

**City of Bainbridge Island Ethics Board  
Ethics Complaint 2014-1  
Determination  
June 16, 2014**

Louis Alloin filed an Ethics Complaint with the City Clerk on April 18, 2014, alleging that Councilmember Val Tollefson is unable to vote fairly on public housing issues arising before the City Council because he is also Policy Director of the Kitsap County Community Housing Authority Board.

The Ethics Board is charged with reviewing complaints alleging violations of the Code of Ethics by elected officials. Although it is styled as an Ethics Complaint, your submission does not allege that a violation of the Code of Ethics has occurred. Instead, it makes more general allegations that a Councilmember is incapable of voting fairly. Although there may be elements of a conflict of interest in your allegations, you have not alleged a violation. Indeed, a necessary element of a violation - the occurrence of the behavior in question - is not alleged.

The Ethics Board is not authorized to review a complaint of a potential violation. If the Board were to consider your allegations, Councilmember Tollefson would have the burden of defending in the abstract a behavior that has not occurred. Further, you have requested a remedy - recusal - that is not within the authority of the Board to order.

Although presented as a complaint, your submission is more accurately characterized as a request for an advisory opinion as to whether certain behavior of Councilmember Tollefson in the future might violate the Code of Ethics. The Ethics Board is authorized to respond to such a request only if it is made by an individual with respect to his or her own behavior. This limitation avoids the problem of issuing an advisory opinion about an official's future actions based solely on someone else's description and characterization of those actions. It is an important limitation, especially with regard to actions that have not yet occurred.

The Ethics Board notes that the City Council provides a standing agenda item to allow its members to bring up for discussion any potential conflicts of interest presented by items on that week's agenda. Should an item related to this matter come before the Council, it will undoubtedly be addressed at that time.

The board reached consensus that a violation had not occurred as reflected in the May 19, 2014 minutes (Thomasson not present), and agreed to review final text of the determination at the next meeting. The wording of this determination was unanimously approved by the Ethics Board on June 16, 2014 (Honick not present).

Erin Thomasson, Chair

## **MINUTES: COBI ETHICS BOARD MEETING: MAY 19,2014**

The meeting was called to order promptly at 6:30pm, with Dennis Willerford acting as Chairman Pro Tem in the absence of Chair Thomasson

Present: Dennis Willerford, Michael Yesley, Susan Buckles and Joe Honick

1. Motion made and passed to accept Minutes of April meeting
2. Disclosure of conflicts of interest: none
3. Communications: Joe Honick noted that he had had an unplanned accidental contact with Mr Alloin who had a pending complaint with the Board for review
4. The Board reviewed the complaint by Mr Alloin claiming possible discrimination. Mr Yesley commented that the complaint did not rise to a Conflict of Interest on the part of the target of the issue because it did not specify actions that actually occurred. Ms Buckles noted it paralleled a complaint from 2013 in which it was determined that the person under review might consider seeking a Board Advisory Opinion.
5. Board reached consensus that a violation had not occurred. (Thomasson not present). Agreed to review final text of the determination at the next meeting.
5. Messrs Yesley and Willerford then reported on the appearance before the COBI Council which they indicated went smoothly and quickly.
6. Matters related to “end of terms” for Joe Honick and Chair Thomasson were discussed with only understanding members would serve until replaced or reappointed.
7. There being no further business before the Board, the meeting was adjourned at 6:55pm with next meeting scheduled for June 16, 2014.

---

Erin Thomasson  
Committee Chair