

Dear Mr. Barnett,

I am writing to formally appeal the SEEC's dismissal of my complaint against the Seattle Department of Construction and Inspections (SDCI), specifically regarding the ongoing misconduct, ethical violations, and conflicts of interest by several SDCI officials. The SEEC's previous dismissal was inappropriate and based on an incorrect application of the Seattle Municipal Code (SMC), specifically SMC 4.16.070 and SMC 4.16.080.

This appeal presents compelling reasons why SEEC must investigate my complaint and highlights the legal basis under the SMC and relevant state laws. I have also integrated additional details, including SDCI's refusal to respond to complaints, as well as SDCI's ongoing violations of key maintenance and tenant protection laws under the Revised Code of Washington (RCW) and Seattle Municipal Code (SMC).

1. SEEC's Legal Duty to Investigate Allegations of Misconduct and Ethical Violations

Specific Conduct: My complaint includes numerous examples of **Nathan Torgelson, Robert Horton, Patrick Beaulieu, Faith Lumsden, Pamela Brunner, Eric Jenkins, Maureen Roat, Stella Washington,** and **Samuel Steele** engaging in or allowing unethical behavior, bias, and misconduct in their roles within SDCI. These officials have failed to act impartially, have potentially engaged in collusion with landlords, and have demonstrated dereliction of duty by neglecting to enforce critical building and safety codes.

Preferential Treatment of Large Business Entities: The October 2023 audit of SDCI highlighted systemic issues with **preferential treatment given to large business entities**. This is particularly relevant as The Olivian, where these violations occurred, is owned by **Met Life**, a large corporation. The property is managed by **Greystar**, one of the largest property management companies in Seattle and the country. Additionally, the third-party billing agent, **RealPage**, is another large entity frequently involved in Seattle's property management industry. The SDCI's failure to hold these entities accountable demonstrates that the preferential treatment identified in the audit is ongoing, directly affecting this case.

Legal Basis: SMC 4.16.070(A) requires city employees to act impartially and avoid favoritism. The misconduct outlined in my complaint demonstrates violations of this provision, as well as SMC 4.16.070(B) and (C), which prohibit conflicts of interest and require the avoidance of even the appearance of impropriety. Additionally, SMC 4.16.090 imposes a clear duty on SEEC to investigate allegations of ethical violations, including misconduct, conflicts of interest, and dereliction of duty. The continued preferential treatment towards large entities like Met Life, Greystar, and RealPage must be addressed.

2. Procedural Barriers to Accountability

Specific Conduct: SEEC's dismissal of my complaint based on procedural issues, such as page limits and formatting, undermines the principles of transparency and accountability. My complaint

addresses serious ethical violations and public safety concerns, and SEEC's decision to dismiss it on technical grounds ignores the substantial issues at stake.

Legal Basis: SMC 4.16.090 permits SEEC to adopt procedural rules, but these rules must not obstruct the investigation of serious ethical violations. The excessive focus on formatting rather than the merits of the complaint itself constitutes a deviation from SEEC's duty to investigate ethical violations and ensure accountability.

3. Duty to Investigate Alleged Bias and Lack of Impartiality

Specific Conduct: Internal SDCI communications, such as **Eric Jenkins** referring to me as "█████ is at it again" and **Josy Rush** describing my complaints as "What a nightmare," demonstrate clear bias and unprofessionalism in handling my legitimate concerns. These remarks reflect a failure to act impartially, as required by SMC 4.16.070(A).

Legal Basis: Under SMC 4.16.070, city employees are required to act with fairness and impartiality. The documented bias and dismissive attitudes of **Eric Jenkins**, **Josy Rush**, and others represent violations of these ethical standards. SEEC has a duty to investigate this bias, as it has directly affected the handling of my complaints and compromised the integrity of SDCI's operations.

4. Duty to Address Potential Conflicts of Interest and Collusion

Specific Conduct: Evidence suggests improper coordination and potential collusion between **Nathan Torgelson**, **Faith Lumsden**, and other SDCI officials with the property management at The Olivian. For example, internal communications between **Douglas Dewing** (Greystar property management) and **Jeff Krieg** (SDCI) about providing documentation post-inspection suggest a non-arms-length relationship. Additionally, several SDCI officials are landlords themselves, which raises serious concerns about conflicts of interest.

Preferential Treatment and Conflicts of Interest: The October 2023 audit directly referenced issues with **preferential treatment and collusion between SDCI and large business entities**. The ongoing misconduct with Met Life, Greystar, and RealPage as it pertains to The Olivian case reflects this same behavior. These large entities appear to receive more lenient enforcement actions or delays in inspections and violations compared to smaller entities or individual property owners.

Legal Basis: SMC 4.16.070(B) prohibits city employees from engaging in activities where they have a personal or financial interest that conflicts with their public duties. The failure to investigate these conflicts, particularly given the ongoing misconduct, represents a breach of SEEC's obligation to enforce the city's ethics code.

5. Public Records Act and Transparency Requirements

Specific Conduct: The Washington Public Records Act (RCW 42.56) mandates that public agencies provide access to public records unless a valid exemption applies. SDCI has failed to

comply with these transparency requirements by refusing to release critical documents related to my public records requests, particularly regarding conflicts of interest and SDCI's coordination with property management at The Olivian.

Legal Basis: RCW 42.56.030 emphasizes the importance of full public disclosure, and SEEC has a duty to investigate SDCI's violations of this law. By dismissing my complaint without investigating these serious claims of noncompliance, SEEC is failing to uphold its statutory duty to ensure government transparency and accountability.

6. Violations of Landlord-Tenant Laws: Preventative Maintenance and Repair Obligations

Specific Conduct: **Nathan Torgelson** and **Faith Lumsden** have asserted that the property does not need to perform preventative maintenance, which contradicts **RCW 59.18.060** and **SMC 22.206.160**. These laws require landlords to maintain the property in a habitable condition and specifically prohibit shifting the responsibility for maintaining the premises onto tenants. SMC 22.206.160(C) requires landlords to perform necessary repairs and maintain the property, while SMC 22.206.160(A)(5) prohibits landlords from charging tenants for repairs necessary to maintain habitability, especially if these repairs remain incomplete.

Legal Basis: SEEC must investigate SDCI's failure to enforce these key maintenance and habitability laws. The ongoing failure to ensure that landlords comply with **RCW 59.18.060** and **SMC 22.206.160** represents a significant breach of SDCI's duties and creates dangerous living conditions for tenants.

7. Refusal to Engage with Complaints: Faith Lumsden's Statement of Non-Response

Specific Conduct: **Faith Lumsden**, Code Compliance Division Director, has stated that SDCI "will not respond to your recent messages" and "will not reopen issues we have already reviewed and resolved." This blanket refusal to address new evidence or ongoing complaints demonstrates a deliberate dereliction of duty and evasion of responsibility. By refusing to engage with legitimate concerns, SDCI leadership is actively undermining their obligation to investigate and enforce compliance with city and state laws.

Legal Basis: SMC 4.16.070(A) requires city employees to act impartially and perform their duties in good faith. By categorically refusing to respond or reopen legitimate complaints, **Faith Lumsden** has violated these obligations, creating an environment where complaints of ongoing violations and misconduct are effectively ignored. **RCW 59.18.060** and **SMC 22.206.160** require landlords to maintain habitability, and SDCI's refusal to address or enforce these responsibilities reflects an abdication of its regulatory role.

Continuing Misconduct and Audit Relevance: The October 2023 audit identified systemic failures within SDCI's responsiveness to tenant concerns, and the refusal to respond to complaints represents a continuation of the same behavior identified in that audit. By failing to correct these issues and allowing such misconduct to continue, SDCI leadership—including **Nathan**

Torgelson, Faith Lumsden, Pamela Brunner, and Samuel Steele—have demonstrated ongoing ethical breaches that must be investigated.

8. Retaliation: Ignoring Presumptive Retaliation Under Seattle Law

Specific Conduct: **Faith Lumsden** and other SDCI officials have dismissed my complaints of retaliation by Greystar without addressing the legal concept of presumptive retaliation under Seattle law. Seattle laws, including **SMC 22.206.180**, provide protection against retaliatory actions by landlords after tenants assert their legal rights related to habitability and repairs. SDCI's failure to recognize this legal standard and its dismissal of my complaints without thorough investigation amounts to a violation of their duty to protect tenants from unlawful retaliatory actions.

Legal Basis: **SMC 22.206.180** clearly protects tenants from retaliation, and SDCI's refusal to enforce these protections demonstrates an ongoing pattern of neglect and ethical misconduct. SEEC has a duty to investigate these violations and ensure that city agencies are not complicit in allowing retaliatory actions to continue unchecked.

9. Negligence and Dangerous Mischaracterization of Building Violations by SDCI: The Role of Robert Horton

As part of my formal complaint regarding **SDCI's misconduct**, it is necessary to highlight the **mischaracterization** of a significant building code violation by **Robert Horton**, one of SDCI's senior inspectors. During a site inspection at **The Olivian**, Horton and his supervisor characterized the **installation of a door through a rated CMU (Concrete Masonry Unit) wall** as merely "cosmetic." This classification is not only grossly inaccurate but demonstrates either a **severe lack of technical knowledge** or a **willful disregard for building safety standards**, both of which pose grave risks to public safety.

The SDCI's responsibility is not just to enforce building codes but to do so with the **impartiality** and **professionalism** required under **SMC 4.16.070**, particularly when it comes to public safety matters. By downplaying a serious violation that could compromise the **fire safety** of the building, Horton and his supervisor not only **failed in their duties** but also demonstrated **negligence** that could easily fall under the SEEC's jurisdiction for **impartiality violations** and **misuse of position**.

Horton stood directly in front of the **unauthorized hole in the CMU wall** and challenged my complaint by repeatedly deflecting valid concerns. This exchange underscores his refusal to **enforce building safety codes** and **protect public safety**:

█ ████: "Is that in the plans for the building?"

Robert Horton: "That I don't, I did not see it."

█ ████: "That answers your question."

One such example is **Robert Horton**, a senior SDCI building inspector. Horton took the word of the property management, **Greystar**, without actually inspecting the premises. This practice directly contradicts both the **Seattle Municipal Code (SMC)** and **SDCI's Standard Operating Procedures (SOPs)**. When challenged about why **advance notice** was being given to the property management before inspections, the rationale provided was that the inspectors needed the **property's permission to enter**.

This explanation is problematic for several reasons:

1. **Seattle Municipal Code and State Law** contain clear stipulations for addressing instances where access is denied to inspectors. Specifically, under **SMC 22.202.050**, landlords are required to provide access for inspections, and inspectors have legal recourse when denied access, such as obtaining a court order if necessary. However, SDCI inspectors, including **Robert Horton**, disregarded this process, providing advanced notice to landlords and working around the law to the landlord's advantage.
2. This **collusion** between SDCI and property management allowed for **cover-ups** of violations that would have otherwise been discovered through a proper, unannounced inspection process. The failure to follow legal protocols for entry and SDCI's willingness to trust the word of landlords like **Greystar** without independent verification is a significant breach of public trust.
3. These actions are indicative of a **systemic failure** within SDCI to enforce code compliance impartially and in the public interest. By giving properties like **The Olivian** advance notice and avoiding thorough inspections, SDCI failed to uphold its statutory duties, thereby compromising tenant safety and facilitating the continued misconduct by large corporate entities like **Greystar**.

A further demonstration of **SDCI's preferential treatment** of **Greystar** and **MetLife** occurred when **Robert Horton** and other SDCI officials provided **advance notice** to the property management before inspections, allowing them time to **cover up** violations or **remove evidence**. For instance, in this case of the unauthorized doorway, the **door was removed** before inspection, leaving only a **hole** in the **fire-rated CMU wall**, which Horton then dismissed as inconsequential. When I questioned this practice of providing advanced notice, **SDCI officials stated that they required the property's permission to enter the premises**.

However, this reasoning blatantly disregards **Seattle's Standard Operating Procedures (SOPs)** and **state laws** governing inspections. If a property refuses entry, inspectors are required to **follow a legal process** to gain access, rather than allowing the property to dictate the terms of the inspection. The SDCI's failure to adhere to these procedures demonstrates not only a **lack of enforcement** but also an **intentional effort to benefit the landlord** over the safety and legal rights of tenants.

This repeated **pattern of behavior** within SDCI, allowing **landlords and property managers to manipulate the inspection process**, directly correlates with the **preferential treatment** of large business entities identified in the **City Auditor's report**. The **Olivia, MetLife, and Greystar**—one of the largest property management companies in the country—were all beneficiaries of this treatment. These actions further illustrate the **favoritism** toward **large business entities** identified in the audit and show a continuing pattern of **SDCI misconduct**.

