Office of the Governor

Washington Department of Fish & Wildlife Commission Investigation

Final Report

Drafted By:

Chiedza Nziramasanga

Transformative Workplace Investigations

chiedza@transformativeinvestigations.com

www.transformativeinvestigations.com

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I. Engagement and Scope

On June 20, 2025, I was retained by the Office of Financial Management ("OFM") on behalf of the Washington State Governor's Office to conduct an independent investigation into concerns raised regarding the conduct of certain commissioners of the Washington Department of Fish and Wildlife Commission ("the Commission"). The concerns were raised by Director Kelly Susewind of the Washington Department of Fish and Wildlife ("WDFW" or "the Department").

The scope of this investigation encompassed the following categories of alleged conduct:

- Violations of the Public Records Act (PRA), including alleged failure to search personal devices, submission of inaccurate declarations of search, and resistance to production of responsive records.
- Violations of the Open Public Meetings Act (OPMA), including alleged serial meetings and coordinated communications among commissioners outside of publicly noticed meetings.
- Violations of the WDFW Commission Rules of Procedure, including ethical conduct concerns and conflicts of interest arising from undisclosed and repeated communications with advocacy organizations, including organizations actively litigating against the Department.
- Staff mistreatment, including alleged confrontational and demeaning conduct toward Department employees and alleged retaliatory conduct toward Director Susewind following his request for an external investigation.
- Improper timekeeping and compensation practices, specifically regarding the per diem claims of Commissioner Lorna Smith.

I was asked to conduct an impartial fact-finding investigation to gather and evaluate relevant information, including witness accounts and documentary evidence, and to determine whether the alleged conduct was substantiated based on a preponderance of the evidence standard.

II. Methodology

a. Witnesses Interviewed

The following individuals were interviewed in connection with this investigation:

Witness	Title	Date Interviewed
Kelly Susewind	Director, WDFW	September 22, 2025; February 20, 2026
Amy Windrope	Deputy Director, WDFW	September 23, 2025; February 20, 2026
James Anderson	Commissioner, WDFW	November 10, 2025; November 11, 2025
John Lehmkuhl	Commissioner, WDFW	November 17, 2025
Barbara Baker	Commissioner, WDFW	November 20, 2025
Melanie Rowland	Commissioner, WDFW	December 4, 2025
Woody Myers	Commissioner, WDFW	December 10, 2025; December 17, 2025
Lorna Smith	Commissioner, WDFW	December 18, 2025; December 19, 2025

Witnesses were selected based on their involvement in or knowledge of the concerns under review. During the initial stage of each interview, I informed witnesses of key aspects of the investigation process, including the importance of answering questions honestly and truthfully, non-retaliation protections and expectations, and the need to maintain confidentiality.

I also explained that I would be using a virtual notetaker to transcribe the interview. The transcription would be used to identify key themes and concerns, which would be captured in a report submitted to OFM and the Office of the

Governor. Additionally, I informed interviewees that I would ask them questions related to the workplace concerns that had been raised.

Before proceeding with each interview, I provided an opportunity for interviewees to ask questions. At the close of each interview, I instructed interviewees to contact me if they had further information to share or to send relevant documents we discussed. I also reminded them of retaliation protections and asked that they not disclose the content of our conversations to protect the integrity of the investigation.

b. Evidence Reviewed

A list of all documents reviewed in this matter are attached to this report as Appendix A – Evidence Reviewed.

c. Independence

I retained full and independent discretion over the investigative process, analysis, and conclusions of this investigation. The Office of Financial Management and the Washington State Governor's Office did not direct, influence, or control the outcome of the investigation.

d. Investigative Standard

The conclusions set forth in this Report are factual findings. In reaching these findings, I reviewed, compared, and analyzed the available evidence to determine whether the allegations were substantiated under a preponderance of the evidence standard. For purposes of this Report, preponderance of the evidence means that the evidence, taken as a whole, demonstrates that it is more likely than not that the alleged conduct occurred. My conclusions are based on the totality of the evidence and a comprehensive analysis of the relevant facts.

e. Credibility Determinations

Where necessary to resolve factual disputes, I assessed witness credibility based on factors including corroboration with other evidence, internal consistency, inherent plausibility, opportunity and capacity to observe the events described, potential motive or bias, prior inconsistent statements, admissions against interest, and overall responsiveness during the interview process.

f. Investigation Timeline

Although I was retained on June 20, 2025, the formal investigation did not commence until October 2025. This gap reflects a deliberate and reasonable decision by OFM to await the issuance of a memorandum outlining the concerns under review, in order to ensure that the scope of the investigation was clearly defined before interviews began. The receipt of that memorandum, combined with an internal leadership transition and the logistical complexity of coordinating interviews with multiple sitting commissioners, contributed to the later start date. Interviews continued through the holiday period, and additional information received in January and early February 2026 extended the timeline further. A deadline of February 20, 2026, was established for all participants to submit any outstanding information, and the original report deadline of February 13, 2026, was extended to March 13, 2026, to ensure a thorough and complete review.

III. Executive Summary

This investigation examined concerns raised by WDFW Director Kelly Susewind and regarding the conduct of certain Washington Fish and Wildlife Commissioners. The allegations spanned five distinct categories: violations of the Public Records Act, RCW 42.56; violations of the Open Public Meetings Act, RCW 42.30; violations of the Commission's Rules of Procedure related to conflicts of interest and disclosure obligations; mistreatment of Department staff and alleged retaliation against the Director; and improper timekeeping and compensation practices. The investigation involved interviews with eight witnesses, including the Director, Deputy Director, and six current commissioners, as well as a review of documentary evidence including communications, records, scheduling data, and internal documents. Each allegation was evaluated under a preponderance of the evidence standard. The findings are summarized below. Further details and analysis are provided in **Section V. Allegations and Findings**.

a. Allegation 1: Violations of the Public Records Act (PRA)

Based on the preponderance of the evidence, this allegation is ***substantiated in part***. The evidence establishes that commissioners did not consistently comply with PRA requirements, including through use of personal devices for commission business, failure to conduct complete searches, submission of inaccurate or incomplete declarations, and in some instances resistance to production until compelled. Systemic factors, including delayed issuance of state equipment, divergent experiences with training, and high request volume, also contributed. The evidence does not establish that noncompliance was universally deliberate or the result of coordinated concealment.

b. Allegation 2: Violations of the Open Public Meetings Act (OPMA)

Based on the preponderance of the evidence, this allegation is ***substantiated in part***. The evidence establishes that commissioners engaged in serial meetings through coordinated communications that collectively involved a majority discussing and shaping agency business outside of publicly noticed meetings, and that documentary evidence corroborates coordination on votes, policy drafting, and leadership elections conducted through private communications. The evidence does not establish that commissioners knowingly violated OPMA. The record reflects reliance on quorum-based guidance and an insufficient understanding of serial meeting prohibitions.

c. Allegation 3: Violations of the WDFW Commission Rules of Procedure – Ethical Conduct and Conflicts of Interest

Based on the preponderance of the evidence, this allegation is ***substantiated in part***. The evidence establishes that multiple commissioners engaged in repeated, undisclosed communications and meetings with advocacy organizations, including organizations actively litigating against the Department, in violation of the Commission's Rules of Procedure governing disclosure and avoidance of conflicts of interest or the appearance thereof. The evidence does not establish unlawful litigation collusion or statutory conflicts of interest, but does reflect appearance concerns, institutional risk, and inconsistent compliance with the Commission's own disclosure standards.

d. Allegation 4: Staff Mistreatment and Alleged Retaliation Against the Director

Based on the preponderance of the evidence, this allegation is ***substantiated in part***. The evidence establishes a significant breakdown in trust between certain commissioners and Department leadership, strained staff-commissioner dynamics, and isolated instances of confrontational or inappropriate tone toward named staff members. The evidence does not establish a coordinated pattern of harassment, systemic mistreatment of staff, or formal retaliatory employment action against Director Susewind following his request for an external investigation.

e. Allegation 5: Improper Timekeeping and Compensation Claims

Based on the preponderance of the evidence, this allegation is ***unsubstantiated***. While Commissioner Smith claimed per diem compensation on a significantly higher number of days than her peers over an extended period, the Commission's compensation structure permits a full day's per diem for any day on which commission work is performed. The evidence does not establish that she falsely certified work performed, claimed compensation for days on which no commission-related activity occurred, or violated any established policy.

IV. Applicable Law and Policy

Applicable authorities include the Washington Fish and Wildlife Commission Rules of Procedure (approved December 16, 2023); the Open Public Meetings Act, RCW 42.30; the Public Records Act, RCW 42.56; and any other applicable statutes, rules, or agency policies identified by counsel.

V. Allegations and Findings

Allegation 1: Violations of the Public Records Act (PRA)

Statement of Director Kelly Susewind

Director Susewind stated that the agency has an obligation under the Public Records Act to respond to public disclosure requests and produce responsive records. He acknowledged that public disclosure requests are frequent and can be burdensome, noting that while people sometimes abuse the process, the agency receives them regularly and treats them as a routine part of operations.

Director Susewind described serious concerns that commissioners were using personal devices for commission business and failing to produce those records in response to PRA requests. He explained that when former Commissioner Ragen was not reappointed, he was no longer a sitting commissioner and returned his agency-issued computer. When the department began fulfilling public disclosure requests and reviewed former Commissioner Ragen's documents, materials emerged that confirmed existing suspicions and provided something more substantial and tangible to examine. Director Susewind stated that the department initially contacted the

Governor's Office not solely to raise a complaint, but to make them aware of the existence of responsive materials and the department's obligation under the PRA to produce them.

Director Susewind described discovering a series of text messages between commissioners on former Commissioner Ragen's computer related to the election of the vice chair. He expressed concern that the text messages appeared to indicate that commissioners were conducting business outside of public meetings through a practice commonly referred to as "daisy-chaining" — a method by which commissioners used personal devices to communicate in a series of smaller group exchanges, each involving fewer than a quorum, but which collectively circulated information and discussion among a majority of the body.

Director Susewind stated that the department had received attestations from commissioners — particularly Commissioners Rowland, Smith, and Ragen — that they did not use personal devices for commission business and had no responsive records on them. He noted that the vice chair text messages he described were found on personal devices, were clearly responsive to pending PRA requests, and had not been produced despite those attestations. Director Susewind explained that Commissioner Ragen had taken screenshots of the texts and forwarded them to his agency-issued computer, which is how the department located them. He further explained that because the screenshots existed as PDF files, they did not appear in keyword searches — the department could see that a document existed but could not view its contents. He stated that other commissioners had simply not produced their records and continued to maintain that no responsive records existed.

Director Susewind described a specific incident that occurred during a commission meeting on the cougar vote, which he characterized as contentious. He stated that the commission held a meeting limited to commissioner debate without public input, during which a motion was made. Commissioner Rowland then stated that she had just received a text message suggesting an amendment to the motion and indicated she believed the commission should adopt it. Director Susewind stated that the disclosure that an outside entity appeared to be influencing a commissioner's position during a televised, recorded meeting caused significant concern among those present. He stated that the department immediately received a public disclosure request for that specific text message and that it took months to obtain a copy from Commissioner Rowland.

Director Susewind described Commissioner Rowland's resistance to producing the text message. He stated that she initially denied having it, then indicated she had deleted it, and ultimately stated she would not provide it. The department offered to send technicians to her home to extract only that single message, given the narrow and specific nature of the request. Director Susewind stated that he personally contacted Commissioner Rowland, as did the Deputy Director, the Commission Chair, and attorney Panesko, without success. The department was ultimately required to obtain a letter from the Governor's Office directing Commissioner Rowland to produce the message. Even then, the record was not produced in its native format; the department received only a copy of the message, which the requester indicated was sufficient.

Director Susewind linked many of the discovered records and concerns to the Sportsmen's Alliance public records request, stating that it was this request that brought the underlying issues to light. Because the Sportsmen's Alliance had submitted specific requests for Commissioner Ragen's records, the department's review of his computer to locate those records led to the discovery of the additional materials. Director Susewind stated that the department was sued over the Sportsmen's Alliance PRA request, spent more than a year fulfilling it, and ultimately produced between 30,000 and 40,000 records.

Director Susewind stated that once litigation commenced, assistant attorneys general began working directly with commissioners to obtain records, advising them that a lawsuit was now pending and that production was required. He stated that even then, the department continued to experience difficulty obtaining records. He noted that when Commissioner Rowland was interviewed in connection with the request, she stated she would not produce any records until she was compelled to do so — a position she maintained approximately one year into the request. Director Susewind characterized these issues as serious PRA compliance failures and governance concerns, including the failure to produce responsive records from personal devices despite sworn attestations that no such records existed, delayed and resisted production even after litigation commenced, and the conduct of commission business through private communications that had not been previously disclosed.

Statement of Deputy Director Amy Windrope

Deputy Director Windrope stated that when former Commissioner Ragen's computer was returned following the end of his tenure, administrative assistant Jamie Caldwell began reviewing his documents to organize, retain, store, and archive them in accordance with records retention requirements. She stated that this records review exposed large volumes of emails, Zoom links, and documents reflecting undisclosed meetings and coordination with outside organizations, including Washington Wildlife First and Wild Fish Conservancy.

Deputy Director Windrope stated that commissioners consistently refuse to use state-issued resources despite receiving training and written guidance requiring them to do so. She stated that commissioners refuse to use state computers and state phones, instead conducting commission business on personal devices, which then requires them to search those personal devices when responding to public records requests. Deputy Director Windrope stated her belief that commissioners resist using state resources in order to evade PRA obligations, explaining that conducting state business on personal devices makes those records harder to locate and produce. She provided a specific example involving Commissioner Smith, who she stated maintains multiple non-department email accounts. Deputy Director Windrope explained that commissioners are issued one official email account ending in @dfw.wa.gov, but that Commissioner Smith maintains five different accounts, including one she refers to as her "other official account" — a designation Windrope stated has no basis, as only one official account exists.

Deputy Director Windrope described an incident in which Commissioner Rowland received a text message during a contentious commission meeting, after public comment had been closed, from an outside contact suggesting an amendment to a pending motion. She stated that Commissioner Rowland read the text into the record but subsequently refused to produce it as a public record. When the department requested that Commissioner Rowland produce the record, she declined, even after the department offered to have IT staff extract only that specific message from her phone. Deputy Director Windrope stated that Commissioner Rowland ultimately produced the record only after receiving a letter from the Governor's Deputy Chief of Staff indicating that failure to comply could result in removal from office.

Deputy Director Windrope described a broad PRA request submitted by the Sportsmen's Alliance seeking all communications occurring within fifteen days before and after every commission meeting between certain commissioners. She stated that an internal administrative error — the department's failure to formally certify its PRA compliance plan — created litigation risk, though the department continued processing records throughout. After the Sportsmen's Alliance filed suit, the department attempted to address the deficiency by committing to produce all responsive records by a date certain. Deputy Director Windrope stated that a significant problem was the absence of records from certain commissioners, particularly Commissioner Rowland, until very late in the production process.

Deputy Director Windrope stated that when an Assistant Attorney General met with Commissioner Rowland to obtain an attestation that she had provided all responsive records, Commissioner Rowland stated she had not done anything in response to the PRA request and would not do so until compelled. Deputy Director Windrope characterized this as a constructive denial of PRA obligations. She stated that under pressure, Commissioner Rowland eventually produced a very small number of text messages, which Windrope found implausible given the volume of commission activity during the relevant period, though the attorneys accepted the production because Commissioner Rowland certified it as complete.

Deputy Director Windrope stated that she and attorney Joe Panesko both identified significant legal liability arising from commissioners concealing records, refusing or delaying production, and using personal devices and third-party accounts for commission business. She stated that attorney Panesko prepared a written liability analysis drawing on materials recovered from Commissioner Ragen's computer, linking PRA noncompliance, the Sportsmen's Alliance lawsuit, and the commissioners' patterns of conduct. Deputy Director Windrope organized the PRA concerns into three categories: concealment of records by claiming none exist and declining to search personal devices; active refusal to comply, including Commissioner Rowland's resistance to producing the cougar vote text message, her delayed response to the Sportsmen's Alliance request, and Commissioner Smith's conduct toward public records staff; and failure to follow the Commission's Rules of Procedure requiring use of state systems and disclosure of outside meetings.

Deputy Director Windrope emphasized that commissioners cannot claim ignorance of PRA obligations, noting that they receive annual PRA and OPMA training from the Governor's Office and the department and have assigned staff available to assist them in searching and producing records. Despite this support, she stated that commissioners continue to use personal devices and private accounts, continue to under-produce or refuse records, and publicly assert that they do not use personal devices for state business — assertions she stated are directly contradicted by the communications recovered from Commissioner Ragen's device.

Deputy Director Windrope described an example involving Commissioner Smith in which members of the public sought to reach Commissioner Smith through her husband Daryl, contacting him by email or text and asking him to relay questions or information to her. She stated that Commissioner Smith would then respond to her husband, who would relay her response back. When the department identified these communications as public records subject to production, Commissioner Smith refused to provide them. Deputy Director Windrope stated that although the department's attorneys advised Commissioner Smith that the communications constituted public records, Commissioner Smith maintained that she would not produce them.

Deputy Director Windrope explicitly connected the PRA compliance problems to efforts to conceal potential OPMA violations and back-channel coordination among commissioners. She stated that serial meetings and vote-counting are arranged through text messages and emails sent on personal devices, and that she believes commissioners conduct coordination activities outside of department systems specifically so that those communications are not discoverable through public records requests. She stated her belief that the PRA and OPMA issues are directly connected.

Statement of Commissioner James Anderson

Commissioner Anderson described records management and PRA compliance as a work in progress for the Commission. He stated that he operates on the principle that anything he does or says in his capacity as a commissioner should be treated as a public record, and that he now uses only department-issued technology for commission business so that records can be centrally searched. He acknowledged that early in his tenure, some commission business was conducted on his personal phone before he received department-issued equipment. He stated commissioners have been advised that public records cannot be deleted and must be searchable and producible in a timely manner.

Commissioner Anderson recalled receiving onboarding training from the Attorney General's Office early in his tenure covering the Public Records Act, Open Public Meetings Act, and related laws. He described the training as having produced mixed levels of understanding among commissioners. He referenced a more recent executive session focused specifically on public records compliance, attended by all commissioners, department staff, and the Assistant Attorney General. He explained that when a PRA request is received, the department's systems automatically search official email accounts and agency-issued devices, but that commissioners remain individually responsible for searching their personal devices. He noted that new tools are being implemented, including systems to search department phones and personal phones, and that individual compliance plans have been developed for each commissioner.

Commissioner Anderson stated that the recent training was prompted by recognition that some commissioners had been slow to respond to public records requests. He identified four commissioners as having experienced compliance difficulties. He described Commissioner Rowland as slow to respond and significantly in arrears, with nineteen outstanding documents at the time he raised the issue with her in his capacity as Chair. He reported that when he contacted Commissioner Rowland about the backlog and advised her that it reflected poorly on the Commission, she acknowledged she was working on it but did not demonstrate a clear commitment to completing the work in a timely manner. Commissioner Anderson identified Commissioner Myers as also having been slow to respond but noted that Commissioner Myers has made efforts to improve his compliance. He identified Commissioner Smith as having had PRA compliance issues related to the Sportsmen's Alliance disclosures and as having been non-responsive to some requests, suggesting that procrastination was a contributing factor. He identified Commissioner Lehmkuhl as having experienced earlier challenges involving records that were not retained, though he stated he does not believe the omissions were deliberate.

Commissioner Anderson attributed compliance delays and incomplete responses to several factors, including the breadth and volume of certain requests, which he described as creating a psychological barrier for some commissioners. He identified the use of personal phones and email accounts rather than department-issued systems as a significant compliance barrier that complicates searches and increases the risk of records being lost or overlooked. Commissioner Anderson expressed cautious optimism that the volume of PRA requests has served as a wake-up call for commissioners, while also expressing continued concern about whether all commissioners have fully internalized their obligations. He noted that the department remains frustrated with ongoing compliance issues but continues to offer assistance.

Statement of Commissioner John Lehmkuhl

Commissioner Lehmkuhl stated that PRA compliance was never a particular concern for him personally, as he assumed that everyone should follow the law and made efforts to do so himself. He emphasized that he always attempted to comply with public records requests by applicable deadlines and stated that he responded to the Sportsmen's Alliance request on time.

Commissioner Lehmkuhl explained that early in his tenure he did not have department-issued equipment and relied on his personal computer and phone for approximately six months. He stated that contacts became accustomed to reaching him through personal devices and that he later worked to transition those contacts to official channels. He characterized any irregularities arising from personal device use as unintentional, stating he has nothing to conceal. He stated that he does not currently use personal devices for commission business except for occasional social or non-substantive communications.

Commissioner Lehmkuhl stated that department staff and Assistant Attorney General Joe Panesko have been diligent in providing PRA and OPMA guidance and that the department has offered ample training. He stated that he does not attribute any compliance gaps to the department and that no blame can be assigned to the department for any deficiencies in his own compliance. Commissioner Lehmkuhl also described improvements to the Commission's records systems, including efforts to transition commissioners to department email and the implementation of a new system to capture text messages from official phones. He disputed allegations that he deleted emails after a PRA request had been made, clarifying that he may have deleted emails that fell within the time period covered by a request, but that he did not do so after becoming aware that a request had been submitted.

Commissioner Lehmkuhl offered two explanations for emails that were missing from his production. First, he may have believed that certain emails had already been forwarded to the department's system or that they were non-substantive and transitory in nature. Second, his email provider, LocalTel, experienced a significant system failure in November 2023 that resulted in the loss of emails that were not restored until after the applicable PRA response deadline. He denied being instructed by anyone to delete records and stated he is unable to speak to the compliance practices of other commissioners, noting that all commissioners received the same training. Commissioner Lehmkuhl acknowledged structural challenges affecting compliance, including the part-time and volunteer nature of the commissioner role, which he noted often requires commissioners to be away from the office and without access to department equipment, making strict PRA adherence more difficult in practice.

Statement of Commissioner Barbara Baker

Commissioner Baker described her current understanding of PRA obligations as requiring commissioners to use only state-issued devices for commission business, retain records related to official business, and comply with seven-year retention requirements. She acknowledged that she is required to search personal devices when responding to requests but stated that she does not retain seven years of records on personal devices. Commissioner Baker described maintaining two email accounts, stating she treats her Fish and Wildlife account as her primary business account and retains all communications there, though she acknowledged that her personal account is not well organized.

Commissioner Baker reported receiving a high volume of PRA requests, with approximately fifty requests received since the beginning of the year and twenty-three active at the time of her interview. She expressed frustration with the time burden, stating that responding to PRA requests consumes time that she would prefer to dedicate to substantive conservation work. Commissioner Baker explained that when she joined the Commission in 2017, commissioners were not provided with state-issued computers or phones. She described early PRA training as “firehose” sessions occurring approximately every two years and estimated that state-issued computers were provided to commissioners around 2019 and phones around 2022. She attributed the increased focus on PRA compliance to Director Susewind and Deputy Director Windrope following their assumption of their respective positions.

Commissioner Baker described technical and usability challenges that affect her compliance, noting that commissioners in her age group have limited familiarity with technology and often rely on staff assistance to navigate the records portal. She stated that she was shown a substantial volume of materials related to PRA concerns by the Director and Deputy Director but deliberately chose not to review them in detail. She acknowledged that the concerns stemmed from public disclosure requests filed by the Sportsmen's Alliance but stated she has not personally reviewed those records. Commissioner Baker repeatedly characterized the PRA concerns as politically motivated, stating that outside groups with resources and a specific agenda are driving the volume and nature of the requests in an effort to pressure the Governor to remove commissioners.

Commissioner Baker stated that the Sportsmen's Alliance petition identified three specific deletion-related allegations and that she consulted Commission counsel, who concluded that none of the three involved the conduct of official business. She stated she has never deliberately deleted records she believed were required to be retained. She specifically addressed a widely publicized text message in which she wrote "Please delete," explaining that the message concerned a deeply personal matter unrelated to Commission business and therefore did not constitute a public record subject to retention. She characterized the Sportsmen's Alliance's use of that message as misleading and reputationally harmful.

Commissioner Baker directly rejected allegations that she used the letter "D" as a code word for directing the deletion of public records, describing the allegation as without merit. She referenced written legal analysis from Commission counsel concluding that he had no significant concerns about her references to deleting messages, as they did not involve substantive policy discussions. Commissioner Baker's overall position was that during the Commission's early years, all commissioners relied on personal devices in the absence of state-issued equipment and with limited training, and that errors during that period were likely widespread. She denied, however, that she intentionally deleted any record she was required to retain, that she used coded language to evade PRA obligations, or that she participated in any deliberate effort to conceal records.

Statement of Commissioner Melanie Rowland

Commissioner Rowland stated that she supports the Public Records Act in principle, describing PRA and OPMA as essential tools for public accountability based on her background as an advocate. However, she expressed the view that the PRA is being misused in the current context. She stated that requesters connected to the Sportsmen's Alliance and hunting interests are using public records requests as retaliation following the Commission's November 2022 decision to end the spring bear hunt. She pointed to one request that generated approximately 471,000 potentially responsive records, with 17,000 ultimately produced, describing the volume as an unreasonable drain on staff time and public resources. She noted ongoing high-volume requests from the same individuals, including one request covering twenty-eight topics that she characterized as effectively encompassing all written communications among commissioners.

Commissioner Rowland stated that training on PRA obligations and records retention has been minimal and inadequate. She recalled an initial training session in which commissioners were provided with relevant laws and highlighted sections but received no practical or repeated instruction. She stated there has been no meaningful technical training on how to search, collect, and transmit records using current systems. She emphasized the limited administrative support available to commissioners, noting that the Commission effectively shares one staff person for administrative assistance. She described an executive session in which nearly all commissioners acknowledged needing better tools, clearer step-by-step processes, and more robust support to meet their PRA obligations.

Commissioner Rowland described her understanding of PRA obligations as requiring commissioners to produce responsive records and to refrain from destroying records once they are subject to a pending request. She acknowledged that she did not initially focus on records retention and was advised at a later point that she should not be deleting emails as part of routine inbox management. She attributed her compliance challenges to technical limitations, reliance on her spouse for technological assistance, difficulty managing multiple devices, the volunteer nature of the commissioner role, and the significant time demands that PRA compliance places on commissioners relative to the substantive work of the Commission.

Commissioner Rowland explained that during the November 18, 2022 Commission meeting, she received a text message suggesting that the motion related to the spring bear hunt was ambiguous and proposing clarifying language. She stated that she openly disclosed during a break that she had received the text and proposed a friendly amendment, without recognizing at the time that receiving outside input after public comment had closed was improper. She stated that following the break, she publicly apologized on the record. When the text message was subsequently requested through a public records request, she initially believed she had deleted it as part of routine cleanup of personal text messages. The department asked to take her phone to retrieve the message. Commissioner Rowland declined, citing the presence of confidential attorney-client communications on her personal device and her objection to allowing IT staff broad access to her personal content. She stated that her husband assisted her in recovering the message, which she ultimately produced after an extended exchange with public records staff regarding format requirements.

Commissioner Rowland confirmed that she uses her personal phone for commission business because she declined to accept a commission-issued phone, as she did not wish to manage four separate devices when traveling. She stated that she now makes an effort to avoid conducting commission business by text on her personal phone. Regarding an allegation that she communicated that she would not respond to a particular request until compelled to do so, Commissioner Rowland explained that the statement referred to a specific request covering twenty-eight topics that staff had indicated would effectively require production of all communications across all of her devices. She stated that she initially told staff she could not respond without additional assistance but did not receive the help she requested. She acknowledged that she has still not complied with that request, stating that she continues to work through other requests that she is able to address with available support.

Statement of Commissioner Lorna Smith

Commissioner Smith stated that the Public Records Act requires commissioners to retain work-related records, including emails and text messages, but does not require retention of purely personal or social communications. She stated that she primarily communicates by email rather than text due to a hand condition. Commissioner Smith characterized early PRA training as cursory, recalling being directed to watch videos and receiving instruction from Commission counsel. She attributed PRA compliance problems to several factors: a sudden and substantial increase in the volume of public disclosure requests; insufficient staff support in the early years of her tenure; use of personal devices before commissioners were issued state-issued equipment; and the complexity of PRA and records retention requirements. She emphasized that any missteps on her part were not intentional.

Commissioner Smith described recent improvements in training and compliance processes, stating that commissioners have received instruction on configuring their devices to allow staff to conduct searches and that commissioners have committed to discontinuing the use of personal devices for inter-commissioner communication. She stated that the current goal is to have all commission communications maintained on work computers and phones so that staff can conduct all necessary searches. She stated that administrative assistant Jamie Caldwell now assists her in maintaining commission communications on her work computer, organized by date and searchable by keyword, with this transition having occurred within the past year.

Commissioner Smith noted that she has received a high volume of public disclosure requests — approximately one hundred over the prior two years, with roughly fifty active at the time of her interview. She described the role of administrative assistant Jamie Caldwell in tracking requests and supporting compliance, including assistance with the tracking spreadsheet and interpretation of request requirements. Commissioner Smith acknowledged that personal devices were used earlier in her tenure, particularly before she received state-issued equipment, and that the boundary between personal and work communications was not clearly defined during that period. She stated that she has primarily used her department-issued computer since receiving it but acknowledged that there were periods during which personal and work communications may have been commingled. Commissioner Smith did not dispute that PRA compliance problems occurred but attributed them to systemic and process deficiencies rather than to any intent to withhold records. She noted that the average age of commissioners is approximately sixty-five to seventy and that significant technological advances have outpaced commissioners' familiarity with current systems. She also described personal impacts arising from PRA-related activity, including threats, litigation, and stress, and stated that these pressures have significantly affected the Commission's productivity.

Statement of Commissioner Woody Myers

Commissioner Myers stated that the Public Records Act applies broadly to his communications as a commissioner and that he is required to retain emails, notes, photographs, information received from members of the public, phone calls, text messages, and any other form of communication on both state-issued and personal devices. He stated that he believes there are very few communications he is permitted to delete and that he limits deletions to mass emails sent to all recipients. Commissioner Myers stated that he has a clear understanding of his PRA obligations and his belief that the Commission as a whole does as well.

Commissioner Myers reported that he has not received formal PRA training as a commissioner, stating that the guidance he has received has consisted primarily of informal reminders — such as notices from the executive assistant regarding reply-all communications — and informal verbal reminders at gatherings. He stated that some of his understanding of PRA obligations derives from prior training he received as a state employee and from direct advice provided by the department's public disclosure officer. Commissioner Myers expressed broader criticism of what he described as a reactive culture in state government, in which formal structures and training programs tend to emerge only after problems have already arisen.

Commissioner Myers stated that early in his tenure, before receiving a state-issued laptop approximately three to four months after his appointment, he used his personal computer for commission email and forwarded those messages to his state email account on the advice of Commission counsel. He stated that he now uses state-issued devices for commission business but continues to search all devices, including personal ones, when responding to PRA requests. Commissioner Myers acknowledged technical difficulties affecting his compliance, including delays in receiving PRA-related emails due to Wi-Fi issues at his home, which he stated sometimes result in emails arriving days to weeks after they were sent. He also described access problems with his state-issued iPhone related to passcode and lockout issues.

Commissioner Myers acknowledged specific PRA compliance failures. He described inadvertently replying to an email from the public records coordinator that had been sent to all commissioners as a group, which he characterized as a technical violation of both the PRA and the OPMA. He acknowledged failing to respond to nine PRA requests, attributing this to delayed email receipt, a mistaken belief that he had already completed the responses, and confusion in how he conducted his searches. He stated that if the records reflect that he had not communicated with public records staff since October, then that is what the record shows, and he offered no explanation or excuse for the lapse.

Commissioner Myers explained that his most significant search error involved copying entire lists of search terms with quotation marks, without realizing that his computer was searching for each phrase as a complete string rather than as individual terms. This approach resulted in searches that returned no results even in instances where he knew responsive content existed. He characterized this as a user error rather than intentional withholding. Commissioner Myers acknowledged that he had not submitted a Declaration of Search since July of the prior year but submitted one the day before his interview and stated he is working through a list of outstanding declarations. He acknowledged being overdue on several responses around the Thanksgiving period, attributing this in part to caregiving responsibilities related to an ill family member.

Commissioner Myers also described a conversation with Director Susewind in which the Director raised his outstanding requests and Commissioner Myers stated he believed he had completed them, only to discover upon checking his records that he had not. He stated that he acknowledged to the Director that he was in error. Commissioner Myers denied any intentional noncompliance, characterizing his compliance failures as the result of mistakes, technical difficulties, and misunderstandings rather than willful refusal to fulfill his obligations. He stated that he repeatedly believed he had completed PRA tasks when in fact he had not and that he is now maintaining a running list of outstanding requests and due dates in order to respond more promptly going forward. Commissioner Myers stated that no one on the Commission has asked him to delete records and that he has never asked any colleague to do the same.

Finding:

Based on the preponderance of the evidence, this allegation is **substantiated in part**.

The evidence establishes that commissioners failed to consistently comply with Public Records Act requirements and record-retention expectations. The evidence establishes that certain commissioners used personal devices for commission business, failed to conduct complete searches, submitted inaccurate or incomplete declarations of search, and in some instances resisted production until compelled. Systemic factors also contributed — including delayed issuance of state equipment, divergent commissioner views on the adequacy of early training, a significant increase in request volume, and the part-time volunteer nature of the role. The record does not establish that compliance failures were universally deliberate or the result of coordinated concealment.

The most significant compliance concern involves the intersection of personal device use and sworn declarations of search. Public Records Request #23674, received in December 2023, sought communications among Commissioners Smith, Baker, Ragen, and Rowland with a defined list of advocacy contacts regarding the December 13 to 19, 2023 commission meeting, the vice-chair election, conservation policy, and bears and cougars. All three named commissioners filed Declarations of Search certifying the foregoing was true under penalty of perjury.

Commissioner Ragen filed his declaration on January 11, 2024. He listed his search locations as "I did not search for records," and noted that "all records in DFW email or one-drive." He indicated that he did not search his personal device and reported spending 0.1 hours on the search.

Commissioner Smith filed her declaration on September 6, 2024. She searched only her work computer (c drive, desktop, downloads, recycle bin) and "voice and text messages." She found no records, did not search her personal device, and reported spending one hour on the search.

Commissioner Rowland filed her declaration on January 15, 2025. She listed her search locations as "I did not search for records," and provided the keywords "I know I have no responsive records." She reported spending one hour on the search.

After Commissioner Ragen turned in his agency laptop, WDFW recovered approximately fifteen to twenty responsive text messages across two threads. The first was an iMessage exchange between Ragen and Smith (using her husband Darrell Smith's iMessage account, identified in the screenshots by his initials "DS") spanning December 2023 through May 2024 and discussing vote-counting ("You need to talk to John or Steve... otherwise...") and Wolf Committee matters. The second was a group thread among Ragen, Smith, and Rowland in December 2023 in which the three commissioners discussed Ragen's vice-chair candidacy and confirmed his support count ("Self nominating. Decided this is best." / "Fine with me — go for it" / "Big congrats! John came through!"). Ragen had forwarded screenshots of the responsive thread from his personal phone to his agency email account in June 2024, five months after he certified that he had no responsive records. The existence of undisclosed responsive texts, combined with sworn certifications that none existed (and, in two instances, express acknowledgments that no search had been performed), supports a finding that the search declarations submitted in response to PRR #23674 were materially inaccurate.

A second public records request, PRR #23276, received from the U.S. Sportsmen's Alliance Foundation on or about September 28, 2023, sought a broad set of commissioner correspondence over a multi-year period. This request became the basis for *U.S. Sportsmen's Alliance Foundation v. WDFW*, Thurston County Superior Court No. 25-2-00342-34, filed in January 2025. Commissioners Smith and Rowland did not produce records in response to PRR #23276 for approximately eighteen months. Both ultimately filed sworn court declarations in March 2025 acknowledging responsive records on personal accounts. Commissioner Rowland produced several responsive records on March 13, 2025 after approximately fifteen hours of search. Commissioner Smith produced responsive records on March 18, 2025 after approximately thirty hours of search. Commissioner Smith's March 2025 declaration also acknowledges that on August 15, 2024 and September 6, 2024 she submitted earlier declarations she now characterizes as having mistakenly attributed to PRR #23276. It is not clear from the record whether the September 6, 2024 declaration filed for PRR #23674 is the same document she now says was mistakenly attributed to PRR #23276.

In an internal memo, Department counsel reports that Commissioner Rowland stated to Assistant Attorneys General in March 2025 that she had decided she would not respond to PRR #23276 until she was "forced to." That admission is direct evidence of intentional noncompliance on that particular request, although it does not establish that compliance failures across the Commission as a whole were the result of coordinated concealment.

A separate public records request, PRR #24147, was received in 2024 seeking communications between Director Susewind and Commissioners Smith, Ragen, Baker, Myers, and Rowland containing the term "cougars" between April 15 and April 25, 2024. In an internal memo, Department counsel reports that Commissioner Rowland is "significantly overdue on responding to numerous other pending public record requests" beyond those specifically reviewed.

Internal tracking records establish that delays were not isolated. As of late December 2024, Commissioner Rowland had twelve overdue requests and three additional outstanding; Commissioner Myers had nine overdue and three outstanding. Commissioners Smith, Linville, Anderson, and Baker also had overdue or outstanding requests during the same period. Commissioner Myers had not submitted a Declaration of Search since July 18, 2024, and certain requests could not be closed due to outstanding tasks from Commissioners Rowland and Myers. While delays affected the Commission broadly, the most significant backlogs were concentrated among a smaller number of individuals.

The investigation also examined communications suggesting that records may have been directed for deletion. In one exchange, Commissioner Baker wrote: "Ruth is going to talk to our rogue commissioners after tomorrow to let them know all of this is very disappointing to the gov. And... delete. ('D' from now on)." Additional messages in the record included "Please delete" and "Also, I probably shouldn't have sent you Lorna's voicemail. Please keep it to yourself." Commissioner Baker stated that some deletion references concerned personal matters, and Commission counsel expressed no significant concerns regarding certain messages. However, the use of deletion shorthand in communications discussing commission dynamics raises legitimate records-retention concerns and undermines any suggestion that the references were limited to purely personal content.

The handling of the text message Commissioner Rowland publicly acknowledged during the November 2022 spring bear vote meeting reflects conflicting accounts. Commissioner Rowland had received PRA and record-retention training from Assistant Attorney General Joe Panesko approximately nine months earlier, on February 14, 2022, as confirmed by her own sworn declaration in the Sportsmen's Alliance case. Department leadership stated she initially denied possessing the message, indicated it had been deleted, and declined to produce it until the Governor's Office intervened, a process that ultimately spanned approximately three months and required a strongly worded letter from Deputy Chief of Staff Kelly Wicker. In her own interview, Commissioner Rowland acknowledged that she had said the message was deleted and that her husband ultimately located it on her phone before she produced a snapshot. She stated she was surprised by the Governor's letter, believing she had already complied. A follow-up document reflects that agency counsel concluded she had satisfied her PRA obligations with respect to that specific request. Notwithstanding, the fact that Commissioner Rowland received PRA and record-retention training approximately nine months before she acknowledged stating that the message was deleted raises concern that she reasonably should have known not to delete responsive records.

Several structural conditions contributed to compliance challenges across the Commission. State-issued equipment was not provided to all commissioners at the outset, creating a period during which personal devices were used by necessity. Training, while documented for certain commissioners, was interpreted and applied inconsistently. Commissioner Smith's signed declaration in the Sportsmen's Alliance case reflects online appointee training upon her January 2021 appointment, which included training regarding compliance with the Public Records Act, and legal training from the Office of the Attorney General at multiple Fish and Wildlife Commission meetings from 2021 to 2023. Commissioner Rowland's declaration reflects online appointee training upon her January 2022 appointment, an in-person onboarding training on February 14, 2022 from Assistant Attorney General Joe Panesko expressly covering PRA and record-retention obligations, and additional legal training at the April 6, 2023 and May 12, 2023 commission meetings. Department counsel confirmed that Commissioners Ragen and Lehmkuhl received the same February 14, 2022 Panesko onboarding. Commissioner Lehmkuhl described approximately ten subsequent training sessions on PRA and retention with department counsel. Commissioner Anderson described introductory sessions in 2019 upon appointment with the AG and Deputy AG, plus an executive-session refresher in October 2025. Chair Baker characterized the AG-led trainings as "Firehose" sessions occurring approximately every two years. Commissioner Myers, appointed in March 2024, described his training as informal until a recent limited session led by AAG Panesko. PRA compliance guidance was reportedly addressed in additional executive sessions, though a complete record of those discussions was not maintained. Notwithstanding this documented instruction, commissioners held divergent views on what compliance required in practice — particularly regarding personal device use and the scope of adequate search — suggesting that training, while provided, did not produce uniform understanding or consistent application.

Request volume also increased substantially during the relevant period, and several commissioners believed certain requests were retaliatory, a perception that, while understandable, does not alter statutory disclosure obligations. Once compliance concerns were formally escalated, remedial efforts followed, reflecting an institutional capacity to comply when expectations are clearly communicated and oversight is actively maintained.

Accordingly, this allegation is **substantiated in part**. The evidence establishes that commissioners did not consistently comply with PRA requirements, and the record reflects individual instances of resistance and inaccurate sworn certifications, intentional delay on at least one request, and structural weaknesses that undermined reliable compliance. The evidence does not establish that all commissioners deliberately evaded their PRA obligations or that noncompliance across the Commission resulted from a coordinated effort to conceal records.

Allegation 2: Violations of the Open Public Meetings Act (OPMA)

Statement of Director Kelly Susewind

Director Susewind confirmed that alleged violations of the Open Public Meetings Act were within the scope of concerns he had requested be reviewed.

Director Susewind identified text messages exchanged among commissioners concerning the election of the former chair and vice chair as raising OPMA concerns. He described a series of communications in which commissioners discussed whether they had secured five votes to elect Commissioner Ragen as vice chair. According to Director Susewind, the messages included statements asking whether five votes had been obtained, noting when an anticipated vote was no longer available, and confirming support from specific commissioners. He stated that these communications were conducted on personal devices and had not previously been produced in response to public records requests.

Director Susewind distinguished between counting votes, which he acknowledged is not inherently improper, and securing votes — that is, effectively reaching agreement on a decision outside of a publicly noticed meeting. He stated that when a majority of commissioners secure commitments and reach agreement outside a noticed public meeting, the decision is effectively made outside the public venue, which he believes is inconsistent with OPMA's requirement that commission business be conducted in public. Director Susewind also described concerns regarding a group of four commissioners who referred to themselves as the "Gang of Four."[1] He stated that this group met repeatedly with representatives of Washington Wildlife First before and after commission meetings, characterizing the frequency of these meetings as occurring dozens and dozens of times. While he acknowledged that meeting with stakeholders is not inherently unlawful, he expressed concern that four commissioners meeting regularly in a coordinated fashion with an advocacy organization — without reporting those meetings to the full Commission — functioned as a de facto ad hoc committee operating outside public view.

Director Susewind stated that a group of four commissioners meeting regularly outside public view to discuss commission matters raised OPMA risk, particularly when they were coordinating positions in advance of public meetings. He noted that these same commissioners publicly advocated for full transparency in formal committee meetings and insisted that committee meetings be open to the public — a position he perceived as inconsistent with the private coordination he described.

Regarding committee governance more broadly, Director Susewind stated that he believes limited, non-decision-making discussions among fewer than a quorum may be appropriate when no decisions are made and matters are subsequently reported back to the full Commission. However, he expressed concern that repeated, coordinated meetings among four commissioners addressing substantive commission matters effectively shaped outcomes outside of public view.

Statement of Deputy Director Amy Windrope

Deputy Director Windrope described multiple patterns of conduct that, in her view, raised concerns under the Open Public Meetings Act. She characterized these concerns as involving

[1] The composition of the group referred to as the "Gang of Four" was not fixed throughout the relevant period. Communications recovered during the investigation reflect the term applied at various times to different combinations of commissioners, including Rowland, Smith, Ragen, and Linville; Rowland, Smith, Lehmkuhl, Baker, and/or Myers. The records reflect that these commissioners communicated interchangeably across those groupings. For purposes of this report, references to the "Gang of Four" refer to this broader pattern of communication among an overlapping subset of commissioners rather than to a static, consistently defined group.

serial meetings, coordinated activity among a subset of commissioners outside of public meetings, and interactions with litigants following executive session briefings.

Deputy Director Windrope described what she viewed as a pattern of serial or daisy-chained communications among commissioners that collectively involved a majority, even when no single communication included a quorum. She stated that text messages, Zoom meetings, and email exchanges reflected smaller groupings of commissioners, often two or three at a time, who would then bring additional commissioners into related conversations. In her view, while no single message necessarily included five commissioners, the sequential nature of the communications resulted in coordinated discussions among a majority of the Commission outside of publicly noticed meetings.

Deputy Director Windrope cited examples involving the cougar vote, the spring bear vote, conservation policy development, and the Game Management Plan. She described a pattern in which commissioners transferred drafts, discussed edits, and coordinated positions in advance of public meetings, and characterized this as evidence of serial meetings designed to avoid quorum thresholds.

Deputy Director Windrope explained that the Wildlife Committee was intentionally capped at four commissioners to avoid quorum and OPMA concerns, and that other commissioners were advised they could not participate in drafting the Game Management Plan outside of a publicly noticed meeting because doing so would require public notice. Despite this limitation, she stated that records from Zoom meetings and email exchanges reflected additional commissioners participating in Game Management Plan drafting discussions outside the formal committee structure. She identified Commissioners Lehmkuhl, Ragen, Smith, and Rowland as participating in Zoom meetings and document exchanges related to Game Management Plan revisions. She described instances in public meetings in which edits were presented as newly offered by one commissioner, while she believed those edits had been developed collaboratively in advance. She acknowledged that portions of this interpretation were based on her inference from the documentary record.

Deputy Director Windrope described a group of four commissioners — Smith, Rowland, Linville, and Ragen — who referred to themselves as the "Gang of Four." She stated that this group functioned, in her view, as an undisclosed subcommittee that was never formally acknowledged. According to Deputy Director Windrope, the group established its own priorities, including efforts to control commission agendas, and did not communicate those internal discussions to staff or to the full Commission.

Deputy Director Windrope further stated that these commissioners met repeatedly with outside advocacy organizations, including Washington Wildlife First, Wild Fish Conservancy, and The Conservation Angler, often before and after commission meetings. While she acknowledged that commissioners routinely meet with stakeholders, she characterized the frequency and coordination of these particular meetings as atypical and noted that the Commission's Rules of Procedure require disclosure of meetings with outside groups. She expressed concern that these meetings were not consistently reported as required.

Deputy Director Windrope also described a specific text message exchange concerning the vice-chair election in which commissioners discussed whether they had secured five votes and referenced contacting other commissioners to confirm support. She stated that, in her view, the exchange reflected pre-meeting coordination and the securing of commitments outside of a public meeting, which she characterized as inconsistent with OPMA's requirement that commission business be conducted in public. She acknowledged that formal legal conclusions regarding OPMA compliance would be determined by others.

Statement of Commissioner James Anderson

Commissioner Anderson stated that any meeting of more than four commissioners must be publicly noticed and open to the public. He described efforts to avoid inadvertently forming a quorum outside of noticed meetings, including exercising caution at informal gatherings such as dinners where commission business might be discussed. He stated that the Commission relies on the Attorney General's Office and department staff to ensure proper notice and compliance. Commissioner Anderson acknowledged receiving OPMA training covering the Administrative Procedure Act, Open Public Meetings Act, and Public Records Act, though he acknowledged he could not fully recite all applicable requirements.

Commissioner Anderson identified spring bear-related communications as raising OPMA concerns. He stated that conversations regarding the spring bear hunt clearly involved more than four commissioners being privy to discussions, which concerned him. He explained that at the time those discussions were occurring, he was not aware of the off-meeting coordination but sensed unusual dynamics during formal commission meetings. He described moments at the commission table where he had difficulty understanding why certain things were or were not happening, and stated that only after reviewing emails produced in response to public records requests did he understand what had been occurring outside of public view. Commissioner Anderson stated that there were conversations about counting votes and presupposing outcomes, which he characterized as problematic. He stated he has no current knowledge of similar conduct continuing and believes commissioners are now more aware of and attentive to such concerns.

Commissioner Anderson described commissioners meeting with Wild Fish Conservancy and Washington Wildlife First while related litigation and policy decisions were pending. He characterized this as highly inappropriate, stating it reflected the kind of conduct that could result in an attorney being disbarred. He identified Commissioners Ragen, Rowland, and Smith as having attended a litigation-related meeting that took place in connection with an executive session, and he framed this as reflecting severe judgment and boundary failures involving both legal and ethical risk.

Commissioner Anderson described a pattern of serial coordination among what he referred to as a "Gang of Four" — Commissioners Smith, Rowland, Ragen, and Baker. He characterized this as a core group of like-minded individuals who shared information and perspectives among themselves, but not with the full Commission, and then worked to secure a fifth vote. He stated that this represented substantive commission work occurring outside the formal commission process that was not brought back to the full Commission for deliberation.

Commissioner Anderson provided a specific example involving advocacy-facilitated dinners held in Anacortes during 2023. He stated that Washington Wildlife First helped facilitate dinners over two consecutive evenings, with subsets of commissioners invited on each night in order to avoid forming a quorum. The dinners were hosted by Commissioner Ragen, and certain commissioners, including Commissioner Anderson and Commissioner Linville, were not invited. Commissioner Anderson stated that these dinners were used to discuss conservation policy and science policy. He described this as selective, advocacy-organized access that raised fairness and process concerns for the Commission as a whole.

Commissioner Anderson stated that the Commission has since taken steps to strengthen OPMA compliance, including formally affirming attendance and quorum at the start of meetings. He stated that recent scrutiny has prompted a general recognition among commissioners that the conduct he described should not occur.

Statement of Commissioner John Lehmkuhl

Commissioner Lehmkuhl stated that the quorum rule was clearly explained to commissioners early in their tenure and applied consistently, noting that five commissioners meeting together constitutes a quorum and that any such meeting must be publicly noticed and open. He stated commissioners were explicitly advised of this requirement at the outset and were also cautioned about "daisy-chaining," a practice in which communications involve some commissioners and are then forwarded to others, eventually encompassing more than four commissioners. He distinguished between gatherings of four or fewer commissioners, which he understood to be permissible, and gatherings of five or more discussing commission business, which must be noticed and open to the public.

Commissioner Lehmkuhl stated that he was not aware of any OPMA concerns until the Sportsmen's Alliance raised allegations. He stated that he relied on guidance that sub-quorum discussions were permissible, explaining that his understanding from the Commission chair and legal counsel was that speaking with three other commissioners was acceptable because it did not constitute a quorum. Commissioner Lehmkuhl denied any intent to violate OPMA, stating that he made every effort to comply and that any violation that may have occurred was not willful. He stated that if a daisy-chain violation occurred, it would have resulted from other commissioners forwarding messages, something he stated was outside his control. He questioned whether certain scenarios constitute violations at all, offering the example of speaking with three other commissioners and then being separately contacted by a fifth commissioner asking for his opinion on an issue.

Commissioner Lehmkuhl rejected allegations that commission decisions were predetermined, stating he could not identify any decision that was fixed in advance. Regarding the specific allegation of pre-meeting vote counting related to the vice-chair election, he described the allegation as without merit. He acknowledged one-on-one conversations in which others asked whether he planned to run for the position or expressed their support, but denied soliciting votes or coordinating a voting bloc. He stated that he never contacted anyone to indicate he was running and to ask for their support, though others contacted him to ask whether he was considering it. He stated he was not aware of others securing votes on his behalf and that, if they did, he was not informed.

Commissioner Lehmkuhl rejected the characterization of commissioner conduct as subversive, stating that for his part there was no attempt to subvert the commission process through vote counting. He acknowledged that off-meeting policy discussions among commissioners occurred via phone or Zoom, involving four or fewer commissioners at a time, on topics including the spring bear hunt, potential amendments, and how to address specific issues. He presented these as normal, permissible efforts to explore solutions rather than OPMA violations, stating that commissioners discussing issues and potential solutions outside of formal meetings was a routine practice that he never viewed as an attempt to direct others to vote in a particular way.

Commissioner Lehmkuhl addressed the "Gang of Four" characterization, stating that the term originated with the Sportsmen's Alliance and that he would not use it to describe himself or his colleagues. He confirmed that Zoom calls occurred among four like-minded commissioners — himself, Smith, Rowland, and Ragen — regarding the spring bear issue, and stressed that those meetings involved fewer than a quorum and that he believed they were permissible based on legal advice he had received. Commissioner Lehmkuhl acknowledged an incident in which certain commissioners met with Washington Wildlife First while it was actively litigating against the Department, stating that legal counsel later addressed this with those commissioners in a public meeting. He stated he was not involved in that meeting and identified Commissioners Smith, Rowland, and Ragen as having participated, characterizing it as clearly improper.

Commissioner Lehmkuhl's overall position was that mistakes may have occurred, particularly through daisy-chaining or the forwarding of messages by others, but that he personally made every effort to comply and never willfully violated OPMA. He maintained that he had no need to count votes privately, given that commissioners' positions were generally known and commissioners openly stated their views.

Statement of Commissioner Barbara Baker

Commissioner Baker stated she had not observed or been made aware of OPMA concerns, with the exception of the vice-chair election matter. She described the Commission as attentive to quorum rules in informal settings, stating that when commissioners find themselves together in a social setting with five or more present, they stop discussing commission business. She characterized the Commission as among the most careful in state government with respect to these requirements and provided a recent example of commissioners self-correcting in that situation.

Regarding allegations that the spring bear vote was predetermined, Commissioner Baker emphasized that the spring bear issue was addressed over a period of more than a year and a half, involved three separate formal votes, and culminated in a moderated decision-making process on November 18, 2022, that included extensive public participation. She stated that commissioners voted consistently with positions they had held throughout that process and characterized this as commissioners having settled, well-reasoned views after a lengthy deliberative process, not the product of secret pre-meeting coordination. She emphasized that commissioners had both legal and policy grounds for their positions, particularly those who voted against the spring hunt.

Commissioner Baker addressed claims that she would oppose public testimony at a critical meeting. She explained that on final decision days, the Commission's established practice is not to reopen public comment, because public input has already been received earlier in the process and in written form. She stated that the November meeting at issue was the final step in a process spanning well over a year, during which the Commission received more than 33,000 written comments and heard many hours of public testimony. She characterized the assertion that the public was unconstitutionally denied the right to be heard as factually incorrect.

Commissioner Baker recalled that Sportsmen's Alliance materials alleged that commissioners confirmed each other's intended votes on the vice-chair election, and that some text messages suggested a daisy chain in which commissioners asked others to check how fellow commissioners would vote. She stated that one of her personal rules is that she does not disclose how she intends to vote. She conceded that she may have received a call asking whether she would support Commissioner Ragen and replied that she would not discuss her vote, acknowledging that if that constitutes participation, it was a minor and passive one. She did not characterize this as an OPMA violation.

Regarding email chains and off-meeting policy drafting, Commissioner Baker addressed the Sportsmen's Alliance claim that email exchanges among commissioners drafting a conservation policy constituted improper daisy-chain decision-making. She stated that fewer than a quorum of commissioners engaging in private discussions on issues is entirely permissible and described it as a routine occurrence on all sides of the Commission's ideological spectrum. She clarified that the document in question reflected three commissioners emailing about edits to a draft conservation policy that originated from her and department staff, making her an indirect fourth party to the exchange (a total of four commissioners), which she stated does not present a legal problem. She concluded that the Sportsmen's Alliance misunderstands Washington's OPMA framework with respect to sub-quorum discussions.

Commissioner Baker addressed a separate allegation in which four commissioners worked on a spring bear motion and she was identified as a fifth participant. She stated that the four commissioners developed the proposed motion among themselves but that she was not part of their exchange. She explained that they sent the motion to her solely in her capacity as chair, consistent with the Commission's established "no surprises" norm requiring the chair to be informed of planned motions in advance in order to manage meeting order and procedure. She acknowledged a remaining procedural question about whether providing that advance notice to the chair might technically implicate OPMA and stated the Commission should seek counsel's guidance on that specific question. She maintained, however, that she did not substantively participate in drafting the motion and that the underlying four-commissioner collaboration remained below the quorum threshold.

Commissioner Baker directly rejected claims that commissioners routinely conducted commission business outside of public view. She noted the Commission's ideological composition, describing roughly three commissioners on each end of the spectrum and three in the middle, including herself, and argued that this division makes quorum-level covert consensus unlikely, as the commissioners who coordinated did not constitute a group that consistently agreed with each other on all matters. She reiterated that sub-quorum discussions are common and legally permissible and expressed her view that no quorum-level private decision-making sessions occurred.

Commissioner Baker characterized the OPMA allegations as legally overstated and largely rooted in the Sportsmen's Alliance petition, reflecting a misunderstanding of what sub-quorum commissioners may discuss privately, the procedural role of the chair in receiving advance notice of motions, and the difference between commissioners holding long-formed, publicly expressed views and engaging in secret pre-meeting decisions. She acknowledged that procedural imperfections may have occurred, particularly in the early stages of the spring bear process, but characterized the situation as substantially political in nature.

Statement of Commissioner Melanie Rowland

Commissioner Rowland stated her understanding of OPMA's purpose is to ensure that decisions are not made in private and that the public has the right to know who is making decisions, how they are made, and why, through open and accessible meetings. She described OPMA's purpose as parallel to that of the Public Records Act in promoting government transparency. Commissioner Rowland stated that her working understanding is that OPMA is triggered when a quorum of commissioners is involved, which for the nine-member Commission requires five commissioners, and she distinguished between informal communications among fewer than five commissioners to share information or discuss issues, and formal meetings requiring OPMA compliance when five or more commissioners gather to discuss commission business.

Commissioner Rowland acknowledged pre-vote email discussions among herself, Commissioner Smith, Commissioner Lehmkuhl, and former Commissioner Ragen regarding the spring bear hunt, confirming that those four commissioners are the group referred to as the "Gang of Four." She denied that these discussions violated OPMA on the grounds that only four commissioners were involved, which she understood to be below the quorum threshold. She stated that her understanding was that commissioners cannot meet as a quorum and conduct business outside of a public meeting, but that a quorum requires five members and four commissioners cannot make a binding decision. She described the discussions as an exchange of ideas and information rather than formal decision-making, and argued that limiting all substantive commissioner discussions to on-the-record meeting time would be an ineffective way to address the scientific complexity of the issues before the Commission, given the need for expert input and thorough preparation.

Regarding allegations that decisions were predetermined before public sessions, Commissioner Rowland acknowledged the concern about appearances but rejected the characterization that outcomes were fixed. She returned to the point that no individual commissioner can bind their vote in advance and that no group of four can legally decide anything on behalf of the Commission, noting that commissioners retain the ability to change their positions at any time. She emphasized that public comment on the spring bear hunt had been received extensively over a period of one to two years before she joined the Commission and framed pre-meeting exchanges among four commissioners as part of thorough deliberation rather than a substitute for public process.

Commissioner Rowland directly denied that the Gang of Four was formed to circumvent OPMA. She stated that she communicated regularly with Commissioners Smith, Lehmkuhl, and Ragen because she respected their scientific and professional backgrounds and shared their conservation values, not in order to avoid compliance with the Open Public Meetings Act. She described the group's primary function as sharing scientific analysis, particularly from Commissioners Ragen and Lehmkuhl, and discussing ethical considerations related to the spring bear hunt and the application of the precautionary principle.

Regarding allegations related to leadership elections, Commissioner Rowland stated that the Gang of Four no longer existed as a four-person group at the time of the vice-chair election because Commissioner Ragen had departed from the Commission. She acknowledged that she personally encouraged Commissioner Lehmkuhl to run for vice chair, expressed her support for him to other commissioners, and voted for him. She denied, however, that any organized four-commissioner pre-vote strategy or vote counting occurred in connection with that election.

Commissioner Rowland consistently defended the practice of sub-quorum discussions, stating that it is standard practice in government for officials to speak with one another outside of formal meetings and that restricting all substantive exchange to public sessions would be unrealistic and counterproductive to effective governance. She framed her communications with selected commissioners as information-seeking rather than secret decision-making.

Statement of Commissioner Lorna Smith

Commissioner Smith stated that the core OPMA requirement is that a quorum of commissioners cannot take action or conduct business outside of a public meeting, noting that it takes a quorum to act on behalf of the Commission. She distinguished between decisional actions, which she stated require a public meeting, and non-decisional work such as gathering information, holding discussions, and reviewing drafts, which she stated can appropriately occur outside of public meetings. Commissioner Smith emphasized that formal deliberation occurs in public meetings, stating that she would not characterize between-meeting discussions as deliberation, because deliberation is the final stage of a decision-making process.

Commissioner Smith repeatedly stated that four or fewer commissioners may meet and work outside of a public meeting without violating OPMA. She stated that four commissioners can meet in committee or work session, make recommendations to the full Commission, and have those recommendations acted upon in a public meeting where the full nine-member Commission makes any binding decision. Regarding drafting and research activities, Commissioner Smith stated that if fewer than a quorum is involved, drafting documents is not a violation, and she questioned how such preparatory work could realistically be conducted exclusively in public. She stated that decisions cannot be made outside the public eye, but that research, drafting, and the preparation of documents to be put before the full Commission and the public are appropriate activities to conduct outside of formal meetings. She cited the Game Management Plan as a concrete example of a multi-year drafting process conducted by fewer than a quorum, followed by a formal public process and public hearings.

Commissioner Smith denied that commissioners engaged in daisy-chaining to discuss and coordinate votes outside of public view, stating it did not happen. She described her understanding of daisy-chaining as a scenario in which fewer than a quorum discusses a matter and those communications are then forwarded to additional commissioners, eventually encompassing more than a quorum. She stated she never observed that practice and did not participate in it, with the exception of transmitting a motion to the chair. Commissioner Smith acknowledged frequent meetings among four commissioners but presented those as permissible under OPMA and focused on research and information sharing rather than vote coordination.

Commissioner Smith addressed a specific OPMA concern regarding the spring bear motion. She stated that four commissioners — herself, former Commissioner Ragen, Commissioner Rowland, and Commissioner Lehmkuhl — met and agreed to bring forward a motion on the spring bear hunt. Following that agreement, she transmitted the motion language to Chair Baker in advance, consistent with the Commission's "no surprises" norm. She stated this was cited as daisy-chaining but that she did not consider it a violation at the time and continues to hold that view, explaining that the communication to the chair was simply a notification that the motion would be brought forward and a request to confirm it was in the appropriate format.

Regarding allegations about predetermination of the spring bear vote, Commissioner Smith acknowledged that the four commissioners discussed how to draft the motion prior to the public meeting but denied that vote counting was necessary or occurred. She explained that before the vote took place, commissioners' positions had been well established and publicly known, and that the outcome would turn on the position of newly appointed Commissioner Ragen, who had publicly communicated his views. She stated that the four commissioners did not need to confirm others' votes because everyone already knew where each commissioner stood. She described their pre-meeting discussions as focused on how to write a motion that was clear and technically sound, rather than on securing commitments from other commissioners.

Commissioner Smith denied that the vice-chair selection was predetermined. She stated she had no recollection of communications regarding the vice-chair vote and did not attempt to influence any commissioner's vote on that matter. She stated she was uncertain who the final candidates would be until nominations were made from the floor on the day of the vote and that, while she may have had a brief exchange with one commissioner about the election, she did not engage in any organized effort to secure votes for a particular candidate.

Regarding concerns about commissioners using email exchanges to draft rules and policies without public observation, Commissioner Smith again relied on the sub-quorum distinction, stating that drafting activities involving fewer than a quorum are not a violation of OPMA. She characterized emails and calls among fewer than a quorum as normal and permissible preparatory work — including research, agenda coordination, and the development of recommendations — with all binding decisions reserved for public meetings.

Commissioner Smith stated that commissioners have received OPMA training, primarily from agency counsel Joe Panesko, and that she also had prior training from her service on a planning commission. She described the training as ongoing and often responsive to specific questions that commissioners bring to counsel, but acknowledged that the Commission has not received comprehensive, dedicated training on OPMA as a whole.

Statement of Commissioner Woody Myers

Commissioner Myers described his understanding of OPMA in straightforward terms as a quorum rule: if a quorum of commissioners is present, they cannot discuss any official business outside of a public meeting. He expressed uncertainty, however, about what constitutes official business for purposes of that rule. He stated that in his simplest interpretation, official business means making a decision or discussing how the agency should function in a broad sense. He questioned whether gathering background information or working to become informed about an issue constitutes official business under a technical reading of the statute, stating he had never thought so but acknowledged he is now less certain and was unsure whether that uncertainty made him a past violator of OPMA. Commissioner Myers consistently distinguished between decision-making, which he views as clearly restricted by OPMA, and information gathering or background conversations, which he has historically not treated as official business but is now reconsidering.

Commissioner Myers stated that he received little to no formal OPMA training until recently. He stated that Commission counsel Joe Panesko recently provided training that represented his first formal instruction on OPMA, noting that prior guidance had consisted entirely of informal reminders, such as being mindful of head counts to avoid a quorum at informal gatherings. He stated that his earlier understanding of OPMA came primarily from legal briefings from counsel and informal reminders at commissioner gatherings.

Commissioner Myers stated that commissioners are generally careful to avoid forming a quorum outside of public meetings. He described hosting gatherings at his home, such as barbecues, at which commissioners are explicitly reminded they cannot discuss commission business and are present purely for social purposes. He noted that legal counsel has been present at such gatherings. Commissioner Myers acknowledged that OPMA constraints limit the depth of group deliberation available to commissioners, and stated that there are circumstances where he believes commissioners would benefit from more opportunity to discuss matters as a group. He framed this as a governance concern rather than a justification for noncompliance, acknowledging the law's underlying purpose.

Commissioner Myers demonstrated awareness of daisy-chaining concerns and described his understanding of the practice as contacting commissioners individually to gauge their voting intentions in a sequential manner that collectively involves a majority, thereby circumventing the open meetings requirement. He stated he believes commissioners have generally been careful about this practice. He questioned, however, the policy rationale for treating daisy-chaining as problematic, asking why commissioners should not know where their colleagues stand on an issue and how effective governance is possible without that information. Commissioner Myers admitted some limited practice of asking colleagues where they stand on a pending matter and stated he has told commissioners his own position when asked, but denied engaging in any systematic effort to poll or coordinate a majority outside of public meetings.

Regarding allegations that commissioners routinely conducted commission business outside of public view, Commissioner Myers acknowledged that he frequently discusses commission issues outside of formal meetings, not only with other commissioners, but with outside experts and stakeholders whose knowledge he believes will inform his decision-making. He acknowledged that others might characterize this as conducting commission business outside of public view and stated that if that is the case, he does not see anything improper in collecting information to make better decisions. He denied engaging in offline strategizing to predetermine votes or to persuade other commissioners to vote in a particular direction.

Commissioner Myers directly denied that the Commission predetermines outcomes before public meetings. He provided one specific example of pre-vote contact, describing a conversation with Commissioners Smith and Rowland immediately before a cougar vote. He stated that he initiated the conversation because he believed those commissioners were misinterpreting the data provided by department staff and wished to clarify the statistics before the vote was taken. He characterized this as technical clarification rather than vote coordination. He described his pre-vote contacts more generally as occasional, one-on-one conversations with commissioners he is close to, asking where they stand on an issue, without expecting them to disclose their final vote and without seeking to commit them to a particular position.

Finding:

Based on the preponderance of the evidence, this allegation is **substantiated in part**.

The evidence establishes that commissioners engaged in serial meetings that violated the Open Public Meetings Act. A serial meeting occurs when members of a governing body engage in a series of communications that collectively involve a majority discussing agency business, even when no single communication includes a quorum. The evidence does not establish that commissioners knowingly violated OPMA. Rather, the record reflects reliance on quorum-based legal guidance and a failure to appreciate that sequential communications collectively involving a majority can violate the Act regardless of the size of any individual exchange.

Multiple commissioners acknowledged frequent communications among an identified group of four[1] regarding substantive commission matters, including the spring bear hunt, conservation policy development, the vice-chair election, and motion drafting. Commissioner Rowland confirmed that the group referred to themselves as the "Gang of Four." The communications went beyond information sharing. Commissioners discussed how to structure motions, anticipated voting outcomes, and coordinated support for leadership positions prior to public meetings — active coordination on agency business, not merely passive preparation. Commissioner Smith described four commissioners reaching agreement on the substance of the spring bear motion and then transmitting the language to Chair Baker under the Commission's "no surprises" norm, thereby extending the discussion chain to a fifth commissioner before the matter reached a public meeting.

Documentary evidence corroborates these accounts. Text messages recovered from former Commissioner Ragen's computer show commissioners discussing whether they had secured five votes to elect him vice chair, noting when an anticipated vote was no longer available, and confirming support from specific commissioners. Director Susewind distinguished between counting votes, which he acknowledged is not inherently improper, and securing votes — reaching agreement on an outcome outside of a public meeting — which he characterized as inconsistent with OPMA's requirement that commission business be conducted openly. Deputy Director Windrope described a pattern of smaller-group communications involving twos and threes that collectively encompassed a majority discussing policy drafts, edits, and voting strategy — coordination she characterized as deliberately structured to remain below the quorum threshold. Commissioner Anderson, who was not part of the identified group, described perceiving unusual dynamics during formal commission meetings and later confirming through documentary evidence that substantive discussions had been occurring outside of public view, including advocacy-facilitated dinners in Anacortes involving subsets of commissioners discussing conservation and science policy.

Commissioners consistently maintained that sub-quorum discussions were permissible. Commissioner Smith distinguished between decisional actions, which she agreed require a public meeting, and preparatory work such as drafting and information gathering, which she believed could occur outside of public view. Commissioners Baker, Rowland, and Lehmkuhl expressed similar understandings, and Commissioner Myers acknowledged genuine uncertainty about where the line between information gathering and official business falls. Their testimony reflects a good-faith belief that their communications constituted appropriate preparatory work rather than prohibited serial meetings. Under RCW 42.30.120, personal liability attaches only to knowing violations, and the evidence does not support that standard.

Once OPMA concerns were raised, commissioners reported taking remedial steps, including increased attention to quorum limits, formal affirmation of attendance and quorum at the start of meetings, and heightened awareness regarding informal gatherings.

This allegation is **substantiated in part**. The evidence establishes that commissioners engaged in serial meetings through coordinated communications that collectively involved a majority discussing and shaping agency business outside of publicly noticed meetings, and that documentary evidence corroborates coordination on votes, policy drafting, and leadership elections conducted through private communications. The evidence does not establish that commissioners knowingly violated OPMA. The violations appear to have resulted from reliance on quorum-based legal advice and an inadequate understanding of serial meeting prohibitions rather than a deliberate effort to conceal decision-making from the public.

Allegation 3: Violations of the WDFW Commission Rules of Procedure — Ethical Conduct and Conflicts of Interest

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Statement of Director Kelly Susewind

Director Susewind expressed repeated concerns regarding commissioners' interactions with advocacy organizations, particularly where those organizations were actively engaged in litigation against the department. While he did not characterize all of the conduct as clear statutory violations, he described what he viewed as significant ethical concerns and potential conflicts of interest.

Director Susewind acknowledged that advocacy organizations, including Washington Wildlife First, are appropriate and welcome participants in commission processes and that sound decision-making benefits from broad stakeholder input. He emphasized, however, that commissioners must act in their capacity as public officials rather than as advocates, and that while advocacy groups are welcome participants, commissioners must set aside any prior advocacy role and serve the interests of all Washington residents rather than align with particular interest groups.

Director Susewind described frequent and repeated meetings between four commissioners and Washington Wildlife First, before and after commission meetings. He characterized the frequency of these meetings as occurring dozens and dozens of times. While acknowledging that meeting with advocacy organizations is not inherently unlawful, he expressed serious concern about the frequency, coordination, and lack of disclosure surrounding those interactions.

Director Susewind identified Claire Davis, Executive Director of Washington Wildlife First, as a central figure in these interactions. He stated that emails reflected Davis providing legal briefs directly to certain commissioners in matters where Washington Wildlife First was actively litigating against the department. He described this as raising significant ethical concerns given the adversarial posture of ongoing litigation.

Director Susewind emphasized that Washington Wildlife First and Wild Fish Conservancy were active litigants in multiple lawsuits against the department during the relevant period and expressed concern that commissioners were meeting with representatives of those organizations while that litigation was pending. In his view, commissioners engaging in discussions with litigants, particularly following executive session briefings regarding those same cases, created at minimum a serious appearance of conflict of interest. He stated that litigants appeared to be aware of the substance of executive session briefings provided to commissioners, which he found troubling. While he was not certain whether specific conduct constituted a technical legal violation, he repeatedly described the circumstances as ethically problematic.

Director Susewind also referenced a spreadsheet maintained by Claire Davis that tracked potential commission candidates and included commentary regarding their suitability for appointment. He stated that certain entries in the document were attributed to sitting commissioners and reflected strategic considerations regarding commission composition and leadership. He characterized this as part of a broader pattern of coordination between specific commissioners and outside advocates regarding commission governance.

Statement of Deputy Director Amy Windrope

Deputy Director Windrope described concerns regarding commissioners' interactions with advocacy organizations, particularly Washington Wildlife First, Wild Fish Conservancy, and The Conservation Angler. She characterized these organizations as a closely aligned group of advocacy entities frequently engaged in litigation against the department and active in petitions and policy matters pending before the Commission.

Deputy Director Windrope stated that records recovered from Commissioner Ragen's laptop reflected recurring meetings between members of the "Gang of Four" and these advocacy organizations before and after most commission meetings, including discussions regarding litigation, petitions, and policy matters pending before the Commission. While she acknowledged that commissioners are expected to engage with stakeholder groups, she expressed concern about the frequency and consistency of meetings with this particular set of organizations and the degree of coordination reflected in related communications.

Deputy Director Windrope described the Gang of Four as functioning as an undisclosed, off-the-books subcommittee that identified internal priorities, including what she characterized as an effort to gain control of the commission agenda, without formally communicating those priorities to staff or the full Commission. In her view, the recurring meetings with aligned advocacy organizations, combined with internal coordination among the four commissioners, reflected policy shaping occurring outside of formal public processes.

Deputy Director Windrope expressed specific concern about the role of Claire Davis, whom she described as counsel and executive leadership for Washington Wildlife First and as a frequent litigant against the department since approximately 2017. She stated that commissioners were meeting with Davis and her clients while those lawsuits were active and that such meetings, particularly without department counsel present, presented both ethical and legal risk.

Deputy Director Windrope described specific concerns regarding litigation strategy. She stated that commissioners received executive session briefings from the Attorney General's Office regarding active hatchery-related litigation and that, after certain commissioners were subsequently named individually as defendants, at least one commissioner asserted in executive session that being named in the lawsuit entitled her to influence or direct litigation strategy. She stated that agency counsel responded that litigation strategy remained within the purview of the Attorney General's Office and was not subject to commissioner direction.

Deputy Director Windrope further stated that shortly thereafter, litigants sent communications to commissioners inviting direct discussions about litigation strategy and offering to brief them on pleadings. She characterized this sequence as deeply concerning — commissioners who had received confidential executive session briefings were being invited to engage directly with opposing counsel regarding the same litigation, on personal devices and without department counsel present. In her view, this created both ethical concerns and potential legal exposure for the department.

Deputy Director Windrope also described a sequence involving hatchery funding in the capital budget. She stated that certain commissioners had multiple opportunities to review and discuss the proposed budget publicly without raising objections to hatchery maintenance funding, but then met with Wild Fish Conservancy the day before a key budget vote and subsequently opposed the hatchery maintenance line item in a manner consistent with that organization's litigation position. She characterized this as an effort to undermine existing hatchery policy through budget mechanisms and as evidence of non-public coordination with litigants on matters pending before the Commission.

Deputy Director Windrope described Commissioners Smith and Rowland as closely aligned with Washington Wildlife First and Claire Davis, noting that Commissioner Smith had spoken at Washington Wildlife First events and that both commissioners had longstanding personal and professional relationships with leadership of that organization. While acknowledging that commissioners routinely engage with advocacy groups, she characterized the level of alignment and frequency of contact in this instance as atypical and as raising serious concerns about impartiality and the representation of all stakeholders.

Statement of Commissioner James Anderson

Commissioner Anderson stated that it is normal and appropriate for commissioners to meet with stakeholder and advocacy groups, noting that he regularly engages with recreational and commercial fishing groups, hunters, environmental organizations, and animal rights advocates. He emphasized that while commissioners should remain accessible, those interactions must remain within ethical and legal boundaries. He stated that commissioners should avoid making advance commitments and that decisions are made collectively at Commission meetings. Commissioner Anderson distinguished between occasional or one-time meetings, which he views as appropriate, and repeated meetings that may create ongoing alignment with a particular group and raise concerns about fairness or undue influence.

Commissioner Anderson described an instance in which Wild Fish Conservancy sought meetings with multiple commissioners, including Commissioners Rowland, Smith, Ragen, and possibly Baker, while the Commission and tribal co-managers were actively developing hatchery policy. He characterized this as a coordinated effort to influence several commissioners during active policy deliberations and expressed concern that repeated engagement of that nature creates the appearance of off-table decision-making.

Regarding the wolf periodic status review, Commissioner Anderson described sustained advocacy from Washington Wildlife First, the Center for Biological Diversity, the Humane Society, and other organizations. He referenced an instance in which Commissioner Myers reportedly informed an outside advocate in advance how he intended to vote on a matter, which Commissioner Anderson characterized as poor judgment and inconsistent with appropriate boundaries.

Commissioner Anderson identified the most serious conduct as meetings between certain commissioners and representatives of advocacy organizations while those organizations were actively litigating against the department. He stated that Wild Fish Conservancy and Washington

Wildlife First met with Commissioners Ragen, Rowland, and Smith during a period of active litigation and characterized such contact, particularly involving advocacy attorneys, as inappropriate from both a legal and ethical standpoint.

He also referenced advocacy-facilitated dinners in Anacortes in approximately 2023, organized by Washington Wildlife First and hosted by Commissioner Ragen, and reported that Commission policies, including conservation and science policy, were discussed at those gatherings. He characterized these events as selective and advocacy-organized reflecting the broader pattern he associated with the Gang of Four.

Commissioner Anderson described his own approach to advocacy engagement as maintaining accessibility while refraining from making advance commitments, avoiding agreement on votes prior to formal deliberation, and directing input through established processes such as public comment and formal topic submissions. He stated that as contacts with a particular group become more frequent or as decisions near, commissioners should reassess whether the relationship risks compromising their independence or creating an appearance of conflict.

Statement of Commissioner John Lehmkuhl

Commissioner Lehmkuhl denied being part of a coordinated group working with Washington Wildlife First to influence commission outcomes and characterized those allegations as without factual basis.

Commissioner Lehmkuhl described meetings with advocacy and interest groups as a routine part of his role as a commissioner and stated that the Commission's Rules require members to represent all residents of Washington State. He noted that Washington Wildlife First requested meetings with him, whereas the Sportsmen's Alliance did not, and stated he would have met with hunting groups had they sought contact. He estimated meeting with Washington Wildlife First approximately four times over the course of a year and emphasized that he did not initiate those meetings.

Commissioner Lehmkuhl acknowledged that Washington Wildlife First strongly opposed the spring bear hunt and that he shared that position, but stated he also disagreed with the organization on other matters, including wolf status review, wolf-livestock rules, and cougar and bear hunting. He stated his voting record reflects disagreement with the organization on multiple issues and denied that it directed or unduly influenced his votes.

Regarding the Gang of Four characterization, Commissioner Lehmkuhl acknowledged that Commissioners Smith, Rowland, Ragen, and he participated in Zoom calls and often shared similar views on the spring bear issue. He stated that Washington Wildlife First held the same position on that issue but denied that shared alignment constituted collusion or the formation of an improper voting bloc.

Commissioner Lehmkuhl described a disagreement about the optics of certain meetings rather than misconduct, noting that he did not believe meetings with advocacy groups violated any rules so long as they remained under quorum and did not involve discussions of litigation. He acknowledged that the situation has produced friction and differing interpretations of what the Commission's expectations require.

Commissioner Lehmkuhl stated that he did not routinely disclose his meetings with advocacy organizations to other commissioners and described the disclosure rules as unclear to him. He stated he did not recall any explicit requirement to report his participation in such meetings.

With respect to litigation involving Washington Wildlife First, Commissioner Lehmkuhl acknowledged awareness of the litigation but stated he did not participate in any discussions with the organization during periods of active litigation. He recalled that other commissioners met with the organization during that time and stated that doing so would not have been appropriate. He stated he is highly confident he did not engage in discussions with the organization regarding its litigation against the department.

Statement of Commissioner Barbara Baker

Commissioner Baker described the core concern raised by Director Susewind, Deputy Director Windrope, and the petitioners as the perception that certain commissioners were too closely aligned with particular advocacy organizations, creating an appearance that those groups were influencing Commission decision-making. She acknowledged that Director Susewind believed some commissioners were too closely aligned with organized groups on the conservation side of the political spectrum, but stated expressly that such relationships are not illegal and do not necessarily constitute misconduct, noting that every commissioner, including herself, communicates with and receives input from outside organizations and individuals.

Commissioner Baker addressed a text message in which she questioned whether she was "conspiring" against fellow commissioners during a call with Ruth Musgrave, who later joined the Governor's Office. She characterized this as a moment of self-reflection rather than an admission of collusion, explaining that she may have been criticizing a fellow commissioner and later questioned whether doing so was appropriate.

Regarding her own interactions with advocacy and stakeholder groups, Commissioner Baker described them as limited and informational. She stated that she contacts individuals when she has substantive questions, maintains an open invitation to speak with groups across the ideological spectrum, occasionally participates in Zoom meetings, and at times serves as a speaker at events. She characterized these engagements as sporadic and not aligned with any single interest group.

Commissioner Baker stated that commissioners understand the ethical and legal boundaries governing their interactions with advocacy groups and outside individuals. She indicated she had not observed colleagues crossing legal or ethical lines and did not believe that maintaining relationships with advocacy organizations, in itself, constitutes misconduct.

Commissioner Baker described Washington Wildlife First as an organization that formed during her tenure and that frequently disagreed with agency and Commission decisions. She noted the organization had advocated for Director Susewind's removal, a position she did not support, and characterized her own relationship with the organization as strained rather than aligned. She acknowledged that certain commissioners, particularly Commissioner Smith, had closer relationships with individuals affiliated with that organization but stated she had no knowledge of illegal or unethical conduct arising from those relationships.

Commissioner Baker acknowledged that some commissioners maintained frequent contact with advocacy organizations across perspectives and that Director Susewind expressed concern about perceived coordination with certain groups. However, she distinguished such contact from unlawful collusion, stating that communications among fewer than a quorum and outreach to stakeholders are routine and lawful. She disagreed that the relationships, as she understood them, rose to the level of illegality or clear misconduct.

Statement of Commissioner Melanie Rowland

Commissioner Rowland stated that meeting with stakeholder and advocacy groups is a normal and expected part of her role as a commissioner. She reported engaging with conservation organizations, hunting groups, fishing groups, and other constituents and stated that she generally responds when groups initiate contact rather than seeking out meetings herself. She described participating in Zoom meetings with hunting groups, speaking with hunters during commission meeting breaks, and engaging with local fishing organizations and guides, characterizing these interactions as part of fulfilling her obligation to remain accessible to diverse constituencies.

With respect to Washington Wildlife First, Commissioner Rowland acknowledged multiple contacts with the organization. She described developing a personal friendship with a representative who lived near her and stated that her communications with Washington Wildlife First included phone calls, occasional Zoom meetings, and in-person interactions at Commission meetings, including shared meals. She acknowledged that Commission business was discussed in some of these communications, describing conversations about studies, testimony, and policy matters pending before the Commission, but characterized those discussions as informational in nature.

Commissioner Rowland stated that other commissioners sometimes participated in these Zoom calls, identifying Commissioner Smith as a likely participant on some occasions. She indicated that she would at times inform colleagues that she had spoken with advocacy representatives and summarize the information exchanged. She confirmed that department legal counsel was not informed of each phone call or meeting, stating she did not believe routine constituent communications required disclosure.

Commissioner Rowland acknowledged awareness that Washington Wildlife First had filed lawsuits against the department and stated she learned of those matters through regular counsel briefings. She denied discussing the substance of active litigation with Washington Wildlife First representatives, stating she did not intend to discuss pending lawsuits and did not recall doing so. She stated she was not involved in litigation strategy and did not participate in strategy discussions with the plaintiffs.

Commissioner Rowland stated that she does not view discussions with interest groups and constituents as inherently creating a conflict of interest. She distinguished between general policy discussions and conduct she would consider improper, such as sharing nonpublic information about the department's litigation strategy or advising litigants on how to respond to the department's legal arguments, and stated she has not engaged in such conduct.

Commissioner Rowland referenced an executive session discussion in which she questioned aspects of the department's litigation position and another commissioner asked whose side she was on. She stated that raising questions about a plaintiff's arguments reflects legitimate oversight responsibilities rather than alignment with litigants and does not, in her view, constitute a conflict of interest.

During her interview, Commissioner Rowland was shown a multi-page spreadsheet listing potential candidates for Commission vacancies. She stated she had not previously seen the document and denied contributing to it in any way.

Statement of Commissioner Lorna Smith

Commissioner Smith stated that engaging with advocacy and stakeholder groups is part of her duty as a commissioner. She reported making herself available to any individual or organization that wishes to contact her, provided interactions remain respectful. She stated that she regularly speaks with a broad range of conservation organizations, including the Sierra Club, Washington Environmental Council, Audubon, Center for Biological Diversity, and Washington Wildlife First, as well as with members of the hunting community.

With respect to Washington Wildlife First, Commissioner Smith stated that representatives of the organization contact her regularly and that she speaks with the organization's Science and Advocacy Director on a frequent basis, describing the contact as occurring roughly weekly. She indicated that most of her communications with advocacy groups are initiated by those groups rather than by her and characterized the conversations as often involving the sharing of scientific research and policy information. She stated that she expects advocacy efforts directed at her to be grounded in science, as she bases her decisions on scientific information, and acknowledged that such communications influence her thinking — characterizing that influence as appropriate, given that her role involves listening to the public and considering information presented by stakeholders.

Commissioner Smith described conflict of interest as involving monetary benefit or personal gain, such as receiving compensation in connection with Commission actions. She expressed skepticism that merely communicating with advocacy groups could constitute a conflict of interest and indicated she did not understand how such communications would implicate legal or ethical concerns.

Commissioner Smith confirmed awareness that Washington Wildlife First and other organizations have sued the department. She denied discussing active or specific litigation matters with those groups, stating that doing so would cross a clear line and that both she and the organizations understood that boundary. She stated she does not engage in conversations about the substance of pending legal actions.

Commissioner Smith stated that in her view the Commission has limited involvement in litigation strategy, that commissioners may receive updates but do not direct decisions such as whether to pursue settlement. She expressed the view that the department could potentially reduce costs by exploring settlement options more frequently, though she acknowledged such decisions are not currently within the Commission's role.

When shown a multi-page spreadsheet listing potential candidates for Commission vacancies during her interview, Commissioner Smith stated she was familiar with that type of document and understood it to be a compilation used to gather input from knowledgeable individuals to assist the Governor's Office in vetting prospective appointees based on background, experience, and expertise. She stated she was asked to provide input on certain individuals she knew personally, specifically whether she believed they were qualified to serve. She understood that her comments were conveyed to the Governor's Office through intermediaries. Commissioner Smith emphasized that she did not create, edit, or manage the spreadsheet itself and that her role was limited to offering assessments of certain candidates, which others entered into the document.

Statement of Commissioner Woody Myers

Commissioner Myers described himself as broadly open to stakeholder input, stating that he listens to perspectives from all sides because stakeholders are members of the public who engage with the Commission. He stated that some groups contact him directly and that he also seeks out input from hunting communities to understand their perspectives. He characterized all such input as informational data points that inform but do not determine his decisions.

Commissioner Myers confirmed that Washington Wildlife First was among the groups that encouraged him to seek appointment to the Commission and supported his candidacy. He stated that after his appointment, he deliberately distanced himself from the organization due to perceived pressure regarding how he should act or vote, which he found uncomfortable. He reported intentionally maintaining distance to preserve his independence and avoid the appearance of alignment, noting that his decisions are science-based and that while he considers stakeholder input, scientific information ultimately drives his decision-making.

Commissioner Myers acknowledged regular contact with Washington Wildlife First representatives, particularly one individual who frequently testifies at Commission meetings. He described one conversation in which litigation was referenced after he'd been individually named, but denied discussing the substance of active litigation with Washington Wildlife First representatives and stated there were no instances in which litigation strategy was discussed.

Commissioner Myers described his approach to advocacy pressure as measured and noncommittal, stating that he typically thanks individuals for their input and evaluates whether they present credible information. He characterized himself as data-driven rather than interest-group-driven and stated he has not altered scientific conclusions or decision-making to align with any organization.

Commissioner Myers stated he has not observed colleagues engaged in relationships with advocacy groups that, in his view, constituted conflicts of interest or improper alignment.

Finding:

Based on the preponderance of the evidence, this allegation is **substantiated in part**.

The evidence establishes that certain commissioners engaged in repeated, undisclosed communications and meetings with advocacy organizations, including organizations actively litigating against the department, in ways that created appearance concerns, institutional risk, and inconsistent compliance with the Commission's own disclosure obligations. The evidence does not establish unlawful collusion, statutory conflicts of interest, or direct coordination of specific litigation strategy with opposing parties, but does establish repeated, undisclosed engagement with litigating parties and their counsel that violated the Commission's Rules of Procedure and undermined the transparency and impartiality those rules are designed to protect.

The Commission's Rules of Procedure require commissioners to provide summaries of meetings attended as representatives of the Commission, keep other commissioners informed of individual commission-related activities, and avoid activities that create a conflict of interest or the appearance of one, standards that go beyond minimum statutory conflict-of-interest requirements.

The investigation established that multiple commissioners maintained regular contact with Washington Wildlife First, Wild Fish Conservancy, and The Conservation Angler over a two-year period. Scheduling records reflect numerous private meetings between commissioners and these organizations, typically arranged shortly before and after public commission meetings, though the records do not establish attendance at every scheduled meeting. A review of the RagenCalendarReport.xlsx spreadsheet further quantifies the volume of this engagement:

- Commissioner Smith appears in 40 scheduled meetings from January 2022 through January 2025
- Commissioner Rowland appears in 37 scheduled meetings over the same period
- Commissioner Lehmkuhl appears in 28 scheduled meetings from January 2022 through February 2024
- Commissioner Myers appears in 13 scheduled meetings from April 2023 through January 2025

These meetings spanned a broad range of substantive topics pending before the Commission, including wolf rules, bear motions, hatchery reform, game management plans, cougar petitions, and conservation policy matters.

Despite the record, Commissioner Lehmkuhl, for example, acknowledged approximately four meetings with Washington Wildlife First over the course of a year. Opposing counsel Claire Davis was identified as a scheduled attendee at approximately twenty of those meetings while she and her client organizations had multiple active lawsuits pending against the department. Commissioners Rowland and Smith each acknowledged multiple contacts with Washington Wildlife First involving discussions of studies, testimony, and policy matters pending before the Commission, with Commissioner Smith describing contact with one representative as occurring roughly weekly and acknowledging that such communications influence her thinking. Regardless of how commissioners characterized these exchanges, the volume, regularity, and subject matter of the contacts, particularly those involving active litigants and their counsel, were not disclosed to other commissioners or department counsel as required and created an appearance of conflict inconsistent with the Commission's Rules of Procedure.

The record reflects that opposing counsel Claire Davis sent emails directly to the personal email addresses of Commissioners Ragen, Rowland, and Smith on August 13, 2023 and September 8, 2023 discussing the Chinook SEPA case, and sent two additional emails to Commissioner Smith in 2021 discussing active litigation. There is no evidence that any commissioner responded to or engaged with Davis on the substance of those communications. Commissioners Rowland, Smith, and Myers each denied discussing the substance of pending litigation with litigating organizations, and there is insufficient evidence to conclude that commissioners shared nonpublic litigation strategy, provided legal advice to litigants, or coordinated specific legal arguments with opposing parties. Allegations of unlawful litigation collusion are therefore unsubstantiated. However, the documented pattern of repeated meetings with litigants and their counsel, receipt of litigation pleadings and critiques of the department's legal posture directly from opposing counsel, and failure to disclose those contacts created appearance concerns and institutional risk inconsistent with the Commission's Rules of Procedure, regardless of whether litigation substance was directly discussed.

The investigation also identified a candidate-vetting spreadsheet circulated by Ms. Davis, containing candid assessments of prospective and sitting commissioners, commentary attributed to Commissioners Ragen, Rowland and Smith, and indicators of an effort to advance candidates aligned with the organization's policy goals. Commissioner Smith acknowledged providing input on certain candidates to assist the Governor's Office in evaluating appointees but denied creating or managing the document. Commissioner Rowland denied having seen it or contributed to it. There is insufficient evidence to conclude that commissioners improperly directed or manipulated the appointment process, but the existence of an advocacy-maintained vetting document reflecting commissioner-attributed input and evaluating candidates based on policy alignment raises meaningful concerns about independence and appropriate boundaries.

Commissioners' understandings of conflict of interest varied considerably. Commissioners Smith and Rowland described conflict primarily in terms of monetary benefit or personal gain, while Commissioner Myers stated he distanced himself from Washington Wildlife First after perceiving pressure and emphasized his commitment to independence. The investigation identified no evidence of financial benefit, quid pro quo arrangements, or personal gain; statutory conflict of interest is therefore unsubstantiated. However, the record reflects inconsistent adherence to the Commission's appearance-based and disclosure obligations, compounded by limited structured training and unclear operational protocols, leading several commissioners to rely on personal judgment and a belief that avoiding discussion of litigation substance was sufficient — without fully appreciating the appearance concerns created by the contacts themselves.

Accordingly, this allegation is **substantiated in part**. The evidence establishes violations of the Commission's Rules of Procedure governing disclosure and avoidance of conflicts of interest or the appearance thereof, but does not establish unlawful litigation collusion, statutory conflicts of interest, or direct coordination of litigation strategy with opposing parties. The conduct reflects differing views about appropriate stakeholder engagement, insufficient appreciation of appearance-based governance risks, and inconsistent compliance with the Commission's own disclosure obligations.

Allegation 4: Staff Mistreatment, Staff-Commissioner Dynamics, and Alleged Retaliation Against the Director

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Statement of Director Kelly Susewind

Director Susewind described staff-commissioner dynamics as structurally challenging, explaining that he is responsible for agency operations and staff while also reporting directly to the Commission as one of its employees. He stated that commissioners sometimes attempt to provide individual direction, which creates difficulty when nine commissioners offer nine different and potentially inconsistent perspectives. He stated that he needs commissioners to coalesce around the collective will of the Commission rather than provide competing individual direction to agency leadership.

Director Susewind described tensions that arose during public records compliance efforts, particularly in connection with the Sportsmen's Alliance litigation. He stated that once the department was sued, assistant attorneys general worked directly with commissioners to emphasize the legal and financial liability associated with noncompliance, but that staff and counsel continued to experience difficulty obtaining records from certain commissioners even after litigation commenced. He described Commissioners Rowland and Smith as particularly resistant during this process and stated that they fought staff efforts to obtain responsive records.

Director Susewind described communications he interpreted as job-related pressure following his decision to request an external investigation. He stated that after he submitted his request, Commissioner Smith conveyed that a group of commissioners did not trust him and could not work with him, which he understood as implying risk to his continued employment. He described a subsequent conversation in which he again understood Commissioner Smith to suggest that his position was at risk because certain commissioners were unhappy with him. While he acknowledged that he serves at the Commission's pleasure and that commissioners have authority to express dissatisfaction with his performance, he characterized the statements as retaliatory in their tone and timing.

Director Susewind described the broader environment as highly adversarial and polarized, stating that candid discussions are difficult to have without statements being misconstrued or weaponized. He stated he has made deliberate efforts to shield lower-level staff from conflicts involving commissioners, expressing the view that executive leadership should absorb responsibility for those tensions rather than expose staff to uncomfortable power dynamics or retaliation concerns.

Director Susewind also noted that certain commissioners have framed the current scrutiny, records activity, and investigation as retribution by himself and external stakeholders following the spring bear vote. He stated he could not speak to the motivations of outside parties but emphasized that the department must address concerns based on the information before it.

Statement of Deputy Director Amy Windrope

Deputy Director Windrope described staff-commission dynamics as increasingly adversarial and characterized by a fundamental mismatch in orientation. She stated that department leadership views the Commission as part of a shared governance structure working collaboratively to accomplish agency objectives, while certain commissioners, particularly Commissioners Smith and Rowland, appear to view the department itself as institutionally biased, using the word "corrupt" to describe what she believes they perceive as longstanding prioritization of hunting interests and alleged withholding of scientific information. She stated that commissioners have not identified specific, correctable instances of misconduct but instead express broad grievances that are difficult for staff to address constructively.

Deputy Director Windrope described several instances in which she believes commissioner conduct negatively affected individual staff members. She stated that Julia Smith, the department's wolf policy lead, worked extensively to provide requested information to commissioners but experienced repeated public criticism from Commissioners Smith and Rowland. She stated that the environment became sufficiently difficult that Julia Smith self-demoted from her wolf policy position, though she remains employed with the department, and characterized this outcome as a significant loss to the program attributable to commissioners rejecting staff science rather than simply disagreeing with it through the vote itself.

Deputy Director Windrope similarly stated that former bear biologist Stephanie Simic left her role after experiencing repeated public disagreement and criticism from commissioners regarding bear management. She described a pattern in which commissioners, when strongly disagreeing with staff recommendations on controversial predator management topics, were unwilling to engage with information that did not align with their preferred policy outcomes. She also described an incident in which a newer bear biologist, Stephanie Landry, was yelled at during a public setting by Commissioner Ragen, with other commissioners present. She stated that Commissioner Ragen later apologized but characterized the incident as an example of the intimidation of professional staff that had become part of the commission environment.

Deputy Director Windrope described concerns regarding the treatment of public records staff during contentious PRA compliance periods. She stated that Marissa Young, who supports commission-related public records processing, contacted her after a staff member became upset following a call from Commissioner Smith. She stated that Commissioner Smith berated the staff member over the interpretation of a records request, refused to provide responsive records, and directed staff to change how the request was characterized. She stated the interaction left the employee visibly distressed and that public records staff have experienced repeated verbal hostility from commissioners in connection with high-volume and high-profile requests.

Deputy Director Windrope described instances in which she believed commissioners publicly undermined department leadership. She recounted a meeting in which Commissioner Smith told Director Susewind that he was not there to speak and that the Commission did not need to hear from him. She also described a situation in which Commissioner Smith directed the Director to enter into a contract with Wild Fish Conservancy despite staff advising that the contract was unnecessary and that normal procurement processes had not been followed, which she characterized as disregard for staff expertise and established procedures.

Deputy Director Windrope described what she viewed as retaliatory conduct directed toward Director Susewind following his request for an external investigation. She stated that Commissioner Smith threatened the Director's continued employment and demanded an apology for his letter to the Governor, and that Chair Baker told the Director she had the votes to remove him. She characterized these statements as retaliatory in nature and reflective of a climate in which raising compliance or ethics concerns could result in threats to employment.

Deputy Director Windrope described the cumulative effect of these dynamics as demoralizing to staff and harmful to agency morale, stating that she believes certain commissioners do not recognize the impact of their conduct on department employees and that the resulting climate has significantly strained collaboration between Commission leadership and agency professionals.

Statement of Commissioner James Anderson

Commissioner Anderson described ongoing tension between the Commission and department staff as rooted primarily in differences over roles, trust, and governance boundaries rather than personal conflict. He stated that some commissioners have questioned whether the department is using the best available science in areas such as carnivore management and hatchery policy, and whether staff have been sufficiently transparent in presenting information. He characterized these concerns as contributing to strained relationships, noting that there have been genuine questions among some commissioners about whether they could fully rely on the information they were receiving from staff.

Commissioner Anderson emphasized the structural challenge of a nine-member, part-time commission providing policy oversight to an agency with approximately 2,000 professional employees. He described the central tension as determining how commissioners can provide meaningful policy direction and oversight without becoming overly involved in operational or technical matters. In his view, some commissioners have favored a more directive approach, while others have supported a policy-level role that relies heavily on staff expertise. He stated that when commissioners move too far into operational details, particularly in highly technical areas, it creates confusion, inefficiency, and friction with staff.

Commissioner Anderson identified the petition process as a significant stressor in staff-commission relations, explaining that as more petitions were submitted, the Commission became increasingly drawn into highly technical rulemaking matters rather than remaining focused on broader policy. He described this as shifting the Commission toward dealing primarily with petitions rather than policy and expressed concern that this dynamic is poorly suited to a part-time body and generates unnecessary conflict with staff responsible for technical implementation.

With respect to treatment of staff, Commissioner Anderson focused his concerns on governance friction, lack of trust, and differing expectations about authority. He stated that Commissioner Smith's approach upon joining the Commission created difficulties in staff relationships, describing her as arriving with strongly held views that departmental governance was out of step with emerging science and that she had better ideas about management. He stated that this posture created real difficulties with staff, who felt she was not working collaboratively or showing sufficient respect for their expertise and existing departmental practices.

Commissioner Anderson described department staff as consistently supportive and engaged in helping commissioners meet their legal and procedural obligations, noting that staff and the Assistant Attorney General provide training on PRA and OPMA compliance, offer individualized assistance with public records compliance, and have been proactive in developing commissioner-specific compliance plans. While acknowledging staff frustration with ongoing compliance issues, he characterized staff efforts as constructive and patient throughout.

Statement of Commissioner John Lehmkuhl

Commissioner Lehmkuhl described current commissioner-staff dynamics primarily in terms of tension and diminished trust arising from the investigation itself. He stated that the investigation has been disruptive to normal working relationships and has created uncertainty about how staff perceive the Commission, contributing to what he and others have characterized as dysfunction. In his view, the strain between commissioners and the Director's office is largely a product of the allegations and investigation process rather than longstanding interpersonal conflict.

Statement of Commissioner Barbara Baker

Commissioner Baker described her personal relationship with department staff as respectful and generally positive. She acknowledged early friction regarding commissioner access to staff, explaining that when she first joined the Commission, commissioners were instructed to route questions through management rather than contact technical staff directly. She objected to that approach as inefficient and stated that the system has since improved, with commissioners now able to contact staff more directly while keeping supervisors informed.

Commissioner Baker described frequent and routine interaction with Director Susewind, stating that he makes himself available to commissioners and attends all commission meetings along with Deputy Director Windrope. She acknowledged that some commissioners have reduced their interactions with the Director following the investigation but stated that overall access to department leadership has not been restricted.

With respect to allegations of staff mistreatment, Commissioner Baker acknowledged that isolated incidents have occurred but stated she has not observed a sustained or systemic pattern of misconduct. She described reports of staff mistreatment as troubling but noted that the specific conduct she has observed has not exceeded acceptable bounds or gone uncorrected. She also noted that commissioners themselves are frequently subject to harsh treatment during public testimony.

Commissioner Baker identified one specific incident involving Commissioner Rowland's questioning of staff member Julia Smith during a meeting, which resulted in Smith leaving the room in tears. She characterized Rowland's questioning style as similar to courtroom cross-examination and stated that while she did not view that approach as appropriate in a commission setting, she did not believe it reflected intentional abuse. She attributed the exchange in part to differences in communication style.

Commissioner Baker described recurring friction between Commissioner Smith and staff during Smith's tenure as Wildlife Committee chair, stating that Smith at times felt staff were placing roadblocks in front of her policy objectives, which led to frustration and occasionally sharp communications. She described such incidents as periodic points of tension rather than sustained misconduct, while acknowledging that the current situation represents a more significant conflict than in prior years.

Regarding allegations of retaliation against Director Susewind, Commissioner Baker described the Director's letter to the Governor requesting an investigation as a major turning point in commission-director relations. She stated that some commissioners viewed the letter as insubordinate because the Director reports directly to the Commission and did not inform them in advance. She acknowledged warning the Governor's staff that requiring the Director to initiate the request could lead to repercussions, given that the Commission holds hire-and-fire authority over the Director. She stated, however, that she personally opposed efforts to terminate the Director, expressing that she admires him and believes he performs his job well, and described herself as having resisted calls to remove him.

Statement of Commissioner Melanie Rowland

Commissioner Rowland described her overall relationship with department staff as positive and cooperative. She stated that she has good working relationships with staff, wants to maintain those relationships, and repeatedly acknowledged that staff work extremely hard and deserve respect, including in the context of public records compliance.

With respect to allegations that she berated public records staff, Commissioner Rowland stated she has no recollection of doing so and does not understand what conduct would be characterized that way. She acknowledged being frustrated at times with certain public records requests, which she viewed as excessive or abusive, and admitted she was not always cooperative because of her frustration with the volume and nature of the requests. She described her communications as expressions of frustration about workload and process, such as questioning the scope of a request or stating that a request felt unreasonable, rather than personal attacks on staff. She stated she respects public records staff and would not want their job, and indicated that if specific conduct were identified as inappropriate, she would want the opportunity to respond directly.

Regarding her interactions with wolf policy lead Julia Smith, Commissioner Rowland recalled pressing Smith during a commission meeting on issues related to wolf management, including lethal and non-lethal approaches. She stated she was surprised to learn afterward that Smith felt personally attacked, explaining that her intent was to engage in substantive policy discussion rather than to berate or antagonize. She acknowledged that she has a strong personality and can be direct and passionate in meetings, which may come across as intense. Upon learning that Smith had been upset, she apologized and stated that their relationship is now positive.

Commissioner Rowland also addressed concerns regarding former bear biologist Stephanie Simic, stating that she had virtually no working relationship with Simic outside of commission meetings. She attributed any concerns to her pointed questioning during spring bear management discussions, which she framed as focused on evaluating the sufficiency and precautionary nature of the data presented rather than on the individual presenting it. She acknowledged that her questioning style could have been perceived as aggressive but maintained that her concerns were directed at the substance of the information, not at Simic personally.

Commissioner Rowland expressed concern about structural and resource limitations affecting both commissioners and staff, noting that a single shared staff member supporting nine commissioners is insufficient and that public records and technical support infrastructure is strained relative to the volume of requests and expectations placed on both commissioners and staff.

Statement of Commissioner Lorna Smith

Commissioner Smith described her interactions with department staff as consistently positive and respectful. She stated that she has excellent working relationships with staff across the department and holds the highest respect for WDFW employees. In her role as committee chair, she reported interacting with staff on an almost daily basis, including regular meetings with multiple staff members and fellow commissioners, and characterized those working relationships as highly productive.

With respect to Director Susewind, Commissioner Smith described their working relationship as respectful and collegial, while acknowledging differences of opinion on certain matters. She stated that concerns regarding the Director's performance, when raised, were addressed in executive session consistent with the Commission's oversight role. She noted that a formal performance evaluation had not occurred for approximately two and a half years due to disruptions in committee leadership and process.

Commissioner Smith stated that she learned of the Director's request for an investigation when he sent the Commission a copy of his letter to the Governor. She described her reaction as surprise and dismay and characterized the broader circumstances surrounding the investigation as highly disruptive to the Commission's work and, in her view, politically motivated. She stated that she has felt targeted by a particular group for approximately five years and described those efforts as relentless. She further stated that the investigation has had a punitive effect on the Commission, noting that it is repeatedly referenced at public meetings in ways that, in her view, create an assumption of guilt. She maintained that despite policy disagreements, her own interactions with staff and the Director remain respectful and professional.

Statement of Commissioner Woody Myers

Commissioner Myers described his approach to staff-commission dynamics as grounded in respect for agency professionals and reliance on their scientific expertise. He emphasized that WDFW biologists and researchers perform demanding and sometimes dangerous work and expressed frustration that management recommendations from professional staff are not always implemented, stating that staff science should carry substantial weight in commission decision-making.

Commissioner Myers stated that some tension in staff-commission relations has been exacerbated by high-level agency administrators speaking negatively about the Commission to staff, which he believes has contributed to distrust and institutional friction.

With respect to Director Susewind, Commissioner Myers affirmed the Commission's formal oversight role, including authority to hire and fire the Director and approve the agency's budget. He noted tension arising from the Director's letter to the Governor requesting an investigation, stating that some commissioners were upset the matter was not discussed with them before the letter was sent.

Finding:

Based on the preponderance of the evidence, this allegation is **substantiated in part**.

The evidence shows that a significant breakdown in trust developed between certain commissioners and department leadership, resulting in strained staff-commissioner dynamics and isolated instances of confrontational or inappropriate conduct toward named staff members. The evidence does not establish a coordinated pattern of harassment, systemic mistreatment of staff, or formal retaliatory action against the Director.

The investigation identified persistent tension regarding the appropriate boundary between commission policy oversight and staff operational authority. Several commissioners expressed concerns about the quality, transparency, and framing of staff science, particularly regarding carnivore management, hatchery policy, and petition processes, while department leadership described those same dynamics as contributing to distrust and adversarial interactions. Virtually all commissioners described their relationships with staff as generally respectful, and the evidence does not establish that any commissioner directed formal discipline, reassignment, or other adverse employment consequences against any staff member.

The investigation identified specific incidents reflecting confrontational tone or elevated conduct toward named staff members. Commissioner Rowland's questioning of wolf policy lead Julia Smith during a public meeting was described by multiple witnesses as intense and prosecutorial in style. Julia Smith reportedly became visibly upset and left the room during a break. Commissioner Rowland acknowledged pressing Smith strongly on wolf management issues and later apologized upon learning that her questioning had been experienced as personal or antagonistic. Commissioner Baker characterized Rowland's style as resembling courtroom cross-examination and stated that while she viewed the approach as inappropriate for a commission setting, she did not believe it was intentionally abusive. Deputy Director Windrope also described tension involving former bear biologist Stephanie Simic, stating that the dynamics during spring bear discussions contributed to Simic leaving her position, an account Commissioner Rowland disputed, stating she had virtually no working relationship with Simic outside of formal meetings. Deputy Director Windrope further described an incident in which Commissioner Ragen yelled at bear biologist Stephanie Landry during a public setting, stating that Commissioner Ragen subsequently apologized.

With respect to public records staff, Deputy Director Windrope described Commissioner Smith as having berated staff member Marissa Young over the interpretation of a records request and directed staff to change how the request was characterized, leaving the employee visibly distressed. When asked about staff relations, Commissioner Smith denied mistreating staff and acknowledged frustration with the volume and nature of certain requests. Because her response took the form of a categorical denial, Commissioner Smith's interview testimony does not specifically address the Marissa Young incident or any direction to staff regarding how a records request should be interpreted or characterized. The closest Commissioner Smith came to discussing request interpretation was in describing the role of executive assistant Jamie Caldwell. She reported, "[Jamie Caldwell] is the executive assistant for all nine commissioners... she recently agreed to, in addition to her other responsibilities to take on... some hand holding, if you will, for us as commissioners in responding to these PDRs. We have now set up a spreadsheet for each commissioner separately... She helps maintain that spreadsheet. She helps with interpretation." In context, Commissioner Smith was describing interpretation flowing from staff to her, not direction flowing from her to staff regarding how a request should be construed or scoped. Commissioner Smith also stated, "I have excellent relationships with staff across the board. I have the highest respect [for] staff."

While the reported incidents reflect interactions that at times exceeded appropriate governance standards, the evidence does not establish that any commissioner directed formal adverse employment action against any staff member, or that the confrontational interactions were part of a coordinated or sustained campaign of harassment.

The most significant tension arose following Director Susewind's letter to the Governor requesting an external investigation. Multiple commissioners described being surprised and upset that the Director proceeded without prior notice to the Commission. Deputy Director Windrope stated that Commissioner Smith threatened the Director's continued employment and demanded an apology, and that Commissioner Baker told the Director she had the votes to remove him. Commissioner Baker acknowledged warning that repercussions could follow given the Commission's hire-and-fire authority over the Director, though she also stated she personally opposed efforts to remove him and described herself as having resisted calls to do so. Commissioner Smith characterized her communications as consistent with the Commission's legitimate oversight role and framed her concerns as governance-related rather than retaliatory.

The investigation found no evidence that the Commission initiated formal termination proceedings, imposed discipline, reduced compensation, altered job duties, or otherwise exercised its authority over the Director in response to his request for investigation.

The evidence supports a finding that Director Susewind's request for investigation materially damaged trust between him and certain commissioners, and that some commissioners expressed anger and questioned his judgment in ways that were experienced as threatening. However, the record does not establish that the Commission undertook formal retaliatory employment action against him.

Across interviews, witnesses described a highly polarized and adversarial institutional environment. Commissioners Smith and Rowland described feeling politically targeted and characterized the investigation as disruptive and punitive. Department leadership described serious concerns about governance norms and institutional risk. Staff were at times placed in the middle of disputes between commissioners and leadership. The cumulative effect of these dynamics was destabilizing to governance processes and demoralizing to staff, though the evidence does not support a conclusion that commissioners engaged in coordinated retaliation against the Director or institutionalized harassment of staff.

This allegation is **substantiated in part**. The evidence establishes a significant breakdown in trust between certain commissioners and department leadership, documented confrontational interactions between commissioners and named staff members, and strained relations between certain commissioners and Director Susewind following his request for investigation. The record does not establish systemic staff harassment, formal retaliatory action against the Director, or coordinated efforts to remove him in response to his protected activity. The conduct reflects governance conflict, escalating institutional tension, and mistrust rather than organized retaliation or sustained abuse of authority.

Allegation 5: Improper Timekeeping and Compensation Claims

Statement of Director Kelly Susewind

Director Susewind stated that he had concerns regarding Commissioner Smith's time accounting practices during a prior period of service. He explained that commissioners receive flat daily compensation of $100 for any day on which commission work is performed, and that the structure permits a full day's pay even when only a portion of the day is spent on commission-related activity.

Director Susewind stated that Commissioner Smith claimed compensation for work on essentially every day over an approximately eighteen-month period, with the exception of

Christmas and New Year's Day, and that this level of claimed activity was significantly higher than that of any other commissioner during the same timeframe. He acknowledged, however, that he was not asserting a definitive finding of wrongdoing, stating that he did not believe there was a hard issue, and indicated that this matter was not a primary focus of his concerns. He stated that review of time accounting practices should be handled by the administrative and financial staff responsible for oversight of compensation processes.

Statement of Deputy Director Amy Windrope

Deputy Director Windrope described concerns regarding Commissioner Smith's timekeeping and per diem compensation claims. She explained that commissioners are paid a flat daily rate of approximately $100 for any day on which commission work is performed, regardless of the number of hours worked, and that commissioners submit time claims every two weeks using a spreadsheet. She noted that most commissioners typically provide at least a brief description of the work performed on each day claimed.

Deputy Director Windrope stated that over approximately a fourteen-month period spanning 2024 into early 2025, Commissioner Smith claimed to have worked every day except Christmas, without providing descriptive entries to accompany those claims. She stated that during this same period, Commissioner Smith's total compensation was approximately three times the amount received by then-Chair Baker, despite the significant workload associated with the chair position. Deputy Director Windrope characterized this disparity as concerning from an administrative oversight perspective. She stated that when Commissioner Smith was questioned about the pattern of daily claims, she indicated there was a lot of work to do, without further elaboration.

Statement of Commissioner Lorna Smith

Commissioner Smith addressed concerns regarding her timekeeping and compensation practices directly. She stated that commissioners were advised they may claim a full day of compensation for any day on which they perform commission work, even if the work amounts to as little as one hour. She explained that her work regularly consists of phone calls, emails, and participation in meetings related to commission business and that she counts those activities as qualifying work for purposes of claiming a daily rate. She confirmed that calls and emails are included in what she considers compensable work and stated that this guidance was provided to her by Deputy Director Windrope early in her tenure, though she could not recall a specific date.

Commissioner Smith characterized herself as one of the most actively engaged commissioners and stated that the concerns regarding her timekeeping are not valid. She indicated that she is highly active in commission work and expressed confidence that her fellow commissioners would acknowledge the extent of her involvement. She also rejected suggestions that she claimed compensation for days involving personal travel, stating that she does not meaningfully travel for personal reasons and that when she does travel, it is primarily for work-related purposes.

Finding:

Based on the preponderance of the evidence, the allegation that Commissioner Smith engaged in improper timekeeping and compensation practices is **unsubstantiated**.

The evidence confirms that Commissioner Smith claimed compensation on a significantly higher number of days than her peers during the relevant period, including what amounted to nearly every day over approximately fourteen months, with limited descriptive entries accompanying those claims, resulting in total compensation substantially higher than other commissioners, including the Commission Chair. However, the Commission's compensation structure permits a full day's per diem for any day on which commission work is performed, regardless of the number of hours worked. Commissioner Smith stated she was advised early in her tenure that even a partial day of activity, such as responding to emails, participating in phone calls, or attending meetings, qualifies for a full day's compensation, and identified Deputy Director Windrope as the source of that guidance.

The investigation did not identify evidence establishing that Commissioner Smith falsely certified work performed, claimed compensation for days on which no commission-related activity occurred, or violated any established compensation policy. No evidence of fraud, intentional misrepresentation, or improper personal gain was substantiated. The limited documentation accompanying her claims contributed to administrative concern and a perception of irregularity, but absent a clear policy requirement mandating detailed daily descriptions — or evidence contradicting her representation that qualifying work occurred on the days claimed — the evidence is insufficient to conclude that her compensation practices constituted a violation of governing rules or misconduct.

Accordingly, this allegation is **unsubstantiated**.

VI. Conclusion

This investigation was conducted in response to concerns raised by WDFW Director Kelly Susewind regarding the conduct of certain Washington Fish and Wildlife Commissioners. Over the course of the investigation, I interviewed eight witnesses, reviewed hundreds of pages of documentary evidence, and analyzed communications and records produced in connection with ongoing Public Records Act litigation. The investigation encompassed five categories of alleged conduct, each evaluated under a preponderance of the evidence standard.

Four of the five allegations are substantiated in part. The evidence establishes that commissioners did not consistently comply with their Public Records Act obligations, including through use of personal devices for commission business, submission of inaccurate declarations of search, and in some instances active resistance to production. It further establishes that commissioners engaged in serial meetings — coordinated communications among an overlapping subset of commissioners that collectively involved a majority discussing and shaping agency business outside of publicly noticed meetings — in violation of the Open Public Meetings Act. The evidence also establishes that certain commissioners engaged in repeated, undisclosed meetings and communications with advocacy organizations actively litigating against the department, in violation of the Commission's Rules of Procedure governing disclosure and conflicts of interest. Finally, the evidence establishes a significant breakdown in trust between certain commissioners and department leadership, with isolated instances of confrontational conduct toward named staff members and communications directed at Director Susewind that were experienced as threatening following his request for an external investigation.

In each instance, the evidence stops short of establishing the most serious forms of the alleged misconduct. The PRA finding does not establish that noncompliance was universally intentional or the result of coordinated concealment. The OPMA finding does not establish knowing violations or deliberate concealment of decision-making. The ethical conduct and conflicts of interest findings do not establish unlawful litigation collusion or statutory conflicts of interest. The staff mistreatment finding does not establish systemic harassment, formal retaliatory employment action against the Director, or a coordinated effort to remove him in response to protected activity.

The allegation regarding Commissioner Smith's timekeeping and compensation practices is unsubstantiated. The evidence does not establish that she falsely certified work performed, claimed compensation for days on which no commission-related activity occurred, or violated any established policy.

The record reflects a Commission navigating a period of significant institutional pressure, marked by escalating outside advocacy, high-volume public records litigation, ideological disagreement, and deteriorating relationships between commissioners and department leadership. Commissioners and department leadership offered sharply divergent accounts of the adequacy of training and guidance provided, and the evidence does not resolve that dispute conclusively. What the record does establish is that legal obligations existed, that compliance was inconsistent, and that the consequences of that inconsistency were real — for staff, for the department, and for the institution itself.

Given the breadth of the substantiated findings, the Governor's Office should consider appropriate remedial action. At a minimum, that should include comprehensive training on OPMA serial meeting prohibitions, PRA obligations and records retention, and the Commission's Rules of Procedure governing disclosure and conflicts of interest. Clear operational protocols should be established governing commissioner communications with advocacy organizations and litigants. Records management infrastructure should be strengthened, including through consistent use of state-issued devices and centralized systems. Regular compliance reviews should also be implemented to ensure that governance expectations are understood and consistently met. To the extent any formal corrective action with respect to individual commissioners is considered, it should be determined in consultation with legal counsel and with consideration of both applicable statutory authority and the full record, including the systemic conditions and mitigating factors documented herein.

*** This concludes my report on this matter.

Office of the Governor
Washington Department of Fish & Wildlife Commission Investigation

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Addendum to the Final Investigation Report

Allegation 1 — Public Records Act Compliance (Revised Finding)

Drafted By

Chiedza Nziramasanga

Transformative Workplace Investigations

chiedza@transformativeinvestigations.com

www.transformativeinvestigations.com

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Addendum to the Final Investigation Report

This document is an addendum to my Final Investigation Report in the Washington Department of Fish & Wildlife Commission investigation, originally submitted on April 6, 2026. It sets out a revised finding on Allegation 1, Public Records Act compliance, and supersedes the corresponding finding in the April 6 report. All other allegations, findings, and sections of the April 6 report remain unchanged.

This revision was prepared to add clarity and specificity, in response to questions and comments raised during the review period and in light of additional documentation received after the Final Investigation Report was submitted. Deputy Director Amy Windrope provided further responsive records through Tami Lininger of WDFW on June 10, 2026, organized as Group 1, Group 2, and Group 3, and on July 7, 2026 the Office of Financial Management provided the online Declaration of Search form used by commissioners. Because these materials were received after the Final Investigation Report and its Appendix A were assembled, they are treated as a supplement and are cited by their exact titles. Documentary sources are cited by bracketed number and listed, with Appendix A document numbers where applicable, in the Documentary Cited section. Interview testimony is incorporated in the Final Report and is cited by interviewee and date, as listed in the Investigative Interviews section.

Allegation 1 — Public Records Act Compliance Finding

Based on a preponderance of the evidence, this allegation is substantiated in part. The evidence shows repeated failures to comply consistently with public-records and record-retention requirements. Commissioners used personal devices for Commission business, did not always conduct complete searches, delayed production, and, in some instances, failed to identify responsive records. The evidence does not establish that these failures were universally intentional or part of a coordinated effort to conceal records.

Two public records requests illustrate different compliance failures. Public Records Request #23674 (the Czarnecki request) involved an inaccurate certification concerning the existence of responsive records [1][2]. Public Records Request #23276 (the U.S. Sportsmen's Alliance Foundation request) involved a prolonged and incomplete response [3][4][5]. The requests are addressed separately below.

Czarnecki Request

WDFW received the Czarnecki request, Public Records Request #23674, on April 1, 2024 [7]. The request sought communications among Commissioners Smith, Baker, Ragen, and Rowland concerning the Commission's December 13 through 19, 2023 meeting, including the vice-chair election and identified policy issues [1]. The request was narrow. It identified four commissioners, specific subjects, and a seven-day period.

Commissioners reported their searches through WDFW's Declaration of Search form [2][9]. Commissioner Ragen stated, "I did not search for records," explaining that he believed responsive records were located in WDFW email or OneDrive and that the Department would conduct the search. Commissioner Rowland likewise stated, "I did not search for records," but also reported spending one hour on the search, stated that she knew she had no responsive records, acknowledged that she was required to search her personal device, and declared under penalty of perjury that her responses were true and correct [2][9].

Commissioner Rowland's certification is internally inconsistent [2]. She could not both have conducted no search and know with certainty that no responsive records existed, particularly when she acknowledged that her personal device was required to be searched. At least one of those representations was inaccurate.

More importantly, responsive records did exist. WDFW later recovered approximately fifteen to twenty text messages from two threads [1][12] (Interview of Deputy Director Amy Windrope, September 23, 2025). One was a December 2023 group text among Commissioners Ragen, Smith, and Rowland discussing Ragen's vice-chair candidacy and counting support for his election [1]. These messages fell squarely within the seven-day period and concerned the specific Commission meeting and vice-chair election identified in the request.

The limited scope of the request is significant. These were a small number of messages exchanged during a seven-day period, among commissioners specifically named in the request, about an identified meeting and election. A reasonable search should have identified them. Commissioner Ragen also had responsive messages on his personal phone and forwarded screenshots of the thread to his agency email in June 2024 [1][5].

I do not rely on Commissioner Smith's September 6, 2024 certification to make a finding against her. The record is unclear whether that certification concerned the Czarnecki request or the Sportsmen's Alliance request (No. 23276). WDFW records attribute the entry differently, and Commissioner Smith later stated that she mistakenly identified Request No. 23276 when completing declarations of search [2][4][6]. Because the evidence does not clearly establish which request the certification concerned, I cannot find that Commissioner Smith intentionally submitted an inaccurate certification for either request.

I also draw no adverse inference from the fact that the WDFW search log shows the penalty-of-perjury field blank for Commissioners Ragen and Smith. The underlying form identifies that question as required, and the record does not explain why their answers do not appear in the exported log [2][9].

Based on the evidence, the search certification for the Czarnecki request was materially inaccurate as to the existence of responsive records. Commissioner Rowland declared that her responses were true and correct despite an internally inconsistent entry and the existence of responsive text messages that a reasonable search should have identified. Commissioner Ragen reported that he did not search and relied on WDFW to search official systems, although responsive records were held on his personal phone [1][2][9][12].

Sportsmen's Alliance Request

The concern with the Sportsmen's Alliance request is different. Public Records Request #23276, received in September 2023, sought a broad range of commissioner correspondence over a multi-year period [3][4]. Unlike the Czarnecki request, it was large and complex. The central issue is the length and completeness of the response.

Commissioners Rowland and Smith did not produce responsive records for approximately eighteen months [5]. In March 2025, both submitted sworn declarations acknowledging responsive records on personal accounts. Commissioner Rowland produced records after approximately fifteen hours of searching, and Commissioner Smith produced records after approximately thirty hours of searching [3][4].

The evidence concerning Commissioner Rowland goes beyond ordinary delay. According to Department counsel, Rowland told Assistant Attorneys General that she had decided she would not respond to the request until she was forced to do so [5]. Rowland confirmed making the statement during her investigative interview (Interview of Commissioner Melanie Rowland, December 4, 2025). She explained that she had repeatedly said she needed assistance searching, storing, and transmitting the volume of records and did not believe she received adequate help. She also viewed the request as an effort to harass or intimidate commissioners.

Those circumstances provide context, but they do not change the nature of her decision. Rowland acknowledged making a considered decision not to respond to a specific public records request until compelled. I therefore find that her delay on this request was intentional. This finding is specific to Rowland and this request. It does not establish coordinated concealment by the Commission as a whole.

The March 2025 productions were also incomplete. After the commissioners certified that they had conducted substantial searches, WDFW later identified additional responsive records, located on Commissioner Ragen's computer, that one or both commissioners had not produced. These included records Commissioner Smith produced but Rowland did not, additional records neither commissioner produced, and responsive text messages omitted by both [10][11][12]. The later discovery of these records shows that the response remained incomplete even after the commissioners certified conducting substantial searches.

Broader Compliance Concerns and Contributing Conditions

The two requests occurred within a broader pattern of inconsistent public-records compliance. WDFW tracking records show multiple overdue and outstanding requests involving several commissioners, with the largest backlogs concentrated among a smaller number of individuals [5][7].

The investigation also identified communications referring to deletion of messages, including the use of "D" as shorthand for "delete" and messages stating "Please delete" [8]. Some commissioners explained that certain deletion references concerned personal matters (Interview of Commissioner Barbara Baker, November 20, 2025), and counsel did not identify concerns with every message reviewed [5]. The evidence is not sufficient to establish a coordinated practice of destroying public records. Nevertheless, the use of deletion language in communications involving Commission matters raises legitimate record-retention concerns.

Several structural conditions contributed to the Commission's compliance problems. Commissioners were not initially provided state-issued equipment in all instances, resulting in the use of personal devices for Commission business. Public-records and retention training was provided [3][4], but commissioners described differing understandings of what was required, particularly when searching personal devices (Interviews of Commissioners John Lehmkuhl, James Anderson, Barbara Baker, and Woody Myers). Request volume also increased, and commissioners served in part-time roles while responding to increasingly complex records requests.

These conditions help explain why compliance was inconsistent, but they do not excuse the specific failures identified above. The evidence shows that commissioners who had received public-records training did not consistently apply those requirements in practice [3][4].

Finding

Accordingly, this allegation is substantiated in part.

On the Czarnecki request, the search certification was materially inaccurate as to the existence of responsive records. Responsive text messages existed within the seven-day period and concerned the subjects specifically identified in the request. Commissioner Rowland submitted an internally inconsistent certification under penalty of perjury, and Commissioner Ragen did not search his personal device despite holding responsive records there [1][2][9][12]. I make no finding of inaccurate certification against Commissioner Smith because the record does not establish whether her September 6, 2024 certification concerned the Czarnecki request or the Sportsmen's Alliance request.

On the Sportsmen's Alliance request, Commissioners Rowland and Smith delayed production for approximately eighteen months, and their eventual productions did not identify all responsive records [3][4][5][10][11][12]. As to Commissioner Rowland, the evidence further establishes intentional delay because she acknowledged deciding not to respond until compelled (Interview of Commissioner Melanie Rowland, December 4, 2025).

The evidence therefore establishes individual instances of inadequate search, inaccurate certification, intentional delay, and incomplete production. It also identifies structural weaknesses that contributed to inconsistent compliance. The evidence does not establish that all commissioners deliberately evaded their public-records obligations or that the Commission engaged in a coordinated effort to conceal records.

Corrective or personnel action, if any, should be determined by leadership and human resources in consultation with legal counsel.

Documents Cited

Documentary sources are cited by bracketed number throughout this finding. Exhibits that appear in Appendix A of the investigation record are identified by their Appendix A document number. Exhibits that are not in Appendix A were provided after the Final Investigation Report was assembled and are reproduced in the accompanying file titled Allegation 1 PRA — Supplemental Documentary Exhibits (Addendum).

[1] Attachment 1 — OPMA and PRA Legal Concerns (Appendix A, Doc 18). Includes the forwarded PRR #23674 Czarnecki request stating the December 13–19, 2023 date range, and the text-message screenshots recovered from Commissioner Ragen's phone.

[2] WDFW Declaration of Search Results Log — PRR #23674 (Appendix A, Doc 27).

[3] Declaration of Melanie J. Rowland — Public Records Act, No. 25-2-00342-34 (Appendix A, Doc 51).

[4] Declaration of Lorna Smith — Public Records Act, No. 25-2-00342-34 (Appendix A, Doc 52).

[5] Department Counsel Legal Analysis — Liability Analysis (Senior Counsel Joe Panesko), Confidential (Appendix A, Doc 13).

[6] WDFW Records-Staff Correspondence re PRR #23276 — the "New_23276 … Due 11/16/23" email thread (Appendix A, Docs 63–64).

[7] Internal Commission PRA Request Tracking Log (Appendix A, Doc 70).

[8] Supplement to Petition to Remove Commissioners — record source for the deletion messages (Appendix A, Doc 4).

[9] Declaration of Search — WDFW online Declaration of Search form (Microsoft Forms), including the Question 17 declaration under penalty of perjury (a required field). Provided by Janetta Sheehan, OFM, on July 7, 2026. Not in Appendix A — reproduced in the supplemental exhibits file.

[10] Group 1 — Attachment 1 through Attachment 5 (five records Commissioner Smith produced but Commissioner Rowland did not). Provided by Amy Windrope through Tami Lininger, June 10, 2026. Not in Appendix A — reproduced in the supplemental exhibits file.

[11] Group 2 — Records 1 through 56 (fifty-six records neither commissioner produced). Provided by Amy Windrope through Tami Lininger, June 10, 2026. Not in Appendix A — reproduced in the supplemental exhibits file.

[12] Group 3 — Emails (recovered text messages neither commissioner produced). Provided by Amy Windrope through Tami Lininger, June 10, 2026. Not in Appendix A — reproduced in the supplemental exhibits file.

Investigative Interviews

The interviews cited in this finding are embedded in the Final Report, submitted April 6, 2026. The interviews are listed in the Methodology (Witnesses Interviewed) and set out within the Allegations and Findings narrative. They are cited above by interviewee and date.

Interview of Deputy Director Amy Windrope (September 23, 2025 and February 20, 2026).

Interview of Commissioner Melanie Rowland (December 4, 2025).

Interview of Commissioner John Lehmkuhl (November 17, 2025).

Interview of Commissioner James Anderson (November 10 and 11, 2025).

Interview of Commissioner Barbara Baker (November 20, 2025).

Interview of Commissioner Woody Myers (December 10 and 17, 2025).