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Complaint to state bar is 'politically motivated'

Superior Court judges file complaint against prosecutor

Stevens County Prosecuting Attorney Tim Rasmussen says that a Sept. 30 complaint filed with the state bar association against him by Stevens County Superior Court judges Rebecca Baker and Al Nielson is politically motivated and has no merit.

The county's two superior court judges said in their Sept. 30, 2009 filing with the Office of Disciplinary Counsel Washington State Bar Association that they were concerned about the first term prosecuting attorney's practice of encouraging defense attorneys to contribute to a Guatemalan orphanage that he and his wife actively support.

In their complaint, the judges say their letter to the Bar was the result of "persistent rumors and reports" they had received about Rasmussen.

Baker and Nielson conceded in their grievance that they didn't fully investigate these concerns. They indicated their concern was in the "possible violation of RCP 1.8 (f) that prohibits the acceptance of compensation from someone other than one's clients except in certain specific instances not relevant to the concerns here and the possible violation of RCW 42.23.070 (2) prohibiting any county prosecuting attorney from directly or indirectly receiving any gift or gratuity from a source other than the employing county.

Complaint by judges was filed anonymously

"The concern is this: The reports we keep receiving seem to suggest that Mr. Rasmussen solicits or at least accepts 'donations' for his charity from members of the criminal defense bar in Spokane County. In turn, these 'donations' are favorably remembered when a lawyer has a client for whom he might wish to achieve a more favorable result in a criminal case pending in Stevens County."

A handful of local and Spokane-based attorneys have taken umbrage with and exception to the bar grievance. They say there have been no "favors" and no "special consideration."

The complaint to the bar association was filed anonymously. The names of the complainants became a matter of public scrutiny last week.

Rasmussen, in his written response to the bar association, said that he has never solicited donations from Stevens County defense attorneys, "nor from any criminal defense attorney with whom I have regular contact regarding criminal cases."

The orphanage in Guatemala is operated by International Children's Care. Rasmussen and wife Annette have been actively involved with the upwards of 150 children there since 2004, when they traveled with volunteers to help drill a water well on orphanage property. They have continued to actively support the orphanage over the years.

"I have never asked any attorney in Stevens County to be involved (with support of the orphanage)," Rasmussen said. "I have never traded favors or given any consideration to any

attorney in exchange for a donation. I did not benefit in any way, either directly or indirectly, from any contribution, and neither has any attorney...except for the satisfaction of knowing they have made a difference in the lives of these poor children.”

Rasmussen, running for a second term as Stevens County Prosecutor against long-time Chewelah attorney Pat Monasmith, says that the complaint is politically motivated. Ballots for the 2010 primary election were mailed last week, the same time that information about the bar complaint was released to the press.

“Does anyone think it is a coincidence that this was released to the press on the day the ballots were received?” Rasmussen asked.

“This is simply a political attack, instigated by a former employee (a deputy prosecuting attorney). I have done nothing wrong. No one can point to any case or provide any specific facts in support of these rumors. All court files are public record and anyone can look at the files.”

Rasmussen, who feels the judges were somehow misled, says he welcomes a state bar investigation. “I hope they will finish their work,” he says.

Hopes voters will recognize the political motivation

It’s interesting to note that it’s legal for a defense attorney to donate to political campaigns, but “if they donate to a charity I support, this is made to seem unethical.”

The incumbent prosecuting attorney, who unseated long-time Stevens County Prosecutor Jerry Wetle four years ago, thinks that Stevens County’s voters will recognize the political motivation behind the issue.

“I believe voters will recognize a political attack that is based on rumor and innuendo without any substance,” Rasmussen said last week.

BY CHRIS COWBROUGH
S-E Editor