

**Joe A. Kunzler Appeal of Seattle Ethics and Elections Commission Executive
Director Ruling On Case No. 18-I-0500**

28 June 2018

**RE: Appeal of Seattle Ethics and Elections Commission Executive Director Ruling
On Case No. 18-I-0500**

Dear Seattle Ethics and Elections Commission;

I want to begin by stating my sole objective is to end the abuse of taxpayer resources to unfairly influence Seattle City Council deliberations on legislation. Imagine if for instance a Chamber of Commerce friendly Councilmember was printing signs for supporters to oppose a proposed tax increase? That to me is just as wrong as what Councilmember Ksharma Sawant has done in *repeatedly* having her office print signs via City Government of Seattle copiers to be used in Seattle Council Meetings to unfairly influence her colleagues. As such, I feel obligated to appeal Mr. Barnett's ruling on Case No. 18-I-0500 (consolidated).

FAILURE TO ADDRESS PARTIAL BASIS OF MY COMPLAINT

First, Mr. Barnett's ruling does not in any way address the partial basis of my complaint stating in part the following:

When we citizens step into the hallowed Ruth Fisher Boardroom of Sound Transit or the Seattle Council Chambers, we should not receive an unfair advantage when debating public policy and projects. All citizens should be able to make the case for the best public policy on our own with equal treatment.

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Sadly, as documented in photography by *at least* the Associated Press¹, King 5 Reporter Chris Daniels², and Flickr³; Councilmember Sawant's office was printing official signs for rally-goers in the last few weeks head tax debate. At *least* one sign spotted in a 12 May 2018 march even said, "NO BEZOS DURKAN DEAL" complete with the City logo, Councilmember Sawant's name and office contact info⁴. In one photo there was even a "Fight Trump and the Billionaire Class" banner where when you zoomed in on the photo you can see the same data⁵.

When a Seattle City Councilmember uses a copier machine to preprint signs to hand to her... pals, this clearly creates an unfair advantage for one side of a debate. This misbehavior by Councilmember Sawant's office was pointed out by a colleague in Councilmember Bagshaw at a 14 May 2018 Seattle City Council briefing⁶ when Councilmember Bagshaw said, "I do not share the anti-business animus that I feel you are sponsoring. ... On multiple occasions, I have seen your staff using our copiers to print your signs. Most recently the, "Tax Amazon" by the Affordable Housing Alliance. I just don't think it is right for us to be using City resources to promote something not all of us agreed to."

¹ SOURCE: <http://www.apimages.com/metadata/Index/Amazon-Seattle-Tax/cd7969907eba4353b5143c03d2c876d3/19/0>

² SOURCE: <https://twitter.com/ChrisDaniels5/status/996169958554927104>

³ First, I have taken screenshots so no sense pressuring the photographer to take down the postings.

Second, the sources start with <https://flic.kr/p/JXQlaf>, <https://flic.kr/p/25HYkwB> and <https://flic.kr/p/276vjFZ>.

⁴ SOURCE: <https://flic.kr/p/JXQlaf>.

⁵ SOURCE: <https://flic.kr/p/25HYkwB>

⁶ SOURCE: <http://www.seattlechannel.org/CouncilBriefings?videoid=x91365>, 17:50. There are other clips on the internet of this exchange; but I would rather for professionalism's sake refer you to the Seattle Channel as the Seattle Channel does exemplary work providing a feed of the City's business meetings.

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My point being: Mr. Barnett's response only was in regard to the rally Councilmember Sawant had. Not the continued use of Seattle City Government copiers to print signs for her fans to lobby colleagues to pass the "Employee Head Tax" (aka EHT, Head Tax, Tax on Jobs). Furthermore, this action was taken as Councilmember Bagshaw pointed out, "I just don't think it is right for us to be using City resources to promote something not all of us agreed to."

REGARDING ADVISORY OPINION 06-01...

Mr. Barnett's ruling cited Advisory Opinion 06-01. I decided to read that Advisory Opinion and read in part;

If the use is not expressly authorized by some official City action, the use may still be for a City purpose if the department acts within the scope of its authority when deciding how to use the City facility, and the use is not inconsistent with an official City action. If, on the other hand, the department's use exceeds its authority, or is inconsistent with an official City action, then the use will not serve a City purpose.

As such, I ask the Seattle Ethics and Elections Commission to please ask if it is within the authority of a City Councilmember to print signage to attempt to influence her/his colleagues and targeting a particular business and community leader to push legislation? If you feel you cannot do this to a City Councilmember; then I will be satisfied if the Seattle Ethics and Elections Commission will please refer the question to the City Council and make clear this behavior is making regional sales taxpayers and local taxpayers alike uncomfortable. Especially as you are hearing this appeal in July of 2018 and the general election is not until November of 2019 – by my math, that's at least 16 more months of abuse of limited public resources by Councilmember Sawant's office.

I also went over an ethics brochure called, “Top of the Crop!” that stated in part under, “These Kinds of Activities Would Violate the Ethics Code”:⁷

- Using your City position to provide yourself or someone else with something that’s not available to the public.
- Using City resources for campaign purposes. Even if you’re using your own equipment, you shouldn’t do campaign work from your City work site.

Because Councilmember Sawant is using city copiers for her politics, the questions become as well possibly providing for herself and her supporters city resources not automatically available to all the question becomes whether or not this truly remains a “City Purpose”?

SHOULD THE SEEC POLICE CITY COUNCIL COPIERS?

In an editorial⁸ on this crisis in the commons, The Seattle Politics Page first complimented Mr. Barnett and then posed a logical question to complainants like I. Let me post the question, and then respond:

Should the Ethics Code stipulate exactly what kind of "official business" copiers can be used for? Shall they be used for meeting agendas and that's all? That would be rather limiting, wouldn't it? What about the amount? Perhaps we could issue a copier credit card to each CM and set a limit on it: 1000 copies a month and that's it. Imagine how that would work out...

⁷ SOURCE: <http://www.seattle.gov/ethics/etpub/ethicsbrochure.pdf>, reviewed 25 June 2018

⁸ SOURCE: <https://www.facebook.com/seattlepolitics/photos/a.493890560944380.1073741828.489950528005050/630471747286260/?type=3&theater>

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Fair questions. I would argue official business is meeting agendas. I would argue official business is drafts of legislation, drafts Councilmember Sawant & staff's use of copiers jammed up⁹. I would argue official business is communicating with staff and constituents and other jurisdictions. I would argue official business is NOT abusing copiers to attempt to tilt the marketplace of ideas and stage that is the Seattle City Council chambers one way – and not allow opponents of the Councilmember's ideas or opponents of the Council's majority vote equal access. That's why I'm raising such a stink about this.

Furthermore, a review of the Seattle Municipal Code finds a very, very relevant section in 4.16.070.B.2:

Use or attempt to use, or permit the use of any City funds, property, or personnel, for a purpose which is, or to a reasonable person would appear to be, for other than a City purpose, except as permitted by [Section 4.16.071](#); provided, that nothing shall prevent the private use of City property which is available on equal terms to the public generally (such as the use of library books or tennis courts), the use of City property in accordance with municipal policy for the conduct of official City business (such as the use of a City automobile), if in fact the property is used appropriately; or the use of City property for participation of the City or its officials in activities of associations that include other governments or governmental officials;

So I ask you to consider these questions:

⁹ SOURCE: <https://twitter.com/ericacbarnett/status/996097656341413889> (I also have a screenshot of the tweet.)

- a) Is it, “In accordance with municipal policy for the conduct of official City business” to have a Councilmember not just print out materials to champion legislation before the City Council but also to, as per an Erica C. Barnett report, “I’m told the city council’s printer broke on Friday while Sawant’s was printing her anti-Amazon rally posters, at a time when other council members were working on various versions of the head tax, so that no other council members or staff could use the printer”¹⁰?
- b) Is it, “Municipal policy for the conduct of official City business” to allow City funds and property to print campaign signs to allow a Councilmember’s fans to lobby colleagues on the City Council and the Mayor plus denounce a business on the Councilmember’s behalf?
- c) Is Councilmember Bagshaw *incorrect* in stating a concern, and I quote, “I just don’t think it is right for us [Councilmembers] to be using City resources to promote something not all of us agreed to”¹¹? If the Seattle Ethics and Elections Commission is not the venue to resolve this, then will the Seattle Ethics and Elections Commission please refer the question to the City Council?

CONCLUSION

Let me begin by reminding you the City Government of Seattle’s own Code of Ethics says under Purpose, “City employees should recognize that public service is a sacred trust, and should strive to live up to the highest ethical standards. ... This chapter shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting

¹⁰ SOURCE: <https://twitter.com/ericacbarnett/status/996097656341413889> (I also have a screenshot of the tweet.)

¹¹ Ibid.

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ethical standards of conduct for City officers and employees.” Somehow, I don’t think it’s ethical to print signs like *this* with taxpayer dollars:

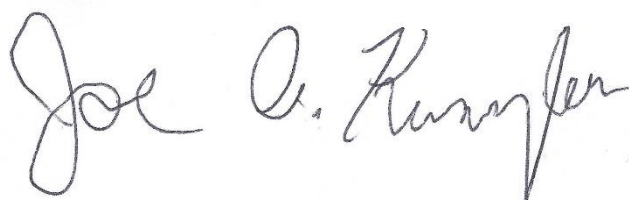


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Again, I ask the Seattle Ethics and Elections Commission to either a) find a Councilmember printing signs for her fans to lobby her honorable colleagues NOT a “city purpose” and initiate appropriate steps as you see fit or b) please refer the question to the City Council to deliberate and decide upon. At this conjecture in a search for a conclusive result, I would be satisfied with either outcome as the end objective is to cease the abuse of limited public resources when there is a state of emergency around homelessness, taxpayers who both live and visit in Seattle are forced to subsidize these antics and prevent any political actor from using public resources to unfairly tilt the City Council’s debate.

Furthermore, as Safe Seattle put their spin the whole sordid affair... “Political ethics in this town have deteriorated to the point where gentle wrist slaps and finger wags (usually followed by a dismissal of the complaint) just don't cut it anymore.” I’m of that view as well. Because the next step could be in 2020 a former Amazonian or Safe Seattle scribe sitting on the City Council and doing the exact same thing. Would the Seattle City Council of 2018 like *that*? Would the activists that normally participate in Seattle City Council meetings like *that*? I doubt it. In any event, Councilmember Sawant and staff’s abuse of City Government of Seattle resources takes resources away from true City Purposes. Please stop this abuse.

Thank you;

A handwritten signature in black ink that reads "Joe A. Kunzler". The signature is written in a cursive, flowing style.

Joe A. Kunzler
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