



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

March 26, 2019

Delivered electronically to Roger Lenk at “lenk.roger@gmail.com”

Subject: Complaint regarding Steve Young, PDC Case 18253 and Marie Mosley, PDC Case 40824

Dear Mr. Lenk:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 9, 2017. Your complaint alleged that Steve Young, while serving as Mayor of Kennewick and a Kennewick City Council Member, may have violated RCW 42.17A.565 by soliciting a contribution to the campaign of Dan Newhouse, a 2014 candidate for U.S. House of Representatives, from Marie Mosley, a City of Kennewick employee. Your complaint also alleged that Ms. Mosley, Kennewick City Manager, may have violated RCW 42.17A.555 by using her City of Kennewick email account to reply to Mayor Young’s purported solicitation for a campaign contribution.

PDC staff reviewed your allegations; the applicable statutes and rules; and the responses provided by and on behalf of Respondents Young and Mosley, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- On June 10, 2014, when Steve Young was Mayor of the City of Kennewick and a member of the Kennewick City Council, he forwarded an email he had received from Anitra Beruti, concerning the details for a June 26, 2014 Tri Cities Lunch with Dan Newhouse, a candidate for U.S. House of Representatives, to Marie Mosley at her City of Kennewick email address. Mr. Young forwarded the email using his personal phone and his private employer’s email account. He did not use a City of Kennewick phone or the email system of the City of Kennewick to forward the email to Ms. Mosley, nor did he add any personal comments to the forwarded email.
- Mr. Young did not directly solicit a campaign contribution from Ms. Mosley. However, the last paragraph of the forwarded email included a statement from

Ms. Beruti to Mr. Young that could be perceived as an indirect solicitation by Mr. Young to Ms. Mosley. The forwarded statement from Ms. Beruti said, *“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!”*

- On June 11, 2014, Ms. Mosley replied to Mr. Young’s forwarded email by stating, *“Thank you Steve for the invitation. I would like to contribute towards a ticket (\$100) but as I 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!”* Ms. Mosley used her City of Kennewick email account to reply to Mr. Young’s forwarded email.
- In a declaration from Steve Young signed October 5, 2017, Mr. Young stated that he had been invited to be a speaker at Dan Newhouse’s announcement to run for Congress in 2014. He said he felt he should buy a table at the event with his own funds, which he did. He said when Ms. Mosley responded that she could not attend but would contribute money, he immediately called her to tell her he did not want any money since he had already paid for the table, but he wanted her to know she was invited. Mr. Young stated that he has never reached out to anyone for funding for any candidate at any time, including for his own campaigns. He stated that he was not asking for money and did not accept money for Congressman Newhouse’s campaign. The Federal Election Commission reports for Dan Newhouse show receipt of a \$600 contribution from Steve Young on June 26, 2014, which was approximately two weeks after the date Mr. Young told Ms. Mosley he had already paid for the fundraiser table.
- It appears that Ms. Mosley perceived the forwarded email to be a solicitation for a contribution to Mr. Newhouse’s fundraiser. Mr. Young stated that his forwarded email was not a solicitation for a contribution to Dan Newhouse’s 2014 campaign for Congress.
- Mr. Young does not have previous warnings or violations of the PDC requirements.
- Ms. Mosley does not have previous warnings or violations of the PDC requirements.

For Steve Young:

It does not appear that Steve Young intended his forwarded email to be a solicitation for a campaign contribution from Marie Mosley to the 2014 Dan Newhouse campaign for Congress, an action that would be prohibited by RCW 42.17A.565. However, given her offer to make a \$100 contribution upon receipt of Mr. Young’s forwarded email, it appears that Ms. Mosley interpreted Mr. Young’s forwarded email to be a solicitation for a contribution.

Based on these findings staff has determined that, in this instance, Steve Young's act of forwarding a campaign-related email to Marie Mosley does not appear to be an actual violation warranting further investigation.

However, Pursuant to WAC 390-37-060(1)(b), Steve Young will receive a formal written warning because, while serving as Mayor of the City of Kennewick in 2014, he forwarded an email to Marie Mosley, a City of Kennewick employee, concerning a Dan Newhouse fundraiser, that Ms. Mosley appears to have interpreted to be an indirect solicitation for a contribution to the 2014 Dan Newhouse for Congress campaign, an action prohibited by RCW 42.17A.565. The formal written warning will include staff's expectation that Mr. Young refrain from interactions with employees of the City of Kennewick that appear to be a solicitation of a contribution to a candidate for public office, political party, or political committee and to refrain from sending campaign-related material to city employees at their work site, such as Ms. Mosley's city email account, because it increases the risk that the employee receiving the campaign material will respond to it using agency facilities. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

For Marie Mosley:

Marie Mosley responded, using her City of Kennewick email account, to an email forwarded to her City email account by Steve Young, concerning the 2014 Dan Newhouse campaign for U.S. Congress. It appears that Ms. Mosley interpreted the forwarded email to be an indirect solicitation for a campaign contribution, which she offered to make when she received Mr. Young's forwarded email. Ms. Mosley's use of her city email to correspond with Mr. Young about a campaign-related matter is mitigated by the fact that she was responding to an unsolicited email, and that she did not initiate the campaign-related conversation.

Based on these findings staff has determined that, in this instance, Marie Mosley's use of her City of Kennewick email account to reply to Steve Young's unsolicited, campaign-related email, does not appear to be an actual violation warranting further investigation.

However, pursuant to WAC 390-37-060(1)(b), Marie Mosley will receive a formal written warning because she used her City of Kennewick email account to correspond with Steve Young about a campaign matter. The formal written warning will include staff's expectation that Ms. Mosley refrain from using her City of Kennewick email account to assist any candidate or to promote or oppose any ballot proposition. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Phil Stutzman at 1-360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,

/s _____
Phil Stutzman
Compliance Officer

Endorsed by,

/s _____
Peter Lavalley
Executive Director

cc: Steve Young; Marie Mosley