City of Seattle

Ethics and Elections Commission

February 4, 2010

Re: Case No. 09-1-1105

Dear ********:

Thank you for contacting the Seattle Ethics and Elections Commission (SEEC) with your concerns relating to Seattle City Light (SCL) employee Dan Crevensten.

Based on the SEEC staff investigation, I find reasonable cause to believe that Mr. Crevensten violated SMC 4.16.070.2 when, while on official business, he asked a Seattle Mariners corporate manager about relocating his 2010 Seattle Mariners season tickets, and gave the Mariners employee his City business card so that she could contact him.

I will ask the SEEC to administratively dismiss this matter, though, believing that the violation was minor and that Mr. Crevensten's manager's decision to take him off the project was an appropriate response to the conduct in question.

FACTS

Dan Crevensten is a Senior Capital Projects Manager for SCL. In the fall of 2009, he was assigned to manage work associated with the south portal portion of the viaduct replacement project. This project involves several state, federal and local agencies and affects several businesses in the area including the Seattle Mariners.

Dan Crevensten and his wife have been Mariners season ticket holders since 1997. The tickets are in the team's records under the name of Mr. Crevensten's wife.

When a season ticket holder wishes to change their seats for the upcoming season, they make a request to be part of the ticket relocation process. Here is what the Mariners' web site says about relocation for the 2010 season: "To participate in the [2010] seat relocation program, please note your request on your invoice when paying online…by October 9, 2009. All season ticket holders who indicate their interest in the program will receive an invitation via email in late October."

According to Nichollette Larson, manager of the Mariners' sales staff, upon receiving a relocation request, a team employee contacts the ticket holder and gives the holder an appointment to visit the stadium, view the available seats and make a selection. Appointments are given based on the length of time the ticket holder has held a season ticket.

On October 4, 2009, the Mariners received the Crevenstens' renewal for the 2010 season. The Crevenstens did not request to relocate.

On October 27, 2009, according to Mariners business records, Ms. Crevensten called the Mariners to request relocation. Records show that the Crevenstens were given an appointment on November 3 to visit the stadium and make a relocation decision.

The following day, October 28, 2009, Dan Crevensten attended a meeting of federal, state, city and private organizations involved in or effected by the south portal project. Susan Ranf, Director of Safeco Field Transportation Services, attended the meeting on the Mariners' behalf.

During a break at the meeting, Dan Crevensten approached Ms. Ranf and spoke to her about relocating season tickets. Ms Ranf recalls that he asked about the relocation process and "who do I talk to," and described for her the reasons he wanted to relocate. In an interview with SEEC staff, Mr. Crevensten said that his wife handled the Mariners tickets, and that he approached Ms. Ranf for the sole purpose of getting information.

During the conversation, Mr. Crevensten gave Ms. Ranf his SCL business card. Ms. Ranf delivered the card to Ms. Larson, manager of the sales staff, who in turn gave it to a staff sales representative requesting that they call Mr. Crevensten. Ms. Ranf told us that she would have done the same thing for any season ticket holder.

Mr. Crevensten received a voicemail from a Mariners' sales representative on either Thursday, October 29 or Friday, October 30. He told us that he returned the call the following Monday, November 2. Mariners' records show that the Crevenstens were given a November 3 appointment to visit the stadium and see what seats were available. Team records do not show whether the appointment was made when Mr. Crevensten called on November 2 or when his wife called on October 27. Mr. Crevensten told us that he made the appointment, but the team employee with whom he spoke told us that she didn't think she set up an appointment that day.

On November 2, 2009, Mr. Crevensten met with his supervisor, Nancy Robb. While discussing the stakeholder meeting, Mr. Crevensten mentioned his conversation with Ms. Ranf regarding his season tickets. Ms. Robb told him that it was inappropriate to have that discussion during a SCL business meeting and told him not to have any further discussions with team personnel about his season tickets at future meetings.

On November 3, 2009, Mr. Crevensten went to the stadium and chose new seats for the 2010 season. Both team officials and Mr. Crevensten told us that the Crevenstens weren't shown special consideration in the seat selection process because of Mr. Crevensten's position at SCL.

During a November 4, 2009 stakeholders meeting attended by Ms. Robb and Mr. Crevensten, Mr. Crevensten approached Ms. Ranf and thanked her for her assistance. Based on this contact, Ms. Robb, in consultation with other SCL supervisors, removed Mr. Crevensten from the project. He is no longer involved in the south portal stakeholders group. Mr. Crevensten was also ordered to attend a training session conducted by SEEC staff.

DISCUSSION

SMC 4.16.070.2.a and b state in relevant part that a Covered Individual may not, "[u]se 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…," or "[u]se or attempt to use, or permit the use of any City…property, for a purpose which is or to a reasonable person would appear to be, for other than a City purpose…."

It is my determination that there is reasonable cause to believe that Mr. Crevensten violated the Ethics Code when, in the context of a stakeholder meeting, he engaged in a discussion about his season tickets with a Mariners official and gave that official his SCL business card. The Ethics Code requires that employees exercise caution in their personal dealings with those whose businesses are affected by City decisions, lest it even appear that they are misusing their City position to advance their own interests. A meeting to discuss a massive public works project that will have significant impacts on SODO businesses is not an appropriate venue to discuss one's private dealings with one of those businesses.

I am also persuaded, though, that Mr. Crevensten was not attempting to abuse his authority for his private benefit, and did not in fact obtain any private benefit. As such, I believe that Mr. Crevensten's alleged violation was minor. I also commend SCL's swift and appropriate response. Mr. Crevensten was reassigned and directed to attend ethics training, responses that I find to have been appropriate and proportional. Finding the alleged violation to have been minor, and SCL's action to have been appropriate, I will seek an administrative dismissal of this complaint under SMC 4.16.090.E.

You may attend the Commission hearing at which I will ask the Commission to approve this request for an administrative dismissal. If you wish to address the Commission, you may request that the Chair permit you to do so. I plan to make the request on March 3, 2010, during the Commission's regular monthly meeting. This meeting will be held in Room 4080 of the Seattle Municipal Tower, beginning at 4:00 p.m.

Thank you for bringing this matter to our attention.

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission
Dan Crevensten, Seattle City Light
Davonna Johnson, Seattle City Light Human Resources Officer
Nancy Robb, Seattle City Light