City of Seattle

Ethics and Elections Commission

September 30, 2010

Re: Case No. 10-1-0908-1

Dear **********:

On September 8, you lodged a complaint with the Seattle Ethics and Elections Commission (SEEC) alleging that an unnamed City employee had misused his or her position to get an employee of Tabor 100, a local non-profit, fired. In light of the seriousness of the allegations, staff immediately initiated an inquiry. We have concluded that inquiry, and at is my determination that there is insufficient evidence to establish reasonable cause to believe that a City employee has violated the Ethics Code. I am therefore dismissing the complaint.

Facts

According to its web site Tabor 100 is, "an association of entrepreneurs and business advocates who are committed to economic power, educational excellence and social equity for African-Americans and the community at large." Tabor 100 has one $10,000 City contract to do outreach to women and minority contractors, and works closely with the City to ensure that women and minority owned businesses are aware of contracting opportunities with the City.

On August 11, Ms. Sakara Remmu accepted a job with Tabor 100. She started one week later, on August 18, and the Tabor 100 newsletter, which went out the following week, announced Ms. Remmu's hiring.

Ms. Remmu also writes, blogs and does radio commentary under the pen name Sable Verity. Some of her writings have been very critical of Mayor McGinn. For example, on August 16, 2010, Ms. Remmu posted an article on her blog entitled "Mayor McGinn: Shit on Your Shoes, Or Blood On Your Hands," that criticized the Mayor's focus on public safety issues in Belltown, and called for more attention to public safety issues in South Seattle. On August 27, 2010, she returned to the topic in a post entitled: "Tell the Mayor: Enough Excuses."

Deputy Mayor of Communities Daryl Smith received the newsletter announcing Ms. Remmu's hiring. At some point between August 24, when the Tabor 100 newsletter was distributed electronically, and August 30, Deputy Mayor Smith and Ollie Garrett, the President of Tabor 100's Executive Board, spoke by telephone. Both the Deputy Mayor and Ms. Garrett told us that Ms. Garrett initiated the telephone call.

The Deputy Mayor told us that, during the conversation, he brought up the fact that he "might not be comfortable" speaking freely at Tabor 100 meetings if Ms. Remmu, a blogger, was in attendance. The Deputy Mayor told us that Ms. Garrett seemed surprised when he told her that Ms. Remmu blogged under the name Sable Verity. The Deputy Mayor also told us that Ms. Garrett told him that Tabor's relationship with the City was important, and that when she said that, he told her that he was not "sending any message" or encouraging Tabor 100 to take any action.

At about the time of his conversation with Ms. Garrett, the Deputy Mayor called Nancy Locke, the City's Purchasing and Contracting Services Director. Ms. Locke is a Tabor 100 member and frequently attends, and speaks at, Tabor 100 meetings. In fact, Ms. Locke was on the agenda to speak at the next Tabor 100 meeting. The Deputy Mayor told us that he advised Ms. Locke to "be aware that there is a blogger in the room." He told Ms. Locke that Ms. Remmu had written things about the Mayor that were "close to the edge."

Ms. Locke told us that she does not generally read blogs, and that she had never read Ms. Remmu's blog and was unfamiliar with her writing. Ms. Locke, however, in a return call to Ms. Garrett, told her that she, too, was "concerned" about speaking in front of a "hostile audience," and might be less candid than she otherwise would be. Ms. Locke told us that she encouraged Ms. Garrett to "check this out," and that she "might want to talk to other people." Ms. Garrett told Ms. Locke that the "City's relationship means a lot to me." Ms. Locke told us that she did not suggest that Tabor 100 take any action other than looking into the situation.

Ms. Garrett told us that Tabor 100 chose not to continue Ms. Remmu's employment because she failed to disclose her writing, which Tabor 100 concluded was a "possible conflict." Ms. Garrett told us that on Monday, August 30, when she first discussed this issue with Ms. Remmu, she told her that she should have disclosed to the organization her work as a blogger. Ms. Garrett told us that while she thought at first that a non-disclosure agreement may have been effective, Ms. Remmu's reaction to Ms. Garrett's concerns with her blogging was so strong that she concluded that Tabor 100 would have to terminate Ms. Remmu. A third City employee, who spoke with Ms. Garrett after her August 30 meeting with Ms. Remmu, told us that it was his understanding that Ms. Garrett went into the meeting with the hope of being able to secure some sort of a non-disclosure agreement. Ms. Garrett told this City employee that she decided to terminate Ms. Remmu because of her reaction to Ms. Garrett's concerns regarding her blogging.

Ms. Remmu told us that she first heard about Tabor 100's concerns on the morning of August 30, when she received a telephone call from Cynthia Andrews, a Tabor 100 board member. Ms. Andrews told her that it had been brought to their attention that Ms. Remmu was responsible for a blog. Ms. Andrews told her the blog was "controversial," and questioned why it was not on her resume. Ms. Remmu told us that she told Ms. Andrews that her blogging had never been on her resume because she did not believe it was pertinent to her employment. Ms. Andrews told Ms. Remmu that she wanted her to come and talk to the board about her blogging. Ms. Remmu told us that she initially told Ms. Andrews that she would not defend her blogging to the board because she did not consider her journalistic efforts to be Tabor 100's business. Ultimately, though, Ms. Remmu agreed to speak to the board.

Ms. Remmu told us that later that day, when she was in her Tabor 100 office, Ms. Garrett came in to her office to talk about her blog. Ms. Remmu told us that when she asked what she was writing that was a problem, Ms. Garrett replied that she was extremely critical of the Mayor. According to Ms. Remmu, Ms. Garrett told her that a City of Seattle employee had alerted her to the existence of the blog. Ms. Remmu also told us that Ms. Garrett told her that "our sponsors give us money. They need to be comfortable with how that money is spent and where it goes, and comfortable with Tabor's activities." Ms. Remmu also told us that Ms. Garrett said: "If this is a problem for the City, it's a problem for us." According to Ms. Remmu, she urged Ms. Garrett to question the motivation of the City employee who had brought this to her attention. Ms. Remmu's account of the cause for her dismissal is consistent with that of a Tabor 100 member who told us that she discussed Ms. Remmu's employment status with Ms. Garrett in late August.

Ms. Garrett strongly disputes Ms. Remmu's account of their conversation. Ms. Garrett told us that it was Ms. Remmu who kept injecting the Mayor's office into the conversation about her blogging.

Ms. Remmu heard nothing more about the matter until Thursday, September 2. That day, she was called in to a meeting with Ms. Garrett, Ms. Andrews and Tabor 100's Vice-President, Philip Allen, at which she was fired.

Disposition

Seattle's Ethics Code provides 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…."

Based on the interviews conducted by staff, I cannot conclude that there is sufficient evidence to charge either Deputy Mayor Smith or Ms. Locke with misusing their official position for anyone's private benefit by having Ms. Remmu's employment terminated. It is undisputed that in the days before Ms. Remmu was confronted over her blogging that both of them expressed to her employer concerns about speaking in the presence of a blogger. But the Deputy Mayor, Ms. Locke, and Ms. Garrett all categorically deny that any threats or ultimatums – either explicit or implicit – were issued. I find that the Deputy Mayor and Ms. Locke's stated justification for mentioning this matter to Ms. Garrett – their concern about speaking to a member of the media whenever they spoke at a Tabor 100 meeting – to be a credible and lawful basis for their communications.

The evidence that the Deputy Mayor and Ms. Locke misused their City positions consists entirely of hearsay accounts of what Ms. Garrett said that an unnamed City employee said. Moreover, that evidence does not provide any indication of whether it was the Deputy Mayor or Ms. Locke – or both of them – that issued the threats. No one with whom we spoke offered any evidence based on statements that they heard made by either the Deputy Mayor or Ms. Locke.

Prior to charging a City employee with an Ethics Code violation, I need to make the determination that I have sufficient evidence to prove a case. I do not find the record we have developed in this investigation to satisfy that burden. For that reason, I am dismissing this complaint.

Conclusion

Thank you for bringing this matter to our attention. You have 21 days in which to appeal this dismissal. The appeals process is explained in the SEEC's Administrative Rule 4, which is available on our web site at ww.seattle.gov/ethics.

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission *(complainant's name and address redacted)*
Deputy Mayor Daryl Smith *(complainant's name and address redacted)*
Ms. Nancy Locke *(complainant's name and address redacted)*
Ms. Ollie Garrett *(complainant's name and address redacted)*
Ms. Sakara Remmu *(complainant's name and address redacted)*