

APPENDIX D

From: Freedman, Nicole
Sent: 28 May 2015 01:58:45 +0000
To: Keese, Gary
Subject: FW: bike share organization check in
Attachments: Disclosure form (EO) (2).docx, Waiver sample FINAL.pdf, image001.jpg

Hi Gary,

Ann Sutphin forwarded me your email to Scott, Paulo and Ann regarding the COI for Scott and Paulo. I am going to assist them in getting this done. For Paulo, although he never had a financial interest in Motivate or the non-profit, but did serve on the non-profit board of directors while in a previous position, I believe he will want to fill out a COI disclosure form, just to be safe and have it on file.

For Scott, I am drafting the disclosure form and waiver (letter from the Mayor) using the samples you provided. His employment as CEO of Alta/Motivate ended less than 1 year ago, so per your email, both forms are needed. **Can you advise please who in the Mayor's office would sign?**

Thanks so much and keep smiling,



Nicole Freedman
Chief of Active Transportation and Partnerships
City of Seattle Department of Transportation
O: 206.684.4690 M: 206.552.4085
Nicole.Freedman@seattle.gov



-----Original Message-----

From: Keese, Gary
Sent: Thursday, May 14, 2015 06:17 PM Pacific Standard Time
To: Sutphin, Ann
Cc: Kubly, Scott; Nunes-Ueno, Paulo
Subject: RE: bike share organization check in

Ann, Scott, and Paulo

Thanks for the info and your questions.

The Code

The Ethics Code says that employees should not participate in any City matter in which any of the following have a financial interest: 1) an outside organization they currently work for; 2) an organization on which they currently serve as an officer or board member, or 3) an organization they have worked for

The Code also requires employees to formally disclose other relationships or circumstances that might reasonably call into question the employee's ability to be impartial in a City matter before they participate in that matter. That gives the department the opportunity to decide if the employee should participate or not.

Your Questions

1. Your membership on the board. Since you serve as the City's official representative on the board, I don't see a conflict of interest problem. You are there to represent the City's interests. As for how potential changes in the program's structure might affect that, I think that could depend on the details of those possible changes. In general though, you are the City's representative and do not have a personal financial interest in the non-profit, so I don't see a conflict of interest problem at this point.
2. Paulo Nunes-Ueno. Paulo is not a current member of the non-profit board, so that is not a financial conflict of interest that would require him to recuse himself from City matters in which the non-profit has a financial interest. I also can't envision how possible organizational changes would alter that. I don't know how long ago he was on the board, but if it was fairly recently, he should probably fill out a disclosure form to be safe.
3. Scott Kuby. Scott is a former employee of Alta (now Motivate). I think it is possible Motivate could have a financial interest in a possible program reorganization, even if the current contract is between Motivate and the non-profit and not with the City.

Scott, the safest way for your to proceed therefore depends how long ago you worked for Alta.

- a) If you worked for them within the previous year, then you should seek a waiver in order to participate in City matters in which Motivate has a financial interest.
- b) IF, on the other hand, you have worked for them fairly recently but not within the previous year, then a disclosure should be sufficient.

Scott, since you are the department head, there are some special procedures involved in both the waiver process and the disclosure process. A waiver is usually requested by the department head, but since you are the department head, the request should be from the Mayor's office. In the disclosure situation, the department decides if the employee should participate or not based on the disclosure. Since you are the department head, that decision would also fall to the Mayor's office.

I have attached the disclosure form and a sample waiver request that was approved by our office.

I hope that helps. Please call if you have any questions.

Gary

Gary Keese
Ethics Advice and Training
Seattle Ethics and Elections Commission

gary.keese@seattle.gov

206/684-0595

700 Fifth Ave., Suite 4010
P.O. Box 94729
Seattle, WA 98124-4729