



October 23, 2025

Jennifer Hansen, Compliance Officer
Washington State Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

Via Email Only

RE: PDC Case No. 180111

Dear Ms. Hansen:

On behalf of Ms. Pooneh Gray, a candidate for Vancouver City Council, I am replying to your request for a response to PDC Case No. 180111 brought by Anthony Vendetti alleging a violation of RCW 42.17A.335 by Pooneh Gray, a candidate for Vancouver City Council, against Kim Harless, a current Vancouver City Councilmember and a candidate for re-election to the city council.

Alleged violation of RCW 42.17A.335

The complaint alleges that a Facebook post by Ms. Gray indicating Ms. Harless had an undisclosed conflict of interest in her role as chair of a committee that awarded her fiancé a substantial grant. The post referenced a Columbian newspaper story which in turn referenced an ethics complaint filed against Ms. Harless with the City of Vancouver. Exhibit No. 1.

It is a violation of RCW 42.17A.335 when a person sponsors “with actual malice a statement constituting libel or defamation per se” for political advertising containing “a false statement of material fact about a candidate for public office.” [RCW 42.17A.335\(1\)\(a\)](#). A violation of this section “shall be proven by clear and convincing evidence”. [RCW 42.17A.335\(4\)](#).

Ms. Harless has not Contested Any Facts

This complaint is not brought by Ms. Harless and no rebuttal from her has been provided. The Complainant, Anthony Vendetti, is not listed as an officer or representative of Ms. Harless or her committee. It is simply not possible to ever find a violation under RCW 42.17A.335 where the candidate that is the subject of the alleged libel or defamation has not filed a complaint with the PDC or refuted any of the facts, under oath, that are the subject of the complaint, never mind meeting the very high “clear and convincing evidence” threshold required under the statute. Under these circumstances,

the complaint fails and must be summarily rejected even before considering any additional facts and circumstances.

The Evidence Demonstrates that Ms. Harless had a Conflict of Interest

Even if Ms. Harless had been the one to bring this complaint, the statement of the Facebook ad in question is supported by the following facts:

1. Ms. Harless Chaired the City of Vancouver Lodging Tax Advisory Committee (LTAC) which considered grant requests over the last several years.
2. Ms. Harless has been in a long term relationship with John Park well before becoming engaged to Park and since at least 2022. EXHIBIT 1.
3. Mr. Park is the sole board member and administrator of Vancouver Arena which did not exist prior to its first year in which it received an LTAC grant in 2022. EXHIBIT 2.
4. Mr. Park has three times sought funding for Vancouver Arena from LTAC when chaired by Ms. Harless.
5. At no point did Ms. Harless notify members of LTAC that she was in a relationship with Mr. Park on any of the multiple occasions Vancouver Arena presented its grant requests to LTAC.
6. Vancouver Arena was awarded nearly \$30,000 by this committee over three separate grants. EXHIBIT 1.
7. On August 28, 2025, Brad Erhart filed an Ethics Complaint against Ms. Harless alleging violations of the City Council Code of Ethics and Conduct based on the above facts and circumstances. EXHIBIT 3.
8. The City of Vancouver retained the law firm of Davis Wright Tremaine which made a preliminary determination that the Ethics Complaint “sufficiently alleged facts to substantiate a violation of [City of Vancouver Ethics] Policy No. 100-36, Section 5.0 Appearance of Impropriety”. EXHIBIT 4.
9. The Ogletree Law Firm has been retained by the City to further investigate the matter. EXHIBIT 1.

Neither Mr. Vendetti nor Ms. Harless have disputed any of these facts or the clear inference of a conflict of interest which derives from them. Should they seek to do so, they should offer such facts under penalty of perjury. Additionally, there is no barrier to Ms. Gray making the statement that a conflict exists regardless of whether there has been a formal legal finding of such a lapse in ethics. The Facebook ad never inferred that Ms. Harless was convicted or formally found to have been conflict, but again, Ms. Gray is allowed to have an opinion derived from the facts of situation and to share it regardless of the legal framework.

Conclusion

The burden of proof under any circumstance for libel or defamation is high and the same is true with [RCW 42.17A.335\(4\)](#). It is important to note the statute does not require a respondent to establish the truth of any statement but rather requires clear and convincing evidence of a false statement of material fact. Instead, the Complainant (again, not the person who was purportedly defamed) has provided virtually no evidence or explanation of any kind about why or how the political advertising by Ms. Gray is not true or the facts above are false. Under these circumstances, no false statement of material fact can be found.

As you are aware, this is now the fourth allegation of violation of RCW 42.17A by opponents of Ms. Gray, and the PDC has summarily rejected three of those four allegations out-of-hand. The PDC should

Jennifer Hansen
October 23, 2025
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not allow this weaponization of the Agency during the closing weeks of the campaign season and therefore this Complaint should also be rejected immediately so that it cannot be used to influence this election. The place for the debate about ethics and impropriety in this case is entirely appropriate during a political campaign and the public should be the ultimate judge.

Thank you for your timely attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Brady', written in a cursive style.

Dan Brady
Legal Counsel

EXHIBITS

1. Exhibit 1: October 14, 2025 Vancouver Columbian Article.
2. Exhibit 2: 2024 Vancouver Arena Annual Report
3. Exhibit 3: Brad Erhart Code of Ethics and Conduct Violation Complaint
4. Exhibit 4: Davis Wright Tremaine Review of Code of Ethics Complaint

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Hearings examiner declines to review ethics complaint against Vancouver City Councilor Kim Harless

City seeks to hire Seattle attorney to investigate claim councilor abused position



By [Mia Ryder-Marks](#), Columbian staff reporter

Published: October 14, 2025, 10:45am

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The Vancouver City Council will ask a Seattle lawyer to investigate the ethics complaint filed against Councilor Kim Harless.
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The city of Vancouver’s hearings examiner declined to [review the ethics complaint](#) filed against Councilor Kim Harless, who is running for reelection this fall. Now the city council will tap a Seattle-based attorney to investigate the claim, which will delay the outcome past Election Day.

During Monday’s city council meeting, Vancouver City Attorney Nena Cook told councilors that the city’s contracted hearings examiner declined the case because she is fully booked through November and doesn’t have the staff capacity. Further, the hearings examiner doesn’t investigate complaints of this nature in her role as an administrative judge, Cook said.

“This would be very much outside of what she typically does in her work,” Cook said.

But city policy allows the council to designate outside examiners to conduct investigations. Cook then suggested the city hire [Brenda Bannon from Ogletree Law Firm](#), where she works out of their Seattle campus. Bannon has experience in ethics investigations, Cook said.

Bannon, however, asked for a Dec. 15 deadline due to her late start. Typically, an ethics investigation report is due 60 days after the complaint is received. The one against Harless was received Aug. 29 and due to be wrapped up by Oct. 28, Cook said. But the council can approve an extension if need be.

However, some councilors expressed concern that the mid-December deadline is too late as they’d like to resolve the issue by the end of the year.

The council agreed to hire Bannon. Cook will go back to Bannon and ask if she can finish the report by Dec. 8.

Morning Briefing Newsletter
Harless, who was elected in 2022, faces [Deonah Gray on the Nov. 4 ballot](#).

Ethics complaint

[Vancouver resident Brad Erhart's complaint against Harless](#) alleges the city councilor abused her position on the council and as the chair of the city's Lodging Tax Advisory Committee when she failed to disclose a romantic relationship with John Park. Park is the director of Vancouver Arena, a nonprofit that has received lodging tax grants to help fund its annual Pokemon GoFest event in Vancouver's Esther Short Park.

Park and Harless, who are engaged to be married, began dating in 2023 and began living together in 2025.

In his complaint, Erhart said Harless should have recused herself from voting on grants connected to Park's nonprofit.

[Harless said during an Oct. 6 city council meeting](#) that she had consulted city attorneys before voting on any lodging tax grants and was told there was no conflict of interest because Harless — who was not engaged to Park or living with him at the time — would not benefit financially from the Pokemon GoFest grant.

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Harless said she and Park were not engaged or living together when the Lodging Tax Advisory Committee voted unanimously in favor of giving Park's Vancouver Arena nonprofit three grants in 2022, 2023 and 2024 totaling \$29,750.

Harless said after Park proposed and the couple started living together, she made a plan to speak to the city attorney again, but then Erhart filed his ethics complaint.

Although Cook never spoke to Harless regarding any conflict of interest, once she learned that the city councilor had spoken to other attorneys in her office, Cook recused herself from the ethics complaint process and handed the complaint over to Portland employment attorney Kathy Dent.

In a memo sent to Cook on Sept. 29, Dent found that Erhart's complaint did not allege any facts that would support the notion that Harless had a personal financial interest in Park's Vancouver Arena or that Harless had a personal or remote interest in the lodging tax grants that helped fund the annual Pokemon GoFest.

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Dent also concluded that the facts presented in Erhart’s complaint did not show that Harless disclosed or used confidential, privileged or proprietary information through her committee chair position that assisted Park with his grant requests.

The Portland attorney did find that the complaint “sufficiently alleged facts to substantiate a violation” of a city policy related to avoiding the appearance of impropriety.

That’s when the council turned to the hearings examiner, who ultimately declined to take the case.

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Secretary of State
Corporations & Charities Division

Filed
Secretary of State
State of Washington
Date Filed: 10/04/2025
Effective Date: 10/04/2025
UBI #: 604 996 647

Annual Report

BUSINESS INFORMATION

Business Name:

VANCOUVER ARENA

UBI Number:

604 996 647

Business Type:

WA NONPROFIT CORPORATION

Business Status:

ACTIVE

Principal Office Street Address:

4217 NE 41ST ST, VANCOUVER, WA, 98661, UNITED STATES

Principal Office Mailing Address:

4217 NE 41ST ST, VANCOUVER, WA, 98661, UNITED STATES

Expiration Date:

11/30/2026

Jurisdiction:

UNITED STATES, WASHINGTON

Formation/Registration Date:

11/15/2022

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

CHARITABLE, SOCIAL

NONPROFIT GROSS REVENUE CERTIFICATION

Per [RCW 24.03A.960](#) does the Nonprofit certify that its total gross revenue in the most recent fiscal year was less than \$500,000? - **Yes**

NONPROFIT CORPORATION'S EIN

Nonprofit EIN: **92-0967606**

REGISTERED AGENT [RCW 23.95.410](#)

**Registered Agent
Name**

Street Address

Mailing Address

JOHN PARK

4217 NE 41ST ST, VANCOUVER, WA, 98661-3536,
UNITED STATES

4217 NE 41ST ST, VANCOUVER, WA, 98661-3536,
UNITED STATES

PRINCIPAL OFFICE

Phone:

3604481116

Email:

JOHNPARK@POKEVANCOUVERARENA.COM

Street Address:

4217 NE 41ST ST, VANCOUVER, WA, 98661, USA

Mailing Address:

4217 NE 41ST ST, VANCOUVER, WA, 98661, USA

GOVERNORS

Title	Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		JOHN	PARK

NATURE OF BUSINESS

- CHARITABLE
- SOCIAL

REPORTING CHANGES FOR THE CHARITABLE NONPROFIT CORPORATION

Does the Nonprofit Corporation meet exemptions of reporting as outlined in [RCW 24.03A.075](#)? - **Yes**

CONTROLLING INTEREST

1. Does this entity own (hold title) real property in Washington, such as land or buildings, including leasehold improvements?

- **No**

2. In the **past 12 months**, has there been a transfer of at least 16-2/3 percent of the ownership, stock, or other financial interest in the entity?

- **No**

a. If "Yes", in the **past 36 months**, has there been a transfer of controlling interest (50 percent or greater) of the ownership, stock, or other financial interest in the entity?

- **No**

3. If you answered "Yes" to question 2a, has a controlling interest transfer return been filed with the Department of Revenue?

- **No**

You **must** submit a Controlling Interest Transfer Return form if you answered "yes" to questions 1 **and** 2a.

Failure to report a Controlling Interest Transfer is subject to penalty provisions of [RCW 82.45.220](#).

For more information on **Controlling Interest**, visit www.dor.wa.gov/REET.

RETURN ADDRESS FOR THIS FILING

Attention:

JOHN PARK

Email:

JOHNPARK@POKEVANCOUVERARENA.COM

Address:

7307 NE 59TH ST, VANCOUVER, WA, 98662, USA

UPLOAD ADDITIONAL DOCUMENTS

Do you have additional documents to upload? - **No**

EMAIL OPT-IN

☐ By checking this box, I hereby opt into receiving all notifications from the Secretary of State for this entity via email only. I acknowledge that I will no longer receive paper notifications.

AUTHORIZED PERSON

☒ I am an authorized person.

Person Type:

ENTITY

First Name:

JOHN

Last Name:

PARK

Entity Name:

VANCOUVER ARENA

Title:

☒ This document is hereby executed under penalty of law and is to the best of my knowledge, true and correct.

Brad Erhart
300 SE 184th Ave
Apt 101
Vancouver, WA 98683

August 28, 2025

City Manager & City Council
415 W 6th St
Vancouver, WA 98660

Subject: Formal Code of Ethics Complaint Against Kim Harless (Position 1)

Dear Members of the Vancouver City Council & City Manager:

Pursuant to the *City of Vancouver Policy 100-36 (City Council Code of Ethics and Conduct)*, *Section 9.0*, I am writing to submit a formal complaint regarding violations of the *Code of Ethics* and *Washington State Law (RCW 42.23)* by Councilmember Kim Harless ("Harless").

I became personally aware of and knowledgeable about the violations detailed below beginning on August 6, 2025. This complaint is based substantially upon my personal knowledge.

This complaint details a significant conflict of interest involving Harless, in her capacity as a City Councilmember and Chair of the City of Vancouver Lodging & Tax Authority Committee ("LTAC"), and Mr. John Park ("Park"), the governor of Vancouver Arena and an applicant for City grants.

I. Summary of Violations

It has been discovered that in 2023, and continuing through 2025, Harless has maintained a romantic relationship with Park. There is further evidence suggesting this relationship existed in years prior as well. During this same period (2023, 2024, and 2025), Park applied for and received LTAC grants on behalf of Vancouver Arena for an event known as GoFest. Park is listed as the governor for Vancouver Arena in the organization's articles of incorporation and annual reports.

As Chair of LTAC and a member of the City Council, Harless participated in the review, deliberation, and approval processes for these grants without disclosing her relationship with Park and without recusing herself from the proceedings.

II. Relevant Policies and Laws Violated

Harless's actions violate the following sections of the *City of Vancouver Policy 100-36* and *Washington State Law*:

A. *City of Vancouver Policy 100-36, Section 6.0(B): Personal Influence in Contract Selection Prohibited.*

No Councilmember shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the Councilmember has a personal financial interest, direct or indirect in or with the corporation, person, or firm, unless such interest is a remote interest as defined in RCW 42.23.040 and summarized herein and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the Councilmember(s) having the remote interest.

B. *City of Vancouver Policy 100-36, Section 6.0(A): Personal Interests in Contracts Prohibited.*

No Councilmember shall participate in their capacity as a councilmember in the making of a contract in which the Councilmember has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City.

C. *RCW 42.23.030: Interest in contracts prohibited—Exceptions.*

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part... A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested... The interest of the municipal officer must be disclosed to the governing body... before the formation of the contract.

A significant personal or romantic relationship, particularly one with evidence suggesting cohabitation (see *Section III.A*), constitutes a direct or indirect beneficial interest in contracts awarded to the partner. This relationship does not qualify as a "remote interest" as defined in *RCW 42.23.040*.

D. *City of Vancouver Policy 100-36, Section 5.0: Avoidance of the Appearance of Impropriety.*

The failure to disclose this relationship while presiding over and voting on grants for Park creates a clear appearance of impropriety.

III. Factual Basis for Complaint

The violations stem from Harless's failure to disclose her relationship with Park and her subsequent participation in decisions benefiting Park's organization, and her own personal interests, during the 2023, 2024, and 2025 grant cycles.

A. Evidence of Relationship and Potential Shared Residence

The following evidence establishes the existence of a relationship constituting a conflict of interest:

- Information obtained from data broker websites that strongly indicate a shared residence between Harless and Park beginning in 2022.
- An Archive.org copy of a photo posted on the Vancouver Arena website showing Park and Harless in a manner that strongly reflects a romantic relationship, taken on May 7, 2023 (includes original full-sized photo with metadata intact).
- A snapshot from Facebook showing a picture of Harless's conversation with Park while referring to him as "honey" from February 2024.
- Snapshots of the postings to the Vancouver Arena Facebook Group showing Harless and Park together at Vancouver Arena events in June and July 2024.
- An Archive.org snapshot of Harless's Bluesky account showing messages exchanged between her and Park in November 2024.
- A photo of Harless and Park together in April 2025, at a Star Trek meetup.
- An Archive.org snapshot of the Vancouver Downtown Association website, and snapshots of their Facebook postings from June 28, 2025, showing what appears to be Harless cosplaying alongside Park at the LTAC grant event.
- An Archive.org copy of Harless's campaign website from August 2025, including a photo showing her arm around Park and strongly reflecting a romantic relationship (including original full-sized photo).
- A snapshot from Harless's Facebook account showing her relationship with Park dated August 6, 2025.
- A snapshot of Harless's postings to the Vancouver Arena Facebook Group dating back to May 2018.

B. Evidence of Political and Financial Connections

- Washington State Public Disclosure Commission (PDC) documents showing campaign donations made by Park to Harless in 2021 and 2025.
- Snapshots and Archive.org copies of Harless's campaign website and Facebook account showing Park holding campaign material and endorsing Harless (July 15, 2021, and October 17, 2021).
- Snapshots of Harless's campaign account on Facebook and Instagram showing Park assisting in multiple campaign activities and appearing in campaign material for Harless (May – August 2025).

C. Failure to Disclose Conflict and Failure to Recuse

Despite the established relationship, Harless failed to disclose the conflict of interest during LTAC and City Council meetings where Vancouver Arena grants were discussed and approved. This is supported by:

- Copies of all relevant LTAC meeting agendas and notes, as well as video recordings of the meetings, showing that Harless did not disclose the conflict and recuse herself as required.
- Copies of all relevant City Council meeting notes, agendas, related documents and resolutions, show that Harless did not disclose the conflict and recuse herself as required.

D. Specific Incident: October 9, 2024

On October 9, 2024, there was a presentation (believed to be presented by Chris Harder) specifically regarding conflict of interest, while Park's grant for that year was in the process of review. Other individuals recused themselves due to their own conflicts, but Harless did not. Subsequently, at the following LTAC meeting, Park was present for a presentation and neither disclosed their relationship.

IV. Acquisition of Knowledge

I acquired this knowledge while researching candidates for the primary election for the City Council Seat 1 position after receiving campaign flyers and my mail-in ballot. Dealing with issues involving City Construction Services that were impacting my community, I wanted to learn more about Harless's work and campaign promises.

As I came across her Facebook profile during my research on August 6, 2025, her profile showed that she was in a relationship with Park. Wanting to know whether the relationship could be impacting her decisions, I performed a search on Google for their names together, "Kim Harless" "John Park." I immediately found documents on the City's website regarding multiple grants to Vancouver Arena, listing Park as the applicant.

V. Actions Suggesting Intent to Conceal

After discovering sufficient evidence existed, I posted about this conflict on the Nextdoor website on August 6, 2025, which immediately gained substantial interest. The following day, August 7, 2025, as I continued collecting snapshots for evidence, Harless had removed her public relationship status with Park (documented via snapshot). While she was never obligated to share her relationship publicly, doing so immediately after having a conflict of interest discovered signifies an intent to try to conceal previous evidence from the public.

VI. Other Concerns

Because the relationship existed prior to these votes, there is significant concern that Harless may have disclosed or used confidential, privileged, or proprietary information gained by reason of her position as the chair of LTAC, or assisted Park in drafting the grant requests. This would violate *Policy 100-36, Section 6.0(C) (Disclosure of Confidential Information)* and *Section 6.0(G) (Improper Use of Position Prohibited)*.

VII. Conclusion

The evidence demonstrates a clear and repeated violation of the *City's Code of Ethics* and *RCW 42.23*. Harless failed to disclose a significant conflict of interest and participated in the awarding of City contracts to her personal partner.

I respectfully request that the City Council and City Manager process this complaint according to the procedures outlined in *Policy 100-36, Section 9.0*, including a prompt review by the City Attorney and subsequent referral to a Hearings Examiner for a full investigation.

All documentation and evidence cited in this complaint will be provided immediately upon request.

Sincerely,

A handwritten signature in cursive script that reads "Brad Erhart".

Brad Erhart

MEMORANDUM

To: Nena Cook
City Attorney
City of Vancouver
From: Kathy Dent
Date: September 29, 2025
Subject: Code of Ethics Complaint Against Councilmember Kim Harless

This memorandum summarizes my findings and general conclusions regarding the August 28, 2025, Code of Ethics Complaint submitted by Brad Erhart against Vancouver City Councilmember Kim Harless.

I. EXECUTIVE SUMMARY

A. Complaint Summary

The Complaint alleges that Harless, in her capacity as a City Councilmember and Chair of the City of Vancouver Lodging & Tax Authority Committee (“LTAC”), had an undisclosed conflict of interest arising out of her personal/romantic relationship with John Park. Park, who is identified as the governor of Vancouver Arena, applied for and received grants from LTAC in 2023, 2024 and 2025, for an event known as GoFest. During this same period, Park and Harless were allegedly involved in a personal and/or romantic relationship. Harless participated in the review, deliberation and approval for these grants, without disclosing her personal relationship with Park and without recusing herself from the proceedings.

The Complaint alleges that, by engaging in this conduct, Harless violated Policy No. 100-36, Sections 5.0, 6.0A and B, and RCW 42.23.030. The Complaint also raises a concern that Harless may also have violated Section 6.0C and G.

B. Standard of Review

I reviewed the allegations in the Complaint to determine whether the Complaint, on its face, alleges facts that, if true, would substantiate a violation of the City Council Code of Ethics and Conduct. See Policy No. 100-36, Section 9.0.

C. Conclusions

The Complaint fails to allege facts which, if true, would substantiate a violation of Policy No. 100-36, Section 6.0A, B, D or G or RCW 42.23.030.

However, the Complaint has sufficiently alleged facts to substantiate a violation of Policy No. 100-36, Section 5.0, Avoidance of the Appearance of Impropriety.

II. COMPLAINT ALLEGATIONS AND CONCLUSIONS

A. Allegation: Personal Influence in Contract Selection Prohibited, Policy 100-36, Section 6.0B.

Section 6.0B states, in part:

No Councilmember shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the Councilmember has a personal financial interest, direct or indirect in or with the corporation, person, or firm, unless such interest is a remote interest as defined in RCW 42.23.040 ... and where the fact and extent of such interest is disclosed ... and thereafter the City Council ... approves ... the contract ... without counting the vote ... of the Councilmember(s) having the remote interest.

The Complaint alleges that LTAC approved grants to Vancouver Arena in 2023, 2024 and 2025 to fund the GoFest event. Park is identified as the governor of Vancouver Arena.

The Complaint does not allege any facts that would support a finding that Harless had a "personal financial interest" in Vancouver Arena. Specifically, the Complaint does not allege any facts that would show that Harless was an officer, agent or employee of Vancouver Arena. At best, the Complaint identifies photos and posts that establish that Harless attended Vancouver Arena events with Park and that the two appeared to be in a romantic relationship. Even if true, this is insufficient to show that Harless had a personal financial interest in Vancouver Arena.

B. Allegation: Personal Interests in Contracts Prohibited, Policy 100-36, Section 6.0A.

Section 6.0A states, in part:

No Councilmember shall participate in their capacity as a councilmember in the making of a contract in which the Councilmember has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except

that this prohibition shall not apply where the councilmember has only a remote interest in the contract ... and where the fact and the extent of such interest is disclosed ... and thereafter the City Council authorizes ... the contract ... without counting the vote ... of the Councilmember(s) having the remote interest.

The Complaint does not allege any facts that would support a finding that Harless violated Section 6.0A. The Complaint does not allege facts that would demonstrate that Harless had a “personal interest” in Vancouver Arena’s LTAC grants. Significantly, the alleged facts also do not demonstrate that Harless had a “remote interest” in Vancouver Arena.

For purposes of Section 6.0A, a “remote interest” means:

1. That of a non-salaried officer of a non-profit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a holder of less than one percent of the shares of a corporation... or other entity which is a contracting party.

The Complaint does not allege any facts that would show that Harless was an officer, agent or employee of Vancouver Arena. Additionally, although the Complaint alleges that Harless and Park may have had a shared residence, it does not allege facts that would establish a landlord-tenant relationship.

Absent evidence that Harless had a personal or remote interest in Vancouver Arena, the Complaint cannot state a violation of Section 6.0A.

C. Allegation: Interest in contracts prohibited, RCW 42.23.030.

RCW 42.23.030 states, in part:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer ... or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any person beneficially interested therein.

The statute does not define beneficial interest. However, Policy 6.0B provides the following example: “A Councilmember is requested to vote to award a contract to a company that employs the Councilmember. If the Councilmember has a beneficial interest in the contract either direct or indirect such as through a business profit sharing plan, the contract cannot be approved.”

The example suggests that a beneficial interest means a personal financial interest. As explained above, the Complaint does not allege any facts that would establish that Harless had a personal

financial interest in Vancouver Arena. For this reason, the Complaint does not allege facts sufficient to state a violation of RCW 42.23.030.

D. Allegation: Avoidance of the Appearance of Impropriety, Policy 100-36, Section 5.0.

Section 5.0 states, in part:

All members of the City Council should conduct their official duties with integrity and impartiality and in a manner that avoids even the appearance of impropriety or a conflict of interest between public duties and private interests.

No Councilmember shall, by their conduct or participation in activities, give reasonable basis for the impression that any person can improperly influence the Councilmember or unduly enjoy the Councilmember's favor in the performance of official City actions, or that the Councilmember is affected in the performance of the official act or actions by the kinship, rank, or association with any person.

The Complaint alleges that Harless's conduct created an appearance of impropriety. Specifically, the Complaint alleges that Harless violated Policy 5.0 by failing to disclose her personal relationship with Park while presiding over and voting on LTAC grants for Vancouver Arena during the 2023, 2024 and 2025 grant cycles.

In support, the Complaint cites evidence, including photos and social media posts, that Harless and Park were involved in a personal and/or romantic relationship during the 2023, 2024 and 2025 grant cycles. The Complaint also alleges that Harless attended multiple Vancouver Arena events, including the 2025 GoFest event, for which Park received an LTAC grant. The Complaint also cites evidence showing that Park made a campaign donation to Harless in 2025 and assisted Harless at multiple campaign events in 2025.

These facts, if true, would substantiate a violation of Section 5.0. Although the facts may not establish that Harless had an actual conflict of interest, her conduct arguably created an appearance of impropriety. Additionally, her close personal relationship with Park, combined with her visible presence at Vancouver Arena events, could give the impression that Park unduly enjoyed Harless's favor or that Harless's LTAC grant decisions may have been affected by her relationship with Park.

E. Allegation: Disclosure or Use of Confidential Information, Policy 100-36, Section 6.0C and G.

Section 6.0C states, in part: "A Councilmember shall not disclose or use any confidential, privileged, or proprietary information gained by reason of their position for a purpose other than a City purpose...."

Section 6.0G states: “A Councilmember shall not knowingly use their office or position to secure personal benefit, gain or profit, or use their position to secure special privileges or exceptions for themselves, or for the benefit, gain, or profits of any other persons.”

The Complaint alleges that the relationship between Harless and Park raises a “significant concern that Harless may have disclosed or used confidential, privileged, or proprietary information gained by reason of her position as the chair of LTAC, or assisted Park in drafting the grant requests.”

The Complaint does not allege any facts to support this claim and appears to be based on pure speculation. Accordingly, I conclude that the Complaint fails to state a violation of Section 6.0C (Disclosure of Confidential Information) or 6.0G (Improper use of Position Prohibited).