

BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

In the matter of) No. 18-1-0621-1
)
 Spencer Bahner) SETTLEMENT AGREEMENT
)

This settlement is made between Mr. Spencer Bahner and the Executive Director of the Seattle Ethics and Elections Commission (the "Director"). Upon approval by the Seattle Ethics and Elections Commission (the "Commission"), the following findings, conclusions and agreements shall be binding upon Mr. Bahner, the Director, and the Commission (the "Parties"), and their successors, heirs and assigns, and shall constitute the complete agreement between the Parties.

Mr. Bahner and the Director agree to the following:

FINDINGS OF FACT

1. Bahner has been an employee of the City of Seattle since December 2, 2013. He is presently the Radio Communications Manager with Seattle Information Technology.
2. On or about May 18, 2018, Bahner, acting in his official capacity, approached Communications Northwest, a Portland, Oregon-based dealer in radio equipment, about purchasing radio equipment for the City of Seattle. As those negotiations progressed, they grew to include negotiations over two or three Motorola VHF Quantars. On May 31, Bahner sent an e-mail from his City account asking for an update on the equipment Communications Northwest was offering to sell, stating: "Either way we would like to buy the VHF Quantars you said you could accept \$1000/each for."
3. Bahner was not purchasing the VHF Quantars for official City use. He was purchasing them in his personal capacity.
4. Negotiations for the purchase of equipment for official City business fell apart in the first week of June. On June 8, Bahner used a personal credit card to purchase the VHF Quantars.
5. Twelve days later, June 20, Northwest Communication's President cancelled the sale to Bahner, informing him that he saw "nowhere until after the transaction was complete that you disclosed that you were making this as a personal purchase," and "[t]here is a different [*sic*] in how we price with Government and Private parties."

CONCLUSIONS OF LAW

6. The Seattle Ethics Code, SMC 4.16.070.B states that a City employee may not “use or attempt to use his or her official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit” of the employee, or “[u]se or attempt to use, or permit the use of any City...property...for a purpose which is, or to a reasonable person would appear to be, for other than a City purpose....”

7. Bahner is a Seattle employee subject to the City’s Ethics Code.

8. By using City equipment and his City title when negotiating with a City vendor to purchase equipment for his personal use, Bahner used his position and City property for his private benefit, in violation of the Ethics Code.

AGREEMENT

9. Bahner acknowledges that he violated the Seattle Ethics Code when he used his City title and City property to negotiate a purchase of equipment for his personal use.

10. Within thirty days of the approval of this settlement, Bahner agrees to pay the City of Seattle \$500 for his violation of SMC 4.16.070.B.

11. The Parties agree that this settlement agreement, upon the Commission’s approval, will constitute, insofar as is legally possible, a full and final settlement between the Parties, as to all facts, actions, controversies and matters that have occurred or may have occurred, as described herein, related to Bahner’s violation of the Seattle Ethics Code, and do forever release, acquit and discharge each party, its present or former officials, employees, agents, representatives, heirs and assigns from all present claims, demands, damages, costs (specifically including attorney’s fees and costs), actions or causes of action arising out of all facts, actions, controversies and matters that have occurred or may have occurred or in any way related to Bahner’s violation of the Ethics Code, and the acts or omissions of the Commission, its members, agents or employees in handling the matter filed under Ethics and Elections Commission Case No. 18-1-0621-1 and any events related thereto.

12. The Parties agree that the Commission’s review of this settlement agreement does not preclude the Commission from hearing this case in the event that the Commission rejects this agreement and calls for a hearing, or in the event that Bahner rejects any Commission modification of this agreement and requests a hearing.

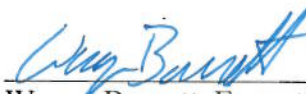
13. The Parties agree that if Bahner breaches this agreement, in any respect, the Commission will be entitled to hold a special meeting or a regular meeting to issue a determination that Bahner has violated the Seattle Ethics Code. Under the municipal

code, the Commission may impose a fine of up to \$5,000 per violation, and may require costs that do not exceed the amount of any monetary fine.

14. The Parties agree that this settlement incorporates and supersedes any and all other oral and written agreements and assurances of any and all kinds between the parties, and that there are no other written or oral agreements that alter or modify this agreement.



Mr. Spencer Bahner
Date: September 28, 2018



Wayne Barnett, Executive Director
Date: September 28, 2018

