

Subject: Response to PDC Complaint 41110

Description:

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 Sandy Malcolm with responding to the above referenced complaint.

Accordingly, I have attached a pdf copy of the Response of Sandy Malcolm to the above referenced complaint together with Sandy Malcolm's Declaration and supporting documents.

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
Snure Law Office, PSC
612 S. 227th St.
Des Moines, WA 98198
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Response of Sandy Malcolm to PDC Complaint No. 41110.

General Response.

The above referenced complaint was submitted to the PDC without any supportive facts, without any detailed allegations and simply consists of unfounded general accusations. As my Declaration set forth below demonstrates, any actions I have taken in support or opposition to Kittitas County Fire Protection District No. 7's Proposition No. 1 were taken on my own time, in my capacity as a taxpayer and citizen of Kittitas County Fire Protection District No. 7 in a manner consistent with my first amendment rights.

As the facts contained in the Declaration establish, I have not used any public resources to support or oppose Proposition No. 1 and at no time have I used the fact that I am an employee of Kittitas County Fire Protection District No. 7 to support or oppose Proposition No. 1.

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.

It is unclear why the PDC is asking for a response, as the complainant provides no facts or evidence to support the allegations that I used Kittitas County Fire Protection District No. 7 facilities to support or oppose a ballot proposition or that I supported or opposed a ballot proposition while an employee or during working hours. Because of the vague and general nature of the allegations contained in the complaint it is difficult to prepare a detailed response. However, the following Declaration establishes the basic facts that supports the immediate dismissal of the complaint.

Declaration of Sandy Malcolm

I, Sandy Malcolm, declare under penalty of perjury of the laws of the State of Washington that the following statements are true and correct.

1. I am not the Office Manager for Kittitas County Fire Protection District No. 7.
2. I am an Administrative Assistant for Kittitas County Fire Protection District No. 7.
3. I have not used any District computer or contact list to solicit support or opposition for Proposition No. 1.
4. I have not used my personal contact list or personal computer to solicit support or opposition for Proposition 1 while on duty or in the capacity of an employee of the District.
5. I have not posted on social media any information relating to Proposition No. 1 while on duty or in the capacity of an employee of Kittitas County Fire Protection District No. 7.
6. I have not posted anything on social media in support or opposition of Proposition 1, in which I connect my employment with Kittitas County Fire Protection District No. 7 or infer in any way that my post is the position of Kittitas County Fire Protection District No. 7.
7. I have not discussed Proposition No. 1 while on duty with Kittitas County Fire Protection District No. 7.
8. I have my own personal contact list of friends who I contact at home on my computer as a taxpayer and resident of Kittitas County Fire Protection District No. 7 on my own time.
9. I have posted factual information relating to Proposition No. 1 on my personal social media on my own time using my own computer as a taxpayer and resident of Kittitas County Fire Protection District No. 7 (See Exhibit A (copy of Facebook postings from September 21, 2018 time stamped after 5:00 pm and a copy of my time card for September 21 documenting that I was off duty after 4:00 pm).
10. I have told people that have asked that I cannot discuss ballot measures or candidates while on duty. See Exhibit B (email relating to a question I received regarding candidates running for commissioner in Kittitas County Fire Protection District No. 7 in 2017).
11. I have never posted any "maleficent" (sic) posts regarding Proposition No. 1 but have, as reflected in Exhibit A, posted facts on my own time as resident and taxpayer of the District.

Dated: 10.10.2018


Sandy Malcolm



AT&T 9:14 AM

<  Jen Beauregard created a poll in Cle Elum, what's up? ...
September 21 at 2:23 AM · 📷

I understand Kittitas County Fire District #7 is pursuing a Levy Lift through Proposition 1 on the upcoming visit. While i have seen some (very) positive messages regarding the Proposition, I'm not seeing much if any data supporting the statements. I realize some folks an easily afford increased taxes, unfortunately I am not that blessed. It is difficult to make an informed decision to support this Proposition when statements are made with no supporting data. Specifically, increases in call volumes, etc. The District is already on the higher end of taxes collected for volunteer Districts, netting a little over \$1.3 million dollars (Kittitas County 2018 Assessors report.) Fire Districts 1, 3, 6, and 8, operating a comparable number of Stations, and serving a comparable number of addresses, combined collect \$708K (Washington State Rating Bureau and KC 2018 Assessors report.)



Jen's Post



Based on your suggestion I would have to become a mayor, senator, congressman and even president to understand how my tax money is really spent. ;)

1w Like



Sandra Stillwell Malcolm

And I'm sorry Jen Beauregard your information does not contain facts. If you want actual facts I suggest you make a Public Information request.

September 21 at 5:26 PM



Sandra Stillwell Malcolm

Interesting the assessments went up in the cities 50, 75 or some 100%. Fire District 7 assessments did not increase to that extreme the average assessment went up from 10 to 20 percent and some saw no increase at all. This information is all available on the Kittitas County Assessors web page.

1w



[View 16 previous replies...](#)



Ron Dunn Jr





Jen's Post



the Kittitas County Assessors web page.

1w



Ron Dunn Jr

So then... where is all our tax money going?

1w Like



Sandra Stillwell Malcolm

Ron Dunn Jr ha ha great question go on the Kittitas County Assessors web site you can download your actual tax statement and it shows exactly where your taxes go. It's enlightening!

September 21 at 5:51 PM Like



Sandra Stillwell Malcolm

And a lot of your taxes last year went to schools which they should but that will be reduced in the next three years by 9 cents in 2019 by 11 cents in 2020 and by 16 cents in 2021

1w Like



Ron Dunn Jr



Kititas County FD #7

South Cle Elum, WA

This report was generated on 10/4/2018 10:57:31 AM

Hours Worked by Personnel for Personnel for Date Range

Personnel: Malcolm, Sandy L | Start Date: 09/21/2018 | End Date: 09/21/2018

ROSTER NAME	STATION	APPARATUS	BEGIN	END	DURATION (hours)	ACTIVITY CODE	NOTES
Malcolm,Sandy							
Friday 09/21/2018	70 - Headquarters	FD-70	9/21/2018 09:00:00	9/21/2018 16:00:00	7	Administration-Sandy	

Total Hours Worked: 7

Hours are calculated from Begin and End times in the Roster. Archived Rosters are not included. Payroll does not need to be enabled.

Office

From: Office
Sent: Tuesday, October 24, 2017 10:07 AM
To: Kar Lil
Subject: RE: Vote dist 7



District 7 can't actually back a candidate. If you go to the Facebook Page - Retain KENT Verbeck - Kittitas County Fire District 7 Commissioner - you will see what he stands for. I don't know if Bill Dickinson has a FB page but you should have received his mailing. If not or if you want to ask me personally who I support feel free to call me but after 4:00 pm when I am off work. I went to all of the meetings and can share with you.

Sandy Malcolm
Administrative Assistant
Kittitas County Fire and Rescue #7
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Cle Elum, WA 98922
o. 509.674.5371 c. 509.260.0083
office@kcf7.com
Kittitas County Fire & Rescue 7

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-----Original Message-----

From: Kar Lil [mailto:karaleybailey@gmail.com]
Sent: Tuesday, October 24, 2017 10:01 AM
To: Office <Office@kcf7.com>
Subject: Vote dist 7

Can you let me know who dist 7 is backing for the commissioner position 2. Getting ready to go but can't find much about either candidate.

Regards,
Karaley Lilienthal
M. 425.359.2243