



**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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 23, 2019

Delivered electronically to "oostermanlinda@gmail.com" and "shawneemyers@comcast.net"

Subject: PDC Case 53838

Dear Linda Oosterman:

Below is a copy of an electronic letter sent to Andrew Saturn concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Andrew Saturn, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a warning letter concerning your failure to comply with the prohibition on use of public office/agency facilities as noted in the enclosed letter sent to Andrew Saturn.

In future years, staff expect that you not use public office/agency facilities to pay for political events that directly or indirectly assist your election campaign in accordance with PDC laws and rules. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Peter Lavalley
Executive Director



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August 23, 2019

Delivered electronically to "saturn@gmail.com"

Subject: Complaint regarding Linda Oosterman, PDC Case 53838

Dear Andrew Saturn:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on June 21, 2019. Your complaint alleged that Linda Oosterman may have violated RCW 42.17A.555 by using public office/agency facilities to assist an election campaign in 2018. Specifically, you alleged that the Thurston County Public Utility District (PUD) paid for Linda Oosterman to attend four Chamber of Commerce events in 2018, thereby potentially violating .555.

In your original complaint, you alleged that the PUD's general manager, John Weidenfeller, and the Thurston County PUD also violated RCW 42.17A.555 by authorizing the use of public office/agency facilities to assist the Linda Oosterman's election campaign. Please note:

- A separate case has been opened to address the allegation made against John Weidenfeller (see PDC Case 55699).
- RCW 42.17A.555 prohibits specific types of individuals – namely elected or appointed officials and public agency or office employees – from engaging in certain activities. Whereas Thurston County PUD is not an individual, it cannot violate .555. Therefore, the allegation against Thurston County PUD has been dismissed.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response(s) provided by Linda Oosterman (the "Respondent"); and the applicable PDC reports filed by Respondent to determine whether the record supports a finding of one or more violations.

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

- The Respondent was an incumbent candidate for reelection as Thurston County PUD Commissioner in election year 2018, having served in this position since 2012.
- RCW 42.17A.555 prohibits elected officials and employees of public offices and agencies from directly or indirectly using or authorizing the use of public office/agency facilities to promote or oppose any ballot proposition. "Facilities" include, but are not limited to, use of stationary, postage, machines, equipment, employees during working hours, vehicles, office space, agency publications and client lists. Activities exempted from this prohibition include, but are not limited to, activities that are "part of the normal and regular conduct of the office or agency."

- The Respondent attended Chamber of Commerce Forum events on May 2, 2018, May 16, 2018, October 10, 2018 and November 14, 2018.
 - Community and business-related topics were discussed at the May and November events and it is not uncommon for elected officials to attend such events to stay apprised of the needs and concerns of their constituencies. Furthermore, attendance at Chamber of Commerce events is “normal and regular conduct” for one or more of the Thurston County PUD Commissioners and therefore does not violate .555.
 - The October event was a Candidate Forum, the primary purpose of which was to introduce local candidates, constituting a political, election-related activity.
- On October 10, 2018, the Respondent attended the Candidate Forum sponsored by the Thurston County Chamber of Commerce, which was held at Hotel RL. The Respondent was not a program participant at the event, but she and several other candidates asked to introduce themselves to the audience.
- During her introduction at the Candidate Forum, the Respondent stated, “I am asking you to re-elect me,” which is a clear request for votes. The Respondent’s introduction occurs at the 19:09 mark of a video recording of the event, which is available at <https://www.youtube.com/watch?v=y50K2MmqovU>. The Complainant, who also attended the event, claims the Respondent also handed out campaign literature promoting her reelection campaign.
- The Thurston County PUD paid the Respondent’s \$25 admission fee for the Candidate Forum. However, after being notified of this complaint, the Respondent reimbursed the Thurston County PUD for the \$25.00 expenditure by check on July 12, 2019.
- The Respondent’s experience complying with PDC laws and rules is an aggravating factor in this case.
- Mitigating factors include: 1) The Respondent took corrective action by refunding the \$25 admission fee to the Thurston County PUD after being notified of potential noncompliance; 2) the impact of noncompliance on the public was minimal; 3) the Respondent’s campaign was relatively small; and 4) the Respondent’s total expenditures for the campaign were relatively modest.

Based on these findings, staff has determined that, in this instance, the Respondent’s use of public office/agency funds to pay for event that could directly or indirectly assist her election campaign does not amount to a violation warranting further investigation.

Pursuant to WAC 390-37-060(1)(d), Linda Oosterman will receive a formal written warning regarding the use of public office/agency facilities to assist an election campaign. The formal written warning will include staff’s expectation that Linda Oosterman not use public office/agency facilities to pay for political, election-related events. The Commission may 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s_____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s_____
For Peter Lavallee
Executive Director

cc: Linda Oosterman, John Weidenfeller