

# Lauren Carroll

Comment 1: The Proposed Rule must include a section on Ecology's commitment to transparency, fair and equal treatment to all parties, ethical character, and adherence to the rule of law in all of its interactions. The Washington State Legislature should assign an Inspector General to whom complaints regarding Ecology's ethics may be submitted for review and appropriate action. I provide the following example to support this necessity.

On August 19, 2020, I received documents in response to a public records request (PRR) for a cleanup site known as the "Uptown Bakery Site". Ecology's project manager at that time was Heather Vick, her supervisor, Louise Bardy. Emails in that file disclosed that my firm, my name and work product had been used as an example of unscrupulous consulting practices at an Ecology meeting in 2016. This meeting included the entire Voluntary Cleanup Program (VCP) team and members of the attorney general's office. This "example" was based on a request for No Further Action (NFA) determination following a year of clean groundwater sampling. The condition of NFA had been discussed and agreed upon in a meeting with Ms. Vick in 2014. In the 2014 meeting, and as presented in a Remedial Investigation Report in Ecology's files, it was discussed that there was a small area of soil contamination present, but which was not impacting groundwater, so there was no risk to human health or the environment.

On August 19, 2020, following review of this malicious slander, I sent an email to Ms. Vick, Ms. Bardy, and other persons at Ecology stating that I was the victim of Defamation of Character by the department.

In early 2021, I received additional public records showing that on August 19, 2020, twenty minutes after I sent the Defamation of Character email to Ms. Vick, she sent a "High Importance" message to Public Records Officer Michael Hart, stating, "I thought I was going to get to review the list of emails to be sent prior to them being sent....What happened?"

In early 2021, I submitted a PRR to Ecology for the Aoki Site, for which Ms. Vick and Ms. Bardy were installed in similar capacity as the Uptown Bakery Site.

In an email from Ms. Vick to Ms. Bardy dated January 19, 2021, Ms. Vick stated that she "removed the Site name from the forwarded email", instead referring to it as the "A" Site, and stating that "I plan to delete this email to you after sending it." An additional email string between Ms. Vick and Mr. Brad Augustine (a real estate developer and owner of adjacent parcels) also refer to the site as the "A Site". It is only because Ms. Bardy did not delete her email, and later included in a string that included the work "Aoki", that I received this information.

Conclusion: Instead of making an effort to revise its ethics following my Defamation of Character email in August 2020, Ecology chose to adopt even more unscrupulous practices to avoid public disclosure, including coaching select outside parties on its methods. These activities constitute injury to public record, which is a crime under RCW 40.16.010 - Injury to public record. As stated, "Every person who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a class C felony and shall be punished by

imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.[ 2003 c 53 § 214; 1992 c 7 § 34; 1909 c 249 § 95; RRS § 2347.]"