In Re the Complaint Against
SHAWN BUNNEY,
County Official,

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

STATEMENT OF THE CASE

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

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
also considered the following:

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

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

**FINDINGS OF FACT**

1. As an elected County Council Member and candidate for the elected office of County Executive, Shawn Bunney is governed by the Pierce County Code of Ethics.

2. Mr. Bunney was aware of the Code of Ethics’ prohibition against solicitation of political contributions.

3. During his campaign for County Executive, Mr. Bunney, his Campaign Manager, and campaign workers made efforts to remove the names of County employees from his campaign mailing lists, which contained more than ten thousand names.

4. Shawn Bunney acknowledged that despite his efforts to remove County employees’ names from the mailing lists, those efforts were insufficient and, in 2007, two letters were received by a County employee at the employee’s workplace, soliciting political contributions.

Based on the above FINDINGS OF FACT, the Commission makes the following:

**CONCLUSIONS OF LAW**

1. Although efforts were made to remove County employees’ names from the mailing lists, Shawn Bunney violated Pierce County Ethics Code Section 3.12.030.C.1. which provides as follows:
No County personnel or Candidate for elected County office shall solicit or encourage, directly or indirectly, any political contribution from any County personnel . . .

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

ORDER

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

DATED this 11th day of December, 2008.

COMMISSIONER, EBEN GORBATY

COMMISSIONER, MICHAEL R. LACADIE

COMMISSIONER, TERRY LANE

COMMISSIONER, RICHARD McGRUE