

Allegation One: Violation of RCW 42.17A.495 for discrimination based on failure to support or oppose a candidate for elected office.

Response:

Commissioner / Candidate Keck did not discriminate against Kitty Lyn Thomas or any other employee for supporting or opposing a candidate and did not affect Kitty Lyn Thomas or any other employee employment terms or conditions.

The evidence provided in the Complaint failed to identify or support any alleged discrimination against Kitty Lyn Thomas or any other employee by Commissioner / Candidate Keck.

The evidential Third-Party Investigation included in the Complaint was never adjudicated and includes many statements, findings and conclusions that are refuted by Commissioner Keck.

Kitty Lyn Thomas employment terms and conditions remain unchanged, she reports directly to the Auditor Stuart Dezember, who then reports directly to the Executive Director Diahann Howard. Commissioner / Candidate Keck never gave any direction of any kind to either to Dezember or Howard regarding Kitty Lyn Thomas or any other employee employment terms or conditions.

Allegation Two: Violation of RCW 42.17A.555 for misuse of public facilities by pressuring or discriminating against employees regarding campaign activities.

Response:

Commissioner / Candidate Keck did not discriminate against Kitty Lyn Thomas or any other employee for supporting or opposing a candidate and did not misuse any public facilities by pressuring or discriminating against employees regarding campaign activities.

The evidence provided in the Complaint failed to identify or support any alleged misuses of any public facilities, equipment or assets by pressuring or discrimination against Kitty Lyn Thomas or any other employee regarding campaign activities.

The evidential Third-Party Investigation included in the Complaint was never adjudicated and includes many statements, findings and conclusions that are refuted by Commissioner Keck. Interim Executive Director Diahann Howard stated she was very disappointed in Ms. Wixson's report and felt that is derived from a very narrow lens of information, was without context and timing of items incorrect in the November 26, 2019 public Commissioners Meeting.

Commissioner Keck stated in the August 26, 2019 public Commissioners Meeting that he could not attend the Port of Benton hosted Wings and Wheels Event at the Port of Benton's Richland Airport and that he needed to report to the Commissioners, Port Counsel and Interim Executive Director that several citizen acquaintances did attend and they provided him with photos and videos evidence that campaign signs were posted on Port of Benton Property during a Port hosted event with Port of Benton employees and volunteers in attendance.

Candidate Bill O'Neil had several of his large campaign signs posted on Port of Benton Property and on his hanger that is located on leased Port of Benton Property without seeking Port of Benton permission to place signs which is a direct violation of Port of Benton Policies and Bill O'Neil's Port of Benton Lease terms on prohibiting signs on Port of Benton Properties.

Commissioner Keck asked if any other Commissioners, Port Counsel or Interim Executive Director had attended the event and seen the signs. Commissioner Keck also asked if his understanding of the sign prohibition on Port of Benton properties was correct and that campaign signs are not allowed, particularly during a Port of Benton hosted event with Port of Benton employees and volunteers in attendance. Port Counsel stated permission must be sought as to location and sign, but that the Port of Benton does not review the content of signs.

Port of Benton Airport Tenant Garrett Nesbitt then asked the Port Counsel for the Port Policy on Commissioner / Candidate Keck wearing his campaign shirts and having magnetic door sign on his car at his shop on Port of Benton leased property. Port Counsel answered Garrett Nesbitt that wearing a campaign shirt on your person and a door sign on your private car is on private personal property and protected by the first amendment and is allowed on Port of Benton properties.

Prior to the Wings and Wheels event, Port Counsel provided an update clarifying Port of Benton campaign policies to the Port of Benton Commissioners and all employees by memo on June 5, 2019 addressing campaigning on Port properties or utilizing Port equipment or facilities. Port of Benton employees and volunteers that attended the event should have known that Bill O'Neil's sign were in violation of Port Policy and Lease terms.

List of potential witnesses with contact information to reach them.

Port of Benton Commissioner Bob Larson	509-528-8920
Port of Benton Commissioner Jane Hagarty	509-781-1810
Port of Benton Executive Director Diahann Howard	509-554-7604
Port of Benton Counsel Dave Billetdeaux	509-578-6189

List of attached evidence or contact information where evidence may be found.

Port of Benton Counsel memo to Port Staff & Commissioners June 5, 2019
Port of Benton Commission Meeting Minutes August 26, 2019
Port of Benton Commission Meeting Minutes November 26, 2019