BEFORE THE BOARD OF ETHICS
FOR THE CITY OF TACOMA

In the Matter of the Complaint Against Council Member Ryan Mello	FINDINGS, CONCLUSIONS AND ORDER OF DISMISSAL OF BOARD OF ETHICS
Board of Ethics Complaint No. 2016-001	

I. PROCEDURAL HISTORY

1.1. On January 4, 2016 the City Clerk's Office received complaint filed by Robert Hill alleging a violation of the City's Code of Ethics by Council Member Ryan Mello occurred when he contacted the Chief of Police directly.

1.2. The complaint is attached as Exhibit A.

1.3. The matter was referred to the Board of Ethics as is required by the City's Code of Ethics (Tacoma Municipal Code 1.46.040 B) and was assigned Board of Ethics Complaint No. 2016-001.

1.4. Pursuant to the Administrative Procedures of the Board of Ethics, initial review of Complaint No. 2016-001, for the purpose of determining the legal sufficiency of the complaint, was conducted by the Deputy City Attorney assigned as legal advisor to the Board.

1.5. It was the initial opinion of the Deputy City Attorney that Complaint No. 2016-001 alleged facts which, even if true, would not constitute a violation of the Code of Ethics by Councilmember Mello and that dismissal of Complaint No. 2016-001 was appropriate pursuant to the Code of Ethics (Tacoma Municipal Code 1.46.045 F (2)(a)(i)).

1.6. As directed by the Administrative Procedures of the Board of Ethics, the Deputy City Attorney's initial opinion, together with Complaint No. 2016-001 was provided to the members of the Board of Ethics for review.

1.7. Due to vacancies on the Board of Ethics, three participating Members of the Board of Ethics constituted a quorum of the Board and unanimously concurred with the initial opinion of the Deputy City Attorney that Complaint No. 2016-001 alleged facts which, even if true, would not constitute a violation of the Code of Ethics and that dismissal of Complaint 2016-001 was appropriate.

II. FINDINGS OF FACT

2.1. For purposes this Order, the Board accepts the allegations of fact contained in Ethics Complaint No. 2016-01 as true; specifically:

2.1.1 On November 8, 2011, prior to the beginning of a City Council meeting, Councilmember Mello initiated direct, in person contact with City of Tacoma Chief of Police Ramsdell.

2.1.2 The purpose of Councilmember Mello's contact with Chief Ramsdell was due to the fact that Councilmember Mello felt nervous after a conversation with Complainant Robert Hill.

2.1.3 The version of the Tacoma City Charter in effect at the time of Councilmember Mello's contact with Chief Ramsdell stated in Section 3.2:

> The Manager shall be responsible to the Council for the administration of all units of the City government under his jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager. . . .

III. CONCLUSIONS OF LAW

3.1 Complaint No. 2016-001 does not present any facts, which, even if true, would constitute a violation by Councilmember Mello of any provision of the City of Tacoma Code of Ethics, therefore Complaint No. 2016-001 is dismissed pursuant to 1.46.045 F (2)(a)(i).

3.1.1 To the extent Complaint No. 2016-001 alleges a violation of the Charter of the City of Tacoma by Councilmember Mello, the Board of Ethics does not have jurisdiction over such allegations.

IV. ORDER

Based on the foregoing, Complaint No. 2016-001 is hereby DISMISSED.

Dated this 24th day of April, 2016.

City of Tacoma Board of Ethics

By: _____
Joseph Atkinson, Vice Chair

cc: City Attorney
Council Member Mello

"EXHIBIT A"

RECEIVED

JAN 04 2016

CITY CLERK'S OFFICE

Return form to: **Customer Support Center**
Room 243
747 Market Street
Tacoma WA 98402

City of Tacoma Conduct Complaint Form

In order to increase transparency, accountability, and responsiveness for citizens and employees, the City of Tacoma has instituted a conduct Complaint Management System. This public web based system will benefit both citizens and employees who have a complaint regarding the conduct of City employees or officials. Citizens can enter complaints directly into an online complaint form, submit paper copies of the form, or direct complaints at any time to any City employee or official. Employees may also enter complaints about the inappropriate conduct of other employees within the organization.

Name: The Hon. Mr. Robert Hill ☐ I am submitting this anonymously

Phone: (253) 590-6682 E-mail: ACTIVISTE TACOMA. Robert-Hill.net

Address: 2512 North Proctor #277 City: Tacoma State: 98400-999

☐ White ☐ Black or African American ☐ Hispanic or Latino ☐ Asian ☐ Native Hawaiian or other Pacific Islander ☐ American Indian or Alaskan Native ☐ Other ☒ I do not wish to designate

Type of complaint:

☐ Unsure ☑ Ethics Violation ☐ Whistleblower ☑ Misconduct ☐ EEO ☐ Workplace Violence

Employee's Department: Legislative (if known)

What is your complaint? (Additional comments or information can be included in attached documents)

ATTACHED

Ryan Mello

Signature: In filing this complaint, you are saying that the allegations you are making are true and correct to the best of your knowledge. You acknowledge that the information may be used by the City of Tacoma to further investigate the complaint.

Your signature: ✡ M. R. H. ✡

If you provide an e-mail or mailing address, an e-mail or letter will be sent to you verifying receipt of your complaint and the complaint tracking number. Use this number to follow the status of your complaint at: http://cityoftacoma.org/complaints. If you do not receive notification within 10 days, please contact (253) 591-5000.

COMPLAINT AGAINST RYAN MELLO
(submitted by Mr. Robert Hill)

COUNT ONE

On Tuesday, November Eighth, A.D. 2011, councilmember Ryan Mello violated section 3.2 of the city charter by:

— having prohibited contact with Donald Ramsdell, police chief, a subordinate of the city manager.

1) As of November Eighth, 2011, Section 3.2 of the then-operative (2004) city charter states, partially:

> "The Manager shall be responsible to the Council for the administration of all units of the city government under his jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager.

2) In a police report numbered "11-312,0878" Mello states that on November Eighth, 2011, before the beginning of a council meeting, he contacted Ramsdell because he felt nervous after having a brief conversation with Hill.

3) In a deposition in a federal court case against Mello brought by Hill, numbered "14-cv-5589", Mello states similarly.

4) Mello was not reporting that Hill had allegedly threatened him.

5) Mello failed to follow the charter and make contact with the city manager or the mayor or both.

6) Mello failed to call 9-1-1, operated by South Sound 9-1-1 (then opearating as "L.E.S.A.")

7) As a result of this contact, Hill was contacted by Ramsdell and other police officers, was caused to be detained for at least three hours, missed previously scheduled election night parties, and was involved in an incident at the party's venue which would not have happened had Hill been on time; and Hill ultimately suffered damages of 486 days in jail based on a criminal proceeding brought based on the incident which would not have happened had Hill not been late to the venue, i.e. six o'clock because of Mello's wrong act(s). Hill was never charged with a crime based on Ramdell's arrest at city hall.

8) A copy of the police report and deposition transcript are available upon request.