

Seattle Ethics and Elections Commission Regular Meeting

February 4, 2026

The February 4, 2026, Seattle Ethics and Elections Commission (SEEC) Regular Meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Chair Jonathan Schirmer [Chair], Vice-Chair Vivian Vassall, Commissioners Kristin Hawes, Zach Pekelis and Kai Smith participated via Webex. Commissioner Bobby Forch was absent. Five Commissioners present constituted a quorum. Executive Director Wayne Barnett [Director] and staff members Fedden Amar, Cliff Duggan, René LeBeau, and Jennifer Martinez were present. Staff members Amanda Francke and Polly Grow as well as Assistant City Attorneys Joe Levan and Gary Smith participated via Webex.

The Chair called the meeting to order at 4:02 p.m.

Discussion of Written Public Comment (if applicable)

No Written Public Comment was received for the Commission.

Final Action Items

1. Appeal of Dismissal in Case No. 25-1106-1

The Director introduced Case No. 25-1106-1 concerning a November 6, 2025, complaint from Paul Chapman alleging that Bruce Harrell, as Seattle Council President, misused City resources in support of the Royal Esquire Club. The Director's delegate, Marc Mayo, dismissed the complaint on December 19 citing RCW 4.16.130, which is a catch-all provision that sets a two-year statute of limitations for matters in which there is no statute of limitations assigned by law. Mr. Chapman filed an appeal on January 2, 2026.

Mr. Mayo has retired from the City. The Director is now defending the dismissal and seeks Commission approval of it on the merits. Mr. Mayo's analysis of the law cites *Bainbridge*

Taxpayers Unite et al v. City of Bainbridge Island et al, No. 3:2022cv05491, involving Bainbridge Island's ethics code, a law which like the City of Seattle has no statute of limitations.

The Director said the conduct on which KUOW NPR News reported, and about which Mr. Chapman complained, is eight- to ten-years-old at this point, past even the statute of limitations sought by the plaintiffs in Bainbridge. In that time documentary evidence was destroyed - not destroyed through malice or intent just by the faithful application of the City's records retention laws.

The Director spoke to Mr. Chapman's request of the Commission in its advisory role to pass judgment on former Mayor Harrell's conduct. He cautioned the Commission against the request. The reason there are contested hearings is because City officials deserve due process, and the Commission should not be saying that the Mayor or Council President did something wrong without giving them the opportunity to be heard, the Director doing a full investigation, and the Commission being presented with all the evidence and making a decision based on that evidence. The Director asked the Commission to affirm Mr. Mayo's dismissal here.

Assistant City Attorney Levan clarified that the Bainbridge case was a federal court decision, and the question before that court was whether or not there were state law claims involved. It did not rule on the statute limitations issue; it did provide analysis related to that issue and then it remanded to Judge Forbes and the Kitsap County Superior Court. On remand, Judge Forbes dismissed that case with prejudiced based on the statue limitations and applied the two-year statute of limitations in RCW 4.16.130 based on the default or catch-all provision.

The Chair offered Mr. Chapman five minutes to make any additional comments to his submitted written materials. Mr. Chapman asked if the case that was previously discussed was in

reference to the dismissal. Mr. Chapman's recollection was a separate case (*Irwin Law Firm, Inc. v. Ferry Cnty.*, No. 38234-6-III, 2023 WL 1158538) was referenced.

Mr. Chapman stated that his appeal was based on (1) in other cases a two-year statute of limitations was not invoked by the Director's office, and (2) a two-year statute of limitations in Mr. Chapman's read of Washington Code does not follow. There is a stipulation of three years. However, that three-year statute of limitations is based upon discovery. Additionally, the actions in this case were either discovered or discoverable at the time of an investigation of another allegation. If they were discovered and not investigated, that is an issue that should be addressed. If they were not discovered at that time, then a question asked is why a reporter was able to recently discover these making them known to the public. Again, referring back to the Washington Code, it talks about the statute of limitations commencing at discovery of the act. The public became aware of these through the *KUOW* reporting on November 4, 2025 – not at time of action.

Mr. Chapman thinks it is important for the SEEC to clarify whether acts of this sort are acceptable by a public official. He believes per his understanding of *KUOW*'s reporting, they have the discovery of emails from the then-Councilmember's office. There is discovery that could be done here to see what acts were done, were committed, and a ruling made upon that basis.

Commissioner Pekelis asked Mr. Chapman if his position is that any complaint and any person who discovers the alleged malfeasants later in time should then be able to assert a claim if they did not know about it earlier. Mr. Chapman responded by saying that the aggrieved party in this case was the Seattle public. The Seattle public was not made aware of the issue until last summer when there was public reporting done on it. That is the date of discovery.

Commissioner Pekelis pointed out the challenge that the discovery rule is a very common concept in applying statute of limitations bars, but usually it applies to a particular victim. In a tort case where someone's property is damaged, the question is when they discover the damage to their property, not the public-at-large. Because this is a public rights type statute, the rule that is being proposed has to be some sort of public disclosure of the underlying conduct. The Commissioner wondered what constitutes a public disclosure. Does it have to be in a public column of *The Seattle Times*? What if it's just a blog post? What if the blog has millions of viewers? What if it's a news story that nobody watches? It creates a very difficult standard in terms of how does one conceptualize the discovery rule in the context of the public as a whole. The Commissioner asked the Director if he has any thoughts about that problem and how the discovery rule might relate to the statutory of limitations in a case like this.

The Director responded that he had not given that any thoughts. The Commission has never looked at a statute of limitations before; the City law doesn't have one. But if it is eight- to ten-years-old, this is past the point of statutory limitations. Evidence is very hard to come by at this point. All these records were public all along, the Mayor could not have been doing this in secret. However, it was not publicized.

Mr. Chapman appreciated the fact that discovery may be difficult in older cases. However, the reporting from last summer indicates that there is documentary evidence of these alleged acts, and thus using the argument that it would be difficult to investigate this when there is in fact reporting with documentary evidence doesn't appear to have a rational basis. To say that the SEEC's oversight is predicated upon individuals making public records requests to control the City government to determine if somebody has violated a law and then submitting a complaint

boggles the mind. The public should not have to submit continual public records requests in order to determine if a person is violating the law.

The Chair thanked Mr. Chapman for his comments. The Chair had some of the same questions as Commissioner Pekelis. The Chair thinks that the complainant is asking about the discovery rule. The discovery rule is very common in tort law and contract law. However, reading the appeal, it is confusing to know when that discovery would start, and it is unknown how the Commission would craft a rule. The Chair noted Mr. Chapman's appeal references a 2022 public records request that reportedly uncovered the emails that are the basis of his complaint. Mr. Chapman was asked if it was his position that these emails weren't discovered in 2022 when that public records request was submitted?

Mr. Chapman asked who would be considered the aggrieved party in a case like this. The Chair responded that he was asking about the position in the appeal. Mr. Chapman said he was responding, but who would the Commission consider to be an aggrieved party in a case of this sort? The Chair said that Mr. Chapman is the complainant. The Commission is here to evaluate the appeal of it and determine if there's a rational basis for the dismissal.

Mr. Chapman indicated that the discovery period commences with the discovery by the aggrieved party (the Seattle public). His position is that when a Councilmember uses City resources for private benefit, it requires that the public know. The public was not made aware of this until the *KUOW* reporting. That seems in this case to be fairly clear discovery, a discovery date for these actions.

The Chair asked for questions from the Commissioners. Commissioner Pekelis asked Mr. Chapman when he became aware of these allegations. Mr. Chapman responded at the same time as the rest of the Seattle public, which was when the *KUOW* reporting happened.

Commissioner Pekelis then asked the Director to talk a little bit about the authority of the Commission to impose sanctions on non-employees or former employees. The Director said the Commission has the authority to impose sanctions on people, on acts committed by people when they were City employees. That the Commission could fine a former City employee or former elected official for conduct if the conduct was committed during their time in office.

Commissioner Pekelis asked about the mechanism for actually assessing that, given that a person is no longer employed. The Commissioner thought that normally the City would garnish an employee's wages, etc. But if they're not receiving any wages from the City any longer, would the City have to seek judicial enforcement if necessary? Mr. Smith agreed and said if they were speaking to the actual collection of a fine from a former employee, then it would be a collections matter like any other money owed to the City.

Mr. Levan said in the provisions for actions on violations under SMC 4.16.100, several different options are reported. The Commission may take one or more of the actions for violation of any provision of Chapter 4.16 relating to monetary fines, reimbursement for damages, etc., and that there are many different remedies available to pursue in terms of violations that occurred and enforcing the Code as to those violations.

The Chair called for a closed executive session at 4:30 p.m. to discuss the quasi-judicial matter considering Mr. Chapman's appeal. The Chair and Commissioners returned to the public meeting at 4:39 p.m. The Chair polled the Commissioners individually on whether to affirm or reverse Mr. Mayo's December 19, 2025, dismissal of the complaint, and to keep in mind that under SEEC Administrative Rule No. 4, the Commissioners are deciding whether or not the dismissal of the complaint had a rational basis. Vice-Chair Vassall, Commissioners Hawes, Pekelis, Smith, and Chair Schirmer all voted to affirm the dismissal of Case No. 25-1106-1.

Adoption of January 7, 2026, SEEC Regular Meeting minutes

Commissioner Smith stated that the January 7 minutes did not reflect Commissioner Pekelis' dissenting remarks regarding the *Wilson for Seattle Committee* Penalty Letter discussion item. The minutes will be revised and resubmitted for adoption at the next meeting.

Discussion Items

1. DVP Levy Workgroup

On January 30, the Director sent a letter to the Mayor and Council President advising them that the Commission is ready to assist them in setting up the workgroup requested in Council Bill 120957.

2. Democracy Voucher Program report

Ms. LeBeau reported that the data and accounting for the 2025 Election Cycle is wrapped up; work will begin on the post-election report. Later in the year, Professors Jennifer Heerwig and Brian McCabe will conduct an analysis of the 2025 elections.

An informational D5 postcard will go out to households at the end of February. The Program is on target for mailing out D5 vouchers the week of March 16. Three candidates have filed their reports. Two have completed the DVP qualifying process; one has signed the DVP Candidate Pledge.

Training with the four Community-Based Organizations (Lake City Collective, Literacy Source, Korean American Coalition, and WashingtonCAN) begins next week.

3. Executive Director's report

The Director provided an update on the efforts to get appoint new Commissioners to replace Commissioner Hawes, Pekelis, and Shordt. The Director talked with the Council

President who said they would do some recruitment. The Director forwarded the name of one candidate who approached him some time ago.

The Director also reached out to the Mayor's Office and Caedmon Cahill, the Mayor's new counsel, to let them know about Commissioner Hawes' upcoming departure.

The Director and the Chair acknowledged that Commissioner Kristin Hawes would be resigning her position after the meeting and thanked the Commissioner for her service.

Hearing no further comments for the good of the order, the February 4, 2026, SEEC Commission Regular Meeting was adjourned at 4:47 p.m.

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