City of Seattle

Ethics and Elections Commission

October 29, 2010

Re: Case No. 10-WBI-0420-1

Dear ****:

On April 20, 2010, we received a complaint regarding Department of Planning and Development (DPD) Permit Specialist, Mr. Godwin Moy. The complaint alleged that Mr. Moy had improperly used his City business card in connection with private business for a paying client. In the course of our investigation, facts emerged that led DPD to terminate Mr. Moy's City employment. Based on that action, I will recommend that the Commission administratively dismiss this complaint.

Facts

Mr. Moy worked for DPD for approximately a decade. At the time that we began our investigation, he was a Permit Leader. In that capacity, he supervised staff at the construction permitting counter and occasionally helped customers seeking DPD permits.

Mr. Moy gave his business card – which identifies him as a permit leader – to a bar owner who paid him $1,300 to design an outdoor seating area for the bar and get the requisite City permits. The owner complained to DPD when months went by and Mr. Moy had not completed the work.

We interviewed the owner, who told us that she had been introduced to Mr. Moy by Donny Bach of Bach's Construction. At that time, we opened a new line of our investigation, and asked DPD to identify whether Mr. Moy had ever acted on any permit applications submitted by Bach Construction.

In the course of responding to our request, DPD uncovered evidence that Mr. Moy had in fact approved applications associated with Bach Construction. Digging further, DPD uncovered evidence that Mr. Moy had approved plans that he had drafted. Mr. Moy was placed on leave and, this month, DPD terminated his employment.

Discussion

Based on the evidence, I find that there is reasonable cause to believe that Mr. Moy violated several Ethics Code provisions, including:

- SMC 4.16.070.1, by acting officially on matters in which he had a financial interest.

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- SMC 4.16.070 2, by using his City position and City facilities to advance his own business, and by assisting others with DPD matters.

The Ethics Code and the Commission's Administrative Rules provide that the Executive Director may seek an administrative dismissal of a complaint. Administrative Rule G provides in relevant part as follows:

> If the Executive Director has evidence indicating that there are reasonable grounds to believe a violation of SMC 4.16 or SMC 2.04 has occurred, and either (i) the violation was inadvertent or minor, but not both, or (ii) appropriate actions have already been taken to address the allegedly unlawful conduct, the Executive Director may ask the Commission to direct him or her to administratively dismiss the case.

DPD's termination of Mr. Moy's employment constitutes appropriate action to address his allegedly unlawful conduct, and I therefore recommend that the Commission direct me to administratively dismiss the case. Termination is the most serious sanction short of criminal prosecution that can be meted out to an employee for violating the public trust, and I do not believe that the public interest counsels in favor of further Commission proceedings in this matter. DPD is to be commended for taking the action it took.

You are entitled to 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 November 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.

Very truly yours,

Wayne Barnett
Executive Director

cc. Seattle Ethics and Elections Commission *(name and address of complainant redacted)*
Diane Sugimura, DPD Director *(name and address of complainant redacted)*
Godwin Moy *(name and address of complainant redacted)*