

RECEIVED

JAN 19 2011

COUNTY COMMISSIONERS

)  
) DECLARATION OF TODD MIELKE  
)

I, **TODD MIELKE**, declare under the penalty of the laws of the State of Washington that the following statements are true and correct to the best of my knowledge and belief:

I'm writing this statement regarding an incident I personally experienced wherein Matt Shea, State Representative from the 4th District, demonstrated spontaneous, extreme anger towards me during the 2010 Legislative Session in Olympia, Washington.

The purpose for me providing this detailed account is that I have had a number of people approach me and ask me about my "run in" with Mr. Shea, and some have recounted details that are simply not true. My concern is that varying accounts will circulate and that people may mistakenly attribute false details to me.

Prior to the 2010 Legislative Session, I was asked by Sen. Mary Margaret Haugen to provide the legislature with reasons why local governments were not utilizing "tools" in law to help communities maintain their roadways. As a County Commissioner, I gave several reasons why the law was unworkable and why local governments would rarely consider the option. Sen. Haugen and other legislators set out to make technical corrections to the law during the 2010 Legislative Session to improve its workability as an option for local communities. Many of those changes were incorporated in Senate Bill 6774, which eventually became law.

Early in the legislative session, I testified at least twice before the House Transportation Committee (of which Representative Shea is a member and where he was in attendance in the front row of the dais) on this topic, and once before the Senate Transportation Committee. The bill was first approved by the Senate with a unanimous vote, including the support of Senator Bob McCaslin, the Senator representing the 4th Legislative District. When the bill transferred to the House, I again presented testimony before the House Transportation Committee including Representative Shea.

The week after providing testimony before the Transportation Committee, the lobbyist representing Spokane County spoke to Representative Shea off the floor of the House regarding the specific bill. At that time, Representative Shea said he had no concerns with the bill.

On Wednesday, February 24th, 2010 I arrived in Olympia at approximately 3:00pm and proceeded to check into my hotel. I was notified by the Spokane County lobbyist that the bill was to be voted out of committee that afternoon, instead of the originally scheduled Thursday date. He stated that Representative Shea had some concerns with the bill and that Shea requested I come find him as soon as possible. I believed this to be a normal request as legislators often may have a question about specific sections of legislation as they are being deliberated.

I arrived at the House Office Building (John L. O'Brien Building) at approximately 4pm and proceeded to the House Transportation Hearing Room on the main floor of the building. Just outside the hearing room, in the main hallway, I encountered the lobbyist for Spokane County and Representative Mike Armstrong, from the Wenatchee area. There were a number of people in the hallway in that vicinity because it is the entry area to the two largest hearing rooms for the House of Representatives, and there were hearings going on in both hearing rooms.

As I approached, Representative Armstrong stated, "Hi Todd. You're probably upset with me. I amended your bill." I responded that I had seen the amendment, that it was fine, and that it did not change the effect of the bill. I also stated that I understood Representative Shea had some concerns with the bill and wanted to see me. Armstrong responded that he wasn't sure what those concerns were, but would let him know that I was in the hallway.

A few moments later, Representative Shea emerged from a side door of the hearing room and began approaching me. He caught my attention because of his posture: he was walking briskly with his elbows and shoulders back, and his chin and chest forward. It was definitely an aggressive posture.

When he was approximately ten feet from me, Representative Shea, in a loud voice, stated, "What the F \_\_\_!!! (he did not abbreviate this expletive) Do you think you can just come over here, drop legislation on our laps without talking to us about it, and expect us to pass it?" He continued to use a number of expletives and stated that he was fed up with me coming to Olympia and talking to "everyone but him." He specifically stated that he was tired of me meeting with "[Representative] Parker and everyone else at breakfasts, lunches, and dinners, but never with him."

People within approximately twenty feet of us clearly heard his remarks, stopped their conversations, and turned towards us to see what was going on.

I reminded Representative Shea of the times that I had testified on the bill in front of him in committee. I also reminded him that the County's lobbyist spoke to him the previous week on the topic, and had attempted to speak to him earlier that day in the elevator. It made no sense that he would claim to have no knowledge of the topic.

I also stated that I had not been having "breakfasts, lunches and dinners" with any other Spokane-area legislators, with the exception of one dinner with Senator Schoesler on a different matter. I went on to explain that my schedule in Olympia puts me in a dead run doing Washington Association of County business the entire time I'm there (typically for two-day periods) and that as soon as I'm done, I race to catch my plane to return to Spokane. I further reminded him that I was a single parent and had parental responsibilities in Spokane.

Representative Shea then stated, "You need to learn that if you want anything through this process, you need to talk to me first!"

At that point, I verbally pushed back. I repeated that none of this information was new to him and that because he had my cell phone number, he had every opportunity to call me if he had concerns. I told him that he had made no attempts to contact me in the previous three months. I also questioned why he thought there was some deep conspiracy behind a bill that was simply a technical clean up and had received unanimous support in the Senate, including support from his own senator.

Representative Shea then began to lower his voice. He stated that he had a lot on his plate and that we really needed to talk more often and compare notes. I suggested that as soon as the legislative session was over, and he was re-settled in Spokane, that he contact me to set up a time to meet. I never received any follow-up communication from him.

As I left the conversation, I thought about claims I had heard from more than a year earlier regarding anger management claims by his ex-wife. She too, claimed that he had spontaneous, intense angry outbursts. But I was assured by friends that the claims were simply the result of a nasty divorce and that there was no evidence that any of this behavior occurred outside his marriage.

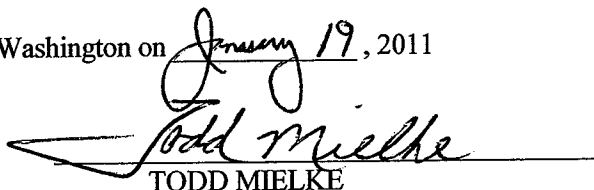
Approximately one week after the exchange in the hallway, this same legislation was being reviewed by the House Republican Caucus. It is normal for each caucus to review legislation that is listed on the "Floor Calendar" prior to debating and voting on the legislation. Following the meeting, I was contacted by three Republican House Members (who I've known over an extended time period). Each one stated that during the discussion on this legislation, Representative Shea was asked why some members voted against the bill in the

Transportation Committee when it was unanimous coming out of the Senate. I was told that Shea responded saying, "it has nothing to do with the bill...it was simply meant to send a message to a certain county commissioner." Each of the legislators wanted me to know what was being said about me and that I should be cautious about trusting Representative Shea.

Again, I would like to reiterate that my purpose in providing this Declaration is that it has become clear to me that other people are aware of the exchange between Representative Shea and me. I do not want multiple inaccurate versions, attributed to me, being distributed regarding this incident.

I am above the age of 18 and competent to testify to the matters stated herein, which are based on my own personal knowledge and experience.

Signed at Spokane, Washington on January 19, 2011

  
TODD MIELKE

SWORN TO AND SUBSCRIBED BEFORE ME, this 19th day of JANUARY 2011.





NOTARY PUBLIC, State of Washington, County  
of Spokane

My Commission Expires: 4/9/2014