

## Seattle Ethics and Elections Commission Regular Meeting

May 3, 2023

The May 3, 2023, Seattle Ethics and Elections Commission (SEEC) Regular meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Chair Zach Pekelis called the meeting to order at 4:06 p.m. The Chair and Commissioners Richard Shordt and Susan Taylor were present with Vice Chair Kristin Hawes and Commissioners Hardeep Singh Rekhi and Chalia Stallings-Ala'ilima participating on Webex. Executive Director Wayne Barnett was present with staff Fedden Amar, Cliff Duggan, Randal Fu, Polly Grow, Rene LeBeau, and Marc Mayo; Chrissy Courtney attended on Webex. Also present were Assistant City Attorneys Gary Smith and Joe Levan.

The Chair opened the meeting by asking if any written public comment had been received. Upon hearing none, the Chair addressed the first Action Item.

### **Final Action Items**

#### **1. Case No. 22-01-0528-1 *In the Matter of Brown*, SEEC 2023**

The Chair stated that the Executive Director had filed a charging document alleging violations of SMC Chapter 4.16 Seattle Ethics Code. As a result, the Commission initiated this required enforcement hearing. The hearing proceeded consistent with the April 22 Prehearing Order issued by the Chair. The Executive Director was represented by Mr. Dallas LePierre, Assistant City Attorney, and Mary Brown appeared on behalf of herself.

Mr. LePierre gave his opening remarks. Ms. Brown was sworn in by the Chair before giving her opening remarks. Ms. Brown detailed the history of email and voicemail exchanges with the complainant. She also explained the bridge workers' scheduling process and her duties and responsibilities of supervising the shifts. Mr. LePierre cross-examined Ms. Brown.

Ms. Brown then called witnesses on her behalf and answered questions from the Commissioners. At 5:11 p.m. the Chair announced that the open hearing was not closed. The Chair had contemplated going into a closed deliberation session but decided for efficiency the Commissioners should hold off and complete the rest of the public meeting with deliberation following. The Chair anticipates that there will be no decision announced at the meeting but will issue a written determination no later than 14 days from today.

The Chair called for an informal ten-minute recess. The Commission meeting resumed at 5:20 p.m. The Commission moved to Action Item 4; Modification Request of Maritza Rivera as Ms. Rivera was present via Webex.

#### **4. Modification Request of Maritza Rivera**

The Director stated that Ms. Rivera is a candidate for Seattle City Council District No. 4 this year, and her husband, Daniel Kully, has several roles:

- Kully Hall LLC – Partner and 100 percent Owner
- Two Degrees Live LLC – Founding Partner and 51 percent Owner
- Sound View Strategies LLC – Partner and 25 percent Owner
- Transportation Choices Coalition – Board Member
- Rainier Gold and Country Club –Board of Directors [President – volunteer]
- Friends of Waterfront Seattle (non-profit) – volunteer Board Member

Ms. Rivera is asking for a [SEEC] Personal Financial Affairs Statement (Form F-1) reporting modification, so she does not have to report the clients of Sound View Strategies or those people doing business with the Rainier Golf and Country Club or with Friends of Waterfront Seattle. The Director noted a letter from the Commissioners’ meeting packet dated March 23, 2023, from Kevin J. Hamilton of Perkins Coie to the Washington Public Disclosure Commission (PDC) which states Ms. Rivera’s case.

The Director stated that on April 27, 2023, the PDC granted Ms. Rivera’s [PDC] F-1 modification request. The PDC stated that if Ms. Rivera is elected to the Seattle City Council, she will be required to give another modification hearing before taking office on January 1.

The Chair asked Ms. Rivera if her request for the sustained modification that the PDC granted or if it was for a different one. Ms. Rivera responded it was a modification for the disclosure of Sound Strategies and the Boards that her husband is involved in.

The Chair asked if the PDC modification was on a temporary basis until January 1, 2024, should Ms. Rivera be elected. Ms. Rivera responded yes, she would have to submit a new modification report and the PDC would adjudicate at that time.

Ms. Rivera stated she has no knowledge of her husband's board activities and had disclosed the companies that he is involved with directly and that he has access to that information. If she were to be on the City Council it would be another consideration, But at the very least, Ms. Rivera said she is not currently on the Council and did not know if she would win the race. Ms. Rivera said the temporary modification request made more sense because of not currently being on the Council now. She said she would respect the Commission's decision.

The Chair said he was open to initially granting the request on the same terms of the PDC. The Chair then asked for the Commissioners' views. Commissioners Shordt, Stallings-Ala'ilima, Rekhi, and Vice Chair Hawes voiced concern on reaching a decision now without having additional information on Mr. Kully's business associations.

The Chair stated that Ms. Rivera's request would be continued at the June meeting. He asked if there was anything further from Ms. Rivera or from any other Commissioners.

Ms. Rivera asked about what would happen at the June meeting, i.e., Are we going to have this same conversation again? Are you going to ask the same things between now and then? The Chair said, from his perspective, he would like to hear more information about the hardship that it would pose for Ms. Rivera to meet these reporting obligations. He pointed out the kind of confusion and questions from the other Commissioners on exactly what Mr. Kully's role was with Sound View. The Chair said it would behoove Ms. Rivera to provide answers to those questions with a bit more information.

Ms. Rivera asked the Chair to tell her if she was the one running and didn't have any knowledge of Mr. Kully's companies or dealings with these companies or arrangements, it's a hardship to get the information from these companies. Ms. Rivera asked what it was that the Commission was requesting of her. The Chair responded that the Commission had not heard how exactly this has been a hardship for her to gather the information for her filing obligations as a public official. Ms. Rivera stated she does not work with any of the organizations so to send a letter to the organizations that she doesn't have any dealings with. The Chair said that Ms. Rivera's husband has dealings with the organizations. Ms. Rivera responded that she is not involved in his dealings with the organizations.

Commissioner Rekhi noted Ms. Rivera's frustration and commented that the Commissioners were also required to complete financial reporting requirements. He stated that the rules are very clear. If Ms. Rivera is asking for an exception to these rules, the Commission is asking for more information on what would make it so hard for Ms. Rivera and Mr. Kully. The Chair acknowledged Ms. Rivera's lack of knowledge and the second part being the hardship. He admonished Ms. Rivera to gather further information and documents or to present the facts orally at the next meeting. Ms. Rivera thanked the Commission for their time. At 6:18 p.m., the Chair stated that discussion on Action Item 4. ended without any action being taken, and to move to Action Item 2.

## **2. Approval of April 4, 2023, Commission Special Meeting minutes**

Hearing no revisions or corrections to the meeting minutes, the Chair called for a motion to approve the April 4 minutes. Commissioner Shordt made the motion, and Commissioner Taylor seconded it. The April 4, 2023, Commission Special Meeting minutes were approved unanimously.

### **3. Proposed revision of Rule 15 – Monetary Thresholds**

The Director stated the Draft Rule was discussed at the May SEEC Commission meeting. The revised Rule synchs up SEEC’s reporting thresholds with the current Washington Public Disclosure Commission’s ruling, The Director highlighted the revisions. After a brief discussion by the Commissioners, the Chair entertained a motion to approve the draft changes to Rule 15. The motion to approve was made by Vice Chair Hawes and seconded by Commissioner Stallings-Ala’ilima. The revised Seattle Ethics and Elections Commission Elections Code Rule 15 – Monetary Thresholds passed unanimously.

### **Discussion Items**

#### **5. Democracy Voucher Program report**

Ms. LeBeau gave a brief high-level summary of current Democracy Voucher Program highlights. The Director discussed some critiques of the Democracy Voucher Program. Candidate filing with King County Elections is May 15-19. The deadline for submitting the Democracy Voucher Program candidate pledge is June 2.

#### **6. Executive Director’s report**

The Director reported that attorney David A. Perez has volunteered to serve as the seventh Commissioner. The Director has forwarded Mr. Perez’ name to the Council President for consideration at the June 15 Governance, Native Communities and Tribal Governments Committee meeting.

At the conclusion of the regular business, the Chair called for a closed Executive Session for the Commissioners to discuss *In the Matter of Brown*, SEEC 2023 and the Modification Request of Maritza Rivera. The Commission finished their Executive Session at 6:25 p.m. and rejoined the regular meeting.

Hearing no additional comments for the good of the order, the Chair adjourned the May 3, 2023, SEEC Commission Regular meeting at 6:31 p.m.

DRAFT