

Pierce County

Office of Prosecuting Attorney

REPLY TO:

CIVIL DIVISION

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MEMORANDUM

TO: Dale Washam, Assessor-Treasurer
Alberto Ugas, Deputy Assessor-Treasurer

FROM: Douglas W. Vanscoy, Chief Civil Deputy

DATE: October 14, 2010

RE: Renewed Request for Investigation

RECEIVED
ASSESSOR / TREASURER

OCT 14 2010

PIERCE COUNTY

Prosecuting Attorney Mark Lindquist has asked me to respond to Mr. Ugas' October 12, 2010 letter which purports to inform Mr. Lindquist of his official duties. Let me assure you that Mr. Lindquist is well aware of his responsibilities under law. Furthermore:

1. This office has repeatedly informed you that prosecutors do not conduct criminal investigations, but make charging decisions based upon the investigative work of police agencies. 5/11/09 Horne memo to Washam; 1/27/10 Vanscoy memo to Washam.
2. This office has repeatedly informed you that Judge McPhee's written finding in Mr. Washam's unsuccessful 2004 recall action ("The Court further finds that there is a 'legally cognizable justification' for Mr. Madsen's actions") would impair any criminal case which might be brought concerning the issues litigated in the earlier proceeding. This office has never asserted that the 2004 proceedings constituted "a proper litigation of criminal charges" to use the language of your third paragraph. 5/11/09 Horne memo to Washam; 1/27/10 Vanscoy memo to Washam; 2/5/10 letter Farina to Washam.
3. This office has repeatedly informed you that the county performance audit office reported to County Council in 2009 that there is no reason to believe that taxpayers were harmed by missed physical inspections. 5/11/09 Horne memo to Washam; 1/27/10 Vanscoy memo to Washam. The escalated rhetoric of your latest communication includes the phrase "public corruption" but that connotes a kind of financial quid pro quo (see RCW 9A.68 "Bribery and Corrupt Influence") which has never been alleged in connection with these matters.
4. Your own 9/2/09 "investigative report" at pages 7-12 (still posted on the Assessor-Treasurer's web site) attempts to link to the Madsen issues a former employee who has a pending EEO complaint against Mr. Washam, raising a question whether your importuning for a criminal investigation has the appearance of impropriety, if not worse.
5. All previous responses of this office on this subject still apply.