

City of Bainbridge Island Ethics Board

Case # 2019-09

Date Filed: 26 March 2019

Complainant: Salvatore DeRosalia

Respondent: Councilmember Deets

Response Filed: 2 April 2019

Advisory Opinion Issued: 20 May 2019

I. Questions Presented:

The complainant, Mr. DeRosalia, alleges that the respondent, Councilmember Deets, demonstrated an Article II violation (conflict of interest) and an Article I violation (core values) in a series of events related to the selection of candidates for the COBI Race Equity Taskforce (RET).

II. Jurisdiction:

Mr. DeRosalia's complaint appears to allege violations of both Article I and Article II of the City's Ethics Program.

Regarding the alleged Article I violations, the City's Ethics Program, as modified by motion of the City Council on February 5, 2019, authorizes the Ethics Board to consider all requests and complaints referred to the Board and submitted by any person related to alleged violations of Article I of the City's Ethics Program involving City Councilmembers and to issue advisory opinions regarding such requests and complaints.

Regarding the alleged Article II violations, Article III of the City's Ethics Program authorizes the Ethics Board to review any complaint forwarded to it by the City Clerk and to issue an advisory opinion if the subject of the complaint is more appropriate for such action.

III. Background:

Councilmember Deets is one of three liaisons to the Race Equity Taskforce (RET). Councilmember Deets met with Ms. Phillips (a candidate for the RET) on January 10, 2019, prior to selection of RET members and was told that Mr. DeRosalia (also a candidate for the RET) had exhibited behaviors which made some women uncomfortable. Mr. DeRosalia contends this was an "inappropriate" meeting.

During a subsequent RET candidate selection meeting, Councilmember Deets recused himself partially from the candidate selection process, stating he would not vote for either Phillips or DeRosalia. Councilmember Deets states he shared the details of his conversation with Ms. Phillips with Councilmember Tirman and Councilmember Nassar, the two other liaisons for the RET. City Council approved members at February 5, 2019. Neither DeRosalia nor Phillips was selected.

Councilmember Deets stated during the February 16, 2019 RET meeting that Mr. DeRosalia should be accountable for his treatment of women who, as a result, left the Race Equity Network.

Mr. DeRosalia filed a complaint regarding this situation on March 26, 2019, and Councilmember Deets responded to the complaint on April 2, 2019.

IV. Applicable Provisions of the Ethics Program:

Article I.B of the Ethics Programs outlines the following core value applicable to the circumstances at issue:

Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

In his complaint, Mr. DeRosalia alleges that Councilmember Deets' behavior resulted in a conflict of interest. With respect to conflicts of interest, Article II.D.1 of the City's Ethics Program states the following:

Applications of Conflict of Interest

Except as permitted in subsection (b) below, an elected official or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the City if he or she, or a member of the immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

V. Findings:

Was it "appropriate" for Councilmember Deets to meet with Phillips? **Yes.** An important responsibility of an elected official is to meet and interact with his/her constituents. Councilmember Deets' decision to meet with his constituent, whatever the topic(s) discussed, does not violate either Article I or Article II of the City's Ethics Program.

Was it a conflict of interest for Councilmember Deets to participate in choosing members of RET? **No.** Based on the documents provided to the Ethics Board, Councilmember Deets: (a) does not have any substantial direct or indirect contractual employment related to the matter; (b) does not have other financial or private interests in the matter; and (c) is not a party to a contract or the owner of interest in real or personal property that would be significantly affected by the action. Therefore, Councilmember

Deets' actions do not violate the rules outlined in the Ethics Program for determining whether a conflict of interest exists in this situation.

Did Councilmember Deets violate Article I Core Values in not fully recusing himself? **No.** The Ethics Board finds that the standards of fairness and impartiality were upheld by Councilmember Deets vis-à-vis his partial recusal. During the course of normal Council business, Councilmember Deets shared information about the reason for his partial recusal with Councilmembers Tirman and Nassar.

VI. Conclusion:

This Advisory Opinion addresses three separate issues. First, Councilmember Deets' decision to meet with his constituent does not violate either Article I or Article II of the City's Ethics Program. Second, the need for Councilmember Deets to recuse himself from the selection process does not meet the standards for a conflict of interest, so there is no conflict of interest as defined in Article II, D. 1. Third, by sharing information with the other decision-makers, the Ethics Board finds Councilmember Deets upheld the standards of fairness and impartiality as outlined in Article I.