



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

In the Matter of Enforcement Action  
Against

Todd Mielke, Spokane County  
Commissioner

Respondent.

PDC Case No. 13-099

Notice of Administrative Charges

**I. Jurisdiction**

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to RCW 42.17A, the campaign disclosure and contribution law; RCW 34.05, the Administrative Procedure Act; and WAC 390. These charges incorporate the Report of Investigation and all related exhibits by reference.

**II. Allegations**

2. PDC staff alleges that Todd Mielke violated RCW 42.17A.555 by authorizing the use of Spokane County facilities to assist his preparation for a June 7, 2012 candidate debate sponsored by the Newman Lake Property Owners Association (NLPOA). Between May 29, 2012 and June 6, 2012, staff of the Spokane County Commissioner's office used county printers, scanners, email, telephone, and staff time on multiple occasions to process the candidate debate questions, on Mr. Mielke's behalf and with his involvement, and to seek information to assist Mr. Mielke's preparation for the debate.

### **III. Facts**

3. Todd Mielke was elected Spokane County Commissioner in 2004 and re-elected to that office in 2008. On June 24, 2011, he became a candidate for re-election in 2012. John Roskelley was also a candidate for Spokane County Commissioner in 2012, opposing Mr. Mielke.
4. Staci Lehman, President of Newman Lake Property Owners Association (NLPOA) and a Coordinator for the Spokane Regional Transportation Council (SRTC) invited Mr. Mielke and Mr. Roskelley to participate in a NLPOA-sponsored candidate debate on June 7, 2012.
5. On May 29, 2012, Ms. Lehman sent an email to Mr. Mielke at his official Spokane County email address, providing an initial list of questions for the candidate debate. The email clearly described the event as a candidate debate between Mr. Mielke and Mr. Roskelley. On June 4, 2012, Ms. Lehman sent an additional email to Mr. Mielke at his official Spokane County email address, providing a final list of candidate debate questions. Both emails were also received by Nancy Voermans, Mr. Mielke's Executive Assistant.
6. The initial debate questions were printed using Spokane County facilities. Mr. Mielke then circled four of the questions that he wanted answered by the Spokane County Engineer's Office. On June 4, 2012, using the Spokane County email system and acting on Mr. Mielke's behalf, Ms. Voermans forwarded the scanned, circled questions to Jane Clark, an Environmental Program Engineer with the county engineer's office. In her email to Ms. Clark, Ms. Voermans stated, "*Here are the questions. Thanks for your help. Nancy.*"
7. The final debate questions were printed using Spokane County facilities. This list contained two new questions. The two new questions were circled, and on June 6, 2012, using the Spokane County email system, Ms. Voermans forwarded these scanned, circled questions to Ms. Clark on behalf of Mr. Mielke. In her email, Ms. Voermans stated, "*Hi Jane: The 2 new questions are circled. Thank you for your help. Nancy.*"
8. Ms. Clark completed her work and delivered the finished packet of information to Mr. Mielke through an email sent to Ms. Voermans on June 6, 2012. She sent the completed packet, with additional information, to Mr. Roskelley on June 7, 2012.

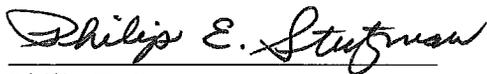
9. Ms. Voermans stated that while she did not recall Mr. Mielke specifically directing her to send the candidate debate questions to Ms. Clark, she understood that she was expected to take this action on behalf of Mr. Mielke.
10. Mr. Mielke used the information he received from Ms. Clark at the June 7, 2012 candidate debate.

#### **IV. Law and Regulation**

**RCW 42.17A.555** prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities that are part of the normal and regular conduct of the office or agency.

**WAC 390-05-273** states, in part: "Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.555 means 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."

Respectfully Submitted this 3<sup>rd</sup> day of February, 2015.



Philip E. Stutzman  
Director of Compliance