

**Commission's Investigation of Chief Olsen's Conduct –
July 2004 Port of Tahuya Meeting**

October 12th 2005

FROM:

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TO:

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Request This Document be Attached to the Minutes of the **10/13/05** Tahuya Fire District Number 8 Public Meeting. **X**

Ladies and Gentlemen:

Subject: Public Disclosure Act (PDA) Request - RCW 42.17 – **Regarding Commission Investigation of Chief Olsen's Conduct During the July 2004 Port of Tahuya Meeting.**

I am making a formal request under the Freedom of Information Act for the information described elsewhere herein.

As you recall, Fire Chief Steve Olsen was accused of conducting himself improperly during the regularly scheduled July 2004 Port of Tahuya meeting. Chief Olsen's alleged

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improper conduct was brought to the attention of the Commission of Tahuya Fire District Number 8 (TFDN8) by concerned citizens.

During the October 14th 2004 Tahuya Fire District Number 8 (TFDN8) meeting, the Commission, through its Chairman, Tom Wampold, represented that the Commission would conduct an investigation and take whatever action he felt was appropriate. The Commission made no attempt to investigate the allegations during the October 14th 2005 meeting.

It was during the November 11th 2004 meeting that Chairman Tom Wampold indicated that the Steve Olsen matter had been investigated. Further, he indicated the Commission encountered conflicting information as to what had actually occurred. Therefore, he stated that it was difficult for the Commission to determine what had actually occurred. Finally, because the information was conflicting, according to Chairman Wampold, it was the decision of the Commission that that nothing further would be done and the Steve Olsen matter was considered closed. Interestingly, although the preceding Wampold comments on the Steve Olsen matter took place during the November 11th 2004 meeting, not a single word of what Chairman Wampold said regarding this matter appeared in the official minutes of November 11th 2004; minutes that were approved by the Commission on December 27th 2004. The information provided in this paragraph, and more, exists on Brad Carey's video recording of the November 11th 2004 meeting.

No meeting since November 11th 2004 has ever addressed the Steve Olsen matter regarding the alleged Chief Olsen misconduct that occurred during the July 2004 Port of Tahuya meeting.

- A. Neither the actual meeting of November 11th 2004, nor the minutes of said meeting, provided any information that gave the public insight into the Commission's investigative process.**
- B. Neither did the November 11th 2004 meeting, nor the minutes of said meeting, provide any information obtained as a result of the Commission's investigative process.**
- C. Also missing was the analytical thinking process the Commission went through to reach their decision.**

I am assuming a matter as sensitive as this matter, was well thought out by the Commission in advance of its investigation; and likewise, well documented by the Commission before the Commission began its investigation. Further, I assume the information obtained during the investigation, the analysis performed and said information were well documented and can be found in Chief Olsen's personnel file; a file he would have no access to for obvious reasons.

Why have I made these assumptions?

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If for no other reason, it seems to me the Commission would want make sure, should they find the fire chief innocent of all allegations, that any future and similar type(s) of alleged misconduct, if found to be true, could not adversely reflect back on the quality of the Commission's investigation of the July 2004 matter. In other words, if it were found that the quality of the Commission's investigation of the July 2004 Port of Tahuya meeting matter was lacking, it could raise potential legal and/or liability issues for the TFDN8 and/or its commissioners.

Are my earlier assumptions correct?

In other words:

Was a matter as sensitive as this matter well thought out by the Commission in advance of its investigation?

Was a matter as sensitive as this matter well documented by the Commission before they began their investigation?

Was the information obtained during the investigation, the analysis performed, the Commission's conclusions, and said information obtained each well documented and placed in Chief Olsen's personnel file?

For obvious reasons, is Chief Olsen's personnel file secured such that only the Commission would have access to said file?

I am interested in obtaining information regarding the Commission's investigation.

First, let me tell you what I am not interested in so as to prevent your denial of my Public Disclosure Act or the Washington Freedom of Information Act request.

I am not interested in the following:

I am not interested in what any individual the Commission spoke to said or didn't say.

I am not interested in either the content or a copy of any non public record or writing received by or created by the Commission.

To the best of my knowledge, I am not interested in making any request prohibited by RCW 42.17.

Now let me tell you what I am interested in.

I am interested in obtaining the following:

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The Commission's investigative process.

I am requesting the logical step-by-step investigative process used by the Commission, from start to finish, which ultimately led the Commission to conclude the matter was "closed". For example, this step-by-step investigative process includes but is not limited to the following:

The process each member of the Commission went through to make sure that each Commission member had no **conflict of interest issues** regarding each said Commissioner's ability to perform a fair, impartial and unbiased investigation and evaluation of Chief Olsen's alleged misconduct, and

the investigative process defined, documented, agreed upon and ultimately used by the Commission, before the investigation was launched, and all modifications to, or deviations from, said investigative process as the investigation progressed, and

what **the process** was, used to determine who and who not would be interviewed regarding the alleged misconduct of Chief Olsen, and

the **name of every citizen interviewed**, and the date(s) and time(s) each citizen was interviewed, and

by whom (which commissioner(s)) each citizen was interviewed, and

the name of each individual (citizen) that provided one or more documents, the name and/or description (not content) of every document provided, the name of each Commissioner that reviewed the document(s), the type of each document received and utilized by the Commission, including notes, letters, e-mails, VCR tapes, DVD disks, etc., and

the **applicable internal policies and/or procedures** of TFDN8 utilized and relied upon by the Commission, and

the analytical thinking process the Commission went through to reach its decision that the matter was "closed", and

etc.

By law, you cannot legally ask me why I want the information I want. However, I have no problem in sharing with you why I want it. I, and others, have some questions that need to be answered. Many of them should be answered by the information you provide, provided you performed your investigation in good faith and provided you respond to this PDA request in good faith. For example:

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What proof can the Commission provide that proves the Commission conducted an investigation after the October 14th 2004 TFDN8 meeting and before the November 11th 2004 TFDN8 meeting?

Who did the Commission interview in order to find out what went on in the POT July 2004 meeting?

Why did the minutes of the October 14th 2004 meeting leave out the “guts” of Ken Aries letter regarding the July 2004 POT meeting?

Why, when I asked for and received a copy of the October 14th 2004 approved minutes under my May 12th 2005 PDA request, did I not receive the Ken Aries letter; a letter which the official October 14th 2004 minutes state is attached to said minutes?

When and where did the Commission review all the material they collected after the October 14th 2004 TFDN8 meeting and before the November 11th 2004 TFDN8 meeting?

Did the Commission, or any member thereof, seek the advice of legal counsel regarding the allegations be raised against Chief Olsen? If so, from whom?

How closely do the official minutes of the October 14th 2004 TFDN8 meeting reflect the videotape of the meeting taken by Brad Carey?

How was the Commission able to plan, organize, come to an agreement as to what the step-by-step investigative process would consist of, and document this process without ever discussing a single word of this process in a public meeting?

How was the Commission able to implement its investigative process, gather the information, analyze the information, discuss the information among yourselves, document your findings, etc.; all without ever discussing a single word of this process in a public meeting?

How was the Commission able to perform its investigation, without violating the Open Public Meetings Act (OPMA)? RCW 42.30. Please explain.

Based on the elementary nature of this request, I would expect the requested information to be available for me to pick up at the fire department's main office within two working days from your receipt of this letter. If the information is not available for me to pick up within two days from your receipt of this letter, please call me and provide me with a plausible explanation as to why it is not available.

I will need to know the cost of what I am requesting before you produce it. Based on the Commission's illegal and purposely inflated fee structure for documents requested under the Public Disclosure act, (a fee structure that was illegally approved during the

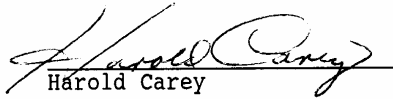
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September 8th 2005 TFDN8 meeting) I may be forced to withdraw this request. These actions taken by the Commission on September 8th 2005, when coupled with the Commission's prior and ongoing refusal to answer questions other than those that are "softball" questions or are questions that flatter the Commission or Chief Olsen, when coupled with the prior and ongoing policy of submitting selected PDA requests to TFDN8's attorney for review, begins to look like a conspiracy to conceal information that should exist and doesn't or that exists and may be both embarrassing and potentially show illegal and/or criminal conduct.

In order to avoid any misunderstanding regarding what is being requested in this PDA request, I am requesting all questions regarding this PDA request be put in writing and e-mailed to requestor at hcarey1@mindspring.com.

Unless I hear otherwise, I will assume my request is being processed as requested.

Thank you,


Harold Carey