

**VIA ELECTRONIC TRANSMISSION**

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June 23, 2013

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**Re: PDC CASE No. 13-097 – FIRST SUPPLEMENT TO COMPLAINT**

Honorable Bob Ferguson and Mr. Stutzman:

Submitted herewith is the First Supplement to a June 10, 2013 complaint concerning the violation of RCW 42.17A.555. Included herewith are the **FIRST SUPPLEMENT TO STATEMENT OF MATERIAL FACTS** which further support the conclusions in the original complaint showing significant violations of RCW 42.17A.555 by Respondents Superintendent Hill, WSBA No. 31016, et. al. and Pasco Citizens For Better Schools.

Immediately after notice of the complaint was included media outlets, local residents approached Complainant with their observations. These individuals advised Complainant about multiple incidents where they observed respondent Pasco Citizens For Better Schools Manager Mike Miller making presentations in support of levy ballot measures, while paired with members of Pasco School District No. 1 staff. These “tag team” presentations included those made to other local agencies considering resolutions in support of the 2013 Bond Levy and to private/community organizations.

**Re: PDC CASE No. 13-097 - FIRST SUPPLEMENT TO COMPLAINT**

**Page: 2**

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

### **FIRST SUPPLEMENT TO STATEMENT OF MATERIAL FACTS**

#### **January 23, 2013 County Commissioners Meeting**

On January 23, 2013, the Franklin County Board of Commissioners considered a matter entitled “Pasco School District” at its regular 9:00 am meeting. **EXHIBIT 1** is a copy of Commissioners Record 52, Franklin County Commissioners' Proceedings for January 23, 2013.

As noted therein, by happy chance, Complainant was present for a unrelated matter, a public hearing for the Petition for incorporation of the City of Riverview (Franklin County Auditors Office number 2012-1). Complainant was the petitioner in said matter before the Commissioners.

Under the matter entitled “Pasco School District”, the Franklin County Commissioners considered Resolution 2013-025 related to and supporting the 2013 Bond Levy.

As enumerated on Page 26 of **EXHIBIT 1**, Respondent 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller made a presentation supported by Respondent Pasco School District Executive Director of Operations John M. Morgan.

As noted on the Sign In Sheet for the meeting (**EXHIBIT 2, page 65**), Executive Director Morgan and 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller arrived and signed in together, despite the unusually large turn out for the Public Hearing related to the incorporation petition.

In reviewing **EXHIBIT 1**, Commissioners Record 52, Franklin County Commissioners' Proceedings for January 23, 2013, page 27, Executive Director Morgan and 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller left after the agenda item entitled “Pasco School District”, as they are not present for any subsequent agenda items. It should be noted that the Franklin County Commissioners' Proceedings are extremely meticulous with regards to recording individuals present by agenda item at each meeting.

**EXHIBIT 3** is a copy of Resolution 2013-025 approved by the Franklin County Commissioners in support of the 2013 Bond Levy. It should be noted that the “galvanizing” subject of multi-track year-round schooling and double-shift programs were brought forward.

**Re: PDC CASE No. 13-097 - FIRST SUPPLEMENT TO COMPLAINT**

**Page: 3**

Recall that in order to foster support for the 2013 Bond Levy, Superintendent Hill, WSBA No. 31016, and other agency officials used threats and intimidation by continually introducing the knowingly repulsive subject of multi-tracking and double sessions. Superintendent Hill, WSBA No. 31016, learned through community surveys that “

. They wanted another bond right away.”

In the case of the Public Hearing related to the matter entitled “Pasco School District”, it is clear that Executive Director Morgan violated RCW 42.17A.555 by providing public resources while engaging in a supporting role to 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller. Both arrived together at the opening of the meeting, and left together after the matter entitled “Pasco School District”, a Public Hearing relating to the support of 2013 Bond Levy. Furthermore, the knowingly repulsive (as determined by Pasco School District Surveys) topic of multi-track year-round schooling and double-shift programs were discussed at length, and only serve to influence the outcome of the vote.

### **January 14 & 22, 2013 Pasco City Council Meetings**

On January 14, 2013, 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller and Board Member Jean Ryckman made a request of the Pasco City Council to seek a public hearing and resolution supporting the 2013 Bond Levy.

Video of the Council Workshop session is available at:

<http://psctv.pegcentral.com/player.php?video=80e0009c29a92d904485e6a6ac3b7c05>

An extended discussion between the Pasco City Council and 2013 Bond Levy Proponent Pasco for Better School's Miller and Ryckman ensued. Council members asked questions that 2013 Bond Levy Proponent Pasco for Better School's Miller and Ryckman could not answer. 2013 Bond Levy Proponent Pasco for Better School's Miller and Ryckman indicated they would seek answers, presumably from Pasco School District No. 1 staff.

On January 22, 20113, 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller and Board Member Jean Ryckman made a presentation in support of the 2013 Bond Levy to the Pasco City Council.

Video of the Council Meeting is available at:

<http://psctv.pegcentral.com/player.php?video=c22c97dfbd18252151aa84a6b6fcedf0>

**Re: PDC CASE No. 13-097 - FIRST SUPPLEMENT TO COMPLAINT**

**Page: 4**

It is noteworthy that the power-point graphics referred during the presentation was prepared by Pasco School District No. 1 staff (**EXHIBIT 35** in the original June 10, 2013 Complaint).

During the presentation, 2013 Bond Levy Proponent Pasco for Better School Manager Mike Miller advised that “we have been reminded to talk about safety issues”. Given the continuous and regular communications between Pasco School District No. 1 staff and 2013 Bond Levy Proponent Pasco for Better School Manager Mike Miller, it is logically presumed that this reminder was provided by Pasco School District No 1. staff.

It is noted that during the presentation, 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller notes that the Pasco School District No. 1 does its part and “they want to see this (2013 Bond Levy) happen”.

At the end of the presentation by 2013 Bond Levy Proponent Pasco for Better School' Miller and Ryckman, Pasco City Council Member/Mayor Watkins notes that he recognizes most faces in audience who were attending in support of the 2013 Bond Levy. Although the City of Pasco does not maintain meticulous records such as Franklin County, members of the Pasco School No. 1 staff and Board of Directors were reported as being present.

**EXHIBIT 4** is a copy Resolution 3454 adopted by the Pasco City Council on January 22, 2013 in support of the 2013 Bond Levy.

It should be noted that the “galvanizing” subject of multi-track year-round schooling and double-shift programs were brought forward and included therein. Resolution 3454 also parrots Superintendent Hill's, WSBA No. 31016, threat concerning the reduction of property values should the 2013 Bond Levy not pass (see “January 8, 2013 Charter Cable Community Video Presentation” below).

At both the January 14 and 22, 2013 Pasco City Council meetings, it was noted that resolutions of support for the 2013 Bond Levy were provided by Kiwanis, the Pasco Chamber of Commerce, and Rotary. While such events are private, it is understood that Superintendent Hill, WSBA No. 31016, and or other District Staff attended such functions as noted in several email exchanges.

In the 2013 Bond Levy Public Hearing before the Pasco City Council, violations of RCW 42.17A.555 occurred as 2013 Bond Levy Proponent Pasco for Better Schools 1) utilized PowerPoint graphics prepared by Pasco School District No. 1 staff; 2) members of the Pasco School No. 1 staff and Board of Directors were reported as being present for the supportive public hearing; 3) discussion of the “galvanizing” threats of Multi-Track Year Round schooling and Double Scheduling took place; and 4) discussion of the threat of decreasing property values should the bond not pass as introduced by Superintendent Hill, WSBA No. 31016 on January 8, 2013. Again, we see public resources being used to support the 2013 Bond Levy and influence the outcome of the vote.

**January 8, 2013 Charter Cable Community Video Presentation**

As noted in the original complaint, 2013 Bond Levy Proponent Pasco for Better Schools Manager Mike Miller scheduled a Community Video Presentation by Superintendent Hill, WSBA No. 31016, for January 8, 2013. The Community Outreach video played regularly on Charter Communication's Public Access programming channel.

This video session is available at:

<http://www.youtube.com/watch?v=x5ysJACwsCc&feature=youtu.be>

In her support for adoption of the 2013 Bond Levy, Superintendent Hill, WSBA No. 31016, continues her threats to the community if the bond is not passed including the following:

The “galvanizing” subject of multi-track year-round schooling and double-shift programs;  
That school lunches will commence at 8:30 am in the morning;  
A decrease in property values for residents of the Pasco School District.

Superintendent Hill's, WSBA No 31016, introduction of “decreased property values” if the bond fails is extremely disconcerting. This treat affects all property owners within the corporate boundaries of Pasco School District No. 1, and surely influenced the outcome of the vote. Property owners are required to pay off such bonds, and use “decreasing property values” is a direct treat designed to influence their position and vote in favor of the measure. Superintendent Hill, WSBA No. 31016, provides no evidence to the fact she is dispensing to the public. It is noteworthy that the threat of “decreasing property values” is also brought forward in Pasco City Council Resolution 3454 (EXHIBIT 4).

The other issues brought forward by Superintendent Hill, WSBA No. 31016, are only used in response to “galvanizing” survey results, and are introduced only to threaten and intimidate voters into adopting the 2013 Bond Levy. Superintendent Hill, WSBA No. 31016, continues to offer partisan support of the 2013 Bond Levy to influence the outcome of the vote, and does not limit her comments to “educational material”.

**January 4, 2013 Community Video Presentation**

On January 4, 2013, Executive Director Morgan made a video presentation in support of the 2013 Bond Levy.

This video session is available at:

<http://www.youtube.com/watch?v=VDGm9fIROio>

**Re: PDC CASE No. 13-097 - FIRST SUPPLEMENT TO COMPLAINT**

**Page: 6**

Executive Director Morgan brings forward the “galvanizing” issue of multi-track year-round schooling and double-shift programs should the bond not pass. Executive Director Morgan also notes that the “galvanizing” subject is opposed by the community and District staff.

Executive Director Morgan continues his support of the 2013 Bond by continually stating “when the bond passes” and continually referring to the 2013 Bond Levy as a “very attractive bond”.

Executive Director Morgan's January 4, 2013 Video Presentation clearly crosses the line of providing “educational material” with public resources into the realm of supporting the measure to influence the outcome of the vote.

#### **December 20, 2011 Franklin County Republican Committee Meeting**

On June 12, 2013, Complainant was contacted by Pam Follansbee regarding a presentation made in support of the 2012 Maintenance and Operations Levy. The presentation in support of the 2012 M&O Levy was conducted on about December 20, 2011 to members of the Franklin County Republican Committee.

Presenters supporting the 2012 M&O Levy included Levy Proponent Pasco for Better Schools Manager Mike Miller and Superintendent Hill, WSBA No. 31016. **EXHIBIT 5** is an approved copy of the redacted minutes from said meeting. All other content related to the conduct of the private meeting is redacted.

This “tag team” approach to supporting ballot measures between Levy Proponent Pasco for Better Schools and Pasco School District Staff is the standard template for all community presentations. Again, we see the use of public resources for the purpose of influencing the outcome of the vote.

**Re: PDC CASE No. 13-097 - FIRST SUPPLEMENT TO COMPLAINT**

**Page: 7**

**CERTIFICATION**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this First Supplement to PDC Case 13-097 and the complaint are true and correct.

Best Regards,

A handwritten signature in black ink, appearing to read "Roger E. Lenk", with a stylized, cursive script.

Roger E. Lenk

Exhibits (5)

cc: Tony Perkins, PDC Lead Political Finance Specialist ([tony.perkins@pdc.wa.gov](mailto:tony.perkins@pdc.wa.gov))  
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