

Complaint Description

File a Formal Complaint - Andrew Saturn

[Andrew Saturn](#) reported (Fri, 9 Nov at 10:57 AM)

On October 12, 2018, Thurston PUD General Manager, John Weidenfeller, violated RCW 42.17A.555 in using his official capacity as GM of the PUD to release an "internal memo," which he then immediately leaked to the press, to "address" "concerns" about "false statements" allegedly made about the PUD.

These "concerns" were the same taking points as those made in frivolous PDC complaints by Joe Hyer, who at the time was claiming to be an average citizen, but was actually working for the re-election campaign of Linda Oosterman. None of the actual statements made by the Saturn campaign were actually false, and some of the alleged statements addressed in the "internal memo" were not statements made by the Saturn campaign.

Many claims made in the "internal memo" stretch reality. For example, the utterly bizarre metric of "average salary" includes management and commissioner pay, and also the money in the capital expenses budget. The Saturn campaign was referencing the pay of hourly workers. To average the pay of not only every worker, but every manager and elected official AND the capital budget is intentionally misleading to the public, and a malicious attack on the facts shared by the Saturn campaign.

Mr. Weidenfeller misused his office to assist in the re-election campaign of Linda Oosterman, by making false statements, accusations, and sharing opinions about the election that were favorable to Linda Oosterman alone. When given multiple opportunities to address false or misleading statements made by Linda Oosterman's campaign, Mr. Weidenfeller refused, and actually called such requests "unreasonable."

Mr. Weidenfeller's "internal memo" was immediately leaked to The Olympian and used in an article. This had a negative impact on the election, skewing the results unfairly towards Linda Oosterman. The article can be found at <https://www.theolympian.com/news/local/article220194240.html>.

Mr. Weidenfeller has refused to respond to any requests for clarification on the false or misleading statements made by Linda Oosterman. As a constituent of the

Public Utility District, this is disappointing.

Using a public office to conspire to assist in a re-election campaign, and then leaking "internal memos" written with the intent to attack one campaign, is a clear violation of RCW 42.17A.555. To then refuse to apply the same behavior to the other campaign, shows clear bias and malicious intent.

Additionally, Mr. Weidenfeller's contributions to Linda Oosterman's campaign were illegal, as their fair market value would be above the \$1,000 limit for a PUD campaign. These contributions were also not reported at all within the time allowed. These are additional violations of RCW 42.17A.235.

What impact does the alleged violation(s) have on the public?

Sharing false information about an election and mis-using government offices and resources is a major breach of public trust in government.

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

Emails, "internal memos" leaked to the press

List of potential witnesses with contact information to reach them.

Linda Oosterman

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



Andrew Saturn <saturn@gmail.com>

Re: Attack on my campaign

John Weidenfeller <jweidenfeller@thurstonpud.org>
To: Andrew Saturn <saturn@gmail.com>
Cc: Julie Parker <julieparker@thurstonpud.org>

Wed, Oct 17, 2018 at 4:51 PM

Andrew,

As I relayed and confirmed to you on October 15th, I did not send you a cease and desist letter to in August. While I have been concerned regarding statements you have made about the operations of the PUD, of which I am the General Manager, I did not send you a cease and desist letter. My response to you yesterday confirmed this as well. As you now know, I have relayed information regarding certain statements to the PUD Commissioners and have informed them of my positions and response regarding the same. A copy of that letter is attached.

While I have attempted to be responsible to reasonable information requests from you, as a candidate for PUD office, I do not see how this back and forth is productive. If you have specific questions regarding PUD operations, including those described in my letter of October 12, 2018, feel free to let me know, and where appropriate, I will respond when I am able.

John

John Weidenfeller
General Manager
Public Utility District No. 1 of Thurston County
1230 Ruddell Road SE
Lacey, WA 98503-5748
(360) 763-5838
Toll Free: (866) 357-8783

From: Andrew Saturn [mailto:saturn@gmail.com]
Sent: Wednesday, October 17, 2018 11:07 AM
To: John Weidenfeller <jweidenfeller@thurstonpud.org>
Cc: Julie Parker <julieparker@thurstonpud.org>

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Letter to PUD Commissioners, Concerns about Misleading and or False Statements Regarding Thurston PUD.pdf
1439K



Andrew Saturn <saturn@gmail.com>

Re: Attack on my campaign

Andrew Saturn <saturn@gmail.com>
To: John Weidenfeller <jweidenfeller@thurstonpud.org>
Cc: julieparker@thurstonpud.org

Wed, Oct 17, 2018 at 11:06 AM

John—

Can I expect a reply this week? The Olympian contacted me. They've also received leaked internal documents from the PUD.

Thanks,

Andrew Saturn
[Quoted text hidden]

Re: Attack on my campaign

Andrew Saturn <saturn@gmail.com>

Sun, Oct 14, 2018 at 1:49 PM

To: John Weidenfeller <jweidenfeller@thurstonpud.org>

Cc: PUDCustomerService@thurstonpud.org, julieparker@thurstonpud.org, kgubbe@thurstonpud.org, jcampbell@thurstonpud.org, rclemens@thurstonpud.org, loosterman@thurstonpud.org, Russell Olsen <rolsen@thurstonpud.org>, csteams@thurstonpud.org

Hi John,

Over the past month or so, I've heard rumors that you issued a "cease and desist" to my campaign for Thurston County PUD Commissioner in August of this year. An individual who works for my opponent, Linda Oosterman (a current PUD Commissioner, as you know) brought a copy of this alleged statement to a 22nd Legislative District Democrats meeting where I was to be endorsed, as an argument against endorsing my campaign. I was endorsed anyway. This individual refused to let anyone read your alleged statement, and I did not receive this memo, and cannot find it online. If you did indeed issue a cease and desist, how did you send it to my campaign? Did you use any sort of delivery confirmation?

I will also remind you that I reached out to you directly for clarification on finances, specifically bond covenants, commissioner pay, etc, and statements made by my opponent. You did not respond to me after August 6th. Your last statement was "I cannot comment on any statements attributed to Commissioner Oosterman, or what she may mean by it." This seems to be a double standard, however...

On Friday, October 12th, you issued an internal memo on alleged statements made by my campaign, which has since been posted on Facebook by supporters of my opponent. This memo was also not sent to me or made public, which is interesting if your goal is actually to correct the record, and not simply to use the PUD to attack my campaign for the purposes of assisting the re-election campaign of my opponent, current PUD Commissioner Linda Oosterman. How did the public get a copy of this statement if it was only sent to the commissioners?

In your memo, you made a series of claims about the PUD and about things allegedly communicated by my campaign, some taken out of context, some not actually what I claimed, etc. My campaign has issued a response, which you can find on our website:

<https://www.votesaturn.com/2018/10/13/more-desperate-attacks-from-fossil-fuel-funded-pud-opponent/>

While I believe this is clearly my opponent—currently-elected Commissioner Linda Oosterman, speaking through you to attack my campaign—I would like to propose a solution to avoid having our PUD found in violation of RCW 42.17A.555:

You, as General Manager of the Thurston PUD, should also correct the record of Linda Oosterman. Video recordings of her false and/or misleading statements are available on various Facebook pages, such as Puget Sound Socialist Party and South Sound Events. This is troubling, because while I'm a candidate and do not have six years of experience working for the people of Thurston County as a PUD Commissioner, Linda Oosterman should technically be an expert.

Some of Linda Oosterman's statements include:

- Thurston PUD has only existed for 10 years
- Thurston PUD owns mainly poorly-built water systems that nobody wanted
- Thurston PUD had no governance program and no policies until Linda Oosterman came along
- Thurston PUD had no records of what systems it owned until Linda Oosterman came along
- Thurston PUD had a challenge getting the State Depts of Ecology and Health to communicate
- Thurston PUD didn't have an operating budget prior to 2016, and it was the State Legislature's fault
- Thurston PUD only has a partial operating budget for 2018
- The State of Washington took Thurston PUD's Public Works Trust Fund money
- Thurston PUD's office was not fun before Linda Oosterman came along
- Thurston PUD workers work 10 hours per day
- PUDs can only do water, and Thurston PUD is only a water utility
- PUDs cannot do wholesale telecommunications (statement on Oosterman campaign website, reelectoosterman.com)
- PUDs cannot do public power

- Thurston PUD wages are higher than wages paid by the cities and the state
- Thurston PUD has had 0 turnover in the last few years; previously it had 75% turnover
- There are no business around the airport because there's no 5G
- Rochester and other areas "are not rural" and do not qualify for federal funds [for telecom] (see FY2004 Consolidated Appropriations Act, attached)

My campaign and I will be looking forward to your timely statement on the claims made by incumbent Linda Oosterman. While the PDC complaint filed against me by Linda Oosterman's campaign cited RCW 42.17A.335(1)(a), this was ruled unconstitutional over twenty years ago by the State Supreme Court in State v. 119 Vote No! Committee, 135 Wn.2d 618 (1998) as a violation of the First Amendment to the US Constitution.

RCW 42.17A.555—Use of public office or agency facilities in campaigns—is still enforced. I would hate for our PUD to waste its limited funds defending itself against fines for your unnecessary direct and malicious involvement of Thurston PUD in an election, in clear and blatant violation of state campaign finance laws. Your prior refusal to comment on Linda Oosterman's mis-statements—but eagerness to apparently issue two public statements about my campaign—shows a very clear bias, and a pretty clear case of violation of state law.

Thanks!

Andrew Saturn
www.votesaturn.com

FY2004 Consolidated Appropriations Act, P.L. 108-199: <https://www.congress.gov/108/plaws/publ199/PLAW-108publ199.pdf>

“(2) ELIGIBLE RURAL COMMUNITY.—The term ‘eligible rural community’ means any area of the United States that is not contained in an incorporated city or town with a population in excess of 20,000 inhabitants.”

4 attachments



4.jpg
10K



1.jpg
59K



2.jpg
48K





Andrew Saturn <saturn@gmail.com>

Re: Attack on my campaign

Andrew Saturn <saturn@gmail.com>

Wed, Oct 17, 2018 at 5:09 PM

To: John Weidenfeller <jweidenfeller@thurstonpud.org>

Cc: Julie Parker <julieparker@thurstonpud.org>

John,

I've sent you questions regarding your leaked internal memo, which has now been sent to the press by someone at the PUD.

For example:

Do you always comment on alleged statements made by private citizens?

Do you have no intention of commenting on Linda Oosterman's statements (which I provided previously)?

These questions and more remain unanswered. I think this is pretty serious.

Are you now implying that my questions as unreasonable?

I think these questions are pretty reasonable considering the blatant conflict of interest in using the PUD to issue statements on a sitting commissioner's opponent.

Thanks,

Andrew Saturn

[Quoted text hidden]

Commissioners

Linda Oosterman – District 1

Russell E. Olsen – District 2

Chris Stearns – District 3



Providing safe, reliable, affordable, and sustainable service.

October 12, 2018

RE: Concerns about Misleading and/or False Statements Regarding Thurston PUD

President Chris Stearns
Vice President Russell E. Olsen
Secretary Linda Oosterman

Commissioners,

I have been made aware of certain misleading and inaccurate information that has recently been published through a variety of platforms concerning Thurston PUD. I wanted to bring this to your attention and respond and clarify some of this information.

These statements appear to have been made or published by Andrew Saturn. Mr. Saturn is currently a candidate for Thurston PUD Commissioner, District No. 1. It is my opinion that some of this information is incorrect, misleading and/or false.

1. Commissioner Salaries and Employee Pay

Mr. Saturn, or his campaign, has made public representations regarding Commissioner salaries and Thurston PUD employee pay. These include:

Saturn for Utility Commissioner – “I'm researching what I can do to either reduce the salary or will look into donating a portion of mine. There's no reason the commissioners, who only meet occasionally, should be making more than the full-time workers. Paying all workers at least a living wage of \$27/hr is part of my platform. Read more at <https://www.votesaturn.com/issues>”.

Saturn for Utility Commissioner – “Did you know Thurston PUD commissioners recently voted to give themselves a \$4,000/yr raise, while many workers at the PUD are contract, and make near minimum wage.”

Saturn for Utility Commissioner – “PUD Commissioners meet once per month. It isn't a full-time job. Why are they making nearly twice as much as the workers?”

Further, in a pamphlet or publication flyer produced by Mr. Saturn, or his campaign, he states:

“Worker Pay Thurston PUD commissioners make over \$200 an hour while

many full time workers at the PUD make minimum wage. We believe the PUD workers deserve a living wage plus benefits, like paid family leave and free child care.”

Saturn for Utility Commissioner, “PUD Commissioners meet once per month. It isn't a full-time job. Why are they making nearly twice as much as the workers?”

Response: All Thurston PUD employees make more than the minimum wage. All regular full-time Thurston PUD regular employees are paid competitive public sector hourly wages or monthly salaries and have excellent benefits. The average wage of a Thurston PUD employee is \$59,948 annually, which equates to approximately \$28.82 per hour. The value of the hourly benefits is an additional \$14.38 an hour. This equates to an average wage plus benefits package of \$43.25 per hour for regular full-time Thurston PUD employees. Thurston PUD employs one seasonal laborer who works in a full time temporary position for five months. That seasonal temporary position in 2018 was compensated at \$2.70 over the Washington State minimum wage. The PUD has one contract employee, the General Manager, who serves at the pleasure of the PUD Commissioners.

Further, the information on Commissioners’ salaries is incorrect. First, Thurston PUD Commissioners’ salaries are set by the Washington State Legislature per RCW 54.12.080, with adjustments made by the Washington State Office of Financial Management (OFM). Second, the Thurston PUD Commissioners do not vote on their salaries. Third, Thurston PUD Commissioners’ salaries have been \$1,854 per month for the past five years. OFM made a five-year inflationary adjustment to Thurston PUD Commissioners’ salaries of \$204 per month, or \$2,248 a year, effective July 1, 2018. The statement that the Commissioners voted to increase their salary by \$4,000 annually is not accurate.

Responding to the assertion that “PUD Commissioners meet once per month,” as I do not need to tell you, this statement is not accurate. Thurston PUD Commissioners meet at least twice a month, and sometimes more often. They also regularly attend other meetings and collaborate with other organizations in support of Thurston PUD Commission priorities and business. With the exception of the temporary seasonal employee, who only works only five months a year, every Thurston PUD employee makes more than a Thurston PUD Commissioner.

2. Compliance with Washington State Law and the Open Public Meetings Act

Mr. Saturn, or his campaign, has made public representations regarding the Thurston PUD’s compliance with the Open Public Meetings Act. These include:

Saturn for Utility Commissioner – “My opponent claims to value open meetings and transparency, yet continues to violate the Open Public Meetings Act by failing to post the PUD’s meeting schedules and minutes online. If elected, one of my first acts will be to correct this and update the Thurston PUD’s website.”

Further, in a pamphlet or publication flyer produced by Mr. Saturn, or his campaign, he states:

“Transparency

We want to open the PUD to the public, offering easier access to records and meeting minutes and more opportunities for public input. Our opponent, until we pointed out that it was illegal, was not publishing meeting minutes or dates/times.”

These allegations are not true. Thurston PUD is and has been in compliance with the provisions of the requirements of Washington’s Open Public Meetings Act (OPMA). The Thurston PUD takes these obligations and responsibilities seriously. By email of August 31, 2018, I previously responded to an inquiry from Mr. Saturn and advised him that the Thurston PUD agenda and minutes are, and have always been, posted on the PUD’s official web site and provided him a reference to the link. That link is:

<http://www.thurstonpud.org/pud-news-board-meetings.htm>

Despite this clarification, I understand Mr. Saturn, or his campaign, continue to make this inaccurate and false assertion.

3. Conservation, Low Income Assistance Programs and Modernization

In a pamphlet or publication flyer produced by Mr. Saturn, or his campaign, he states:

“Social Responsibility

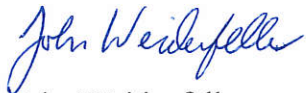
The current PUD offers nothing for low-income customers and does not incentivize conservation or modernization. We want to create a fee or reduced rate program for low income customers, and offer vouchers for upgraded plumbing and fixtures, preventing lead contamination.”

This statement is false. Thurston PUD supported legislative action to have state law changed when Engrossed Substitute House Bill 1572 was passed allowing water and sewer programs in public utility districts to adopt a low income assistance program in RCW 54.52.020. The Thurston PUD Commissioners adopted a low-income assistance program by Resolution 13-31 on October 7, 2013. Additionally, Thurston PUD has extremely effective tiered water rates that incentivize conservation consistent with best practices and utility standards. The Thurston PUD implements the most feasible, industry validated technological solutions when possible. For the past five years, the Thurston PUD has provided various types of conservation incentives for our customers that have included vouchers for high efficiency plumbing fixtures for toilets, shower heads, garden hose timers, and leak detection tablets to our customers. Further, Group A water systems are tested for lead and copper at least every three years. Issues happen very rarely, but if issues are discovered, the PUD staff has worked to address them with customers or has installed treatment on the water system.

Given my concerns regarding the accuracy of information being published, and the fact many of these inaccurate statements touch on the operations of the District, operations that I take seriously as General Manager, I wanted to provide you the above response and clarifications. I hope that

the above is helpful to you and clarifying these issues, and trust you will let me know if you have any questions or concerns.

Sincerely,



John Weidenfeller
General Manager