



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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April 10, 2015

[todd@toddmielke.com](mailto:todd@toddmielke.com)

TODD MIELKE  
8815 N RIVER ROCK LANE  
NINE MILE FALLS WA 99026

Subject: Final Order, Todd Mielke, PDC Case No. 13-099

Dear Mr. Mielke:

Enclosed is a copy of the Public Disclosure Commission's Final Order for PDC Case No. 13-099. Also enclosed is a copy of the Stipulation of Facts. Thank you for your cooperation throughout this process.

Please note that one of the conditions of suspending \$400 of the \$500 penalty is that the \$100 non-suspended portion of the penalty is paid within 30 days of the date of the order. Your payment should be made payable to "WA STATE TREASURER" and you should reference Case No. 13-099.

If you have questions, please contact me at (360) 664-8853; toll free at (877) 601-2828 or by email at [phil.stutzman@pdcc.wa.gov](mailto:phil.stutzman@pdcc.wa.gov).

Sincerely,

Philip E. Stutzman  
Director of Compliance

Enclosure – Stipulation of Facts

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**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action  
Against:  
Todd Mielke  
Respondent.

Case No. 13-099  
FINAL ORDER OF THE PUBLIC  
DISCLOSURE COMMISSION

**I. INTRODUCTION**

This matter was heard by the Washington State Public Disclosure Commission (PDC) on March 26, 2015 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington 98504. The hearing was held pursuant to RCW 34.05, 42.17A, and WAC 390-37. The proceeding was open to the public, and recorded and videotaped.

Commissioners Grant Degginger, Chair, and Members Amit Ranade, Anne Levinson, and John Bridges were present. Assistant Attorney General Chad Standifer represented the PDC Staff. Respondent Todd Mielke appeared pro se.

Staci Lehman and Jane Clark testified on behalf of the PDC Staff and Respondent. Kurt Young, Compliance Officer, testified for PDC Staff. The Respondent testified on his own behalf.

The PDC had before it the following materials: Notice of Administrative Charges dated February 3, 2015; Report of Investigation and attached Exhibits 1-8, dated February 3, 2015; Stipulation As To Facts, signed by Respondent and PDC staff on March 26, 2015; PDC Staff

1 Exhibit 10; Respondent's Exhibits 1-25 and Supplemental Exhibit; and Comparable Past  
2 Violations and Penalties.

3 The hearing concerned allegations that Respondent violated RCW 42.17A.555 by using  
4 or authorizing the use of Spokane County facilities for the purpose of assisting his campaign for  
5 reelection to the Spokane County Board of Commissioners.

6 After reviewing the record, listening to testimony, and considering argument, the  
7 Commission determined that Respondent violated RCW 42.17A.555.

## 8 II. FINDINGS OF FACTS

9 1. All facts contained in the Stipulation as to Facts will be designated Findings of  
10 Facts Nos. 1 through 10 and incorporated by reference here.

11 11. Even though it may have been unclear at the time the Newman Lake Property  
12 Owners Association June 7, 2012 event was first scheduled, the May 29, 2012 email from Ms.  
13 Lehman to Respondent's and Ms. Voermans' County email addresses made it clear the event  
14 would be a debate related to the election to the office of County Commissioner.

15 12. Ms. Voermans obtained a copy of debate questions on which Respondent had  
16 circled four questions. Respondent's Exhibit 10, page 2. Respondent testified that he circled the  
17 four questions on the first weekend of June. Ms. Voermans' activities were consistent with her  
18 role as Respondent's Executive Assistant, and there was no evidence Respondent took steps to  
19 prevent Ms. Voermans from using her time as a County employee, using County facilities, or  
20 asking other County staff to take actions that required use of their time as County employees and  
21 County facilities in order to help Respondent prepare for this campaign event.

22 13. After forwarding the debate questions to Ms. Clark, Ms. Voermans informed Ms.  
23 Clark that the additional information was needed by June 7, the date of the debate.

24 14. On June 7, 2012 Ms. Clark sent a second email attaching information relating to  
25 the candidate debate questions to Ms. Voermans.  
26



1 (3) Activities which are part of the normal and regular conduct of the office  
2 or agency.

3 (4) This section does not apply to any person who is a state officer or state  
4 employee as defined in RCW 42.52.010.

5 3. WAC 390-05-273 provides:

6 Normal and regular conduct of a public office or agency, as that term is used in  
7 the proviso to RCW 42.17A.555, means conduct which is (1) lawful, i.e.,  
8 specifically authorized, either expressly or by necessary implication, in an  
9 appropriate enactment, and (2) usual, i.e., not effected or authorized in or by  
10 some extraordinary means or manner. No local office or agency may authorize  
11 a use of public facilities for the purpose of assisting a candidate's campaign or  
12 promoting or opposing a ballot proposition, in the absence of a constitutional,  
13 charter, or statutory provision separately authorizing such use.

14 4. The PDC Staff has the burden of proving a violation of RCW 42.17A.555 by a  
15 preponderance of the evidence.

16 5. PDC Staff met its burden of proving that Respondent violated RCW 42.17A.555 by  
17 authorizing the use of public facilities to support his campaign for the office of Spokane County  
18 Commissioner.

19 6. Use of County facilities to assist Respondent in preparing for the June 7, 2012 debate  
20 was not lawful, and therefore does not constitute activity which is part of the normal and regular  
21 conduct of the office of Spokane County Commissioner within the meaning of WAC 390-05-  
22 273.

#### 23 IV. ORDER

24 Based upon the findings and conclusion that a violation occurred, the Commission  
25 orders:

26 The Respondent is assessed a civil penalty of \$500 for the violation of RCW 42.17A.555.  
Of the total penalty amount, \$400 is suspended based on Respondent's compliance with the  
following conditions:

1. Respondent is not found to have committed any violations of RCW 42.17A within four years of the date of the Final Order in this matter.
2. Respondent pays the non-suspended portion of the penalty (\$100) within 30 days of the date of entry of the Commission's Final Order in this matter.

1 In the event Respondent fails to meet the conditions in paragraph 2, the suspended portion  
2 of the penalty (\$400) shall become due without any further action by the Commission.

3 The Executive Director is authorized to enter this order on behalf of the Commission.

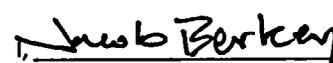
4 So ORDERED this 10<sup>th</sup> day of April, 2015

5 WASHINGTON STATE PUBLIC  
6 DISCLOSURE COMMISSION

7 FOR THE COMMISSION:

8   
9 Andrea McNamara Doyle  
10 Executive Director

11 *Attachment: Stipulation as to Facts*  
12 *Copy of this Order to:*  
13 *Todd Mielke, Respondent*

14  certify that I mailed a copy  
15 of this order to the Respondent/Applicant at his/her  
16 respective address postage pre-paid on the date stated  
17 herein.  
 4/10/15  
Signed Date

18 NOTICE: RECONSIDERATION  
19 PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 390-37-150 YOU MAY  
20 FILE A PETITION FOR RECONSIDERATION WITH THE PDC WITHIN TWENTY-ONE  
21 (21) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY  
22 REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR  
THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE  
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, 711 CAPITOL WAY,  
ROOM 206, BOX 40908, OLYMPIA WA 98504-0908.

23 NOTICE: PETITION FOR JUDICIAL REVIEW  
24 YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT,  
25 PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW  
26 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE  
FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND  
THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE  
DATE THIS FINAL ORDER IS SERVED UPON YOU.

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action  
Against:

Todd Mielke

Respondent.

Case No. 13-099

STIPULATION AS TO FACTS

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Todd Mielke submit this Stipulation as to Facts in this matter.

**I. JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the state campaign finance disclosure law; RCW 34.05, the Administrative Procedure Act; and the Commission's rules located at WAC 390.

**II. STIPULATED FACTS**

1. 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.

2. Staci Lehman, President of Newman Lake Property Owners Association (NLPOA) and a Coordinator for the Spokane Regional Transportation Council (SRTC) separately invited Mr. Mielke and Mr. Roskelley to participate in the annual meeting of the NLPOA on June 7, 2012, which ultimately became a candidate debate.

3. 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.

4. PDC staff contends that the initial debate questions were printed using Spokane County facilities because Ms. Lehman sent the debate questions on May 29, 2012 to Mr. Mielke and Ms. Voermans at their Spokane County email addresses, and because Ms. Lehman stated she did not hand-deliver the debate questions to Mr. Mielke or to a member of his staff. Mr. Mielke contends that he received a copy of the questions from Ms. Lehman while attending a meeting at the Spokane Regional Transportation Council (Ms. Lehman's place of employment) on May 30, 2012.

5. Mr. Mielke circled four of the questions that he wanted answered by the Spokane County Engineer's Office. On or around June 4, 2012, Ms. Voermans called Jane Clark, an Environmental Program Engineer with the county engineer's office, and told her she would be sending an e-mail with attached questions. On June 4, 2012, Ms. Voermans asked Ginna Vasquez, Deputy Clerk to the Board of Spokane County Commissioners, to scan a copy of the initial candidate debate questions that included notations made by Mr. Mielke, and forward them to Ms. Voermans. Ms. Vasquez did so. On June 4, 2012, using the Spokane County email system, 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.*"

6. 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. In her email, Ms. Voermans stated, "*Hi Jane: The 2 new questions are circled. Thank you for your help. Nancy.*"

7. Ms. Clark completed her work and e-mailed the finished packet of information to Ms. Voermans at 4:39 PM on June 6, 2012. She sent the completed packet, with additional information, via Spokane County e-mail to Mr. Roskelley at 11:25 AM on June 7, 2012.

8. Mr. Mielke stated that he personally communicated with Jane Clark, an Environmental Program Engineer in the Spokane County Engineer's Office, and one of Ms. Clark's supervisors to obtain the information he required for the event, by speaking in person with Ms. Clark on his personal cell phone. Ms. Clark told PDC staff that she did not speak to Mr. Mielke directly concerning the Newman Lake candidate debate questions, either in person or over the telephone. Ms. Clark stated that she received the debate questions via email from Ms. Voermans, and from her alone.

9. Mr. Mielke stated that he did not direct Nancy Voermans to process or obtain answers to the NLPOA candidate debate questions. Ms. Voermans submitted a Declaration stating that she did not recall Mr. Mielke ever asking her or directing her to scan and email the candidate debate questions to Ms. Clark, or to take any action regarding any preparation for the event other than scheduling. Ms. Voermans testified that she did not specifically recall speaking with Mr. Mielke concerning the debate questions, but believes that she did likely speak with him about the event.

10. Mr. Mielke used the information he received from Ms. Clark at the June 7, 2012 candidate debate.

Andrea M. Doyle 3/26/15  
Andrea McNamara Doyle, Executive Director Date Signed  
Public Disclosure Commission

Todd Mielke 3/26/2015  
Todd Mielke Date Signed