



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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November 8, 2012

TOBY NIXON
12113 NE 141ST ST
KIRKLAND WA 98034-1411

Subject: Complaint filed against Christie True, King County Department of Natural Resources and Parks – PDC Case #12-140

Dear Mr. Nixon:

The Public Disclosure Commission (PDC) has completed its investigation of your complaint, received on September 26, 2011, alleging that Christie True, Director of the King County Department of Natural Resources and Parks, violated RCW 42.17.130 by using the facilities of her agency to assist the campaigns of Karen Steeb and Ken Goodwin, candidates for re-election to the Woodinville Water District in the November 8, 2011 general election. Specifically, you alleged that Ms. True used county facilities to provide a written statement to Karen Steeb concerning campaign statements by Hank Stecker and Jack Vermeulen, also candidates for water commissioner, which Ms. Steeb then read into the record at the September 20, 2011 regular meeting of the Woodinville Water District board of commissioners.

Your complaint was considered in light of the following statute and rule:

RCW 42.17.130¹ states, in part, that *“No elective official nor any employee of his 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[.]”* The prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

WAC 390-05-237 defines “normal and regular conduct” 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 and enclosed exhibits. Staff reviewed editorial content and news reporting regarding King County’s Brightwater waste treatment project and the 2011 campaigns for Woodinville Water District commissioner. PDC staff reviewed email correspondence between Ms. Steeb and the staff of the King County Department of Natural Resources and Parks, and correspondence within that agency. Staff reviewed minutes of meetings of the Woodinville Water District board of water commissioners. PDC staff reviewed

¹ Effective January 1, 2012, RCW 42.17.130 was recodified as RCW 42.17A.555.

Christie True's formal response to your complaint, and information received from Ms. True's staff. Staff reviewed the formal response of Karen Steeb in a separate complaint, PDC Case #12-141, other information received from the Woodinville Water District, and information received from Hank Stecker, the complainant in that case. Finally, PDC staff conducted interviews under oath with Ms. Steeb and Ms. True. As a result of our review, we found the following:

- On September 6, 2011, Karen Steeb sent an email to Christie True's King County Department of Natural Resources and Parks address, requesting Ms. True's comments on statements by Hank Stecker and Jack Vermeulen regarding alleged forced hookups to the county's sanitary sewer system. The email was sent from Ms. Steeb's private email address.
- In her email to Ms. True, Ms. Steeb did not specify the use that she would make of her comments. Ms. Steeb did not ask Ms. True to send a letter to the Woodinville Water District in response to her inquiry. Ms. Steeb stated to PDC staff that she expected Ms. True to reply by email to Ms. Steeb's inquiry, or to simply contact Ms. Steeb by telephone to discuss the matter.
- On September 7, 2011, Ms. True replied by email to Ms. Steeb's request, stating that she would provide a statement. Ms. Steeb replied the same day, thanking Ms. True. The emails exchanged between Ms. Steeb and Ms. True on September 6 and 7, 2011 were their only communications on the subject of Ms. Steeb's request, or the statement offered by Ms. True.
- The issue of alleged forced sewer hookups was one of several areas of controversy surrounding the Brightwater waste treatment system, dating from the project's early planning stages. For several years prior to the 2011 campaigns for Woodinville Water District commissioner, the King County Department of Natural Resources and Parks had been responding to public concern about the county's authority and the Brightwater project.
- With this history, Ms. True elected to respond to Karen Steeb's September 6, 2011 request by sending a letter to Ken Howe, Woodinville Water District's general manager. Ms. True stated to the PDC that the sole purpose of her letter was to clear up confusion among Woodinville Water District officials and customers regarding King County's authority to require customers to connect to the sanitary sewer system. She stated that her only consideration in timing her response was to ensure that it was issued ahead of the grand opening of the Brightwater plant scheduled for September 24, 2011. Ms. True's letter was dated and mailed September 13, 2011.
- Ms. True's letter was drafted by Annie Kolb-Nelson, a communications specialist for the King County Department of Natural Resources and Parks. Although Ms. Kolb-Nelson identified Mr. Stecker and Mr. Vermeulen by name in the letter, it was not at Ms. True's direction, and not at the request or suggestion of Ms. Steeb or any staff or official of the Woodinville Water District. Ms. Kolb-Nelson stated to PDC staff that the purpose of the letter, as she understood it, was to provide the water district with factual information it

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could use in responding to community questions or concerns about Brightwater; she stated that she identified Mr. Stecker and Mr. Vermeulen only to provide context for her agency's response.

- Other than identifying Mr. Stecker and Mr. Vermeulen, Ms. True's September 13, 2011 letter to Ken Howe contained no mention of the upcoming election for commissioner in the Woodinville Water District, and no mention of either Karen Steeb or Ken Goodwin.
- On September 30, 2011, Ms. True mailed a letter to Hank Stecker, addressing the impact of her September 13, 2011 letter. She stated, "*The factual information in the letter is correct. However, the letter itself appears to have become a campaign issue, which I regret. I therefore wish to retract the letter and reiterate that the sole purpose of the letter was to correct what I believed to be inaccurate factual information regarding the King County Wastewater Treatment Division (WTD) and the Brightwater Treatment Plant. To the extent that my naming particular candidates in the letter contributed to any confusion regarding the purpose of the letter, I apologize for including those references.*"

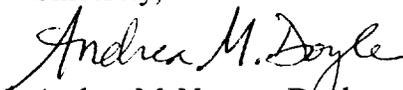
After a careful review of the alleged violations and relevant facts, we have concluded our investigation. No evidence was found that in authorizing her staff to draft and send the September 13, 2011 letter to Ken Howe, Christie True used public facilities for the purpose of assisting the campaign of any candidate for office. Rather, the evidence indicates that Ms. True's sole purpose in authorizing the letter was to inform the public about the Brightwater project, an action that fell within with the normal and regular conduct of her agency. Ms. True will be reminded of the prohibition in RCW 42.17A.555, and cautioned to avoid using or authorizing the use of her agency's facilities in a manner that could be perceived as assisting a candidate's campaign.

Because staff's investigation has not revealed evidence of material violations or substantial non-compliance with any of the laws or regulations under the Commission's jurisdiction, I am dismissing your complaint against Christie True with the concurrence of the Chair of the Public Disclosure Commission.

Thank you for bringing this matter to our attention. The process relies on citizens monitoring campaign activity to promote full compliance with the law. Your actions will contribute to better awareness of campaign restrictions and prohibitions.

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.

Sincerely,



Andrea McNamara Doyle
Executive Director

c: Christie True