

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION**

	)	
	)	Case No. 10-1-1117-1
In the Matter of	)	
	)	<del>PROPOSED</del> DETERMINATION AND
<b>JEFFREY BRITSCH,</b>	)	ORDER
	)	
	)	
	)	

---

The Commission makes the following determination:

**FINDINGS OF FACT**

1. 1. Jeff Britsch was a commercial vehicle enforcement officer (CVEO) with the Seattle Department of Transportation (SDOT) between October 1990 and his resignation effective December 3, 2010.
2. As a CVEO, Britsch was a commissioned Seattle Police Department officer who enforced vehicle safety regulations pertaining to commercial trucks. In that capacity, he could issue warnings, citations and notices of noncompliance as they related to the Seattle Municipal Code, the Revised Code of Washington and the Code of Federal Regulations for commercial vehicles. When a CVEO stops a truck they can issue a warning, issue a citation (fines for overweight trucks can exceed \$1,000), or place a truck out of service for a safety violation and suspend its operation until the offense is remedied.

1           3.       Britsch's job responsibilities also included weighing and measuring trucks to  
2 determine compliance with load and size limitations; ensuring Seattle truck permit compliance;  
3 assisting in traffic control and investigating commercial vehicle accidents; and escorting  
4 oversized loads safely into and out of Seattle.

5           4.       Britsch also performed inspections, for pay, for Pacer Cartage (Pacer), a Florida-  
6 based trucking company with an office in South Seattle. Britsch was asked to local Pacer trucks  
7 at a rate determined by the local safety officer. Britsch performed inspections for Pacer on his  
8 personal time.

9           5.       For inspections of Pacer's fleet performed between January 7, 2009 and October  
10 20, 2010, Britsch was paid \$9,750. Britsch was paid \$50 per truck and inspected:

- 11           •       99 trucks in the first half of 2009
- 12           •       17 in the second half of 2009
- 13           •       44 in the first half of 2010, and
- 14           •       35 in the second half of 2010.

15           6.       On November 10, 2010, Britsch sent an e-mail to Pacer's Assistant Vice President  
16 for Safety and Compliance in Florida. (The complete e-mail is attached.) After introducing  
17 himself as a CVEO for the City of Seattle, the e-mail states that "[t]he last two days I have  
18 stopped two of your tractors," and that "[b]oth vehicles could have been written citations which  
19 have a negative impact upon your safety rating." The e-mail goes on to "question the quality of  
20 [Pacer's quarterly] inspections," and ask "[i]f I were to stop other Pacer Cartage vehicles what  
21 type of violations would I find?" The e-mail further states "I feel that there needs to be better  
22 quality inspections performed on your vehicles and even random inspections done to make sure  
23 that drivers are properly maintaining their vehicles which your company use [sic] to do under a

1 previous safety director. I would also suggest that if you used a local company to do your  
2 inspections that that company could do a better job of following up when there are vehicles that  
3 have violations. If there is anything I can do to assist your company please don't hesitate to  
4 ask."

5 7. The Assistant Vice President forwarded the e-mail to SDOT, saying that he was  
6 "concerned about the potential bias against Pacer Cartage being motivated by previous business  
7 dealings not working out." The Assistant Vice President referred to Pacer's July 2009 decision  
8 to "cancel the use of Mr. Britsch's services because we were not satisfied with the quality of  
9 inspections." (In fact, while Pacer's Seattle operation stopped relying on Britsch to conduct  
10 quarterly inspections in July of 2009, the Seattle office continued to hire Britsch to perform spot  
11 inspections.)

12 8. Early in his SDOT career, Britsch received a written warning for conducting  
13 private inspections. The July 1, 1994, warning states: "I am concerned about a possible conflict  
14 of interest between your private business and your duty with the City. Your duties with the City  
15 consist of Commercial Vehicle Enforcement and you are responsible for issuing citations to  
16 commercial vehicles for safety related problems. Conversely, in your private business you act as  
17 a certified inspector and sign-off the official inspection forms related to the DOT Federal  
18 Highway Administration inspection requirements....[I]t could appear that your private business  
19 is in conflict with our Code of Ethics."

20 9. In January 2001, the then-Executive Director of the Seattle Ethics and Elections  
21 Commission issued an opinion concluding that the "Code of Ethics would prohibit City  
22 Commercial Vehicle Enforcement Officers from soliciting or accepting employment with the  
23 contractors who are subject to their jurisdictions [sic]." Britsch was familiar with this opinion.





1 “concerned about the potential bias” against Pacer due to Mr. Britsch’s previous business  
2 dealings with the company. A reasonable person could also view the e-mail as an attempt to  
3 secure more business from Pacer for Mr. Britsch.

4 7. I. Mr. Britsch violated SMC 4.16.070.1.c [prior to the July 2009  
5 amendment] and SMC 4.16.070.1.b [following the July 2009 amendment] when he participated  
6 in matters in which Pacer Cartage, a company for which he had performed work in the previous  
7 12 months, had a financial interest. Every time he made the decision to stop a Pacer truck, or to  
8 allow a Pacer truck to proceed unimpeded, Mr. Britsch participated in matters in which Pacer  
9 had a financial interest.

10 **ORDER**

11 Mr. Britsch is ordered to pay a monetary fine totaling \$14,750 for his Ethics Code  
12 violations, which represents the sum of his earnings from Pacer for 2009 and 2010, plus an  
13 additional \$5,000. The penalty reflects Mr. Britsch’s misuse of his position as a regulator  
14 entrusted with protecting the public’s health and safety, and his decision to ignore prior  
15 warnings and advice.

*The Commission authorizes the Executive Director to work with Mr. Britsch to develop a mutually agreeable payment plan.*

16 Dated April 6, 2011.

17 

18 Robert Mahon, Chair  
19 Ethics and Elections Commission  
20  
21  
22  
23

