

Roger E. Lenk  
1817 N. Road 76  
Pasco, Washington 99301-1830  
(509) 542-0489  
[lenk.roger@gmail.com](mailto:lenk.roger@gmail.com)

RECEIVED

JUN 20 2012

Public Disclosure Commission

June 20, 2012

Phil Stutzman, Director of Compliance  
State of Washington Public Disclosure Commission  
711 Capitol Way #206  
Post Office Box 40908  
Olympia, Washington 98504-0908

VIA EMAIL

Re: **TODD BLACKMAN – VIOLATION OF RCW 42.17A.555**

Dear Mr. Stutzman:

Submitted herewith you will find a complaint of violation of RCW 42.17A.555. As you are aware, RCW 42.17A.555 Use of public office or agency facilities in campaigns — Prohibition provides “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 subject complaint of violation is against Todd Blackman, Elected Commissioner, Chair of the Franklin County Fire Protection District No. 3. The Franklin County Fire Protection District No. 3. Concurrently, Chairman Blackman is employed full time as the Energy Services Manager for the Franklin County Public Utilities District No. 1.

Chairman Blackman resides at 4321 Ivy Road, Pasco, Washington 99301. His phone number is (509) 547-0251 and email is [tblack5621@aol.com](mailto:tblack5621@aol.com).

### BACKGROUND

Chairman Blackman ran for reelection as Commissioner of Franklin County Fire Protection District No. 3, Position 1, At Large, on the November 8, 2011 General Election. Chairman Blackman was successfully reelected.

At all times during his tenure as Commissioner of Franklin County Fire Protection District No. 3, Chairman Blackman utilized the facilities and instrumentalities of the Franklin County Public Utilities District No. 1 to conduct all business associated with his elected duties as Chairman of Franklin County Fire Protection District No. 3.

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Re: TODD BLACKMAN – VIOLATION OF RCW 42.17A.555

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On Friday, June 10, 2011 11:09 AM, during working hours, Chairman Blackman received an email to his Franklin County Public Utilities District No. 1 email account [tblackman@franklinpud.com](mailto:tblackman@franklinpud.com), with the Subject: "Draft Letter" from Colleen Kimsey. In the email, Kimsey notes "Made a few changes...I would do more, but you know, time... ©". **EXHIBIT 1.**

On Friday, June 10, 2011 3:04 PM, during working hours, from his Franklin County Public Utilities District No. 1 email account [tblackman@franklinpud.com](mailto:tblackman@franklinpud.com), Chairman Blackman forwarded the email to [ckimsey721@gmail.com](mailto:ckimsey721@gmail.com) with an attachment titled ballot statement[1].docx, **which included his candidate statement for the upcoming ballot.** **EXHIBIT 1.**

On June 10, 2011, 3:06 pm, during working hours, the date of the election filing deadline, Mr. Blackman emailed a document entitled ballot statement1.doc from his Franklin County Public Utilities District No. 1 email account [tblackman@franklinpud.com](mailto:tblackman@franklinpud.com) to [ckimsey721@gmail.com](mailto:ckimsey721@gmail.com). **The attached document was his candidate statement for the upcoming ballot.** **EXHIBIT 2**

On June 10, 2011, 3:26 pm, during working hours, Chairman Blackman emailed a document entitled ballotstatement 2.doc from his Franklin County Public Utilities District No. 1 email account [tblackman@franklinpud.com](mailto:tblackman@franklinpud.com) to [ckimsey721@gmail.com](mailto:ckimsey721@gmail.com). **The attached document was his candidate statement for the upcoming ballot.** **EXHIBIT 3.**

All documents herein were provided by way of a public records request made to the Franklin County Public Utilities District No. 1.

#### SUMMARY

Based on the facts and documents provided herein, Chairman Blackman used or authorized the use of time, office space and facilities of the Franklin County Public Utilities District No. 1, directly or indirectly, for the purpose of assisting his campaign for election to office, by exchanging emails, and working on drafts of his candidate ballot statement in violation of RCW 42.17A.555.

Thank you in advance for your assistance. **Please keep me apprised of your progress and final determination in this matter.**

Best Regards,



Roger E. Lenk

Exhibits (3)

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JUL 31 2012

**Public Disclosure Commission**

Certification for a  
Complaint to the Washington State Public Disclosure Commission Relating to an  
Elected Official or Candidate for Public Office  
(Notary Not Required)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: 

Your printed name: Roger E. Lenk

Street address: 1817 N. Road 76

City, state and zip code: Pasco, Washington 99301

Telephone number: 509-542-0489

E-Mail Address: (Optional) lenk.roger@gmail.com

Date Signed: 07/31/2012

Place Signed (City and County): Franklin  
City County

\*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

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Public Disclosure Commission

# **EXHIBIT 1**

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Public Disclosure Commission

**From:** Todd Blackman <TBlackman@franklinpud.com>  
**Sent:** Friday, June 10, 2011 3:04 PM  
**To:** 'ckimsey721@gmail.com'  
**Subject:** FW: Draft Letter  
**Attachments:** ballot statement[1].docx

**From:** Colleen Kimsey  
**Sent:** Friday, June 10, 2011 11:09 AM  
**To:** Todd Blackman  
**Subject:** Draft Letter

Made a few changes...I would do more, but you know, time... ☺

It has been ~~a~~my honor and privilege to serve as Fire commissioner for Franklin County Fire Protection District #3, thank you for considering my candidacy for reelection. I have been a homeowner in FCFD#3 district for about 20 years, a volunteer firefighter for over 10 years now (following my dad and brother into the tradition) and a fire commissioner for ~~about~~ 8 years. This gives me a good understanding of what the fire district needs to be reliable and effective and ~~also a good perspective of~~ what the taxpayers expect from their investment. Last year I paid \$89 in property taxes to support the fire district; this is \$89 that as a commissioner/firefighter I know was well spent. FCFD#3 has a long history of knowing how to pinch a penny and stretch a dollar and ~~I am~~I am very proud to be a part of a board that is dedicated to public service and stewardship of the public's trust. Franklin #3 has faced many challenges over the years and there are many yet ahead. I look forward to the opportunity and ~~feel~~am ready to meet these challenges with our capable chief, thoughtful and engaged fellow board members, and dedicated staff & volunteers. I'm in good company. My peers over the years have elected me as president of the Southeast Washington Fire Commissioners Association and the Tri-County Hazardous Materials Response Team board of directors. I am currently serving on the legislative committee for the Washington State Fire Commissioners Association. I have worked with many local and regional fire districts and governmental entities for the betterment of our fire service. ~~I think~~ I am a common sense, level headed fire commissioner with both vision and focus. I ~~try to also be~~am a dedicated volunteer firefighter and strive to be worthy of both your confidence and your vote. Please vote. Thank you.

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# **EXHIBIT 2**

**From:** Todd Blackman <TBlackman@franklinpud.com>  
**Sent:** Friday, June 10, 2011 3:06 PM  
**To:** 'ckimsey721@gmail.com'  
**Attachments:** ballot statement1.docx

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JUN 20 2012

Public Disclosure Commission

Todd Blackman  
Franklin PUD Energy Services  
PO BOX 2407 / 1411 W Clark  
Pasco WA 99301  
509-546-5946 office / 509-542-5917 fax  
509-539-8078 cell  
[tblackman@franklinpud.com](mailto:tblackman@franklinpud.com)

It has been ~~a~~my honor and privilege to serve as Fire commissioner for Franklin County Fire Protection District #3, thank you for considering my candidacy for reelection. I have been a homeowner in FCFD#3 district for ~~about~~ 20 years, a volunteer firefighter ~~a little for~~ over 10 years now (following my dad and brother into the tradition) and a fire commissioner for ~~about~~ 8 years. This gives me a good understanding of what the fire district needs to be reliable and effective and ~~also a good perspective of~~ what the taxpayers expect from their investment. Last year I paid \$89 in property taxes to support the fire district; this is \$89 that as a commissioner/firefighter I know was well spent. FCFD#3 has a long history of knowing how to pinch a penny and stretch a dollar and, I am ~~am~~ very proud to be a part of a board that is dedicated to public service and stewardship of the public's trust. Franklin #3 has faced many challenges over the years and there are many yet ahead. I look forward to the opportunity and ~~feel~~ am ready to meet these challenges with our capable chief, thoughtful and engaged fellow board members, and dedicated staff & volunteers. I'm in good company. My peers over the years have elected me as president of the Southeast Washington Fire Commissioners Association and the Tri-County Hazardous Materials Response Team board of directors. I am currently serving on the legislative committee for the Washington State Fire Commissioners Association. I have worked with many local and regional fire districts and governmental entities for the betterment of our fire service. ~~I think I am~~ a common sense, level headed fire commissioner with both vision and focus. ~~I try to also be~~ am a dedicated volunteer firefighter and strive to be worthy of both your confidence and your vote. Please vote. Thank you.

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**EXHIBIT 3**

It's privilege to serve as Fire commissioner for Franklin County Fire Protection District #3, thank you for considering my candidacy for reelection. I have been a homeowner in FCFD#3 district for 20 years, a volunteer firefighter a little over 10 years now and a fire commissioner for 8 years. This experience gives me a good understanding of what the fire district needs to be reliable and effective and a good perspective of what the taxpayers expect from their investment. FCFD#3 has a long history of knowing how to stretch a dollar and I am very proud to be a part of a board that is dedicated to public service and stewardship of the public's trust. FCFD#3 has faced many challenges over the years and there are many yet ahead. I look forward to the opportunity and am ready to meet these challenges. My peers have elected me as president of the Southeast Washington Fire Commissioners Association and the Tri-County Hazardous Materials Response Team board of directors, and I am currently serving on the legislative committee for the Washington State Fire Commissioners Association. I have worked with many local and regional fire districts and governmental entities for the betterment of our fire service. I am a common sense, level headed fire commissioner with both vision and focus. I am a dedicated volunteer firefighter and strive to be worthy of both your confidence and your vote. Please vote. Thank you.

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**Phil Stutzman**

AUG 13 2012

**From:** Todd Blackman [tblackman@fcfd3.org]  
**Sent:** Monday, August 13, 2012 4:24 PM  
**To:** Phil Stutzman  
**Subject:** RE: Complaint by Roger Lenk, PDC Case No. 13-001

Public Disclosure Commission

Greetings Mr Stutzman,  
Some months ago Mr. Lenk threatened "To public records search me" if I didn't vote his way on a particular issue being brought up at a county commissioners meeting (8/11/11). I wondered what he was talking about and if anything would ever come of it? Of course I had to vote what was best for the community instead so I should not be surprised. Nevertheless I am, because I do try very hard to always do the right thing and not just easy thing. Mr Lenk certainly has tried his level best to find something to get me fired from my day job at Franklin PUD. If this whole controversy with Mr Lenk is the end of my public life and my 22 yr employment in good standing with Franklin PUD I hope I will be remembered as the person I actually am and not the person Mr Lenk believes me to be or campaigns me to be. I think it is very disappointing that Mr Lenk can know my public record so well and yet somehow find me to be a person worthy of constant persecution.

As I understand it Mr Lenk believes that I used public property for personal gain?  
It is entirely possible that in this instance I had mistakenly used the wrong email account in an email exchange with someone. I have been a fire commissioner for about 10 years now and I try very hard to keep my private, professional and volunteer activities separate. My employer has been encouraging of my pursuits of volunteer and other community activities and patient with my efforts to separate out accounts firmly and not allow different tasks to intermingle. It can be a juggling exercise at times and clearly I messed up somehow on this one, I sincerely beg your pardon.

I absolutely see the need to keep my political activities segregated and the need for the PDC to enforce that. My mistake here, I believe, was partly technical. I rarely see my self as a political figure as a fire commissioner and I have never filed a ballot statement before. I don't think it even occurred to me at the time what I was doing. I could have been more careful about which email account I was on at the time.

I think that Mr Lenks assessment that I have benefited or used up company hours may be somewhat questionable however? This was a draft which was never used, I thought better of the idea and never filed a ballot statement. No voter saw the statement, I did not benefit. Also, I am a salaried employee and on call 24/7/365, I have discretion of my time day to day and minute to minute. If I work past regular hours one day I am free to come in later another time or leave for a period of time. My work computer is a laptop and travels with me in and out of the office and I have a cell phone that constantly ticks off messages and calls, I feel sometimes like I never get 100% leave of my day job. I promise however that I do take the PDC position seriously and have made progress (ahead of this charge even from Mr Lenk) to follow all PDC rules 100% to the letter.

I understand that the PDC must act, I hope you will take into account my efforts to correct and if a fine is coming, the fact that it will not take a large number to cause me and my family considerable pain at this particular time in our lives.

Thank You,  
Todd Blackman

Please send all future email to this account.  
You may call me on my cell phone any time at 509-539-8078

PDC Exhibit # 2  
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