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BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

In The Matter Of)
) Case No. 07-1-1019-1
)
 Councilmember Richard McIver) **CHARGING DOCUMENT**
)
)

To: Councilmember Richard McIver and
The Seattle Ethics and Elections Commission

Pursuant to Seattle Municipal Code (“SMC”) §§ 4.16.090.E and 3.70.100.D, and Seattle Ethics and Elections Commission Administrative Rule 2.H, NOTICE IS HEREBY GIVEN that the Executive Director of the Seattle Ethics and Elections Commission has reasonable cause to believe that Councilmember Richard McIver has committed material violations of the Seattle Ethics Code. The Executive Director hereby charges as follows:

Councilmember McIver violated SMC 4.16.070.1.a when he participated in the award of a contract to Griffin, Hill & Associates (“GHA”), a consulting firm with which his friend, Joann Francis, was affiliated. Councilmember McIver’s annual visits to Ms. Francis’s Virgin Islands condominium were activities that would cause a reasonable person to believe that his independence of judgment was impaired on official duties involving Ms. Francis and GHA.

Councilmember McIver also violated SMC 4.16.070.1.a when he participated in a decision to amend GHA’s contract, and to approve contract payments to GHA.

In support of this charge, the Executive Director further states the following:

1. Councilmember McIver has been a member of the City Council since 1997.

1 2. For approximately ten years, Councilmember McIver has traveled to the Virgin
2 Islands annually for approximately two weeks, leaving toward the end of December and
3 returning early in January. In the Virgin Islands, Councilmember McIver has been a guest of
4 Joann and Roy Francis at a condominium the Francises own.

4 3. In June 2006, Joann Francis joined Griffin, Hill & Associates ("GHA"), a Seattle-
5 based consulting firm.

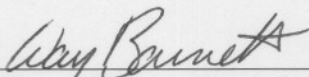
6 4. In or about September 2006, Councilmember McIver met in his City office with
7 Joann Francis and Carl Griffin of GHA to discuss GHA's qualifications to evaluate the office of
8 the City Auditor under a contract with the City.

9 5. Between December 26, 2006, and January 7, 2007, Councilmember McIver was a
10 guest of the Francises at their Virgin Islands condominium.

11 6. Shortly after returning to Seattle from the Virgin Islands, Councilmember McIver
12 executed a \$37,000 contract with GHA. The contract was not competitively bid. Subsequently,
13 in May 2007, Councilmember McIver executed an amendment to the contract, increasing its
14 value to \$42,000. Councilmember McIver also approved GHA's invoices.

15 7. GHA has been on the City's consultant roster for several years. The firm was
16 qualified to perform the contract, and has been hired subsequently by the Office of the City
17 Auditor without the involvement of Councilmember McIver.

18
19 This notice is hereby given on this 7th day of May, 2008.

20
21 
22 _____
23 Wayne Barnett, Executive Director
24 Seattle Ethics and Elections Commission

25
26 **APPENDIX A**

27
28 **SMC 4.16.070.1.a provides in relevant part as follows:**

29
30 No current City officer or employee shall:

a. Engage or have engaged in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where the conflict occurs....