

RE: Request for Advisory Opinions regarding the comment “with all due respect” as it appeared in an email sent to David Johnson on May 12th 2016

February 11, 2019

By Ron Peltier, Bainbridge Island City Council Member

To the COBI Ethics Board,

I am requesting an advisory opinion from the Ethics Board regarding a specific comment I made in a 5/12/19 email sent to David Johnson.

SPECIFIC REQUEST TO THE ETHICS BOARD

In a complaint filed in May of 2016 David Johnson alleged that my use of the phrase, “*With all due respect..*” was unethical. In this request for an opinion, I am asking the Ethics Board for an advisory opinion as to whether or not my use of the term “*with all due respect*”, as it appears in the email below, constitutes a violation of Article I of our Ethics Program. That is all I am asking you for. Here is the email sent on 5/12/16 in which the phrase, “*with all due respect*”, was used.

“*David,*

There is some wrong information here, specifically regarding the cost of acquiring the electric infrastructure from PSE in Jefferson County. They were overcharged by PSE and forced to refund some of that \$103 million price back to rate payers.

With all due respect, you sound like you are working for PSE.

Ron”

BACKGROUND

2016

As the debate over a proposal to create a municipal electric utility on Bainbridge Island heated up (*the Island Power issue*) in 2016, the city council began receiving frequent emails from David Johnson. Between April 27, 2016 and May 9, 2018 we received 106 messages from Mr. Johnson. At issue was whether the City of Bainbridge Island should create its own municipal electric utility and in the process push Puget Sound Energy off the Island by acquiring its assets.

My impression of Mr. Johnson’s frequent messages, which were typically very technical, was that they were in one way or another intended to be supportive of Puget Sound Energy. Mr. Johnson, however, had explicitly stated that he was not employed by PSE. I accept that as true and have no reason to believe Mr. Johnson would lie about it. Whether or not Mr. Johnson was or is employed by PSE, however, is not the issue. What is at issue is my opinion that Mr. Johnson sounded like he was working for PSE. Working for an entity can simply mean advocating for them in some way. Whatever the case is, Mr. Johnson has the right to advocate for anyone and anything he chooses.

David Johnson Ethics Complaint filed in 2016

In May of 2016 David Johnson filed an Article I ethics complaint in regards to the email that I sent to him on May 12th, objecting to the phrase, “*with all due respect, you sound like you are working for PSE*”. Mr. Johnson alleges in his complaint that the specific phrase, “*with all due respect*” was in fact disrespectful and intended as an insult, citing language from two websites as proof. The Ethics Board at that time declined to consider Mr. Johnson’s complaint because it pertained to Article I, which they correctly felt was not provided for in the Ethics Program. From David Johnson’s 2016 complaint:

Mr. Peltier’s intent is borne out by the words he used — the trite opening phrase “with all due respect.” One Web site says that this phrase “allows a subtle disrespect, cloaked in courtesy.” (<http://grammarist.com/phrase/with-all-due-respect/>) Another Web site says that this phrase has become associated “more with insult” than with respectful deference. (<http://www.dailywritingtips.com/with-all-due-respect/>)

According to Mr. Johnson there is only one intended meaning for the phrase, “*with all due respect,*” and that is, in fact, to show disrespect or to otherwise to insult someone. That simply is not true.

Yes, the phrase, “with all due respect” can be used sarcastically, but most of the time it is a sincere way of saying, “*this is not intended to be disrespectful, but...*” I would guess that every member of the Ethics Board has used this phrase and generally not intended it as an insult. When I made the comment, “with all due respect...”, in my 5/12/16 email, it was **NOT** intended as an insult. It was simply intended as an honest impression of how Mr. Johnson came off within the context of his many emails and comments to the City Council regarding the Island Power issue. I believe that this level of honesty is consistent with Core Value 2. Of our Ethics Program:

2. Integrity: *We will treat one another and the citizens of Bainbridge Island with honesty and integrity, recognizing that the trust that results is hard won and easily lost. We pledge to promote balanced, consistent, lawful policies and directives, in keeping with that integrity and the highest standards of this community.*

Honesty is essential for us to have meaningful interactions and discussions. Sometimes that can come off as bluntness, which might make people feel uncomfortable. Saying or writing things that makes others feel uncomfortable, though, is not unethical in and of itself.

The test of reasonableness

Our Ethics Program doesn’t talk about the need for us all to be reasonable in our interactions with one another. In part I believe that’s because those who wrote the Ethics Program did not intend for it to provide for Article I ethics complaints. Now that the Pandora’s box of Article I ethics complaints has been opened, however, I think we all need to ask ourselves: don’t we need some standard of reasonableness? The alternative, I believe, is to allow our Ethics Program to be used as a political tool and in the process actually encourage unethical behavior by those empowered to wield that tool as a weapon.

