

To: Mercer Island City Clerk  
Also to: Ethics Officer  
Signature and Attestation of Ethics Complaint MICC 2.60.070  
Planning Commission Member Lucia Pirzio-Biroli

Pursuant to R.C.W. 42.23 and MICC 2.60.010 et seq, the signatories below hereby join in and certify under penalty of perjury of the laws of the State of Washington that the attached email from Tom Acker dated June 30, 2020 is true and correct and be considered a formal complaint of Planning Commission member Lucia Pirzio-Biroli, pursuant to MICC 2.60.070, and that this matter be investigated, and the ethics officer make a determination of sufficiency within 30 days of receipt.

The following signatories shall be considered separate complainants subject to individual notice of any determination, disposition, decision or hearing, at their email address listed in the email filing this complaint.

Pursuant to MICC 2.60.070(F), Protection Against Retaliation, neither the city nor an official may take or threaten to take, directly or indirectly, any action that constitutes personal attack, harassment, or intimidation against any person signing and filing this complaint.

/s/ Tom Acker	6-30-2020/7-29-2020	Mercer Island
/s/ Carvel Zwingle	7-28-2020	Mercer Island
/s/ Mathew Goldbach	7-28-2020	Mercer Island
/s/ Susan Lund	7-28-2020	Mercer Island
/s/ Rob Dunbabin	7-29-2020	Mercer Island
/s/ Gary Robinson	7-29-2020	Mercer Island
/s/ Wendy Kristek	7-30-2020	Mercer Island
/s/ John Hall	7-30-2020	Mercer Island
/s/ Jean Dunbabin	7-30-2020	Mercer Island
/s/ Mike Cero	8-3-2020	Mercer Island
/s/ Daniel Thompson	8-3-2020	Mercer Island

**From:** tomacker1@comcast.net  
**Sent:** Tuesday, June 30, 2020 12:13 AM  
**To:** 'Bio Park'; 'benson.wong@mercergov.org'; 'ed.holmes@mercergov.org'; 'Jessi Bon'  
**Cc:** 'Salim Nice'  
**Subject:** Formal Ethics Complaint/Conflict of Interest Complaint

**Importance:** High

One of the reasons I fought so hard for a code of ethics/conduct before, during and after on the council was to protect the interests of Mercer Island Residents and constituents. Since moving back to Mercer Island, and even before, it was clear Council Members and their appointees to committees did not have community interests at heart and pandered to developers at the expense of the community. Sven Goldmanis and Dan Grausz, as well as other Legacy Council Members, continued to allow massive developments to move forward at the expense of the community. The integrity of the Council, the island's infrastructure, and the school system all suffered as a result of poor and questionable leadership either through the Council or their appointees. Sven Goldmanis even called me during my last campaign against Joy Langley and said he'd guarantee a win if I'd come out in favor of 7 stories in the Island Town Center and said "he could make it worth my while" if I came out in favor of development. I never gave it a moment's consideration because it violated not only my personal ethos but also violated everything I stood for when protecting the island through the Save Our Suburbs Organization. Some of the actions, or lack of action, over time felt criminal, or, perhaps, at the very least, out of process. Other oversights, like Suzy Skone not declaring that she was a landowner in the town center while arguing for upzones in the town center, were clearly undisclosed conflicts of interest. This pattern is why Save Our Suburbs started.

Unfortunately, the right tools to weed out these behaviors were not in place for citizens to file complaints over the years. Then, when the proposed code of conduct/ethics was finally implemented, the former city manager had neutered the document and stripped out all my input to the point the original intent was not achieved. Since last summer, and after several complaints were filed, it's my understanding an enhanced code was put in place with all of the original inputs and some additional enhancements. If so, this will ensure there is a thorough review of any complaints brought forward. This code, if it exists today and has the support of the current council, will also ensure the city council, commission members and board members operate with integrity, without conflicts of interest, and within ethical swim lanes. It's also my understanding there is a newly adopted investigative process to support the code of conduct/ethics to ensure complaints will not be swept under the rug and that there will not be any retaliation on staff members.

**If the above is not an accurate reflection of where the code of ethics and conduct resides, please let me know and I will pursue other avenues of resolving the issue described below.**

The purpose of this email is to formally raise a conflict of interest violation that needs to be investigated. It is my understanding the representatives of the new Farmer's Market Building have hired a planning commission member to evaluate the comprehensive plan as it relates to Mercer Island and advise them of what is and is not possible under the city's codes. Even if the scope of work as I understand it is not 100% accurate, any business relationship with the potential developers would not be appropriate for a sitting planning commission member. If the allegation is true, the planning commission member should immediately be removed from all city related activities. At the very least, entering into a business agreement with a landowner/developer is at the very least a lapse in judgement but it is likely much more significant as the individual has been compromised. As an agent of the council and the community, this is not ok. Many would assume this is a much more nefarious act that reeks of what happened with the Hines Corporation.

The days of Grausz, Bassett, Bertlin, Goldmanis politics should be over. I felt there was a new beginning while on Council and then last summer observed quite a few manipulations of the system. This Council has the opportunity to redefine the City Council and the City manager have the opportunity to operate with integrity. This is something that hasn't happened for years.

Please take this complaint seriously Mayor Wong and ensure the city follows all the appropriate protocols along with the Deputy Mayor and Deputy Deputy Mayor(?). If Commission Member Lucia Pirzio-Biroli is exonerated of the complaint, I would be surprised. The developers themselves told me they hired her and the final deliverable is due to them on July 6<sup>th</sup>. I spoke at length with Mark and he was very specific. I let him know my thoughts and feelings about hiring Lucia and let him know this wasn't the smartest way to ingratiate himself with the community. Furthermore, I let him know that Lucia is well known for not representing the interests of the community as she has ignored feedback consistently, continued to push for large scale development and pushed for what I call developer giveaways. During the conversation, Mark alluded to the fact that he was seeing some of her biases during presentations/discussions. This is, and has been, the ongoing problem with Mercer Island's departments, boards, council members and commissions for years. Too many things were done behind the scenes and out of the public's eye. Just like the famous Dan Grausz Whole Foods Facsimile that came in during a meeting to try and persuade Islanders to buy off on the Hines project or the intense pressure from Sven Goldmanis to push council members for big development. This type of behavior has to stop. Everything needs to be done above board and council members, board members, and commission members have to operate without impunity. I just don't get it, how in the world would Lucia Pirzio-Birolli ever think taking money or a job from a developer actively pursuing a development on the island would be ok?

Bio, Mr. Mayor, City Manager Bon, or Chief Holmes, please try to bring honor and integrity back to the Council and investigate this complaint. If she didn't do anything wrong, then so be it, but the matter must be investigated and investigated quickly.

Respectfully,

Tom Acker