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6 PIERCE COUNTY ETHICS COMMISSION

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8 In Re the Complaint Against  
9 SHAWN BUNNEY,

10 County Official,

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

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12 This matter was heard before the Pierce County Ethics Commission on November 13,  
13 2008 for investigation pursuant to pursuant to Section 3.12.080 of the Pierce County Code of  
14 Ethics. Shawn Bunney was represented at the hearing by his attorney of record, Margaret Y.  
15 Archer.

16 **STATEMENT OF THE CASE**

17 A complaint was filed alleging that Shawn Bunney solicited political contributions  
18 from a county employee, by U.S. mail, in violation of Pierce County Ethics Code section  
19 3.12.010.C.1. After investigation, the Ethics Commission Hearing Officer made an initial  
20 threshold determination that probable cause existed to believe that a violation of the Ethics  
21 Code had occurred. The Ethics Commission pursued a formal investigation by holding a  
22 hearing to determine if a violation occurred. Mr. Bunney chose to have the hearing open to  
23 the public.  
24

25 At hearing, Shawn Bunney testified under oath. Andrea Innes, Campaign Manager for  
Mr. Bunney's campaign for County Executive also testified under oath. The Commission

1 also considered the following:

- 2 • Letter from Margaret Archer to Eben Gorbaty dated November 13, 2008
- 3 • July 8, 2008 Findings of Fact and Conclusions of Law and Notice of Probable Cause
- 4 • Complaint of an Alleged Ethical Violation and attachments thereto

5 The Commission, having considered all of the evidence including the recorded  
6 testimony of the hearing and exhibits, as well as the arguments of the attorney for Mr.  
7 Bunney, based on the preponderance of the evidence, hereby makes the following:

### 8 FINDINGS OF FACT

- 9 1. As an elected County Council Member and candidate for the elected office of County  
10 Executive, Shawn Bunney is governed by the Pierce County Code of Ethics.
- 11 2. Mr. Bunney was aware of the Code of Ethics' prohibition against solicitation of  
12 political contributions.
- 13 3. During his campaign for County Executive, Mr. Bunney, his Campaign Manager, and  
14 campaign workers made efforts to remove the names of County employees from his  
15 campaign mailing lists, which contained more than ten thousand names.
- 16 4. Shawn Bunney acknowledged that despite his efforts to remove County employees'  
17 names from the mailing lists, those efforts were insufficient and, in 2007, two letters  
18 were received by a County employee at the employee's workplace, soliciting political  
19 contributions.  
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21 Based on the above FINDINGS OF FACT, the Commission makes the following:

### 22 CONCLUSIONS OF LAW

- 23 1. Although efforts were made to remove County employees' names from the mailing  
24 lists, Shawn Bunney violated Pierce County Ethics Code Section 3.12.030.C.1. which  
25 provides as follows:

1 No County personnel or Candidate for elected County office  
2 shall solicit or encourage, directly or indirectly, any political  
3 contribution from any County personnel . . .

4 2. The Code of Ethics does not require the intentional solicitation of County personnel to  
5 constitute a violation of the Code.

6 **ORDER**

7 NOW THEREFORE, it is hereby ordered that Shawn Bunney cease and desist from  
8 soliciting political contributions from County personnel. No additional penalties or sanctions  
9 are imposed.

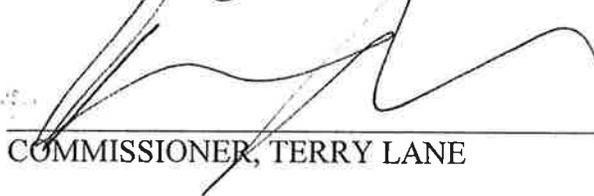
10 DATED this 11<sup>th</sup> day of December, 2008.

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14 COMMISSIONER, EBEN GORBATY

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17 COMMISSIONER, MICHAEL R. LACADIE

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20 COMMISSIONER, TERRY LANE

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23 COMMISSIONER, RICHARD McGRUE  
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