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CLARK COUNTY
WASHINGTON

CLARK COUNTY, WA

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Date:	October 11, 2016		
To:	Jennifer Clark	From:	Francine Reis 
RE:	Conclusion of Investigation	CC:	Mark McCauley

CONFIDENTIAL

On June 14, 2016, I notified you that the County was in the process of engaging an independent, outside investigator to conduct an investigation into your workplace complaints. As you know, Jennifer Bouman-Steagall was contracted to complete this work, and she investigated the allegations you indicated warranted her investigation. Ms. Bouman-Steagall has completed her investigation and she has made the following determinations reflected in her report:

ALLEGATION 1: Councilors Madore and Mielke allegedly met privately, frequently and consistently, between January 1, 2013 through December 31, 2015, to discuss County related business without adhering to the requirements of the Washington Open Public Meetings Act ("OPMA").

Findings: My findings on this issue are mixed.

- A. I find that Councilors Madore and Mielke met privately on a frequent and consistent basis (e.g., at least one or more times per week) in open and closed door meetings to which neither the public nor other elected Council members or employees were invited.
- B. There is compelling and persuasive *circumstantial evidence* to support a conclusion that Councilors Madore and Mielke discussed County related business during one or more of their private meetings noted in Finding #1.A. I find this to be highly probable with respect to matters pertaining to (i) the recruitment and selection of Senator Don Benton in May 2013 as a candidate for the Director of Environmental Services position, and (ii) Councilor Madore's proposed reduction of a contingency budget line item in December 2015.
- C. There is insufficient information to determine with specificity or certainty any dates, times, duration, or exact subject matter of the conversations Councilors Madore and Mielke may have had that would have been subject to the Washington OPMA, and I assume both Councilors Madore and Mielke would deny having any such meetings.

ALLEGATION 2: Councilor Madore allegedly willfully destroyed public records on or about November 2015 through January 2016 by disposing of documents, handwritten notes and other public records in two recycle bins.

Findings: My findings on this issue are mixed.

- A. I find that Councilor Madore willfully recycled a significant number of documents and information from November 2015 through January 2016 in conjunction with cleaning out his office after his assistant left. I also find that Councilor Madore made some effort, however minimal, to segregate out certain documents for retention purposes.
- B. There is insufficient information to determine whether the documents and folders observed in the recycle bins used by Councilor Madore constituted public records that were required to be retained under Clark County's retention guidelines.
- C. There is insufficient information to ascertain specifically what documents existed prior to November 2015, which documents were actually placed in the two separate recycle bins, and of those documents, which ones should have been retained under applicable law.

Retaliation

As a reminder, Clark County strictly prohibits retaliation for bringing forward a complaint or participating in an investigation. If you feel that you are being retaliated against for filing this complaint, please contact me or Human Resources immediately.

Conclusion of Investigation

This concludes the investigation into your allegations. Should you wish to appeal the findings of the investigation, you may file an appeal with the County Manager.

If at any time you have questions or concerns, please contact me directly.

Thank you.