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Fostering High-Performing Workplaces

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From: Paige Dietrich
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Date: June 3, 2026

Re: Investigation report/City of Battle Ground

NOTE: This report does not contain legal advice.

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I. Origin and Scope of Investigation

On April 27, 2026, Kirk Ehlis of Mencke Jackson Beyer LLP, hired me to conduct a workplace investigation related to a complaint about improper government action in the City of Battle Ground (the city). The chief of police for the city reported to the assistant mayor of the city that the chief and some of his employees had concerns about the city manager's actions with respect to a code enforcement case against a property owner.

More specifically, the employees reported to the chief that a specific property owner was being inequitably targeted for code enforcement; that the city manager, Kris Swanson, used the code violations as a means to influence the property owner's willingness to sell the property to the city; and that in a city management meeting on March 3, 2026, the city manager said something similar to, "If they [the Patels] don't want to sell it to us, we'll just lien the property so they don't have choice." Because the city manager was the subject of the complaints, the chief reported the allegations to the assistant city mayor. The property at issue is located at 14 NE 2nd Avenue in Battle Ground and is owned by Alkesh Patel.

On May 6, after this investigation had commenced, Mr. Ehlis asked me to also investigate an employee allegation that the city manager had accused community service officers of "padding" their statistics. One employee claimed that the city manager's accusation was retaliation for the employees' involvement in this investigation.

Because this is an investigation under the city's whistleblower policy, some employees are not identified by name in the report to protect the identity(ies) of whistleblower(s) and to prevent retaliation. See *Att. 2*. In some places I have used the pronoun "they" for the same purpose.

II. Background and Timeline

Background information included in this section was provided by a variety of witnesses, documented in city council minutes, or recorded in the Patel property case file, and is not in dispute.

The city municipal code (the code) requires that property used for parking of three or more vehicles must be surfaced with pavers, concrete or asphalt. See *BGMC 17.133.070*. Municipal code violations are investigated and enforced by two city community service officers (CSOs), who currently work for the police department and report to a lieutenant in the police department. That lieutenant reports to Police Chief Dennis Flynn.

On February 10, 2025, a city code enforcement case, GCE25-0005, was opened based on a complaint that people were parking on an unimproved surface at 14 NE 2nd Avenue. The property is owned by Alkesh Patel. See *Att. 1*. The case was opened by Kristen Lehto, the city community development director. At that time, one of the CSO's reported to Ms. Lehto. Ms. Lehto issued a warning notice to the property owner on March 7, 2025.

The city of Battle Ground lacks adequate parking in an area called "Old Town" and locating and developing additional parking for that area is a city priority. The minutes from the city council's June 3, 2025, special meeting reflect that the city council reached consensus to "prioritize public parking...." See *Att. 19*.

In July 2025, the CSO reporting to the community development director was transferred to the Police Department, which already had an employee working on parking enforcement. The two

CSOs began working together on animal control complaints, code enforcement complaints and parking enforcement.

The GCE25-0005 case file documents record—and witnesses confirmed--that after the case was opened, city representatives engaged in a series of communications with Mr. Patel and his associates about the subject property. The parties met on May 13, July 30 and November 18. *See Att. 1, case entries 21, 29, 34.*¹ There is no dispute that city representatives and Mr. Patel engaged in a series of discussions about options to comply with the code, including the possibility of resurfacing the property with 95% compacted gravel, city purchase of the property, or some form of public/private lease. *See Att. 1, case entries 2-5, 9-10, 21-26, 29, 31, and Att. 5.* Ms. Lehto, the community development director, took notes at each of the meetings with the property owner and his associates. *See Atts. 3, 4, and 9.* Ms. Swanson also provided an email describing discussions with Mr. Patel, and the city council's direction not to move forward on a property purchase. *See Att. 26.*

On October 13, 2025, the city council held a special meeting, and properties--including the Patel property--were discussed at the meeting. *See Att. 8.* The minutes reflect a discussion of costs associated with purchase and development of the Patel property:

Deputy City Manager Robert Ferrier provided a presentation on Old Town Parking specifically related to the Old Town Study Subarea Plan Action Item to consider acquiring vacant and underutilized parcels for public parking lots. Mr. Ferrier presented two options regarding potential properties located at 14 NE 2nd Avenue [Patel property], and 101 NE 1st Street including current ownership, potential site layout, and development costs including construction and design.

The Council discussed the presentation. Deputy City Manager Robert Ferrier responded to questions from the Council. The Council discussed additional parking sites and the WIC Building.

See Att. 8.

Mr. Ferrier's presentation included appraisals for the two properties and the cost of surface improvements. *See Atts. 6, 7, 27, and 28.*

The following decisions were recorded in the minutes:

CONSENSUS was reached by the Council to direct staff not to move forward on the purchase of the properties presented in the two options provided by Deputy City Manager Robert Ferrier.

¹ The case records can also be found on Att. 29, pp. 1-13. In the report format of Attachment 29, provided by one of the witnesses, the case entries are not numbered. For ease of reference, I have cited to Att.1 and the case entry numbers.

CONSENSUS was reached by the Council to direct staff to research the possibility of a public/private partnership parking plan with property owners.

See Att. 8.

Witnesses told me, and Ms. Lehto's notes document, that at the November 18 meeting with the property owner, he was informed that the city would not purchase the property based on direction from the city council. She also noted that the property owner was to restrict parking access and put up signage by December 31, 2026. *See Att. 9.*

Witnesses also told me that in 2025 and continuing into 2026, there were discussions among city employees about possible code amendments to address the lack of clarity related to parking on impervious surfaces in commercial and residential areas. Those discussions related to the Patel code enforcement case, issues with RV parking, whether parking on some properties should be "grandfathered" (not required to meet code), and how stormwater regulations might apply. While these discussions are not directly material to the allegations that are the subject of the investigation, they do illustrate the complexity of policy issues discussed by city officials and employees during the relevant time period. *See Att. 1, entries 42 and 43, and Atts. 13-15, and 21.*

Many of the witnesses told me the purpose of code enforcement warnings and fines is to encourage compliance with the code, rather than to penalize property owners.

III. Executive Summary

1. Based on the evidence, I find it unlikely the Patel property was "targeted" for enforcement in an effort to force a sale. The evidence showed an established practice of code enforcement based on complaints, and there were no complaints against other properties at the time the Patel code enforcement case began. The evidence showed that the city manager initiated opening of the Patel code enforcement case GCE25-0005, but there is no evidence establishing the basis for her direction. However, when complaints about similar gravel parking lot properties were received, the CSOs were directed to open enforcement cases, and no penalties have been assessed in the Patel code enforcement case.
2. It is undisputed that CSOs were directed to stop enforcement against the Patel property while the city and the Mr. Patel were discussing options for surface improvements, sale or lease of the property to the city, or restricting access for parking. The evidence shows Mr. Ferrier directed the CSOs to resume enforcement on November 20, after discussions with the property owner ended, but the next day he directed them not to pursue enforcement while city officials considered clarifying the code.
3. I find it more likely than not that Ms. Swanson made some type of reference to parking and acquiring property in the management meeting on March 3, 2026. I do not find it likely that Ms. Swanson made an actual threat that the city would act to take the Patel

property if Mr. Patel didn't sell it to the city. The evidence shows the city council had given direction not to pursue acquiring the property, and that the property owner had taken steps to comply with the code. In addition, of the seven people interviewed who were present at the meeting (including Ms. Swanson), only one recalled the comment and considered it serious; one did not remember the exact wording and did not think the comment was serious; and the rest denied hearing any comment similar to that alleged.

4. I find it unlikely that the city manager questioned the accuracy of CSO statistics on May 5 *because* a complaint had been initiated under the whistleblower policy. While the CSOs have the perception that Ms. Swanson only questioned the accuracy of their data after notices of investigation, the evidence shows that there was concern about data before the complaint was made. The evidence also shows that the chief and the city manager do not have a mutual understanding or agreement on what data is useful, and how to accurately report cases/work.

IV. Witnesses

I interviewed each witness over Zoom. Each witness reviewed and signed a checklist acknowledging I provided them with information about participating in an investigation; each witness was given the opportunity to ask questions about the process.

Persons interviewed

Dennis Flynn, Chief of Police
Jason Perdue, Lieutenant
Kris Swanson, City Manager
Sally McKerney, Community Services Officer
Brent Gullickson, Community Services Officer
Rob Ferrier, Deputy City Manager
Tamara Gunter, Human Resources Manager
Jim Keller, Lieutenant
Elizabeth Halii, City Clerk
Kristin Lehto, Community Development Director

Persons not interviewed

A witness recommended that I interview the assistant mayor, and the owner of the property at issue, Mr. Patel. Because neither of these people would have direct knowledge of Ms. Swanson's alleged direction for code enforcement or comments to City of Battle Ground employees, I did not interview these two people.

V. Relevant Documents

Only documents that were relied upon for the report are included in this list. My email exchanges with witnesses are not included, unless relevant information was provided as part of the email.

- Att. 1 Code Case record GCE25-0005, printed May 10, 2025
- Att. 2 Policy re Whistleblower Rights Protections, dated March 3, 2023
- Att. 3 Lehto Meeting Notes, dated May 13, 2025
- Att. 4 Lehto Meeting Notes, dated July 30, 2025
- Att. 5 Swanson emails with Patel re Parking Lot, dated August 6, 2025
- Att. 6 Cost Estimate - Frontage Improvements 10Oct25
- Att. 7 Cost Estimate - Parking Lot 10Oct25
- Att. 8 October 2025 City Council Special Meeting Minute .pdf
- Att. 9 Lehto meeting notes, dated November 18, 2026
- Att. 10 External Online Form Submission 34188 for Parking Enforcement Request, dated November 20, 2025
- Att. 11 Email re Recap of Our Meeting - Onsite Parking, dated November 20, 2025
- Att. 12 Ferrier email re Parking, dated November 21, 2025
- Att. 13 Keller Memo re Gravel Lots and Grandfathering Policy Concerns, dated November 26, 2025
- Att. 14 Georgeson memo on stormwater compliance, dated January 9, 2026
- Att. 15 Flynn email to Swanson re Gravel Parking Lot Parcel List, dated January 19, 2026
- Att. 16 Ferrier email re Vehicle Access to Patel Property, dated January 26, 2026
- Att. 17 March 2026 City Council Special Meeting Minutes
- Att. 18 Swanson Management Meeting notes, dated March 3, 2026
- Att. 19 June 2025 City Council Special Meeting Minutes
- Att. 20 Lehto email to Swanson re FW Open code case stat clarification, dated March 9, 2026
- Att. 21 Georgeson emails with Swanson re Gravel Parking Areas and Stormwater Regulations, dated April 24, 2026
- Att. 22 Flynn emails with Swanson and others re Parking Enforcement, dated April 29 to May 4, 2026
- Att. 23 Flynn email notice of retaliation complaint, dated May 6, 2025
- Att. 24 McKerney document: Complete Picture of Our Enforcement Work, May 6, 2025
- Att. 25 Swanson email to investigator re Code Enforcement Cases, dated May 15, 2025
- Att. 26 Swanson email to investigator re Patel property, dated May 15, 2026
- Att. 27 Appraisal 14 NE 2nd Avenue, dated September 10, 2025
- Att. 28 Appraisal 101 NE 1st Street, dated September 10, 2025
- Att. 29 CSO SM Case and Personal Notes
- Att. 30 CSO Total open code cases.xlsx
- Att. 31 CSO Stats combined.xlsx
- Att. 32 Swanson report Code Cases Closed Jan_Apr2026.xlsx
- Att. 33 Swanson report Code Cases Received Jan_Apr2026.xlsx
- Att. 34 Weekly reports for March 13 and 20, 2026
- Att. 35 Swanson email re: initiating complaint, dated May 26, 2026

VI. Policies

This investigation was initiated pursuant to the City of Battle Ground's Whistleblower Rights and Protections Policy, which encourages employees to report allegations of improper governmental

action. *See Att. 2.* As a procedural matter, this complaint was elevated to the city's assistant mayor instead of the city manager, because the city manager was the subject of the complaint. This report does not include findings with respect to policy violations.

VII. Allegations, Responses, and Findings

Factual findings are determined based on the "preponderance of the evidence" standard of proof, often described as a "more likely than not" standard. This report does not include any legal conclusions.

1. Ms. Swanson and city officials inequitably targeted the Patel property for enforcement, in an effort to force the owner to sell the property to the city.

Witnesses involved in code enforcement told me that they were concerned about the fact that Mr. Patel's property was the subject of code enforcement, but that many other commercial properties in the city were also out of compliance, including some city-owned properties. Some of the employees conducted a survey of similarly situated gravel lots with parking, which resulted in a memo dated November 26, 2025, with the subject line "Gravel Lot Code Violations and Grandfathering Policy Concerns" (gravel lot memo). *See Att. 13.* The gravel lot memo highlighted concerns about inequity and described inquiry into zoning requirements and the possibility of "grandfathering" some properties. The gravel lot memo also noted a practice of making exceptions on case-by-case basis and an absence of clear written policy about when to use enforcement. *See Att. 13.*

Response and Other Evidence:

Kris Swanson has served as the city manager of Battle Ground since April of 2024. She told me that Mr. Patel's property was the subject of code enforcement because there had been a complaint about parking on an unimproved surface, in violation of city code. She mentioned there had been code enforcement issues with the property in the past, including before she was the city manager. *See Att. 11.* Ms. Swanson told me that code enforcement is complaint-based, and the code enforcement case against the Patel property was the only active case when it was opened because there had been no complaints against other properties at the time. She said Mr. Patel had complained to her in their meetings about his property being subject to enforcement when there were other properties similar to his that allowing parking but were not subject to enforcement. She said she had explained the city's complaint-driven enforcement practice to Mr. Patel in their meetings.

Ms. Swanson said she did not recall why the code enforcement case was opened. When I told her a witness said that she directed the case be opened in February 2025, she said she did not remember why, and she later said she could not find any records of a complaint. *See Att. 35.*

Ms. Swanson said she had never seen the gravel lot memo about code enforcement and gravel parking lots. She said that she was not aware of the CSO's review of gravel parking lots until January 2026, when the chief sent her photographs. She also said that, until April 2026, she was

unaware that city departments were meeting to discuss potential code changes related to gravel parking lots. *See Atts. 15² and 21.*

Ms. Lehto told me she opened the code enforcement case against the Patel property at Ms. Swanson's direction. She said she could not remember why Ms. Swanson asked her to open the case. She said she thought it was likely Ms. Swanson asked her to do so in one of her weekly meetings with Ms. Swanson. She said she thought Ms. Swanson had asked her about parking on unimproved surfaces and the history of the Patel property when she asked her to open the case, but said she was not sure why Ms. Swanson asked about the property. She could not find any record of why Ms. Swanson asked her to open the case.

Chief Flynn told me that he reports directly to Ms. Swanson, and her direct reports have individual weekly meetings with her. He told me that at one of their meetings in July 2025, they talked about the Patel property code enforcement case. Chief Flynn said he told Ms. Swanson that he didn't understand why Mr. Patel could not allow parking when parking was allowed on other similar lots. He said Ms. Swanson told him the city didn't have open code enforcement cases on the other properties. Chief Flynn told me the CSOs had expressed concerns to him about the inequity, and that they had done a survey of similar properties. He said it they had photographed 50 similar properties and that one of his subordinates had drafted a memo about the inequitable treatment. *See Att. 13.* He told me he didn't know if Ms. Swanson ever saw the gravel lot memo, and that he did not give it to her. He told me he shared a hard copy of the gravel lot memo with Mr. Ferrier. He said no action was taken on the gravel lot memo because of the practice of only opening cases based on complaints.

One CSO told me the Patel code enforcement case didn't seem fair because other similar properties were not subject to code enforcement. That CSO said that after city officials met with Mr. Patel on November 18, the city received a complaint about parking on a property near Mr. Patel's, and Mr. Patel made a complaint about another property for the same violations. The CSO told me that their supervisor instructed them to open code enforcement cases against the other properties.³ The CSO told me that on November 20, Rob Ferrier, deputy city manager, directed the CSOs to proceed with enforcement on the two new cases. *See Att. 10.* The CSO said that on November 21, the next day, their supervisor instructed them not to send the enforcement warning letters to property owners, based on an email from Mr. Ferrier. *See Att. 12.* The CSO speculated that the instruction not to proceed was probably because of the list the CSOs compiled of other lots that were not complying with code, including some city properties.

Another CSO told me that the Patel code enforcement case is unusual because there are no notes in the system about the source of the complaint. That CSO said they spoke to Mr. Ferrier on November 21 and said that Mr. Ferrier told them the city could not enforce code violations

² The set of photographs of gravel lots attached to this email is the same set of images attached to the memo in Att. 13. I did not include the images again in this attachment.

³ There are numerous in entries in the case record about new complaints. *Att. 1, entries 35-36, 38, and 40.*

against private property owners when the city was also in violation. The CSO said Mr. Ferrier told them that there needed to be significant internal discussions first.

A supervisor of the CSOs told me that the Patel code enforcement case came to his attention in late 2025, when a CSO expressed concern that the Patel property was being targeted. He said he told the CSO to find out how many other properties have parking on similar lots. He said that the CSO found “a bunch of violations,” but the CSOs were not to proactively look for cases. The supervisor attended the city meetings with Mr. Patel and said that Mr. Patel expressed concern that he was being targeted for enforcement. He said Mr. Patel complained about neighboring properties that were not subject to code enforcement. The employee said Ms. Swanson explained to Mr. Patel that enforcement actions are based on complaints.

The CSO supervisor said that, in January or February 2026, Ms. Swanson asked him why the CSOs had looked at other gravel parking lot properties and she “seemed upset.” He said they also talked about parking enforcement (on city streets). He told me the conversation was “by chance,” because they saw each other in city hall.

Rob Ferrier, deputy city manager, said he “might have had eyes on” the gravel lot memo, but could not locate a copy in his records. He said he didn’t recall any detail of the memo, or receiving a hard copy of the memo. He told me that the city has been working through policy issues related to parking on unimproved surfaces, including residential parking of RVs, and unimproved commercial parking lots.

In an email dated November 21, 2025, Mr. Ferrier directed that the CSOs refrain from further enforcement on unpaved properties, until an internal discussion occurred. See Att. 12.

Every witness who spoke about code enforcement confirmed a historical practice of “complaint-driven” enforcement. With the exception of patrolling for city street parking violations (such as exceeding a 2-hour time limit for parking), witnesses told me that enforcement actions are generally only initiated based on a complaint. Witnesses also said that the CSOs do not have capacity to engage in proactive enforcement, because they have a full workload with other open cases.

The CSOs told me that an enforcement action begins with a warning letter, and that failure to comply with the requirements of the warning letter within a 60-day notice period results in a \$250 fine. Ms. Lehto told me that, if the property owner does not comply, the owner will be fined an additional \$250 for every day they remain out of compliance.

The case record indicates that, when the negotiations were ended in November, Mr. Patel provided notice to the city that he intended to barricade the subject property to prevent parking in violation of the code. See Att. 1, entry 32. He also informed the city that he had filed a complaint against a nearby property to ensure “everyone is on a level playing field.” The Patel case record includes entries--and witnesses did not dispute--that a case was opened for that property as well. See Att. 1, entries 34-40.

Witnesses uniformly acknowledged that, if Mr. Patel effectively prevented parking on the lot, his property would be in compliance with the code. There was no evidence that Mr. Patel was fined in code enforcement case GCE25-0005.

Finding:

I find it unlikely that the code enforcement case against the Patel property was intended to target the property in order to force a sale of the property to the city.

Certainly, the initiation of this code enforcement case is unusual, because it was opened at the request of the city manager in February 2025, and the source of a complaint is not recorded. Witnesses consistently told me that the code enforcement work is complaint-driven, and that CSOs do not have the capacity or resources to pursue proactive code enforcement. As a result, if there is only one complaint against one property, the established practice has been to take enforcement action based on the specific complaint. The evidence also shows that, once the city received other complaints for similar parking lot violations, new enforcement cases were opened with respect to the different properties.

The evidence shows that, when negotiations between Mr. Patel and the city ended in November, Mr. Patel was given until the end of 2025 to construct barriers to prevent parking on the subject property. As a practical matter, Mr. Patel could prevent ongoing enforcement fines by simply barricading the property to prevent parking—and the evidence shows that was the action he took. It seems implausible that ongoing code enforcement could be an effective way to force a sale.

- 2. Ms. Swanson directed CSOs to stop enforcement during negotiations between the city and the property owner and directed they resume enforcement after efforts to purchase the Patel's property failed. Ms. Swanson used the enforcement action to influence negotiations over the subject property.**

Response and Other Evidence:

The fact that CSO's were directed not to pursue the enforcement action against Mr. Patel's property during negotiations between the city and Mr. Patel is well documented and undisputed.

Ms. Swanson said she asked the CSOs to hold off on enforcement while city officials talked with Mr. Patel, and that it was documented in the case file. *See Att. 1, entry 28 and Att. 11.* She said it did not make sense to impose fines when the city was actively engaged in talking with Mr. Patel about his ideas for improving the property or a possible sale to or lease of the property by the city.

Mr. Ferrier said he thought enforcement action against the Patel property was stopped when the city was having meetings with the Patel's because they (city officials) did not want to cause problems when they were meeting with Mr. Patel about possible improvement or sale of the property. Although he said he wasn't certain, he told me he thought he stopped code enforcement after the discussions with Patel's concluded because of administrative discussions about gravel parking lot enforcement policy. *See Att. 12*. He said it was unlikely his direction to CSO's not to take enforcement was related to acquisition of the property, since it was already determined the city would not be buying the property.

Case GCE25-005 records include notes from July 14- August 7, reflecting a CSO's question about proceeding with enforcement, correspondence with Mr. Patel and his associates, and instructions to CSOs to hold off or "pause" enforcement. *See Att. 1, case entries 24, 28, 29 and 30*.

Mr. Patel did take steps to barricade his property, although perhaps the barricade he installed has not been fully effective. *See. Att. 16*.

Finding:

I find that the city manager, through her subordinates, did instruct CSOs not to proceed with enforcement during discussions with the property owner. However, I find it unlikely the city manager's intent was to use the code enforcement action as leverage to influence negotiations related to a sale of the property. The city manager provided a legitimate business reason for delaying enforcement, since the owner was cooperatively exploring options to improve the property, sell it, lease it, or barricade it. The evidence also shows that, when negotiations concluded without an agreement, the property owner was given a grace period to come into compliance, and that he did install bollards and chains to prevent parking on the property.

- 3. In a management meeting on March 3, 2026, Ms. Swanson said something similar to, "He [Mr. Patel] is either going to sell us the property or we'll will continue to place liens for violations and we will take the property from him."**

Response and Other Evidence:

Ms. Swanson denied making this comment and said, "The city didn't want the property." She said the purchase price wasn't the issue, it was the cost of improvements, and the "city didn't have that kind of money." Ms. Swanson provided her notes from the March 3 meeting, and there is an entry about RV parking, but not commercial properties or the Patel property. *See Att. 18*. She told me she's never made any type of comment about taking the Patel's property.

Chief Flynn said that two employees who attended the March 3 meeting on his behalf separately reported to him that Ms. Swanson made this comment during the meeting. He said one of them told him there was a conversation about parking and the Patel property and Ms. Swanson made the comment because Mr. Patel had not brought the property up to code.

Witnesses told me that city management meetings were held after every city council meeting, to discuss the previous day's meeting and any needed action or planning. I interviewed six people (in addition to Ms. Swanson) who were present at the March 3 management meeting.

One witness, who reported hearing Ms. Swanson's comment, said the Patel property came up in discussion during the management meeting, and paraphrased Ms. Swanson's comment as, "If they don't want to sell it to us, we'll just lien the property so they don't have a choice." He said he had never heard someone in Ms. Swanson's position make a comment like that. He said, "She was absolutely serious," and there was no indication she was joking. He said he didn't recall where people were sitting. He said the group was talking about impervious surfaces and the Patel property, and what could allow them to come into compliance. He told me that her comment was loud enough so that the whole room could hear, and she was the only one talking. He said he was at the November 18 meeting with Mr. Patel, that Mr. Patel was told to put up bollards and chains to restrict access to the property. The witness said, "If he (Mr. Patel) did that, she [Ms. Swanson] wouldn't have a way to enforce." He also told me that the city did not make an offer to buy the property because it was too expensive. He said that one of the CSO's had heard Ms. Swanson make a comment similar to the comment made in the March 3 meeting.

The CSO who reportedly had heard Ms. Swanson make a comment about using enforcement until the city could take the property denied hearing Ms. Swanson make a comment of this nature.

The other CSO told me she had never heard Ms. Swanson make a comment about taking the Patel's property.

Another witness who heard Ms. Swanson's comment in the meeting told me that, to the best of his recollection, Ms. Swanson said something similar to, "If he's not willing to sell it, we'll make it unusable or put a lien on it until city can have it." He said he didn't recall her exact wording, and that he wasn't familiar with the Patels or the code enforcement case, but she spoke of some type of tactic or procedure. He said he's heard about issues with gravel lots and RVs and had heard discussions in the past about "grandfathering." He said he assumed Ms. Swanson's comment might have been said "tongue in cheek." He said he understood her comment to mean that if the property owner didn't want to sell, the city would "force his hand," but said he didn't really have a frame of reference because it's not his work. He described Ms. Swanson's comment as "odd," and that he could not tell if she was making a joke or not. He said she did not give any direction to anyone after making the comment. He said that he later spoke to the police chief about the comment, but only as a part of updating the chief on the meeting. He said when he heard the comment he didn't think, "I need to report this," and that when he told the chief, it was not a "formal report," and he did not consider the discussion serious.

Mr. Ferrier said he was at the meeting on March 3, and he didn't remember anyone saying anything like the alleged statement. He said he can't imagine anyone at the city saying they would use code enforcement or liens just so that the city could take someone's property. He said he couldn't recall any discussion like that about the Patel property. In terms of timing, he said that in March of 2026, the council was "lukewarm" about the location of the Patel's property, and that the council wanted to acquire parking further east, where there is a greater concentration of businesses.

Ms. Lehto, the community development director, said she never heard Ms. Swanson say anything like that and the parking lot issue is a topic she would pay attention to. She said the alleged statement did not make sense because her (Lehto's) "personal vibe" was that the city didn't want the property. She said if Ms. Swanson had made the alleged comment, she "would have been shocked, the issue is a done deal."

Elizabeth Halili, the city clerk, was present at the meeting and said she keeps notes for action items that result from the meeting. The city clerk said she did not recall Ms. Swanson saying anything like the alleged comment, and that it did not sound like something she would say. She said she had no reference to parking lots in her notes, but that her notes are primarily for action items. She said in her experience Ms. Swanson is very thoughtful about what she says. She said if Ms. Swanson said something like the alleged statement, she would remember it.

Tamara Gunter, the human resources manager, was also present at the meeting and said "there may have been" discussion of parking lots and parking for the food cart pods at the meeting. She said she did not remember Ms. Swanson making the alleged comment. She said that the meetings can be long and sometimes she doesn't listen closely if an issue does not relate to human resources.

Finding:

I find it more likely than not that Ms. Swanson made some type of reference to parking and acquiring property in the meeting on March 3, 2026. I do not find it likely that Ms. Swanson made an actual threat that the city would act to take the Patel property if Mr. Patel didn't sell it to the city. The evidence shows the city council had given direction not to pursue acquiring the property, and the property owner had taken steps to comply with the code, making a taking based on code enforcement implausible. In addition, of the six people interviewed who were present at the meeting, only one recalled the comment and considered it serious; another did not remember the exact wording and did not think the comment was serious. Other witnesses denied hearing any comment similar to that alleged.

In addition, of the people who would have an interest in noting a discussion that might result in action item (the clerk), or an interest in property improvements (the community development director), or acquiring property for parking, a priority for the city (the deputy city manager), none said they heard a discussion or comment of this nature. This seems to contradict a

complainant's assertion that the whole room could hear Ms. Swanson and that she was the only person speaking at the time.

Because there are such conflicting views and recollections regarding this allegation, I also considered the reliability or credibility of the evidence. In this case, when this meeting occurred, the city council had already reached consensus not to purchase the property, and the evidence showed that improving the property was costly. Realistically, accumulated code violations were unlikely to accrue in an amount that could result in a meaningful lien, and the property owner had already begun to preventing parking. Certainly, the city has other legal options to obtain property, such as eminent domain, but attempting to force a sale using municipal code violations or taking this specific property for parking through a complicated legal proceeding seems unlikely.

It is certainly possible that Ms. Swanson made a comment like this in jest, but based on the evidence, it seems unlikely such a comment was a serious statement of intent.

- 1. Following a city management meeting on May 5, 2026, Ms. Swanson told Lt. Keller she believed the enforcement officer numbers were "padded." An employee alleged that, based on the timing of the city manager's comment, the accusation of inaccurate CSO data was in retaliation for the whistleblower complaint related to the enforcement actions and the Patel property. See Att. 23.** Both CSOs were very upset their integrity was questioned, and one drafted a memo to provide a full picture of the work they are performing. See Att. 24. In addition, that CSO's personal notes include involvement in questioning the city's practices, the lack of clarity related to parking lot enforcement, and the CSO's positive career record. See Att. 29, pp. 13-23.

Response and other evidence:

Ms. Swanson confirmed that she had spoken with the CSO supervisor on May 5 about the numbers provided for CSO work. She told me she spoke to the CSO supervisor because Chief Flynn was not present at the May 5 management meeting.⁴ She told me that she had concerns about the accuracy of the CSO numbers being reported and said they "made no sense" to her. She said the chief reported 300 hundred animal complaints, 907 general code enforcement actions and 172 parking actions for the month of April 2026. See Att. 22. She told me it seemed extremely high to her. She emailed me two reports from the city's Tyler case management system. The reports showed totals of cases opened and cases closed in the first four months of April. The case numbers in the system were much lower than the chief's reported statistics. She said the total number of cases received since the beginning of 2025 was 47 (including animal control and general code enforcement cases). See Att. 25, 32 and 33. She said her concern was that the statistics the chief had provided did not accurately reflect the number of cases they were working, and instead it was a summary of "touchpoints." She said she showed the CSO supervisor the chief's email with April statistics and told him she didn't think those types of

⁴ Chief Flynn was being interviewed for this investigation at the time of the May 5 meeting.

numbers were possible. *See Att. 22.* She said Lt. Keller told her the CSO's kept separate spreadsheets and that he would follow up.

Ms. Swanson said her concern was not that the CSOs were being untruthful; instead, she said she was not sure they were using the case system properly. She said she was an auditor and "data matters." Ms. Swanson told me that part of her concern about the case numbers related back to the city council retreat on March 6, and the chief's presentation on case numbers. *See Att. 8.* She said that Ms. Lehto took issue with the case totals the chief presented at the meeting. She said she started to have concerns after the March 6 council meeting, but she got so busy, she "couldn't dive into it." She said she asked Mr. Ferrier to stop including the CSO's aggregate numbers in the weekly report to city council because she wasn't sure they were accurate.

Ms. Lehto, the community development director, previously supervised a CSO who was responsible for code enforcement and animal control. She told me that on July 1, 2025, that CSO position was transferred to the police department. She told me that she was concerned when she saw the chief's presentation to the city council on March 6, 2026. She said she thought the data on CSO cases that had transferred from her department to the police department was inaccurate. She told me she sent an email to the city manager on March 9, 2026, questioning the accuracy of the number of cases the chief reported to the city council. *See Atts. 17 and 20.* In her email, she described the chief's enforcement case numbers as "inflated," and expressed concern that it appeared her department had transferred a "backlog" of 237 cases. *See Att. 20.*

Mr. Ferrier, the deputy city manager, said that Ms. Swanson had expressed concern to him about the CSOs' numbers, but he couldn't recall when. He said he didn't know if Ms. Swanson had given direction to the chief about what kind of statistics she wanted reported. He said she meets with the chief directly and he is not involved. Mr. Ferrier told me that he compiles data from the various city departments every week for a report to the city council. He said that when the two CSO positions were consolidated under the police department, he started to include summaries of the CSO statistics in his weekly report. He told me that in March 2026, Ms. Swanson asked him to stop including the CSO statistics because she was concerned about the accuracy and level of detail.

- The Public Safety section of the report for March 13 included:
Statistics: BGPD CSOs remain busy with their active case load at approximately 130 cases. CSOs are averaging nearly 1,000 "touches" per month (emails, phone calls, site visits, and in-person). Animal/Code/Parking Control statistics thus far for March (1st – 13th) are as follows:
Animal Control: 151
Code Enforcement: 226
Parking Control
Citations Issued: 3
Parking Warnings: 16

Verbal/Online Complaints: 12

- The Public Safety section of the report for March 20 included:
On Friday, March 13th, BGPD and “Target Zero” conducted a traffic enforcement operation in Battle Ground. A total of 62 traffic stops were made with an emphasis on Main Street (between NW 20th Avenue and NW 92nd Avenue), NE 199th Street (west of SR-503), and the area around Daybreak Middle School (along NW 20th Avenue and NE 239th Street).

See Att. 34.

The chief told me that he was aware of the concern about the numbers presented at the March 3 retreat, but he said that they were provided to the department by a records officer, an expert he considered reliable. He also said that, in reporting the case backlog numbers to city council, he hadn’t intended to undermine Ms. Lehto or her department’s work. The chief said that he did not have direction from the city manager on what type of numbers she wanted reported, and that she and he had begun to have conversations about data.

The evidence shows that CSOs track data using at least three methods:

- A module of a Tyler Technology case tracking system, the platform for the official case record. *See Att. 1, an example of a report generated from Tyler.*
- A spreadsheet that summarizes each active case. According to the CSOs, this spreadsheet is a more efficient way to view the cases. *See Att. 30⁵*
- CSO combined statistics: A spreadsheet used to track work performed each month in all categories (code enforcement, animal control and parking enforcement). These statistics are far more detailed than the case tracking system or the open cases spreadsheet. *See Att. 31.*

No witnesses offered any evidence related to adverse employment actions based on questions about parking lot enforcement or how the CSO numbers are reported. However, both CSOs were concerned about their integrity, and how the question about the accuracy of their numbers could affect their reputations, careers and job security.

Finding:

I find it unlikely that the city manager asked the CSO supervisor about CSO statistics on May 5 *because* a complaint was initiated under the whistleblower policy.

Some employees I spoke with considered the timing suspect, because the city manager questioned the accuracy of CSO data just after receiving notice of this investigation. However, the evidence shows that the city manager and the community development director had

⁵ Although titled cases “as of 10/03/25,” this spreadsheet has tabs for each year and entries continued to be made in 2026.

questions in early March about the numbers the chief was reporting, well before the investigation was initiated. Also in March, Ms. Swanson asked Mr. Ferrier to exclude the CSO data from the weekly report to the city council, because she was concerned about accuracy. Ms. Swanson told me that she didn't want the CSO data included in the report because she didn't think the city council needed to be concerned with that level of minutiae. Ms. Swanson did not clearly communicate the issue to the chief in March, so it's likely those involved in code enforcement were unaware of the concerns until Ms. Swanson spoke to the CSO supervisor on May 5.

It's clear the city manager and the chief have not come to agreement on what data is useful and should be reported. In an email exchange between the chief and the city manager on May 5, 2026, the chief described the CSO's work for April in terms of total number of tasks performed in each category: animal complaints: 300, code enforcement: 907, and parking: 101. He also stated that the active cases they were working totaled 123. *See Att. 22*. The city manager told me those "touchpoint" numbers did not provide realistic case numbers. It is evident that the chief and the city manager are using different methods to quantify work, and that difference is exacerbating questions about accuracy.

Investigator's note:

I encountered varying levels of anxiety when interviewing employees of the police department. Most were quite familiar with the case file and emphasized that they reported their concerns in good faith, because they honestly felt the treatment of Mr. Patel was inequitable. The witnesses expressed to me that they were worried about retaliation and harm to their professional integrity and job security.

End of report