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LAW GROUP PLLC

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May 9, 2018

VIA EMAIL ONLY

Bernard C. Dean
Email: Bernard.Dean@leg.wa.gov
Chief Clerk
Washington State Legislature
House of Representatives
Legislative Building - 338B
P.O. Box 40600
Olympia, Washington 98504-0600

Re: *Representative David Sawyer Investigation*

Dear Mr. Dean:

I represent Representative David Sawyer. I routinely represent women and girls who have been subjected to sexual harassment, sexual assault, and rape.

As you know, Representative Sawyer requested that a third-party investigator be retained by the House to conduct an independent investigation into the allegations against him. He requested that the investigation be conducted by an outside professional in order to minimize the politicization of the investigation.

We understand that the investigator provided a verbal summary of her findings to a member of the House Leadership last week. We also understand that the Leadership is poised to recommend today that Representative Sawyer's Committee Chairmanship be suspended based on those findings.

When I requested that the investigator provide Representative Sawyer with the same information she had provided to the Leadership so he could defend himself, she advised me that she "had not completed a written report or findings" and that her "work product is under the control of my client and not mine to discuss or reveal without authorization." The House Leadership's decision to publicize and rely on preliminary findings without providing them to Representative Sawyer is deeply troubling.

The rush to judgment against Representative Sawyer before having the investigator's final report and recommendations overlooks several key facts:

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The nature of the allegations. The investigator questioned Representative Sawyer for more than six hours. We understood that the investigator asked about any allegations she found credible. Significantly, not a single allegation involved improper or unwanted touching, groping, sexual propositions, either express or implied, or pursuit of a romantic relationship. This was not surprising since Representative Sawyer has never engaged in such conduct toward any of the women making the allegations; he was and remains genuinely surprised and saddened that these women, many of whom he considered close friends, now say that his conduct made them uncomfortable.

Representative Sawyer's state of mind. The House Rules recognize that the "purpose" of a member's conduct is important as well as its effect. The allegations do not involve the type of conduct currently making headlines; Representative Sawyer has not been accused of unwanted physical contact or sexual advances. Representative Sawyer never intended to make any female colleague or employee uncomfortable and he is committed to making concrete changes in how he interacts to ensure that his intent is clear in the future.

The independent investigation is also addressing the need for systemic change. The politicization of the investigation of Representative Sawyer highlights the need for systemic change; human resources issues cannot and should not be addressed in the press. The investigator's final report will include proposed systemic changes and the Leadership should wait to take any action until it has a final report on Representative Sawyer's conduct *and* the recommendations about systemic change. The Leadership's insistence on acting before it has either proves once again that a political agenda – not a desire to make real change - is driving those actions.

Fundamental fairness and due process require that Representative Sawyer be provided the same information received by the Leadership so he can respond. We demand that the Leadership immediately authorize the investigator to provide us the same verbal report that they received.

Very truly yours,

TERRELL MARSHALL LAW GROUP PLLC

A handwritten signature in cursive script that reads "Beth E. Terrell". The signature is written in black ink and is positioned below the typed name.

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BET:bkk

cc: Representative David Sawyer
Speaker Frank Chopp
Majority Leader Pat Sullivan
Majority Caucus Chair Eric Pettigrew
Majority Whip Marcus Riccelli
Majority Floor Leader Gael Tarleton
Deputy Majority Leader Larry Springer
Majority Caucus Vice Chair Lillian Ortiz-Self
Deputy Majority Whip Monica Stonier
Representative Joe Fitzgibbon