



Brad Owen
Lieutenant Governor



Sen. Pam Roach
INB 112

February 13, 2015

Re: Indecorous and Inappropriate Conduct

Dear Sen. Roach:

We have received a written complaint regarding your treatment of persons who appear before the Governmental Operations and Security Committee. We have reviewed that complaint as well as other incidents that have occurred in the few short weeks of session thus far. I have enclosed a copy of the complaint; for your convenience, I would summarize it as follows:

On February 5, you engaged representatives of the Washington Food Industries Association in an inappropriate series of questions and comments regarding Senate Bill 5375, a bill supported by the association. You asked an association member – not a lobbyist – about his campaign contributions. You drew a clear connection between the association’s support of your recent opponent and your negative view of the legislation. When he (appropriately) did not respond, you told him, “Because you know what? I won.”

After consulting the leaders of both the Democratic and Republican caucuses, this letter is written to summarize your history of inappropriate behavior toward other members, agency representatives, individual citizens interested in improving our government, and the professional staff who are particularly vital in helping us complete the important work with which we are charged.

First, your history of inappropriate actions is long-standing. Your treatment of the gentleman from the WFIA mirrors your history of poor decisions. Senate records show:

- In August 1999, the Facilities & Operations Committee warned you in writing that your behavior did not comply with Senate policy, following conversations between you and Republican leadership in 1998 and 1999. That letter was a “second warning” and clearly stated that further allegations of inappropriate behavior would be formally investigated. You were offered counseling or training to assist in improving your relationships with staff.
- In February 2003, the Facilities & Operations Committee unanimously reprimanded you for retaliating against a Senate employee who raised allegations of a hostile work environment, and admonished you to adhere to the Senate’s respectful workplace policy.

President of the Senate
Chairman, Rules Committee

220 Legislative Building
416 Sid Snyder Ave SW
PO Box 40400
Olympia, WA 98504-0400

Phone: (360) 786-7700
FAX: (360) 786-7749
e-mail: Owen.Brad@leg.wa.gov



- In March 2008, acting upon its conclusion that your conduct violated the Senate’s policy against creating an “intimidating, hostile or offensive work environment” and had contributed to the loss of valuable caucus staff members, the Senate Republican leadership imposed restrictions on your direct contact with Republican caucus staff.
- In April 2009, your mistreatment of Republican Senate Counsel resulted in an investigation of your abusive actions. The Facilities & Operations Committee found that your actions violated the Senate Respectful Workplace policy, that those actions created an intimidating, hostile or offensive work environment for him as well as other staff present, and that those actions were likely to have been motivated by his work on your previous investigations. In other words, you retaliated against a valued employee for doing his job.
- As result of such abusive behavior, you were reprimanded, admonished against retaliation, restricted from all contact with Republican caucus staff (a limitation that had been previously imposed by Republican leadership), restricted from direct contact with most of the non-partisan staff of Senate Committee Services, and restricted from contact with the Office of Senate Counsel (a restriction which you violated).
- In January 2010, Republican leadership unanimously reaffirmed your limitations on access to staff, prohibited you from having access to the Senate Republican Caucus room and all other SRC meeting sites, and stripped you of your right to vote on caucus matters.
- In December 2012, a bipartisan investigative committee appointed by the Facilities & Operations Committee found that you had violated the respectful workplace policy in your treatment of Republican staff and recommended additional sanctions.

The above described course of conduct can be briefly summarized as follows: you have repeatedly violated Senate policy, and, when an opportunity presented itself, have retaliated against those responsible for its enforcement. Sixteen years of inappropriate and unprofessional conduct is enough.

We have been in session for just over one month. You have been charged with the responsibility of chairing one of the largest policy committees in the Senate. Your actions in chairing that committee have shown the same characteristics of abusive behavior that are described above, and well documented in Senate records and newspaper accounts.

Here is a partial list of inappropriate behavior by you:

- The February 5 incident described above: to refresh, you engaged representatives of the Washington Food Industries Association in a stunningly inappropriate series of questions and comments regarding Senate Bill 5375, a bill supported by the association. You asked an association member – not a lobbyist – about his campaign contributions. You drew a clear line between the association’s support of your recent opponent and

your negative view of the legislation. When he (appropriately) did not respond, you told him, "Because you know what? I won."

- This exchange involves two protected activities by the Association and its member that we all strongly support, both based in the protections afforded under the First Amendment to the Constitution of the United States: the right to free speech and the right to seek a redress of grievances.
- Your action was taken in retaliation for their support of your opponent. After all, you said so.
- We have never before seen such a raw and public display connecting campaign contributions to legislative action. Our duty as elected officials is to represent all of our constituents, not merely those few who support our campaigns.
- Your treatment of other persons appearing before your committee also is a great matter of concern. People appear before your committee to provide information and answer questions; they do not appear in order to hear you talk. In the committee's hearing on February 5, you spoke for more than one-third of the committee time. Any person opposing a bill that you support would be understandably reluctant to appear before your committee, out of a well-founded concern that you would not listen to them, and would punish them through your behavior. We would emphasize the word "public" in "public hearing": our ultimate goal is to hear from the people, not from ourselves.
- In the testimony regarding Senate Bill 5771, David Horn of the Attorney General's office attempted to describe his office's opposition to the bill. Mr. Horn is a well-respected representative of his office. He was repeatedly interrupted by you and never able to provide details regarding the Attorney General's position on the bill. You said, "I'm not listening to this." When Sen. Liias, the bill's prime sponsor, attempted to ask about this vital, important opposition to his bill, you cut Sen. Liias off and ended the public hearing. No one was well served by your "management" of the hearing, let alone the public whose major source of information about the bill is often the televised public hearing.
- On at least two occasions, you have without any apparent reason prohibited other committee members from asking questions. Although you are the chair, you do not have ultimate power over all questions and comments made by other committee members, particularly when those comments are pertinent and important.
- On several occasions this year, you have provided unhelpful and conflicting instructions to your committee staff, and made unreasonable demands on them during hearings. When they attempt to comply, you change your instructions and demand the opposite. All of this occurs on television. It constitutes abusive and manipulative behavior toward staff. Considering your well-documented abusive treatment of other staff, we fear that your non-televised interactions with them are poisonous and vindictive.

This letter does not represent a completion of the Senate's review of your actions. We will continue to monitor and investigate them as necessary.

You have shown a continuing disregard for staff, by ignoring previous admonitions and reprimands. That approach appears to have expanded to include other Senators, agency representatives, and, most importantly, members of the public. As President, I fully support additional punitive actions against you if your behavior does not immediately improve. I assure you that the leadership on both sides of the aisle will continue to take seriously these facts: you have a history of abuse of others (primarily staff), that abuse has recently expanded into new areas (retaliation for the lack of campaign support, and disrespecting other Senators). This pattern indicates that nothing will improve unless you make it happen.

Your abusive behavior must stop. Further violations will not be tolerated. We will continue to review and investigate your actions as we view necessary.

In order to prevent violations of our respectful workplace policy, Sen. Pearson must be present during all meetings with committee staff. This may result in some small inconveniences for you, but it is a necessary step at this point.

The people of the State of Washington expect the best that we can provide. As President of the Senate, I am considering all options available to me to ensure that those expectations are met.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Owen', with a long horizontal flourish extending to the right.

Brad Owen
Lieutenant Governor

cc: Sen. Mark Schoesler
Sen. Sharon Nelson
Hunter Goodman
Jan Gee



Dedicated to promoting and protecting the independent, community-focused grocery industry.

February 6, 2015

Hunter Goodman
Secretary of Senate
417 Legislative Building
Olympia, WA 98504

Transmitted via email: hunter.goodman@leg.wa.gov

Dear Secretary of the Senate:

I am filing our grave concerns regarding the participation of myself and two grocer members in a public hearing yesterday (2/5/2015) in the Senate Government Operations chaired by Senator Pam Roach. The episode that occurred was during the hearing of SB 5375/Registration of Petition Signature Gathering Firms linked here from TVW: http://tvw.org/index.php?option=com_tvwplayer&eventID=2015020102

We were called to testify in support of SB 5375. Not far into our testimony, Senator Roach began to discuss her most recent campaign for re-election as it related to a bill in 2014 that our association supported to address aggressive actions by paid signature gatherers. She asked the panel "Were you aware that legislators can be punished, after 24 years, (when) they don't support a bill that you want, even though they have a perfect record with business?" She was referring to the fact that the WA Food Industry Association PAC supported her opponent and her belief was that it was because we did not receive a hearing last year on a bill regarding registration of signature gatherers. She proceeded to ask one of my members and a panelist if his company gives campaign contributions. He responded that his company supports the WA Food Industry Association. He properly did not engage in the discussion of political contributions inside the Capitol and certainly not in a public hearing. She asked him again but then said "Anyway, you need to know where your money's going." And then she closed with "Because you know what? I won."


Neither the WFIA nor I have ever filed a complaint with the Legislature or the Ethics Commission but feel that the very freedom of people to engage in political campaign activities and to also represent their interests on issues before the legislature has been endangered due to this episode. Not only did we feel intimidated by her inference that we must "pay to play" but these private business members were visibly shaken with a process that was far beyond their understanding of how the Legislature operates. Senator Roach's behavior was unbecoming of a Senator and the management of the hearing was certainly outside the rules of the Senate. She clearly had a conflict of interest and should have requested that the bill be re-referred to a different committee. This was not a spur of the moment reaction from her to SB 5375 or the campaign contributions of the WFIA but felt very much like retribution on me and WFIA for their political action committee activities.

**www.wa-food-ind.org • 1015 10th St. SE • Olympia, WA 98502;
PO Box 706 • Olympia, WA 98507-0706 • (360) 753-5177**

I have been a registered lobbyist in Olympia for 31 years and have never experienced or viewed an episode such as what happened at the hearing on SB 5375. I would predict that if this matter is left unresolved that it will stifle freedom to participate in the legislative process and freedom to participate in political campaigns without the fear of intimidation and retribution. This would be a sad day in Washington State.

Thank you for reviewing this matter.

Sincerely,

A handwritten signature in black ink that reads "Jan Yee". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

President & CEO

cc: Lt. Governor Owen
Senate Majority Leader Schoesler
Senate Democratic Leader Nelson