



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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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)

February 7, 2019

Delivered electronically to "jweidenfeller@thurstonpud.org"

Subject: PDC Case 43061

Dear John Weidenfeller:

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

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

Pursuant to WAC 390-37-060(1)(b), PDC staff is issuing you a formal written warning concerning the importance of complying with RCW 42.17A.555 and the prohibition of using Thurston County Public Utility District (PUD) facilities to support or oppose a candidate or ballot proposition, in accordance with WAC 390-05-271 and 273. This formal written warning conveys staff's expectation that in the future, you and the Thurston PUD will fully comply with the prohibitions found in RCW 42.17A.555 concerning the use of public facilities, including using the facilities to rebut, respond, or attempt to clarify information that is critical of the PUD in political advertisements or statements made by candidates seeking public office, especially the office of PUD Commissioner. The Commission will consider this formal written warning if there are any future PDC law or rule violations.

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 [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Micaiah Ragins  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_  
Peter Lavalley  
Executive Director



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February 7, 2019

Delivered electronically to "saturn@gmail.com"

Subject: Complaint regarding John Weidenfeller, General Manager of Thurston County Public Utility District, PDC Case 43061.

Dear Andrew Saturn:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 9, 2018. Your complaint alleged that John Weidenfeller, General Manager of Thurston County Public Utility District (PUD), may have violated RCW 42.17A.555 for using public facilities or resources to assist Linda Oosterman and oppose Andrew Saturn during the 2018 election campaigns for Thurston County PUD Commissioner.

PDC staff reviewed your allegations, the statutes, rules, PDC Interpretation #04-02 Guidelines for Local Government Agencies in Election Campaigns, and the response from Mr. Weidenfeller. As a result of staff's review, we found the following:

- On March 11, 2018, Linda Oosterman filed a Candidate Registration (C-1 report) declaring her candidacy for re-election to the office of Public Utility Commissioner for Thurston County Public Utility District No. 1 and selecting the Full Reporting Option. Linda Oosterman won the 2018 General Election with 58,305 votes (58.32%).
- On March 29, 2018, Andrew Saturn filed a Candidate Registration (C-1 report) declaring his candidacy for Public Utility Commissioner of the Thurston County Public Utility District No. 1 and selecting the Full Reporting Option. Andrew Saturn lost the 2018 General Election with 41,664 votes (41.68%).
- On October 12, 2018 Mr. Weidenfeller produced and distributed a letter to the three incumbent Thurston PUD Commissioners, Ms. Oosterman, Russel Olsen, and Chris Stearns. The letter to the Commissioners stated that information being provided by Andrew Saturn on various platforms concerning the Thurston County PUD was misleading and/or inaccurate pertaining to: (1) PUD Commissioner salaries; (2) PUD employee pay; (3) PUD compliance with the Open Public Meetings Act; (4) conservation; (5) modernization; and (6) low-income assistance programs.
- The letter stated "Mr. Saturn is currently a candidate for Thurston County PUD Commissioner, District No. 1. It is my opinion that some of the information is incorrect, misleading and/or false."
- On October 17, 2018, Mr. Weidenfeller was contacted by Mr. Saturn who informed him that The Olympian had received a copy of the October 12, 2018 letter from him addressed to the Thurston County PUD Commissioners. Mr. Weidenfeller then provided a copy of the letter to Mr. Saturn later that same day.

- Mr. Saturn stated in the complaint that "None of the actual statements made by the Saturn campaign were actually false, and some of the alleged statements addressed in the 'internal memo' were not made by the Saturn campaign."
- On October 19, 2018, Rolf Boone of The Olympian published an article titled "Low-profile Thurston PUD finds itself at center of campaign controversy." The article stated that Mr. Weidenfeller had recently sent a letter to the three sitting commissioners and that "it has since been leaked." The article does not provide information on how the Olympian received the letter or who provided the document to the paper.
- On November 20, 2018, Mr. Weidenfeller provided a response to the PDC which stated the following: "I had been made aware of several statements Mr. Saturn had made regarding the operations of the Thurston PUD, including alleged violations of the Open Public Meetings Act and issues regarding Commissioner and employee compensation, and others. All of these areas fall within my general management responsibility as General Manager of the District. I addressed and responded to these issues in the October 12 letter to the Thurston PUD Board of Commissioners. With the exception of the Thurston PUD's outside general counsel, I did not provide a copy of this letter to anyone outside of the Thurston PUD."
- On February 6, 2019, Rolf Boone declined to provide PDC staff with any information regarding how The Olympian obtained the internal Thurston PUD memo. Rolf Boone stated that "Under Washington's shield law for journalists, RCW 4.68.010, journalists have absolute protection and cannot be forced to reveal a confidential source's identify under any circumstances. In addition, the Washington law protects journalists from having to reveal any information obtained during news gathering activities."

Producing and distributing information to the Thurston County PUD Commissioners concerning the maintenance and operations of the PUD is part of Mr. Weidenfeller's normal and regular duties as General Manager of the PUD. However, staff does not believe that rebutting statements made by Mr. Saturn in political advertisements and public forums as a candidate seeking election to the PUD, and providing that information to one of the incumbent Commissioners running against Mr. Saturn, is a permitted activity in accordance with PDC statutes, rules and interpretations.

Based on these findings PDC staff has determined that, in this instance, the letter produced and distributed to the Thurston County PUD Commissioners by Mr. Weidenfeller does not amount to an actual violation warranting further investigation or enforcement action.

However, pursuant to WAC 390-37-060(1)(b), PDC staff issued a formal written warning to John Weidenfeller concerning the importance of complying with RCW 42.17A.555 and the prohibition of using PUD facilities to support or oppose a candidate or ballot proposition, in accordance with WAC 390-05-271 and 273. This formal written warning conveys staff's expectation that in the future, Mr. Weidenfeller will fully comply with the prohibitions found in RCW 42.17A.555 concerning the use of public facilities, including using the facilities to rebut, respond, or attempt to clarify information that is critical of the PUD in political advertisements or statements made by candidates seeking public office, especially the office of PUD Commissioner. The Commission will consider this formal written warning if there are any future PDC law or rule violations by John Weidenfeller.

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 Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s\_\_\_\_\_

Micaiah Ragins  
Compliance Coordinator

Endorsed by,  
/s\_\_\_\_\_

Peter Lavalley  
Executive Director

cc: John Weidenfeller