

Settlement lays ‘Ron & Steve’ to rest – for now

Shawn Vestal

On Feb. 16, 2005, a copy machine in the Spokane County Building and Planning Department began spitting out reproductions of an office seating chart.

As employees took notice, they were surprised to see two names on the chart. Two names that did not ring any bells. Two names occupying positions for which no one had been hired. Positions that had not even been *advertised*. “Ron & Steve.”

“This,” in the words of the Washington Supreme Court, “caused quite a stir.”

A manager came out and unplugged the copier, but eventually a chart was leaked. Not long after, a Steve was indeed hired – Steve Harris, son of then-Commissioner Phil Harris. Shortly after a story about that appeared in the newspaper, the computer that sent the chart to the printer was moved, and its hard drive was wiped clean.

And Spokane County began a seven-year fight over the identities of Ron and Steve, battling public records requests all the way to the state Supreme Court, where it lost decisively last fall. This week, the county commission accepted a settlement in which it will pay \$400,000 to the Neighborhood Alliance and the Center for Justice, who fought the good fight and won.

Could it be that the county’s dogged opposition in this case arose from the fact that “Steve” was almost certainly Steve Harris? Who was hired so very soon after that chart appeared, and whose hiring stunk to high heaven of cronyism, nepotism and amateurism?

“The records request was simple: Give us the records with the names of Ron and Steve,” said Breann Beggs, an attorney in the case. “Then the whole world will know who Ron and Steve are. ... There’s been no credible explanation that it was anyone other than Steve Harris.”

The Supreme Court ruled that the county had failed to search diligently for records, and improperly denied requests. Justice Charles Johnson wrote, “In this case, the County, in response to most requests, refused discovery completely, as it did not respond to the interrogatories or requests for production at all. This was improper.”

County commissioners and officials say there was no cover-up and the conflicts arose over honest differences over the law and practical difficulties involved with finding computer data.

Commissioners Todd Mielke and Mark Richard both said no document was ever discovered that identified Ron or Steve – no smoking gun was found then withheld, they said. They also emphasized that the county won its case at Superior Court and partially won in appeals court, so it wasn’t like they were doggedly pursuing a clearly lousy case.

"I know of no other records or documents that would clarify the names on that seating chart," Mielke said. "I know of no document that would help shed any light on that."

Mielke said the switching of the computer – which seems so suspicious – was routine. Mielke, Richard and the county's chief civil attorney, Jim Emacio, all said they should have pursued the data on the old computer's hard drive and that the county has changed its procedures moving forward.

Emacio, who handles public records requests for the county, said he has always tried to honor the letter and spirit of open government.

"I think it's unfair ... to say Spokane County has not been a good steward in respect to public records requests," he said. "I think this was a unique lawsuit."

That's certainly true. This week's settlement is said to be the third-largest public records settlement in the nation's history. And the Supreme Court justices – who were unanimous in ruling against the county – were not equivocal in their findings: The county was wrong.

When the county was asked to produce records showing the identities of Ron and Steve, it didn't respond to the Neighborhood Alliance the way it responded to me – by asserting no such records exist. It responded, according to the Supreme Court, by saying it didn't have to respond. When it bothered to respond at all.

The settlement won't answer, definitively, the main question that began popping up that February day seven years ago, when the copies of the seating chart appeared.

How was it, exactly, that "Steve" came to exist on a seating chart before the job opening actually existed? Who put him there? At whose behest? Who decided that the computer needed to be replaced right after the hiring of Steve Harris and just as the news was causing a stink?

What happened, exactly?

I asked Mielke if the Steve on the chart was Steve Harris. "I honestly don't know," he said.

Richard said commissioners were told it wasn't and the main issues arising from the case have been resolved: Steve Harris is gone, and Phil Harris wasn't re-elected.

"The voters spoke on that," he said.

Beggs said that the settlement means the pursuit of that answer is over for now.

"The county could always investigate," he said. "If it wanted to."

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