



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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(360) 753-1111 • FAX (360) 753-1112

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

August 23, 2019

Delivered electronically to "jweidenfeller@thurstonpud.org"

Subject: PDC Case 55699

Dear John Weidenfeller:

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.

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 pdcc@pdcc.wa.gov

Sincerely,

/s _____
Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director



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

August 23, 2019

Delivered electronically to "saturn@gmail.com"

Subject: Complaint regarding Linda Oosterman, John Weidenfeller, Thurston County PUD, PDC Case 55699

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 John Weidenfeller may have violated RCW 42.17A.555 by authorizing the use of public office/agency facilities to assist an election campaign in 2018. Specifically, you alleged that the Thurston County Public Utility District (PUD) paid for candidate Linda Oosterman to attend four Chamber of Commerce events in 2018, thereby potentially violating .555.

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

- A separate case was opened to address the allegation made against Linda Oosterman (see PDC Case 53838).
- 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; and the response provided by John Weidenfeller (the "Respondent") to determine whether the record supports a finding of one or more violations.

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

- As the General Manager of Thurston County PUD #1, the Respondent is responsible for reviewing and approving PUD expenditures.
- Thurston County PUD Commissioner, Linda Oosterman, was an incumbent candidate for reelection in election year 2018.
- 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 Thurston County PUD Board of Commissioners approved its Commissioners to attend and represent the agency at Thurston County, Lacey and Yelm Chamber of Commerce events. The Respondent indicated that membership with public and private organizations is a legal and common practice and attendance at events hosted by such organizations is part of a Commissioner’s duties.
- Linda Oosterman 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, Linda Oosterman attended the Candidate Forum sponsored by the Thurston County Chamber of Commerce, which was held at Hotel RL. Linda Oosterman was not a program participant at the event, but she and several other candidates were asked to introduce themselves to the audience. During her introduction, Linda Oosterman made a request for votes. Candidate Oosterman’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, claims Ms. Oosterman also handed out campaign literature promoting her reelection campaign at the event. The Respondent did not attend the event.
- The Thurston County PUD paid the Linda Oosterman’s \$25 admission fee for the Candidate Forum on October 31, 2018. However, after being notified of this complaint, Ms. Oosterman reimbursed the Thurston County PUD for the \$25.00 expenditure by check on July 12, 2019.
- The Respondent indicated that he did not authorize the use of public funds to assist an election campaign but rather authorized the payment of Ms. Oosterman’s documented duties as a PUD Commissioner. The Respondent had no knowledge of what transpired at the October Candidate Forum. After being notified of the complaint, the Respondent reviewed election-related laws and policies with his staff.
- According to the evidence provided by the Complainant, Thurston Co PUD did not distinguish the 10/10/18 event from other Chamber events in its financial records but rather described the expenditure as a “Thurston Co. Chamber Event;” this description seems to support the Respondent’s claim that such an expense would not have raised concerns by PUD management.

Based on these findings, staff has determined that, in this instance, reimbursing Linda Oosterman for a documented PUD Commissioner expenditure that was not clearly identified as an election-related event does not amount to a violation warranting further investigation.

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 _____
Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: John Weidenfeller, Linda Oosterman