



# City of Seattle

## Ethics and Elections Commission

August 26, 2008

Suzanne Skinner, Esq.  
Civil Division Chief  
City Attorney's Office  
600 Fifth Avenue, 4<sup>th</sup> Floor  
Seattle, WA 98104

*Re: Payment of Councilmember McIver's fine with City funds*

Dear Ms. Skinner:

Thank you for your call last Tuesday to confirm that the \$1,000 transferred to the Commission's account on August 14 was intended to serve as payment of the fine imposed on Councilmember McIver by the Commission in July. Following a discussion with the Chair, however, I have instructed the Department of Executive Administration to return the money to the law department's account. The Commission expects Councilmember McIver to settle this judgment, and will explore seeking to enforce its Order in Superior Court barring Councilmember McIver's payment of the fine with non-City funds.

The Commission's Order dated July 22, 2008, states specifically that "Councilmember McIver should pay *from his personal funds* a penalty of \$500 per violation, for a total of \$1,000." (Emphasis added.) Reading SMC 4.64.016 to require the City to indemnify a City officer or employee for a fine levied by the Commission is plainly contrary to the public interest. It renders the Commission's authority to levy fines under SMC 4.16.100 meaningless, and longstanding rules of statutory construction argue against reading a law in a way that renders another law meaningless, or leads to an absurd result. If the Commission lacks the authority to fine City officers or employees for violating the Ethics Code, then the Code should be amended to reflect that reality.

I urge you to reconsider your determination that City law obligates the City to fulfill Councilmember McIver's request for indemnification on the fine levied by the Commission. The Commission next meets on September 3, and I would appreciate the favor of a reply so that I may share it with the Commission at that meeting. At a minimum, I hope you will be able to shed some light on how the determination was made to indemnify Councilmember McIver.

Very truly yours,

Wayne Barnett  
Executive Director

cc: Councilmember Richard McIver  
Bill McGillin, Esq.  
Jeff Slayton, Esq.

