

## Response to PDC Complaint 41108

[Brian Snure](#) (Wed, 10 Oct at 3:19 PM)

To: pdc@pdc.wa.gov

Cc: bpearson@kcf7.com

Ms. Blacksmith,

I am general counsel for Kittitas County Fire Protection District No. 7 and have been asked by my client to assist their employee Bryan Pearson with responding to the above referenced complaint.

Accordingly, I have attached a pdf copy of the Response of Bryan Pearson to the above referenced complaint together with Bryan Pearson's Declaration. In addition, I have attached additional evidence refuting the allegations in the form of the Declaration of Patricia Simpson.

We are requesting that the complaint be dismissed immediately.

Please advise if you have any questions or require any additional information.

Thank you.

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Sincerely,

Brian Snure  
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## DECLARATION OF PATRICIA SIMPSON

I Patricia Simpson, declare under penalty of perjury of the laws of the State of Washington that the following statements are true and correct

1. I am the Director of Community Associations with Suncadia Management Company.
2. I attended the Suncadia Community Council Board of Directors regular meeting on August 2, 2018.
3. I have attached a copy of the draft unsigned minutes of that meeting as Exhibit A (the minutes will not be signed until the next Board meeting).
4. Greg Laycock, the complainant in the above referenced complaint was not in attendance at the meeting.
5. The witnesses listed in the complaint were not present at the meeting.
6. Deputy Chief Pearson has been working with my staff about issues that we have had at the Lodge at Suncadia concerning the fire alarm responses.
7. I requested Deputy Chief Pearson to attend the August 2, 2018 Suncadia Community Council Board of Directors meeting to say a few words about the leadership situation at Kittitas County Fire Protection District No. 7.
8. Since the information presented by Deputy Chief Pearson was not official business we didn't include his brief remarks in the minutes.
9. I have reviewed the Declaration of Deputy Chief Pearson and concur with his description of the items he discussed.
10. I believe his presentation was neutral concerning the leadership issues and the levy.
11. He did not express which way people should vote.
12. I have asked members of my staff and other Board members at the meeting and they state that they thought Brian Pearson was respectful and did not try to influence anyone.

Dated: 10 / 10 / 18

Patricia Simpson

Patricia Simpson



*Minutes of the Suncadia Community Council  
Board of Directors Regular Meeting  
August 2, 2018  
141 Firehouse Road, Community Management Conference Room*

**Call to Order**

The meeting was called to order at 9:00 am.

**Verification of Quorum and Meeting Attendance**

A quorum was present with the following directors in attendance: Gary Kittleson – President; Marne Schwartz - Secretary/Treasurer

The Board accepted the resignation of Cape Powers. Brianne Kelsey was appointed to the Board by the Declarant.

Other attendees: Management: Pat Simpson - Community Association Director, Brian Horstman – Association Director of Finance, Neal Tackett – Operations and Compliance Manager;

Owners: Loren Watts, Jay and Kay Mabry, Don Watts, Fred Mattison, Patti and Rick Fersch, Gordon Miller, Joel Brown, Deputy Chief Brian Pearson, Terry West

**Election of Officers**

The following officers were elected: Gary Kittleson – President; Marne Schwartz - Secretary/Treasurer; Brianne Kelsey- Vice President

**Approval of Minutes**

The minutes Regular Meeting 5/7/2018 were approved as distributed.

**Treasurer's Report**

Brian Horstman presented the Treasurer's Report covering the 2Q financials The reserves are fully funded.

Management requested that the Cashmere Valley Bank Account be closed and transfer the funds to Umpqua Bank. This will result in a small increase in investment income. The Board approved this action.

The Board reviewed the purchase of two new Subaru Crosstreks which was approved in the 2018 capital budget.

The Board approved a lease for a C5550 Cannon copier. Management will find out what the cost of a 3 year lease. There will be a discussion outside of a regular meeting.

**Management Report**

Pat Simpson submitted the Management report which will be filed with these minutes.

**Unfinished Business**

The Board listened to comments concerning speeding solutions. The Board postponed the discussion of speeding solutions until a decision is reached by the SROAAC Board.

**New Business**

The Board approved using the metric BTC\$ rather than adjusting for flaws prior to determining the value of the trees in any future timber trespass.

The meeting was adjourned at 10:38 am. The next Regular Meeting is October 27, 2018.

**Submitted:**

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**Marne Schwartz**  
Secretary

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**Date**

Response of Bryan Pearson to PDC Complaint No. 41108.

**General Response.**

The above referenced complaint was submitted to the PDC without any supportive facts and simply consists of unfounded accusations. As my Declaration set forth below, and the Declaration of Patricia Simpson submitted together with this response, demonstrates I have not used any public resources to support or oppose Kittitas County Fire Protection District No. 7's Proposition No. 1 and did not take any action in support or opposition to Kittitas County Fire Protection District No. 7's Proposition No. 1 at the August 2, 2018 Suncadia Community Council Board of Directors Meeting.

In the transmittal email, the PDC states that I have been accused of violating RCW 42.17A.555 which states in part as follows:

*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.*

The complaint does not identify or provide any facts or evidence that identifies any use of public resources to support or oppose a ballot proposition. The Complainant was not present at the meeting, has no knowledge of why I was at the meeting, or what I stated at the meeting. The only evidence cited by the complainant is his reference to the meeting minutes which he apparently did not have when submitting the complaint. A copy of the meeting minutes as prepared by the Suncadia Community Council Board of Directors is attached to the Declaration of Patricia Simpson. The Suncadia Community Council Board of Directors minutes reflect that I was in attendance but do not document why I was in attendance or what I spoke about.

As set forth in my Declaration and the Declaration of Patricia Simpson my presence and participation at the meeting does not support the allegations in the complaint and does not provide any evidence of a violation of RCW 42.17A.555.

The PDC Guidelines permit management employees to "speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours" and to "respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties." To the extent that my presence at the Suncadia meeting related to the Kittitas County Fire Protection District No. 7's Proposition No. 1 my conduct was specifically authorized by this guideline.

The complaint is unsupported by fact or personal knowledge of the complainant and based on the facts set forth in my Declaration and the Declaration of Patricia Simpson the complaint should be dismissed immediately.

## DECLARATION OF BRYAN PEARSON

I Bryan Pearson, declare under penalty of perjury of the laws of the State of Washington that the following statements are true and correct

1. I am a Deputy Chief of Kittitas County Fire Protection District No. 7.
2. Part of my job duties involves meetings with community groups and organizations to educate the public about issues involving the District.
3. I have previously attended Suncadia events in my capacity as Deputy Chief.
4. I was invited by Patricia Simpson, Director of Community Associations for Suncadia Management Company to attend the August 2, 2018 Suncadia Community Council Board of Directors Meeting to address concerns regarding changes in leadership at the District.
5. I drove a Kittitas County Fire Protection District No. 7 vehicle and was in uniform at the August 2, 2018 Suncadia Community Council Board of Directors Meeting.
6. At the meeting I talked about some of the current events in Kittitas County Fire Protection District No. 7 including the following:
  - a. All three Chief officers are leaving effective October 18<sup>th</sup>
  - b. We received a FEMA grant and hired 9 firefighters with the grant money.
  - c. The 9 firefighters are staffing station 73, MP 78 on I90.
  - d. The Bullfrog fire station, station 76, is staffed part-time with Volunteers.
  - e. We have a Stipend program where our volunteers sign-up to pull sleeper duty some week-nights and primarily, weekends.
  - f. We have a funding issue, Levy, on the November 2018 ballot.
  - g. The levy money will be utilized to pay for the 9 firefighters plus, set-aside other money for equipment and apparatus.
  - h. With our new career staff, we are attempting to get out the door on 911 calls in one-minute or less.
  - i. I did not mention my son, Evan Pearson, was one of the new career firefighters, at any time during this meeting.
7. At no time during the meeting did I direct or attempt to influence the attendees on how vote in the upcoming election.
8. At no time during the meeting did I indicate support or opposition to Kittitas County Fire Protection District No. 7 Proposition No. 1.

Dated: 10-10-2018

  
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Bryan Pearson