

Memo

To: Mayor Greg Nickels
Council President Richard Conlin

cc: Timothy Gallagher, Superintendent of Parks

From: Wayne Barnett, SEEC Executive Director

Date: August 20, 2008

Re: Unsatisfactory Action on Improper Governmental Action

In May 2008, I received a complaint from a Parks Department employee who asked for protection under SMC.4.20, the City's Whistleblower Code. The complaint involved in part an allegation that Mr. Allen Chinn, a Parks Department employee, received deliveries of ammunition and possibly firearms at the International District Community Center.

In light of the public safety concerns raised by the complaint, I did not, as contemplated by SMC 4.20.830.A, refer the complaint to the Mayor's office for referral to Parks, but instead immediately called Darwyn Anderson, the Human Resources Director at Parks. Mr. Anderson informed me that Parks had received the same allegations and was investigating.

In July, the Parks Department provided my office with a memorandum prepared at the conclusion of its investigation. The memorandum substantiates the allegation that Mr. Chinn has received gun parts and ammunition in shipments to the International District Community Center. The investigation did not substantiate any delivery of firearms to the community center.

Seattle Personnel Rule 1.3.4 details a nonexclusive list of Major Disciplinary Offenses. Rule 1.3.4(A)(10) bars "[c]arrying or otherwise possessing firearms or any type of dangerous weapon and/or ammunition or similar devices or materials in the course of employment or on City property, except as authorized by the appointing authority." A violation of a City rule is an "improper governmental action" under SMC 4.20.850(C)(1)(a).

The Parks report indicates that Mr. Chinn was verbally warned and cautioned about this behavior and reviewed the Workplace Violence Prevention Policy. I also understand from the Parks Department that Mr. Chinn received written coaching.

SMC 4.20.830(C) states that when "satisfactory action to follow up the report [of an improper governmental action] is not being taken within a reasonable time, the Executive Director shall report his or her determination to the Mayor and advise the City Council." Absent

mitigating circumstances, under the terms of Rule 1.3.4(A) neither a verbal warning nor a written reprimand is appropriate for a Major Disciplinary Offense.

It is my determination as Executive Director that satisfactory action has not been taken to address the improper governmental action in this case, and I am therefore reporting my determination to the Mayor and advising the City Council pursuant to SMC 4.20.830(C). While Mr. Chinn is reported to be an expert on firearms, I cannot contemplate any circumstances that would mitigate a City employee's receipt of ammunition and gun parts at a facility frequented by children and their families.