



STATE OF WASHINGTON
— OFFICE OF GOVERNOR BOB FERGUSON —

August 31, 2026

CONFIDENTIAL

SENT VIA EMAIL

Lorna Smith
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Dear Commissioner Smith:

The purpose of this letter is to memorialize concerns regarding your conduct as Commissioner with the Washington Department of Fish and Wildlife (WDFW). This is based on the findings from the Washington Department of Fish and Wildlife Commission Investigation finalized on July 27, 2026.

Background

You were appointed to the Commission on January 4, 2021, by Governor Inslee, with your term to end on December 31, 2026. On August 5, 2025, WDFW Director Kelly Susewind provided our Office with details outlining concerns of misconduct by members of the Commission. The state retained the services of Transformative Workplace Investigations to complete an investigation of these allegations.

Summary of investigative findings related to your conduct

Following completion of the independent investigation, our Office has completed a comprehensive review of the investigation report. The independent investigation made several key findings, which include the following:

Allegations Related to Failure to Comply with the PRA and OPMA

The investigation revealed instances where you fell short of meeting expectations related to the Public Records Act and, in some instances, the Open Public Meetings Act (OPMA). Specific conduct identified includes:

- In response to a request for records from a 7-day period, you took about 9 months to submit your voting form to the WDFW staff. In your voting form, you indicated that you did not search your personal device for records. However, based on other

records that were discovered later, it was confirmed that you did in fact send and receive text messages on a personal device that were responsive to this request.

- Your engagement with WDFW on another PRR also revealed problematic behavior. In response to a broad public records request, the investigator found that you failed to provide responsive records for 18 months. While you did ultimately produce records, your slow response—provided only after the requester filed a lawsuit—is concerning.
- The investigation also concluded that you engaged in multiple meetings in violation of the Open Public Meetings Act. However, the investigator concluded that the meetings did not constitute knowing violations. Moreover, the investigator found that there was no evidence of further violations once OPMA compliance concerns were raised.

Conflict of Interest and Ethics Allegation Related to Improper Meetings with Outside Parties

The investigator concluded that you, along with other Commissioners, met on multiple instances with parties and representatives of parties involved in active litigation against WDFW without disclosing these meetings to WDFW. The investigator found no evidence that these meetings included any type of collusion regarding litigation and that the meetings did not violate any statutory obligations, but did conclude that the meetings undermined the perception of impartiality and transparency.

Allegations Regarding Treatment of WDFW Staff and Leadership

The investigator concluded that there was a “significant breakdown of trust” between certain Commissioners, including yourself, and agency staff and agency leadership. However, the investigator did not find a coordinated pattern of harassment, mistreatment, or retaliation.

Improper Timekeeping and Compensation Claims

The investigator found that technically your practice of claiming a stipend for every day over an 18 month period, except for Christmas and New Years Day, regardless of how little you worked, was not a violation of rules or policy.

Expectations of you going forward

As an appointed member of the WDFW Commission, you are expected to maintain the highest standards of transparency, professionalism, and compliance with the law. Your conduct regarding the lack of cooperation with agency public records staff and other

requirements related to public records requests is particularly problematic. Timely, transparent, and legally compliant provision of access to public records is foundational to government accountability and critical for the public to have trust and confidence in the decisions made by the WDFW Commission. If Commissioners fail to promptly and thoroughly review their files for records, or improperly withhold records, this creates distrust in the Commission and ultimately jeopardizes the mission of the WDFW. Additionally, failure to comply with the obligations under the Public Records Act could make WDFW subject to adverse legal rulings, including financial penalties.

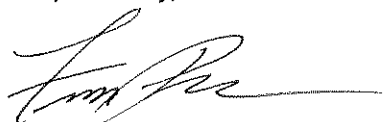
In addition to the concerns regarding your conduct related to public records requests, our Office is concerned about your conduct creating a perception of a conflict of interest. Furthermore, while we appreciate that your role as Commissioner is to make well-informed decisions based on the insights and work of WDFW staff, and that this may require you to ask questions of staff, we expect you to treat colleagues with professionalism.

For the remainder of your term as Commissioner, our Office expects the following:

- Prompt and comprehensive compliance with the Public Records Act and practices in alignment with the requirements of the Open Public Meetings Act.
- Strict observance of conflict-of-interest rules under WDFW policy and legal obligations. This includes recusing yourself from matters of personal or organizational relationships that can even create an appearance of a conflict of interest.
- Professional engagement with all WDFW staff and other Commissioners.
- Refraining from making any threats of retaliation or engagement in retaliatory conduct against anyone who participated in the investigation.

Failure to meet these expectations will result in the removal from your position prior to the time you leave the Commission at the end of your term expiring on December 31, 2026.

Respectfully,



Franklin Plaistowe
Chief Operations Officer