BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

In the matter of	)	No. 14-WBI-0529-1
	)	
	)	
Carmen Martinez	)	CHARGING DOCUMENT
	)	
	)	

Pursuant to Seattle Municipal Code ("SMC") §§ 4.16.090.F and 3.70.100.D, and Seattle Ethics and Elections Commission Administrative Rule 3.H, NOTICE IS HEREBY GIVEN that the Executive Director of the Seattle Ethics and Elections Commission has reasonable cause to believe that Ms. Carmen Martinez has committed material violations of the Seattle Ethics Code. The Executive Director hereby charges as follows:

I

Ms. Martinez violated SMC 4.16.070.1.c when, as an employee of the Department of Parks and Recreation, she performed an official duty involving her uncle. It would appear to a reasonable person, having knowledge of the relevant circumstances, that her judgment was impaired because of the familial relationship.

II

Ms. Martinez violated SMC 4.16.070.1.c when, as an employee of the Department of Parks and Recreation, she performed an official duty involving her nephew. It would appear to a reasonable person, having knowledge of the relevant circumstances, that her judgment was impaired because of the familial relationship.

III

Ms. Martinez violated SMC 4.16.070.B, when, as an employee of the Department of Parks and Recreation, she used her official position and City resources for a purpose that was, or would appear to a reasonable person to be, for other than a City purpose.

In support of this charge, the Executive Director further states the following:

1. Until October 2014, Martinez was employed by the Department of Parks and Recreation ("DPR") as a Recreation Program Specialist assigned to the South Park Community Center ("SPCC").

2. As an SPCC Recreation Program Specialist, Martinez supervised SPCC events and developed DPR youth programming at SPCC. The South Park Associated Recreational Council (ARC), a non-profit, was a funding source for various youth programs run through SPCC.

Martinez and Gilbert Aguilar

1. On July 12, 2013, Martinez acting as a DPR employee, submitted a disbursement request to ARC for a $900 payment to Gilbert Aguilar of Auburn, Washington, for "instruction." Her signature appears on the request. ARC paid as requested. Gilbert Aguilar is Martinez's uncle.

Martinez and Jeffrey Creamer

2. On June 10, 2013, Martinez, using her City email, verified Jeffrey Creamer's performance of community service hours at SPCC, to a Kent Municipal Court probation officer. Creamer is Martinez's nephew.

Martinez and Bandidos Baseball

3. In January 2013, Martinez applied for affiliation with Major League Baseball's ("MLB") charitable program, Reviving Baseball in Inner Cities ("MLB/RBI"). The application was made in the name of "Seattle Parks and Recreation/Associated Recreational Council/Bandidos Baseball."

4. The MLB/RBI application used the SPCC address, phone and fax numbers, and Martinez's City email.

5. The MLB/RBI application required a statement of purpose regarding the breadth and reach of the proposed programming, supporting documentation to show the applicant's financial viability, the applicant's charitable status and the applicant's insurability.

a. Martinez supported the application referencing DPR's "26 community centers and 184 athletic fields" and DPR's ability to "introduce RBI program to select low-income community centers."

b. Martinez provided ARC's IRS non-profit tax identification number and a 2012 income statement.

c. Martinez provided a certificate of insurance which she personally purchased, in the name of American Youth Sports Athletic Assn DBA RBI Bandidos Baseball.

6. MLB/RBI accepted the application and admitted "Seattle Parks and Recreation/Associated Recreational Council/Bandidos Baseball" into the RBI program.

7. DPR policy requires youth involved in programming to register with DPR. SPCC program participants are to register through the DPR system at SPCC. In 2013, there were no registrations for RBI baseball at SPCC, no registrations for Bandidos Baseball, and no program registrations for players appearing on the Bandidos' rosters.

8. Bandidos Baseball is, in fact, a private baseball club. In 2013 and 2014 it was comprised of two baseball teams serving approximately thirty 16-18 year old players. The Bandidos Baseball website identifies Carmen Martinez as its Director and Gilbert Aguilar, her uncle, as its General Manager.

9. On February 13, 2013, Martinez requested reimbursement of $420 to cover the purchase of insurance. ARC reimbursed Martinez. The insurance coverage, held in the name of American Youth Sports Athletic Assn DBA Bandidos Baseball was not identified on the reimbursement request form which she signed.

10. In September 2013, Martinez requested reimbursement from MLB/RBI for "Sr. Baseball" tournament expenses. The reimbursement was for a trip to California. On the

MLB/RBI request form under "Organization to Receive Check (if different from League Name)," Martinez wrote, "Seattle RBI Baseball." She provided the SPCC address and ARC's IRS non-profit tax identification number, requesting $2,322.

11. MLB/RBI issued the check to "Seattle RBI" on October 17. Martinez received the reimbursement check and deposited it into a private Bandidos bank account.

This notice is hereby given on this 5th day of November 2014.

Wayne Barnett, Executive Director