

VIA ELECTRONIC TRANSMISSION

Roger Erich Lenk
1817 N. Road 76
Pasco, Washington 99301-1830
lenk.roger@gmail.com

May 8, 2017

Tony Perkins, Director of Compliance
State of Washington Public Disclosure Commission
711 Capitol Way Room 206
Post Office Box 40908
Olympia, Washington 98504-0908
tony.perkins@pdc.wa.gov

Re: VIOLATION OF RCW 42.17A. et. seq.
Kennewick Mayor Steve Young; Kennewick City Manager Marie Mosley

Dear Mr. Perkins:

Submitted herewith is a complaint concerning the violation of RCW 42.17A. et. seq.

The political campaign at issue is the “Dan Newhouse For Congress”, however violations enumerated herein are subject to RCW 42.17A. et. seq.

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

RESPONDENTS

Steve Young – Respondent Young lists his occupation as (elected) Mayor for the City of Kennewick. Young Supervises Respondent Mosley (below). Respondent Young's address is 1808 S Ione Street, Kennewick, Washington 99337-4119 and maintains a phone number of (509) 521-5220. Respondent Young utilizes an email address of Steve_C_Young@rl.gov for his public RCW 42.56 et. seq., covered communications.

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Marie Mosley – Respondent Mosley is the appointed City Manager of Kennewick, and reports to Respondent Young. Respondent Mosley's mailing address is 3806 W 47th Avenue, Kennewick, Washington 99337 and maintains a phone number of (509) 585-4238. Respondent Mosley's email address is Marie.Mosley@ci.kennewick.wa.us.

As noted in PDC Case 15-001/Ticket Number: 2311, Respondent Mosley was responsible for establishing performance goals to “Develop a steering, campaign, and honorary chair persons to move the measure forward to the voters for a fall election” for Police Chief Ken Hohenberg (directed to expend thirty percent (30%) of his public employee time and efforts towards campaign activities in order to attain performance and pay increases). In addition, Respondent Mosley established performance goals for Administrative Services Commander Craig Litrell to expend fifteen percent (15%) of his public employee time and efforts towards campaign activities in order to attain performance and pay increases.

In order to avoid further misappropriation of public resources and facilities, the Public Disclosure Commission must ensure that all Respondents, not be permitted to utilize public resources from their or any other respective public agency in responding to this review.

STATEMENT OF MATERIAL FACTS

On or about Tuesday, June 10, 2014, United States Congressional Candidate, 4th District, State of Washington, Dan Newhouse's campaign confirmed Young's responsibility as a table captain for Dan Newhouse's campaign fundraising lunch on June 26th at the Richland Red Lion.

On Tuesday, June 10, 2014 6:16 PM, Young forwarded the message to his subordinate, Kennewick City Manager Marie Mosley at her publicly funded email account, Marie.Mosley@ci.kennewick.wa.us seeking contributions towards the Newhouse Campaign.

On Wednesday, June 11, 2014 9:28:01 AM, Young's subordinate, Kennewick City Manager Marie Mosley replied to Young, utilizing paid public resources, paid public equipment, paid public time and a paid public email account:

“Thank you Steve for the invitation. I would like to contribute towards a ticket (\$100) but as mentioned, I am planning on taking that day off so will not be able to attend the event. ***I will provide you with the \$100 to go towards the table or just as a contribution (so you can also find someone else to actually sit at your table and attend lunch)*** (emphasis added).

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Thanks!

Marie Mosley
City Manager
City of Kennewick
509-585-4238”

EXHIBIT 1 is a true and accurate copy of that email exchange. Exhibit 1 was obtained by way of the following RCW 42.56 et. seq., Request for Public Records made to the City of Kennewick:

For the period January 1, 2011 to present, please produce the following public records:

1. Any and all original emails and text messages deposited and/or stored at work mail delivery agent/client mailbox of Steve Young (“Steve_C_Young@rl.gov” and “younsc@rl.gov”) and;
2. Any and all original emails and text messages sent/emanating from and/or stored at work mail transport agent/client mailbox of Steve Young (“Steve_C_Young@rl.gov” and “younsc@rl.gov”), including cc and bcc email addresses.

On June 26, 2014, Young submitted his bundled \$600.00 as a table captain for Dan Newhouse's campaign fundraising lunch on June 26th at the Richland Red Lion.

EXHIBIT 2 is a true and accurate copy of the SCHEDULE A (FEC Form 3) submitted by Dan Newhouse For Congress for the campaign contribution solicited on June 10 and 11, 2014.

LAW AND REGULATIONS

RCW 42.17A.555 Use of public office or agency facilities in campaigns — Prohibition — Exceptions, 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

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during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by 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 42.17A.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."

RCW 42.17A.565 Solicitation of contributions by public officials or employees provides:

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency (emphasis added).

(2) No state or local official or public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment, based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

CONCLUSION

Based on the revealing facts and documents provided herein, Respondents violated provisions of RCW 42.17A et. seq.

Respondent Young clearly violated RCW 42.17A.565 by knowingly soliciting, directly, a contribution to a candidate for public office, from a subordinate employee in Young's local agency.

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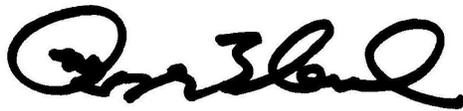
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Respondent Mosley clearly violated RCW 42.17A.555 by knowingly utilizing public facilities (utilizing paid public equipment, paid public time and a paid public email account) for the support of a campaign for office.

CERTIFICATION

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

Best Regards,

A handwritten signature in black ink, appearing to read "Roger E. Lenk", written in a cursive style.

Roger E. Lenk

Exhibits (2)

cc: John McKay, KFLD Radio
La Voz
Tri-City Herald
KONA News Radio
KNDU Television
KVEW Television
KEPR Television
Tri-Cities Area Journal of Business

EXHIBIT 1

From: [Marie Mosley](#)
To: [Young, Steve C Vice President](#)
Subject: RE: Details for June 26th Tri Cities Lunch - Dan Newhouse
Date: Wednesday, June 11, 2014 9:28:01 AM

Thank you Steve for the invitation. I would like to contribute towards a ticket (\$100) but as mentioned, I am planning on taking that day off so will not be able to attend the event. I will provide you with the \$100 to go towards the table or just as a contribution (so you can also find someone else to actually sit at your table and attend lunch).

Thanks!

Marie Mosley
City Manager
City of Kennewick
509-585-4238

From: Young, Steve C Vice President [mailto:Steve_C_Young@rl.gov]
Sent: Tuesday, June 10, 2014 6:16 PM
To: Marie Mosley; Ruscitto, David G
Subject: Fwd: Details for June 26th Tri Cities Lunch - Dan Newhouse
FYI

Sent from my iPhone

Begin forwarded message:

From: "Anitra Beruti" <anitra.beruti@gmail.com>
To: "Young, Steve C Vice President" <Steve_C_Young@rl.gov>
Subject: **Details for June 26th Tri Cities Lunch - Dan Newhouse**

Thank you very much for agreeing to serve as a table captain for Dan Newhouse's campaign fundraising lunch on June 26th at the Richland Red Lion. Attached and pasted below are copies of the invitation.

Please email me the names of the 10 folks who will be sitting at your table. They can take care of payment at the lunch, no need to pay ahead of time. If you have any additional questions, please let me know. Thank you again for your help!

Best,
Anitra

[cid:C9F90A41-CB0C-4DB7-B6C9-5ED7AF076953]

EXHIBIT 2

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 75 OF 137
	<input checked="" type="checkbox"/> 11a 12 <input type="checkbox"/> 11b 13a <input type="checkbox"/> 11c 13b <input type="checkbox"/> 11d 14 <input type="checkbox"/> 15	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Dan Newhouse For Congress

Full Name (Last, First, Middle Initial) A. Steve C. Young		Date of Receipt M M / D D / Y Y Y Y 06 / 26 / 2014	
Mailing Address 1808 S Ione St		Transaction ID : A-CF1215	
City Kennewick	State WA	Zip Code 99337-4119	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 600	
Name of Employer City of Kennewick	Occupation Mayor		
Receipt For: 2014 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Election Cycle-to-Date 600		

Full Name (Last, First, Middle Initial) B. Matt Hollingbery		Date of Receipt M M / D D / Y Y Y Y 06 / 27 / 2014	
Mailing Address 1370 Naches Tieton Rd		Transaction ID : A-CF1043	
City Tieton	State WA	Zip Code 98947-9799	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 250	
Name of Employer Hollingbery & Son, Inc.	Occupation Hop Broker		
Receipt For: 2014 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Election Cycle-to-Date 250		

Full Name (Last, First, Middle Initial) C. Daryl Matson		Date of Receipt M M / D D / Y Y Y Y 06 / 27 / 2014	
Mailing Address 1000 Selah Heights Rd		Transaction ID : A-CF1045	
City Selah	State WA	Zip Code 98942-9606	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 500	
Name of Employer Matson Fruit Company	Occupation HR Management		
Receipt For: 2014 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Election Cycle-to-Date 1000		

SUBTOTAL of Receipts This Page (optional).....	1350.00
TOTAL This Period (last page this line number only).....	[Empty Box]

EXHIBIT 3

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