

ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND

TO: City Clerk

SUBMITTED BY: Name:

Frank Gromse

Address:

Bainbridge Is

Telephone No.:

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

- a. An Elected Official
- b. A Member of a City Committee or Commission
- c. A Major Contractor with the City
- d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

See Attached

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: Article I Section B

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 5 Sep 2018 Place: Bainbridge Is

Francis Gromse
Signature

On Tuesday 14 Aug. at a closed door meeting the City Council (CC) voted to remove me from the chairmanship of the ETAC committee. I have no problem with the vote itself. The City Council has the authority to do that. However, I do believe that the process which was followed over almost two months was unethical. Here I am using the following definition:

Ethics are the moral principles that govern a person's behavior in conducting an activity.

With the main ethical principles being:

- Truthfulness and confidentiality.
- Autonomy and informed consent.
- Beneficence.
- Non-maleficence.
- Justice.

I believe that the principles of truthfulness, beneficence and justice have not been followed in this incident.

I believe that this began on 19 June at the CC meeting where the proposal to expand ETAC to 9 people was considered. Prior to the meeting I sent an email with a document (which I have attached to the end of this complaint) to the city council explaining my opposition to the expansion and the addition of Melanie Keenan to ETAC. I did not attend the meeting and assumed that the ETAC CC liaison (Rasham Nassar) would inform me about things occurring at the meeting with respect to ETAC. That did not happen. I had to reach out to her. She informed me that my memo was not well received and that one of the CC members (not identified) was very upset with my email and that he felt that I had been disrespectful to the Mayor. I was puzzled by that comment because I did not see anything in the email which was directed at Kol. However, I did phone Kol to state that I had not in any of my emails intended to disparage him or put him in a bad light. He responded with an email and based on its content I was left with the impression that he was OK with the situation and did not feel disrespected. He did comment that he would have liked to have come to a mutual position where we were able to work together on the expansion of the committee. He also expressed regret that I had stated negative things about Melanie Keenan. Everything I stated in that memo is true and can be verified through court documents, newspaper articles and witness accounts. That is all public information.

The first part of the document I sent to the city council on 19 June addressed optimum group size with references (nothing controversial there). The next part described the scientific expertise on ETAC as it was composed at that point (prior to expansion). Again that is not controversial. The final part addressed Melanie Keenan and how this was not a good addition to the committee. In that part I presented verifiable facts and evidence. I presented the truth.

As I see it the city council is a democratically elected group of community representatives. Any citizen has the right and obligation to communicate with the council when they believe that the council is about to make a mistake. That is what I did. I presented verifiable facts and evidence to show that they were about to make a mistake.

An analogy here is: A man is driving along the side of a river and sees that the railroad bridge spanning the river has failed. He stops his car and gets a flare out of his trunk. He runs up to the railroad tracks. He ignites the flare and waves it over his head while shouting STOP. The

two engineers in the engine cab see him. Don't understand what he is doing but one of them decides that the fellow is standing close enough to the tracks that he could hit him with a piece of fire wood as the train passes by, which is what he does. Thus proving the adage that no good turn goes unpunished.

I told Rasham before the committee vote to expand ETAC that 4 of the 5 ETAC members did not want Melanie on the committee.

The next week someone informed me that the City Council meeting held on 26 June had an item about potentially removing a member of a Committee. I did not attend that meeting nor did I watch it on line. I thought that if something of consequence happened at that meeting which affected ETAC the CC liaison would inform me. When I had not heard anything from her by Thursday morning I sent her an email asking if there was any information she might have to pass on to me. Because of both of our busy schedules we were not able to talk until Sunday 31 June. That phone conversation lasted a couple of minutes during which she implied that there was nothing to pass on.

The next thing of which I am aware happening is the vote on 14 Aug. Now I intuit that this vote means that Rasham (who asked for the vote) is displeased with my behavior in some regard. But I have no details of what she and the CC are displeased with. No one has talked to me about what behaviors and actions which I took were displeasing. No one has talked to me about the consequences of not changing my behavior and the time frame in which I should make those changes. No one has asked me for an explanation of my behaviors and actions. In every incident I can think of I have acted toward the benefit of ETAC, CC and the community.

Specifically:

- A face to face meeting to discuss the issues and objectionable behavior with examples of documents and or events in which those behaviors were exhibited was never held.
- No one has asked me for my explanation of my actions.
- The consequences for not modifying the objectionable behaviors were not described.
- This issue was not documented in writing for the purpose of insuring that everyone understood the matters involved.

Thus because the process leading up to the vote did not include these steps and I therefore contend that the process was unethical. It violated the principles of truthfulness, beneficence and justice.

Truthfulness: is the avoidance of lying, deception, misrepresentation, and non-disclosure in interactions.

In none of the interactions which Rasham and I have had about this has she been forthcoming about the specifics of the city council's opinion of my behavior or her opinion of my behavior. If this happened just once, it could attributed to an over sight or inexperience. However it happened multiple times indicating a pattern. This appears to be deception.

Rasham did tell Kol that she had four conversations with me about my conduct. This did not happen. She and I have spoken about 5 times since the beginning of this year on the telephone. Only two of those conversations have occurred since 19 June. Neither of these conversations described any behavior which was unacceptable to the CC. Rasham has contended that she

said to me that I should leave aside my feelings about Melanie and focus on the work of the committee. That statement is vague and amorphous. If she actually said that, I would have received it as a mild recommendation not as a command.

Of course in this process I have always left aside my feelings and focused on the benefit to the committee. I have presented facts and evidence not feelings. A rational evaluation of the facts leads to the conclusion that Melanie is not a beneficial addition to the committee. Thus, everything I have presented is in support of the committee and promoting a good working environment. Rasham has never asked me for an explanation of my actions rather she has viewed my actions through her own myopic lens of the world. I think that this is the nicest interpretation of what she has done. It could also be interpreted as misrepresentation and deception.

So Rasham has contended that we had conversations about my behaviors. We did not. If by conversations she means stating to me that I should leave my feelings about Melanie aside and focus on the committee's work that is not a conversation. She stated a command disguised as vague aside. That would be misrepresentation and deception.

Beneficence: taking action to help prevent or remove harms or to simply improve the situation of others.

In none of the interactions between Rasham and myself about this has she stated what behaviors I exhibited were objectionable and that if they were not corrected I would be removed from the chairmanship.

Justice: respect for people's rights:

Discussions were apparently held at the city council about my behaviors but I was not made aware of them and not given the opportunity to rebut them or present an explanation of my actions. This is unjust.

With respect to the City's Code of Ethics, it states that its core values are:

- Integrity
- Equality, Fairness, Mutual Respect
- Responsibility, Stewardship, Recognition

The Complaint:

1. The process followed here has lacked the **value of integrity**. Integrity is defined as the quality of being honest and that is clearly lacking in this process.
2. The process followed here has lacked the **value of fairness**. Fairness is defined as having the attribute of exhibiting just treatment and that is clearly lacking in this process.
3. The process followed here has lacked the **value of equality**. Equality is defined as having the attribute of exhibiting contentions to a person's rights and that is clearly lacking in this process.

It is apparent from reading the City's Code of Ethics that the original authors did not envision a situation where an "administrative function" between the city council and the volunteer organization which supports them, would be misused and that the code's core values would be ignored. But that is what has happened. To allow this to prevail will be corrosive to the relationship of the city council and those volunteer organizations. This would be to the detriment of the community.

Please contact me if you have any questions. I have a number of emails and documents which may pertain to the issue. This of course is a guess on my part since I have never been informed what the issue is.

To be clear I am not objecting to the vote that removed me from the chairmanship. I believe that the process followed leading up to the vote over almost a two month period was unethical.

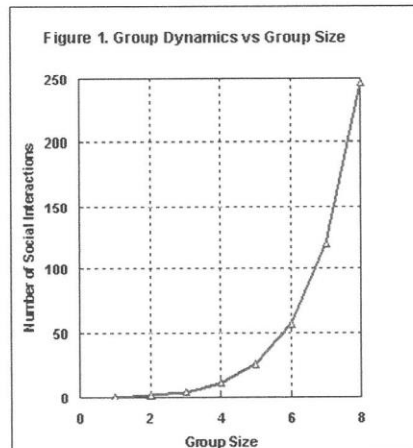
Frank Gremse

Memo to City Council dated 19 June 2018

1.) Optimum Group Size 5 – 7

Part of the recommendation is to increase the ETAC membership from 7 to 9 members. During a brief discussion of this possibility with Rasham Nassar and Kohl Medina, I mentioned that the increase to 9 would increase the complexity of the group potentially making it unproductive. I was basing this opinion on my graduate work in group dynamics which I did at UCLA as part of my MBA. The following is an example of what I am talking about:

According to the book [Decide & Deliver: 5 Steps to Breakthrough Performance in Your Organization](#) (Harvard Business Press) by Marcia W. Blenko, Michael C. Mankins, and Paul Rogers: "Once you've got 7 people in a group, each additional member reduces decision effectiveness by 10%". In this case that would be a decrease of 20%, a significant amount. The following figure indicates why this happens. As the group grows beyond 5 members the social interactions increase as a power function and not linearly. This increase leads to miscommunication or incomplete communication. An enormous amount of time is occupied by the required social interactions such that people begin to take short cuts and simplify their communication or drop communication efforts with some individuals. Then there is the complexity that different personality types communicate in different ways and this happens differently when under stress and not under stress. This leads to miscommunication and misunderstanding which if allowed to fester in the dark results in clichés being formed which then results in failure or law suits.



According to research reported in *Science*, the October 2010 issue by authors Anita Williams Woolley, Christopher F. Chabris, Alex Pentland, Nada Hashmi and Thomas W. Malone:

“The group’s collective intelligence is not strongly correlated with the average or maximum individual intelligence of group members but is correlated with the average social sensitivity of group members, and the equality in the distribution of conversational turn-taking.”

In general, then the optimum group number is 5 but you can go up to 7 if the “average social sensitivity of group members and the equality in the distribution of conversational turn-taking” are held as high values by all group members. The proposal then is to increase the committee to a membership level which research suggests will significantly decrease its functionality.

The recommendation to increase the ETAC size has been put forth by an intelligent person who has no background in managerial science and does not appreciate its implications.

2.) Group dynamics and interpersonal relationships

As stated in the previous section what is critical for a group to function well is that all the members maintain a respectful social sensitivity towards other members and allow each member to speak in a respectful environment. I would term this operating in a collegial environment. One of the proposed members, Melanie Keenan, has a history extending over 10 years of behaving in a rude, uncivil and at times harassing/bullying manner. She has done this enough times in public settings that she is held in low esteem by the island’s scientific community. Another example of her uncivil behavior is the ETAC special meeting on 1 June at which she yelled twice at a ETAC member to forcefully make a point. This was accompanied by a threat (nonsensical but not physical) of consequences if her demands were not met. This occurred days before her interview for ETAC appointment. If the looming interview was not a sufficient deterrent to hold her incivility in check, nothing will. Her inclusion in the committee is likely to render the committee dysfunctional.

3.) Technical composition of the committee

At present ETAC is composed of 5 members: Oceanographer/Marine Environmental Studies, Fisheries Biologist/Aquiculture, Hydrologist/Geohydrologist, Environmental Engineer/soil and groundwater pollution remediation, Geologist/soil and Groundwater Pollution Remediation. The committee (with the exception of Charlie Kratzer who was reapplying and thus could not be asked) ranked the six applicants with respect to the committee’s technical need:

Rank	Technical Expertise	Name
1	Ecology/Hydrology: stream and wetland restoration, estuarine ecology	Casey Schmidt
1	Biology: ecological assessments	Juan Rovalo
1	Hydrology/Geohydrology	Charlie Kratzer

4	Environmental Science/Hydrology: hazardous waste	William Neff
5	Environmental Engineering: remediation	Steve Saepoff
6	Geology/Hydrology: ground water consulting	Melanie Keenan

The committee members believe that the technical expertise which Casey Schmidt, Juana Rovalo and Charlie Kratzer possess represent a beneficial and needed addition to the committee. The other three individuals all have resumes which exhibit technical expertise which is already covered by other committee members. None of the last three applicants (rank 4, 5 & 6) exhibit special expertise in a given area which would recommend them above the first three applicants. That includes experience with groundwater management plans.

4.) Scientific approach To hypothesis presentation

Melanie Keenan has showed on several occasions her penchant for cheery picking data to help her make a point and for sprinkling bits of truth like some seasoning being added to a sausage of conspiracy theory which is then wrapped in a doughy covering of opinion. She does not exhibit consistent rational open minded approach to discussion of issues. Her approach is the antithesis of that.

5.) Animal Abuse

Ok I must have gotten your attention with that title. You could not have been expecting this in a brief discussion on technical expertise. A few years back Melanie and her husband got into a dispute with a couple of their neighbors and in order to intimidate the neighbors they did things like dump garbage on the access road to their neighbors' property, shine klieg lights into their neighbors' homes at night and get 4 goats who they would not feed on the weekends so that the goats would bleat 8 to 10 hours a day. I am not sure that this is abuse but if it isn't then it surely is shitty behavior. And they did it with disdain for the animals. As a result eight of their neighbors joined together in a suit which obtained an injunction against Melanie and her husband to stop the harassment. Normal people do not conduct themselves in this manner.