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BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

)	
)	Case No. 10-WBI-0210-1
In the Matter of)	
)	DETERMINATION AND
TERI WOODS,)	ORDER
)	
)	
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_____)	

INTRODUCTION

The Executive Director filed charges in this matter on February 2, 2011. The Seattle Ethics and Elections Commission (the "Commission") held a hearing on the charges at its regular meeting on March 2, 2011. The Executive Director presented evidence in support of the charges, including the Declaration of Wayne Barnett and attachments thereto, the Declaration of Kate Flack and attachments thereto, and the Pre-Hearing Order in Seattle Civil Service Commission Pre-Hearing Order CSC No. 10-01-022, which were entered into the Commission record at the hearing. Ms. Woods did not attend the hearing or present evidence.

Based upon the record in this case, the Commission makes the following determination:

1 **FINDINGS OF FACT**

2 1. At all times relevant to this matter, Ms. Teri Woods worked in the Utility
3 Assistance Group (UAG) in the Mayor's Office for Senior Citizens (MOSC). Ms. Woods has
4 worked at the City for more than 20 years.

5 ***The UAG and Project Share***

6 2. The UAG determines whether residents qualify for various utility assistance
7 programs, including Project Share, an assistance program available to income-qualified Seattle
8 City Light (SCL) customers, the City's Utility Discount Program (UDP), which offers a 50
9 percent ongoing discount on all utility charges, and available federal and state energy assistance
10 programs.

11 3. Project Share is funded by voluntary donations that SCL customers include when
12 they pay their electric bill. The purpose of the program is to reduce a customer's bill to a
13 manageable level, and to stave off disconnection of electrical service while the customer secures
14 funds from other community organizations, or qualifies for one of the other utility assistance
15 programs. Each qualified household is eligible to receive up to \$500 in Project Share funds in a
16 twelve-month period. Qualified households receive the first \$250 without making a co-payment.
17 The second \$250 requires the customer to make a \$2 payment for each \$1 in Project Share funds
18 that they receive. (For example, a qualified household seeking assistance paying a \$400 electric
19 bill would be eligible to receive \$250 of Project Share funds toward the bill up front, but would
20 need to make a \$100 payment before receiving the additional \$50, and thereby paying their bill
21 in full.)

22 4. Prior to May 2009, UAG employees determined income eligibility for Project
23 Share funds based solely on a telephone interview. No verification was required. The employee

1 placed the information on an electronic form known as the "Emergency Utility Assistance
2 Intake."

3 5. In May 2009, MOSC began requiring the completion of a UDP Application for all
4 Project Share applicants. A UDP application requires the names and ages of all persons living in
5 the household, the total household monthly income from all sources, a listing of basic household
6 expenses with documentation, and inclusion of income documentation for three consecutive
7 months.

8 6. The qualifying income threshold for Project Share is, and has been for the time
9 period covered by this agreement, 70 percent of the State's median income. The table below
10 shows the income thresholds in effect for 2009:

# Res	Per Mo	Per Yr
1	\$2,380	\$28,560
2	\$3,112	\$37,344
3	\$3,845	\$46,140
4	\$4,577	\$54,924
5	\$5,309	\$63,708
6	\$6,041	\$72,492
7	\$6,179	\$74,148
8	\$6,316	\$75,792

16
17 7. The Project Share and UDP Guidelines used by UAG employees and dated July
18 2009 reads as follows:

- 19 • No customer referrals will be made to Project Share if the customer balance is greater the
20 \$1,000
- Customers will utilize EAP and ELIA as appropriate.
- Project Share assistance is limited to once in a twelve month period.
- 21 • Maximum pledge per twelve month period shall be \$500 per customer account.
 - 22 ○ The first \$250 in Project Share funds may be pledged without a customer match
 - An additional \$250 in Project Share may be pledged on a 50% matching basis
23 (i.e. for each \$2.00 the customer pays, Project Share will pledge an additional
\$1.00 to a maximum of \$250.
- Customers will have two weeks to raise any matching funds.

- Customer matching funds shall not include EAP or ELIA assistance.
- Payment arrangements will be made on the remaining balance
- HSD will maintain a \$10,000 fund balance in the Project Share account.
- Customers living in non-subsidized housing must submit a completed Utility Discount Program application prior to the approval of a Project Share pledge.
- No exceptions shall be made to these policies without approval by the Utility Assistance Program supervisor.

Disbursement of Project Share Funds to Mr. Paul Howie

8. Ms. Woods was involved in a romantic relationship with Mr. Paul Howie from 2005 until early 2009.

9. Mr. Howie has been a King County employee since 1992. King County records show Mr. Howie's annual income, including overtime, to have been \$64,163 in 2007, \$63,308 in 2008 and \$65,677 in 2009.

10. Ms. Woods authorized Project Share assistance for Mr. Howie on four occasions between May 2007 and August 2009. Ms. Woods completed intake forms in each instance which list Mr. Howie's household income as \$3,000 per month, and his household size as two.

- In May 2007, Ms. Woods approved a Project Share payment to Mr. Howie's electric bill totaling \$186.
- In May, 2008, Ms. Woods approved a Project Share payment to Mr. Howie's electric bill totaling \$334. There is no record of Mr. Howie making a \$168 co-payment within 60 days of May 2008, nor any record of an exception being approved by the Utility Assistance Program supervisor.
- In March 2009, Ms. Woods approved a Project Share payment to Mr. Howie's electric bill totaling \$400. There is no indication that the required customer co-payment was made, and the payment together with the May 2008 exceeded the \$500 per 12-month period limit by \$234. There is no record of exceptions being approved by the Utility Assistance Program supervisor.
- In August, 2009, Ms. Woods approved a Project Share payment to Mr. Howie's electric bill totaling \$100. There is no UDP application on file or documentation verifying income, as required under the May 2009 Guidelines, nor any record of an exception being approved by the Utility Assistance Program supervisor.

1 *Disbursement of Project Share Funds to Mr. Anthony Ross*

2 11. Mr. Anthony Ross is Ms. Woods's ex-husband and the father of her children. On
3 two occasions, Ms. Woods made the determination that Mr. Ross was eligible for Project Share
4 funds and authorized funds to be paid toward his electric bill.

- 5 • In July 2008, Ms. Woods approved a Project Share payment to Mr. Ross's electric
6 bill totaling \$312. Mr. Ross paid \$100 of the \$142 required for him to receive the
7 amount of the pledge over \$250. There is no record of an exception being
8 approved by the Utility Assistance Program supervisor.
- 9 • On September 4, 2009, Ms. Woods approved a Project Share payment to Mr.
10 Ross's electric bill totaling \$397. Although Mr. Ross should have made a \$294
11 matching payment, SCL records do not confirm a payment. Ms. Woods noted on
12 the file that the customer had paid \$160 on July 11, 2009, but Mr. Ross actually
13 made a \$100 payment in April and a \$60 payment in June, well outside the
14 window for qualifying as a match. There is no UDP Application on file or
15 documentation verifying income, and there is no record of an exception being
16 approved by the Utility Assistance Program supervisor.

12 12. Ms. Woods received the charging document and notice of hearing, but declined to
13 participate in this hearing.

14 13. Ms. Woods has expressed no remorse for her actions. Instead, she blames an
15 alleged lack of adequate job and ethics training. In the Pre-Hearing Order dated February 22,
16 2011, issued by the Seattle Civil Service Commission (which is part of the record in this
17 matter), Ms. Woods is quoted as stating:

18 I do not feel that I was trained properly and I do not believe my
19 supervisor was trained properly to supervise me properly. I
20 believe he was fired also. They also produced documentation that
21 was printed after they put me on leave.

22 I feel I should be re-trained and re-hired. I have worked there for
23 22 years and sonly received training in the first five years. No
ethics training.

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**CONCLUSIONS OF LAW
AND DETERMINATION**

1. Ms. Woods was afforded due process and given the opportunity to present her case, but declined to attend this hearing.

2. Effective July 21, 2009, the Seattle Ethics Code, SMC 4.16.070.1.c, provides that a Covered Individual may not "[p]erform any official duties when it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Covered Individual's judgment is impaired because of (1) a personal or business relationship not covered under subsection [4.16.070.1.a] or [4.16.070.1.b] or (2) a transaction or activity engaged in by the Covered Individual."

3. Prior to July 21, 2009, the Seattle Ethics Code, SMC 4.16.070.1.a provided that no City officer or employee shall "[e]ngage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where the conflict occurs."

4. The Seattle Ethics Code, SMC 4.16.070.2.a states that no Covered Individual may "use or attempt to use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the Covered Individual or any other person, rather than primarily for the benefit of the City."

5. Ms. Teri Woods was a City employee during the period May 2007 through August 2009, and therefore a Covered Individual, subject to the City's Ethics Code under the Code sections quoted above.

1 6. Ms. Woods had personal relationships with Mr. Howe and Mr. Ross and
2 performed official duties concerning them that, at the time she performed them, would appear to
3 a person having knowledge of the relevant circumstances that Ms. Wood's judgment was
4 impaired because of those personal relationships, in violation of SMC 4.16.070.1.c.

5 7. Ms Woods used her City position for other than a City purpose in violation of
6 SMC 4.15.070.2.a when she approved payments for Mr. Howie despite the fact that his income
7 substantially exceeded the allowable limit for the disbursement of Project Share funds.

8 8. Ms. Woods's relationships with Mr. Paul Howie, with whom she was involved in
9 a romantic relationship, and Mr. Anthony Ross, her ex-spouse and the father of her children,
10 would appear to a reasonable person, having knowledge of the relevant circumstances, to have
11 impaired her judgment in the performance of her official duties. Therefore, Ms. Woods was
12 required to disqualify herself from taking official actions on their applications.

13 9. Ms. Woods did not disqualify herself, and therefore violated SMC 4.16.070.1.a
14 (prior to July 2009), and 1.c (after July 2009). Instead she approved six disbursements in total
15 to these two individuals, five of which did not comply with program guidelines.

16 10. SMC 4.16.020 states the purpose of the Ethics Code which, among other things,
17 requires the following:

18 City officers and employees will demonstrate the values of
19 integrity in the performance of the City's business, accountability
20 to the law and to the people we serve, stewardship of the City's
21 resources, and independence in the performance of our jobs. City
22 employees should recognize that public service is a sacred trust,
23 and should strive to live up to the highest ethical standards.

SMC 4.16.020.B.

