of fifteen (15) minutes.

Mr. Tunheim’s event on May 14, 2018 was very clearly, by his own admission, a political event:

“I assert that their attendance of my Campaign Kick-off event...”

- Tunheim’s response, page 1, paragraph 1.

Since the issues in my complaint are a violation of Thurston County HR policy also, I fully intend to file a complaint with them over this issue.

Mr. Tunheim continues to violate Washington State PDC law AND the policies and procedures of Thurston County Human Resources and the office of the Thurston County Prosecutor.

I continue to review Mr. Tunheim’s response and will have my attorney review it also.

Thank you,
Brian Drake