

# City of Langley, Washington

## Ethics Training and Advisory Board

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### **Ethics Advisory Opinion -- 0072017**

Alleged Conflict of Interest Regarding Property at 2<sup>nd</sup> Street and De Bruyn Avenue

#### **Introduction**

The City of Langley Ethics Training and Advisory Board has been asked by Mayor Callison for an advisory opinion regarding a possible conflict of interest concerning Langley Planning Advisory Board (PAB) member JR Fulton and the rezoning of the property at 2<sup>nd</sup> Street and De Bruyn Avenue in Langley. Questions appertain to Fulton's role and participation in the PAB discussion and vote to recommend rezoning of the property from residential to commercial. Additional questions relate to Mr. Fulton's participation in discussions and vote to recommend other zoning amendments or changes to the property in question as well as other Langley properties under consideration for purchase.

In pursuit of the above request, interviews were conducted with PAB member JR Fulton, PAB Chairman Christy Korow, and Director of Community Planning, Brigid Reynolds. In addition, PAB meeting minutes were reviewed.

#### **Focus of Opinion**

The focus of this advisory opinion considers the following:

#### Values

The circumstances in question pose a possible inconsistency with Ethics Code values including:

1. *Stewardship* --As stewards of our shared commons, we honor the history, culture and future of the citizens who call our community home. We yield our own private interests to act wholeheartedly on behalf of the greater civic environment.
2. *Transparency* – In pursuit of transparency we adhere to clear, accurate, honest and open communication principles. All opinions, views and responses are treated with a level of sensitivity that assures both openness and a responsible level of confidentiality.

3. *Integrity* – Our daily actions are based on a solid habit of honesty. We perform our duties in an open and responsible manner. To do otherwise would be a dereliction of our duty and a breach of trust.

### Principles of Conduct

1. *1.25.050 A. Conflicts of Interest (Section A, A5 a, b)* -- The advisory request seems to suggest, although no actual section of the Code's Principles of Conduct was cited, ethical misconduct may have occurred surrounding the participation of JR Fulton in several PAB rezoning discussions and decisions regarding the land parcel he owns, located on the northeast corner of 2<sup>nd</sup> Street and De Bruyn Avenue.

### **Opinion**

1. *1.25.050 A. Conflicts of Interest (Section A)* -- If the information we have reviewed is truthful and accurate, although possibly incomplete, a strict consideration of chronology indicates that the PAB proposal to rezone the land parcel in question preceded JR Fulton's purchase of the property and tenure on the PAB committee. The Ethics Board finds no ethical misconduct occurred regarding this situation.
2. *1.25.050 A. Conflicts of Interest (Section A5 a and b)* -- If the information we have reviewed is truthful and accurate, although possibly incomplete, a degree of ambiguity exists concerning Mr. Fulton's participation in and/or recusal from zoning discussions regarding property he owned or was considering purchasing after his appointment to the PAB.
  - a) Regarding the Visser Funeral Home property under consideration for purchase by Mr. Fulton and colleagues, Mr. Fulton formally recused himself from discussion at the September 6, 2017 PAB meeting surrounding the potential rezoning of that property. Mr. Fulton's good faith actions to disclose and recuse from voting support our conclusion of good ethical conduct.
  - b) Regarding October 4, 2017 PAB discussions surrounding a proposed Langley zoning amendment of a three-block area between 1st Street to 3rd Street and from De Bruyn Avenue to Park Avenue, which include Mr. Fulton's property, the record is unclear as to the participation of Mr. Fulton in that discussion and vote. Because there is no clear evidence regarding Mr. Fulton's role at the referenced meeting, and because Mr. Fulton's sincere statement that he abstained from comment, the Ethics Board prefers to give Mr. Fulton the benefit of the doubt with regard to his potential ethical oversight. We find no intended ethical misconduct.

### **Advice**

1. Conflicts of interest are not inherently negative; rather, the way in which the conflict is handled makes the difference. The party who has a conflict of interest should be honest and inform all involved parties so that goals of fairness, objectivity and transparency are obvious to all citizens. This situation and how it was managed was not properly documented in the minutes of the Board and was therefore not transparent to any citizen reading these public minutes.

2. We appreciate the Mayor for bringing this to the Ethics Board's attention. Chairs of citizen boards and commissions have the responsibility to identify potential conflicts of interest as they occur and manage them. In addition, we suggest they ensure that meeting minutes accurately reflect how conflicts of interest were handled. City officials have the ultimate responsibility to manage conflicts of interest. This includes assisting committee chairs with identifying issues as they occur.
3. We recognize that identifying and managing conflicts in a small community may create a certain amount of social awkwardness and potential animosity. It is far easier for officials and committees to deal with these issues early in the process rather than deal with the unfortunate consequences at a later date. We recommend that all City officials and volunteer board members have continued training in managing conflicts of interest.

Respectfully Submitted,  
Ethics Training and Advisory Board  
Date: November 14, 2017