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Subject: [FWD: Open Public Records request]
From: "Christopher Carleton" <ccarleton@wcfcd5.com>
Date: Wed, Apr 19, 2017 2:31 pm
To:
Attach: pointrobertspress_covers2.jpg

Commissioners,

This is for your information only.

Christopher Carleton

Fire Chief
Whatcom County Fire District 5
2030 Benson Road
Point Roberts, WA 98281
360-945-3473 Office
303-589-5565 Mobile
chief@wcfcd5.com

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

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

Subject: Open Public Records request
From: Patrick James Grubb <pgrubb@pointrobertspress.com>
Date: Wed, April 19, 2017 2:26 pm
To: Christopher Carleton <ccarleton@wcfcd5.com>, Brian Snure <Brian@snurelaw.com>
Cc: Meg Olson <megolson@mac.com>, Louise Mugar <lmugar@pointrobertspress.com>

Dear Sirs,

On April 5, 2017, fire commissioners Bill Meursing and Shannon Tomsen attended the Point Roberts Hospital District's regular monthly board meeting at the community center. As you know, the hospital district rents space from the fire district for its health clinic. Although both commissioners stated they were there as private citizens, they were conducting fire district business while they were in attendance.

Two members of a three-member board meeting outside of a regular or special meeting means a quorum of the board is attained and is considered an illegal meeting under the Washington State Open Public Meetings Act. I would note that commissioners Meursing and Stan Riffle are frequently seen together in public and have shown consistent disregard to the spirit and the letter of the Open Public Meetings Act; the meeting referenced above shows that commissioner Tomsen shares the two other commissioners' disdain for the public and its right to open government. Earlier Open Public Records Act

requests made by this newspaper illustrated this has been an on-going problem.

The hospital district has requested permission from the fire district to erect new signage on the district's Benson Road property. This issue has been a subject of discussion at the fire district's board meetings since January 2016. At the April 5 hospital board meeting, both commissioner Tomsen and commissioner Meursing engaged in a lengthy and contentious discussion with hospital district commissioners and staff about the sign issue. While doing so, they telegraphed each other's position and essentially engaged in a "final action" contrary to the OPM act. By even discussing the issue, they were engaging in "action," which is prohibited outside regular, special or executive meetings. Officials who knowingly attend a meeting in violation of the OPM act may be fined \$100 for doing so.

For example, referring to a sign proposal that she had sent the hospital district, commissioner Tomsen told the hospital board that she intended to withdraw it. Commissioner Meursing followed her remarks with the statement, "I am speaking as a private citizen and I have to be careful. I suggest you write a letter to the district that you've tabled the issue and the fire commission will table it also." He then asked for a current copy of the hospital district's contract with its healthcare provider, UnityHealth. At one point, unbelievably, Tomsen said, "I would say more except he's sitting there," pointing to the All Point Bulletin reporter.

Now commissioners Meursing and Tomsen can say they are attending a meeting as private citizens, they can even say they are attending as blue-footed booties, but the second they attain a quorum and the second they start discussing fire district business, they are acting as fire commissioners. This is a flagrant violation of the Open Public Meetings Act. We intend to take up this violation with the Office of the State Auditor.

Furthermore, commissioner Tomsen has been emailing hospital district administrator Elaine Komusi on this and other issues. She has also had communication with the office of the state attorney general regarding the hospital district's response to her public disclosure requests. Again, commissioner Tomsen can say her communications were as a private citizen or a blue-footed booby but she is merely being duplicitous – she was acting in her capacity as a fire district commissioner and conducting fire district business. As such, any emails sent from personal or fire district accounts involving fire district business become subject to open public records requests.

Accordingly, pursuant to the state open records law, RCW Section 42.17.010 to 42.17.350, I write to request access to all emails, letters or other communications sent or received by fire district commissioners and fire district staff and other parties that reference the hospital district since January 1, 2016 to the April 18, 2017. This request shall encompass any communication regarding the hospital district with parties other than the fire district or hospital district, such as the attorney general's office, for example. This request specifically includes communications between commissioners.

Additionally, I am requesting access to any application, resume or other information provided to the fire district by commissioner Tomsen when she applied for her appointment to the commission. I would also like access to any evidence that commissioner Tomsen has fulfilled the state law requiring that officials undergo training on open public meetings.

As provided by law, I will expect your response within five business days. I will accept electronic copies of all material relevant to my request. I agree to pay any reasonable copying and postage fees of not more than \$25; if the cost would be greater than this amount, please notify me.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the OPR act can result in a fine of up to \$100 for each day that I am denied access. Litigation costs, including reasonable attorney fees, may also be awarded.

Recd.
→
Request

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Subject: RE: Public Records Request APB May 3 - IMPORTANT

From: "Christopher Carleton" <ccarleton@wcf5.com>

Date: Tue, May 09, 2017 2:14 pm

To: bmeursing@wcf5.com, sriffle@wcf5.com, lhughes@wcf5.com, pmarkel@wcf5.com, "Shannon Tomsen" <stomsen@wcf5.com>

Cc: jshields@wcf5.com

Attach: pointrobertspress_covers2.jpg

FYI -

This request time frame is confirmed to be April 13, 2016 to May 8, 2017. If you have any questions, please contact me.

Christopher Carleton

Fire Chief
Whatcom County Fire District 5
2030 Benson Road
Point Roberts, WA 98281
360-945-3473 Office
303-589-5565 Mobile
chief@wcf5.com

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

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

Subject: Public Records Request APB May 3 - IMPORTANT

From: "Christopher Carleton" <ccarleton@wcf5.com>

Date: Mon, May 08, 2017 2:44 pm

To: bmeursing@wcf5.com, sriffle@wcf5.com, lhughes@wcf5.com,

pmarkel@wcf5.com, "Shannon Tomsen" <stomsen@wcf5.com>

Cc: jshields@wcf5.com

For Informational Purposes Only:

Please see the additional public records request below from Mr. Grubb. Please provide the information requested as soon as possible. I will be contacting all of you individually to discuss your progress.

Thank you,

Christopher Carleton

Fire Chief
Whatcom County Fire District 5
2030 Benson Road
Point Roberts, WA 98281
360-945-3473 Office
303-589-5565 Mobile
chief@wcf5.com

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

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

Subject: Open_Public_Records_Request_-_May_3,_2017

From: Patrick James Grubb <pgrubb@pointrobertspress.com>

Date: Wed, May 03, 2017 11:41 am

To: Christopher Carleton <ccarleton@wcf5.com>, Brian Snure

<Brian@snurelaw.com>

Cc: Meg Olson <megolson@mac.com>, Louise Mugar

<lmugar@pointrobertspress.com>

Whatcom County Fire District #5:

Pursuant to the state open records law, RCW Section 42.17.010 to 42.17.350, I write to request access to:

1. All emails, texts or any other form of written or electronic communication regarding the fire district special meeting held April Monday, April 24. This would specifically include communications between fire commissioners and between fire commissioners and staff. Please include proposed drafts and final agendas.
2. Commissioner Tomsen read from a prepared document during both her opening and closing statements. Please provide copies of any and all documents that were created or used during the special meeting. As well, please provide a copy of the video recording of the meeting.
3. Since her appointment as commissioner in April 2016, Tomsen has made a number of presentations to fellow commissioners, staff and the public regarding the All Point Bulletin, its editorial coverage and newspaper personnel including Pat Grubb, Meg Olson, Louise Mugar and other Point Roberts Press, Inc. staff. Please provide copies of all documents that reference the All Point Bulletin, its editorial coverage and newspaper personnel including Pat Grubb, Meg Olson, Louise Mugar and others dating from April 1, 2016 to today's date. These would include, but not be limited to, reports, emails, texts, spreadsheets, presentation materials, and photos.
4. Please provide copies of all communications between commissioners, and between commissioners and staff, that reference the All Point

Bulletin, its editorial coverage and newspaper personnel including Pat Grubb, Meg Olson, Louise Mugar and other Point Roberts Press, Inc. staff.

It is not necessary to provide communications between the All Point Bulletin/Point Roberts Press, Inc. and fire district staff. For example, communications regarding advertisements, public notices and such need not be included.

As provided by law, I will expect your response within five business days. I will accept electronic copies of all material relevant to my request. I agree to pay any reasonable copying and postage fees of not more than \$25; if the cost would be greater than this amount, please notify me. Should you require a SD card/flash drive for the video I will be happy to supply same.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that violation of the OPR act can result in a fine of up to \$100 for each day that I am denied access. Litigation costs, including reasonable attorney fees, may also be awarded.

Thank you for your assistance.

Sincerely,

Patrick J. Grubb
Publisher

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225 Marine Drive, Ste. 200
Blaine, WA 98230

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