

Respondent Name
Mason Co Fire Protection Dist 6
Complainant Name
Jeff Brittig
Complaint Description
<p><u>Jeffrey Brittig</u> (Wed, 8 Feb 2023 at 5:42 AM)</p> <p>BACKGROUND In August of 2021, Mason County (MC) Superior Court ruled that MC Fire District #6 (“the District”) altered a public record. Specifically, meeting minutes that limited spending on a capital works project. The District then exceeded their spending limit on the project. Instead of being transparent with the public about the overspending of public funds, the District attempted to cover-up their mismanagement of the funds by altering (falsifying) their own meeting minutes (Exhibit A – under appeal by the District). The District provided the falsified record to the public at a public meeting called for by concerned citizens to address the overspending, and to the State Auditor to avoid culpability. On or about October 2021, the District mailed out an informational flyer to voters concerning the District’s November 2021 ballot proposition for a Levy Lid Lift (Exhibit B) On October 11th, 2021, A political opposition flyer was mailed out from Union Citizens Alliance (U.C.A.) to District voters warning them: (1) that the MC Superior Court found that the District had altered a public record; which the District then dishonestly presented to the State Auditor as authentic, (2) that the District’s actual available uncommitted cash on hand was close to \$1M, and (3) to the low number of emergency calls actually received by the District. (Exhibit C) On October 13, 2021, The District reacted by holding a special meeting with the stated purpose: “Decide How to Answer The U.C.A. Fire Levy Lid Lift Misinformation”. (Exhibit D) On or about October 14, 2021, the three elected Fire Commissioners (Richard Heinrich, Michael Sheetz, and Troy Woodard) mailed out a political opposition flyer responding to the political opposition flyer mailed out to voters only days prior. (Exhibit E).</p> <p>COMPLAINT The three individuals listed above: 1. Violated RCW 42.52.180 by using public funds to pay for their political opposition flyer. 2. Violated RCW 42.17A.320 by failing to include the correct sponsor identification on political advertising. 3. Violated RCW 42.17A.320 by not properly disclosing the sponsors who should have paid for the political advertising (not the Fire District). 4. Violated RCW 42.17A.255 by failing to timely file an Independent Expenditure report (C-6 report) disclosing an independent expenditure political advertisement. RCW 42.17A.255 requires sponsors of independent expenditure political advertisements of \$100 or more to file a C-6 report within five days of making an independent expenditure in support of or in opposition to any candidate or ballot proposition. The PDC should also take the appropriate actions to ensure these three individuals reimburse the District for their misuse of public funds.</p>
What impact does the alleged violation(s) have on the public?
Misuse of Public funds
List of attached evidence or contact information where evidence may be found
Exhibits A-E Attached
List of potential witnesses
MCFD#6
Certification (Complainant)
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.

BACKGROUND

In August of 2021, Mason County (MC) Superior Court ruled that MC Fire District #6 (“the District”) altered a public record. specifically, meeting minutes that limited spending on a capital works project. The District then exceeded their spending limit. Instead of being transparent with the public about this unauthorized use of public funds, the District attempted to cover-up their mismanagement of public funds by altering (falsifying) the meeting minutes (Exhibit A – under appeal by the District). The District provided the falsified record at a public meeting called for by concerned citizens, and the State Auditor to avoid culpability for exceeding their (District’s) project spending cap.

On or about October 2021, the District mailed out an informational flyer to voters concerning the District’s November 2021 ballot proposition for a Levy Lid Lift (Exhibit B)

On October 11th, 2021, A political opposition flyer was mailed out from Union Citizens Alliance (U.C.A.) to District voters warning them: (1) that the MC Superior Court found that the District altered a public record; which was then presented to the State Auditor by the District as authentic, (2) that the District’s actual available uncommitted cash on hand was close to \$1M, and (3) alerting voters to the low number of emergency calls actually received by the District. (Exhibit C)

On October 13, 2021, The District *reacted* by holding a special meeting with the stated purpose: *“Decide How to Answer The U.C.A. Fire Levy Lid Lift Misinformation”*. (Exhibit D)

On or about October 14, 2021, the three elected Fire Commissioners (Richard Heinrich, Michael Sheetz, and Troy Woodard) mailed out a political opposition flyer responding to the political opposition flyer mailed out to voters only days prior. (Exhibit E).

COMPLAINT

The three elected commissioners violated RCW 42.52.180 by using public funds to pay for their political opposition flyer. The commissioners also failed to register themselves as a PAC as required by XXXXXXXX

The three commissioners should reimburse the tax paying citizens of the District for their misuse of public funds and failure to register themselves as a PAC.

EXHIBIT A

JEFFREY BRITTIG,

Plaintiff,

vs.

MASON COUNTY FIRE DISTRICT 6, a

public agency,

Defendant.

No. 20-2-00171-23

FINDINGS OF FACT & CONCLUSIONS OF LAW

Findings of Fact

Business meeting minutes (Altered record)

The altering of a public record for a topic that was important to the community the district services is action that is clearly done in bad faith, dishonest, and demonstrates a lack of transparency.

PRR 2019-011

The agency did respond in part to Mr. Brittig's request for public records. Initially, the district provided several documents and then later when Mr. Brittig pointed out that there were videos, the agency provided those as well.

The request for the videos was not a separate request, the videos clearly fall under the first request because the videos show at a minimum "the discussion" of the firefighters' quarters

Mr. Brittig's request for "all documents related to the formation of a decision including but not limited to records of discussion deliberation or business case analysis" does not lack clarity, and it is incumbent upon the agency to follow up with the person requesting records if they are unclear.

The agency did not follow up nor did they indicate that they didn't understand the request.

The district's response that his request was unclear or that Mr. Brittig changed it is unreasonable.

Arguably the agency's initial withholding of these documents may have been negligence, because it appears they sent initially documents relating to deliberation or discussion but not records regarding

business case analysis and clearly not all records. However, the withholding became intentional when they knew, either through contact Mr. Brittig had with Mr. Myers, who was the district PR officer for Mr. Brittig, or through the filings by Mr. Brittig.

This intentional withholding of 25 records is also silent withholding.

Providing the missing records over 2 years after the request was a substantial delay, although it appeared that the records requested were not time sensitive.

In sum, the Court found the following mitigating factors:

Due to the fact that many records were originally turned over the court did not find necessarily a lack of strict compliance with the PRA.

The district personnel were properly trained and supervised.

The agency had a system to track and retrieve public records.

The Court found the following aggravating factors

The plaintiff's PRA requests were not unclear.

The defendant was not helpful to the plaintiff.

The defendant's failure to provide records initially was negligent, but became clearly intentional during the progress of this action, and was done in bad faith.

The defendant did not do a full search for the records.

The records were, although not of great public importance, they appear to be of importance to the community the district serves.

The defendant's actions altering a record is dishonest and constitutes bad faith.

Conclusions of Law

Based on the findings of fact and addressing the aggravating and mitigating factors and taking into consideration the size of the district, the Court assessed the penalty by multiplying the penalty of \$50 by the tax base for a total penalty of \$94,300.

DATED this 23 day of May, 2022.



AMBER L. FINLAY

EXHIBIT B



MASON COUNTY FIRE DISTRICT 6
PO Box 39
Union, WA 98592

PRSRT STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

Postal Patron

Union, WA 98592

November 2, 2021

Fire Levy Lid Lift Facts

OUR HISTORY:

The Union Fire Department was formed in 1962. Our dedicated volunteer workforce has been delivering high quality emergency services for 59 years! The Union Fire Department is proud of our emergency services program and the services we deliver to the community of Union.

PANDEMIC'S RISK TO OUR COMMUNITY:

The COVID-19 pandemic has changed the world as we know it. It is a fact that the COVID-19 variants will be with us for some time. A large portion of Union's population demographic is considered "High Risk" by the Center of Disease Control and Prevention (CDC). The CDC, through their age criteria, identifies the community of Union as an at risk community for spread of the COVID-19 disease.

PANDEMIC'S IMPACT ON OUR VOLUNTEER WORKFORCE:

Our Volunteer Firefighter/EMT's are first class and remain fiercely dedicated to providing high quality emergency services to the community of Union. All of our volunteers have families and careers outside of the fire department. Our volunteers leave their families to respond on hundreds of emergencies after midnight and then with little to no sleep go to work come the morning. It was already hard to be a Volunteer Firefighter/EMT. Covid -19 has made it far worse due to the increased responses and the fear of contracting the disease.

OUR PRIMARILY VOLUNTEER FIREFIGHTER STAFFING MODEL HAS SERVED OUR COMMUNITY WELL.

COVID-19 HAS FORCED US TO RETHINK OUR STAFFING MODEL FOR TODAY AND THE FUTURE.

Mason County Fire Protection District No. 6

Proudly serving Union, WA for the past 59 years

PLAN:

- Increase the Fire Levy .17 cents to \$1.50 per thousand of your homes tax assessment.
 - With tax payer approval we will hire two fulltime employee's (\$40,000 yr. with benefits).
 - The cost of the increase to a home taxed at \$400k is \$5.66 a month.
-

BENEFITS:

- Two new fulltime employees will ease the burden on our overworked volunteer workforce and ensure the Union Fire Department does not see a reduction in service due to a reduction in our volunteer workforce.
 - The Union Fire Department will continue to deliver high quality emergency services ~~to the community of Union,~~
 - With a fortified hybrid staffing model (volunteer & fulltime) the Union Fire Department will no longer have the workforce issues discussed earlier.
-

We understand that there is never a perfect time to ask for a fire levy increase. Our three elected Fire Commissioners and the Fire Chief want our valued citizens to know we truly believe this is needed, and it will allow us to provide the best emergency services to you and your family. We are in unprecedented times and are continually planning with your family's best interest in mind and evaluating to ensure we deliver on our promises.

THE TWO FULLTIME EMPLOYEE'S WILL EASE THE PRESSURE ON A DEDICATED; BUT OVERWORKED VOLUNTEER STAFF!

EXHIBIT C

Vote NO on Union Fire District 6 Levy Tax Increase and here's why:

Vote "No" on MCFD6 Levy and here's why.

Mason County Superior Court recently ruled that MCFD6 had altered official public records related to District spending. The records were falsified by the District and then provided to the State Auditor during the District's last audit. Voters should carefully consider the credibility of any information provided by this Fire District.

MCFD6 is already taxing at the highest allowable statewide rate. Per capita taxes for emergency services are already the second highest in Mason County. MCFD6 is a small junior fire district that responds to, on average, less than one call per day - mostly medical. They do not provide Advanced Life Support emergency medical care. For serious emergencies paramedics are dispatched from Shelton to provide care and transportation to a hospital.

Here are some questions to consider: How has MCFD6 managed its \$1.3M annual budget? Does MCFD6 really need more money than the statewide 1% cap? How has MCFD6 spent their revenue so far to provide services to its residents? The District has amassed a reserve of nearly \$1,000,000. Are they really underfunded? Why has the district spent \$56,000 defending itself from citizen complaints and lawsuits since January 2020?

MCFD6 needs to implement cost saving moves versus asking for more money just because they can.

Remember...this is a levy lid lift. It means District #6 wants even more of your money.

VOTE NO!

Denny Hamilton



Former Commissioner of Mason County District #1
and of
North Mason Regional Fire Authority

www.UnionCitizensAlliance.org

The Problem

- > **Fire District 6 falsified spending records provided to the State Auditor**
 - Court finds District 6 altered public records.
- > **District 6 taxes 2nd highest in Mason County**
 - District provides NO Advanced Life Support emergency medical services.
- > **Fire District 6 moves to increase Alderbrook property taxes**
- > **Fire District 6 Commissioners and staff caught on video lying to Union residents and passing out falsified records**

The Solution

- (1) Vote **NO** on District 6's latest Levy tax increase
- (2) Visit www.unioncitizensalliance.org and sign-up to receive information on how to sign a citizen's petition to merge our fire district with a larger neighboring fire district (more info on website).

67916

PRESORTED STANDARD
U.S. POSTAGE PAID
LOUISVILLE, KY
PERMIT 1445
ECRWSS

LOCAL
POSTAL CUSTOMER

EXHIBIT D

MASON COUNTY FIRE DISTRICT 6
BOARD OF FIRE COMMISSIONERS
SPECIAL BUSINESS MEETING MINUTES

10-13-2021

1.0 CALL TO ORDER

- Commissioner Richard Heinrich & Commissioner Woodard present. Commissioner Sheetz with an excused absence.
- Meeting called to order at 3:00 pm by Chair Comm. Heinrich.

2.0 SPECIAL MEETING BUSINESS

- Decide On How To Answer The U.C.A. Fire Levy Lid Lift Misinformation Campaign: Discussion had on how to answer the U.C.A. fire levy lid lift misinformation campaign.

Motion: Commissioner Woodard motioned to authorize the mailing of the approved Fire Levy Lid Lift fact sheet. Commissioner Heinrich 2nd

Discussion

Vote: All in favor; motion passes.

3.0 ADJOURN

- Commissioner Woodard motioned to adjourn at 3:06 pm. Commissioner Heinrich 2nd

Discussion

Vote: All in favor; motion passes

EXHIBIT E

FIRE LEVY LID LIFT FACTS

ENDORSED AS FACT BY YOUR THREE ELECTED FIRE COMMISSIONERS

RICHARD HEINRICH

TROY WOODARD

MIKE SHEETZ

- . The Union Fire Department's annual tax revenue is \$830,000.
- . Our Reserve Account is currently \$186,000.
- . In 2021, an extensive audit by the State of Washington found no evidence of wrong doing by Fire District 6.
- . The Union Fire Department responded to 450 calls for emergency services in 2020 and are on pace to run 490 emergency calls in 2021.

**PLEASE CONTACT YOUR FIRE COMMISSIONERS WITH ANY
QUESTIONS YOU HAVE
(360) 898-4871**

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