



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 42.17

Kevin Hulten

Respondent.

PDC Case No. 13-031

Report of Investigation

I.

Background and Allegations

- 1.1 On May 1, 2008, Aaron Reardon filed a Candidate Registration (C-1 report) declaring his candidacy for re-election to the office of Snohomish County Executive in 2011. Mr. Reardon was elected Snohomish County Executive in 2003, re-elected to that position in 2007. Prior to that, he served as a State Representative from the 38th Legislative District.
- 1.2 On December 6, 2010, Mike Hope, an incumbent State Representative from the 44th Legislative District, filed a C-1 report declaring his candidacy for Snohomish County Executive in 2011. Representative Hope was a Detective in the Seattle Police Department during the 2011 election cycle.
- 1.3 Executive Reardon hired Kevin Hulten in January 2011 to fill an Executive Analyst position in the Snohomish County Executive's Office. Prior to that, Mr. Hulten served as Legislative Assistant for Steve Hobbs, State Senator in the 44th Legislative District, from 2007 to 2011.
- 1.4 From July of 2007 through January of 2011, the Executive Analyst position was held by Amy Ockerlander. Ms. Ockerlander stated during an interview with the Washington State Patrol investigation of Aaron Reardon that Gary Haakenson, former Deputy Executive for Snohomish County brought her into his office in late December of 2010. She stated that Mr. Haakenson informed her she no longer had a position in the Snohomish County Executive's Office, and "...that they had hired Kevin Hulten as my replacement" and she was transferred to Snohomish County Surface Water Management Division.
- 1.5 On August 31, 2012, PDC staff filed a Public Records Request (PRR) with Snohomish County requesting telephone records, emails, letters, and any other documentation pertaining to Mr. Hulten's work as an Executive Analyst for Snohomish County covering the period October 1, 2010 through November 30, 2011.

- 1.6 Staff reviewed the documents provided by Snohomish County along with a computer disc that included Snohomish County telephone billing records for Kevin Hulten.
- 1.7 On April 11, 2013, based on the records provided as part of the PRR, PDC Executive Director Andrea McNamara Doyle filed a complaint against Kevin Hulten alleging that he violated RCW 42.17.130 by using the facilities of Snohomish County for the purpose of assisting the 2011 re-election campaign of Snohomish County Executive Aaron Reardon. **Exhibit #1.**
- 1.8 Specifically, the PDC staff generated complaint alleged that Kevin Hulten violated RCW 42.17.130 by using his Snohomish County computer, telephone, email address and work time for the purpose of assisting Mr. Reardon's 2011 re-election campaign by compiling information and conducting research to oppose the 2011 candidacy of Mike Hope for Snohomish County Executive. During 2011, the prohibition against using the facilities of a public office or agency to assist a candidate's campaign or to support or oppose a ballot proposition was found in RCW 42.17.130.¹
- 1.9 Staff's investigation indicated that Mr. Hulten violated RCW 42.17A.555 by using his Snohomish County computer, telephone, email address and work time for the purpose of assisting John "Jack" Connelly's 2012 election campaign for State Senator in the 27th Legislative District by compiling information and conducting opposition research of Jeannie Darneille for State Senator in May of 2012.

II. Findings

- 2.1 On August 31, 2012, PDC staff filed a public records request with Snohomish County requesting Snohomish County Executive Office documents pertaining to Kevin Hulten. The request included but were not limited to telephone records, emails, letters, and any other documents covering the period October 1, 2010 through November 30, 2011.
- 2.2 In response, Snohomish County provided the records for Kevin Hulten in several installments along with a computer disc that included Snohomish County telephone billing records.
- 2.3 Staff reconciled the telephone calls made by Mr. Hulten using his Snohomish County telephone number, with the telephone logs maintained by PDC staff member Tony Perkins, which demonstrated that Kevin Hulten made telephone calls to the PDC from a Snohomish County Executive's Office telephone number during regular business hours on March 10, March 31, and April 7, 2011. **Exhibit #2 - includes corresponding emails between Mr. Perkins and Mr. Hulten related to the telephone calls.**
- 2.4 Mr. Perkins' telephone logs indicated that Mr. Hulten used the name Kyle Hulten when he called PDC staff on March 10, March 31, and April 7, 2011 using his Snohomish County telephone number to gather information and to conduct research concerning Mike Hope with the purpose of assisting Aaron Reardon's re-election efforts. Kyle Hulten is

¹ Effective January 1, 2012, RCW 42.17.130 was re-codified as RCW 42.17A.555. Alleged use of facilities of a public office or agency on or after January 1, 2012 are therefore governed under RCW 42.17A.

Kevin Hulten's brother, but he was not employed by the Snohomish County Executive's Office.

- 2.5 Based on Mr. Perkins' telephone logs, the three telephone calls involving Mr. Hulten served as the basis for the PDC staff generated complaint, and the content of those three telephone calls included: (1) Use of uniforms by public employees in political advertising (Mike Hope and Seattle Police Department); (2) Lobbying groups started by state officials and acting as a political committee (State Representative Mike Hope and the Lakewood Law Enforcement Memorial Act); and (3) The activities of social welfare organizations that are allegedly also operating as unregistered political committees (Mike Hope and 100 Ideas for Washington's Future).
- 2.6 On November 27, 2013, PDC staff received an additional disc related to the Snohomish County Executive Office public records request for Kevin Hulten. **Exhibit #3 – PDC staff generated partial Kevin Hulten document log and Dropbox summary.** The disc contained documents discovered by Snohomish County officials and copied from the Snohomish County laptop computer used by Kevin Hulten during calendar year 2011, and a portion of 2012, that had been saved by Mr. Hulten under a “drop-down box” option or “Dropbox.”
- 2.7 Staff reviewed the documents copied and found a number of documents in the “Dropbox” pertaining to Mike Hope and the 2011 election. None of the documents were related to any official Snohomish County Executive Office business. In addition, there were also a number of documents concerning Senator Jeannie Darneille, the 2012 election, and her 2012 opponent in the 27th Legislative District, John “Jack” Connelly.
- 2.8 The computer disc was accompanied by a November 25, 2013, memorandum addressed to Brian Lewis, Public Records Specialist with the Snohomish County Executive's Office, and sent from Tim Wise, Snohomish County Security Engineer with Snohomish County Information Services, concerning Kevin Hulten “Dropbox data” provided as part of staff's public records request. **Exhibit #4.** The memorandum stated the following about the contents of the CD:
- “...The specified Dropbox data was extracted from a previously imaged disk drive labeled “Kevin Hulten's C Drive” and copied to a secure location. The security engineer prepared this hand off memo and copied all investigation results and supporting files to CD....”*
- 2.9 On January 31, 2014, PDC staff received a letter from Gage Andrews, Director of Snohomish County Information Services, in response to staff's request for information concerning the CD of Kevin Hulten “Dropbox” account and the “chain of custody” of Mr. Hulten's laptop computer. **Exhibit #5.** Mr. Andrews confirmed and verified the “chain of custody” between Snohomish County and the King County Sheriff's Office.

2011 Election: Documents opposing Mike Hope:

- 2.10 The Dropbox contained 9 sub-folders that included an Evergreen Law Group folder which contained two subfolders entitled: “May 17 Addendum” and “Component files

Evergreen.” Exhibit #6 - numerous documents printed out from disc of Kevin Hulten Dropbox account by PDC staff.

- 2.11 The two sub-folders contained Word and .pdf documents that included numerous versions of a draft complaint against Mike Hope, all coming from a William Ferrell letter and addressed to the PDC or the WA State Legislative Ethics Board (LEB), and a 45-Day letter addressed to the Attorney General’s Office and Snohomish County Prosecutor’s Office. A number of documents were related to Mike Hope including 100 Ideas; campaign-related documents such as a printouts of Mike Hope expenditures and contributions from the PDC database; HeraldNet articles concerning Mike Hope; and Mike Hope for County Executive Wall and Facebook pages.
- 2.12 The Dropbox included a subfolder entitled “John Chambers” that included: (1) A folder of four different screen shots of postings on the Mike Hope for County Executive Facebook page; (2) A 69-page .pdf copy of a SPD cover letter and responsive records provided by the SPD to John Chambers records request; and (3) Three .jpeg copies of documents concerning SPD records requests for Mike Hope documents.
- 2.13 The Dropbox contained a folder entitled “Opposition Research Master File” which included seven subfolders, two Word documents (Hope Policy Statements and Voting Record and Donations); and three .pdf documents. The subfolders contained the following:
- 100 Ideas File: The folder contained two subfolders created by Mr. Hulten that included public records requests and responses about Mike Hope; research about Mike Hope plus six draft Word documents and one .draft pdf document concerning Mike Hope complaints, and drafts of 100 Ideas complaints of Mr. Hope.
 - Background Checks: The folder contained two Word documents created by Mr. Hulten for LexisNexis internet background searches concerning Michael and Sarah Hope. The folder was created on January 2, 2011, which was prior to Mr. Hulten beginning work at Snohomish County.
 - PDC, LEB Complaints: This folder contained two subfolder: (1) LEB which included seven Word documents that were modified by Mr. Hulten between April 1 through 7; and (2) Final draft files that included four .pdf documents all modified on June 17, 2011, plus an 12 additional .pdf documents concerning Mike Hope and 100 Ideas complaints.
 - Seattle Police Department (SPD) Discipline and Internal Investigation: The two folders contained four .pdf documents indicating they were all worked on and modified by Mr. Hulten on October 4, 2011, and included Mike Hope wearing an SPD uniform in political ads, and screenshots of Mike Hope in uniform, and a John Chambers public records requests for Mike Hope documents. The documents included a 172-page .pdf concerning an investigation conducted by the Office of Professional Accountability (OPA) of Mike Hope for appearing in his SPD uniform

while promoting WA state legislation. The .pdf included a memorandum from Kathryn Olson, OPA Director to Lt. Jim Fitzgerald concerning certification of completion of the investigation and the OPA's disposition of the matter.

- Original Documents and Correspondence: This folder contained a subfolder (FEMA flood plains); four Word documents, three of which were listed in other subfolders (Hope Policy; Hope Strategy Outline; PDC 100 Idea's complaint; plus 10 .pdf documents that included two concerning "Public Records"; a number of the documents listed elsewhere in the Dropbox concerning Mike Hope and 100 Ideas complaints; and a 109-page copy of the Master File for Evergreen Law Group (Mike Hope).

2.14 The following Word and .pdf documents were saved in the "Dropbox" sub-folders listed above:

- 1) An undated three-page document entitled "Research Project" that discussed Mike Hope and campaign-related strategies;
- 2) An August 4, 2011, letter from the SPD to John Chambers concerning a Chamber's PRR for Mike Hope documents and records;
- 3) A September 28, 2011, letter from Adam Matherly, an attorney in Seattle, addressed to "To Whom It May Concern", stating that he is representing John Chambers in Seattle PD PRR concerning Mike Hope;
- 4) Seven-page draft Citizens Action Letter and PDC complaint against Mike Hope from William T. Ferrell relating to 100 Ideas (updated draft from an earlier saved version);
- 5) A copy of a July 11, 2011, two-page letter from Mike Hope responding to the PDC complaint in PDC Case No. 12-001, and attached emails and other documents related to 100 Ideas;
- 6) An undated two-page document discussing Mike Hope campaign issues: Ethics; Strategies; Seattle PD Uniform Issue; Campaign Finance; Psy Ops; Moxie Media Bill; etc...; and
- 7) An undated two-page draft cover letter concerning the Mike Hope complaint addressed "To Whom It May Concern", and an undated one-page document "Summarizing 100 Ideas."

2.15 Staff reviewed an undated six-page memorandum drafted by Mr. Hulten that was downloaded from a link provided on the Heraldnet website after a July 11, 2013 article, entitled "Reardon aide complained of no reward for dirty tricks." The document consisted of numerous random thoughts from Mr. Hulten apparently addressed to Aaron Reardon, and included the following statements from Mr. Hulten:

"I always thought there would be a benefit from winning the battle. I've poured everything into the last 18 months."

“I justified all the decision I’ve made over the last 18 months behind the fact that we were a team and that you would take care of your people.”

“We won. We beat Mike Hope. We stuffed his blackmail and lies and accusations back in his face. We beat the State Patrol.”

“Am I just a tool to be used for the black hat jobs, the put behind a desk for Gary (Haakenson) to micromanage and harass.”

“Thousands of pages of written documents. Multiple complaints filed...PDC, LEB, Ethics, Ferrell, JT, Adam...”

“Hope DUI research....Successfully got the material out into the media effectively.”

“I took down Mike Hope....I spent thousands of dollars to create a series of shell companies so I can engage in battle with the f#@ing PA (Prosecuting Attorney) and the council on your behalf.”*

- 2.16 On November 17, 2015, PDC staff submitted a public records request to the Snohomish County Executive’s Office requesting: (1) a copy of the Kevin Hulten undated six-page memorandum; (2) confirmation of the chain of custody for the document including the computer it was accessed and stored on; and (3) the metadata for the document.
- 2.17 On November 17, 2015, Brian Lewis, Public Records Specialist with the Snohomish County Executive’s Office transmitted an email to PDC confirming that Kevin Hulten created the six-page Word document using his Snohomish County Network User identification on October 19, 2012. Mr. Lewis stated that Kevin Hulten finalized the document on October 30, 2012, “...on a computer belonging to the network snoco.” **(Exhibit #7)** Mr. Lewis also attached a memorandum from Snohomish County Information Services confirming the document source from a “...transfer of documents from a search of Mr. Hulten’s hard drive...”

2012 Election: Documents opposing Senator Jeannie Darneille

- 2.18 There were a number of documents in the “Dropbox” concerning the 2012 election between Senator Jeannie Darneille John “Jack” Connelly in the 27th Legislative District. The documents reference an entity entitled Thomas and French, LLC, which was created in May of 2012 by its principals Mr. Hulten and Jon Rudicil, a fellow Snohomish County Executive Office employee. The documentation involved work conducted by Mr. Hulten and Mr. Rudicil under the name Thomas and French, LLC for Terry Thompson with TR Strategies (consultant for Jack Connelly campaign in 2012, and Aaron Reardon in 2011) during the month of May of 2012 for opposition research concerning Senator Darneille. **Exhibit #8.**
- 2.19 A Thomas and French, LLC invoice and Word document detailed the work performed by Mr. Hulten and Mr. Rudicil on behalf of TR Strategies during the period May 1 through

May 23, 2012. The documents indicated that some of the work undertaken by Mr. Hulten and Mr. Rudicil occurred during the work week between 8:00 am and 5:00 pm. That work was detailed as follows:

- **Tuesday, March 1, 2012:** A total of nine hours billed, but not charged: Hulten six hours for Sen. Darneille background check and memo; Rudicil three hours for pre TR Strategies meeting research.
- **Thursday, March 3, 2012:** A total of two hours billed, but not charged: Initial meeting at Connelly Law Offices in Tacoma (Hulten and Rudicil).
- **Tuesday, March 8, 2012:** A total of five hours billed and charged to TR Strategies (\$100 per hour): Kevin Hulten 3:00 pm to 8:30 pm for research into AIDS foundation, Darneille Poll questions, expenses, media, etc....
- **Wednesday, March 16, 2012:** A total of three hours billed and charged to TR Strategies (\$100 per hour): Kevin Hulten (no times listed) for research and writing response to Don McDonough for Darneille Poll questions.

2.20 The Dropbox included a folder entitled "K & J Productions" (staff assumed the K was for Kevin Hulten and the J for Jon Rudicil) that contained a May 15, 2012, .pdf of a Thomas and French, LLC WA State Business License Application listing the principals as Mr. Hulten and Mr. Rudicil. The K & J Productions folder was entitled "2012 Research" and included four Word documents, and four additional subfolders, two of which contained the following information:

- 1) Background Checks: This subfolder included 10 .pdf documents printed out from the website BeenVerified.com, an on-line background search engine, for background checks that had been undertaken by Mr. Hulten for the following individuals: Senator Jeanne Darneille; Mark Roe, Snohomish County Prosecutor; Brian J. Sullivan, Snohomish County Councilmember; Scott North, reporter for the Everett Herald; and Gary Weikel, spouse of Carolyn Weikel, Snohomish County Auditor.
- 2) Connelly Data: This subfolder included two spreadsheets with one spreadsheet that contained four separate worksheets of Voting Precincts in the 27th Legislative District. The worksheets included registered voter information broken down by "Darneille Precincts"; "Third Candidate Precincts"; "Ranked Precincts" and "2010 Primary Totals." The other spreadsheet contained five separate worksheets of Precincts in the 27th Legislative District that included voter information broken down by "Most Important Precincts"; "R Precincts"; and "2010 Primary Totals."

2.21 There was also a "Billing" folder that contained two subfolders, one entitled "Work Product" that included:

- 1) The .pdf document dated May 24, 2012, and entitled "Invoice for Thomas and French" which listed the client as Terry Thompson with TR Strategies, the political consulting firm working on behalf of Jack Connelly as detailed above.

- 2) A Word document detailing the work performed by Mr. Hulten and Mr. Rudicil for the Thomas and French, LLC billing concerning Jack Connelly and Jeanne Darneille research.
- 2.22 A “Work Product” subfolder contained seven .pdf documents under the names “Thomas and French” and included seven documents concerning opposition research information about Senator Jeannie Darneille, a candidate for re-election in 2012, as follows:
- **“Billresearch519”**: An eight-page .pdf that included emails and email strings concerning Jeannie Darneille’s 2012 Senate race against Jack Connelly, and involved discussions about opposition research into Sen. Darneille and involved Mr. Hulten, Mr. Rudicil; Terry Thompson & John Winkler from TR Strategies; Don McDonough with DMA Market Research; and Jack Connelly.
 - **“Cop Luncheon”**: A one-page email from Kevin Hulten and addressed to Terry Thompson and John Winkler concerning Sen Darneille, which attacked her positions on felons’ right to vote, that she is beholden to non-police interests for campaign contributions, and the McNeil Island sex offenders unit.
 - **“DRAFT Hit Piece: The Darneille Plan – Spend it all, Raise taxes”**: A six-page .pdf email string between Mr. Hulten, Mr. Rudicil, Mr. Thompson, Mr. Winkler, and Mr. Connelly discussing the content of draft mail pieces in opposition to Sen. Darneille.
 - **“Early Release of Felons and Sex Criminals-Darneille Agenda:”** A document from Hulten that included a bill summary and suggested lines of attacks with regard to Darneille’s House Bills 2143 and 2144.
- 2.23 On November 17, 2015, staff spoke with Senator Darneille by telephone concerning the opposition research conducted against her during her 2012 re-election campaign. Senator Darneille stated that she served with Aaron Reardon when they were both in the House of Representatives in the early 2000’s and she did not know who Kevin Hulten was. She stated that she was aware of his name from a Google search she conducted after the election had been held. She stated she was well aware of TR Strategies and Terry Thompson as a democratic campaign consultant, and that the Connelly campaign ran a very negative campaign against her in 2012 spending more than \$1 million, mostly using Mr. Connelly’s personal funds.
- 2.24 Senator Darneille stated that she filed with the PDC for the Senate seat in August of 2011 and she recalled that the Connelly Campaign had been up and running since sometime in July of 2011. She stated the Connelly Campaign sent out dozens of mailers and ran four different television advertisements beginning sometime in April or May of 2012 concerning a 2001 vote she took as State Representative on the McNeal Island sex offender issue. She stated the Connelly Campaign believed her 2001 McNeal Island vote “resonated with voters” and they hammered away at her throughout the 2012 primary and

general elections with negative political advertisements. She stated the Connelly Campaign spent more than \$500,000 in the primary election, and “then doubled down” and spent an additional \$500,000 for the general election despite losing the primary election by 18 percentage points.

Kevin Hulten Response:

- 2.25 On April 2, 2014, Kevin Hulten submitted an email that included an attached 11-page response letter to the PDC staff allegations, and 10 exhibits totaling 27 pages. **Exhibit #9.** Mr. Hulten stated he was hired by Snohomish County as an Executive Analyst in January of 2011, and prior to that he worked as a Legislative Assistant for Senator Steve Hobbs, where his contacts and work-related relationships with individuals, legislators, and lobbyists were an asset to him, and part of the reason he was hired for the position. He stated that he spent a significant amount of time communicating with constituents, elected officials at the local, state and federal levels, lobbyists and legislators. His duties included advancing the legislative agenda of the office, overseeing government affairs, and building relationships.
- 2.26 Mr. Hulten stated that his position was an exempt management position, in which he claimed his “...work hours were wildly unpredictable and fluid due to the 24/7 nature...” of his job and the work in the Executive’s Office. **Exhibit #10, Kevin Hulten hiring documents from Snohomish County, including his job description.**
- 2.27 Mr. Hulten stated that he did not have a regular lunch hour or set break times like a more traditional county employee, and his schedule was that he worked varying times including some nights, weekends, and either early in the morning or later in the evening. He stated as an exempt employee, he had a “vested interest” in ensuring that his employment with the county continued, so during the 2011 election, he volunteered his time “...exclusively outside of work...” to work on Aaron Reardon’s re-election campaign.
- 2.28 Mr. Hulten stated that Gary Haakensen, his immediate supervisor for Snohomish County, explained to him that he was expected to manage his “...own schedule to avoid bringing election-related activity into the workplace.” He stated it was his understanding that it is commonplace for county, state and local employees to volunteer their time for campaign-related activities, so long as those activities take place outside of work place.

Mr. Hulten responding to alleged Snohomish County Telephone Usage to assist Aaron Reardon:

- 2.29 Mr. Hulten claimed that Snohomish County did not provide him with a cell phone, so he used his personal iPhone and forwarded his work calls to his iPhone number, with the result “...that calls to both my work number and my personal number became mixed” and it became an issue when the Executive’s Office received a number of PRR’s for his telephone calls and text messages. He stated that when Snohomish County produced the records for the request, “...the production also detailed all my personal and private information to the public...”

- 2.30 Mr. Hulten stated that he made the three telephone calls to PDC staff person Tony Perkins using his own resources. He stated that he remembered making the calls to Mr. Perkins using his personal iPhone, in his personal vehicle, on his personal time away from the Executive's office, while volunteering his time for the Aaron Reardon re-election campaign. He stated that the calls were placed from his "...personal, private cell phone, and only showed up in the referenced phone records because my personal cellular records were included in a batch release of public records by the county."
- 2.31 Staff requested that Mr. Hulten produce his personal cell phone billing statements that he claimed were paid by him showing the three calls to Mr. Perkins, but he never provided any documentation.

Mr. Hulten responding to alleged Snohomish County Computer/Laptop Usage (Dropbox account):

- 2.32 Mr. Hulten stated that a major portion of PDC staff's inquiry pertained to the documents obtained from the "Dropbox" on his Snohomish County laptop computer, which he described as a monthly subscription fee that he paid for a cloud-based storage service for his documents. He stated the Cloud storage service allows the user "...to store their personal files and documents on the Internet, protected by password and encryption, so that they can be accessed from any computer with Internet connectivity."
- 2.33 Mr. Hulten stated the files and documents produced by Snohomish County as part of a PRR existed entirely on the Internet, but he claimed that they did not exist on his Snohomish County laptop computer. He stated that he created a "Dropbox account" which he described as a monthly subscription fee for a cloud-based storage service that provides the user with the ability to access an account or file within that account, from any computer connected to the Internet as long as the user has the proper username and passwords. He alleged that the files in his laptop Dropbox had no "...bearing on whether the files exist on that computer or have ever been assessed from that computer..." and that the documents and files within that account were from his private account, in his name, and paid for by him using personal funds.
- 2.34 Mr. Hulten stated that he maintained the storage of his personal files in his Dropbox prior to, during, and after his employment in the Executive's Office, and that the documents staff obtained from Snohomish County as part of a PRR were "...pulled wholesale from this private account." He stated that the Mike Hope and Aaron Reardon documents still currently exist in his Dropbox, and he claimed that he "...did not work on any of these projects or documents while using my work computer or laptop." He stated he did not conduct any of the work on Snohomish County time, nor did Aaron Reardon instruct him to work on them, and that "Any information that was shared with the campaign was done by me as a private citizen on my own time."

Gary Haakenson response:

- 2.35 In September of 2014, staff spoke with Gary Haakenson, former Deputy Executive for Snohomish County concerning the allegations that Kevin Hulten used Snohomish County facilities to support Aaron Reardon and oppose Mike Hope in 2011 election. Staff sent

Mr. Haakenson an email on September 8, 2014, and he responded on September 10, 2014, stating that as Deputy Executive for Snohomish County, he was "...basically in charge of the day to day operations" of the office and staff." **Exhibit #11.**

2.36 Mr. Haakenson stated Mr. Hulten was one of only two employees that were hired directly by Executive Reardon during his tenure as Deputy Executive, with the other being Jon Rudicil. He stated that this practice was unusual but it was not unheard of for Executive Reardon to hire an employee without consulting him.

2.37 Mr. Haakenson stated that he first became aware Mr. Hulten had been hired by Executive Reardon when he was asked by his Executive Assistant to introduce him at their weekly County Executive's Cabinet meeting since Mr. Reardon was not going to be in attendance. He stated that he met Mr. Hulten for the first time that day, which was unusual. He stated Mr. Hulten's work schedule was listed in his job description as Monday through Friday; 8:00 a.m. to 5:00 p.m. and that he was hired as an exempt staff person. He went on to state:

- Mr. Hulten *"was expected to work 8-5 and was to notify me if different, he would often call and say he was working on something for the Exec and would be in later. Sometimes he would not call in at all."*
- When asked if Mr. Hulten reported to him, he stated: *"Yes but as time passed he always said he was working for Aaron not me. I wrote his annual review after one year and was critical in some areas of his performance. He went to Aaron to complain and Aaron rewrote it saying I was simply unaware of the tasks that Aaron had given him."*
- The leave policy in the Executive's office during 2011 was your typical leave policy, and if an employee worked more than 40 hours during the work week, that employee was allowed to make up for it later by taking some time off. He stated that Mr. Hulten did not prepare any leave slips for him to sign concerning any campaign work that he conducted during the normal Executive Office hours.
- Mr. Hulten was provided a Snohomish County desk phone with a land-line telephone number, a cellular telephone, and several lap top computers. He stated that Mr. Hulten's Snohomish County cellular telephone was billed through the Executive's Office.
- He confirmed that Mr. Hulten was issued a Snohomish County land-line telephone number that was billed under the name of Aimee Ocklander, but was assigned to Mr. Hulten on January 15, 2011. Ms. Ocklander's last day to be employed in the Executive's Office was January 18, 2011, but her name remained on the billing statements until July of 2011.
- He stated that he was not aware of anyone other than Mr. Hulten making telephone calls using that number during 2011 after Ms. Ocklander left.

- 2.38 Concerning Mr. Hulten synching up his personal phone with his Snohomish County cellular phone, Mr. Haakenson stated Mr. Hulten "...claimed to have synced his work phone to his personal phone with a Google phone number. It was very confusing and the County continued to pay his bill." He stated this created difficulties for the Executive's office concerning public records requests, and that when any public records request "...came in for his work phone we had to figure out which calls were personal and which were county calls. Same with texts. It was a nightmare."
- 2.39 Mr. Haakenson stated that Mr. Hulten was issued maybe two or three Snohomish County lap top computers, and he would take a laptop computer with him and claim to be working remotely from home. He stated that he never authorized him to work remotely, and as far as he was aware no one else in the Executive's Office did either. He stated that Mr. Hulten "...just decided to do it and then would call me and say he was working on a project for Aaron and would be in later. I would check with Aaron and sometimes I was told yes he working on something for him and sometimes he said no he wasn't...."
- 2.40 Mr. Haakenson stated Mr. Hulten also had one or two office computers, and that no one in the County Executive's office authorized him to access his personal Cloud storage for non-work related documents during his Snohomish County work hours or using the Snohomish County email system or internet. He added that he did not see Mr. Hulten working on any campaign-related documents on his Snohomish County computers, but he always took his laptop computer with him and did not leave it open on his desk.

Alleged Kevin Hulten campaign-related telephone calls: Law offices of Adam Matherly:

- 2.41 Mr. Hulten made two telephone calls using his Snohomish County work land-line telephone and number to call the Law Offices of Adam Matherly (206 458-8551) that included: (1) A one-hour and four minute telephone call made at 2:26 pm on September 27, 2011; and (2) A one-hour and six minute telephone call made at 3:52 pm on October 4, 2011.
- 2.42 A September 29, 2011, article in the Herald discussed that a complaint had been filed with the PDC by John Chambers against Mike Hope, and mentioned that an attorney, Adam Matherly, was representing Mr. Chambers in that matter.
- 2.43 A number of documents in Mr. Hulten's Dropbox account concerned Mr. Matherly's representation of Mr. Chambers in filing a PRR with the Seattle Police Department for documents related to Mike Hope, and included a copy of a September 28, 2011, letter from Mr. Matherly on his Law Office letterhead. **Exhibit #12.**
- 2.44 The letter stated that Mr. Matherly had been retained by Mr. Chambers in June of 2011, to help "him obtain public records and advising him with regards to his own privacy concerns." Mr. Hulten stated in his response that the telephone conversations he had with Mr. Matherly involved inquiring if Mr. Chambers would be willing to come forward and identify himself as the individual requesting the Mike Hope information. Mr. Hulten stated that it was his intent to have Mr. Chambers identify himself in order "...to absolve me of my impossible media-imposed obligation to prove the negative" that he was not behind, or involved with the PRR.

Colby Underwood, political consultant for Aaron Reardon Campaign:

- 2.45 During the period April 19 through May 2, 2011, Mr. Hulten made six telephone calls that were billed to his Snohomish County work telephone number to Colby Underwood, campaign consultant and primary fundraiser for the 2011 Aaron Reardon Campaign. **Exhibit #13.** All of the calls were made to Mr. Underwood at his work telephone number, and occurred during the work week between 8:00 am and 5:00 pm. Staff's investigation of Aaron Reardon indicated that Mr. Underwood was not employed as an employer, consultant or contractor for the Snohomish County Executive's Office during calendar year 2011.

Additional information concerning Kevin Hulten:

- 2.46 In July of 2014, Mr. Hulten pleaded guilty in Snohomish County Cascade District Court to a gross misdemeanor for tampering with evidence during a criminal investigation conducted by the Skagit County Prosecutor's Office. As part of Mr. Hulten's plea agreement, he admitted that in March of 2013 he downloaded a data-wiping program onto a Snohomish County laptop computer had been assigned to him, and that he was supposed to have returned to the county. Mr. Hulten was fined \$1,500 and sentenced to serve five days on a Skagit County work crew.

III.
Scope

3.1 PDC staff reviewed the following documents:

- April 11, 2013, complaint filed by PDC Executive Director Andrea McNamara Doyle against Kevin Hulten.
- October 8, 2012, telephone records, emails, and other documentation provided by Snohomish County concerning Mr. Hulten.
- November 27, 2013, PDC staff received an additional disc related to Kevin Hulten that involved a "Dropbox" that was on one of Mr. Hulten's laptop computers.
- Information on internet and various websites pertaining to telephone number listed as having been called by Mr. Hulten.
- January 31, 2014, email with attached letter from Gage Andrews, Director of Information Services for Snohomish County concerning the chain of custody of Kevin Hulten's Snohomish County issued laptop computer.
- April 2, 2014, Kevin Hulten submitted an email response to the allegations listed in the PDC staff generated complaint that included an 11-page response letter to the PDC staff allegations, and a total of 10 exhibits.
- September 10, 2014, email from Gary Haakenson, former Snohomish County Deputy Director, sent to PDC staff responding to staffs questions concerning Kevin Hulten.
- November 17, 2015, email from Brian Lewis, Public Records Specialist with the Snohomish County Executive's Office confirming that Kevin Hulten created the six-page Word document using the Snohomish County network and computer.

3.2 Chronology of PDC staff correspondence with Mr. Hulten, and also staff attempts that were made to contact Mr. Hulten:

- **July 17, 2013:** PDC staff sends letter to Mr. Hulten (1205 Vernon Road, Lake Stevens, WA 98258-8509) requesting a response to the allegations listed in the April 11, 2013 PDC staff generated complaint. No response was received.
- **October 3, 2013:** PDC staff sends letter to Mr. Hulten (1205 Vernon Road, Lake Stevens, WA 98258-8509) requesting he respond to the July 17, 2013 letter, and appear for an October 18, 2013, in-person investigative interview at the PDC offices in Olympia at 1:30 pm concerning the allegations listed in the staff generated complaint. No response was received, and Mr. Hulten did not appear for the interview.
- **January 8, 2014:** PDC staff left voice message for Kyle Hulten, Kevin's brother at the In Vigor Law Group in Seattle (206) 745-5229, questioning whether or not Kevin is still residing in Washington State, and or if he is in California (based on his online presence and information, specifically in Pacific Palisades).
- **February 11, 2014:** PDC staff sends final letter to Mr. Hulten (1205 Vernon Road, Lake Stevens, WA 98258-8509) requesting he respond to the allegations listed in the staff generated complaint. The letter informed him and his family members that if no response is received by February 26th, staff will complete its investigation without his response.
- **March 15, 2014:** Received an email from Mr. Hulten stating that he no longer lives in Washington State, and did not receive notification until now when the PDC letter was forwarded to him by a family member. He indicated he would like to respond to the complaint, requested staff provide him with the relevant materials by email, and that he would respond within 72 hours of receipt.
- **March 24, 2014:** PDC staff sends two emails to Mr. Hulten that included a four-page questionnaire concerning telephone calls he made and received and documents that he created and worked on during Snohomish County work hours that allegedly supported Aaron Reardon or opposed Mike Hope; along with a copy of the April 11, 2013, PDC staff generated complaint filed against him.
- **September 15, 2014:** PDC staff sent an email to Kevin Hulten informing him staff would like to schedule a telephone interview under oath with at his earliest time, hopefully sometime next week if that was possible and offering him three dates to schedule the interview, September 22, 23 and 24, 2014, with a number of times. Staff also left a voice message for Mr. Hulten providing him with a "heads-up" that staff was sending him an email requesting for time for a telephone interview.
- **September 19, 2014:** PDC staff left voice message for Kevin Hulten requesting he make himself available for a telephone interview under oath. Staff spoke with Mr. Hulten who questioned whether or not the interview was voluntary or involuntary,

and staff informed him this was a civil matter and staff's would like to conduct a voluntary investigative telephone interview under oath.

- **January 15, 2015:** PDC staff left voice message for Kevin Hulten requesting a mailing address and informing him that that failure to comply with a request for an investigative interview would result in a Subpoena being issued.
- **February 10, 2015:** PDC staff sends letter to Kevin Hulten (1205 Vernon Road, Lake Stevens, WA 98258-8509, the address of his parents) requesting a good mailing address where staff can correspond with Mr. Hulten concerning the investigation.
- **April 15, 2015:** PDC staff mails two Subpoenas to Kevin Hulten at 31 East Main Street; Los Gatos, CA 95033: (1) one for PDC Case No. 13-031, the complaint filed against him; and (2) one for PDC Case No. 12-160, the Aaron Reardon complaint.
- **April 17, 2015:** PDC staff sends an email to Kevin Hulten email, and attaching copies of the two subpoena's that were sent to him by certified mail on April 15, 2015.
- **April 26, 2015:** The US Postal Service returned two subpoena's that were sent to Kevin Hulten by certified mail on April 15, 2015, as "Return to Sender – Insufficient Address."
- **July 28, 2015:** PDC staff mails two Subpoenas to Kevin Hulten at 31 East Main Street, Apt. No. 210; Los Gatos, CA 95033 (Apartment number included): (1) one for PDC Case No. 13-031, the complaint filed against him; and (2) one for PDC Case No. 12-160, the Aaron Reardon complaint. The US Postal Service returned two subpoena's that were sent to Kevin Hulten by certified mail in August of 2015, as "Unclaimed."
- **September 1, 2015:** PDC staff mails two Subpoenas to ABC Legal Services in California to be served to Kevin Hulten at 31 East Main Street, Apt. No. 210; Los Gatos, CA 95033: (1) one for PDC Case No. 13-031, the complaint filed against him; and (2) one for PDC Case No. 12-160, the Aaron Reardon complaint. September 4.
- **September 10, 2015:** PDC staff receives confirmation that ABC Legal Services served the two Subpoenas to Mr. Hulten for him to participate in an investigative interview in PDC offices on October 21, 2015.
- **October 21, 2015:** Mr. Hulten fails to appear or participate in the investigative interviews, or even to contact PDC staff.

IV. Laws and Rules

4.1 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...”

- 4.2 **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 1st day of December, 2015.


Kurt Young
PDC Compliance Officer

List of Exhibits

- Exhibit #1** April 11, 2013, PDC staff generated complaint filed Andrea McNamara Doyle against Kevin Hulten.
- Exhibit #2** Telephone logs maintained by PDC staff member Tony Perkins concerning calls made by Kevin Hulten, and corresponding emails related to the telephone calls.
- Exhibit #3** On November 27, 2013, PDC staff received an additional disc related to a Snohomish County PRR concerning Kevin Hulten, and this exhibit is a PDC staff generated document log and “Dropbox account” summary of Kevin Hulten documents.
- Exhibit #4** November 25, 2013, memorandum from Brian Lewis, with Snohomish County Information Services concerning Kevin Hulten “Dropbox data” provided as part of a public records request.
- Exhibit #5** January 31, 2014, letter from Gage Andrews, Director of Snohomish County Information Services, concerning the CD of Kevin Hulten “Dropbox” account and the “chain of custody.”
- Exhibit #6** Documents recovered from Kevin Hulten “Dropbox account” concerning Mike Hope.

- Exhibit #7** November 17, 2015, email from Brian Lewis, Public Records Specialist with the Snohomish County Executive's Office providing a copy of a six-page Word document created by Kevin Hulten created using the Snohomish County network and computer and confirming its source as being Mr. Hulten.
- Exhibit #8** May 24, 2012, invoice from Thomas and French, LLC; a Word document detailing the work conducted by Thomas and French, LLC; and work product conducted by Thomas and French, LLC, all in opposition to State Senator Jeannie Darneille.
- Exhibit #9** April 2, 2014, 11-page response letter received from Kevin Hulten that included 10 exhibits totaling 27 pages.
- Exhibit #10** Snohomish County employment documents for Kevin Hulten including his job description and welcoming letter.
- Exhibit #11** On September 10, 2014, Gary Haakenson, former Snohomish County Deputy Executive Director, submitted an email concerning Kevin Hulten.
- Exhibit #12** Copy of a September 28, 2011, letter from Adam Matherly on his Law Office letterhead concerning John Chambers and Mike Hope PRR, and Kevin Hulten telephone log listing calls made to Mr. Matherly using his Snohomish County telephone and telephone number
- Exhibit #13** Kevin Hulten telephone log listing calls made to Colby Underwood using his Snohomish County telephone and telephone number.