LAW OFFICE OF
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July 19, 2016

Councilor Marc Boldt
Councilor Jeanne E. Stewart
Councilor Julie Olson
Councilor Tom Mielke
Public Service Center
1300 Franklin Street
Vancouver, WA 98666

Re: Rebecca Dean Report and Proposed Resolution Accepting Findings ***Via: Email and Hand Delivery***

Dear Councilors,

I write to **object** to the blanket adoption of the findings and conclusions in the highly flawed and biased "Dean Report" by way of the resolution that is on the agenda for consideration by the Board on July 19, 2016, wherein it is proposed that the BOCC adopt the factual and legal conclusions of the Rebecca Dean report of July 5, 2016.[1]

My client and I are pleased – though not surprised -- at her foundational conclusion that Councilor Madore did not racially harass Director Orjiako.

However, the wholesale adoption of the Report is premature and its adoption misguided. My client and I are working on a point-by-point response, critique and

[1] The draft resolution indicates the Dean Report was issued on July 15, 2016. In actuality, the report was issued on July 5 not July 15, 2016.

refutation of the Report and will produce that for the Council's consideration shortly.

Suffice it to say, there are enormous errors in the factual findings and the legal conclusions drawn by Ms. Dean. This does not come as a surprise given the fact that Ms. Dean was selected by Councilors Boldt, Stewart and Olson in an illegal and secret meeting to create such an erroneous report.

The content of the Report was a forgone conclusion and is much more reflective of the political motivations of the detractors of Councilor Madore than the truth.

I had the opportunity to work with Ms. Dean during her investigation. Frankly, I was astonished at her overt lack of objectivity as well as her overt partisanship.

I repeatedly had to contact her over a period of six weeks just to get her to set up an interview with my client, so that his side of the story could be told. When finally the interview occurred, I was further confounded by her failure to conduct the investigation according to commonly accepted investigatory practices. She was rude, condescending, unprofessional, and appeared intentionally dismissive of critical facts key to the matter under review.

For instance, Ms. Dean repeatedly told me to contact Prosecutor Golik if I had questions regarding the procedure or "ground rules" for the investigation, when I contacted Prosecutor Golik he begged off and told me to contact Ms. Dean. After Ms. Dean and I came to terms with respect to what the ground rules would be, Ms. Dean demonstrated her bias against Councilor Madore by subsequently reneging and would not honor the explicit terms as soon as the interview of Councilor Madore commenced.

Ms. Dean further demonstrated her bias by failing to pursue the evidence that Councilor Madore identified and failed to interview the witnesses that he identified as having insight into the various allegations. It was apparent that she either was not interested in what Councilor Madore was saying or lacked the background to understand the land use and planning issues at hand. Whether Ms. Dean herself decided not to pursue these avenues or whether she was directed not to pursue these avenues is unknown; but a complete, accurate and truthful report could

certainly not be created without investigating such matters and interviewing such witnesses.

In sum, Ms. Dean has produced a report that was bought and paid for by Councilors Boldt, Stewart and Olson to advance their political agenda. The wholesale adoption of her findings– which unfortunately I suspect a *fait accompli* -- is nothing more than a show of the eagerness of Councilors, Boldt, Stewart and Olson to self-ratify their long held positions on the matter and to further disparage my client.

There is no need to rush to adopt the conclusions of the Dean Report without providing my client an opportunity to produce a response. If the Board is truly interested in transparency and process, and a full and fair review of the facts of the matter, there is little to be lost in allowing such a report to be considered prior to the adoption. The public is entitled to have Councilor Madore's response to the Report considered before any adoption and if the facts are as clear as the Board thinks they are, they will be that clear a few weeks from now.

Accordingly, I urge you to table the proposed resolution to allow time for the production and consideration of a responsive report prior to any vote on its adoption.

As always I am available to speak about this or any other matter,

Very truly yours,

LAW OFFICE OF NICHOLAS POWER

Nicholas E. D. Power

NEDP:

cc. Client