



Leading the Way

October 6, 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

RE: PDC Complaint Kennewick Mayor Steve Young and City Manager Marie Mosley

Dear Mr. Perkins:

The following is the City of Kennewick's response on behalf of Mayor Steve Young and City Manager Marie Mosley.

**I. Violation of RCW 42.17A.565 Solicitation of Contributions by a public official.**

Complainant attaches an email exchange between Mayor Steve Young and Marie Mosley wherein Mayor Young forwards a notice regarding a table at a luncheon in support of Dan Newhouse's campaign. Complainant asserts that by forwarding the email to Marie Mosley, Mayor Young was soliciting a contribution on behalf of Dan Newhouse. RCW 42.17A.565(1) states, "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." While Mayor Steve Young is an elected member of City Council, he is not the direct supervisor of Marie Mosley. Ms. Mosley is the City Manager for the City of Kennewick, appointed by City Council as a whole to serve in that role. Regardless, Ms. Mosley is technically an employee of a local agency. The City disputes the assertion that Steve Young solicited a contribution towards Dan Newhouse's campaign from Marie Mosley. *See attached to this response the Declaration of Steve Young.* The email was sent after business hours and there is no statement by Steve Young contained within this email. He simply forwarded the notice, thus even on the face of the email, Steve Young did not request Marie Mosley to donate or purchase a seat. Further, as stated in the Declaration of Steve Young, when he read Ms. Mosley's response the next day he immediately called her by phone and told her he did not want any money since he had already paid for the table. Steve Young also states that it was his intent to simply fill the table, not to seek contributions; he merely wanted Ms. Mosley to know that she was invited. Based upon the foregoing, it is the City's position a violation of RCW 42.17A.565 did not take place when this luncheon notice was forwarded to Ms. Mosley.



*Leading the Way*

## **II. Violation of RCW 42.17A.555 Use of Agency Facilities in campaigns.**

The email exhibit provided by Complainant shows Ms. Mosley responding to Steve Young via the City of Kennewick email account. In her response Ms. Mosley responds to the luncheon notice and offers to make a contribution to the campaign luncheon. RCW 42.17A.555 states “No . . . 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 . . . Facilities of a public office or agency include, but are not limited to, use of stationary, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space . . .” Per PDC guidelines and prior enforcement actions, the use of a public agency email to communicate in support of a political candidate or ballot proposition has been determined to be a use of public facilities in violation of RCW 42.17A.555. As Ms. Mosley responded to Steve Young through the City email account during business hours and offered to make a contribution to the campaign, the City stipulates this violation of RCW 42.17A.

It is the City’s position the complaint and this response do not warrant further review by the PDC. However, if the PDC is in need of additional information, the City is prepared to provide the fullest assistance. Further, the City would be open to resolving this matter through a stipulated order.

Very Truly Yours,

LISA BEATON  
City Attorney

cc: Marie Mosley, City Manager  
Steve Young, Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

PUBLIC DISCLOSURE COMMISSION  
STATE OF WASHINGTON

In Re )  
Public Disclosure Commission Complaint ) NO. 18253  
Steve Young, Mayor, City of Kennewick ) DECLARATION OF STEVE YOUNG  
Respondent. )

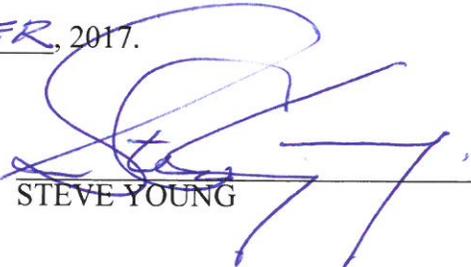
I, Steve Young, Declare:

- (1) I am over the age of 18 and am competent to testify.
- (2) I am an elected Council Member on the City of Kennewick City Council and I am also the Mayor for the City of Kennewick which is an appointed position voted upon by the members of council.
- (3) During the time frame indicated on the emails provided by the Complainant, I was the Mayor at that time as well.
- (4) I was invited by Mr. Dan Newhouse to be a speaker at his announcement to run for Congress in 2014.
- (5) I felt I should buy a table for the event and paid for the table out of my own pocket.
- (6) I wanted to make sure we had individuals sitting at my table so I contacted a number of important community people and invited them to sit at my table.
- (7) I forwarded the email titled "Details for June 26<sup>th</sup> Tri Cities Lunch – Dan Newhouse" to Ms. Marie Mosley using my phone and my employer’s email account.

- 1 (8) Ms. Marie Mosely was the City Manager for the City of Kennewick at that time. I  
2 forwarded the notice to Ms. Mosley's City of Kennewick email.
- 3 (9) When Ms. Mosley responded that she could not attend but would contribute money,  
4 I immediately called her on the phone to tell her I didn't want any money since I had  
5 already paid for the table but I wanted to make sure she knew she was invited.
- 6 (10) I have never reached out to anyone for funding for any candidate at any time. In fact  
7 I do not accept donations to my own election and have always returned money that  
8 has been contributed to my election or any other candidate's election.
- 9 (11) I was not asking for money nor did I accept any money for Congressman  
10 Newhouse's campaign.  
11  
12  
13  
14  
15  
16

17 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF WASHINGTON  
18 STATE THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY  
19 PERSONAL KNOWLEDGE.

20 SIGNED this 5<sup>TH</sup> day of OCTOBER, 2017.

21   
22 STEVE YOUNG  
23  
24  
25  
26