



## Washington State Legislature

November 3, 2015

The Honorable Loretta Lynch  
U.S. Attorney General  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

RE: Airport Concessionaire Disadvantaged Business Enterprises (ACDBE) complaint at  
Seattle-Tacoma International Airport

Dear U.S. Attorney General Lynch:

On behalf of the Members of Color Caucus of the Washington State Legislature, we write to register our serious concerns about the ongoing complaints of discrimination and retaliation (see attached) against certain Airport Concessionaire Disadvantaged Business Enterprises (ACDBEs) by the Port of Seattle, which operates the Seattle Tacoma International Airport (SeaTac).

In December of 2014, the office of Secretary Foxx received a letter of complaint of discriminatory and disparate treatment of ACDBEs at SeaTac. His office referred this matter to the Federal Aviation Administration Office of Civil Rights, which dismissed the complaint "without prejudice" upon learning that three ACDBEs filed a lawsuit in U.S. District Court. Now, we understand that these same ACDBEs are facing retaliatory action by the Port of Seattle. We, therefore, urge you to direct the Port of Seattle to cease and desist in its efforts to displace these ACDBEs until your agency is able to fully and completely investigate and resolve the initial complaint.

As state lawmakers, we appreciate and support the findings of Congress in determining a compelling need for the continuation of a federally authorized disadvantaged business enterprises program under Sec. 1101(b) of MAP-21 (P.L. 112-141, July 6, 2012, 126 Stat. 405). We trust that, as the U.S. Attorney General, you will exercise every authority at your disposal to uphold the intent of this legislation to remove barriers and to create a level playing field for the



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participation of ACDBEs in opportunities for concession contracts. To this end, we appreciate your immediate attention and intervention in this situation.

Sincerely,

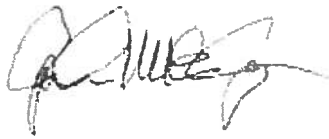
Members of the Washington State Legislature



Senator Bob Hasegawa  
11th Legislative District  
Co-Chair, Members of Color Caucus



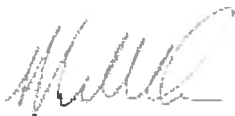
Representative Cindy Ryu  
32nd Legislative District  
Co-Chair, Members of Color Caucus



Senator John McCoy  
38th Legislative District



Representative Eric Pettigrew  
37th Legislative District



Representative Mia Gregerson  
33rd Legislative District



Representative Sharon Tomiko Santos  
37th Legislative District



Representative Brady Walkinshaw  
43rd Legislative District



Representative Luis Moscoso  
1st Legislative District



Representative Lillian Ortiz-Self  
21st Legislative District



Senator Pramila Jayapal  
37th Legislative District



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cc: Congressman Elijah Cummings  
Congressman Andre Carson  
Congressman Mike Honda  
Congressman Bobby Scott  
Congressman Emanuel Cleaver II  
Congressman G.K. Butterfield



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**From:** Zachrisson, Deanna  
**Sent:** Tuesday, July 13, 2010 5:32 PM  
**To:** Boudreau, Bruce  
**Subject:** RE: Staffing

Hey Bruce,

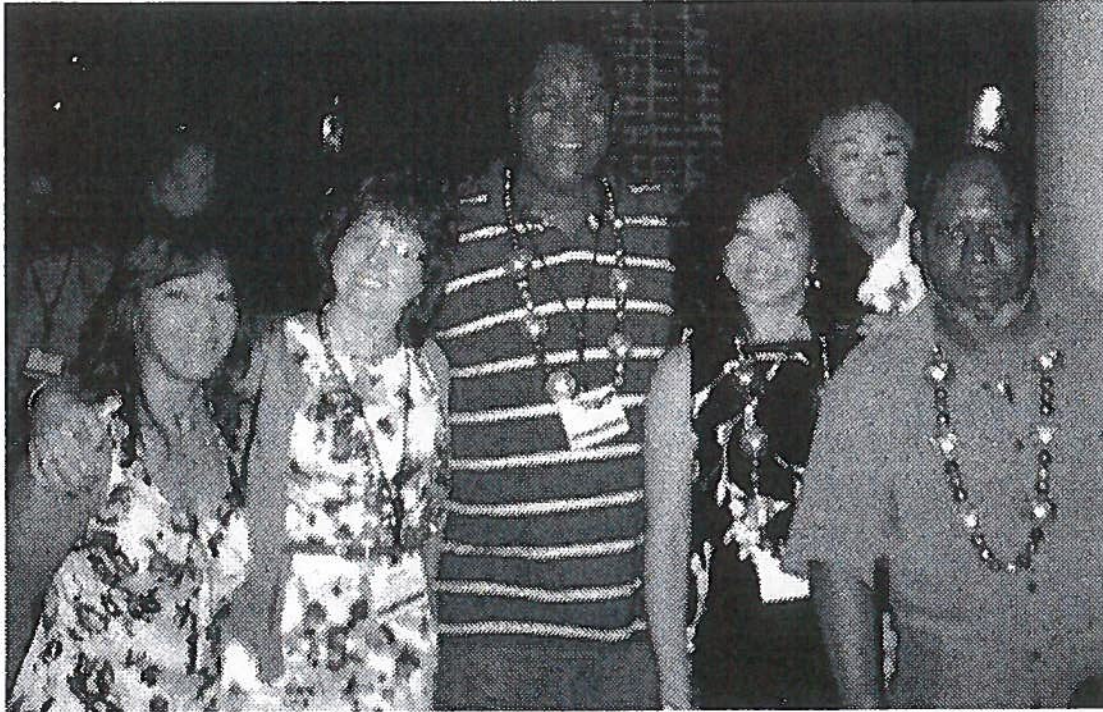
Thanks for your so quick response yesterday. Even though it's taken me a day to get back, I want to let you know how much I appreciated it. The commission presentation went well today, though it was rather comical because the Port Commission president (who couldn't care less about concessions) kept asking me to hurry along, but the problem was that the other commissioners kept asking questions (with long preludes to their questions). So just as soon as he'd interrupt to say 'hurry up' another commissioner would use that millisecond to jump in. It happened over and over! The president told me that I had 5 minutes left when I had only made it to slide 4 of 17!!!

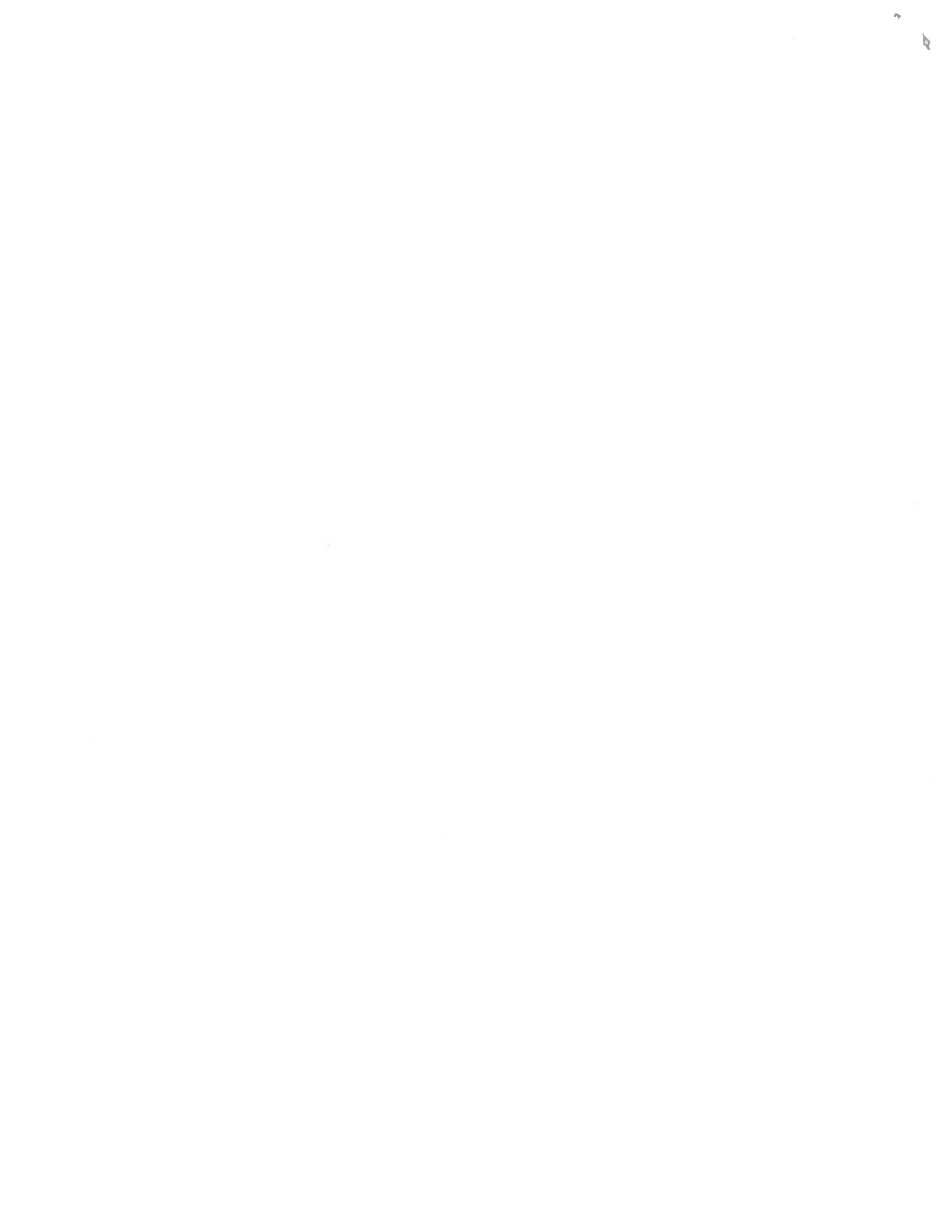
We're heading into budget season and the information below is incredibly helpful and it's already spurred the powers that be to ask me to do further research on this 'issue.' I've been asked to contact a slew of airports to find out more about staff, type of program, # of contracts, and staffing. I'll do that in my spare time.

I am absolutely here on Thursday and would love to see you. You just name your time. Around long enough for lunch?

Elaine says I've gone to the dark side, see below.

Deanna









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**From:** Zachrisson, Deanna  
**Sent:** Thursday, June 24, 2010 10:48 AM  
**To:** Lincoln, Elaine  
**Subject:** Re: NO LA AMAC Conference

You don't know the half of it! **Can you see why this conference was sheer torture?** Then there were the males behaving like alligators during mating season.

D

On 6/24/10 9:47 AM, "Lincoln, Elaine" <[Lincoln.E@portseattle.org](mailto:Lincoln.E@portseattle.org)> wrote:

**Bonnie fell on the floor. I think you have gone to the dark side. I see the options were not the best on who to be photographed next to....but Jerry Whitsett!! Yikes!**

**From:** Zachrisson, Deanna  
**Sent:** Thursday, June 24, 2010 9:38 AM  
**To:** Lincoln, Elaine; Darch, Bonnie; Ridge, Castina  
**Subject:** FW: NO LA AMAC Conference

**Get ready to brace yourselves.... D**

----- Forwarded Message

**From:** David Fukuhara <[david@paracomusa.com](mailto:david@paracomusa.com)>  
**Date:** Wed, 23 Jun 2010 17:29:43 -0700  
**To:** Deanna Zachrisson <[zachrisson.d@portseattle.org](mailto:zachrisson.d@portseattle.org)>, "[mrwhitsett@mrwhitsett.com](mailto:mrwhitsett@mrwhitsett.com)" <[mrwhitsett@mrwhitsett.com](mailto:mrwhitsett@mrwhitsett.com)>, "Fukuhara, Sandra" <[Sandra.Fukuhara@seattle.gov](mailto:Sandra.Fukuhara@seattle.gov)>  
**Subject:** NO LA AMAC Conference

Here is a nice shot of the Seattle group. Only Rene was missing. Please pass on to Randi and Ardie.

David

----- End of Forwarded Message



**From:** Darch, Bonnie  
**Sent:** Thursday, June 24, 2010 11:03 AM  
**To:** Zachrisson, Deanna  
**Subject:** RE: NO LA AMAC Conference

Figures (finger pointing). He used to be a cop??

**From:** Zachrisson, Deanna  
**Sent:** Thursday, June 24, 2010 10:59 AM  
**To:** Darch, Bonnie  
**Subject:** Re: NO LA AMAC Conference

Jerry says that he only sent his \$3.8 buyout request to the Port because Host told him to. Renee has no idea what he is talking about. He says that he's been in the airport business for 15 years and he's still making a small profit so he doesn't need to sell. I had to listen to his cop stories and about what a big gun he used to carry and how there were "no rules." Poor Amy had to sit with him during those stories.

D

On 6/24/10 10:00 AM, "Bonnie Darch" <[Darch.B@portseattle.org](mailto:Darch.B@portseattle.org)> wrote:

Now that I'm back up in my chair...did you talk to Jerry about the MR at all?

**From:** Zachrisson, Deanna  
**Sent:** Thursday, June 24, 2010 9:38 AM  
**To:** Lincoln, Elaine; Darch, Bonnie; Ridge, Castina  
**Subject:** FW: NO LA AMAC Conference

Get ready to brace yourselves.... D

----- Forwarded Message

**From:** David Fukuhara <[david@paracomusa.com](mailto:david@paracomusa.com)>  
**Date:** Wed, 23 Jun 2010 17:29:43 -0700  
**To:** Deanna Zachrisson <[zachrisson.d@portseattle.org](mailto:zachrisson.d@portseattle.org)>, "[mrwhitsett@mrwhitsett.com](mailto:mrwhitsett@mrwhitsett.com)" <[mrwhitsett@mrwhitsett.com](mailto:mrwhitsett@mrwhitsett.com)>, "[Fukuhara, Sandra](mailto:Fukuhara,Sandra)" <[Sandra.Fukuhara@seattle.gov](mailto:Sandra.Fukuhara@seattle.gov)>  
**Subject:** NO LA AMAC Conference

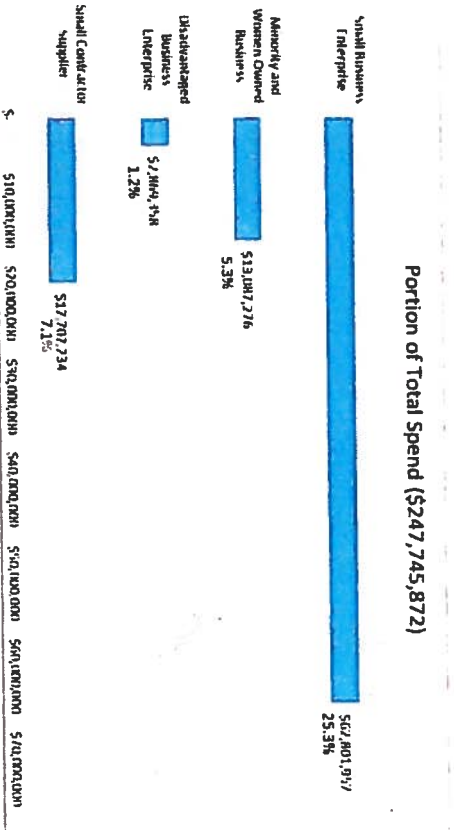
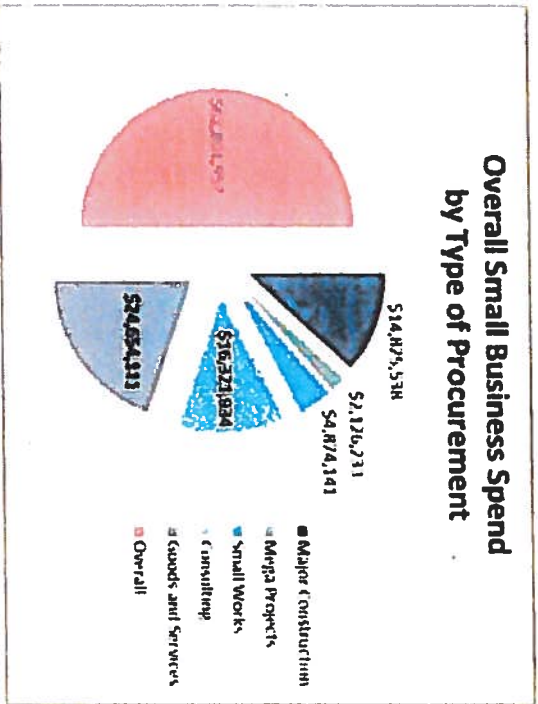
Here is a nice shot of the Seattle group. Only Rene was missing. Please pass on to Randi and Ardie.

David

----- End of Forwarded Message



# 2016 Small Business Utilization Report



**664** Number of small businesses with which the Port conducted business

**62.8 Million** Total dollar amount of spend to small business

**25.3 Percent** Percent of small business spend to total Port spend

**17.7 Million** Total dollar spend with SCS firms

**15.9 Million** Total dollar spend with Minority, Woman and Disadvantaged Businesses



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**From:** Alan Gluck <Alang@airprojects.net>  
**Sent:** Tuesday, January 15, 2013 10:28 AM  
**To:** Zachrisson, Deanna  
**Subject:** RE: Host lease

I think what you have requested is spot-on, and audited is key (although I'm wondering if smaller firms might not have audited statements...I just don't know). And I agree with your final statement...but that is the key...if anybody wants this to stand up to the scrutiny it will now be under by the FAA, and by other firms who are going to ask for the same treatment.

Alan

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**From:** Zachrisson, Deanna [<mailto:Zachrisson.D@portseattle.org>]  
**Sent:** Tuesday, January 15, 2013 1:17 PM  
**To:** Alan Gluck  
**Subject:** RE: Host lease

Yes, this is of course exactly what I was thinking, and I confirmed yesterday that I can demand financials. I know we discussed this before, in the maelstrom of the motion last year, but I think that I want audited P&Ls, cash flows, long-term debt, correct? I'll have to be very specific or they'll try to give me something else (usually something we already have. I want to limit the folks we'll even consider to concourses A & D, since we are not giving relief for the recession because everyone felt that and everyone would run to the fore. Something along the lines of exceptional circumstances. I do like the additional "information regarding what actions they have taken to address sales." Any specific metrics on that one that you'd suggest? AirProjects would end up doing any analysis.

My strong belief is that they will not, as they never have been willing in the past, to provide financials. Then it will be up to the political strength of the Port to not cave on that point.

D

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**From:** Alan Gluck [<mailto:Alang@airprojects.net>]  
**Sent:** Tuesday, January 15, 2013 10:10 AM  
**To:** Zachrisson, Deanna  
**Subject:** RE: Host lease

I'm so sorry Deanna...was hoping this was a forgotten little footnote that could have helped you out on this.

In terms of a staff proposal, let's circle back to the only fair basis...they need to prove that they were damaged and prove how much they were damaged. Those who are requesting "relief" must provide at least 3 years of detailed by-store financials as well as information regarding what actions they have taken to address their sales issues. Then, a 3<sup>rd</sup> party (I recommend us) can do an analysis of the true impact and make recommendations for any true-ups that may be necessary. If they refuse to participate by providing information, then there is no way they can legitimately cry foul anymore, as you afforded them an opportunity and they refused to participate.

Hope this helps.

Alan





**From:** Zachrisson, Deanna [<mailto:Zachrisson.D@portseattle.org>]

**Sent:** Tuesday, January 15, 2013 12:59 PM

**To:** Alan Gluck

**Subject:** RE: Host lease

Hi Alan,

Yes, I'm aware of it because my attorney Paul keeps throwing up his arms in exasperation when he reminds me. But this is a good reminder, because yesterday I got some marching orders to come up with a staff proposal to make our issues go away sooner rather than later. Of course, I wanted to just tell them that they've got to wait until we figure out the MP, but we are apparently in too much agony to wait that long. I will make sure to use this in my one-page proposal. More later.

Deanna

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**From:** Alan Gluck [<mailto:Alang@airprojects.net>]

**Sent:** Tuesday, January 15, 2013 3:05 AM

**To:** Zachrisson, Deanna

**Subject:** Host lease

Hey Deanna:

I was going through the Host lease for something else and came across this in Addendum 2. Since this covers subs, doesn't it further "protect" the port from the claims and demands being made?

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5. Release of Claims Related to Impacts. Lessee, for itself and claiming by or through Lessee (including, but not limited to, any subtenant joint venture partners or otherwise), hereby releases and forever discharges its Commissioners, agents, employees, either past or present, and all persons them by and through, or in concert with any of them, and each of them from actions, causes of action, obligations, costs, expenses, damages, losses, claims, suits, debts and demands arising out of unanticipated, and geographically impacts associated with the expected complete relocation of Delta Airlines from the end of Concourse A (as a result of Delta Airlines' merger with an Airlines) and the consolidation of Alaska Airlines' operations onto Concourse North Satellite that will substantially reduce the use of Concourse D. Noth Amendment shall, however, be construed in any way as an admission of wrongdoing whatsoever by any of the parties hereto.

It seems spot-on.

Take care

Alan M. Gluck

Associate Director

AirProjects, Inc.

908 King Street, Suite 400E

Alexandria, VA 22314

t) (703) 683-5507

