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JOHN H. CHUN  
DID: (206) 676-7046  
DID FAX: (206) 676-7047  
EMAIL: [johnc@summitlaw.com](mailto:johnc@summitlaw.com)

RECEIVED  
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OFFICE OF THE MAYOR

January 18, 2011

*Hand Delivered*

Mayor Mike Cooper  
Third Floor City Hall  
121 Fifth Avenue North  
Edmonds, WA 98020

**Re: Investigation of Complaint by Lorenzo Hines**

Dear Mayor Cooper:

This letter reports on my investigation and finding regarding whether the City of Edmonds (the "City")—through Councilmember Diane Buckshnis and/or Councilmember Michael Plunkett—engaged in unlawful discrimination, including harassment, under state or federal law against Lorenzo Hines, Jr., the City's Finance Director. As discussed below, based on my interview of Mr. Hines, Jeannie Dines, and review of documents I was provided, I do not find that such discrimination occurred. In fact, as discussed below, on their face, Mr. Hines's claims make clear that he is not complaining of unlawful conduct.

**A. Background.**

On November 2, 2010, Mr. Hines submitted a written complaint of "harassment" to Debi Humann, the City's Human Resources Director. See Complaint (Exhibit A). The complaint makes claims about Councilmembers Buckshnis and Plunkett. Among other things the complaint states that Mr. Hines believes that Ms. Buckshnis has been retaliating against him for publicly correcting her about financial matters. It also states that Mr. Hines is unaware of the motives underlying Mr. Plunkett's conduct.

The City asked me to investigate the complaint and provided me with a large quantity of documents. I reviewed the documents and, on November 19, 2010, I interviewed Mr. Hines. He provided documents as well at his interview. Upon analyzing his statements and the documents, and after a brief telephonic interview of

315 FIFTH AVE S SUITE 1000  
SEATTLE, WASHINGTON 98104  
telephone 206 676-7000  
facsimile 206 676-7001  
[www.summitlaw.com](http://www.summitlaw.com)

Jeannie Dines, I decided it unnecessary to proceed further, as it became apparent that Mr. Hines is not complaining of unlawful conduct.

**B. Issue & Scope.**

The City asked me to look into whether evidence supported the conclusion that it—through Councilmember Diane Buckshnis and/or Councilmember Michael Plunkett—engaged in unlawful discrimination under state or federal law against Mr. Hines. The scope of the investigation did not include the question whether any action, comment, or communication was rude or uncivil. My investigation was limited to whether there was unlawful conduct. The City also asked whether Mr. Hines is complaining about the conduct of any employee (as distinguished from an elected official) of the City.

**C. Summary of Finding.**

I do not find that the City engaged in discrimination (including harassment) against Mr. Hines in violation of state or federal law. I reach this finding mainly on the basis of Mr. Hines's own statements in his written complaint and in his interview. Also, Mr. Hines is not complaining about conduct by any employee of the City; only about Councilmembers Buckshnis and Plunkett.

**D. Investigation Procedure.**

I reviewed a number of documents provided by the City, Mr. Hines, and the Councilmembers. Also, on November 19, 2010, I interviewed Mr. Hines at the offices of my law firm. Finally, I conducted a telephonic interview of Jeannie Dines.

**E. Interviews.**

**1. Interview of Mr. Hines.**

The following is a summary of Mr. Hines's statements to me during his interview:

***Background***

- Mr. Hines is the Finance Director for the City. He reports to you, Mayor Mike Cooper.
- Mr. Hines supervises a number of people, including the following: Debbie Karber, Executive Assistant; Deborah Sharp, Accountant; Nori Jacobson, AP Analyst; Lori Cress, Payroll Analyst; Denise Burke, Utility Billing Analyst; Carl Nelson, CIO (Mr. Nelson has two employee reports).

- Mr. Hines joined the City in August 2009 as Interim Finance Director. He was under contract and not yet an employee. In October of that year, he was hired into his current position. His work history is set forth in his résumé (Exhibit B).

### *Complaint*

- Mr. Hines is complaining because Councilmembers Buckshnis and Plunkett have been “outwardly, by their actions, pressuring the Mayor[,] . . . trying to influence him to terminate my employment.”
- Upon being asked whether his race (African American) had anything to do with the alleged conduct, Mr. Hines said, “I hope not. Neither [(Buckshnis or Plunkett)] has said anything to show that race is what is at issue. It makes me wonder, because I’m the only director of color and the only one treated this way. But I really don’t know. I think it’s about retaliation for the missing money issue.” He also said, “I don’t know if age has anything to do with it.” And he also confirmed that he could not think of any other legally protected category that was motivating the conduct.
- Mr. Hines believes the motivation underlying the poor treatment can be traced back to 2009, when Ms. Buckshnis was a candidate for City Council. Ms. Buckshnis raised concerns in a very vocal and public way. She said the City was missing \$2 million in its books. She was wrong. She made disparaging comments about the City’s finances.
- In response, Mr. Hines met with Ms. Buckshnis and explained to her the City’s financial statements. She was confused about the City’s way of reporting its “beginning cash.” The City uses a “working capital” approach versus showing the entire fund balance. The benefit of this approach is that, “when you show beginning cash balance, it shows cash that is unencumbered.” Mr. Hines was not breaking tradition in doing this; he was merely carrying on the approach of his predecessors. Apparently, because the beginning cash did not reflect encumbered funds, Ms. Buckshnis had an issue. At the end of the meeting Ms. Buckshnis said she “got it”; he asked her three times whether she did.
- Then, on September 21, 2009, Ms. Buckshnis sent Mr. Hines an email (Exhibit C), which shows that she still did not understand. The email makes no sense. At the time, Ms. Buckshnis was a

frequent contributor to public comments in City Council meetings. In those meeting, she would say that the City was missing \$2 million. Mr. Hines explained to the Council how the financials work, and that the money was not missing. They "got it." Ms. Buckshnis continued to "stir things up" and said there was a problem. She was a candidate for a Council seat during this time.

- Ms. Buckshnis raised this issue. Mr. Hines corrected her in public. She continued to raise the issue. The more he corrected her, the angrier she appeared to become.
- Ms. Buckshnis professes to be a "numbers" person. She says she was a bank auditor. "That was her platform, that she was a fiscal expert. However, she has no experience in municipal accounting."
- In September 2010, Mr. Hines made an informal complaint to Ms. Humann. He asked her whether there is any way to stop "the excess email editorials" by Ms. Buckshnis and "all of her attempts to keep asking him questions until he screws up." Mr. Hines told Ms. Humann, "I just want to do my job."
- Mr. Hines then submitted his written complaint on November 2, 2010 (Exhibit A).
- Some of the harassment by Ms. Buckshnis has been through "editorial emails." Mr. Hines provided samples, which include some of his handwritten labeling and commentary (Exhibit D).
- Some of the harassment by Ms. Buckshnis has been through "personal interactions." She is now a Councilmember and is on the Finance Committee. She is "always critical" of Mr. Hines.
- Mr. Plunkett has been outwardly hostile to Mr. Hines over the past few months. Mr. Plunkett is the Chair of the Community Technology Advisory Committee ("CTAC"). Mr. Hines is part of CTAC's advisory group. Mr. Plunkett was rude to Mr. Hines at an August 2010 CTAC meeting. He said things like, "Mr Hines, wait until you're called." At a Finance Committee meeting in September or October of this year, Mr. Plunkett acted angry with Mr. Hines when asking questions and said things like, "Why can't you answer my questions?" In September of 2010, Mr. Plunkett raised the old issue of missing money. Mr. Plunkett also mistreated Mr. Hines via email on September 30, 2010 (Exhibit E).

- Indeed, citizens have noticed the mistreatment of Mr. Hines by Councilmembers Buckshnis and Plunkett. For example, citizen Diane Talmadge submitted an email about this (Exhibit F). Mr. Hines did not solicit this.
- Basically, Ms. Buckshnis is upset with Mr. Hines because he pointed out that she was wrong. That's the retaliatory motive.
- Ms. Buckshnis asks a lot of questions of the directors of other departments; but she makes her treatment of Mr. Hines "special." "She's not nasty to anyone else. She has her moments, but she is more consistently nasty with me."
- Mr. Hines does not know the motivation behind Plunkett's conduct. He speculated that it may relate to the fact that Mr. Hines was close to former Mayor Gary Haakenson, and that there was tension between Messrs. Haakenson and Plunkett. (Ms. Buckshnis also had tension with the former Mayor.) It is "possible that they see me as part of Gary's group. I don't hide the fact that I like him." "With Plunkett it could be, '[Haakenson]'s not here to protect you anymore; you're mine."
- Mr. Hines is complaining about only Councilmembers Buckshnis and Plunkett.
- On December 17, 2010, Mr. Hines sent me an email and attachment (news article) to support his complaint (Exhibit G).

## 2. Interview of Ms. Dines.

I was advised that there was a Finance Committee meeting earlier this past November in which staff was allegedly asked to leave by Ms. Buckshnis and then some comments were made regarding Mr. Hines. I was also advised that Jeannie Dines was the minute taker at the meeting. Given her role, I telephonically interviewed Ms. Dines on December 1. Ms. Dines stated as follows:

- She is uncertain that staff members were asked to leave the meeting in question; rather, the staff left after there was nothing left for them to do, and the meeting was opened to public comment.
- Ms. Dines does not recall that Ms. Buckshnis said anything derogatory about Mr. Hines.

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