

## Seattle Ethics and Elections Commission Regular Meeting

May 5, 2010

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on May 5, 2010 in Room 4080 of the Seattle Municipal Tower. Commission Chair Robert Mahon called the meeting to order at 4:00 p.m. Vice-Chair Tarik Burney and Commissioners Lynne Iglitzin, Nancy Miller, and Bill Sherman were present. Commissioner Michele Radosevich joined the meeting by telephone, and Commissioner Ed Carr did not attend. Executive Director Wayne Barnett and staff members Anthony Adams, Kate Flack, Polly Grow and Mardie Holden were present, as were Assistant City Attorneys Jeff Slayton and Gary Keese.

### 1) Public Comment

There was no public comment.

### Action Items

#### 2) Hearing in Case No. 10-1-0126-1 (Employee failed to file disclosure in accordance with SMC 4.16.070.1.c before participating in matter.)

The Chair granted Mr. Bushnell's request for a closed hearing. Following presentations by the parties in closed session, the Commission went into executive session to discuss the case.

The Commission returned after 40 minutes of deliberation. Commissioner Sherman moved that the Commission find that a violation of SMC 4.16.070.1.c was stipulated in the case of 10-1-0126-1, that the violation was not minor, and that taking into account all the facts and conclusions of law, as well as the various mitigating factors put forward by Mr. Bushnell's counsel, that the appropriate penalty for Mr. Bushnell's violation was \$500. Commissioner Miller seconded the motion, and the Commission unanimously approved.

### **3) Approval of minutes for April 7, 2010 regular meeting**

Commissioner Miller moved to approve the minutes for the April 7, 2010 regular meeting, and Vice-Chair Burney seconded. The Commission voted unanimously to approve the minutes as drafted.

### **4) Request for financial interest statement reporting modification**

The Executive Director reported that Councilmember Sally Bagshaw recently received an exemption from the PDC and recommends that the SEEC grant a modification on the same terms. Commissioner Iglitzin moved to grant Councilmember Bagshaw's request for a modification for 2009, which Commissioner Miller seconded. The Commission voted unanimously to approve the motion.

### **Discussion Items**

#### **5) Dismissal of case No. 10-1-0407-1 (Allegations of improper treatment don't raise issues under the Ethics Code)**

The time for appealing this dismissal has not yet expired, so the Commission will hold this letter for discussion until the June meeting.

#### **6) Dismissal of case No. 10-WBI-0425-1 (Waiver of interest and fines for taxpayer was not improper government action)**

A whistleblower complained about DEA's waiver of \$6,200 in interest and penalties on unpaid Business and Occupation taxes. DEA can waive interest and penalties when it determines that the cost of recovering those charges exceeds the charges themselves. In addition, DEA staff was persuaded by the taxpayer's claim that he'd been told in 2007 that if he paid his taxes there would be no interest and penalties. There were no efforts to collect on this account for the past three years.

Staff dismissed the complaint, finding no gross waste of public funds, abuse of authority, or violation of federal, state, or city law or rule.

**7) Memorandum regarding changing the application of the post-employment restrictions to employees who are involuntarily laid off**

The Executive Director recommended that the City implement a variation of a law passed by the State of New York when it was faced with impending layoffs. The Executive Director proposes relaxing the bar for former employees who go to work for City contractors, since the City is still the ultimate client. He also recommends suspending the bar on communicating with one's former department for laid off employees.

The Commission was receptive, and the Chair and Commissioner Miller suggested that the Director prepare a draft for discussion at the June regular meeting.

**8) Executive Director's Report**

The Financial Interest Statement process is underway and the deadline was April 15, 2010. We have collected over 98% of the forms from City employees and officers, and roughly 75% of the forms from the members of each Board and Commission required to file.

The Executive Director also reported on his efforts to track the advice the SEEC provides. We have first quarter numbers for 2010 that register 230 individual pieces of advice given to City employees, candidates and lobbyists. We are on track to advise around 1,000 individuals in 2010, which is roughly ten percent of the City's work force.

The Chair asked if there were any updates on the Commission's budget. The Executive Director told the Commission that the Budget Office has requested no additional cuts for 2011. He said that the Commission had reduced 2010 expenses by approximately \$40,000 because it is not a municipal election year, and said he needed to follow up to make sure that money had been added back to the Commission's proposed budget for 2011.

Finally, the Executive Director reported on his efforts to publicize the vacancy created by Commissioner Carr's departure. The Executive Director has sent notices out to all of the Bar Associations, the Northwest Ethics Network, and former Commissioner Pat Dobel. Councilmember Sally Clark also distributed the announcement widely.

The May 5, 2010 Seattle Ethics and Elections Commission Regular Meeting was adjourned at 5:58 P.M.

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