



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)

August 10, 2015

[bill@wdpickett-law.com](mailto:bill@wdpickett-law.com)

SARAH MATHENY  
C/O WILLIAM D PICKETT  
917 TRIPLE CROWN WAY STE 100  
YAKIMA WA 98908

Subject: Complaint Filed by Jose Trevino, PDC Case No. 15-040

Dear Mr. Pickett:

With the concurrence of the Chair of the Public Disclosure Commission, I have dismissed the complaint against you, filed by Jose Trevino on September 10, 2014. Enclosed is a copy of the dismissal letter sent to Mr. Trevino.

If you have questions, please contact Kurt Young, Compliance Officer, at (360) 664-8854 or toll-free at 1-877-601-2828 or by e-mail at [kurt.youn@pdcc.wa.gov](mailto:kurt.youn@pdcc.wa.gov).

Sincerely,

  
Frederick C. Kiga  
Executive Director

Enclosure



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August 10, 2015

JOSE TREVINO  
608 MATHEW AVE  
GRANGER WA 98932

Subject: Complaint filed against Sarah Matheny, PDC Case No. 15-040

Dear Mr. Trevino:

Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on September 10, 2014, alleging that Sarah Matheny, an employee of Yakima Municipal Court, and a 2014 candidate for Yakima County Clerk, violated RCW 42.17A.555 by using City of Yakima facilities to assist her campaign. You alleged that Ms. Matheny used the Administrative Office of the Courts (AOC) Judicial Information System (JIS) database and her City of Yakima work computer, and work time as a court employee, to access and review sensitive court information concerning three of her primary election opponents.

The complaints were considered in light of the following statute and rule:

**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. However, this does not apply to the following activities: ... (3) Activities which are part of the normal and regular conduct of the office or agency.”

**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.”

PDC staff reviewed your complaint, a letter and related documents from Tony O’Rourke, City Manager for the City of Yakima, concerning Ms. Matheny’s alleged activities, a sworn statement from Daniel Clark, and a sworn statement from Ms. Matheny. Staff conducted an interview under oath with Ms. Matheny. As a result of our investigation, we found the following:

- On May 19, 2014, Sarah Matheny filed a Candidate Registration (C-1 report) declaring her candidacy for the office of Yakima County Clerk in 2014. She was a first-time candidate for public office. Ms. Matheny was employed as a City of Yakima Municipal Court employee during the first eight months of 2014.
- For the 2014 election cycle, a total of five candidates filed for election to the office of Yakima County Clerk. In addition to your candidacy, the candidates included Ms. Matheny, Kathleen Carter, Steven P. Driscoll, Janelle Riddle.
- As part of her duties, Ms. Matheny frequently worked in the JIS database which according to information on the AOC and Washington Courts website, “is the primary information system for courts in Washington” providing case management automation to appellate, superior, limited jurisdiction, and juvenile courts. The JIS database serves as a statewide clearinghouse for information concerning criminal history, domestic violence protection orders, and outstanding warrants.
- Ms. Matheny stated that after declaring her candidacy she realized she knew very little about three of her opponents, including you, Ms. Riddle, and Mr. Driscoll. She said she had been hearing rumors about some of her opponents, and one day at work, out of curiosity, entered Ms. Riddle’s name into the JIS database to see what information it contained. She said it was not something she planned in advance to do, but was something that happened spontaneously. Ms. Matheny acknowledged that on other occasions, she also accessed information concerning you and Mr. Driscoll.
- Ms. Matheny stated that she did not query the JIS database looking for anything specific about you, Mr. Driscoll, or Ms. Riddle. She admitted she thought there was likely information in the system about you and Mr. Driscoll, but said she did not have any plan to use any of the information she might find in the JIS database about her opponents.
- Ms. Matheny stated that she did not take any notes about the information she reviewed in the JIS database, and did not use any of the information to assist her campaign. She said she did not campaign directly against Mr. Trevino or Mr. Driscoll, and said none of her political advertisements or campaign materials mentioned or referred to any of her opponents or used any information she viewed in the JIS database. We found no evidence that any political advertising sponsored by Ms. Matheny included information from the JIS database. Ms. Matheny also denied speaking with anyone about the information she reviewed in JIS database, including the Yakima Herald Republic newspaper, as alleged in your complaint.
- Ms. Matheny acknowledged that the searches she conducted about her campaign opponents using the JIS database were not work-related, and stated that she was disciplined by the City of Yakima for her actions.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation. We found insufficient evidence to demonstrate that Ms. Matheny used the information she accessed and reviewed in the JIS database concerning you and two other opponents for the purpose of assisting her candidacy for Yakima County Clerk.

Jose Trevino

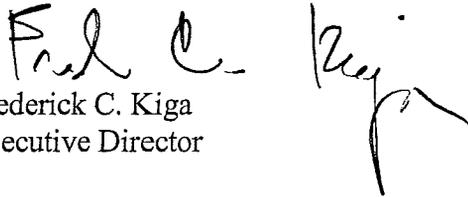
Complaint filed against Sarah Matheny, PDC Case No. 15-040

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Because staff's investigation has not revealed sufficient evidence to establish a material violation of any laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against Sarah Matheny with the concurrence of the Chair of the Public Disclosure Commission.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at [phil.stutzman@pdc.wa.gov](mailto:phil.stutzman@pdc.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Fred C. Kiga". The signature is written in a cursive style with a large, sweeping flourish at the end.

Frederick C. Kiga  
Executive Director

cc: Bill Pickett, Counsel to Sarah Matheny