City of Seattle

Ethics and Elections Commission

February 1, 2013

Re: Case No. 12-1008-1

Dear ********:

On October 8, 2012, you reported to our office that the manager of City-wide athletics for the Department of Parks and Recreation ("DPR"), Dennis Cook, , had participated in a matter in which an organization on whose board he sat had a financial interest. Our investigation established reasonable cause to believe that Mr. Cook did violate the Ethics Code as you reported. For the reasons discussed below, however, I will ask the Commission to administratively dismiss this complaint at its next meeting.

**Facts**

The Hope for Youth Fund is a City program that historically provided funds to nonprofit organizations with recreational, educational or cultural programs for youths. Between 1996 and 2009, the program was jointly managed by DPR and the City's Human Services Department ("HSD"). In 2009 the fund was recast to focus exclusively on recreational programming, and DPR was tasked with managing it. The program was managed through DPR's Teen Opportunity program under Maureen O'Neil.

Ms. O'Neil retired in 2011, and in early 2012 DPR began receiving calls from past recipients inquiring whether funds would be available. Mr. Cook, who had been involved with the program when it was jointly managed by DPR and HSD, volunteered to manage the program until DPR could identify a successor to Ms. O'Neil.

In May 2012, Mr. Cook sent a letter to all of the organizations that had submitted requests for funds or received funding in the past, inviting them to submit new funding applications.

Sixteen organizations submitted requests. Mr. Cook put together a review panel to make recommendations. The panelists were (1) Bill Hogan of Seattle University Athletics, (2) Phoebe Russell of Seattle United Soccer, and (3) Vic Robeson, a Director at Seattle Public Utilities. Mr. Cook did not participate in the panel.

The review panel sent their recommendations to Mr. Cook's administrative assistant on or about July 11. Mr. Cook adopted the Committee's recommendations, and all sixteen organizations were notified by the end of July that they had received funds.

One of the organizations that received funds was the Austin Foundation. The panel approved the Austin Foundation for $3,250, almost half of what the Foundation had requested. Those figures placed the Austin Foundation squarely in the middle of the pack. (See Exhibit A.)

700 Fifth Avenue, Suite 4010, PO Box 94729, Seattle, WA 98124-4729
Tel: (206) 684-8500, Fax: (206) 684-8590, E-Mail: ethicsandelections@seattle.gov, Web: http://www.seattle.gov/ethics
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Mr. Cook had joined the Austin Foundation's board in late 2011, attending his first board meeting early in 2012.

Commission staff contacted Mr. Cook prior to the time that DPR released any funds to the Austin Foundation. Mr. Cook immediately put a hold on any decisions relating to the Austin Foundation. Following his interview with the Commission staff, Mr. Cook transferred the Austin Foundation's file and responsibility for determining whether the foundation had satisfied its obligations under the contract to Rebecca Salinas. Ms. Salinas is the Manager of Partnerships and reports directly to DPR Superintendent Christopher Williams.

**Discussion**

Based on the evidence, I find that there is reasonable cause to believe that Mr. Cook violated SMC 4.16.070.1.a, when he participated in a matter in which an organization he served as a board member had a financial interest. Under Administrative Rule 3G, however, I will ask the Commission to administratively dismiss this case.

Administrative Rule 3G authorizes me to seek an administrative dismissal when "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…"

While Mr. Cook's actions were not inadvertent, I do believe the facts here make out a minor violation. Mr. Cook stepped into a breach left by a fellow employee's retirement. He accorded the Austin Foundation, whose board he had recently joined no preferential treatment. And as soon as he became aware that his actions raised issues under the Ethics Code he took appropriate steps to divorce himself from decisions involving the Foundation. I do not believe that the public interest counsels in favor of further Commission proceedings in this matter.

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 February 6, 2013 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: Mr. Dennis Cook, Department of Parks and Recreation
Superintendent Christopher Williams, Department of Parks and Recreation

TABLE 1

| | ADMINISTRATIVE FUNDING REQUEST | SCHOLARSHIP FUNDING REQUEST | REVIEW PANEL RECOMMENDED AWARD | TOTAL REIMBURSEMENTS APPROVED AND PAID | PERCENT OF REQUEST FUNDED |
|---|---|---|---|---|---|
| Seattle Adapative Sports | $3,450 | $7,695 | $4,000 | $4,000 | 36% |
| Rainier Valley Football | $7,000 | $7,000 | $4,000 | $4,000 | 29% |
| SW Athletic and Cheer | | $5,500 | $3,850 | $3,850 | 70% |
| Cascade Bike | $4,180 | $3,216 | $3,500 | $3,500 | 47% |
| Beacon Hill Youth Soccer | $4,000 | $5,000 | $3,500 | $3,500 | 39% |
| Central Area Parents and Coaches | | $30,000 | $3,500 | $3,500 | 12% |
| Rainier Beach Sports | $35,000 | | $3,500 | $3,500 | 10% |
| Austin Foundation | $5,000 | $1,575 | $3,250 | $3,250 | 49% |
| Seattle Central Little League | $5,000 | | $3,000 | $3,000 | 60% |
| Rainier District Athletic | $15,000 | | $2,500 | $2,400 | 16% |
| Bike Works | | $3,000 | $2,100 | $2,100 | 70% |
| George Pocock | | $3,000 | $1,950 | $1,927 | 64% |
| Amy Yee | $3,500 | | $2,450 | $1,627 | 46% |
| Demitrious DuBose | | $1,000 | $975 | $975 | 98% |
| Marvin Thomas | | $1,500 | $750 | $750 | 50% |
| Youth for Success | $700 | | $700 | $700 | 100% |

| | |
|---|---|
| Total requested | $151,316 |
| Total recommended | $43,525 |
| Total disbursed | $42,579 |