



King County

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OMBUDS CASE NO. OMB-2025-0160 ETHICS REPORT

Respondent: Dow Constantine, Former King County Executive

Complainant: Jennifer Aspelund

Date: June 18, 2025

Executive Summary

The King County¹ Ombuds Office (“Ombuds Office”) reviewed an ethics complaint that alleged former King County Executive Dow Constantine violated the King County Employee Code of Ethics (“Ethics Code” or “KCC 3.04”) due to a conflict of interest. Specifically, the complaint alleged that Mr. Constantine’s simultaneous service as County Executive and as a member of the Sound Transit Board (“the Board”) created an apparent conflict that should have disqualified him from consideration and selection for the Sound Transit Chief Executive Officer (“Sound Transit CEO”) role.

Per our review of the complaint, relevant sections of the Ethics Code, Washington State law, and the facts surrounding Mr. Constantine’s transition from County Executive to Sound Transit CEO, we determined, based on a preponderance of the evidence, that there was no reasonable cause to believe Mr. Constantine violated the Ethics Code.

Ombuds Office Role

The Ethics Code establishes ethical standards for King County employees and elected officials. The Ombuds Office has jurisdiction under KCC 3.04.055² to review ethics complaints and to make determinations of reasonable cause to conclude whether an Ethics Code violation occurred or not. Determinations are made based on a

¹ Hereinafter “the County”.

² The Ombuds Office is authorized to investigate the administrative conduct of King County agencies, including enforcing the County’s Employee Code of Ethics. KCC 2.52.090(5)(C), KCC 3.04.055.

preponderance of the evidence. A preponderance exists if the available evidence persuades that allegations are more likely true than not.

Code Provisions Reviewed³

KCC 3.04.015(A) Policy – Actual and Apparent Conflicts of Interest. It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.

KCC 3.04.015(B) Policy – Public Confidence in Government. Public confidence in government is essential and must be sustained by establishing and enforcing rules to ensure the impartiality and honesty of officials and employees in all public transactions and decisions.

KCC 3.04.020(C) Misuse of Official Position for Personal Gain. Except as authorized by law and in the course of the employee's official duties, no county employee shall use the power or authority of the employee's office or position with the county in a manner intended to induce or coerce any other person, directly or indirectly to provide the county employee or any other person with any compensation, gift, or thing of value.

KCC 3.04.020(D) Improper Compensation or Gifts. No county employee shall seek or receive, directly or indirectly, any compensation, gift, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the county other than the compensation, costs, or fees provided by law.

KCC 3.04.020(E) Use of County Facilities and Resources for Political Purposes. County employees are encouraged to participate in the political process on their own time and outside of the workplace by assisting a campaign for the election of any individual to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by RCW 42.17A.555.

KCC 3.04.030(A) General Conflict of Interest. No county employee shall engage in any act that is in conflict with the performance of official duties.

KCC 3.04.030(B) Specific Conflicts of Interest. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

³ It should be noted that the Ethics Code and Sound Transit's Ethics Policy are similar; like the King County employees and elected officials, Sound Transit Board members and employees must uphold the public trust and avoid conflicts of interest in their conduct and disqualify themselves from participating in any Board action where they have an actual or apparent conflict of interest. While we found similarities between the Ethics Code and Sound Transit's Ethics Policy, we did not conduct an analysis on the Ethics Policy because Sound Transit falls outside the Ombuds Office's jurisdiction.

1. Receives or has any financial interest in any purchase, sale or lease to or by the county of any service or property when the financial interest was received or obtained with the prior knowledge that the county intended to purchase, sell or lease such property or service;
9. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties;

KCC 3.04.030(B)(2)-(6) do not apply because Sound Transit, as a governmental entity, is excluded from the definition of “person” under the Ethics Code. Please see “Analysis and Conclusions” below.

KCC 3.04.035, the provision concerning post-employment restrictions, is inapplicable because Mr. Constantine was not “a former county employee” during the transition from County Executive to Sound Transit CEO. Please see “Analysis and Conclusions” below.

Complaint Review Summary

On March 26, 2025, Jennifer Aspelund filed an ethics complaint with the Ombuds Office approximately two weeks after the Sound Transit Board nominated Mr. Constantine as Sound Transit CEO. The complaint alleged that Mr. Constantine’s simultaneous roles as County Executive and Board member created an “appearance of bias and intimidation and the appearance of a rigged selection process,” and that Mr. Constantine appointed Board members strategically to support his future candidacy as a Sound Transit CEO nominee.

Upon review, we determined that the complaint’s allegations fell within our jurisdiction under KCC 3.04.055 but failed to provide evidence to support a quid pro quo arrangement or improper influence by Mr. Constantine. Given the significant public interest of the Sound Transit CEO selection, the potential impact on public trust of County government, and the seriousness of the allegations, we determined that the complaint warranted a formal review.

Chronology of Events⁴

The chronology of events outlined below provides historical context behind Mr. Constantine’s initial involvement with Sound Transit, including the origins of Sound Transit in Washington State, Mr. Constantine’s statutory duties under Washington State Law as County Executive, and Mr. Constantine’s transition from Sound Transit Board member to Sound Transit CEO.

⁴ Please reference Revised Code of Washington Chapter 81 and www.soundtransit.org (Sound Transit Motion M2025-15 and Executive Committee Meetings) for the information listed.

Sound Transit – Origins, and Constantine Board Involvement and Appointments:

1993. King, Pierce, and Snohomish County Councils vote to establish Central Puget Sound Regional Transit Authority, later publicly named “Sound Transit”.⁵

2006-2009. Mr. Constantine served on the Sound Transit Board as a King County Councilmember.

2010–2024. As King County Executive, Mr. Constantine appointed members to the Sound Transit Board, which was consistent with statutory obligations under RCW 81.112.040.

Recent Constantine Board Appointments:

January 2024. Mr. Constantine made three new appointments to the Sound Transit Board to replace outgoing members who had left office. Mr. Constantine appointed King County Council Chair Girmay Zahilay, Redmond Mayor Angela Birney, and Seattle City Councilmember Dan Strauss. These appointments filled seats vacated by outgoing King County Councilmember Joe McDermott, outgoing Kenmore Mayor Dave Baker, and retiring Seattle Councilmember Debora Juarez.

November 2024. Mr. Constantine announced that he would not seek reelection as King County Executive in 2025.⁶

Sound Transit CEO Selection Team and Constantine Recusal:

September 2024. The Board identified members to form a CEO Selection Team: Snohomish County Executive Dave Somers, then Pierce County Executive Bruce Dammeier, and King County Councilmember Claudia Balducci. Auburn Mayor Nancy Backus and Tacoma City Councilmember Kristina Walker were added to the CEO Selection Team in December 2024, and Pierce County Executive Ryan Mello replaced Pierce County Executive Bruce Dammeier in January 2025.

October 2024 – December 2024. The CEO Selection Team selected executive search firm Krauthamer & Associates to support the new Sound Transit CEO search. Sound Transit conducted stakeholder outreach and finalized the job description.

January 2025 – March 2025. The Sound Transit CEO role was nationally advertised, and once applications were received, the candidate pool was narrowed to five semifinalists to be interviewed by the Board’s Executive Committee. The Executive Committee identified

⁵ https://caselaw.findlaw.com/court/wa-supreme-court/1389055.html#footnote_1

⁶ <https://www.seattletimes.com/seattle-news/politics/dow-constantine-will-not-seek-reelection-as-king-county-executive/>

three finalists for the Sound Transit CEO position. After the final round of interviews, the Executive Committee held a public meeting to deliberate on the final three candidates.

March 24, 2025. The Board Chair and Vice Chairs announced that the preferred candidate was Mr. Constantine, and that the full Board would vote on the appointment on March 27, 2025. On or approximately around this time, Mr. Constantine recused himself from the Board’s CEO deliberations.⁷

March 27, 2025. The Sound Transit Board of Directors approved Motion No. M2025-15, where the Board unanimously approved Mr. Constantine’s appointment as Sound Transit’s new CEO and his employment agreement.

Resignation and Appointment of Next Interim County Executive:

March 28, 2025. Mr. Constantine submitted resignation of his County Executive position effective April 1, 2025. Mr. Constantine also designated King County Deputy Executive Shannon Braddock to serve as interim County Executive.⁸

April 1, 2025. Mr. Constantine officially resigned and assumed the Sound Transit CEO role. The King County Council formally approved the motion for then Deputy Executive Braddock to act as Interim Executive.⁹

Analysis and Conclusions

Introductory Conclusions:

The allegation that Mr. Constantine violated the Ethics Code when he held both roles as King County Executive and served as a Board member is not supported by the complaint. RCW 81.112.040 states, “The regional transit authority shall be governed by a board consisting of representatives appointed by the county executive and confirmed by the council....” This requirement is, by the terms of the statute, consistent with Mr. Constantine’s statutory duties.

A. KCC 3.04.015: Actual and Apparent Conflicts of Interest

KCC 3.04.015 states that it is King County’s policy to avoid “actual or apparent conflict[s] of interest between the public trust and private interest.” This section sets forth guiding principles of interpretation but does not establish enforceable requirements. Moreover, no

⁷ <https://www.seattletimes.com/seattle-news/transportation/dow-constantine-officially-named-as-sound-transits-ceo-nominee/>

⁸ <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=7283267&GUID=BB40AFE9-8C31-4982-AA16-BBB53D4045AE&Options=Advanced&Search=>

⁹ *Id.*

evidence was provided to substantiate that the principles set forth by this section were violated.

B. KCC 3.04.020(C) & (D): Misuse of Authority and Improper Benefits

KCC 3.04.020(C) prohibits any County employee from using the power or authority of their office to induce or coerce another person to provide compensation or a thing of value. Additionally, KCC 3.04.020(D) prohibits a County employee from seeking or receiving compensation, gifts, or other benefits in exchange for performing official duties.

The complaint provided no evidence to support that Mr. Constantine made Sound Transit Board appointments strategically to secure future votes in support of his pursuit of the Sound Transit CEO position, nor was there any factual basis to justify an additional investigation of this theory. To the contrary, many of the appointments and reappointments were made well in advance of Mr. Constantine's announcement that he would not seek reelection in November 2024, and more than a year before the Sound Transit CEO position was posted in January 2025. The chronology of events contradicts the theory presented in the complaint.

Furthermore, no evidence was presented to support any explicit or implied quid pro quo arrangement involving Mr. Constantine or to support that Sound Transit Board members were expected to return a personal favor to Mr. Constantine in exchange for their Board appointments.¹⁰

C. KCC 3.04.030(A): General Conflict of Interest

KCC 3.04.030(A) states that no County employee shall engage in any act that is in conflict with the performance of official duties. The complaint alleged that Mr. Constantine's dual roles as County Executive and as a Board member constituted an ethics violation.

Our review determined that there was no evidence to support a violation of KCC 3.04.030(A). Rather, we determined that Mr. Constantine proactively mitigated potential conflicts of interest. Specifically, Mr. Constantine 1) recused himself from all deliberations and decisions related to the Sound Transit CEO selection process;¹¹ 2) publicly announced in November 2024 that he would not seek reelection as County Executive;¹² 3) formally resigned from his County Executive position on March 28, 2025, prior to assuming the Sound Transit CEO role on April 1, 2025;¹³ and 4) appointed Deputy Executive Braddock to

¹⁰ Also see Sound Transit Summary Minutes, March 27, 2025. Mayor Nancy Backus' comment on page 6.
https://www.soundtransit.org/st_sharepoint/download/sites/PRDA/FinalRecords/2025/250327%20Board%20Minutes.pdf

¹¹ <https://www.theurbanist.org/2025/02/26/constantine-pushes-back-on-conflict-allegations-surrounding-sound-transit-ceo-bid/>;
https://www.transittalent.com/articles/index.cfm?story=Sound_Transit_CEO_Search_Heats_Up_2-16-2025

¹² <https://www.seattletimes.com/seattle-news/politics/dow-constantine-will-not-seek-reelection-as-king-county-executive/>

serve as Interim County Executive, thereby avoiding any overlap in responsibilities or decision-making authority between his role as County Executive and Sound Transit CEO.¹⁴

There was also no evidence to support that Mr. Constantine used his County Executive position inappropriately to benefit Sound Transit during the Sound Transit CEO selection process or after his appointment as Sound Transit CEO.

D. KCC 3.04.030(B)(2-6): Specific Conflicts of Interest

KCC 3.04.030(B) outlines specific instances where a conflict of interest may arise. However, under KCC 3.04.017(M), a “person... means any individual, partnership, association, corporation, firm, institution or other entity, whether or not operated for profit. The term **does not include governmental units** of or within the United States.” (Emphasis added.)

In this vein, KCC 3.04.030(B)(2-6) are inapplicable because Sound Transit, as a governmental entity, is excluded from the definition of “person” under the Ethics Code.

E. KCC 3.04.030(B)(9): Engages in or Accepts Compensation for Employment or Services

KCC 3.04.030(B)(9) prohibits County officials from engaging in or accepting compensation for employment or rendering services for any governmental agency other than the County when such employment or service is incompatible with the proper discharge of official duties or would impair their independence of judgment or action in the performance of official duties.

RCW 81.112.040 required Mr. Constantine to appoint Board members and to serve on the board as County Executive. This was entirely compatible with Mr. Constantine’s official duties as King County Executive. Further, the chronology of events combined with the absence of any countervailing evidence indicates no impairment of independent judgment. Therefore, this provision is inapplicable.

F. Ethics Code, KCC 3.04.035: Post-Employment Restrictions

KCC 3.04.035 outlines restrictions to ensure that former County officials and employees do not leverage their prior positions for undue influence or personal benefit after leaving County service.

¹³ <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=7283267&GUID=BB40AFE9-8C31-4982-AA16-BBB53D4045AE&Options=Advanced&Search=>

¹⁴ *Id.*

This provision does not apply here because Mr. Constantine was not a former King County employee at the time the complaint was filed and the “person” definition under KCC 3.04.017(M) excludes governmental units.

Conclusion

Based on a preponderance of the evidence, the Ombuds Office concludes that there was no reasonable cause to believe Mr. Constantine violated the Ethics Code. Mr. Constantine’s dual roles as County Executive and Board member were statutorily required under RCW 81.112.040, and his Board appointments were part of his statutory duties. Additionally, Mr. Constantine’s appointments began well before his CEO candidacy, and no evidence was provided to support that those appointments were meant to unduly influence or garner favor for the CEO role. In fact, Mr. Constantine recused himself from hiring deliberations, followed guidance from Sound Transit’s legal counsel to avoid a conflict of interest, designated then Deputy Executive Braddock as Interim County Executive, and formally resigned before assuming the Sound Transit CEO role.

We understand that the optics of a County Executive applying and being selected for a leadership position at a regional transit agency he assisted in governing may lead to questions about possible conflicts of interest. However, a thorough review demonstrates no conflicts of interest per the Ethics Code. It is important to note that while the Ethics Code provides a framework for assessing ethical violations and acknowledges apparent conflicts of interest, mere perception, without supporting evidence of an actual violation, is not enforceable. Accordingly, this complaint is dismissed.

Dated this 18 day of June 2025.

Signed by:



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Jeremy Bell
King County Ombuds-Director

Distribution per KCC 3.04.055(G)

Jennifer Aspelund
Dow Constantine
King County Board of Ethics