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February 11, 2026

Via Email

Nathan Sherrard
Legal Affairs Counsel
Office of Financial Management
Email: chiezda@transformativeinvestigations.com

RE: Release of Memo Including Defamatory Allegations Against Lorna Smith

Dear Mr. Sherrard:

We are writing on behalf of Lorna Smith, who recently retained us to represent her regarding the unconstitutional retaliation she has experienced, and continues to experience, in connection with her service on the Washington Fish and Wildlife Commission. I am in receipt of your January 28, 2026, email to Commissioner Smith and the attached document, a May 16, 2025, memorandum authored by Thomas Knoll, Jr., the criminal justice legal liaison for the Washington Department of Fish and Wildlife (“Knoll Memo”).

We have not had time to fully evaluate whether our client has grounds to ask for this document to be withheld from public disclosure under the Washington Public Records Act, much less prepare a complaint and emergency motion in time to obtain a court order before close of business today, February 11, the deadline set by your email.

Nevertheless, we wanted to alert you to the inflammatory and defamatory nature of the Knoll Memo, the substantial and irreparable damage its release will cause to my client, and my concerns about the illegal conduct by Washington Department of Fish and Wildlife (“WDFW”) Director Kelly Sussewind that it exposes.

Commissioner Smith’s Service and Director Sussewind’s Campaign of Retaliation

As you know, our client has served on the Washington Fish and Wildlife Commission since January 2021, when she was appointed by Governor Jay Inslee due to her long career as a champion of wildlife conservation. The commission is a nine-member, volunteer body responsible for setting state fish and wildlife policy and approving state fish and wildlife rules,

and it is the only entity empowered to fire the director, who serves “at the pleasure of the commission.” [See RCW 77.04.055.](#)

Soon after her appointment, trophy-hunting special-interest groups targeted Commissioner Smith for her commitment to wildlife conservation and the views she espoused, a situation that worsened significantly after the commission’s votes to eliminate recreational spring bear hunting in November 2021 and March 2022.

Director Susewind was particularly enraged by these votes because they deprived him of his own ability to kill bears in the spring, which he publicly described as one of his most valued pastimes. On multiple occasions, Director Susewind promised trophy hunting special interests that he would [devote significant energy](#) into reviving that hunt, even though it impacted only a tiny percentage of Washington hunters.

Director Susewind was further infuriated by subsequent statements Commissioner Smith made, both as a commissioner and in her private capacity. These included statements that questioned his recommendations to the commission on subjects ranging from carnivores to hatchery policy or simply diverged from his views of wildlife management. Director Susewind was further upset after Commissioner Smith and a couple of other commissioners expressed concern about his leadership following [the tragic and avoidable deaths of two employees](#), which were followed by multiple citations against WDFW by the Department of Labor and Industries for “willful, serious” violations of worker safety laws.

Director Susewind has not made any secret of his anger toward Commissioner Smith, haranguing her at meetings behind closed doors and repeatedly denigrating and insulting her at meetings with WDFW employees. However, Commissioner Smith only recently learned the degree to which Director Susewind collaborated with the special interest groups who launched attacks against her that were often threatening, demeaning, and overtly sexist (the examples are legion, I have attached just a few). The Knoll Memo is further evidence that Director Susewind has conspired with these special interest groups to unlawfully retaliate against Commissioner Smith and others for exercising their First Amendment right to free speech and association and to deprive them of their rights to due process and equal protection guaranteed by the Fourteenth Amendment.

Conspiracy Demonstrated by the Knoll Memo

The Knoll Memo illustrates the extent to which Director Susewind used state resources to pursue his personal vendetta and retaliation campaign against Commissioner Smith, along with two other commissioners who regularly expressed views opposing his recommendations and supporting wildlife conservation: Dr. Tim Ragen and Melanie Rowland.

The context for the memo is the September 2023 public disclosure request that the U.S. Sportsmen’s Alliance (“SA”) filed with WDFW; a January 2025 lawsuit SA filed against WDFW in connection with its failure to provide documents in response to that request; and the May 16, 2023, petition that SA filed with Governor Bob Ferguson seeking the investigation and dismissal of the four remaining commissioners who voted against the spring bear hunt (“SA Petition”).

Director Susewind’s personal “investigation” into Commissioners Smith, Ragen, and Rowland closely parallels the investigation demanded by the Sportsmen’s Alliance. This is apparent through a comparison of the Knoll Memo with the SA Petition, which were, not coincidentally, released on the same day. Both focus exclusively on select commissioners targeted based on their viewpoints, statements, associations, and votes; both consider only documents related to those commissioners, without consideration of whether other commissioners participated in similar conduct; both focus on the same allegations, largely supported by the same documents; and both use the same inflammatory language, such as alleging “collusion” or incorrectly characterizing wildlife advocates as “animal rights” groups.

As Commissioner Smith learned today from other documents provided by the Office of Financial Management, Director Susewind forwarded the Knoll memo to the Governor’s office as support for the SA Petition. The two actions were obviously coordinated. Indeed, one of the few differences between the two actions is that Director Susewind was obsessively focused on Commissioner Smith and Commissioner Rowland,¹ the most outspoken advocates for wildlife conservation, while the SA openly targeted all the remaining commissioners who had voted to end spring bear hunting.

Discriminatory Targeting of Select Commissioners Based on Speech and Viewpoints

Mr. Knoll’s analysis was biased from the beginning because it depended on the documents Director Susewind had curated to focus solely on Commissioners Smith and Rowland. Mr. Knoll thus declares his indignation that Commissioners Smith and Rowland sometimes communicated using personal devices and email addresses, apparently without knowing that *every member of the Commission routinely did the same thing*. See p. 7 (declaring this practice to be a “huge liability” and scolding Commissioner Smith for being unwilling to “follow direction”). Indeed, a cursory search of the documents that WDFW provided to the SA in response to its public disclosure request that within that universe, there were *roughly* 17,000 instances of communications using former Commissioner Don McIsaac’s private email address; 15,000 for Commissioner Barbara Baker; 3,000 for former Commissioner Kim Thorburn; 1,700 for Commissioner John Lehmkuhl; 1,000 for Commissioner Steven Parker; 500 for Commissioner Smith; 400 for Commissioner Rowland; 400 for Commissioner Jim Anderson; and 30 for Commissioner Molly Linville.²

As Mr. Knoll confesses that he knows “very little” about the commissioners or their work, he also fails to take into account the conditions that led commissioners to use private email accounts, including that: 1) WDFW did not immediately supply Commissioners with computers through which they could access their WDFW email—for Commissioner Smith, it took WDFW nearly a year to do so; 2) like Commissioner Smith, many commissioners had great difficulty using their WDFW-issued computers, which were glitchy, cumbersome and often non-

¹ By the date of the Knoll Memo, Mr. Susewind’s interest in targeting Dr. Ragen had faded because it had already been successful. Governor Ferguson summarily dismissed Dr. Ragen from the commission in February 2025, following a campaign by special interest groups making similar claims as those reflected in the Knoll Memo.

² These numbers are rough estimates. They are based on general database searches using known private email addresses. They may not include all documents sent to private email addresses and they may include duplicate documents, because although electronic deduplication was used, each document was not manually verified to be unique .

functional; 3) commissioners have no control over the address other people use to email them regarding commission business; and 4) only recently did WDFW and the Attorney General's Office issue instructions that commissioners must *only* communicate with their WDFW email address.

Other examples of the curated scope of Mr. Knoll's review abound. While Mr. Knoll focuses on Commissioner Smith's possible receipt of a spreadsheet with information on potential commission candidates, he was probably unaware that the documents provided to the SA show that other commissioners worked extensively with outside parties on commission appointments. While Mr. Knoll focuses on meetings Commissioner Smith purportedly had with groups that he broadly (and inaccurately) categorizes as "animal rights" groups, he does not compare this to the numerous meetings Ms. Smith had with other advocacy groups and members of the public, much less examine how often *other* commissioners met with specific "outside special groups." See p. 1. And while Mr. Knoll obsesses over Commissioner's Rowland statement regarding a text that she provided to WDFW, and irresponsibly speculates that Commissioner Smith may not "have been forthcoming" in disclosing public records, he does not mention that documents provided to the SA suggest that other commissioners may have intentionally deleted public records. And while Mr. Knoll scolds Commissioner Smith for talking to a party with litigation against WDFW (see *infra*), he ignores the meetings other commissioners have had with parties engaged in litigation.³

Perhaps most preposterous is the fact that Mr. Knoll accuses Commissioner. Smith of violating her responsibility to "represent all citizens of the state" by "colluding" with special interest groups to advance their "agenda." See Knoll Memo p. 5. This language mirrors the allegations of the SA petition filed the same day. Both conveniently overlook the dominant position over WDFW policy that trophy hunting special interests have long enjoyed, communicating frequently with Director Susewind and other members of executive leadership, exercising veto rights over the policies that Director Susewind proposes to the commission, and enjoying exclusive access to draft management plans through "citizen advisory" groups whose membership is limited solely to hunters. Indeed, the conspiracy between Director Susewind and the Sportsmen's Alliance stems from their outrage that any commissioner or outside group would dare challenge this hegemony.

False and Defamatory Statements in Knoll Memo

Many statements in the Knoll Memo are defamatory on their face, because they make false accusations of misconduct with obvious reckless disregard for whether they are true, while suggesting an intent to harm Commissioner Smith's credibility and standing. . For example, on p. 8, Mr. Knoll alleges that Commissioner Smith refused to abide by the Open Public Meetings Act, opining that "to Smith, the end justified the means." He follows this assertion by musing: "I wonder in what other ways she has bent procedure and/or laws to fit her perception of justifiable conduct. Quite possibly, she may have also stretched the truth about her responses regarding public record requests." Mr. Knoll returns to this theme on the next page, proclaiming that

³ Although it occurred subsequent to the Knoll memo, one commissioner publicly discussed a meeting with representatives of the Sportsmen's Alliance, including their attorney, which took place *after* SA filed its lawsuit and was for the specific purpose of discussing allegations related to that lawsuit.

Commissioner Smith holds the “belief that she can engage in activity that may be unlawful, so long as that activity is not observed.”

Similarly, Mr. Knoll falsely speculates without evidence that Commissioner Smith’s records of time spent doing commission work are “suspicious.” Since he is admittedly unfamiliar with the commission or its work, Mr. Knoll is likely unaware that Commissioner Smith is widely regarded as the hardest-working person on the commission, or that she makes herself freely available to members of the public, including on holidays and weekends. Nor does he bother to examine the instructions that WDFW gave to commissioners, advising them that if they spend even an hour working on commission business, they should submit that day so they can be compensated with the meager stipend offered by WDFW.

Even though Mr. Knoll concedes that the records do not show what Commissioner Smith discussed with outside advocate Claire Davis, he nevertheless speculates that she revealed sensitive and privileged information regarding ongoing litigation and that she “collude[ed] with an opposing party to the detriment of WDFW.” However, any witnesses to such conversations should be able to confirm that Commissioner Smith did no such thing, but to the contrary, had a standing rule that she would not discuss pending litigation with Ms. Davis or anyone at Washington Wildlife First.

As the attached email demonstrates, Mr. Knoll grossly mischaracterizes Commissioner Smith’s communications with fellow commissioners regarding the October 2023 webinar. Commissioner Smith did not convey to anyone that they should attend the webinar in violation of the Open Public Meetings Act (“OPMA”) or imply that they could get away with such a violation because their identities would be hidden. Rather, Commissioner Smith worked with the organizers of the webinar to ensure it would be legal for commissioners to attend: the event was advertised to and open to the general public and utilized a moderator, silencing members of the audience so they could not speak or chat with one another during the presentation. Far from ignoring “sound counsel,” Commissioner Smith followed the guidance expressed in [a formal opinion issued by the Attorney General’s Office](#), which explained that the OPMA allows a quorum of a decision-making body to present at an event organized by a third party as long as they did not use that forum to take “action.”

To the contrary, this incident is just further evidence of Director Susewind’s viewpoint discrimination and determination to shut down any access to independent science. As explained in the attached letter to the Commission from Dr. Adrian Treves, Director Susewind used every means available to him to prevent commissioners from hearing the perspective of outside carnivore experts. The event was originally supposed to be a presentation at a properly noticed meeting of the wildlife committee chaired by Commissioner Smith, but Director Susewind forbade her from holding that meeting. After the event organizers pivoted to hosting a private event, commissioners were instructed at the last minute that a quorum of them could not attend, despite the formal opinion from the Attorney General that clearly stated that such attendance would not violate the OPMA.

Irreparable Damage to Commissioner Smith

The Knoll Memo is evidence that Director Susewind and the U.S. Sportsmen’s Alliance conspired to retaliate against certain commissioners based solely on the viewpoints they

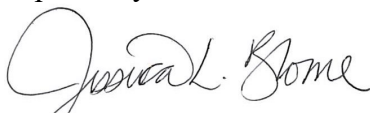
expressed and the people with whom they associated, while refusing to assess or evaluate the conduct of commissioners outside their gunsights.

Public release of the defamatory allegations of the Knoll Memo will irretrievably harm Commissioner Smith's health and state of mind as well as her personal and professional reputation. Unfortunately, however, much of this harm has already been done. As Mr. Knoll suggests on p. 9, his memo was shared with the Governor's Office and used to support Director Susewind's call for the Governor to launch an investigation in response to the SA Petition.⁴

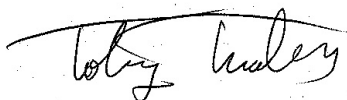
To the extent that it relies on either the Knoll Memo or the SA Petition, Chiedza Nziramasanga's ongoing investigation has been contaminated by this illegal and unconstitutional conduct, especially if it has been confined to the narrow set of documents curated by Director Susewind and the Sportsmen's Alliance, and fails to evaluate equivalent conduct by other members of the commission.

We respectfully ask you to carefully consider all the consequences of the Knoll Memo before you approve its public release.

Respectfully Submitted,



Jessica L. Blome
Greenfire Law, PC



Toby Thaler
Attorney-at-Law

⁴ See attachments indicating that the Knoll Memo and documents supplied by SA were "the starting point" for the investigation, and Director Susewind's letter urging the Governor to undertake the investigation.