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Public Disclosure Commission

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November 2, 2012

Mr. Philip E. Stutzman
Director of Compliance
Washington State Public Disclosure Commission
711 Capitol Way Room 208
P.O. Box 40908
Olympia, Washington 98504-0908

Dear Mr. Stutzman:

Thank you for allowing us the opportunity to respond to the complaints against Thurston County Assessor Steven Drew by Diane Townsend Director, Thurston County Human Resources Department. I appreciate the opportunity to provide a response.

The two allegations from Ms. Townsend are without merit. In the first instance, the activity, although unfortunate, was not a violation of law. In the second instance, Mr. Drew and his staff acted in the best interests of a citizen of the county and in the normal and regular conduct of doing their jobs. There was never any statement made to the contrary nor should any other motive be imputed to Mr. Drew's actions. The enclosed response and exhibits show clearly that these actions were consistent with law.

Again, thank you for the opportunity to respond to this complaint. If you have questions regarding this response or need additional information, please feel free to contact me.

Sincerely,



Roselyn Marcus
Attorney at Law

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RESPONSE TO COMPLIANT FILED BY DIANA TOWNSEND

Public Disclosure Commission

PDC CASE NO. 13-014

Steven Drew, Thurston County Assessor, received a letter dated September 21, 2012 from Philip E. Stutzman, Director of Compliance, Public Disclosure Commission (PDC) stating that the PDC had received a complaint from Diana Townsend, Director, Thurston County Human Resources Department alleging that Mr. Drew violated RCW 42.17A.555 and 42.17A.565 by "urging four members of your management team to donate money to the 2012 re-election campaign of Thurston County Commissioner Sandra Romero." The letter went on to inform Mr. Drew that PDC staff would conduct an investigation into this allegation and requested a response to the allegation by October 5, 2012. Finally, the letter stated that a second allegation in that complaint would not be investigated as there was insufficient evidence of a material violation to warrant an investigation. The second allegation alleged that Mr. Drew violated RCW 42.17A.555 by requesting an employee to investigate an inquiry concerning Kym Wyman, Thurston County Auditor and candidate for Secretary of State.

Four days later, without any additional information being provided, Mr. Stutzman sent a second letter to Mr. Drew asking for information regarding the incident that PDC was not going to investigate. The letter requested a response by October 5, 2012, asking information regarding several specific questions: what Mr. Drew asked his employee, Lynn Richard, to do; whether she conducted any investigative work "concerning this request" and what information she provided to Mr. Drew about the matter that she was asked to investigate. All these questions assume that Mr. Drew requested an employee to perform work in violation of law, which is an incorrect assumption. As there was insufficient time to prepare a response, Mr. Drew requested an extension to respond to both allegations. This request was granted.

The information provided in this response is to provide accurate information regarding both incidents that are cited in the original complaint.

Response to Allegations**Allegation 1 – Urged Management Team to Donate Money to a Candidate.**

Summary of allegation. The complaint alleges that Mr. Drew urged four members of his management team to donate money to Commissioner Romero's reelection campaign.

Response. At no time did Mr. Drew "urge" his staff to donate to a political campaign. Neither did Mr. Drew solicit contributions to a candidate. To "urge" is to advocate, or demand earnestly or pressingly. What Mr. Drew did was to make an offhand remark that was both unfortunate and ill advised, but was not in violation of law.

On the day at issue, Mr. Drew held his management team meeting at the end of a very long day. He had to end the meeting on time, as he was going to attend a fundraiser for

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Commissioner Romero. This was the first fundraiser he was scheduled to attend since he had been elected County Assessor. In an effort to explain why he had to end on time and leave so quickly, he mentioned that he was going to attend that fundraiser. Mr. Drew then did make an off hand remark that it was good to support our commissioners as they approve the office budget. This remark was not planned nor intended to solicit campaign donations. He never specifically requested that any of the managers contribute monetarily to Commissioner Romero's campaign.

RCW 42.17A.565 provides that no local official may knowingly solicit, directly or indirectly, a contribution to a candidate for public office. Although this remark was inappropriate and should not have been stated, it was not made to seek campaign contributions. It was an off the cuff remark by an official at the end of a long day with a long night ahead of him. Mr. Drew never brought this subject up again, nor did he ever check to see if any donations were made. Again, it was an inadvertent remark that should never have been made, but one that is not in violation of the law.

Allegation 2 – Requested an Employee to Conduct an Investigation for the Purpose of Assisting a Candidate's Campaign.

Summary of allegation. The complaint alleges that Mr. Drew requested that his employee, Lynn Richard, investigate an inquiry from a vendor claiming that the Auditor's Office was not collecting certain recording fees and to provide him with that information that could then be used against Kym Wyman who was running for office (Secretary of State). Ms. Richard alleges that Mr. Drew told her that he did not need this information as county assessor but to help his wife who was running against Ms. Wyman.

Response. Mr. Drew never made the statement alleged. It is simply not true. Any work done in regards to the citizen inquiry was within the normal and regular conduct of his office and done consistent with how any and all citizen inquiries are handled.

The county assessor is an elected official who holds office at the pleasure of the county voters. RCW 36.16.030. As an elected official, the county assessor must be responsive to the citizens he serves. Ever since Mr. Drew took office, he has instituted a process for dealing with citizen inquiries. It is his practice to address all inquiries that come into his office, whether or not it is clear that the inquiry deals with an activity of his office. In all events, his staff is expected to look into complaints, try to determine if it is something within his office that needs to be dealt with or whether it involves another agency within government. If it involves another agency within state or local government, his office can then direct the person making the inquiry to the correct office. In this way, the citizen's concerns are addressed and the citizen is not given the proverbial run around. The incident in questions was handled in the same manner as all inquiries and handled for the same reason, that it is the duty of Mr. Drew and his office to address complaints or inquiries and steer the person in the right direction.

The incident in question happened in November 2011, almost one year ago. It is telling that the complaint was not lodged until August of the following year, right before the primary election. In any event, to the best of his recollection, Mr. Drew's assistant, Nadine Sordahl, received a call from a citizen who had a complaint and wanted to meet with Mr. Drew. The citizen was quite frustrated, as she had already been bounced around from state to local agencies. A series of emails were sent from Nadine to staff seeking information that would be helpful to Mr. Drew for this meeting with the citizen. These email exchanges were done on November 8 and 9, without Mr. Drew's involvement. At that time, it was not clear what the issue was and whose office may be able to help.

When Mr. Drew heard about the call, he first wanted to understand the facts and issues before he attended any meeting. Since the caller was already frustrated, the last thing Mr. Drew wanted to do was give her more reason to be upset with local government. Since he was not even in office for a full year, Mr. Drew was still learning what was included in his office's duties and what may be better handled by other agencies. On more than one occasion, a complaint made to his office has resulted in positive change. He wanted to be sure that this inquiry was not the result of something that his office had done or not done.

Mr. Drew did ask Ms. Richard to gain a clear understanding of which fees the constituent was concerned about. He also wanted Ms. Richard to advise him as to whether the Assessor's Office should have any role in recording the information or collecting the fees if owed. This was to establish whether or not his office had any role to play in addressing the issues raised

Ultimately, when the facts were established, Mr. Drew determined that her complaint did not involve his office and he could not solve her problem. Like other complaints that had a similar result, he did talk to Shawn Meyers, the County Treasurer about the issue. The two officials agreed to help the citizen get her questions answered. This is not unusual as the assessor and treasurer will often work together on projects or issues. This agreement led to a meeting with staff from the two offices. Ms. Richard was invited to attend that meeting with the staff from the Treasurer's office. That was the end of the inquiry.

RCW 42.17A.555 prohibits an elected official state officer from using any facilities of a public office, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency. In regard to the allegation in this complaint, all the activities cited are the normal and regular conduct of the Assessor's Office. None of the work, either requested or done by Mr. Drew, was done for any reason other than an official wanting to be responsive to a citizen's inquiry/complaint. Characterizing the activities with slanted descriptions and alleging statements that were simply never made by the official is an attempt to distort the true nature of the activities and people involved.

All the activities deal with communicating with a citizen and trying to find some answers for that person who is quite unsatisfied with her state and local officials. By setting up a process and engaging in that process to receive communications from the public and to be

responsive to their inquiry, regardless of whether the solution comes from his or another government entity is how we would hope all our elected officials would operate. One of the main complaints from the public is that government is not responsive to citizen inquiries. So it is ironic that when the Assessor acknowledges and respond to these criticisms by doing exactly what citizens have requested, that these communications are alleged to have violated state law.

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