

VIA CERTIFIED MAIL 7007 2560 0000 6179 6587

December 3, 2009

To: Washington Executive Ethics Board
Susan Harris, Executive Director
(360) 586-6759
susanh4@atg.wa.gov

In a collection of emails released by WSDOT on October 27, 2009 pursuant to a public disclosure request by Elizabeth Campbell (WSDOT PDR #09-1082), a document has emerged that appears to provide evidence of an attempt by the Governor, the Secretary of Transportation, and by their respective offices, their employees, and a contractor hired by the State of Washington, to influence the outcome of the 2009 City of Seattle mayoral race, all in a concerted effort to thrust a multi-billion dollar transportation project, the Alaskan Way tunnel, upon both the taxpayers and citizens of Seattle and of Washington.

The implications of this document are disturbing - a sitting governor using her office to exert influence over a municipal election, in order to protect a controversial highway construction project from scrutiny and possible elimination, the Alaskan Way tunnel project.

According to the attached document Governor Gregoire's senior staff in concert with the head and senior personnel of one of the most powerful agencies in this state's government, the Washington State Department of Transportation (WSDOT), engaged in this activity for several months.

The document implicates not only the Governor's office in this activity, but also the state transportation department, its head Secretary Paula Hammond, WSDOT deputy secretary, David Dye, the head of the Alaskan Way Viaduct/tunnel project, Ron Paananen, other senior WSDOT staff, along with a number of the WSDOT contractors and consultants - *the ones that have been receiving millions of dollars from the State for the work they have been doing on the Alaskan Way tunnel project.*

According to the email the purpose of these officials' and others' scheme is to seek to influence or upset Seattle's mayoral election, in order to ensure that this one project, out of all the highway projects in this state, the Alaskan Way tunnel project, is not derailed in any way.

Making sure that this tunnel project is undertaken at all costs appears to be of such supreme importance to the governor and the other State officials, employees, and contractors, that they have put their considerable official influence into the effort to sway the mayoral election outcome, as well as put the influence of their offices towards that

effort - including using the state's resources that are under their control or at their disposal to further their plans. The stated purpose was to protect what these State officials and senior staff refer to in this email as "*our tunnel*".

One has to wonder what is so important (or is it damaging?), that every effort by these individuals is being made to avoid any in-depth scrutiny of the tunnel project, into avoiding thorough environmental reviews of the project, into silencing critics of the project, into creating propaganda of every kind - including making what amounts to the "scary movie" that we saw recently, but most importantly of all, as per this email - seeking to influence a city election in order to ensure that a tunnel project-friendly City administration is in place?

In June of this year WSDOT reported that one of their employees was paid some \$67,000 of unearned overtime over the last two years.² The employee admitted that she'd filled in overtime she didn't work over the past two years, she then quit in lieu of being fired. Steve Reinmuth, WSDOT's Chief of Staff stated at the time, "We work hard to be highly accountable in our use of taxpayer's dollars. We are disappointed in our employee's actions and have taken steps to ensure this kind of abuse won't happen again." In light of this other activity referenced herein on the part of the Governor, her office, and of WSDOT officials, employees and consultants, how is what they are doing in regards to the City of Seattle election any different from what this woman did? Using taxpayers' dollars to influence elections is clearly an abuse of both the taxpayers' dollars. It is also an abuse of the trust relationship that elected and unelected government officials, along with contractors doing work for the State, are supposed to have with citizens.

This sort of activity by the respective offices of the Governor and WSDOT appears to be in contravention of state and city laws and regulations governing use of state and public resources, interference in elections, and other matters.

Therefore, by copy of this letter to you I am filing a complaint with your agency requesting that a thorough investigation be made into the following allegations:

1. That the Governor's office, the Department of Transportation, the below named officials and employees of those¹, along with certain contractors or consultants employed by them, and possibly other as yet unnamed individuals and/or contractors/consultants of those same State offices, in concert with one another attempted to exert influence over the outcome of the 2009 City of Seattle primary and general elections for the office of mayor of Seattle.
2. Using the color of authority of their offices along with the resources of their respective offices, including but not limited to State of Washington staff, electronic systems, monetary and other physical resources, all under the control of the below named individuals, they sought to influence the outcome of the mayoral elections in order to ensure that the State could let a contract to build an

element of a \$4.2 Billion transportation project,³ the Central Waterfront Tunnel Project, a transportation construction contract worth up to \$2 Billion.

3. That the activities of the Governor, the Governor's office staff, the Secretary and Deputy Secretary of Transportation, the staff and contractors of WSDOT, constitute illegal contributions to the mayoral campaigns of City of Seattle mayoral candidates Greg Nickels and Joe Mallahan. Such "off the books" contributions are a way of skirting city campaign contribution limits and pave the way for the State of Washington to obtain special or improper consideration in obtaining necessary approvals and permits for transportation projects it may have to seek from the City when the State seeks to build those projects within the City of Seattle's limits, or on City of Seattle property or right-of-way(s), and a way for WSDOT contractors to obtain special and improper consideration for lucrative State or City contracts. At the very least, the activities create real appearance issues that severely erode what is left of the public's trust in government.

Thank you in advance for your time and consideration of this complaint.

Sincerely,



Elizabeth A. Campbell

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Seattle, WA 98199

206-283-6300 FAX

³ Key to parties identified in the attached "Mayor's Race" email thread and parties to the activity complained of in the attached complaint:

| <u>Name</u> | <u>Official Capacity</u> |
|--------------------|--|
| Christine Gregoire | Governor of Washington |
| Cindy Zehnder | Governor's Chief of Staff (now former) |
| Jennifer Ziegler | Executive Policy Advisor on Transportation to Governor |

| | |
|--------------------------|---|
| Ron Judd Project | Governor's External Affairs Director, now Alaskan Way Viaduct Outreach Coordinator |
| Laura Lockard | Gov. Gregoire's Spokesperson and Director of Outreach |
| Pearse Edwards | Governor's Communications Director (now former) |
| Paula Hammond | Secretary of Transportation, WSDOT |
| David Dye | Deputy Secretary of Transportation, WSDOT |
| John White | Program Director, Alaskan Way Viaduct Replacement Project |
| Theresa Greco Program | Deputy Director WSDOT AWViaduct and Seawall Replacement |
| Ron Paananen | WSDOT Alaskan Way Viaduct Replacement Program Administrator |
| Amy Grotefendt | Principal EnviroIssues - WSDOT AWViaduct Program Contractor |
| Lloyd Brown | WSDOT Spokesperson (formerly Governor's Spokesperson) |

² <http://www.tw.w.org/capitolrecord/index.php/2009/06/wsdot-uncovered-uneared-overtime-scam-in-its-office/>

³ Commonly known as the Alaskan Way Viaduct and Seawall Replacement Program

From: Grotefendt, Amy (Consultant)
Sent: Wednesday, August 19, 2009 2:48 PM
To: Hammond, Paula; Paananen, Ron
Cc: Brown, Lloyd; Dye, Dave; Ziegler, Jennifer; Greco, Theresa; White, John
Subject: RE: Mayors race

Absolutely -- I ran into Laura at the CoFen salmon lunch and she asked if we were putting anything together.

If you can think of anything else you might need for Monday, please let me know. We'll have something to you by Friday to review.

Ron is out this week (and out of cell phone range) and next. Both John White and Theresa Greco are around if needed.

Thanks -- my cell is 206-295-9846 if needed.
Amy

From: Hammond, Paula
Sent: Wed 8/19/2009 2:24 PM
To: Paananen, Ron; Grotefendt, Amy (Consultant)
Cc: Brown, Lloyd; Dye, Dave; Ziegler, Jennifer
Subject: FW: Mayors race

Amy and Ron,
We'll be discussing our communication strategy at our Monday Chief of Staff meeting, so please funnel anything you develop through Dave and Jennifer, so we have all the current "stuff". Thanks.

Paula

-----Original Message-----

From: Lockard, Laura (GOV) [<mailto:Laura.Lockard@GOV.WA.GOV>]
Sent: Wednesday, August 19, 2009 2:18 PM
To: Hammond, Paula; Edwards, Pearse; Judd, Ron; Ziegler, Jennifer; Dye, Dave; Brown, Lloyd
Cc: Zehnder, Cindy; Paananen, Ron
Subject: RE: Mayors race

Hi all - I just had a conversation with Amy Grotefendt and she is working up talking points and Q&A based on what was used early this year. She will have something to us shortly. It is nothing new just a refresher as Paula has highlighted below. I am fielding a lot of stakeholder questions so we should consider stakeholder outreach plan as part of strategies Ron mentioned.

Thank you. Laura

-----Original Message-----

From: Hammond, Paula [<mailto:HammonP@wsdot.wa.gov>]
Sent: Wednesday, August 19, 2009 12:17 PM
To: Edwards, Pearse (GOV); Judd, Ron (GOV); Ziegler, Jennifer (GOV); Dye, Dave; Brown, Lloyd; Lockard, Laura (GOV)
Cc: Zehnder, Cindy (GOV); Paananen, Ron
Subject: RE: Mayors race

10/15/2009

Great minds definitely think alike. We have asked our AG's to work with us on a list of our risk vulnerabilities, process checklist on timing, etc. Also, I've responded to two press inquiries (Wall Street journal (Seattle based), and TVW blog interviewer, that it's too early to assume who might be Mayor, we've spent 10 years of public outreach and discussion, stakeholder group almost unanimously endorsed the tunnel, all options were considered, and we have agreement by the principals. That said, I can't remember any time the state has built a project in a city that the city didn't want, so we will continue to work with whomever the Mayor is to ensure we have good discussions about the tunnel option and it's benefits. Meanwhile, we're proceeding with delivery of the project.

Are we meeting Monday for our usual 2pm meeting? Let's discuss then...
We'll know a heck of a lot more.

Paula

-----Original Message-----

From: Edwards, Pearse (GOV) [<mailto:Pearse.Edwards@GOV.WA.GOV>]
Sent: Wednesday, August 19, 2009 11:25 AM
To: Judd, Ron; Ziegler, Jennifer; Hammond, Paula; Dye, Dave
Subject: RE: Mayors race

Yes, this is a must do. Can y'all do later this week or M-T next week? I think we can fall back on our messaging from January - e.g. went through process, best option, not a cut and cover as voted on by Seattle voters, we have a good agreement, we are moving forward, good debate on this over the years, the viaduct is unsafe after 20XX and we need to move forward.

Pearse

-----Original Message-----

From: Judd, Ron (GOV)
Sent: Wednesday, August 19, 2009 11:13 AM
To: Edwards, Pearse (GOV); Ziegler, Jennifer (GOV); Hammond, Paula; Dye, Dave
Subject: Mayors race

As you all know the Mayor is in big trouble and I am not sure he can pull it out even if he is in the run off. That brings me to the big issue that will be front and center between now and the election.....our tunnel. I think we need to pull together a discussion about messaging and other strategies for the tunnel over the next 2+ months. It will not be helpful if this election turns out to be a referendum on the tunnel. So we need to work on ensuring as much as possible that does not happen. Thought's??