



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 7, 2019

CASE NUMBER: 2019OPA-0247

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 14. Retaliation is prohibited	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee issued tickets to his vehicle in order to retaliate against him.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 14. Retaliation is prohibited

On April 16, 2019, Named Employee #1 (NE#1) cited a vehicle parked at 6915 62nd Avenue NE for expired license tabs. The Complainant, the vehicle’s owner, alleged that NE#1 specifically targeted his vehicle for citations, while ignoring other vehicles in the same lot that were also in violation of various parking ordinances. The Complainant acknowledged that his tabs were expired and said that he was unable to afford new tabs.

The Complainant alleged that NE#1’s conduct constituted retaliation against him. He believed that NE#1 was “upset” as a result of a prior conversation between the two of them and has since “singled out” the Complainant’s vehicle for tickets associated with his expired tabs.

The Complainant said that the conversation between him and NE#1 related to the lot where his vehicle was parked. NE#1 had been attempting to write tickets for vehicles in the parking lot and the Complainant explained that the lot was, at that time, privately owned. After their conversation, the lot became public. The Complainant stated that, during their conversation, “[NE#1] got a little upset,” and he alleged that NE#1 has since ticketed his car for expired tabs multiple times. The Complainant also described other vehicles in the same lot which he believed to be in violation of parking ordinances. According to the Complainant, NE#1 did not issue tickets for these cars despite them being parked in the same lot and being clearly visible.



OPA's investigation determined that a total of five tickets have been written for the Complainant's vehicle, all for expired tabs. OPA examined two recent instances where the Complainant's car was ticketed. On April 16, 2019, NE#1 issued a ticket for the Complainant's vehicle. NE#1 wrote eight other tickets that day, all for other vehicles parked at that same address. The Complainant's vehicle also received a ticket on April 23, 2019 for expired tabs. This ticket was issued by a different parking enforcement officer and this officer cited three other vehicles on that date.

SPD policy precludes its employees from engaging in retaliation. (SPD Policy 5.001-POL-14.) SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, "oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy" or "who otherwise engages in lawful behavior." (*Id.*) Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. (*Id.*)

Had NE#1 "singled out" the Complainant's vehicle because of a past negative interaction when treating similarly situated vehicles differently, this could be deemed to be retaliation. However, OPA's investigation established that, in the instances examined, neither NE#1 nor any other SPD employee "singled out" the Complainant's vehicle. There is no evidence supporting a finding that NE#1 treated the Complainant's vehicle differently than others at the same location. Accordingly, OPA concludes that NE#1 did not retaliate against the Complainant and I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**