

Al Merkel

Spokane Valley City Council Member
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February 5, 2025

To:

John Hohman, Spokane Valley City Manager
Kelly Konkright, Spokane Valley City Attorney
Spokane Valley City Council

Subject: Continuing and Shifting Demands Regarding My Personal Nextdoor Account, My attempts to comply, and notification that I will protect my civil rights.

Dear Mr. Hohman, Mr. Konkright, and Members of the Spokane Valley City Council,

I am writing to formally document my repeated efforts to comply with the City's ever-changing demands regarding my personal Nextdoor account, as well as to express my firm belief that this entire matter is a politically motivated abuse of City resources and a clear violation of my civil rights.

Chronology of Compliance Attempts and the City's Shifting Demands

- **December 13, 2024:** Hearing Examiner Andy Kottkamp ruled, incorrectly in my view, that I must connect my Nextdoor account to PageFreezer, in accordance with the City's request. This ruling was based on the fact that I was not able to produce expert witnesses in my favor despite the fact that I was in fact not allowed to subpoena such witnesses.
- **December 19, 2024:** Under protest, I announced that I would comply and register my account with PageFreezer as requested.
- **December 20, 2024:** My Nextdoor account was suspended due to malicious flagging and moderation attacks, leaving me without access to my posts or information.
- **December 23, 2024:** Despite this, you sent a demand letter requiring me to register my account with PageFreezer and provide all content by January 10, 2025.
- **January 3, 2025:** I informed you that I no longer had access to my original account but had signed up for a new Nextdoor account and had worked with City IT to connect that account to PageFreezer. You acknowledged this and stated that I had finally brought my account into compliance.
- **January 8, 2025:** You then claimed that the City had screenshots of my posts and that a Nextdoor group I was part of was a separate account (which it was not). You requested that I download my data from Nextdoor. I responded that I had no access and provided my login credentials so that the City could verify my lack of access.
- **January 9, 2025:** You stated that Attorney Konkright would contact me for two-factor authentication.

- **January 13, 2025:** I had a call with Attorney Konkright, who verified that I had no access to my original account and requested that I provide a download of my data whenever it became available.
- **January 28, 2025:** Nextdoor informed me that my City email-linked account was considered a duplicate and would be deleted, but they restored my original account. I requested keeping both or merging them, but both requests were denied by nextdoor. I was able to download my data and immediately sent it to you, along with the information needed to connect my restored account to PageFreezer.
- **January 30, 2025:** Attorney Konkright confirmed that they would connect my personal nextdoor to PageFreezer, but suddenly determined that the data set I provided was "not enough" despite it being exactly what he had originally requested. Furthermore, despite my compliance in connecting my account to PageFreezer as directed, I was told that I am now not supposed to talk about the City.

Pattern of Moving the Goalposts

This process has revealed a **continually moving bar** for compliance:

1. First, I was told I needed to connect my account to PageFreezer. I did. Then that was **not enough**.
2. Then, I was told I needed to provide a Nextdoor data download. I did. Then that was **not enough**.
3. Finally, I gave you my **login credentials**, allowing full City access. Yet somehow, even **that** was **not enough**.

No Public Record, No City Business, No Authority to Conduct City Business

It is my sincere and firm belief that nothing in my **personal** Nextdoor account constitutes a **public record** or contains **City business transactions**—especially since, as a **lone councilmember**, I have no authority to conduct official City business on my own. The claim that my personal Nextdoor account falls under public records laws is baseless.

Freedom of Speech & Equal Protection Violations

Additionally, this action constitutes a **direct violation of my constitutional rights** under:

- **The First Amendment** – I have the right to **freedom of speech**, including discussing matters of public concern. The City has no right to dictate what I can or cannot say on my personal account.
- **The Equal Protection Clause (Fourteenth Amendment)** – This **targeted enforcement** against me, while others are not subject to the same demands, is a **clear case of selective enforcement and political discrimination**.

This is a Political Attack, Not a Legitimate Public Records Issue

The shifting demands, the City's refusal to accept clear compliance at every turn, and the attempt to silence my speech **all demonstrate that this is not about public records but about suppressing my voice**. This is a **waste of taxpayer dollars** and a **blatant abuse of City resources** for political purposes.

Notice of Legal Action if City Continues This Course

If the City persists in this unlawful and retaliatory course of action, I will seek **full legal redress** for:

- **Attorney's fees**
- **All damages resulting from this violation of my civil rights**
- **Any further costs incurred due to this abuse of power**

This **politically motivated attack** must end now. I have fully complied at every step, despite my objections. The City's continued bad-faith demands are a misuse of taxpayer resources. If the City files a lawsuit against me I will file counterclaims for violations of my civil rights, frivolous action, and seek judgment for recovery of my actual damages and my attorneys' fees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al Merkel', with a long horizontal stroke extending to the right.

Al Merkel