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STEPHANIE J. RUDAT,)	
)	
Petitioner,)	No. 22CIV03090KCX
)	
v.)	DECLARATION OF MIKI
)	MULLOR
MIKI M. MULLOR,)	
)	
Respondent.)	

4. Due to my wife's career, I now spend about 8 months of the year overseas, taking care of our children, to give her time to pursue her executive career in Human Resources. My wife is currently the Chief People Officer of an international digital advertising company.

1 5. In 1998, I earned a law degree from the Reichman University in Israel, but never
2 practiced law in Israel nor the United States. However, in my business career I have been
3 involved in numerous patent enforcement litigation cases my company Ancora Technologies
4 brought against Apple, Samsung, LG Electronics, Lenovo, HTC, Microsoft and a few other
5 smaller ones. Litigating against these companies gave me skills in research and analysis of large
6 volumes of documents and practical knowledge of the legal system in the United States.

7 6. After my retirement in 2017 I became active in local politics in Sammamish
8 because the City of Sammamish suffers from over-development and I had suspected wrongdoing
9 by the government. After months of research and analysis of thousands of government
10 documents I obtained through public records requests, I published a study that exposed
11 wrongdoing by the City of Sammamish over the years. I proved the city staff misapplied the
12 Growth Management Act (GMA) concurrency requirement in order to approve over-
13 development illegally.

14 7. The study has been published by *The Sammamish Comment*, a local online news
15 outlet. In response to public fury over my findings, the City Council in Sammamish enacted a
16 development moratorium and launched a months-long effort to revise the city's practices.

17 8. *The Sammamish Comment* is an online only publication that reports exclusively
18 on local issues in Sammamish, a city with 65,000 residents. *The Comment* has been published
19 online by Scott Hamilton, who is a professional journalist, since December 2009. Over the
20 years, the site had over 250,000 visitors and articles on it were read 640,000 times.

21 9. In 2018 Hamilton, who retired from publishing *The Comment*, offered me to take
22 over as the editor of the publication. I was the deputy editor and editor of *The Comment* between
23 May 2018 and March 2021. In my time as the editor I covered the most tumultuous period in
Sammamish politics, in which residents were confronting a special interests group STCA, LLC
run by an outside developer, Matt Samwick, who was looking to develop a 90-acre site in the
city's center. Hamilton and I occasionally post on *The Comment*, however investigative
journalism has ended.

 10. During my time as the editor, *The Comment* reached peak readership. I used the
research and analysis skills I learned in patent litigation to expose government misbehavior in

1 areas of land use and development, finance, and ethics. Over time I became intimately
2 knowledgeable about land use, administrative and public records laws of the State of
3 Washington. My style of reporting follows journalistic ethics principles and includes raw
4 evidence in the stories for authenticity. The accuracy of my reporting has never been
successfully challenged.

5 11. In the middle of 2018, Stephanie Rudat, the Petitioner, reached out to me via
6 Facebook. The City Council then just fired City Manager Lyman Howard and Ms. Rudat wanted
7 to offer her father, Mr. David Rudat, as a candidate for an interim City Manager position. Ms.
8 Rudat was seeking an introduction to a council member. I agreed to meet Mr. Rudat at Ms.
Rudat's home in Sammamish, together with a local activist named Ken Gamblin.

9 12. After meeting Mr. Rudat, I passed his resume to then-Mayor Karen Moran. I
10 know from the public record that Mr. Rudat was interviewed but eventually was passed for the
11 position in favor of Mr. Larry Patterson.

12 13. During 2019 after it became clear out-of-state developer Matt Samwick intended
13 to take control of city council. Myself and a few others mobilized to counter his effort. I
14 encouraged incumbent council member Christie Malchow and local activist Ken Gamblin to run
15 for city council. After meeting with local residents Debbie and Kent Treen I also encouraged
16 Mr. Treen to run for office. On advice from then-Council Member Chris Ross I reached out to
17 Mr. Michael Scoles, a local dentist who started a new Facebook group called "Vote
18 Sammamish", and suggested he would start a Political Action Committee on behalf of the
residents, in order to raise money to back Ms. Malchow and Messr. Gamblin and Treen against
developer Samwick's candidates. I introduced Mr. Scoles to two longtime activist residents
Wally Pereyra and Harry Shedd, who seeded his PAC with a \$35,000 donation.

19 14. Upon starting his PAC, Mr. Scoles wanted to relinquish control of his Facebook
20 group "Vote Sammamish" that now had several hundreds of members, in order to keep the group
21 neutral from the appearance of a political bias. Upon his request to find someone who would
22 administer the group, I introduced him to Ms. Rudat, who claimed to be a social media expert.
23 Indeed, Mr. Scoles gave Ms. Rudat control over the group that now has about 900 members.

1 15. In November 2019 the three candidates I supported for city council, Christie
2 Malchow, Ken Gamblin and Kent Treen, won in an historic landslide. The day before the
3 election, the former City Council fired then-City Manager Rudy Rudometkin. The city needed an
4 interim city manager. From emails shared with me I know then council member-elect Mr.
5 Gamblin suggested to his fellow council members, elect and incumbent, to nominate Mr. Rudat
6 to the job.

7 16. In December 2019, Mr. Rudat approached me about helping him with his letter to
8 city council and his resume, given my familiarity with the different council members, which I
9 agreed to. (**Exhibit A**)

10 17. Mr. Rudat was selected to be the interim City Manager in February 2020, right
11 before the onset of the Covid-19 pandemic. At his and Ms. Rudat's requests, I agreed to help
12 Mr. Rudat, who came from California, with institutional knowledge of the issues in Sammamish
13 and introductions to professionals from my business network. I even agreed to join a recruitment
14 meeting Mr. Rudat had with a Mr. Peter Eglick, an expert land use attorney I recommended to
15 him, to explain the legal issues I covered in *The Comment*. I knew of Mr. Eglick from my
16 reporting on the Growth Management Act.

17 18. At the request of Council Member Gamblin, I came on a Sunday afternoon to help
18 him move Mr. Rudat's cargo from his U-Haul to a storage room in Redmond. At the request of
19 Ms. Rudat, I took Mr. Rudat on a hike in Soaring Eagle Park and then drove him around
20 Sammamish to show him areas of the city.

21 19. In the following months, when her father was now the interim City Manager of
22 Sammamish, petitioner Ms. Rudat repeatedly engaged with me over text messaging, offering
23 herself as a valuable source to *The Comment*. Her unsolicited communications included what
seemed like evidence of serious and ongoing breaches of confidentiality and transferring of
confidential information by Mr. Rudat to Ms. Rudat, his daughter, who is not a city employee.

 20. Initially I discounted the veracity of Ms. Rudat's communications. From past
behavior, I knew Ms. Rudat tends to exaggerate her credentials and importance. She routinely
engages in name-dropping of famous people she supposedly knows, such as US Representative
Kevin McCarthy or former President George W. Bush. None could be confirmed independently.

1 However, Ms. Rudat also claimed to know Washington State Representative Drew Hansen. Ms.
2 Rudat did not know Mr. Hansen was my attorney in 2008 and the firm he works for, Susman
3 Godfrey, currently represents my company Ancora Technologies in patent litigation cases. I
4 reached out to Mr. Hansen who denied knowing Ms. Rudat personally. Mr. Hansen could only
vaguely remember her name from seeing it on Facebook.

5 21. I understand Ms. Rudat claims in her petition that we were “former friends”. This
6 is not true. We were never friends. My wife and I once attended a party at Ms. Rudat’s home
7 after which my wife asked me to decline any further invitations from Ms. Rudat given her
8 observations of Ms. Rudat’s behavior and demeanor. Indeed, I declined any subsequent
9 overtures from Ms. Rudat. I was surprised to see Ms. Rudat and her husband in a going-away
party organized for us by Mr. Scoles and his wife. At that time, I didn’t know Ms. Rudat had
befriended the Scoles and to what extent she exerts influence over them.

10 22. In June 2020, the City Council appointed Mr. Rudat as the permanent City
11 Manager in Sammamish. Once that happened, I immediately noticed a difference in Ms. Rudat’s
12 behavior publicly and in private. For example, in an erratic text exchange Ms. Rudat accused me
13 of trying to marginalize her over a suggestion I made regarding the Facebook group “Vote
14 Sammamish ” she inherited from Mr. Scoles. The suggestion was as benign as to change the
15 access to the group so more people can view its content. Ms. Rudat's response was:
“marginalizing me is a wicked dumb move.” (**Exhibit B**)

16 23. In another text message, Ms. Rudat disclosed her plan to politically ruin a sitting
17 council member, Pam Stuart, by working with city staff to manufacture complaints against the
18 council member: “So we are working on getting a file put together against Pam internally. Her
19 HR shit will backfire on her for her election :)... so there’s a plan to collect reports with HR...
20 it’s great. They feel ‘marginalized’, ‘coerced’ ‘disregarded’. All the good words. So this is my
side project to ruin her. When I’m silent, I’m fixing to kill.” (**Exhibit C**)

21 24. Between September 2020 and March 2022 I observed escalating attacks from Ms.
22 Rudat and associates of hers against sitting council members and residents who were critical of
23 her father's administration. I became concerned Ms. Rudat was using her apparently unfettered
access to city confidential information and her secret eavesdropping on city council members to
influence city operations and city council votes.

1 25. As I reported on *The Comment*¹, on March 4, 2022, Ms. Rudat posted on the
2 “Vote Sammamish” Facebook group a denial that she has access to confidential information. I
3 knew that was contrary to what she had communicated to me in private. I therefore decided to
4 come forward to the City Council with the evidence of her father, the City Manager, giving her
5 confidential information and allowing her to eavesdrop on calls with council members.

6 26. I contacted then-Deputy Mayor Christie Malchow and gave her a small sample of
7 the evidence for discussions with the rest of the council. I don’t know what was discussed but I
8 was requested later to submit the full complaint.

9 27. Since the city was at that time embroiled in litigation with Mr. Samwick’s
10 company, STCA LLC, I followed legal advice to submit the evidence to the city council under a
11 Non-Disclosure Agreement (NDA) and in password-locked files to avoid admissibility of the
12 complaint in the STCA litigation. Five of the council members signed an NDA and received
13 access to the evidence (**Exhibit D**). Council Member Treen and then-Council Member Gamblin
14 didn’t sign the NDA and didn’t receive a password to open their file.

15 28. I had no further involvement or communications with anyone regarding my
16 submitted complaint except for: (i) receiving a notification from then-Council member Odell on
17 who the investigator was and (ii) a two hours’ interview with that investigator, at her request.
18 Following that interview I submitted the entirety of my communications with Ms. Rudat to the
19 investigator.

20 29. Shortly after I discussed the matter with then-Deputy Mayor Malchow, and
21 presumably after my intent to submit a complaint against Mr. Rudat became known to other
22 council members, online attacks began against Malchow and myself by Layna Crofts, through
23 Facebook and by filing public records requests (**Exhibit E**). Ms. Crofts alleged with no proof
that I and Scott Hamilton have accessed confidential information and that we control the city
council. Strangely, at the same time, Ms. Crofts was also requesting the public evidence to
support her own allegations.

¹ <https://sammamish.news/2022/03/01/city-staff-delays-release-of-full-investigation-report-of-their-boss/>

1 30. I contacted Ms. Crofts on Facebook Messenger regarding her false allegation.
2 Ms. Croft's responses were incoherent as she could not explain the nature of her allegations.
3 When I raised the possibility someone else is feeding her this false narrative she evaded an
4 answer. The entirety of my communications with Ms. Crofts is attached. **(Exhibit F)**

5 31. On January 11, 2022, I submitted irrefutable physical evidence to the City
6 Council tying Ms. Crofts to the Rudats in connection spreading misinformation against me.
7 **(Exhibit G)**

8 32. On June 1, 2021, I received an email from Michael Scoles, on which several
9 council members were copied, accusing me of pursuing the complaint of Mr. Rudat's
10 malfeasance because of an unspecified vendetta. Mr. Scoles did not provide details on the
11 specific allegations nor how he became aware of the alleged facts behind the accusation. Mr.
12 Scoles also claimed he's seen evidence of then-Deputy Mayor Malchow sharing confidential
13 information with me. This allegation mirrored an allegation from Ms. Crofts. The Scoles email
14 was included in the petition in this proceeding.

15 33. Mr. Scoles was never able to substantiate any of his claims with details or
16 evidence. Even when called a liar in strong way, Mr. Scoles couldn't provide any evidence or
17 details.

18 34. The Scoles email was also published on the "Vote Sammamish" Facebook group
19 by a user called "David Benedet". On January 16, 2022, I sent an email to City Council in which
20 I proved with evidence that Ms. Rudat gave "Benedet" the Scoles email and directed his posting
21 online against people she wishes to attack. No one knows or met "Benedet", except for Ms.
22 Rudat. **(Exhibit H)**

23 35. On November 16, 2021, several residents sent emails to the city council and gave
public comment against termination of Mr. Rudat and included allegations against myself, as
detailed below. There was no scheduled vote on the issue of Mr. Rudat's termination. It is
unknown how several residents knew a vote was coming given that the investigation of Mr.
Rudat has never been discussed in public, only in Executive Sessions, which are confidential.
Indeed, at the end of the meeting, council member Tom Odell moved to terminate Mr. Rudat
with cause. His motion failed 2-5.

1 36. Also on November 16, 2021, Mr. Scoles sent a text message to Deputy Mayor
2 Malchow urging her not to terminate Mr. Rudat and repeating his unsubstantiated claim she
disclosed confidential information. **(Exhibit I)**

3 37. Also, on November 16, 2021, Ms. Anna Spencer sent an email to Deputy Mayor
4 Malchow titled “executive session information issued to neighborhood blogger” - repeating the
5 lie told by Mr. Scoles. The email demands the Deputy Mayor hand over to the sender “Items
6 like high value information, public documents, executive session documents.” and concludes
“This is relevant to City Mgr Dave Rudat who is on your hit list.” **(Exhibit J)**

7 38. The following day, November 17, 2021, Ms. Cheryl Hooper sent the following
8 email to the City Council, telling the council someone told her I’m manipulating the city council
9 to get city staff fired. Ms. Hooper admitted she was unable to “verify all the facts, and I’m only
10 hearing this as rumor.” Hooper concluded that “I’d have to imagine that some of this is
11 bordering on illegal.” and “Don't fire people because an outside influencer is threatening you.
12 You work for the citizens.” I believe discovery in this case will reveal Ms. Rudat was the one
who spread the rumor, which is both false and malicious. **(Exhibit K1)**

13 39. Deputy Mayor Malchow replied to Ms. Hooper and denied any influence,
14 swearing on her late parents’ graves. “You can’t believe everything professed as gospel on social
media.” wrote Malchow. **(Exhibit K2)**

15 40. On February 18, 2022, I attempted to contact Ms. Hooper, with whom I have had
16 communications in the past, about her allegation to city council and left a message asking
17 whether she asked Ms. Rudat for evidence of the rumor against me, which I called “a lie.” Ms.
Hooper didn’t reply. **(Exhibit L)**

18 41. On November 16, 2021, the investigator issued an executive summary of the
19 investigation, concluding that Ms. Rudat was indeed eavesdropping to the city manager’s calls
20 with unsuspecting council members and staff and has been given access to confidential
21 information including attorney client privileged information. The report was obtained by public
records request several weeks later. **(Exhibit M)**

22 42. On December 14, 2021, during a public council meeting, City Manager Rudat
23 attacked myself, Deputy Mayor Malchow and former Council Member Odell in a 16-minute

1 speech, transcript of which is attached. Mr. Rudat repeated the same narrative forwarded by Mr.
2 Scoles in his June email to me. **(Exhibit N)**. A document I obtained through a public records
3 request, shows it was Ms. Rudat, the petitioner, who wrote her father's public attack on me.
(Exhibit O)

4 43. On February 16, 2022, I emailed city council demanding a retraction and an
5 apology and detailed which of Mr. Rudat's statements were false. The City has yet to respond.

6 44. On January 5, 2022, in an email to the city council, I vehemently denied the
7 accusation in the Scoles email of receiving confidential information from Deputy Mayor
8 Malchow (or any other council member). **(Exhibit P)**

9 45. On January 5, 2022, Ms. Kathie Beutel posted on a 4,000-member Facebook
10 group a link to the video of the speech of the City Manager's video. The post repeated the false
11 narrative from the City Manager of manipulation of city council members: "They should not be
12 dictated by a "Blog Poster" who manipulates people and agendas with money and tells our City
13 story from another country." In an exchange of comment on this post, I refuted Beutel's claims
14 whose responses became incoherent as the exchange developed. **(Exhibit Q)** I also approached
15 Ms. Beutel on Facebook Messenger alleging she was manipulated by Ms. Rudat. **(Exhibit R)**
16 Ms. Beutel didn't respond.

17 46. The following day Ms. Beutel posted again in the same Facebook group calling
18 me a criminal and urging residents to report me to the Attorney General. "Sammamish City
19 Council needs to be held accountable for disclosing to the taxpayers of this city, if there is
20 criminality at the hand of Mr. Mullor by persuading council members, we need to know this
21 information." said Ms. Beutel. **(Exhibit S)**

22 47. I believe extensive discovery in this case will prove Ms. Rudat has employed this
23 technique to undermine and spread a false narrative about me in order to save her father from
being held accountable for his malfeasance and to destroy my reputation in order to avoid future
reporting on the subject. This frivolous lawsuit is yet another effort in that campaign designed to
punish me for exercising my First Amendment rights, and should be terminated, with attorneys'
fees awarded on my behalf and against Petitioner under RCW 4.84.185, which says: "In any civil
action, the court having jurisdiction may, upon written findings by the judge that the action,

1 counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without
2 reasonable cause, require the non-prevailing party to pay the prevailing party the reasonable
3 expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-
4 claim, third party claim, or defense. This determination shall be made upon motion by the
5 prevailing party after a voluntary or involuntary order of dismissal, order on summary judgment,
6 final judgment after trial, or other final order terminating the action as to the prevailing party.
7 The judge shall consider all evidence presented at the time of the motion to determine whether
8 the position of the non-prevailing party was frivolous and advanced without reasonable cause. In
9 no event may such motion be filed more than thirty days after entry of the order”.

10 I declare under penalty of perjury under the laws of the State of Washington that the
11 foregoing is true and correct.

12 Signed this 17 day of March 2022 at Madrid, Spain.

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23



Miki Moshe Mullor

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused the document to which this certificate is attached to be
3 delivered to the following as indicated:
4

5 Stephanie Rudat
6 2120 Sahalee Drive E.
7 Sammamish, WA 98074
8 Email: stephanierudat@gmail.com

- ☐ Messenger
☐ U.S. Mail, postage prepaid
☐ Federal Express
☐ Facsimile
☒ Email
☐ King County E-Filing Application

9 Declared under penalty of perjury under the laws of the state of Washington dated this
10 18th day of March, 2022.

11
12 By /s/ Bruce E.H. Johnson
13 Bruce E.H. Johnson, WSBA #07667
14
15
16
17
18
19
20
21
22
23

Exhibit A

Dave Rudat
(714) 318-5757



Hi Miki. Dont know your time of day/night
(it's about 2230 hrs here in NH. so I hope
this doesn't disturb you or your family.
Hope your Hanukkah was nice and your
New Years terrific.
I might benefit from your counsel and
review of my resume and letter, if you
would consider doing that, as you are so
close to the issues and the readers.
Thank you.
Dave



Dave Rudat • Dec 31, 2019

Send it to miki@mullor.org

Happy to help



Dec 31, 2019

Exhibit B



Stephanie Rudat

last seen Friday at 11:08 AM



1/21/2020

I'm sure you know but Melanie is in. 10:55 AM ✓✓

We need to take her off vote moderator ASAP. If we get Jason out she'll be the replacement. She just doesn't know it yet 10:56 AM ✓✓

I already did 11:11 AM

Have you thought of making the group public? 11:19 AM ✓✓

Thought about it, referenced best practices and scheduled out statuses of the group's I've helped seed from San Diego to NYC and can't find a single one that's public. Tell me reasons why you think public is helpful and not possibly leaving participants, especially candidates, vulnerable. Political groups are typically locked down for privacy and exclusivity. Vote was public until last Sept then membership nearly doubled 11:23 AM

transparency. Vote is the target of a smear campaign and will be weaponized. either you hand it over to someone else or if it's made public anyone can go there and see for themselves. People won't join just to see whether the smear campaign is true or not. 11:42 AM ✓✓

I cannot find a single best practice of opening groups that are political and it's way too early to react to what others might do. Keeping a safe, well-moderated space is critical for engaging people typically turned off by mud slinging 11:48 AM

It will still be moderated 11:48 AM ✓✓

Just viewable to everyone 11:49 AM ✓✓



Stephanie Rudat

last seen Friday at 11:08 AM



people typically turned off by mud slinging

11:48 AM

It will still be moderated

11:48 AM ✓✓

Just viewable to everyone

11:49 AM ✓✓

And unsafe for participants. Currently, there's a rule about privacy.

11:51 AM

You may want to consider sterling down

12:09 PM ✓✓

Stepping

12:09 PM ✓✓

Thanks, Miki.

12:09 PM

Marginalizing me is a wicked dumb move.

12:10 PM

come on steph

12:10 PM ✓✓

i've seen the narrative they are pushing against the group and indirectly at your dad.

12:12 PM ✓✓

this isnt about you

12:12 PM ✓✓



Stephanie Rudat

last seen Friday at 11:08 AM



Come on Steph 12:10 PM ✓✓

i've seen the narrative they are pushing against the group and indirectly at your dad.

12:12 PM ✓✓

this isnt about you 12:12 PM ✓✓

7/29/2020

King County Elections home page

King County, with more than 1.3 million registered voters, is the largest jurisdiction in the United States to conduct all elections by mail.

www.kingcounty.gov

<https://www.kingcounty.gov/depts/elections/how-to-vote/register-to-vote/voter-registration-challenges.aspx>

5:15 PM ✓✓

8/14/2020

I have not called you back because I've been disappointed in being marginalized and sense you do not come to me as a human being who's a stakeholder and contributor.

I'm texting you this because I don't want to be dismissed, I'd like to be considered. Even my feelings which are part of the human condition.

You also didn't hear from me because I've been consumed with personal matters out of my control.

Note that you have heard from me, I'd like you to please remember that I'm a person and not a bot nor an operator. I can talk Sunday or Monday if you want.

5:02 PM

Exhibit C



Stephanie Rudat

last seen Friday at 11:08 AM



But she gets the 50000 12:40 AM ✓✓

So, we're working on getting a file put together against Pam internally. Her HR shit will backfire on her for her election. 😊

12:41 AM

I have that famous police report 12:41 AM ✓✓

And staff is pissed. Super pissed. 12:41 AM

Who 12:41 AM ✓✓

Maybe they should write an anonymous letter 12:42 AM ✓✓

I'll publish 12:42 AM ✓✓

So there's a plan to collect reports with HR. 12:42 AM

Rita, Mike, Celia, Kate, and I can't recall there name of the other woman. MB will be talking to staff...

And don't tell my dad

12:43 AM

That many incidents ??? 12:44 AM ✓✓

He knows but doesn't know details so it's all going to happen organically. MB is recording complaints. 12:44 AM

Yep. She's crossed staff a couple of times recently and they're fucking mad, Miki. 12:44 AM

The best way is to go public 12:45 AM ✓✓



Stephanie Rudat

last seen Friday at 11:08 AM



fucking mad, miki.

12:44 AM

The best way is to go public 12:45 AM ✓✓

So Celia came up with a plan and also convinced MB to record her own run-ins with Pam, the pressure to do something about Andrew.

12:45 AM

It'll go public. MB will take a bit because things are still mounting and they dont want it to backfire if my dad leaves.

12:46 AM

It's great. They feel "marginalized" "coerced" "disregarded".

All the good words.

12:47 AM

So this is my side project to ruin her. When I'm silent, I'm fixing to kill.

12:47 AM

Her and her clan 12:48 AM ✓✓

And take down the sogges 12:48 AM ✓✓

We need a big win 12:48 AM ✓✓

Peter needs to get going 12:48 AM ✓✓

All the "do-gooders" who care so much about staff and the community... but not cops.



Expose them all.

12:48 AM

Exhibit D

~~CONFIDENTIAL~~

Whatsapp chats evidence

City of Sammamish

~~Under NDA~~

Declaration

The following are screenshots of WhatsApp chats between Stephanie Rudat and myself while I was the editor of the Sammamish Comment.

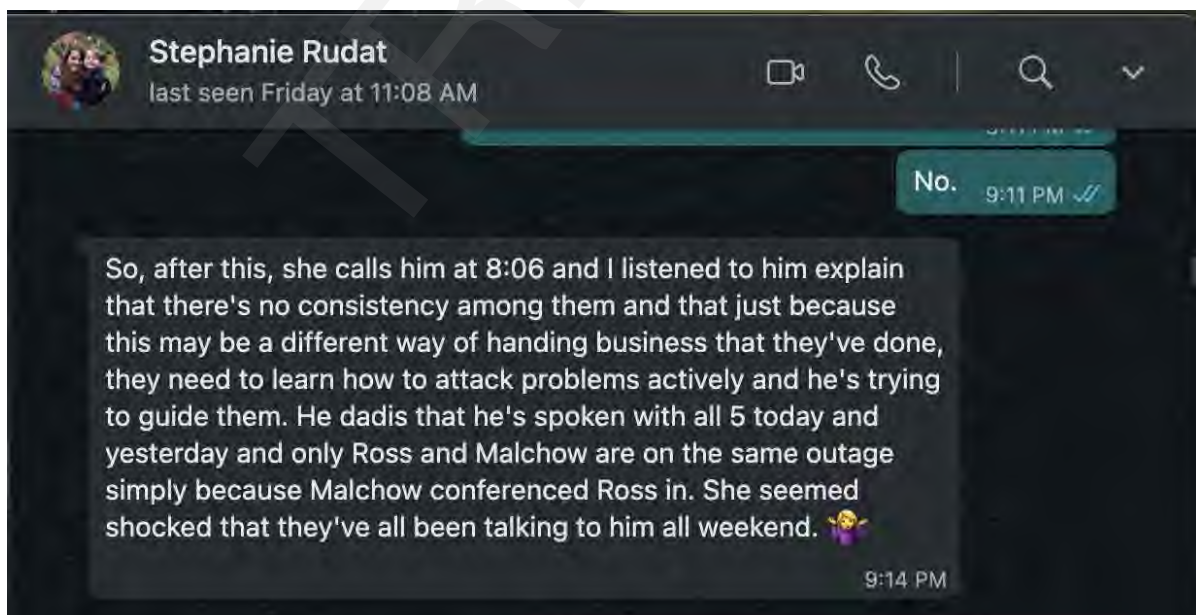
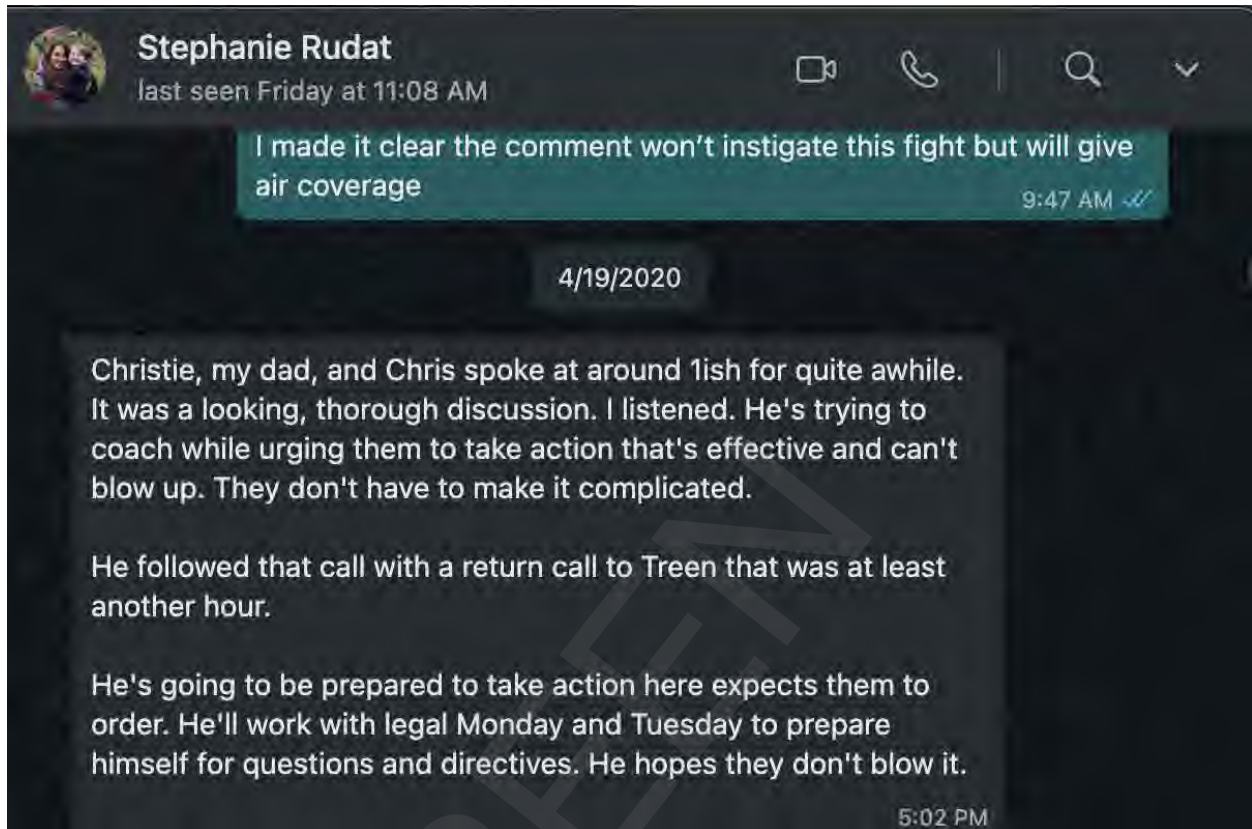
I am in possession of the original chats and hereby declare the images in this document are true and correct copies of the original messages sent to me.

Rudat did not ask to be off the record when communicating these messages unsolicited, no confidentiality was ever agreed upon or promised - implicitly or explicitly.

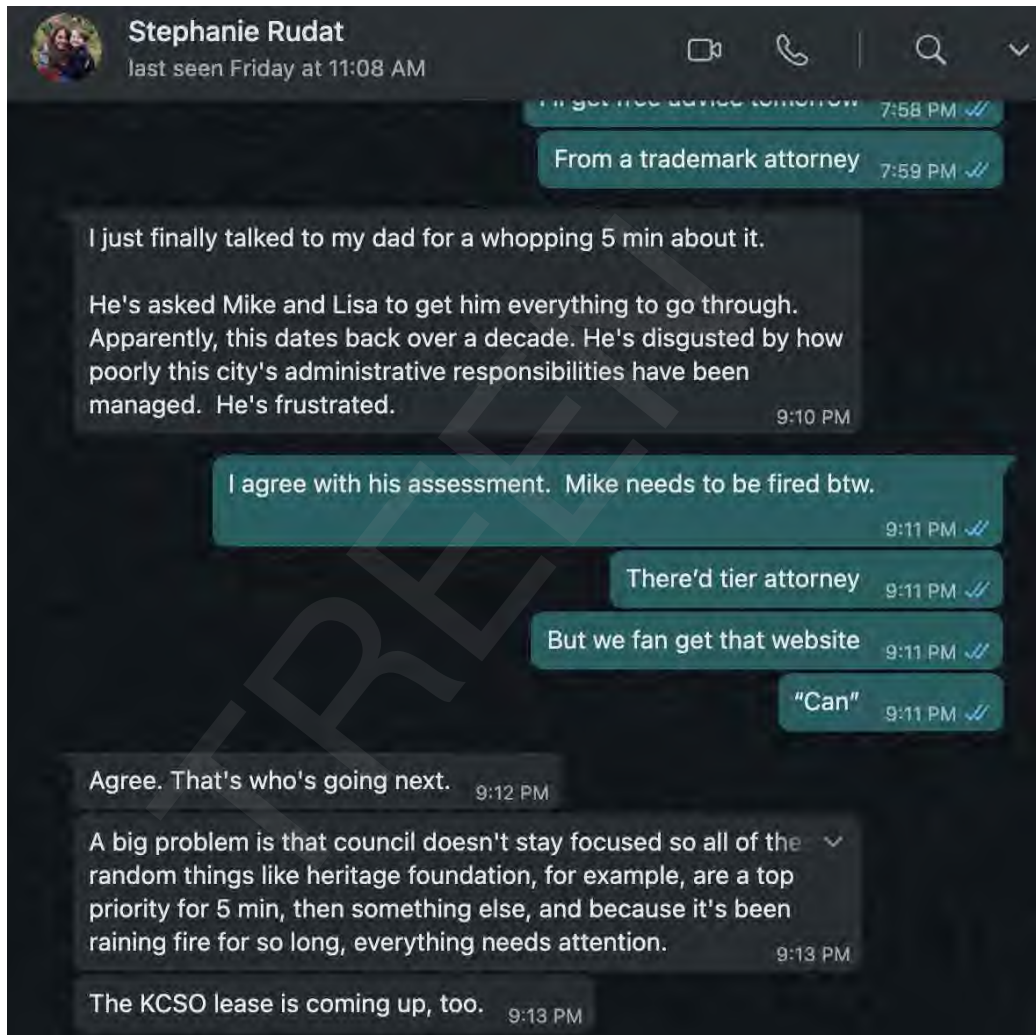
The Sammamish Comment reserves all rights in this document, including but not limited to publishing its content on a future date.

Miki Mullor
May 15, 2021

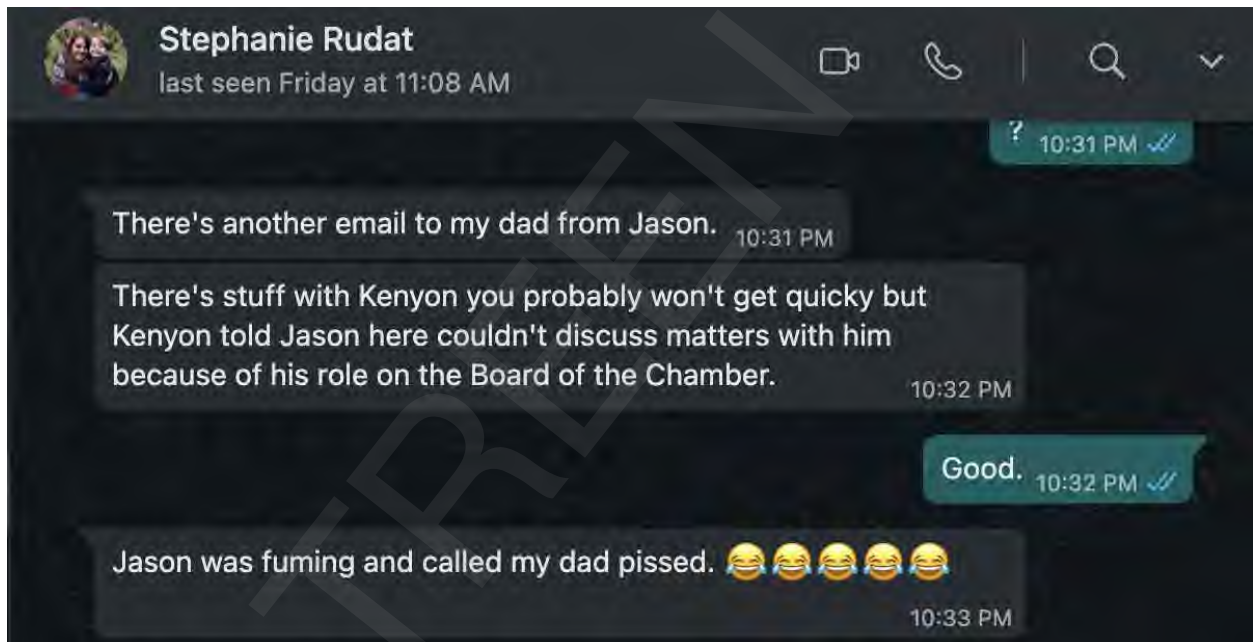
Eavesdropping on calls with council members 4/19/20 5:02 PM, 9:14PM



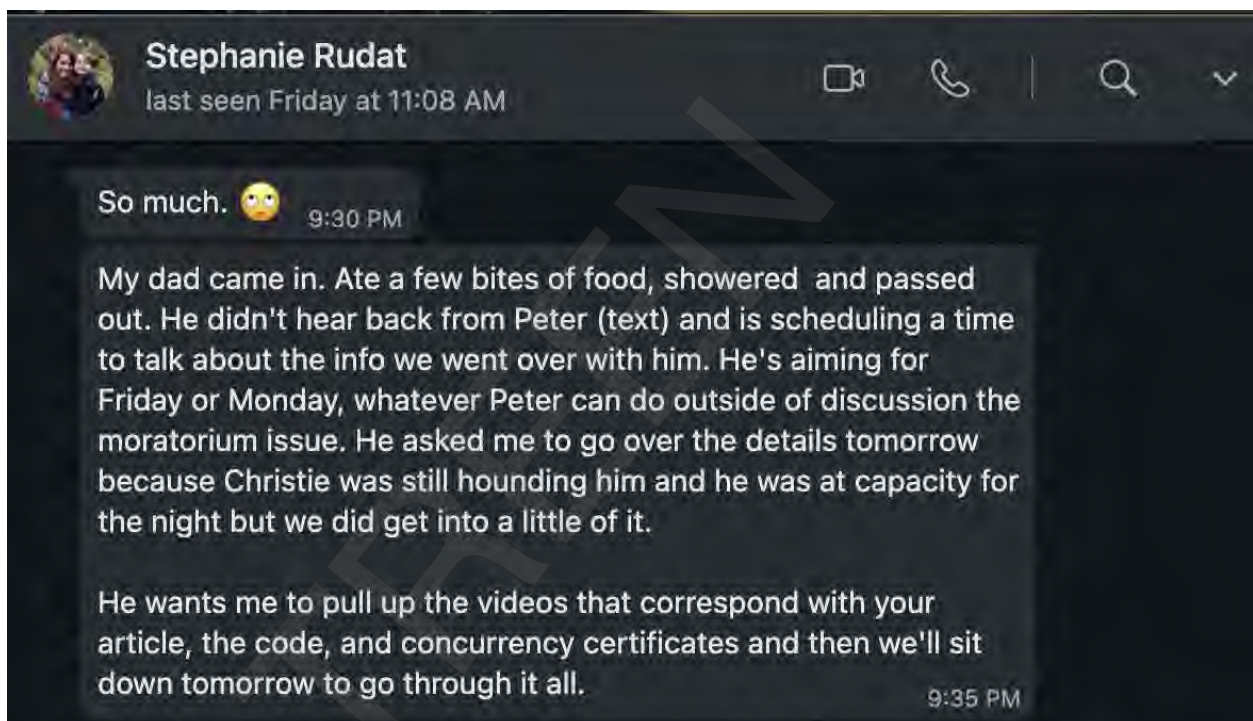
Breach of attorney client privilege 4/16/20 9:10PM



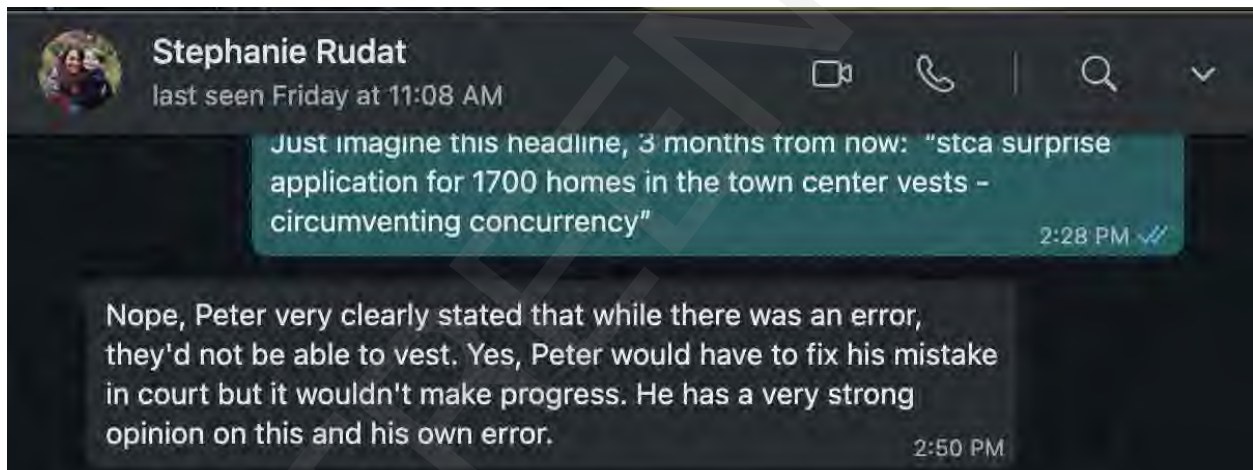
Breach of attorney client privilege 4/30/20 10:31PM



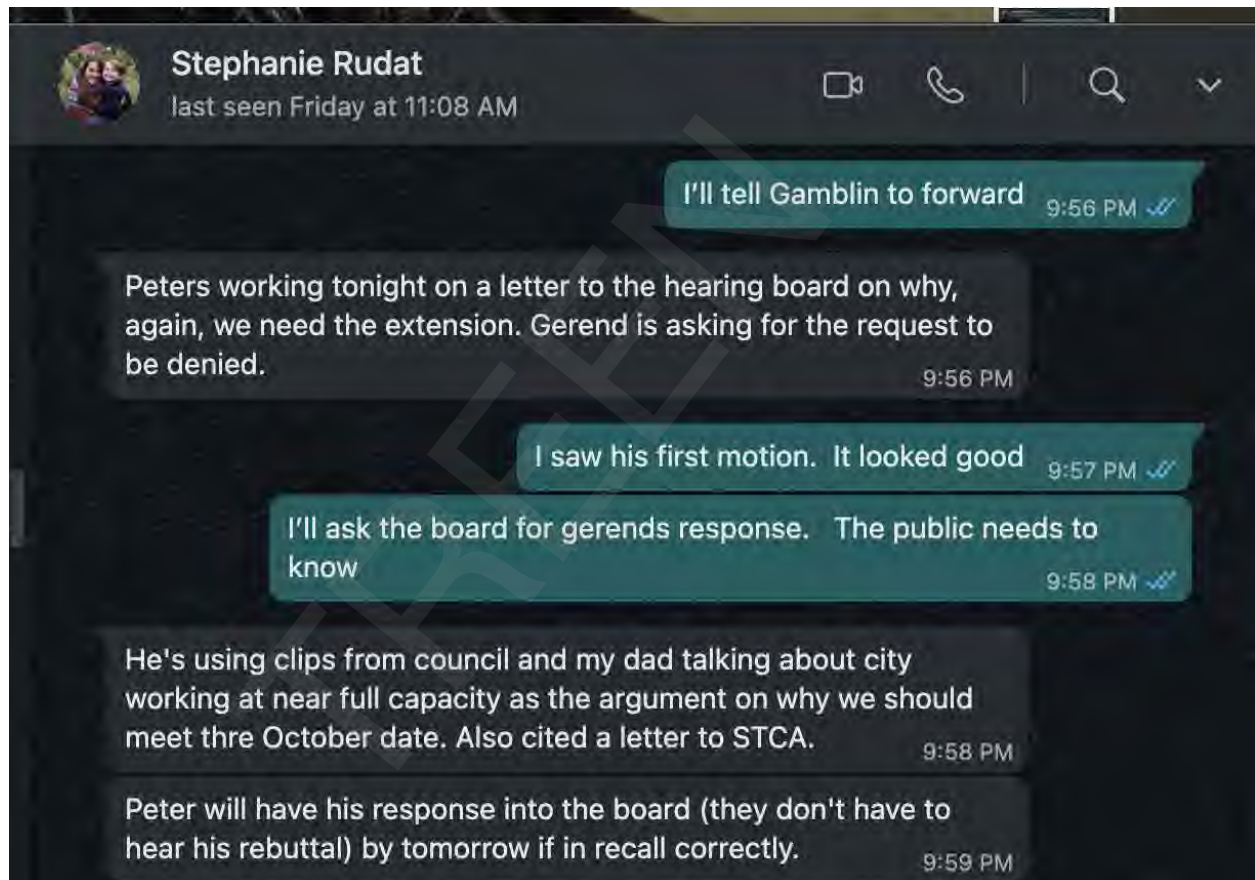
Breach of attorney client privilege 5/6/20 9:35PM



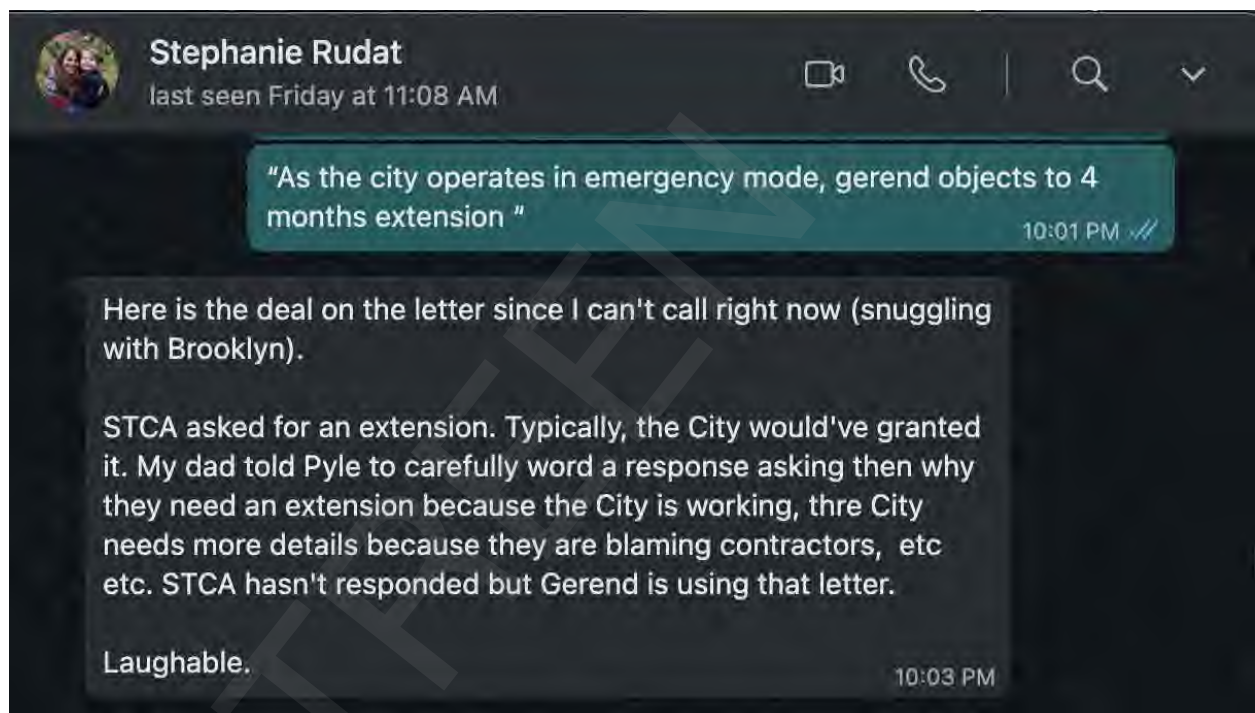
Breach of attorney client privilege 5/8/20 2:50PM



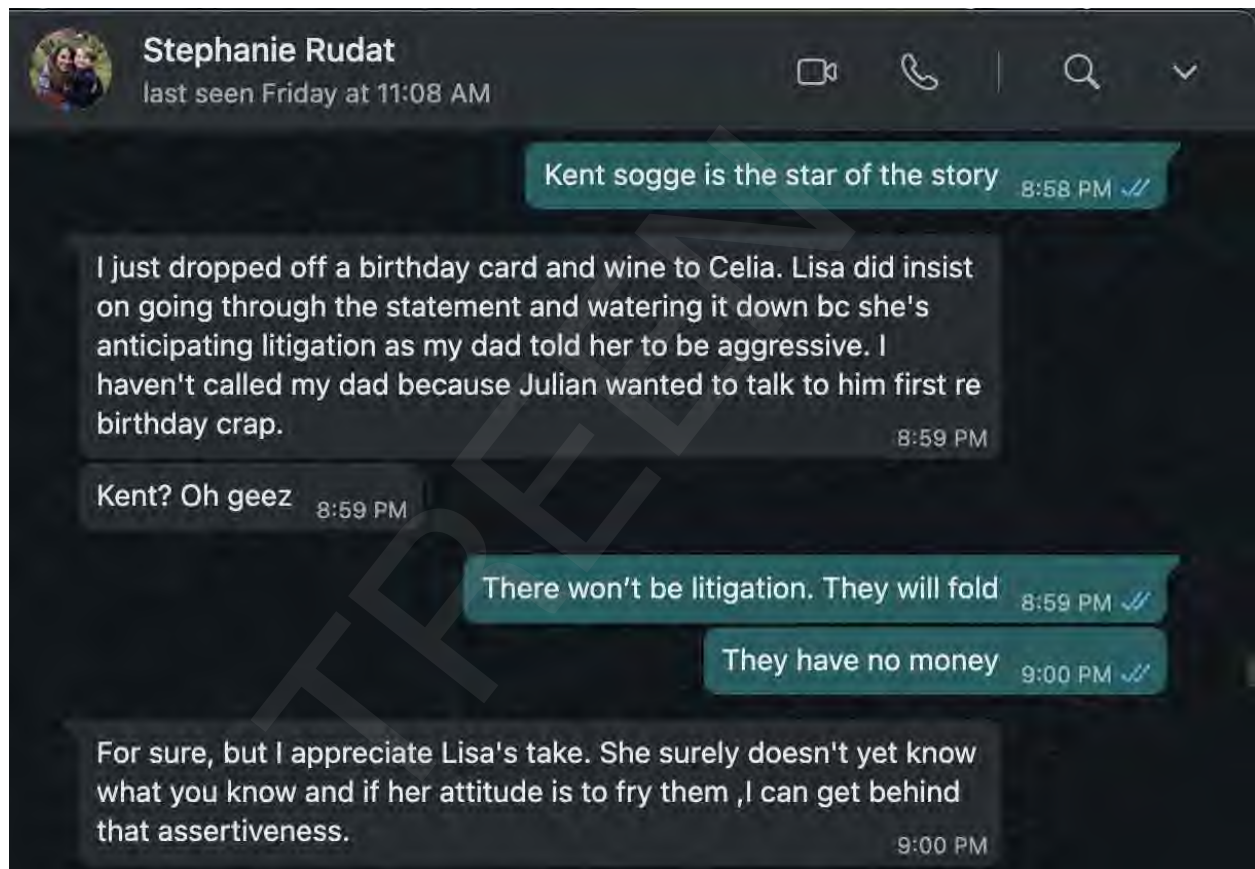
Breach of attorney client privilege 5/12/20 9:56PM



Breach of attorney client privilege 5/12/20 10:03PM



Breach of attorney client privilege 5/21/20 8:59PM



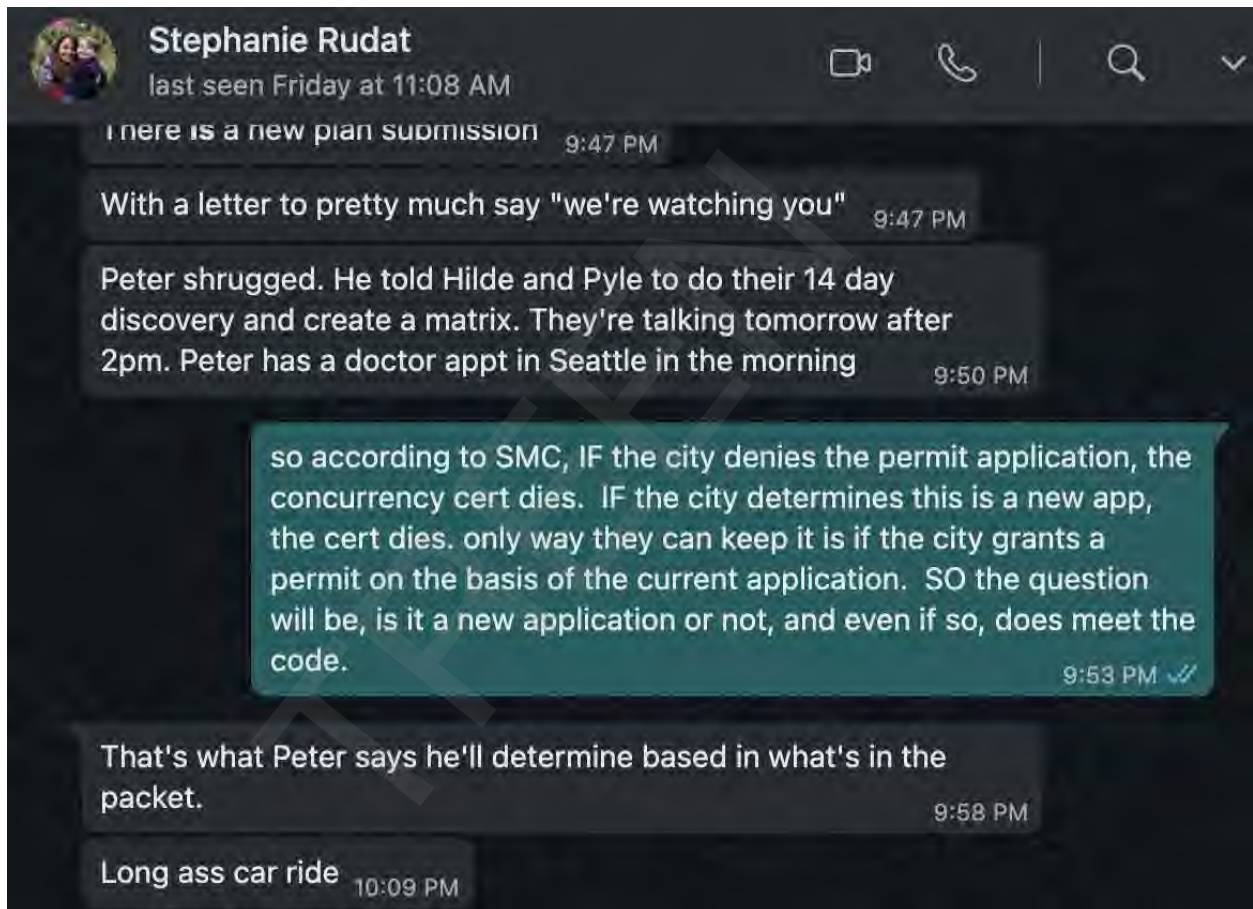
Collusion with staff vs. a council member (1/2) 6/4/20 12:41AM



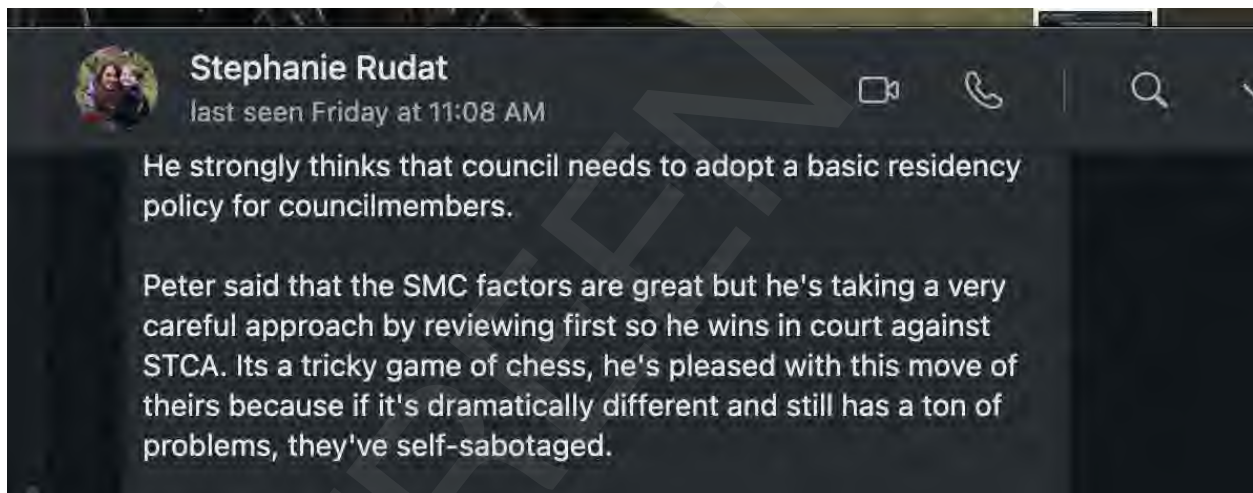
Collusion with staff vs. a council member (2/2) 6/4/20 12:45AM



Breach of attorney client privilege 6/22/20 9:53PM



Breach of attorney client privilege 6/22/20 10:16PM



Breach of attorney client privilege 6/22/20 10:35PM, 7/15/20 9:13PM

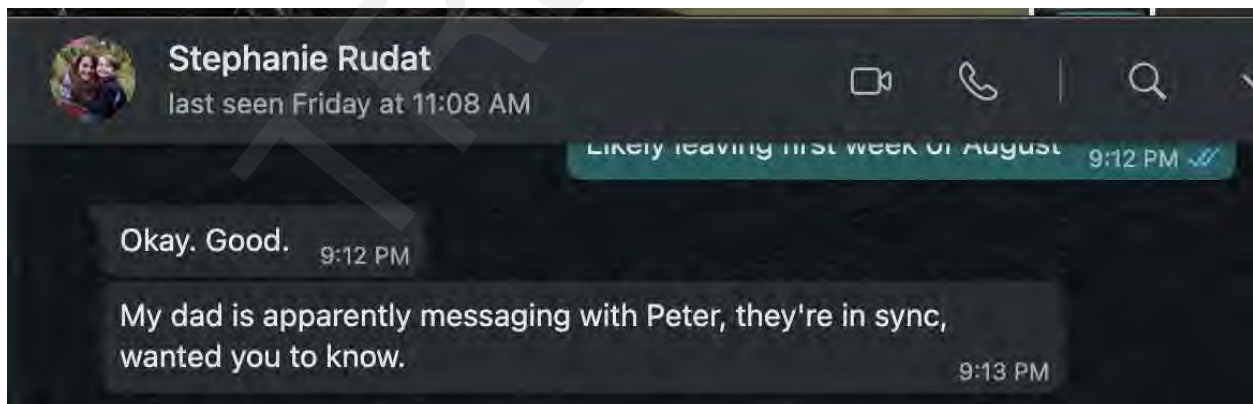
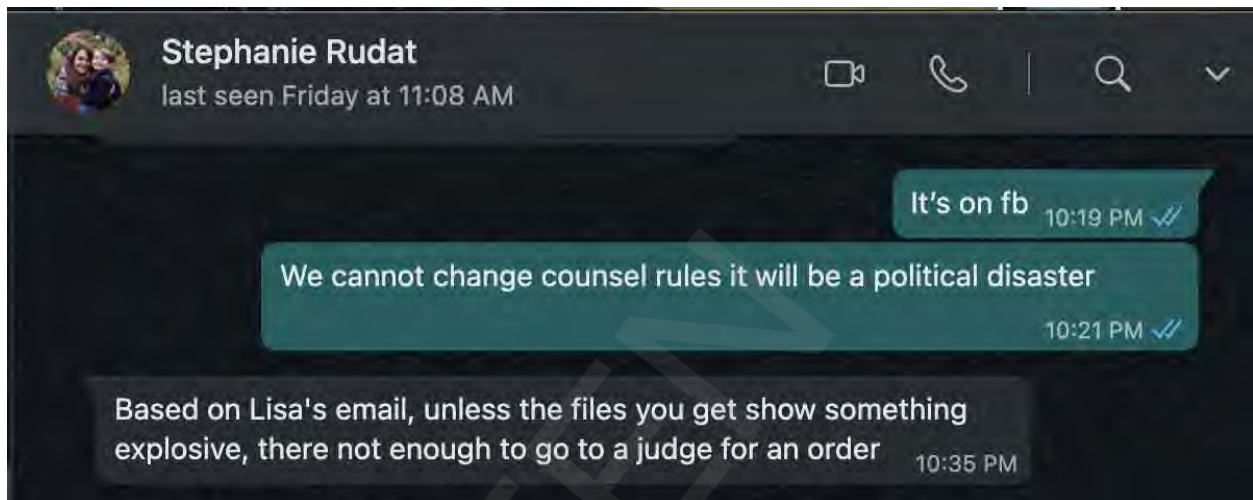


Exhibit E



Sammamish Watch - Fighting for our city

New Activity ▾



Elle Cross

Admin · 2h · 🌐

...

Hello City of Sammamish Neighbors,

I have been closely following developments and actions by our city council and I have been quite alarmed at what I am seeing. It is my goal to encourage the City Council to think and act on their own (while being transparent) as elected citizens, to improve our city.

I believe our city council should rely on ideas from many sources, including the city staff, citizens' groups, the city manager, advisory committees, and various local chambers and organizations. I believe that it is the council's responsibility to consider the merits of each idea and then approve, modify, or reject them in the interests of our city. It seems that some of our council members are relying far too much on a few people's opinions in making their decisions. Specifically, I have learned that some of the city council members are relying solely on the ideas and opinions of people that don't even live in our city and give these people unfettered access to sensitive city government resources and confidential information. This is very alarming because the council has all the legislative powers and authority allowed by the State of Washington, including general ordinance-making powers and control over the City's finances and taxes.

It is important that we as citizens know who the council is allowing to influence them, to what extent, and for what reasons. We elected the city council to study the issues and act for themselves for the betterment of the citizens. Now, it seems that some of the council members are relying on only a few people, who don't even live in Sammamish, as their main source of ideas, opinions, and directions for the city. This hurts us all. We need a council strong enough to rely on their professional staff, their city manager, and their own minds to do the job that the elected seat requires.

I am in the process of writing a fact-finding article to document and evidence overt or covert misgivings within the city council, and the control that a few citizens have over the council. I am doing this to help the citizens understand what is going on within our city government, and to help change the City Council's methods of receiving and sharing information.

To change the course of our city, I need your help. Please email me any documents you feel are relevant to SammamishInquiry@gmail.com If you would like to remain anonymous, that is fine and I understand.

I am looking for:

1. Any evidence of wrongdoing from our City Council;
2. Evidence that shows anyone trying to control or manipulate the City Staff;
3. Evidence of the City Council providing confidential information to anyone;
4. Evidence of the City Council being manipulated or controlled by anybody, specifically Miki or Michele Mullor, Scott Hamilton, etc;

Exhibit F



Elle Cross



4/8/21, 9:48 PM

Why on earth will you make such wild accusations against me ? Which are absolutely not true

Because after the last meeting, it became clear that problems were beginning...



-If they are not true the PRRs will show it.

That's not how it works. You don't get to make such bold accusation without proof



I respect your time and commitment into the city. But communication and requests with CC members need to be public and made via PRR.

You said you know for a fact council members communicated confidential information to me

That's is blatant false



Mikki. You gave me proof when you told me how to communicate with CC members. YOU told me... that is proof in of itself.

Because I told you how to communicate with council is proof I was given access to exec sessions?



Yep.

I think someone told you stuff that you mistakenly believed



We are citizens who support our CC government.

I'll forgive that but you'll need to retract that awful statement you posted



I am using information you have given me, and I have read.

What on earth are you talking about ?



to which statement are you referring?

Hello City Council Members,

First off, I want to tell each of you how thankful I am you are in office. I know how much time, energy, and commitment a city council position takes, and I am sincerely grateful that you are working for our city.

I watch and examine the city from afar. I congratulate each of you for choosing Rudat for City Manager. He is exceptional, precise, wise, and professional. I have silently watched him, and I am impressed. Please work hard to keep him, because our city needs him! After putting Rudat in as City Manager, I was feeling much better about the city.

For the first time since I have moved to Sammamish, the City budget is making sense (although IMO Aaron Antin needs to go because of the budget errors I found years ago. –But that is not the purpose of this note). I am getting troubled again. It seems like some of the council is

forgetting rules of conduct and sanctioning Pam for precisely what they are doing in secret. Checks and balances must be active in government, even in our little city. It is easy for city officials to forget rules and get carried away by ego and loud voices. Please back up, examine what you are doing, and get on the right track.

The last council meeting was disturbing. The majority sanctioned Pam because she reported to the city what happened in the executive session. You majority felt that excluding Pam for five executive meetings was appropriate; I do not.

I worry that the majority are acting out from personal vendetta, not the fairness needed of a city position that requires opposing views. We need Pam.

Also, just because something is said in an executive meeting does not make it confidential. There are safeguards and rules in place to hold the confidentiality rules; for example, anything illegal or fraudulent cannot be held in secret from an executive meeting.

Pam, while I don't agree with your political stance, I appreciate your different thoughts and your willingness to stand alone against an entire council. I am sure that you felt like you did the right thing telling the city what happened in the executive meeting. -Did you know you have the right to legally question this sanction with the city paying for your attorney? Please don't quit as Jason did. The city needs checks and balances, and you are the only balance we have. It is okay for you to report the city council deceptions how you see it. If you would like my help, I will do what I can to help you.

When you majority sanctioned Pam, I found it highly hypocritical when I know for a fact some of you have communicated about what has gone on in executive meetings with non-city council members, specifically Miki Mullor; then you sanction Pam for telling the public what she is concerned about. There is NO difference between Pam telling the city or telling your confidant; perhaps more sanctions need to be made? Personally, I rather have you tell the whole city points of interest in a meeting, rather than just one person. Please re-examine whom you communicate with and what you share. Miki Mullor is not a city council member and should not have privileged access with you, staff, attorneys, etc. -As I am sure you know, it is illegal for you to grant him access to confidential information. Mullor needs to follow the proper request channels so everyone can see what he is accessing via the PRR. The city needs to follow the right PRR channel to hold rules, laws, and transparency.

While I consider many on the council to be friends, I have never (nor will I ever) asked for information or documentation out of the PRR legal requirements. As city council members, you must control and create your boundaries based on your elected seat, even against strong personalities such as Mullor's.

I will be filing a PRR today; please honestly give me the information. It will read:

To all City Council Members:

The dates requested are from January 1, 2020, to April 1, 2020.

Please provide all correspondence between Miki Mullor either 1) independently; 2) as a group together, or; 3) including others on personal devices and accounts including personal email, text messages, Whatsapp, Signal, Facebook Messenger, Slack, Pinterest, Snapchat, dating apps, or

any other social media communication apps you may have used to communicate with Mullor;
Please provide all scheduled meeting dates with Mullor and include notes of what was discussed;
Please provide all telephone records, personal and business, that show calls made or taken from Mullor;
Additionally, please include all calendar records of meetings or scheduled meetings made with Mullor;
Please provide records of all impromptu meetings with Mullor and what was discussed.
Please provide dates of all social or nonsocial meetings with Mullor.

Again, I am grateful for your service to our city.
I am thankful for your fight against Samwick. I am grateful to each of you.



Layna Crofts

All of it.

I'm not even in sammamish anymore

Btw good luck with that prr

So why are you trying to run our city?



Why do you say, "good luck with that PRR"?

Because since Rudat made permanent city manager prrs ground to a halt



We will see...



I'm on the record highlighting the fact that citizens wait months before they get simple prrs



Do you still have voting rights iun our city?

What would you say I try to run the city ?



This is all a moot point if you don't vote in our city. Are you voting in our city?

I haven't voted in the last cycle



So can you vote here still?

No it's not moot point. You don't get to say things out of thin air

And make wild public accusations with zero basis



out of thin air? Miki, you TOLD me.

I told you want

What

I haven't spoken to you in what ? Three years ?

You told me how to communicate with CC and how you can do it unofficially.

If you are not living here anymore why are you still deep in Sammamish business?

What the fuck are you taking about ?

Who told you I'm "deep in sammamish business "

The point is... the CC needs to make their own decisions. NOT based on you or anyone else's opinions.

Who is telling you all this stuff ?

I think I know...

Well I'm the one making money off the city

And I'm the only citizen who stuck his neck out for the residents

The last CC meeting was disgusting! This needs to stop.

What do you mean you are making money off the city?

If it wasn't for me you'd be living samwick Ville now

Oops. Mistype

I'm NOT the one making money ...

Reply



who is making money off the city?



Not me



you implied someone is... who is that?

I want to know who is telling you these lies about me

This is not coming from you. I know you



A LOT of us stuck our necks out... me included. Why do you think it is only you?

Well as far as I remember I'm the only one the city attacked publicly

No. They attacked me too, and several others.



Are you still writing for Samm comment?

Did you not read the last post ?



Nope.

Where did they attack you ? I don't remember a single news story that mentioned you



So you moved. Why are you still involved in the city runnings?



First of all I don't move. Yet.

Second who is telling you I'm involved in anything ?



You told me above that you don't live here... GOD.

That doesn't mean I moved

One can have multiple residences

Who is telling you I'm involved in anything ?



OMG You have told me so much, and then apparently you change your mind when it suits you. "I'm not even in sammamish anymore"... remember saying that like two minutes ago?

Don't patronize me.

I have two residences

Why are you deflecting ?

Someone has put you up for it because they know the accusations you made are false

You've been used by someone clearly



The last CC meeting put me up to this. It is wrong. You need to stop communication with CC members unless it is via email that is recorded.

Wtf ?

You made bold accusations that I was given access to confidential information

You said you know it for a fact



You TOLD ME how to communicate with CC members without leaving a trace... this needs to stop.

Again you're deflecting

And btw communicating by phone is 100% legal ethical and professional.



The fact is you TOLD me. You sent me emails from CC members. That my friend, is proof.

What are you talking about ?

Proof of what ?



Yea, I know. You forgot. Just stop. Stop communicating with CC members. You don't live here. You don't vote here. Move on.

So I just checked and I never sent you anything from anyone



Oh yes, you did!

When



Actually, this isn't on you. It's on the CC members. They should NEVER have communicated with you outside of emails to keep a clear record for transparency.

Again. When



Show proof

And btw I'm still a homeowner and a taxpayer in sammamish

And as an active reporter I do have confidentiality for my sources.

Why am I not allowed to speak to elected officials ?

Why do you think that's wrong ?



You don't live here. You don't vote here. Go away!

Wow. What did I ever do to you over the years ?

Other than being helpful
When you asked for help ?



after the last cc meeting when they sanctioned Pam, I had enough. They have been wrong how they have communicated with you. "reporter" or not, it needs to stop.

I had nothing to do with that

And why do you think it's wrong ? Is it wrong for them to communicate with all citizens ? Or just me ?

Well?

You know what ? We've known each other for years. Why don't you give me a quick call ?

949 929 6454

I can talk now for a few mins

4/8/21, 11:45 PM

you should not be talking about my house on FB

and who told you i rented my house?

anyway it's highly disturbing you go on a public attack against another citizen with baseless accusations. and against someone who fought hard for the city

the fact you won't call speaks volume

4/9/21, 1:32 AM

Someone fed you bad information and made you take the fall for it

You unsent a message

Anyone can go to the prr tracking sheet and see all the prrs I submitted.

https://docs.google.com/spreadsheets/u/1/d/1_0IQaLAWMX3s-sYs8dpTRGPkbw_bu0Cc6Up1uypj-M/htmlview?pli=1#gid=0

4/9/21, 2:11 AM

Did you really just banned me from the group ?

Seriously ? Is that your idea of "transparency" ?



Missed video call

2:26 AM

I'm not going to talk you now. Banning me from the group where you smear me is violent.

I'll address your disinformation elsewhere

Exhibit G

David Rudat - Layna Crofts connection - Complaint for an investigation

External

Inbox x



Miki Mullor <miki@mullor.org>

to City, Scott, Tom, Pam, Paige ▾

Tue, Jan 11, 2:31 PM



City Council -

As I have documented in previous emails, a public smear campaign against myself, Mayor Malchow and former council member Tom Odell is being waged on social media and the Internet over the Rudat investigation.

One of the actors pushing this campaign is Layna Crofts, a local resident. You may have received an email from this person recently which includes a litany of false and defamatory statements against myself, Mayor Malchow and Scott Hamilton, the founder of the Sammamish Comment.

Crofts published the content of her email to you on her personal website: <https://laynacrofts.com/f/as-sammamish-turns>

A screenshot of this website reveals that Crofts is in possession of a Word document named "Sammamish CM Response 3.0 - verbally to the council and public CONFIDENTIAL (docx).

A download of the document is attached to this email. The document includes the text of the city manager's report city manager David Rudat read during the 12/4/2021 council meeting. It looks like an early version of his speech because it includes more text than the final version that was provided to the public.

The metadata of this document, as can be viewed under the info tab of Microsoft Word (screenshot attached) reveals the document Crofts has was authored by David Rudat.

The possession of this document by Crofts is probable cause to open an investigation on the connection between David Rudat and Layna Crofts, and whether Rudat is directing Crofts smear campaigns against sitting and former council members and a complainant whistleblower.

Since this document is not available in the public domain, and it's labeled "confidential" it is more likely than not that Rudat, or someone on his behalf, provided this document to Crofts - therefore establishing a connection between them to facilitate the smear campaigns.

Such investigation should include forensic examinations of Rudat and his family members' and Croft's devices and private email accounts by law enforcement in order to avoid destruction of evidence.

Miki Mullor

laynacrofts.com//as-sammamish-turns

amplify-js | amplif...Community Preser...Revolution's Rise...In 1 Chart, How M...Clerk's Records A...Banca Internet de...

Neighborhood letter (002) (docx)

± Download

Nonexempt - final (pdf)

± Download

original post (docx)

± Download

Sammamish CM Response 3.0 - verbally to the council and public
CONFIDENTIAL (docx)

± Download

samwick (docx)

± Download

Info

Sammamish CM Response 3.0 - verbally to the c

Downloads

Upload

Share

Copy path

Open file location

Enable Editing

Protected View

This file came from the Internet, so we opened it in a way that helps to keep your computer safe from viruses (just in case).
Don't worry—you can continue reading in this view. If you need to edit, and you trust this file, then enable editing.
[Protected View Settings](#)
[Learn more about Protected View](#)

Properties

Size27.0KB

Pages

Words

Total Editing Time1 Minute

TitleNone

TagsNone

CommentsNone

Related Dates

Last Modified1/3/2022 11:09 AM

Created1/3/2022 11:09 AM

Last Printed

Related People

AuthorDRDavid Rudat

Last Modified ByLCLayna Crofts

Related Documents

Open File Location

Show All Properties

Exhibit H

Addendum to Complaint to City Council


Miki Mullor
Jan 16, 2021


City council is hereby requested to further investigate the connection between City Manager, Mr. David Rudat, and a Facebook user named "Dave Benedet".

"Benedet" has been attacking this compainaint and sitting council members, Christie Malchow and former Council Members Tom ODell and Pam Stuart.

The evidence presented here establishes a connection between Stephanie Rudat and "Benedet". The City must investigate Mr. Rudat's connection and potential collusion with "Benedet " to influence votes by the City Council's and to manipulate the public opinion against elected officials.


On 12/15/2021 "Benedet" published a file obtained by a PRR showing the content of the Scoles Dossier, a fictional account of events Scoles sent to me last year and which follows the false narrative the City Manager depicted in his 12/14/2021 city manager report.

**Dave Benedet** uploaded a file....

December 15, 2021 · 

This was found in a PRR and is pertinent to the investigation on the City Manager. It appears to be an email dialog between Miki Mullor, a few council members, and Mike Scoles.

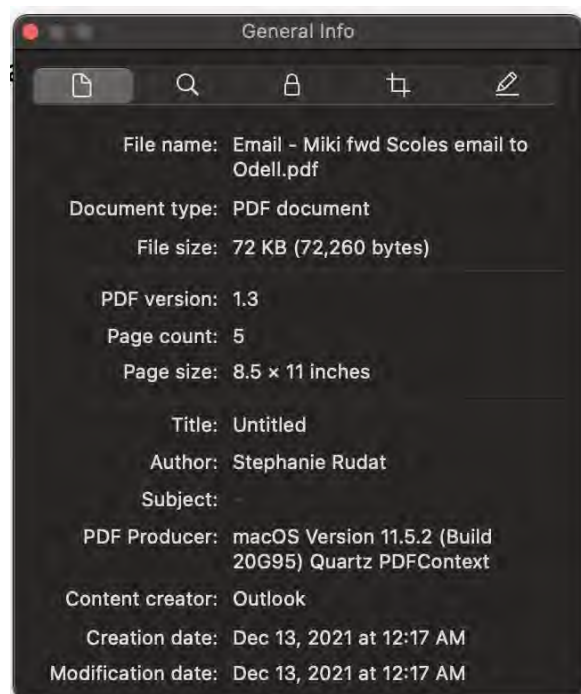
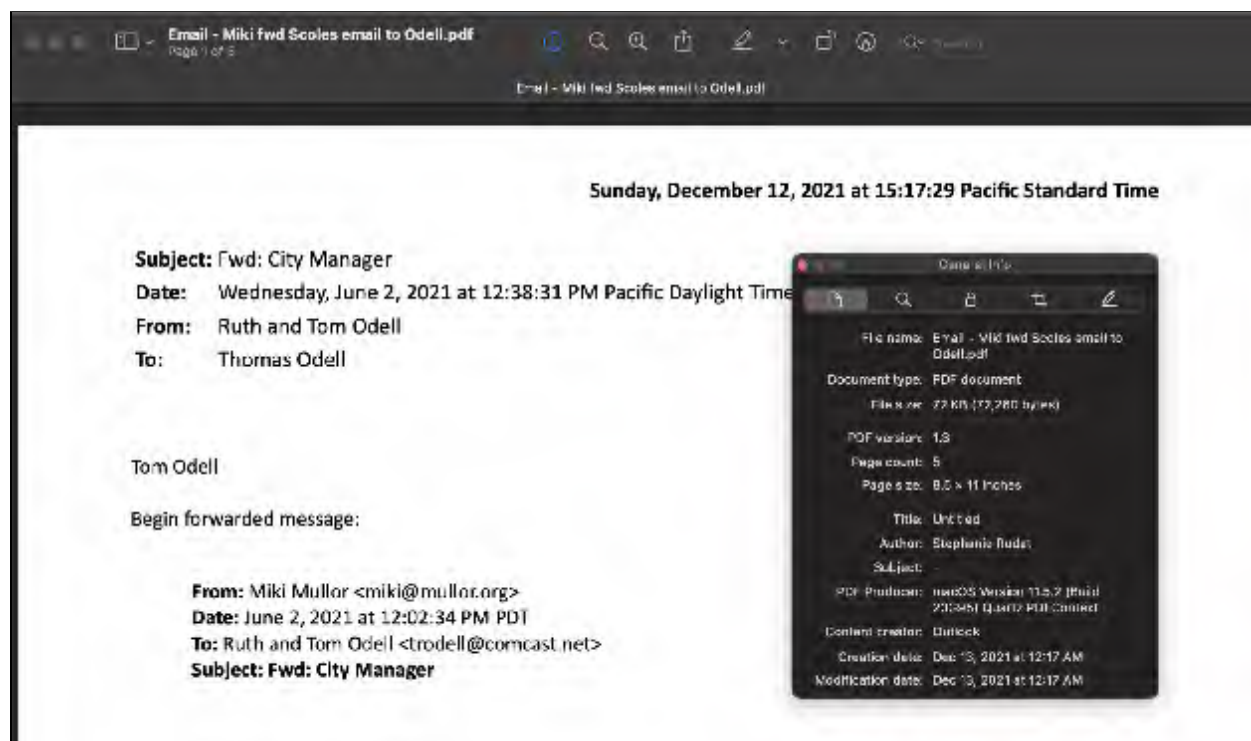
In short, we all knew Mullor had inappropriate influence but this is just a slice of a pretty damning pile of documents in a public records request. Dude is on one hell of a power trip. But so is Christie Malchow who I hear is trying very hard to elbow her way into another stint as Mayor. Think she's s... **See more**

 PDF

Email - Miki fwd Scoles email to Odell.pdf

(12/15/2021 post on "Vote Sammamish" FB group)

The file “Email - Miki fwd Scoles email to Odell.pdf”, attached to this complaint, has been created by Stephanie Rudat on 12/13/2021 as the metadata of the files reveals:



An expanded view of the post by Benedet shows “Benedet”’s attack on Mayor Malchow.

 **Vote Sammamish**

 **Dave Benedet** uploaded a file....
December 15, 2021 · 🌐

This was found in a PRR and is pertinent to the investigation on the City Manager. It appears to be an email dialog between Miki Mullor, a few council members, and Mike Scoles.

In short, we all knew Mullor had inappropriate influence but this is just a slice of a pretty damning pile of documents in a public records request. Dude is on one hell of a power trip. But so is Christie Malchow who I hear is trying very hard to elbow her way into another stint as Mayor. Think she's sweet? Not so fast. I've been saying that she is malevolent but you cannot tell until you observe her in the whole picture. Facebook posts are a cover.

This is the email to Mullor from Mike Scoles -

"Hope you and your family are enjoying Spain. First off, two years

“Benedet” has also published on 1/5/2021 the video of the City Manager’s report from the 12/14/2021 city council meeting, leading with an accusation of collusion between myself and councilmembers Malchow, Odell and Stuart. “Benedet” again points to the Scoles Dossier in the PRR document created by Stephanie Rudat, as if it’s true.

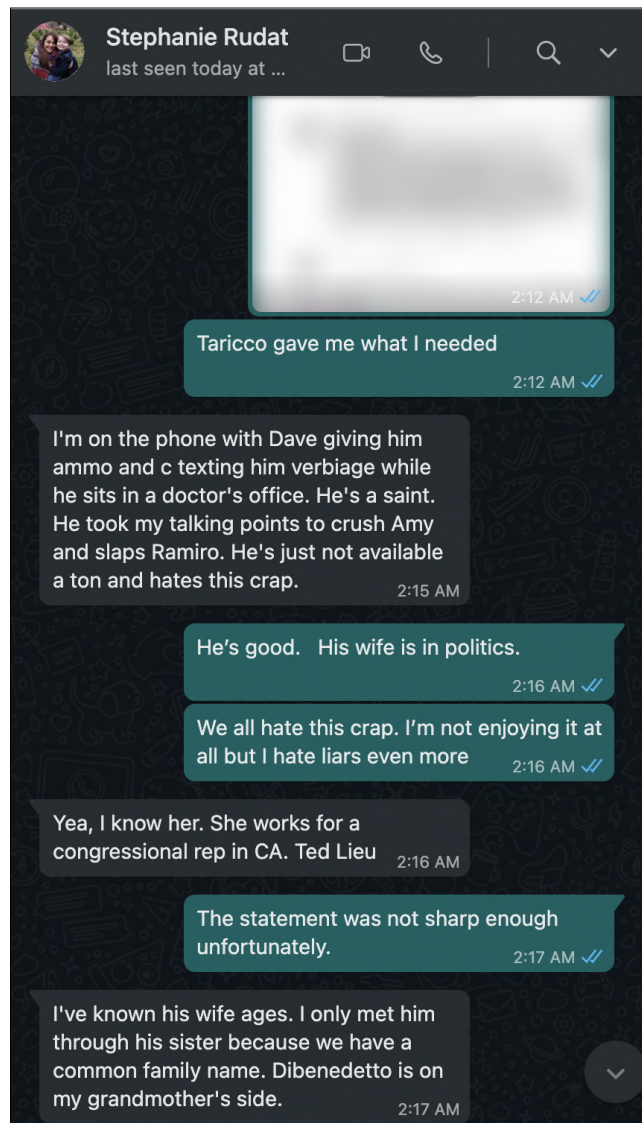


(1/5/2022 post on “Vote Sammamish” FB group)

The following evidence proves long time “relationship” between Stephanie Rudat and “Benedet” (which used to call himself “DiBennedito” before)

The following is a text Stephanie Rudat (black bubble) sent me (green bubble) on 5/22/2020 in which she describes her connection to “Dave’s” wife, how she wrote him verbiage to attack Amy Ritchie and Ramiro Valderrama. She refers to his previous Facebook last name “DiBenedetto”, which is her grandmother’s name.

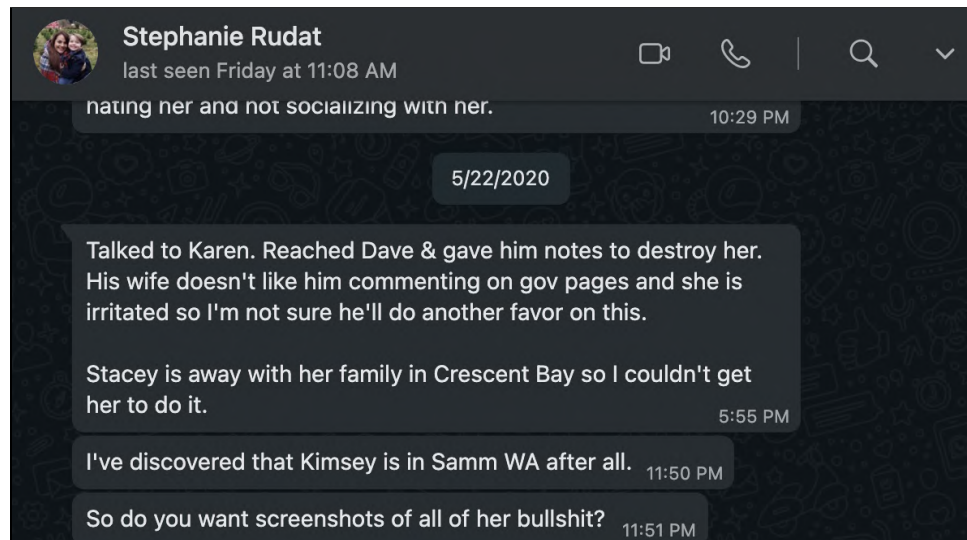
(Black bubble: Rudat)



(5/22/20 text from Stephanie Rudat to Miki Mullor)

In this 5/23/2020 text to me, Rudat again informs how he commented on a “gov page”, the Sammamish City Facebook Page to “destroy” one of her enemies.

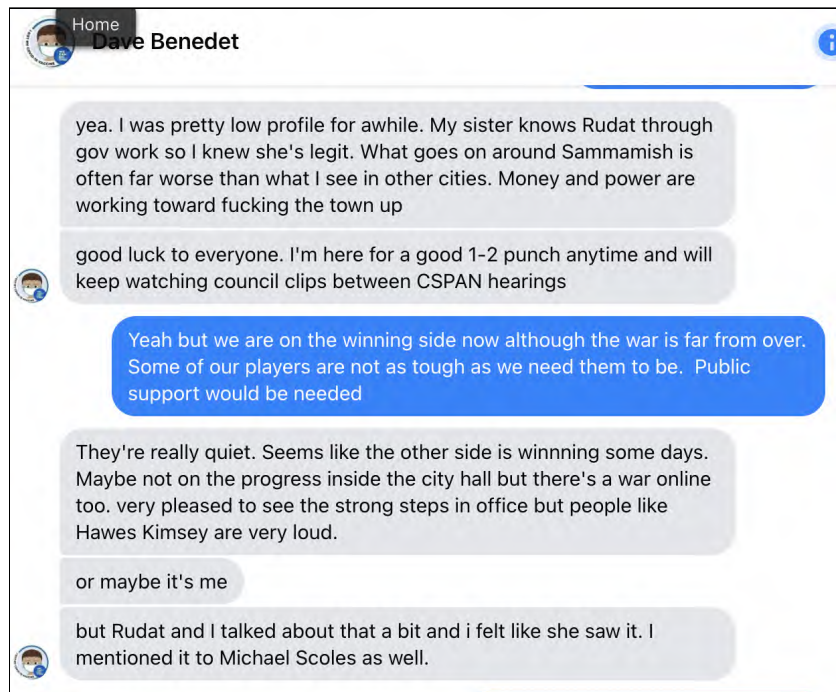
(gray bubble: Stephanie Rudat)



(5/23/20 text from Stephanie Rudat to Miki Mullor)

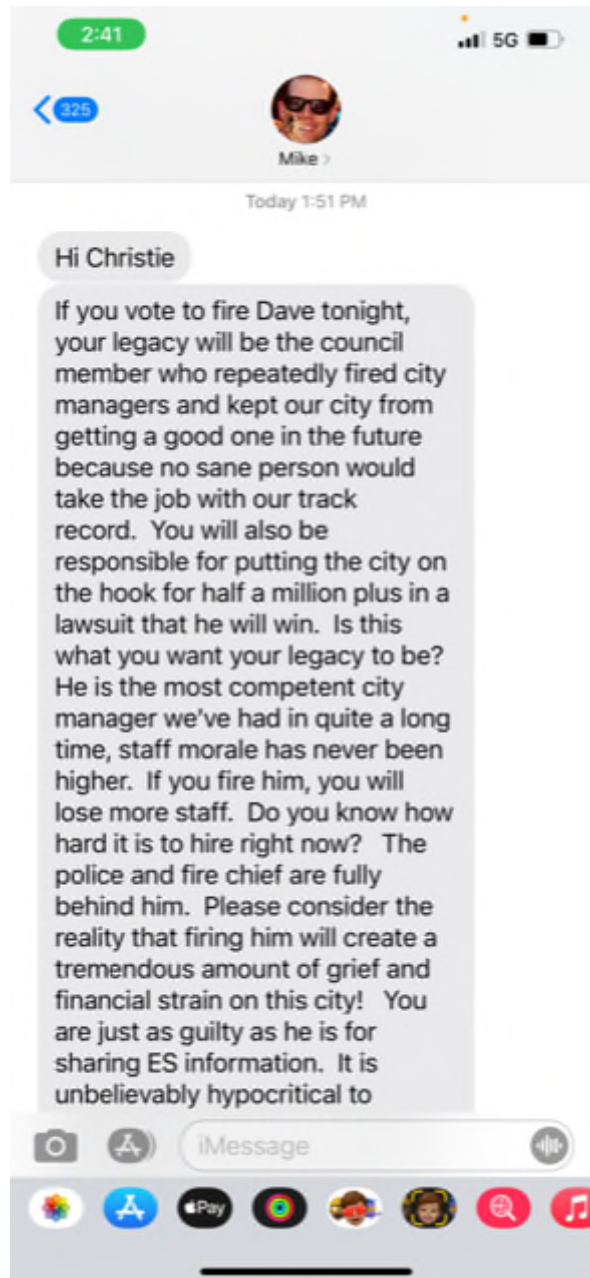
Below is a Facebook Messenger exchange between Benedet and myself, in which he confirms his connection to Stephanie Rudat.

(gray bubble: "Benedet", blue bubble: Miki Mullor)



(6/6/2020 FB Messenger from Dave Benedet to Miki Mullor)

Exhibit I



2:41

5G

< 325



Mike >

Today 1:51 PM

Hi Christie

If you vote to fire Dave tonight, your legacy will be the council member who repeatedly fired city managers and kept our city from getting a good one in the future because no sane person would take the job with our track record. You will also be responsible for putting the city on the hook for half a million plus in a lawsuit that he will win. Is this what you want your legacy to be? He is the most competent city manager we've had in quite a long time, staff morale has never been higher. If you fire him, you will lose more staff. Do you know how hard it is to hire right now? The police and fire chief are fully behind him. Please consider the reality that firing him will create a tremendous amount of grief and financial strain on this city! You are just as guilty as he is for sharing ES information. It is unbelievably hypocritical to



iMessage



2:41

5G

< 32%



Mike >

your legacy will be the council member who repeatedly fired city managers and kept our city from getting a good one in the future because no sane person would take the job with our track record. You will also be responsible for putting the city on the hook for half a million plus in a lawsuit that he will win. Is this what you want your legacy to be? He is the most competent city manager we've had in quite a long time, staff morale has never been higher. If you fire him, you will lose more staff. Do you know how hard it is to hire right now? The police and fire chief are fully behind him. Please consider the reality that firing him will create a tremendous amount of grief and financial strain on this city! You are just as guilty as he is for sharing ES information. It is unbelievably hypocritical to penalize him for this. Is this how you want to be perceived in our community? Please do the right thing.



iMessage



Exhibit J

From: Anna Spencer <spenceranna61@gmail.com>
Sent: Tuesday, November 16, 2021 10:07 PM
To: Christie Malchow
Cc: City Council;lhatchey@sammamish.us
Subject: executive session information issued to neighborhood blogger

[CAUTION - EXTERNAL EMAIL]

Councilwoman Malchow,

How shall I request all of the information you have issued privileged people over the years of your tenure? Items like high value information, public documents, executive session documents.

Please do not resist. I have read evidence and acquired said evidence that such documentation does exist. Would you mind at all just using email or Dropbox it to get this transferred? Your public records process is slow according to my husband who has long been waiting.

This is relevant to City Mgr Dave Rudat who is on your hit list.

Thank you for your time and attention to this matter.

Anna

Exhibit K1

From: cheryl hooper <cherylhooper90@gmail.com>
Sent: Wednesday, November 17, 2021 9:35 AM
To: City Council;lhacey@sammamish.us
Subject: Don't fire city staff -- concerns about outside influencers

[CAUTION - EXTERNAL EMAIL]

It has come to my attention that there are some people on this council being manipulated by an outside influence that no longer resides in this city. It has been explained to me that this person has helped certain council members get elected, and as a result is expecting favors – including requiring certain city staff to be fired.

I have been unable to verify all of these facts, and I'm only hearing this as rumor. I don't tend to hop on rumors -- but, I also listened to part of the city council meeting last night that mentions some of these allegations. So take this email for what it's worth. But if this is true, these are shocking allegations. Any council member who is getting involved in these types of activities should consider removing themselves from these activities. I'd have to imagine that some of this is bordering on illegal.

There seems to be retaliatory behavior by some of the city council members – that is starting to bleed into the public. I have witnessed social media attacks on citizens by council members. I have also heard of council members publicly yelling at private citizens in restaurants.

This is all very concerning, and frankly frightening. It's keeping the public away from you and living in fear of retaliation. Please find a way to organize yourselves in a way that represents the citizens that live here. Please focus on the job which you've been hired to do. There are so many problems. These distractions are just that – taking away from any type of success that could be had.

Don't fire people because an outside influencer is threatening you. You work for the citizens.

Thank you.

Cheryl Hooper

Exhibit K2

From: Christie Malchow

Sent: Wednesday, November 17, 2021 11:52 AM

To: cheryl hooper

Cc: City Council;lhacey@sammamish.us

Subject: Re: Don't fire city staff -- concerns about outside influencers

Cheryl,

I can tell you emphatically (and on my parents graves) I am not being influenced by anyone. You can't believe everything professed as gospel on social media. And sadly, I can't run to my own defense (or anyone else's) due to Executive Session. So you won't find me jumping into the mess that's likely being spewed on social media.

I stand by the Bible verse: John 8:32, "And ye shall know the truth, and the truth shall make you free".

Christie Malchow - Deputy Mayor

Sammamish City Council 📞 (206)247-4507

✉️ cmalchow@sammamish.us

⚠️ Sent via mobile 📱, please excuse typos or dictation errors. 📵

Best Small City to Live in America <https://komonews.com/news/local/sammamish-named-best-small-city-to-live-in-america>

Exhibit L



Cheryl Hooper ✓

Active 5h ago



Yeah this is not layna

Someone else is behind
this

Feb 18, 2022, 5:36 PM

Cheryl - I was forwarded
some of the emails people
wrote in November. I saw
yours. You were reserved
but still repeated the lie
Stephanie is pushing

Have any of you asked her
for an evidence to her
narrative ?



EXHIBIT M

EXECUTIVE SUMMARY REPORT OF INVESTIGATION
Prepared for City of Sammamish

Date: November 16, 2021

To: City Council

Investigator: Katherine F. Weber

On or about June 4, 2021, Inslee, Best, Doezie & Ryder and Katherine F. Weber were retained by the City of Sammamish (the “City”), to conduct a fact-finding investigation into reported concerns involving the City Manager.

Specifically, in April 2021, a private citizen (the “Citizen”) expressed concerns about communications by a family member of the City Manager, another private citizen (the “Family Member”), which seemingly indicated that the Family Member, by virtue of her relationship with the City Manager, was privy to the City’s attorney-client privileged information and other confidential communications, and exercised certain influence over City operations (the “Complaint”).¹

Based on its review of the provided communications, a majority of the Councilmembers initiated an investigation regarding the City Manager’s conduct during the May 18, 2021 council meeting.² The scope of this investigation focused on whether the City Manager had engaged in unlawful, unethical or otherwise improper conduct or communications in his official role as City Manager.

I conducted the investigation during the period of June 29 through October 21, 2021. The investigation included interviewing the complainant, the Citizen, the subject of the complaint, the City Manager, and other witnesses who were identified as possessing potentially-relevant information, as well as reviewing relevant documentation, including electronic communications between the Family Member and the Citizen.

¹ The Citizen also subsequently alleged that the City Manager and Family Member engaged in “tactics of intimidation” with him during the course of this investigation. The investigation did not sustain any act of intentional “intimidation” by the City Manager or the Family Member.

² The Council subsequently revisited and a majority ratified this decision during the June 8, 2021 council meeting.

This report is an executive summary report only and is not intended to be a comprehensive or detailed recitation of all the information that was collected, reviewed and considered as part of the investigation.³ The findings and conclusions set forth in this report are based on the entirety of the record considered by the investigator and are not limited to the factual information contained in this report. The findings are based on a preponderance of the evidence, which means that based on the credible evidence gathered during the investigation, it is “more likely than not” that a particular event occurred or did not occur as alleged.

Finally, although this report includes the investigator’s interpretation of certain standards and policies, as applied to the facts, this report is not intended to provide any legal conclusion or offer any legal advice and should not be construed as such.

SUMMARY OF FINDINGS

A review of the electronic communications between the Citizen and the Family Member flagged certain communications that raised questions/concerns involving (i) breach of the City’s attorney-client communications; (ii) the Family Member’s access, through the City Manager, to confidential and/or otherwise non-public City information; and (iii) the Family Member’s “inside involvement” with, and influence over, City operations by virtue of her relationship with the City Manager.

I. Attorney-Client Communications

The record revealed that the Citizen and the Family Member had multiple conversations regarding the City’s legal disputes. Some of these conversations suggested that the Family Member was privy to the City’s attorney-client privileged information and communications with respect to these disputes.

While the above-referenced topics have been widely discussed in the public forum, the weight of the evidence supports a finding that, by virtue of her familial relationship and living arrangement with the City Manager, the Family Member was privy to certain attorney-client communications between the City Manager, the City’s attorney and, in some cases, other City staff, with respect to these issues.

The Family Member acknowledged that she would sometimes “listen in” on the City Manager’s business conversations when these occurred at her residence; the evidence indicates that this “eavesdropping” included communications with the City’s attorney, which the Family Member knew (or reasonably should have known) to be protected by the attorney-client and work product privileges.

It is clear that the Family Member not only listened to the conversations between the City Manager and the City’s attorney (and, in some cases, other staff members), but that she passed the information she

³ In light of the underlying allegations of potential disclosure and/or failure to protect privileged attorney-client communications, work product and/or otherwise confidential information without proper authorization by the City, this Executive Summary Report has been prepared in a manner to reflect the City’s request that confidentiality of such information be preserved.

gleaned from these conversations on to the Citizen,⁴ who, in addition to being politically active and wanting to advance certain interests in the community, is also a prolific blogger for the Sammamish Comment.

While it appears clear that the Family Member gained information—including some privileged attorney-client communications and work product—by listening to the City Manager’s work conversations, it is unclear as to whether the City Manager affirmatively shared this sensitive information with the Family Member. The Family Member says not. However, the City Manager conceded that it was possible that he may have shared some information while “venting to” or having “dinner table conversation with” a trusted family member.

In this respect, there is no direct evidence that the City Manager breached the City’s attorney-client and work product privileges by actively disclosing privileged information to the Family Member; however, the evidence indicates that the City Manager and the Family Member are close, that the Family Member is highly active and interested in City politics and operations, and that the City Manager thinks highly of and trusts his Family Member’s knowledge and expertise. Based on these circumstances, and the record itself, the investigator cannot definitively rule out the possibility that the City Manager’s and the Family Member’s conversations regarding City business (which appear to have been extensive) included the disclosure of privileged information. The evidence is inconclusive in this regard.

However, based on the entirety of the evidence, one may reasonably conclude that on certain occasions the City Manager failed to adequately safeguard the City’s protected and privileged information. The record revealed at least three conversations between the City Manager and the City’s attorney that were admittedly overheard by the Family Member. I credit the City Manager’s report that he was not aware that his Family Member was actively listening to his conversations and did not know that she was passing these on to the Citizen. However, the majority of the confirmed overheard conversations appear to have occurred under “close quarters” circumstances in which the City Manager should have appreciated the probability of these being overheard. Additionally, knowing the Family Member as he does, the City Manager could have anticipated that her interest would likely be piqued by his legal conversations.

It appears that the City Manager could have been more circumspect and cautious in discussing and working on legal matters around the Family Member.

II. Other Confidential and/or Non-Public Information

the Citizen’s and the Family Member’s conversations further raised concerns regarding the Family Member’s access, via the City Manager, to other confidential and/or non-public City information.

⁴ The Family Member indicated that she felt coerced to do so because she was fearful of the Citizen. However, the record tends to contradict this assertion and suggests that the Family Member and the Citizen were on friendly terms.

A. Conversations with Councilmembers

The record indicated that, in addition to conversations between the City Manager and the City's Attorney, the Family Member also listened to conversations between the City Manager and individual Councilmembers regarding City business.

The Family Member admitted that she would sometimes listen to the City Manager's work conversations. The record, in which the Family Member expressly stated that she was listening to certain conversations, confirmed this.

These conversations included the City Manager's communications with various Councilmembers. Each of the Councilmembers interviewed indicated that they were unaware that the Family Member was listening to their conversations with the City Manager.

It is undisputed that the Family Member listened to various conversations between the City Manager and Councilmembers while the City Manager lived with the Family Member and/or was otherwise in her presence. The Family Member indicated that she saw nothing wrong with this based on her assessment that Councilmembers have voluntarily provided her information over the years.

The telephone conversations between the City Manager and Councilmembers were nonpublic, and in some cases, confidential communications. Notably, members of the public in general are not in a position to access the City Manager and listen to his nonpublic communications with others. In this respect, one may reasonably conclude that the Family Member had access to information, by virtue of her relationship with the City Manager, that was not readily available to the public as a whole and in some cases was confidential.

The evidence further suggests that the Family Member was imminently interested in the City Manager's work conversations, and that she not only listened to these but also used and/or shared this information.

However, the weight of the evidence suggests that the City Manager was not aware that the Family Member was actively listening to his conversations and/or repeating these conversations. In this respect, although the City Manager arguably could have been more diligent in protecting these conversations from the Family Member's ears, there is a lack of evidence that the City Manager affirmatively disclosed these non-public and/or confidential communications to the Family Member. However, given comments by the Family Member, including one in which the City Manager was reportedly "laughing" with her about his conversation with one councilmember, the possibility that the City Manager shared with the Family Member his conversations with Councilmembers could not be definitively ruled out.

B. Communications with, or about, City Staff/Consultants

The record indicated that the City Manager would sometimes share his conversations with City staff with the Family Member, "vent" to the Family Member about City personnel and consultants, and share his candid (and often negative) assessments of staff performance. In this respect, it appears that the City Manager shared with someone outside the organization what may objectively be characterized as "personnel information" which also would be considered non-public personnel information, and potentially embarrassing information if made public.

Again, I credit the City Manager's assertion that he didn't know that the Family Member was passing on his comments. However, given the Family Member's political interests, objectives and activities, it is unclear whether the City Manager was indifferent to the possibility that information he provided to the Family Member would be shared/used by her, or if he erroneously assumed she would keep it confidential. In either case, the Family Member's publication of the City Manager's comments to her had the potential to compromise the City's interests and negatively impact affected staff.

III. "Inside" Information and Influence

Some communications between the Citizen and the Family Member raised concerns that the Family Member may be privy to "inside" information and/or exert "inside" influence with respect to City operations.

A. *Knowledge Regarding Public Records Requests*

The record included statements by the Family Member in which she suggested that the City Manager was encouraging preferential treatment with respect to public records requests ("PRR's").

The evidence is inconclusive as to what, if anything, the City Manager told the Family Member with respect to PRR's. The City Manager and (now) the Family Member deny that they had any such conversation. Furthermore, I credit the City Manager's assertion that he did not direct that a citizen receive preferential treatment with respect to PRR's (and that the citizen accused him of the opposite). It is possible that the Family Member was "embellishing" with respect to these statements. However, the Family Member's communications speak for themselves and could not be definitively discounted.

B. *Influence and Involvement in City Work Product*

The record objectively gives the impression that, on at least one occasion, the Family Member provided the City Manager information under circumstances that she deemed most favorable to elicit the emotion/reaction/response she wanted, in an effort to influence (or manipulate) the City Manager's opinions, impressions and/or decisions on that topic. Given the entirety of the Family Member's comments, it cannot be ruled out that the Family Member may have done this on more than one occasion.

The record excerpts to this effect further evidence that the City Manager and the Family Member had long conversations, and likely in-depth conversations about City matters. It is clear that the City Manager values the Family Member's knowledge and expertise, and it appears likely that he has been receptive to her perspectives, opinions and/or suggestions. The Family Member's comments further suggest that the City Manager shared and/or developed with the Family Member an "angle" (strategy) with respect to a City matter that he otherwise did not want disclosed or made public, and that this "angle" was based, in part, on "insight" the Family Member had from her husband.

The evidence further suggests that the City Manager has requested and/or received from the Family Member work product relating to City matters and/or the performance of his duties. According to the Family Member's statements, the City Manager asked her for details relating to City matters, and requested that she compile applicable ordinances, certificates and videos and go through these with him.

The Family Member also indicated that she prepared a statement that she needed to go over with the City Manager—suggesting that this was for his benefit (or otherwise pertained to City business).

While it is again possible that the Family Member overstated her involvement in the City matters, the investigation confirmed that, at a minimum, the Family Member has prepared “email statements” for the City Manager, which were then sent to all City employees, with only minor edits, by the City Manager.

While it is clear that the Family Member has furnished the City information with “background,” “context” and information pertaining to various City matters, and appears to have discussed these prolifically, the Family Member’s actual “influence” over the City Manager, if any, could not be definitively qualified or quantified. However, it also could not be conclusively discounted.

C. “Inside” Information

Certain record excerpts were notable as suggesting that the Family Member had “inside information” relating to City business.

First, the Family Member’s comments highlighted what appeared to be the Family Member’s efforts to influence and facilitate internal personnel complaints from City staff against a Councilmember. The Family Member purported to know that a City employee was “collecting” complaints about the Councilmember from specified employees, and what these complaints would assert. The Family Member referred to this as her “side project.”

However, the evidence suggests that this is likely an example of “embellishment” from the Family Member. The employee referenced by the Family Member denied any knowledge of this or efforts regarding the same, and was reportedly shocked to hear of this. The record indicates that one employee did complain about a Councilmember around the time of this communication but this was the only staff complaint that materialized. Further, although the Family Member suggested that the City Manager was “generally aware” of the effort, there is no evidence that the City Manager was directly involved in the Family Member’s “side project to ruin [a Councilmember].”

Second, the Family Member’s comments suggested that the Family Member is privy to City communications and plans with respect to communications before these were published to the public. The Family Member referenced the City Manager’s directions to City staff and seemed to know of communications with the City Attorney and the City’s intended response to a PRR in advance.

In each of these cases, it is possible that the Family Member received this information from a source other than the City Manager. It is also possible that the Family Member “embellished” some of the information she provided to the Citizen. However, the City Manager acknowledged having “dinner table” conversations with the Family Member that may have included these topics. Additionally, some of the Family Member’s communications reference the City Manager as the source of her information and appear to be contemporaneous.

At a minimum, the relevant excerpts may be reasonably interpreted as evidence that the Family Member has had a level of involvement/knowledge with respect to City operations that is unusual for a non-employee, public citizen. This level of involvement/knowledge appears to at least in part stem from the

Family Member's relationships with City staff, including (significantly, but perhaps not exclusively) the City Manager.

IV. Analysis and Conclusions

The overall record supports a finding that the City Manager on certain occasions failed to effectively safeguard City attorney-client privileged communications, and that these communications were overheard and further disseminated by the City Manager's family member. It is the investigator's impression that the City Manager more likely than not did not affirmatively disclose privileged communications and/or work product to the Family Member (by specifically sharing this information with her); however, I cannot definitively rule out the possibility that this occurred (whether intentionally or in passing).

There is also evidence to support a finding that the City Manager on occasion "vented" to the Family Member about City information that may be reasonably characterized as confidential or otherwise non-public.

The evidence further indicates that by virtue of their relationship, prior living arrangement and ongoing close proximity, the Family Member had/has "access" to the City Manager, and to City information and operations, that other members of the public do not have. It appears that the Family Member was actively engaged in helping the City Manager understand City issues and historical context (from her point of view) and in formulating City strategy, positions/responses and work product; however, the extent of this engagement, and the "influence" The Family Member may have had in this regard, could not be conclusively quantified or qualified beyond that captured in the record.

The investigation confirmed that the Family Member was also involved in crafting general workplace communications on behalf of the City Manager. These communications do not appear to have included any sensitive information and may be reasonably described as relating more to "esprit de corps" within the City. However, these communications again suggest a level of "behind the scenes" conversations between the City Manager and the Family Member, relating to general City operations, and the Family Member's involvement in crafting messages for the City Manager.

The City Manager equated several of his conversations with the Family Member as being akin to conversations with his wife (and, thereby implicitly covered by a "spousal privilege"). However, even if such privilege existed, the Family Member arguably waived such privilege by repeating these conversations to a third party.⁵

The City Manager correctly pointed to the fact that it was the Family Member, and not him, who made information "public" or otherwise provided the subject representations and statements. However, given the Family Member's high level of interest in City politics and operations, the City Manager arguably may have reasonably anticipated that she would be interested in such information for her own use, in furthering her political objectives and agendas.

⁵ As a private citizen, the Family Member would not be authorized to waive privilege on behalf of the City.

There is insufficient evidence to support a finding that the Family Member has had “influence” over the City Manager with respect to certain City matters of significance, such as specific decisions and/or actions with respect to the hiring/firing of individuals and/or the orchestration/administration of personnel complaints. However, the Family Member’s close involvement in City politics and operations and her ties with certain City staff, including but not limited to the City Manager, coupled with the Family Member’s statements and representations such as the ones made to the Citizen, seemingly have the potential to at a minimum invite “appearance of fairness” and “nepotism” questions and concerns with respect to the City Manager’s performance of his duties.

Against these general findings, the following potentially-applicable standards of conduct are considered:

A. CODE OF ETHICS FOR MUNICIPAL OFFICERS (excerpts)

RCW 42.23.070(4): Prohibited acts [of municipal officers] No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

With respect to this code of ethics provision, there is no evidence that the City Manager used the City’s confidential information for his personal gain or benefit. Rather, the only potentially-applicable standard is that subsection’s prohibition against the disclosure of confidential information gained by reason of the officer’s position. For purposes of this investigation, “disclose” is the operative term in considering this standard.⁶

As set forth above, while it appears that the Family Member was privy to certain attorney-client or work product privileged information and other information that may be reasonably construed as “confidential” by virtue of her close proximity to the City Manager, the evidence is not clear whether any of this information was affirmatively shared with the Family Member by the City Manager. In most cases, it appears that such “disclosure” occurred because the City Manager was in a position for his conversations with legal counsel, Councilmembers and/or City Staff to be overheard by an “interested party.” However, in some cases, the City Manager may have affirmatively provided confidential and/or non-public information “while venting to” or “having dinner table conversations with” a trusted family member about his workday.

⁶ Chapter 42.23 RCW does not include a definition of “disclose” or “disclosure.” The *Merriam-Webster* Dictionary defines “disclose” as “to make known or public” (<https://www.merriam-webster.com/dictionary/disclose>) and “to expose to view.”⁶ “Disclosure” is defined as “the act or an instance of disclosing” (<https://www.merriam-webster.com/dictionary/disclosure>). Applying these definitions to the present case, there are two potential interpretations/conclusions. One is that the references “to make known,” “to expose” and “the act” all suggest an affirmative action on the part of the “discloser.” The second is that “to” and “an instance” may be more broadly construed to include occurrences of “passive” disclosure. In considering the “active” versus “passive” interpretations of “disclosure,” it is noted that In creating the Code of Ethics, the Legislature declared its intended purpose to be to “make uniform the laws of this state concerning the transaction of businesses by municipal officers. . . in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict. . . .” RCW 42.23.010. In this sense, the Code of Ethics seems to focus on the “private interests and transactions” of the municipal officer, with the intent to avoid conflicts of interests.

Given the apparent spirit of the Code of Ethics to prohibit municipal officers to use their public office for personal gain or interests, it is this investigator's assessment that the facts surrounding the City Manager's sustained "disclosures" do not rise to the level of a violation of RCW 42.23.070(4); however, this is made with the reservation that a different reading of that statute could support a finding that that statute broadly prohibits any disclosure of confidential information gained by reason of the officer's position.

B. THE CITY'S EMPLOYEE HANDBOOK

In addition to the statutory code of ethics, the City of Sammamish Employee handbook includes certain policies regarding the protection of City information:

Policy 7.7 Confidential Work Product: Work product related to the operation of the City⁷ shall not be removed from the premises *or disclosed to third parties* without proper authorization. . . . (Emphasis added).

The same analysis applied to the Code of Ethics above may be similarly applied to Policy 7.7. The term "disclosed," as used in that policy, may also be read to suggest either an active or passive disclosure. However, Policy 7.7 does not have the same stated purpose of the Code of Ethics. In this respect, the focus of Policy 7.7 appears not to be on preventing "conflicts of interest" but rather the protection of "confidential information."

Adopting the "active disclosure" interpretation again suggests that the City Manager did not "disclose" privileged information; however, it appears likely that, in "venting" or having "dinner table conversations" with the Family Member, the City Manager likely "disclosed" City information that may be reasonably construed as being "confidential."

Policy 12.1 Expressly Prohibited General Conduct: Employees are expected to conduct themselves in an appropriate, professional manner. Examples of behavior that is inappropriate and require immediate corrective action include, but are not limited to: . . . *Failing to maintain confidentiality of City information* (emphasis added).

The standard set forth in Policy 12.1 may be broadly construed to require employees to "maintain confidentiality of City information." As outlined above, the evidence supports a finding that the City Manager at a minimum failed in certain cases to appropriately safeguard City privileged and confidential information. Accordingly, one may reasonably conclude that the City Manager engaged in "inappropriate behavior that "require[s] immediate corrective action" under Policy 12.1.

This investigator does not offer any opinion or assessment as to the "severity" or "egregiousness" of the City Manager's "disclosures" or "failure to maintain the confidentiality" of the City's confidential

⁷ Policy 7.7's reference to "work product related to the operation of the City" has a broad connotation that does not appear to be limited to privileged work product created or obtained in anticipation of or preparation of litigation.

information, or what, if any, “corrective action” is warranted or justified. This is a question that is properly reserved to the City Council.⁸

⁸ Apart from the specific policies outlined above, this investigation also revealed certain “intangible” considerations. A review of the City standards set forth in its Employee Handbook demonstrate the City’s overall interest in avoiding the “appearance of impropriety,” “[detraction] from the efficiency of the employee while performing City duties,” and circumstances that “might lead to potential conflict” or “conflict with . . . official duties.” *See, e.g.*, Policies 16.2 (Accepting Gifts); 16.3 (Outside Employment); 16.4 (Employment of Family) and 16.6 (Investments in Conflict with Official Duties).

As evidenced by this investigation, the Family Member’s demonstrated desire and efforts to influence City politics and her relationship with and access to the City Manager have the potential to undermine or call into question the propriety of the City Manager’s decisions and actions, and/or to detract from his efficiency/effectiveness in performing his duties. Given the highly political nature of this investigation, it may be reasonably anticipated that the Family Member’s documented comments and representations to the Citizen will further subject the City Manager’s performance to ongoing scrutiny, criticism and/or claims of “conflict,” “partiality” and/or “unfairness.”

December 14, 2021

yes thank you mayor city council

202:37

um i had a report that i wanted to go

202:40

over with the council and read

202:44

as you know

202:46

four city council members voted to

202:47

launch an investigation on me last

202:49

spring

202:50

i reviewed the executive summary and has

202:52

also taken the words actions motions and

202:55

votes of counsel leading up to now into

202:58

deep contemplation

203:00

when considering next steps

203:02

i want the council and my fellow

203:04

community members to know that i

203:05

acknowledge the frustration of residents

203:07

not knowing what is really going on

203:10

at city hall we are charged to do the

203:12

work of the people and it is our right

203:13

your right

203:14

to know if things are not operating well

203:17

or without integrity

203:20

in recognition of your concerns and out

203:22

of respect for the importance of public

203:24

service i'm offering you an honest

203:26

explanation

203:27

this investigation is quickly involved

203:30

into a witch hunt intricately

203:32

orchestrated by a resident who has

203:34

had a well-developed influence over

203:37

several city council members and city

203:39

businesses over the years

203:41

i've often become

203:43

it often becomes salacious news if a

203:46

city manager is perceived to have

203:47

violated a rule or law but it's often

203:50

quickly shrugged off if electeds or

203:52

their key supporters cause damage to the

203:55

public institution

203:57

at the launch of the inquiry i thought i

204:00

would be invited to have a dialogue with

204:01

council regarding the concerns they

204:03

garnered from a resident

204:06

i was not ever offered this opportunity

204:10

the most discussion i had with the

204:11

council body was after being awoke in

204:13

the middle of the night to answer a

204:14

couple questions from the council in an

204:16

executive session beyond that i've been

204:18

left in the dark aside from having

204:21

willingly

204:22

excuse me participated in an interview

204:25

in reviewing the contents of a
204:27
particularly
204:29
fulfilled prr requesting by my legal
204:32
counsel this past friday we could
204:34
finally see hard evidence that this long
204:37
drawn out biased untransparent and
204:40
wholly undemocratic investigation
204:42
process was initiated by and fueled by a
204:45
disgruntled resident with significant
204:47
political and community influence by the
204:50
way of his blog this resident blogger
204:53
has become deeply in
204:55
angered in mid 2020 over not being able
204:58
to exercise power over me and was
205:01
equally enraged by not having had the
205:04
favor of a family member of mine
205:06
he wanted my family member to help
205:08
coerce me and sway me
205:11
my family member became very
205:12
uncomfortable and the force of the
205:14
forceful pressure and abruptly rejected
205:18
the resident blogger and left him
205:20
infuriated
205:21
in fact according to the content
205:22
obtained from prr 4053 the resident
205:26
blogger allegedly made the following
205:28

statement to another resident quote i'm

205:30

going to destroy dave and make stephanie

205:33

feel the pain end of quote

205:36

i want to be fully transparent with you

205:38

i was recruited to come to some amish to

205:40

be considered for interim city manager

205:42

role by the resident blogger it's not

205:45

unusual for some community members to be

205:47

extraordinarily involved with some

205:50

electeds i did not think anything of it

205:53

what became alarming was the resident

205:54

blogger's insistence that i fulfill

205:56

their wishes and demands with some sort

206:00

within a short time

206:02

of me accepting the position as your

206:04

permanent city manager the resident

206:06

blogger lost patience

206:09

with the fact that i would not favor him

206:11

giving him favor over other residents

206:13

and electeds

206:15

examples of influence expected included

206:18

submitting a letter he drafted and

206:20

expected me to give to council to

206:22

announce the hiring of a contract

206:24

attorney had found

206:25

providing a couple of unsolicited

206:28

options
206:29
of who we should look to hire for a
206:32
contracted human services
206:34
attempting to control how the city's
206:36
relationship with the chamber of
206:37
commerce should be managed with regard
206:39
to the samamish farmers market
206:41
dictating how the city should manage
206:43
media requests especially when when
206:46
issued by someone he does not agree with
206:50
how i manage staff especially those he
206:53
does not favor and more
206:56
let me make this clear i was not a
206:58
participant in unethical acts the
207:01
unethical expectations were presented to
207:04
me and my family member by the resident
207:06
blogger and my unwillingness to
207:08
cooperate despite many assumptions in
207:11
the community that i did or would
207:13
participate is what led to this vicious
207:16
attack on my character my family and my
207:18
career
207:20
i will do my best to
207:22
address the investigation's findings
207:23
swiftly with regard to the allocation
207:26
that i inadvertent
207:28

of inadvertent disclosure of information
207:30
while quarantining with working from
207:33
home i like to offer the following
207:35
within weeks of being hired as your
207:37
interim city manager the coven 19 panic
207:40
uprooted life as we knew it as the city
207:42
manager i did my best to guide the
207:44
community and city operations through
207:46
this difficult time which required
207:48
working at all hours while mostly being
207:51
quarantined at home
207:53
this was not an easy task and there were
207:55
times that my work life
207:58
at home and
207:59
life became intertwined in an
208:01
unprecedented fashion if during these
208:04
unprecedented times a family member was
208:06
able to overhear information that was
208:09
completely inadvertent on my part and
208:11
the investigations finally findings
208:14
detail as much stating quote
208:16
there is a lack of evidence that the
208:17
city manager affirmatively disclosed
208:20
non-public
208:21
and or confidential communications with
208:23
the family member end of quote any
208:26

suggestion that i intentionally disclose
208:28
privilege information is simply untrue
208:32
there is a gross failure throughout the
208:33
investigation to fairly acknowledge that
208:36
my family member is in direct contact
208:38
with members of the community some of
208:40
whom are elected officials here in
208:42
sammamish and otherwise who share
208:44
whatever information they want
208:46
with my family member in fact during
208:48
periods of time
208:50
of the text messages that initiated the
208:52
investigation transpired
208:54
when there
208:55
when my family member was in frequent
208:57
contact with the resident blogger and
209:00
electeds having what i understood to be
209:02
very in-depth private conversations on
209:05
community issues
209:06
it's not unusual for elected officials
209:08
to garner feedback and insights from a
209:11
constituent a friend a supporter as my
209:13
family member had
209:15
been
209:16
it's entirely on the electeds to manage
209:19
that and it's none of my business i
209:22

didn't participate
209:24
with regard to the allegation that my
209:26
role as city manager i have been
209:28
influenced by my decision making in my
209:31
decision making by family members i want
209:33
to inform you that this is untrue and
209:37
offer the following
209:39
i have served in public employment for
209:41
nearly 50 years and while i'm well
209:43
versed in public governance and
209:45
confident in the decisions i make a city
209:47
manager
209:48
while i admit to discussing work at home
209:51
and asking various people for
209:52
perspective i venuely deny that my
209:56
family members possess any possession
209:58
any position of undue influence over me
210:01
as your city manager regarding any
210:04
matters of significance
210:06
the investigations also deal as detail
210:09
as much by stating quote there is
210:11
insufficient evidence that the family
210:13
member has had influence over the city
210:15
manager with respect to certain matters
210:17
of significance and a quote
210:20
like so many others my family supports
210:22

me during difficult times at work and in
210:25
life
210:26
especially during the pandemic and
210:28
suspending me for discussing
210:30
non-privileged aspects of my work with
210:33
my immediate family members seems
210:35
completely unfair especially given the
210:37
circumstances with regard to the vague
210:40
allegations that i lied and did not
210:42
provide the city with my own work
210:44
product i'm astonished by such an
210:46
outrageous notion
210:48
some members of the council allegedly
210:49
believe i allowed work product of mine
210:52
to be produced by my family member again
210:55
i was not granted the decency of being
210:57
able to being asked about this
211:00
by the council nor the investigator it
211:03
appears conclusions were made by seeing
211:05
some emails
211:07
but there was no further exploration
211:10
before council member stewart accused me
211:12
of being a liar to the public
211:14
for the record and in my commitment to
211:17
be fully transparent with you on a
211:19
couple of late nights working remotely
211:21

much of which was out of the house of my
211:23
family member before i secured my own
211:26
rental
211:27
i welcomed her help to help me
211:29
type up some esprit de corps emails i
211:32
dictated for staff
211:34
these morale
211:35
boosting memos to simply keep our
211:38
hard-working staff feeling cared for and
211:41
supported by the city manager is not
211:43
work product and was not truly generated
211:46
by my family member my family member
211:48
offered quick typing skills and was when
211:51
i was burned out helping me to get
211:54
heartfelt messages out to my team
211:57
who was also stretched very thin
211:59
the investigator clearly states quote
212:03
these communications do not appear to
212:05
have included any sensitive information
212:08
and may be reasonably described as
212:10
relating more to a quote esprit de corps
212:13
within the city and a quote
212:16
records found in prr4053
212:19
illustrates the fact that this
212:20
investigation was incited by a resident
212:23
blogger with undue influence over
212:26

appointed council member odell

212:28

it is my perception that the influence

212:30

of the resident blogger extends beyond

212:33

mr o'dell however here are a few points

212:36

i found worth highlighting the resident

212:38

blogger has given unusual insight by mr

212:41

o'dell

212:42

into the investigation this is a

212:44

possible violation of executive session

212:46

information

212:48

to the supervising attorney contracted

212:50

by the city is circumvented with all of

212:53

mr o'dell's emails involving the

212:54

resident blogger and the investigator

212:57

the resident blogger and mr o'dell use

213:00

private email to conduct city business

213:02

which obfuscates records requests for

213:05

this information

213:06

in one of the email exchanges odell

213:08

requested the resident blogger provide

213:10

his comments

213:12

about my use of planned vacation leave

213:14

as city manager when forwarding an email

213:17

he sent to fellow council members

213:20

for the record my wife is ill and he

213:22

knows that

213:23

and i only used three hours or three
213:26
days of management leave this year four
213:28
days of sick leave and 11 days of
213:31
vacation
213:33
last year
213:34
i didn't use any sick leave
213:36
and i used 16 hours which is two days of
213:39
vacation leave
213:44
mr o'dell directs the investigator to
213:46
consider highly biased witnesses while
213:49
broad broadening the scope of the
213:51
investigation unilaterally without
213:53
public counsel vote
213:55
mr o'dell accepts an email from the
213:58
resident blogger recommending that my
214:00
residency be audited he suggests that i
214:02
violated rcw that is not in my contract
214:07
for the record i do reside in some amish
214:10
near the city maintenance operations
214:12
center i'm told that mr o'dell pushed
214:15
the topic with at least one fellow
214:17
council member aside from the content
214:19
collected from the partially fulfilled
214:21
pr as there's supposedly more to come i
214:24
have been directly asked by deputy mayor
214:28
in a meeting in my office
214:29

to facilitate a private meeting between

214:31

the resident blogger and to use our land

214:34

use attorney while i declined this is

214:36

the example of the entitlement and

214:38

demands made by the resident blogger

214:41

additionally several members of staff

214:43

and at least a couple of members of the

214:45

public

214:46

were subjected to an embarrassing hot

214:48

mic incident last month while the deputy

214:51

mayor specifically mentioned my family

214:53

member and me in a negative light while

214:56

none of us has ever been issued an

214:57

apology for the concerning comments made

215:00

mayor moran was addressed by staff i'm

215:03

told who expresses deep concern and

215:05

discomfort

215:08

community members should know that

215:09

critical information like this was never

215:12

provided to the investigator which

215:14

evidences the resident bloggers vendetta

215:16

against me his influence over council

215:19

and his access to inside information

215:21

this investigation has been managed with

215:24

tremendous bias and the assumption of

215:26

guilt was clearly driven

215:28

its direction

215:30

the resident blogger also had an agenda

215:32

regarding my current job as a city

215:34

manager here's a quick timeline in

215:36

december of 2019 mr o'dell planned to

215:39

become the interim city manager after

215:42

rick rudimenkin had been terminated

215:44

claiming to have five votes for the

215:46

position until i had come into the

215:48

picture

215:49

in the summer of 2020 there was a

215:51

question if former council member jason

215:54

ritchie was living in some amish under

215:56

the reported direction of the resident

215:58

blogger mr o'dell filed a formal inquiry

216:02

into mr ritchie's residency

216:04

in january of 2021

216:07

mr richie resigned his position as

216:09

councilmember as he had supposedly taken

216:11

a job at a hospital in california months

216:13

earlier in february of 2021 several

216:16

candidates applied for consideration to

216:18

be appointed to the vacancy

216:20

well-qualified enthusiastic candidates

216:23

were overlooked mr o'dell quickly became

216:25

a finalist

216:27

in march of 2021 unsurprisingly after
216:30
being put up against the candidate who
216:32
had been by all comparison otherwise
216:34
unengaged with counsel mr o'dell was
216:37
appointed to the seat
216:38
in april of 2021 the inquiry me on me
216:42
was launched with mr o'dell and he
216:44
subsequently volunteered to lead the
216:47
investigation on behalf of the city
216:49
council
216:50
in november of 2021 just before his
216:53
appointment expired i am told that mr
216:55
o'dell volunteered himself for the role
216:58
of interim city manager before his
216:59
appointment expired should i be
217:01
terminated
217:02
he made the motion for termination
217:05
i've shared a lot of important
217:07
information i request that you also
217:09
reflect on all the other issues projects
217:12
goals and progress that we've been able
217:14
to accomplish in laying a solid
217:16
foundation for moving this community
217:18
forward as our city staff and city
217:20
continues to strengthen itself i also
217:23
request that you consider the impacts of
217:25

these decisions on staff who have been
217:27
made to bear the brunt of far too much
217:31
of this
217:32
should the council decide to say its
217:34
code its course and render their
217:36
subjective opinion to the public by
217:38
penalizing me then i request the right
217:41
to a public hearing
217:42
to the council and all to those who are
217:44
listening and watching i ask you to
217:46
humbly consider my belief that
217:48
suspending me is an unjustified and will
217:51
not help our community
217:53
staff deserves the stability and the
217:55
ability to get back to work without this
217:57
painful distraction
217:59
also my family deserves no longer to
218:02
have to suffer through the brutal
218:03
process of the investigation as it's
218:06
dragged then through
218:08
in the words i'm going to destroy dave
218:11
and make stephanie feel the pain were
218:13
allegedly uttered and the resident
218:15
blogger was not exaggerating
218:18
let's stop the special influence and the
218:21
retribution of the resident blogger and
218:23

focus our energies on making some amish

218:26

a better community

218:28

thank you council for your time this

218:30

evening on this issue

218:36

EXHIBIT O

Dave Rudat

From: David Rudat <drudat1@gmail.com>
Sent: Sunday, March 6, 2022 8:50 PM
To: Dave Rudat
Subject: Fwd: See attached
Attachments: Sammamish CM Response 3.0 - verbally to the council and public.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

[CAUTION - EXTERNAL EMAIL]

Response to PRR

----- Forwarded message -----

From: Stephanie Rudat <stephanierudat@gmail.com>
Date: Tue, Dec 14, 2021 at 2:59 PM
Subject: See attached
To: Dad <drudat1@gmail.com>

Please be aware that email communications with members of the City Council, City Commissioners, or City staff are public records and are subject to disclosure upon request.

Sammamish

City Manager Response DRAFT 3.0 - to the public

As you all know, four City Council members voted to launch an investigation on me last Spring. Just last month, I was permitted to read the Executive Summary after it was sent to my attorney. I reviewed its contents and have also taken the words, actions, motions, and votes of Council leading up to now into deep contemplation when considering next steps. This includes the written response I submitted to Council as well as this verbal response I'm submitting publicly for the consideration of my community, and our City Council, too. I want my fellow community members to know that I acknowledge the frustration of residents in not knowing what is really going on. At city hall, we are charged to do the work of the people and it is your right to know if things are not operating well or with integrity. In recognition of these factors, and out of respect for the importance of public service, I am offering you an honest explanation.

This investigation is a witch hunt intricately orchestrated by a resident who has had well-documented influence over several city councilmembers and city business over the years. Very often, it becomes salacious news if a City Manager is perceived to have violated a rule or law, but it's often quickly shrugged off if electeds or their key supporters cause damage to a public institution. At the launch of the inquiry leading to the investigation, I thought I would be invited to have a dialog with council regarding the concerns they garnered from an NDA protected complaint submitted by the resident. I was not ever offered this opportunity. The most discussion I had with the council body was after being awoken in the middle of the night to answer a couple of questions casually. I recall the questions being brief and not being familiar with what they were talking about. Beyond that, I have been left in the dark, aside from having willingly participated in an interview managed by one of two attorneys the council hired, from two different law firms. One of those law firms, including two of the lawyers the City is using for another major legal matter, just so happens to be currently representing the aforementioned resident t in one of his active legal issues. That may not seem relevant right now but, please stick with me, it is most certainly relevant.

Back to the story - The attorney I hired has asked for the council's legal team to share evidentiary information, as is typical in standard legal proceedings. There was no cooperation. My attorney asked to speak with the complainant to understand their argument but he was rejected. He also submitted a Public Records Request (PRR) three months ago which has barely been fulfilled by anyone on Council. This demonstrates evasion. Just short of one month ago, my attorney was issued the Executive Summary of the investigation, not the investigative report itself. It is all we've had to work with.

In reviewing the contents of the partially, and inadequately, fulfilled PRR which was delivered to my legal counsel this past Friday, it was finally made clear - abundantly clear - what was really going on here. I had been questioned about some text messages I was never even party to, and I had been told who the complainant driving this investigation was, but now I can finally see hard evidence that this long, drawn out, biased, untransparent, and wholly undemocratic investigative process was initiated by, and fueled by, a resident with significant political and community influence by way of his blog. The disgruntled resident who I'll simply refer to as 'resident-blogger' had become deeply angered in mid-2020 over not being able to exercise power over me, which I found to be unethical, and was equally

enraged to have not had the favor of a family member of mine. He wanted my family member to help coerce me. My family member became very uncomfortable with the forceful pressure, abruptly rejected the resident-blogger, and left him infuriated. In fact, according to content obtained from PRR 4053, the resident-blogger allegedly made the following statement to another resident: "I'm going to destroy Dave and make Stephanie feel the pain."

I want to be fully transparent with you. I was recruited to come to Sammamish to be considered for the Interim City Manager role by the resident-blogger I speak of. It's not unusual for some community members to be extraordinarily involved with some electeds. I did not think anything of it. Having served in city leadership roles for decades, this was par for the course. What became alarming was the resident-blogger's insistence that I fulfill their wishes and demands. Within a short time of me accepting the position as your permanent City Manager, the resident-blogger lost patience with the fact that I would not favor him; I would not follow his advice or direction, giving him favor over other residents as well as those you elected to represent you in Office. Examples of influence expected include, but are absolutely not limited to: 1. submitting a letter he drafted and expected me to give to Council to announce the hiring of a contract attorney; 2. providing a couple of options of who we should look to hire for contracted Human Resources services; 3. expecting my full participation in political strategy sessions of some councilmembers; 4. attempting to control how the City's relationship with the Chamber of Commerce should be managed with regard to the Sammamish Farmers Market; 5. dictating how the City should manage media requests especially when issued by someone he does not agree with; 6. demanding development of policy to fulfill his agenda; 7. how I manage staff, especially those he does not favor, and more.

Let me make this clear - I will not participate in unethical acts. I will absolutely follow the direction of the council as charged by you, the resident, and I take the code of ethics of the International City Managers Association very seriously. The unethical expectations which were presented to me and my family member by the resident-blogger, and my unwillingness to cooperate, despite many assumptions in the community that I did or would participate, is what led to this vicious attack on my character, my family, and my career. This attack has resulted in the city council launching an investigation that turned into a witch hunt based on one-sided messages, false claims, and seemingly hopeful assumptions of finding guilt. Constantly assuming the worst of anyone is never a good policy, in my opinion, but anyone who watches these meetings would have to admit that the theme of such is highly prevalent and cannot be substantiated. This has consumed staff time, Council agendas, the people's work, and costly resources.

I will do my best to address the investigation's findings swiftly but remain open to discussing this more fully.

With regard to the allegation of inadvertent disclosure of information while quarantining and working from home, I would like to offer the following:

Within weeks of being hired as the interim city manager, the COVID-19 pandemic uprooted life as we knew it. As the new City Manager, still sleeping on a bunk bed in a family member's home, I did my best to guide our community and city operations through this difficult time, which required working at all hours of the day while being quarantined at home, like so many others. This was not an easy task as there were times that my work life and home life became intertwined in an unprecedented fashion. If, during these unprecedented times, a family member was able to overhear information, this was

completely inadvertent on my part, and the investigation's findings detail as much, stating, **"there is a lack of evidence that the City Manager affirmatively disclosed non-public and/or confidential communications to the Family Member."** Any suggestion that I intentionally disclosed privileged information is simply untrue.

There is a failure throughout this investigation to fairly acknowledge that my family member is in direct contact with members of the community, some of whom are elected officials here in Sammamish and otherwise, who share whatever information they want with my family member. In fact, during the period of time the infamous text messages that supposedly initiated the launch of the investigation transpired, was when my family member was in contact with the resident-blogger, working with electeds digitally and in-person, having what I understand were very in-depth, private conversations on issues affecting the community. Please note that it is not at all unusual for elected officials to garner the feedback and insights of a constituent, friend, or supporter, as my family member had been. It is entirely on the electeds to manage that and is none of my business. Alas, I had no part in it at all and only learned of such conversations and in-person meetings recently.

I have not ever violated the confidences of my Councils or legal staff, and I have never in all my years been accused of such until now. I have managed through a worldwide pandemic that attempted to cripple our ability to function, but we prevailed, and that's been my greatest focus despite the ills of this investigation. My leadership, combined with the leadership and talents of directors and staff we are fortunate to have on our team, have moved Sammamish and the Council's agendas quite far in these last 22 months. I'm proud of our work.

With regard to the allegation that, in my role of City Manager, I have been influenced in my decision-making by family members, I want to inform you that this is untrue and offer the following:

I have served in public employment for nearly fifty years, and given my experience, I am well-versed in public governance and confident in the decisions I make as city manager. To be successful in my role, I believe it is important to understand different perspectives and listen to those around you. This includes fellow city employees, council members, residents, and my family members. While I admit to discussing work at home and asking those around me for perspective, I vehemently deny that my family members possess any position of undue influence over me as your city manager regarding any matters of significance.

The investigation's findings also detail as much, stating, **"there is insufficient evidence that the family member has had influence over the City Manager with respect to certain City matters of significance..."** Like so many others, my family supports me during difficult times at work and in life, especially during the pandemic, and suspending me for discussing nonprivileged aspects of my work with my immediate family members seems completely unfair especially given the circumstances.

I assure you, while I love my family beyond measure, I do not welcome undue influence. I have a strong moral compass and a spine of rebar. I would not deserve the jobs that have been bestowed upon me if I had such weak character. Frankly, the mere suggestion that this would even be a possibility is a below-the-belt accusation.

With regard to the vague allegation that I lied and did not provide the City with my own work product, I am astonished by such an outrageous notion.

A recent revelation brought to light that some members of the council believe I allowed there to be work product of mine to be produced by my family member. While I do respect the various talents of my

family members, I want to be crystal clear that my family members do not and did not produce work on my behalf. Again, I was not even granted the decency of being asked about this directly by a councilmember nor their investigator at any point. It appears conclusions were made by seeing some emails but there was no further exploration before Councilmember Stuart accused me of being a liar to the public.

For the record, and in my commitment to be fully transparent with you, on a couple of late nights working remotely, much of which was out of the house of my family member before I secured my own rental, I welcomed her to help type up some 'esprit de corps' emails I dictated for staff. These morale-boosting memos to simply keep our hard-working, stressed staff feeling cared for and supported by their city manager is not 'work product' and was not even generated by my family member. My family member offered quick typing skills when I was burnt out as well as some editing suggestions of heartfelt messages I wanted to get out to my team who was also stretched thin. As I said, however, the intention and reality of the few emails was never directly addressed. The investigator clearly states that **"These communications do not appear to have included any sensitive information and may be reasonably described as relating more to "esprit de corps" within the City."**

As I wrap up, I want to emphasize that this investigation was sparked by, and continues to be driven by, a disgruntled resident-blogger with influence over council members.

Recent records disclosed to my attorney through records requests, illustrates the fact that this investigation was incited by a resident-blogger with undue influence over appointed Councilmember Odell. It is my perception, based on other behavior I have witnessed, and by confirmation of a couple of councilmembers, that the influence of the resident-blogger extends beyond Mr. Odell but I will focus solely on Mr. Odell here as it is the evidence at-hand from the records request. When you get a chance, please see evidence from PRR 4053, which is still incomplete, for more on this.

Here are a few points I found worth highlighting:

1. In emails, the resident blogger is given unusual insight by Mr. Odell into the investigation which exceeds the typical level of information shared in any investigation being managed in a fair, unbiased manner.
2. Oddly, the supervising lawyer, contracted by the City, is entirely circumvented in all of the emails involving the resident-blogger and the investigator as generated by Mr Odell.
3. The resident-blogger and Mr. Odell are using private email to conduct City business which obfuscates records requests for this information. We may never know if all content was truly submitted.
4. In one of the email exchanges, Odell requests that resident-blogger provide his "comments" about my use of planned vacation leave as city manager when forwarding an email he had sent to fellow councilmembers, wrongly positioned as inappropriate leave or unacceptable use of remote work while my wife recovers from a second case of Lyme disease and was moving to be closer to me here.
5. Mr. Odell directs the investigator to consider highly biased witnesses while broadening the scope of the investigation, unilaterally, without a public council vote.
6. Mr. Odell accepts an email from the resident-blogger recommending that my residency be looked into as he suggests that I violate an RCW that is not in my contract. For the record, I do reside in Sammamish near the City's Maintenance Operations Center. I am registered to vote here, I have a driver's license here. All that in mind, I'm told that Mr Odell proceeded to push addressing my residency with at least one fellow councilmember.

7. Within another email, a fellow resident outlines motives of other councilmembers, in collusion with the resident-blogger, in this investigation.

Aside from content collected from this minimally supported PRR, I can also share that I have been directly asked by Deputy Mayor Malchow, in a meeting in my office, to facilitate a private meeting between the resident-blogger and our land use attorney. While I obviously declined, this is an example of the entitlement and demands made of the resident-blogger and suggests that his influence is wider than with just the one appointed councilmember. Perhaps a complete PRR will paint a clearer picture. Additionally, several members of my esteemed staff, and at least a couple of members of the public, were subject to an embarrassing hot mic incident last month in which the Deputy Mayor specifically mentioned my family member and me. While none of us have ever been issued an apology for the concerning comments made, the Mayor was addressed by staff who expressed deep concern and discomfort. It is also reportedly evidentiary in a corresponding PRR that other staff members expressed upset amongst themselves.

My fellow community members should know that critical information like this was never provided to the investigator which evidences the resident-blogger's vendetta against me, his influence over council, and his access to "inside" information. I may always be left to wonder why the councilmembers who supported this investigation did not allow for exculpatory evidence to be submitted and why the investigator rejected it upon having loads of it offered to her. All I know is that this investigation has been managed with tremendous bias and the assumption of guilt was clearly driving its direction.
{pause}

The 'resident blogger' also had an agenda regarding my current job as the City Manager which appears to have fueled his interest in having the investigation on me launched, at the cost of taxpayers. Here's a quick timeline:

In **December 2019**, according to an email I secured, dated earlier this year, Mr. Odell had planned to become the Interim City Manager after Rick Rudometkin had been terminated. Mr. Odell claimed to have five votes for the position until I had come into the picture.

In the **Summer of 2020**, there was a question of if former Councilmember Jason Ritchie was living in Sammamish. Under the reported direction of the resident-blogger, Mr. Odell filed a formal inquiry into Mr. Ritchie's residency. That did not go anywhere.

In **January of 2021**, Mr. Ritchie resigned his position as a Councilmember as he had supposedly taken a job at a hospital in California months earlier.

In **February of 2021**, around nine candidates applied for consideration to be appointed to the vacancy. The resident-blogger had substantial influence. Well-qualified, enthusiastic candidates were overlooked. Mr. Odell quickly became a finalist.

In **March of 2021**, unsurprisingly, after being put up against a candidate who had been, by all comparison, otherwise unengaged with Council, Mr. Odell was appointed to the seat.

In **April of 2021**, the investigation on me was launched with Mr. Odell volunteering to lead the investigation on the behalf of the City Council.

In **May of 2021**, Mr. Odell informed the community that he will not be running for a seat on the 2022-2026 council. I'm told he was vying for the next opportunity to be an Interim City Manager.

In **November 2021**, just before his appointment expired, I am told that Mr. Odell volunteered himself for the role of Interim City Manager before his appointment expired.

{pause}

The path forward, as we, as staff, have forged ourselves, has always been to keep the public and employee's safety as the most paramount goal. We have been successful in this course. I request that you also reflect on all of the other issues, projects, goals, and progress that we have been able to accomplish in laying a solid foundation for moving forward as our staff and city continues to strengthen itself. I also request that you consider the impacts of these decisions on staff who have been made to bear the brunt of far too much of this. I understand the Mayor has been approached by staff a number of times with their concerns and they deserve the stability we have all invested in as a team for nearly two years.

Should the Council decide to stay its course and render their subjective opinion to the public by penalizing me, it will tell me that there is little more that I can do to change your minds despite support of my work delivered to you from residents, Directors, and Chiefs. I will then request my right to a public hearing, as I stand by the exculpatory evidence that was rejected without review by the investigator. I continue to stand by my outstanding character, performance, and, most of all, my integrity, that I did not disrespect the City of Sammamish.

To all who are listening and watching, I could go on but do not think it is necessary at this juncture. I ask you to humbly consider my belief that suspending me is unjustified and will not help our community. I have submitted some extractions from my 2020 review to Council along with a compilation of successes of staff and I since we've come together to serve this gorgeous city. Staff deserves stability and the ability to get back to work without this painful distraction. Also, and importantly, my family deserves to no longer have to suffer through the brutal process the investigation has dragged them through. When the resident blogger allegedly said, "I'm going to destroy Dave and make Stephanie feel the pain," he was not exaggerating.

I thank you for your time and attention this evening.

Dave Rudat

From: David Rudat <drudat1@gmail.com>
Sent: Sunday, March 6, 2022 8:52 PM
To: Dave Rudat
Subject: Fwd: Heavily edited and cut down by half
Attachments: Sammamish CM Response 4.0 - verbal.docx

[CAUTION - EXTERNAL EMAIL]

In response to PRR request

----- Forwarded message -----

From: Stephanie Rudat <stephanierudat@gmail.com>
Date: Tue, Dec 14, 2021 at 6:47 PM
Subject: Heavily edited and cut down by half
To: Dad <drudat1@gmail.com>

Please be aware that email communications with members of the City Council, City Commissioners, or City staff are public records and are subject to disclosure upon request.

As you all know, four City Council members voted to launch an investigation on me last Spring. I reviewed the Executive Summary and have also taken the words, actions, motions, and votes of Council leading up to now into deep contemplation when considering next steps. I want my fellow community members to know that I acknowledge the frustration of residents in not knowing what is really going on. At city hall, we are charged to do the work of the people and it is your right to know if things are not operating well or with integrity. In recognition of your concerns, and out of respect for the importance of public service, I am offering you an honest explanation.

This investigation is a witch hunt intricately orchestrated by a resident who has had well-documented influence over several city councilmembers and city business over the years. It often becomes salacious news if a City Manager is perceived to have violated a rule or law, but it's often quickly shrugged off if electeds or their key supporters cause damage to a public institution. At the launch of the inquiry, I thought I would be invited to have a dialog with council regarding the concerns they garnered from a resident. I was not ever offered this opportunity. The most discussion I had with the council body was after being awoken in the middle of the night to answer a couple of questions casually. Beyond that, I have been left in the dark, aside from having willingly participated in an interview.

In reviewing the contents of a partially fulfilled PRR requested by my legal counsel this past Friday, we could finally see hard evidence that this long, drawn out, biased, untransparent, and wholly undemocratic investigative process was initiated by, and fueled by, a disgruntled resident with significant political and community influence by way of his blog. The 'resident-blogger' had become deeply angered in mid-2020 over not being able to exercise power over me, and was equally enraged to have not had the favor of a family member of mine. He wanted my family member to help coerce me. My family member became very uncomfortable with the forceful pressure, abruptly rejected the resident-blogger, and left him infuriated. In fact, according to content obtained from PRR 4053, the resident-blogger allegedly made the following statement to another resident: "I'm going to destroy Dave and make Stephanie feel the pain."

I want to be fully transparent with you. I was recruited to come to Sammamish to be considered for the Interim City Manager role by the resident-blogger. It's not unusual for some community members to be extraordinarily involved with some electeds. I did not think anything of it. What became alarming was the resident-blogger's insistence that I fulfill their wishes and demands. Within a short time of me accepting the position as your permanent City Manager, the resident-blogger lost patience with the fact that I would not favor him, giving him

favor over other residents and electeds. Examples of influence expected include: 1. submitting a letter he drafted and expected me to give to Council to announce the hiring of a contract attorney he found; 2. providing a couple of unsolicited options of who we should look to hire for contracted Human Resources services; 3. attempting to control how the City's relationship with the Chamber of Commerce should be managed with regard to the Sammamish Farmers Market; 4. dictating how the City should manage media requests especially when issued by someone he does not agree with; 5. how I manage staff, especially those he does not favor, and more.

Let me make this clear - I will not participate in unethical acts. The unethical expectations which were presented to me and my family member by the resident-blogger, and my unwillingness to cooperate, despite many assumptions in the community that I did or would participate, is what led to this vicious attack on my character, my family, and my career.

{pause}

I will do my best to address the investigation's findings swiftly.

With regard to the allegation of inadvertent disclosure of information while quarantining and working from home, I would like to offer the following:

Within weeks of being hired as the interim city manager, the COVID-19 pandemic uprooted life as we knew it. As the new City Manager, I did my best to guide our community and city operations through this difficult time, which required working at all hours while mostly being quarantined at home. This was not an easy task as there were times that my work life and home life became intertwined in an unprecedented fashion. If, during these unprecedented times, a family member was able to overhear information, this was completely inadvertent on my part, and the investigation's findings detail as much, stating, **"there is a lack of evidence that the City Manager affirmatively disclosed non-public and/or confidential communications to the Family Member."** Any suggestion that I intentionally disclosed privileged information is simply untrue.

There is a gross failure throughout this investigation to fairly acknowledge that my family member is in direct contact with members of the community, some of whom are elected officials here in Sammamish and otherwise, who share whatever information they want with my family member. In fact, during the period of time the text messages that initiated the launch transpired, was when my family member was in frequent contact with the resident-blogger and electeds having what I understand to be very in-depth, private conversations on community issues. It's not unusual for elected officials to garner the feedback and insights of a constituent, friend, or supporter, as my family member had been. It is entirely on the electeds to manage that and it's none of my business. I didn't participate.

With regard to the allegation that, in my role of City Manager, I have been influenced in my decision-making by family members, I want to inform you that this is untrue and offer the following:

I have served in public employment for nearly fifty years and am well-versed in public governance and confident in the decisions I make as city manager. While I admit to discussing work at home and asking various people for perspective, I vehemently deny that my family members possess any position of undue influence over me as your city manager regarding any matters of significance.

The investigation's findings also detail as much, stating, **“there is insufficient evidence that the family member has had influence over the City Manager with respect to certain City matters of significance...”** Like so many others, my family supports me during difficult times at work and in life, especially during the pandemic, and suspending me for discussing nonprivileged aspects of my work with my immediate family members seems completely unfair especially given the circumstances.

With regard to the vague allegation that I lied and did not provide the City with my own work product, I am astonished by such an outrageous notion.

Some members of the council allegedly believe I allowed work product of mine to be produced by my family member. Again, I was not granted the decency of being asked about this by the council nor their investigator. It appears conclusions were made by seeing some emails but there was no further exploration before Councilmember Stuart accused me of being a liar to the public.

For the record, and in my commitment to be fully transparent with you, on a couple of late nights working remotely, much of which was out of the house of my family member before I secured my own rental, I welcomed her to help type up some ‘esprit de corps’ emails I dictated for staff. These morale-boosting memos to simply keep our hard-working staff feeling cared for and supported by their city manager is not ‘work product’ and was not truly generated by my family member. My family member offered quick typing skills when I was burnt out, helping me to get heartfelt messages out to my team who was also stretched thin. The investigator clearly states that **“These communications do not appear to have included any sensitive information and may be reasonably described as relating more to “esprit de corps” within the City.”**

{pause}

Records found in PRR 4053 illustrates the fact that this investigation was incited by a resident-blogger with undue influence over appointed Councilmember Odell. It is my perception, that the influence of the resident-blogger extends beyond Mr. Odell, however.

Here are a few points I found worth highlighting:

1. The resident blogger is given unusual insight by Mr. Odell into the investigation. This is a possible violation of executive session information.
2. The supervising lawyer, contracted by the City, is circumvented in all of Mr. Odell's emails involving the resident-blogger and the investigator.
3. The resident-blogger and Mr. Odell use private email to conduct City business which obfuscates records requests for this information.
4. In one of the email exchanges, Odell requests that resident-blogger provide his "comments" about my use of planned vacation leave as city manager when forwarding an email he had sent to fellow councilmembers. My wife is ill. He knows that.
5. Mr. Odell directs the investigator to consider highly biased witnesses while broadening the scope of the investigation, unilaterally, without a public council vote.
6. Mr. Odell accepts an email from the resident-blogger recommending that my residency be audited; he suggests that I violate an RCW that is not in my contract. For the record, I do reside in Sammamish near the City's Maintenance Operations Center. I'm told that Mr Odell pushed the topic with at least one fellow councilmember.

Aside from content collected from this partially fulfilled PRR, I have been directly asked by Deputy Mayor Malchow, in a meeting in my office, to facilitate a private meeting between the resident-blogger and our land use attorney. While I declined, this is an example of the entitlement and demands made of the resident-blogger.

Additionally, several members of staff, and at least a couple of members of the public, were subjected to an embarrassing hot mic incident last month in which the Deputy Mayor specifically mentioned my family member and me in a negative light. While none of us have ever been issued an apology for the concerning comments made, Mayor Moran was addressed by staff who expressed deep concern and discomfort.

{pause}

Community members should know that critical information like this was never provided to the investigator which evidences the resident-blogger's vendetta against me, his influence over council, and his access to "inside" information. This investigation has been managed with tremendous bias and the assumption of guilt was clearly driving its direction.

{pause}

The 'resident blogger' also had an agenda regarding my current job as the City Manager. Here's a quick timeline:

In **December 2019**, Mr. Odell had planned to become the Interim City Manager after Rick Rudometkin had been terminated, claiming to have five votes for the position until I had come into the picture.

In the **Summer of 2020**, there was a question of if former Councilmember Jason Ritchie was living in Sammamish. Under the reported direction of the resident-blogger, Mr. Odell filed a formal inquiry into Mr. Ritchie's residency.

In **January of 2021**, Mr. Ritchie resigned his position as a Councilmember as he had supposedly taken a job at a hospital in California months earlier.

In **February of 2021**, several candidates applied for consideration to be appointed to the vacancy. Well-qualified, enthusiastic candidates were overlooked. Mr. Odell quickly became a finalist.

In **March of 2021**, unsurprisingly, after being put up against a candidate who had been, by all comparison, otherwise unengaged with Council, Mr. Odell was appointed to the seat.

In **April of 2021**, the inquiry on me was launched with Mr. Odell and he subsequently volunteered to lead the investigation on the behalf of the City Council.

In **November 2021**, just before his appointment expired, I am told that Mr. Odell volunteered himself for the role of Interim City Manager before his appointment expired should I be terminated.

{pause}

I have shared a lot of important information. I request that you also reflect on all of the other issues, projects, goals, and progress that we have been able to accomplish in laying a solid foundation for moving forward as our staff and city continues to strengthen itself. I also request that you consider the impacts of these decisions on staff who have been made to bear the brunt of far too much of this.

Should the Council decide to stay its course and render their subjective opinion to the public by penalizing me, I will then request my right to a public hearing.

To all who are listening and watching, I ask you to humbly consider my belief that suspending me is unjustified and will not help our community. Staff deserves stability and the ability to get back to work without this painful distraction. Also, my family deserves to no longer have to suffer through the brutal process the investigation has dragged them through. When the words, "I'm going to destroy Dave and make Stephanie feel the pain," were allegedly uttered, the resident-blogger was not exaggerating.

Thank you for your time this evening.

EXHIBIT P

Scoles Dossier , demand for retraction



External



Inbox x



Miki Mullor <miki@mullor.org>

Wed, Jan 5, 3:56 AM



to City, Ramiro, Scott ▾

Ramiro -

Scoles email is a fabrication, in my opinion by Stehpanie Rudat

I have never received confidential information from Mayor Malchow or any other council member for that matter. All city information I have ever received was through PRRs.

If you read my response to Scoles (in that PRR) you would have seen how I vehemently denied it and called him a liar for that email. It's quite literally Sammamish's own Steele Dossier.

You may want to contact your attorney, because reciting a public record of out context is a cause for a defamation action.

you need to retract your comments in the same manner you made it within 30 days.

Miki Mullor

EXHIBIT Q



Kathie Beutel

January 5 · 🌐

...

Fellow Sammamish Residents,

I know it's been the holidays and for me my head has been buried with medical issues, but how many have seen / listen to this???

WTH is happening within our city government?

As a long time resident of this community, this is not only embarrassing to our city and residents, but it holds many unethical claims that deserves a full investigation and disclosure to the residents!

This is all resident's issues', and these issues need to be aired to the citizens of Sammamish directed by officials of the City of Sammamish - Government

They should not be dictated by a "Blog Poster" who manipulates people and agendas with money and tells our City story from another country.

Meanwhile, I watch as our critical community matters continue to be underserved...

i.e.: 800+ homes in IBC facing the loss of HOME VALUES because the squeeze of KCP from the East, the water rise that is eating our land to the west, and the ever changing lake bed rules that impedes improvements. In addition, the city won't allow IBC to protect their reduced beach from accidents or worse yet, fatalities, which can be mitigated by installing a locked fence!

City of Sammamish YOU ARE BETTER THAN THIS!!!

December 14th, 2021

YOUTUBE.COM

December 14, 2021 - City Council Meeting

 2

22 Comments

 Like

All comments ▾



Joanne Buckley

I just listened to this ...who is this blogger wreaking havoc on the city and trying to influence politics? Everyone else is named why not this person? ...

Like 8w

 1



Kathie Beutel

Joanne Buckley

Miki Mueller. Blogger for Sammamish Connect. Moved to Spain, yet he continues to manipulate his agenda..

Like 8w

 1



Joanne Buckley

Kathie Beutel thanks! Does he still have a home here? I mean if he doesn't why does he care?

Like 8w

 1



Scott Hamilton

He does have a home here and Katie's opinion is just one opinion.

Like 8w

Like 8w



Kathie Beutel

Scott Hamilton Does he live in it?

Like 8w



1



Miki Mullor

I do. And it really none of your or anyones business

Like 8w Edited



Miki Mullor

I'm the person Katie refers to

She's speaking of behalf of the city managers daughter because I turned evidence of malfeasance by the city manager to the city

It's just a retaliation campaign against a whistleblower

Shame on you kathie

Like 8w



Kathie Beutel

Miki Mullor

LOL...now that's funny!

Afraid the community will do their own research and see your garbage??
May your damage to our city be in the light of day for all to see.

I am a proud long-standing concerned resident of this city, have served and have the freedom of speech to ALERT my fellow community members to pay attention to the underbelly that you apparently spawn and live under.

Do not degrade me! I speak for NO ONE, I am an intelligent woman that knows how to do research!

My anger is because of the lack of integrity and grace my city in displaying when I have a community with real freaking issues that shit like this distracts from real people and problems!

YOU ARE SHAMELESS for what you are doing!!

But while I have your undivided attention... I have a few questions for you....

Where's your public response to the City Manager's claims he makes on the video?

WHERE do you live now Mikki?

WHY do you continue to create havoc and divide in our city within our council members?

Obviously, our city isn't good enough for you to reside in, so WHY - Do you continue to drive your voice and divide in Sammamish?

HOW MUCH money have you INFUSED into our electoral process Mikki for your own agenda?

HOW MANY "favors" have you asked our City Manager for, or worse Council members?

Four years ago, I met you in Cecilia Wu's kitchen at a candidate meet and greet.... You told me how wonderful Stephanie Rudat **Celia Wu**, **Ken Gamblin**, **Kent Treen** and **Christie Malchow** were, " the Dream Team", I believe you said! (I guess only when they're helping your agenda)
I digress....

You told me....how much "you wanted Stephanie to write for you / work with you and how you were so impressed by her integrity, thoroughness in her and writing skills."

WHAT HAPPENED to the love fest Mikki? You clearly prided yourself on how you vetted out the best of the best.

WHAT HAPPENED to that expert assessment of the people you funded in that election?

Well I VOTED FOR THEM! So who duped who Mikki? I would really like to know... because THISΔ HAS PISSSED ME OFF AND SHOULD PISS OFF EVERY VOTER IN OUR CITY!

"Retaliation" HOW DARE YOU SIR!!!

I AM NOT A PUPPET and don't insult my intelligence and experience in this

city!

Consequently, what I have seen from you in 4 years is where there is discourse your name follows in our city! Your 'Sammamish Connect BLOG' is proof of that!

ANSWER THE CITIZENS OF SAMMAMISH ON WHY... you as a blogger that live in Spain and are so involved in our City Council and political affairs?!

Like 8w Edited



Miki Mullor

Kathie Beutel you need to take a chill pill. you're been fed lies. stop iy

Like 8w



Kathie Beutel

Miki Mullor

WOW!!!

CHILL 🍊🍊. I am PISSED!!

I honestly believe your manipulation should be investigated by an government oversight!

Like 8w



Kathie Beutel

Miki Mullor ANSWER THE QUESTIONS!

Like 8w



Miki Mullor

Ok. Fine. What manipulation?

Like 8w Edited



Miki Mullor

Your accusations are outrageous. And not true.

I'm whistleblower who submitted evidence to the city of malfeasance by the city manager. The city had an investigation done by a third party. The report is out there.

Whatever the city manager now is trying to deflect can't help him with the

Whatever the city manager now is trying to deflect can't help him with the facts as the investigation concluded.

And for the record I'm not involved at all. I have discontinued the blog months ago. I do live in the city (had to haul my own garbage today to beaver lake). Never contributed a dime to any council member. Never had to ask for any "favors" from anyone (I'm not a developer....)

Like many of us I had hoped for the new city manager but like many things life it didn't turn out the way we hoped

When rudat was proposed he was vetted by the police and no criminal history was found. Ethics are hard to vet

Would you rather me sit on evidence of wrong doing because I knew the person ? No. You wouldn't.

Have you noticed there is never a shred of evidence to Stephanie's attacks on me ?

Like 8w



Kathie Beutel

Miki Mullor

Exactly, what is the "malfeasance" that you reported? If the report is "out there", then post it! Also, post all the attacks that you claim from Stephanie, because I've seen nothing.

The community needs to know what is going on in their city and what our tax dollars are paying for!

The City Manager requested a Public Hearing, and I believe he should get one.

Like 8w



1



Miki Mullor

With all due respect you allowed yourself to attack me with zero proof Then demand that I produce a report the city made. Go ask the city. If you have a problem with how the city council handles their city manager go complain to them

And if you don't know what the complaint was about you haven't been listening to city council meetings. But somehow you listened to this one rant by the city manager. What a coincidence...

Stephanie rudat is using a fb profile called David benedet to attack me. In two other groups. I don't owe you anything go do your own research.

Like 8w Edited



Krunal Sheth

Miki Mullor - I would love to know why you think Dave is fake profile?

Like 8w



Miki Mullor

Krunal Sheth

1. no one, except for Stephanie Rudat, has ever met him or spoken to him (by voice, not messenger / text) ... **See more**

Like 8w



Krunal Sheth

Miki Mullor all fair and I had my doubts to but what you are hinting seems circumstantial evidence vs hard facts. In complete transparency, I have asked the very same question to Stephanie and she had mentioned that Dave had provided admins of vote gro... **See more**

Like 8w



Miki Mullor

This was covered here.

<https://sammamishindependent.com/.../council.../amp/...> **See more**



SAMMAMISHINDEPENDENT.COM

Council considers suspending city manager for leaking confidential information to daughter - Sammamish...

Like 8w

Like 8w



Kathie Beutel

Miki Mullor You make a lot of assumptions and speculation on what I watch or how I get my information.

I don't have a problem with the City Manager, as a matter-of-fact, I believe, he has done a great job.

You are a blogger with a vendetta cloaked as a "whistleblower".

Why - I don't know yet!!! My guess is someone pissed you off and you have an axe to grind on our taxpayer dollars.

During the election 4 years ago, you made sure that the candidates that you supported had favorable Op-ed's. I will venture to guess you are no stranger to Ghostwriting, nor a stranger to "inside information" for your own info spin!

I know for a fact...Stephanie and you were friends and you exchange information with her for your stories. You Sir told me that.

Now, It sounds like after gaining Stephanie's trust you turned against her, and WHY? Not believing you were just doing the right thing!

I wil venture to guess...there is more to this storyline than what meets the eye.

Apparently no intentional wrong doing, was found by the Council private investigation.

The taxpayers of this city need a Public Hearing! All of this garbage needs to come out and not spun for either side!

This whole situation makes me Sick that the officials of this City allow this to happen and allow for you to cause this discourse, pain, expense for our city.

AND....I will voice my concerns to a much higher authority, but it's not to the City Council, because at this point, I don't know who to trust!

Like 8w



1

Like 8w



Miki Mullor

Kathie Beutel I just hope the city will have the guts to release the full report. right now Rudat is covering it up by not releasing to the public. for the record, I didn't tell you anything about anything, i met you once in an election party and... **See more**

Like 8w



Kathie Beutel

Miki Mullor

...

Nice! Lol...you have a wonderful imagination.



EXHIBIT R



Kathie Beutel 



Kathie Beutel

Jan 5, 2022, 9:54 PM

Kathie - I know Stephanie put you out for this. But the things you posted are factually not true. you're being manipulated.

Exhibit S



Kathie Beutel

January 6 · 🌐



I was asked a couple times yesterday, what can we as residents do about making people aware of what's happening.

Unfortunately, it is very hard to reach 65,000 residents in an awareness campaign.

After yesterday, I will no longer have spinning conversations with Miki Mullor, it is a waste of my energy and only provides emotional distress.

That said, I am personally disgusted by these recent events and the fact that someone like the Blog-boy Mr. Mullor can have a possible lever of power in our City Council is inexcusable.

We didn't Vote Mullor in, we voted for our Council members to serve the needs of our City and it's residents. I feel deceived and failed.

Sammamish City Council needs to be held accountable to disclosing to the taxpayers of this city, if there is criminality at the hand of Mr. Mullor by persuading council members, we need to know this information.

I highly encourage anyone who is concerned about the Ethics in our Sammamish City Council to contact the Washington State Legislation and file a complaint.... please contact the Legislative Hotline at 1.800.562.6000

In addition, the states auditor at State AG office is also interested in hearing your concerns.
(564) 999-0950

webmaster@sao.wa.gov



4

5 Comments