

COMPLAINT TO THE PUBLIC DISCLOSURE COMMISSION

**Mayor Don Britain
City Manager Marie Mosley**

September 10, 2018

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RESPONDENTS:

DON W. BRITAIN - Respondent Britain is the Mayor of the City of Kennewick. Respondent Britain resides at 6010 W. Okanogan Loop, Kennewick, Washington 99336 and maintains an email address of DWBritain@aol.com and a phone number of (509) 531-4057.

MARIE MOSLEY – Respondent Mosley is the appointed City Manager of Kennewick and reports to Respondent Britain. Respondent Mosley's mailing address is 3806 W 47th Avenue, Kennewick, Washington 99337 and maintains a phone number of (509) 585-4238. Respondent Mosley's email address is Marie.Mosley@ci.kennewick.wa.us.

STATEMENT OF FACTS:

On August 1, 2018, four (4) City of Kennewick registered voters submitted to the Benton County Auditor a PETITION FOR THE RECALL OF STEVE YOUNG, KENNEWICK CITY COUNCIL MEMBER.

On August 31, 2019, Benton-Franklin Superior Court Judge Bruce A. Spanner found that an act stated in the charge satisfied the criteria for which a recall petition may be filed, and approved an adequate ballot synopsis. The Court then certified and transmitted the ballot synopsis to the officer subject to recall, the persons demanding the recall, and the county auditor. As such, the matter became a campaign issue upon Judge Spanner's decision.

At its September 4, 2018 Regular Kennewick Council Meeting Meeting, an item was added at the last minute to pay the legal fees of Steve Young for legal services related to the aforementioned Recall.

During the consideration of that item, Respondent Mosley and Respondent Britain, at length, discussed the illegitimacy of the charge approved as sufficient by Judge Spanner for inclusion on the Recall Petition campaign. Respondent Mosley referenced the sufficient charge as “really not factual”; and “unsupported factually”. Respondent Britain referred to the sufficient charge as “unsubstantiated”; “frivolous accusation”; “untrue accusation”; “untrue accusations”; and false charge”.

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In their discussions, Respondents Mosley and Britain served to significantly undermine the signature collection efforts for the Recall Petition campaign for Kennewick City Council Member Steve Young, using facilities of a public office and agency, directly or indirectly. In addition, Respondents Mosley and Britain used facilities of a public office and agency to incorrectly characterize the recall petition campaign process, only serving to confuse the public.

Kennewick's recording of its September 4, 2018 meeting will be uploaded with this complaint attached to the Adobe Acrobat .pdf file.

LAW

RCW 42.17A.555 - Use of public office or agency facilities in campaigns—Prohibition—Exceptions provides:

“No elective official nor any employee of his or her office nor any 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 or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.”

VIOLATIONS:

Respondents Mosley and Britain violated RCW 42.17A.555 by utilizing public facilities to undermine the signature collection efforts for the Petition For The Recall Of Steve Young, Kennewick City Council Member campaign. In addition, Respondents Mosley and Britain used facilities of a public office and agency to incorrectly characterize the recall petition campaign process, only serving to confuse the public.