

October 22, 1996

Introduced By: Christopher Vance
Larry Gossett
Maggi Fimia
Ron Sims
Cynthia Sullivan
Jane Hague

clerkamend/jym

Proposed No.: 96-0731

MOTION NO. **9987** |

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A MOTION removing David Krull from the position of Ombudsman/Director of the Office of Citizen Complaints on the grounds of misconduct.

WHEREAS, the ombudsman/director of the office of citizen complaints/tax advisor should be above reproach, because that position is responsible for responding to citizen complaints about county government, ethics complaints and complaints of retaliation under the county's whistle blower ordinance, and

WHEREAS, the ombudsman/director has a responsibility to manage his office in a professional manner, and

WHEREAS, the county has published guidelines for using e-mail and those guidelines provide that sending e-mail messages that contain sexism or other inappropriate content could result in termination, and

WHEREAS, on Monday, July 22, 1996, David Krull sent to a female subordinate employee whom he directly supervises an e-mail message, which is attached as Exhibit A to this motion, which contains sexism and offensive and inappropriate sexual references and material of a highly personal and intimate nature purporting to offer advice on marital relations, and

WHEREAS, David Krull did not know this employee well or have a close personal relationship with her and should have been addressing this employee only in a professional manner, and

WHEREAS, David Krull, with a position of power over this employee as her direct supervisor, inappropriately asked her

1 whether she wanted to receive an e-mail unrelated to official
2 county duties containing potentially "sensitive and embarrassing"
3 material, and

4 WHEREAS, David Krull wrongfully made personal use of public
5 property by sending this e-mail, containing inappropriate material
6 of a highly intimate, offensive, and personal nature, over the
7 county computer network and during the work day, and

8 WHEREAS, it is the enacted policy of this council that
9 employees be free from sexual harassment, and

10 WHEREAS, David Krull had along with other legislative branch
11 employees recently received sexual harassment prevention training
12 which cautioned all employees and officials against raising
13 intimate sexual issues in the workplace, particularly with
14 subordinate employees, and

15 WHEREAS, sending this e-mail message is misconduct that if
16 repeated could lead to the creation of a hostile work environment,
17 which would constitute sexual harassment, and

18 WHEREAS, the conduct of David Krull in asking a subordinate
19 employee whether he should send her this e-mail message,
20 particularly after having recently completed sexual harassment
21 prevention training, demonstrates a serious failure to observe
22 necessary standards of professional behavior expected of an office
23 which must uphold the highest standard of integrity due to its
24 role in responding to citizen and employee complaints regarding
25 county government, and

26 WHEREAS, upon being confronted with these issues by
27 Councilmembers Louise Miller and Ron Sims, after a complaint was
28 made to Councilmember Miller by the subordinate employee, David
29 Krull admitted engaging in the behavior of asking if he could send
30 the e-mail and of sending the e-mail in question, and

31 WHEREAS, the office of the prosecuting attorney retained Mary
32 Sebek, an expert in sexual harassment investigations, to interview

1 employees of the Ombudsman's office for the purpose of
2 determining: (1) the nature of the relationship that existed
3 between Mr. Krull and the employee to whom he sent the offensive
4 e-mail; (2) the conversation between Mr. Krull and the employee
5 about the e-mail message before it was sent; and (3) the nature of
6 the response by the employee to the e-mail, and

7 WHEREAS, the investigator interviewed all available employees
8 of the office of citizen complaints, except for Mr. Krull who
9 declined to be interviewed, and

10 WHEREAS, the report of the investigator has been submitted to
11 all councilmembers and to Mr. Krull and his attorney, and

12 WHEREAS, the report concludes that: (1) Mr. Krull and the
13 complainant did not have a personal friendship or personal
14 relationship at the time he sent her the offensive e-mail; (2) Mr.
15 Krull did not tell the complainant the title or sexual nature of
16 the e-mail before he sent it and that she did not smile or appear
17 amused after receiving it, and (3) that the complainant was
18 offended by the e-mail and complained about it for that reason,
19 and

20 WHEREAS, the complainant, publicly identified as Amy
21 Calderwood by a press release issued by Mr. Krull, has submitted a
22 declaration under penalty of perjury, which has been distributed
23 to councilmembers and to Mr. Krull and his attorney, that explains
24 how Ms. Calderwood felt about the e-mail and stated that David
25 Krull made some statements to her during working hours which made
26 her uncomfortable. These included comments about her personal
27 appearance (her hair and clothing) and comments about the
28 appearance and anatomy of other women. Other staff in the office
29 have related to Ms. Calderwood comments that Mr. Krull made to
30 them about her personal appearance, which also made her
31 uncomfortable, and

1 WHEREAS, more specifically, Ms. Calderwood declared under
2 penalty of perjury that:

3 "(1) In late 1995 or early 1996, Mr. Krull made
4 a statement to me concerning a large-breasted woman.
5 There was no context to the statement that made it
6 welcome or appropriate to the situation. It was well
7 known in the office that Mr. Krull and his wife took
8 dance lessons on Friday evenings. Mr. Krull
9 indicated to me that the dance instructor had large
10 breasts. He made this indication verbally and/or
11 through a gesture where he cupped his hands near his
12 chest indicating that she large breasts. Mr. Krull
13 stated that his wife Lynn did not like it when the
14 instructor cut-in and danced with him. I related
15 this comment to my co-workers Arlene Sanvictores and
16 Marsha Matsumoto close to the time the statement was
17 made.
18

19 (2) In February 1996 Ms. Sanvictores told me
20 that Mr. Krull had told her that it was so nice to
21 see Amy, how she took care of herself. He stated
22 this must have been what his wife Lynn was like at
23 Amy's age, though he did not know Lynn then. It is
24 my recollection that Ms. Sanvictores told me that
25 this statement was made at the time Ms. Sanvictores
26 appeared before the Council for recognition of her 20
27 years of County employment, in February 1996.
28

29 (3) In approximately the early summer of 1996,
30 Mr. Krull made a statement to me that his wife had
31 asked a woman she worked with to come to their health
32 club, the Pro Club in Bellevue, and set up a work-out
33 or training program for them. He indicated that the
34 trainer was wearing a tight outfit and had large
35 breasts which were noticeable to those present. I
36 don't recall if he stated verbally or motioned with
37 his hands to indicate that she had large breasts.
38 Mr. Krull stated that the trainer was showing his
39 wife Lynn how to spot him on weightlifting equipment
40 when her breasts touched his head. He told me that
41 he became extremely uncomfortable and called out his
42 wife's name when this happened. There was no
43 conversation preceding these statements by Mr. Krull
44 that invited or provided a normal context for such
45 statements. They seemed to come out of the blue. I
46 told Marsha Matsumoto about this statement.
47

48 (4) Some time in late June or early July 1996,
49 near the end of the workday, I was telling Mr. Krull
50 about my work activities and felt the conversation
51 was over. Then I remembered another issue and said,
52 "Do you know what...?" He interrupted and said,
53 "What - when you flip your head back like that your
54 hair stays in place?" I stated, "No, actually I was
55 going to discuss the Inmate Trust Fund," which was a
56 project that I was currently working on.
57

58 (5) There were other occasions when Mr. Krull
59 would comment on my hair, such as whether he believed
60 that I was having a "great hair day," or inquire as
61 to whether I had done something different to my hair.
62 I discussed these comments with my co-workers Ms.
63 Matsumoto and Ms. Sanvictores and they indicated that

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they had noticed these comments, and the comments made them uncomfortable.", and

WHEREAS, the above-reference statements by Mr. Krull provide additional background information which is useful in understanding the context in which Mr. Krull sent the objectionable e-mail and the complainant's response to it, and

WHEREAS, Mr. Krull, by his letter of October 10, 1996 to Council Chair Jane Hague, which alleged retaliatory action by the Council requests as a remedy the "prompt consideration" by the Council of this motion, and


WHEREAS, David Krull requested a public hearing and was afforded one, at which he and his attorney fully participated and presented his case to the council;

NOW, THEREFORE BE IT MOVED by the Council of King County:

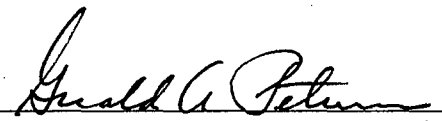
The Council finds and determines pursuant to K.C.C. 2.52.050 that David Krull is guilty of misconduct and is hereby removed as ombudsman/director of the office of citizen complaints/tax advisor effective immediately.

PASSED by a vote of 10 to 3 this 21ST day of October, 1996.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

ATTEST:


Clerk of the Council

Attachments:

From: Krull, David
To: [Name of complainant/recipient county employee subordinate of David Krull withheld for privacy per RCW 42.17.310 (dd)]
Subject: FW:
Date: Monday, July 22, 1996 10:14AM

From: [Internet sender non-county employee's name withheld for potential claim of privacy in communication of this message to David Krull and others]
To: [Internet recipient non-county employees' names withheld for their potential claim of privacy in receipt of this message from sender]
david.krull@metrokc.gov;

Date: Monday, July 22, 1996 7:22AM

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> The following is a reprint from The Madison Institute Newsletter,
> Fall Issue, 1894:

>
> INSTRUCTION AND ADVICE
> FOR THE
> YOUNG BRIDE
> on the
> Conduct and Procedure of the
> Intimate and Personal Relationships
> of the Marriage State
> for the
> Greater Spiritual Sanctity of this
> Blessed Sacrament and the Glory of God
> by
> Ruth Smythers
> beloved wife of
> The Reverend L.D. Smythers
> Pastor of the Arcadian Methodist
> Church of the Eastern Regional Conference
> Published in the year
> of our Lord 1894
> Spiritual Guidance Press
> New York City

> INSTRUCTION AND ADVICE FOR THE YOUNG BRIDE

>
> To the sensitive young woman who has had the benefits of proper
> upbringing, the wedding day is, ironically, both the happiest and
> most terrifying day of her life. On the positive side, there is the
> wedding itself, in which the bride is the central attraction in a
> beautiful and inspiring ceremony, symbolizing her triumph in securing
> a male to provide for all her needs for the rest of her life. On the
> negative side, there is the wedding night, during which the bride
> must pay the piper, so to speak, by facing for the first time the
> terrible experience of sex.

>
> At this point, dear reader, let me concede one shocking truth. Some
> young women actually anticipate the wedding night ordeal with
> curiosity and pleasure! Beware such an attitude! A selfish and
> sensual husband can easily take advantage of such a bride. One
> cardinal rule of marriage should never be forgotten: GIVE LITTLE,
> GIVE SELDOM, AND ABOVE ALL, GIVE GRUDGINGLY. Otherwise what could

- > have been a proper marriage could become an orgy of sexual lust.
- >
- > On the other hand, the bride's terror need not be extreme. While sex
- > it at best revolting and at worse rather painful, it has to be
- > endured, and has been by women since the beginning of time, and is
- > compensated for by the monogamous home and by the children produced
- > through it.
- > It is useless, in most cases, for the bride to prevail upon the
- > groom to forego the sexual initiation. While the ideal husband would
- > be one who would approach his bride only at her request and only for
- > the purpose of begetting offspring, such nobility and unselfishness
- > cannot be expected from the average man.
- >
- > Most men, if not denied, would demand sex almost every day. The wise
- > bride will permit a maximum of two brief sexual experiences weekly
- > during the first months of marriage. As time goes by she should
- > make every effort to reduce this frequency.
- >
- > Feigned illness, sleepiness, and headaches are among the wife's best
- > friends in this matter. Arguments, nagging, scolding, and bickering
- > also prove very effective, if used in the late evening about an hour
- > before the husband would normally commence his seduction.
- >
- > Clever wives are ever on the alert for new and better methods of
- > denying and discouraging the amorous overtures of the husband. A
- > good wife should expect to have reduced sexual contacts to once a
- > week by the end of the first year of marriage and to once a month by
- > the end of the fifth year of marriage.
- >
- > By their tenth anniversary many wives have managed to complete their
- > child bearing and have achieved the ultimate goal of terminating all
- > sexual contacts with the husband. By this time she can depend upon
- > his love for the children and social pressures to hold the husband
- > in the home.
- > Just as she should be ever alert to keep the quantity of sex as low
- > as possible, the wise bride will pay equal attention to limiting the
- > kind and degree of sexual contacts. Most men are by nature rather
- > perverted, and if given half a chance, would engage in quite a
- > variety of the most revolting practices. These practices include
- > among others performing the normal act in abnormal positions;
- > mouthing the female body; and offering their own vile bodies to be
- > mouthed in turn.
- >
- > Nudity, talking about sex, reading stories about sex, viewing
- > photographs and drawings depicting or suggesting sex are the
- > obnoxious habits the male is likely to acquire if permitted.
- >
- > A wise bride will make it the goal never to allow her husband to see
- > her unclothed body, and never allow him to display his unclothed body
- > to her. Sex, when it cannot be prevented, should be practiced only in
- > total darkness. Many women have found it useful to have thick cotton
- > nightgowns for themselves and pajamas for their husbands. These
- > should be donned in separate rooms. They need not be removed during
- > the sex act. Thus, a minimum of flesh is exposed.
- >
- > Once the bride has donned her gown and turned off all the lights, she
- > should lie quietly upon the bed and await her groom. When he comes
- > groping into the room she should make no sound to guide him in her
- > direction, lest he take this as a sign of encouragement. She should
- > let him grope in the dark. There is always the hope that he will
- > stumble and incur some slight injury which she can use as an excuse
- > to deny him sexual access.
- >
- > When he finds her, the wife should lie as still as possible. Bodily

- > motion on her part could be interpreted as sexual excitement by the
- > optimistic husband.
- >
- > If he attempts to kiss her on the lips she should turn her head
- > slightly so that the kiss falls harmlessly on her cheek instead. If
- > he attempts to kiss her hand, she should make a fist. If he lifts her
- > gown and attempts to kiss her anyplace else she should quickly pull
- > the gown back in place, spring from the bed, and announce that
- > nature calls her to the toilet. This will generally dampen his
- > desire to kiss in the forbidden territory.
- >
- > If the husband attempts to seduce her with lascivious talk, the wise
- > wife will suddenly remember some trivial non-sexual question to ask
- > him. Once he answers she should keep the conversation going, no
- > matter how frivolous it may seem at the time.
- >
- > Eventually, the husband will learn that if he insists on having
- > sexual contact, he must get on with it without amorous embellishment.
- > The wise wife will allow him to pull the gown up no farther than the
- > waist, and only permit him to open the front of his pajamas to thus
- > make connection.
- >
- > She will be absolutely silent or babble about her housework while his
- > huffing and puffing away. Above all, she will lie perfectly still and
- > never under any circumstances grunt or groan while the act is in
- > progress. As soon as the husband has completed the act, the wise
- > wife will start nagging him about various minor tasks she wishes him
- > to perform on the morrow. Many men obtain a major portion of their
- > sexual satisfaction from the peaceful exhaustion immediately after
- > the act is over. Thus the wife must insure that there is no peace
- > in this period for him to enjoy. Otherwise, he might be encouraged
- > to soon try for more.
- >
- > One heartening factor for which the wife can be grateful is the fact
- > that the husband's home, school, church, and social environment have
- > been working together all through his life to instill in him a deep
- > sense of guilt in regards to his sexual feelings, so that he comes to
- > the marriage couch apologetically and filled with shame, already half
- > cowed and subdued. The wise wife seizes upon this advantage and
- > relentlessly pursues her goal first to limit, later to annihilate
- > completely her husband's desire for sexual expression.
- >
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