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OFFICE OF THE CITY ATTORNEY

October 12, 2015

Shar Lichty
2508 W. Dalton
Spokane, WA 99201

Troy Bruner, Chair
City of Spokane Ethics Commission
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Complaint of Ethics Violation by Brian Coddington

Dear Mr. Bruner:

This letter serves as a formal complaint to the Spokane Ethics Commission alleging violation of SMC § 1.04A.030(N) by the Mayor David Condon's Spokesman Brian Coddington, an employee of the City of Spokane. Specifically, Mr. Coddington repeatedly misrepresented to public the facts surrounding Frank Straub's status as Spokane's police chief and the reason for Mr. Straub's resignation.

1. Jurisdiction of the Board

This Board has jurisdiction over this matter because this complaint alleges a violation of SMC § 1.04A.030(N) by a city employee.

2. Factual Summary

The facts of this complaint are largely gathered upon information reported by the Spokesman Review to reporter Nick Deshais. Copies of the articles are included as attachments.

On September 22, 2015, a news release publically announced Frank Straub had resigned as police chief "to pursue new opportunities and be closer to family." *See* Attachment A. However, there were concerns growing among police employees about Chief Straub's leadership well before his resignation. In fact, soon after the news release was distributed, Mayor David Condon suggested Mr. Straub had been forced out of his position "because of what some in the department considered brash and unprofessional management." *See* Attachment A.

The first instance of attempts to obscure what was happening with Straub began May 4, 2015, the day former police spokeswoman Monique Cotton was transferred to another city department

under uncertain circumstances. *See* Attachment B. There was adamant denial of any issues between Cotton and Straub until September 24, 2015 when City Administrator Theresa Sanders and Mr. Coddington acknowledged the existing issues but defended their actions stating that “personnel issues are not a matter for public discussion.” *See* Attachment A.

Straub was abruptly forced out as chief, “following complaints from police leadership about his abrasive management tactics, which they said included personal attacks, emotional outbursts, scare tactics, threats, retaliation and inappropriate language.” *See* Attachment A. However, Mr. Coddington denied any knowledge of Straub’s imminent departure. When asked to confirm the loss of Straub’s job on September 22nd, the day of Straub’s announced dismissal, Mr. Coddington stated, “I have not heard that. I don’t believe that’s accurate.” *See* Attachment A. When asked if Straub was in danger of losing his job, Mr. Coddington again stated, “I have not heard that. I don’t believe that’s accurate.” *See* Attachment A.

Despite these assertions, it is clear that a press release was drafted (which Straub attempted to stop from release) early on September 22nd. *See* Attachments C & D.

Eventually, on September 24th, the Thursday following Straub’s resignation, Mr. Coddington defended his words directly stating, “I have to deal with the information I was given. I suppose I could’ve said it a little differently but that was a personnel decision.” *See* Attachment A.

Mr. Coddington further stated that the decision to remove the chief had not yet been reached when contacted and that the conversation was ongoing and still occurring. *See* Attachment A. When asked what time the decision had been made, Mr. Coddington along with Ms. Sanders claimed it was made only six seconds before the press release came out. *See* Attachment A.

Coddington’s statement was contradicted by the fact that a decision to dismiss Straub was made the previous day (30 hours before Coddington’s statement) and that a press release had been prepared and circulated early in the day on September 22nd. *See* Attachments C & D.

3. Analysis

The Spokane Code of Ethics prohibits City officers and employees from “commit[ting] any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City.” SMC § 1.04.030(N).

Mr. Coddington’s conduct amounts to a violation of this section by his public statements that were dishonest. These statements related directly to his position with the City of Spokane. Mr. Coddington affirmatively stated to the media that he had no knowledge of Straub’s imminent departure, even though he knew this to be false. He also indicated that Straub’s status as chief

was not decided until moments before a statement announcing his departure was released – a statement that is contradicted by Mr. Coddington's earlier assertion that he had not heard of the possibility that Straub's job as police chief was in danger, and that the information was not accurate. This is also contradicted by the fact that the decision had been reached the day before and that a press release had been circulated early on the day of September 22nd.

4. Conclusion

Given that Mr. Coddington was acting in his capacity as the Mayor's spokesman when making this statement, Mr. Coddington acted dishonestly in relation to his duties. Accordingly, Mr. Coddington violated SMC § 1.04A.030(N).

Therefore, I ask that the Ethics Commission find Mr. Coddington in violation of SMC § 1.04A.030(N), and hold him responsible to the fullest extent allowable under the law as provided in SMC § 1.04A.040(B).

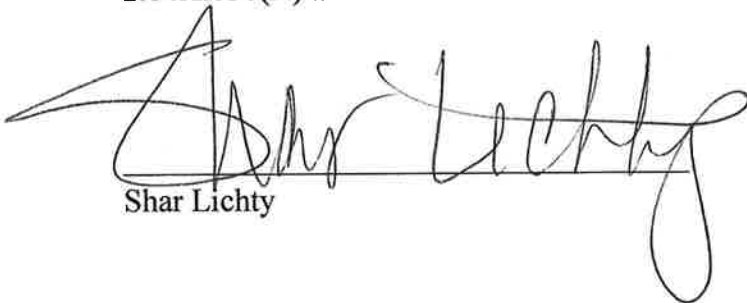
Regards,



Shar Lichty

Statement of Affirmation

I hereby affirm that, to the best of my knowledge, the information contained within this complaint is true, and that I formed my belief that Brian Coddington violated SMC 1.04A.030(N) after reasonable reflection.



Shar Lichty

THE SPOKESMAN-REVIEW

September 22, 2015

Spokane Police Chief Frank Straub forced to resign

Nicholas Deshais

The Spokesman-Review

Tags: City of Spokane Frank Straub Spokane Police Department



Spokane Police Chief Frank Straub briefs the media about the officer-involved shooting, July 27, 2015, near the Peking North Chinese restaurant.

Timeline

View a timeline of Straub's time as Spokane Police Chief [here](http://www.spokesman.com/timelines/frank-sraub-tenure-spokane-police-chief/).

(<http://www.spokesman.com/timelines/frank-sraub-tenure-spokane-police-chief/>)

Spokane Police Chief Frank Straub has been forced to resign.

Mayor David Condon asked for Straub's resignation amid complaints about Straub's leadership style and personnel moves involving two women who were transferred out of the police department.

Leaders representing the union representing higher ranking officers met with Condon on Sept. 8 and advised him that they would no longer tolerate "any further unprofessional behavior" by Straub, according to a memo from the union, the Lieutenants and Captains Association.

"Members of this Association reported several specific examples of unprofessional and even hostile behavior directed toward themselves or other members by Chief Straub," said the memo from the union. "It often included profanity, personal degradation, or other behavior not becoming of the office of the Spokane Police Chief. His behavior has created a workplace environment inconsistent with collaboration and contrary to effective leadership."

Condon recruited Straub in 2012 to reform the police department. The abrupt changes Straub made drew ire up and down the police chain of command.

And earlier this year the City of Spokane transferred Monique Cotton

(<http://www.spokesman.com/stories/2015/aug/19/job-transfer-between-city-departments-raises/>) from her job as police spokeswoman to a higher-paying job with the Spokane Parks and Recreation Department. Yet her \$90,000 salary continues to be paid from the police budget.

Attachment A - Coddington

City Council members raised questions about the transfer, but Condon's chief of staff, City Administrator Theresa Sanders, said Cotton's skills were needed at the park department to "tell the story" of Riverfront Park, which is about to undergo a vast transformation after voters approved a parks bond last year.

Sanders said last month that Cotton's \$9,000 salary increase was an "enticement" to persuade her to change jobs.

However, city officials first attempted to move Cotton to the Spokane Fire Department, an effort rebuffed by fire officials.

Assistant Fire Chief Brian Schaeffer said city administration officials approached him in April about transferring Cotton.

"The discussion of creating a public safety (public information officer) position and assigning Cotton in there was discussed," Schaeffer said in an email. "We did have a meeting and decided that we would prefer to do recruitment for someone that was better fitted for fire."

Cotton, who was hired by Straub in 2013 to lead the department's communications and marketing strategy, was not the first to be moved while still getting a check from police.

Carly Cortright was paid her annual salary of \$82,494 by the police department for 15 months after leaving her position as the police business services director in October 2013 to work as the director of the 311 project, a customer service program under the city's Office of Neighborhood Services.

Cortright said she was pleased with the transfer because of Straub's "constant negative feedback and belittling."

"I left SPD because I was offered an opportunity to be part of a project that could make a real difference in the community," Cortright said. "I was no longer making that difference at the SPD due to the constant negative feedback and belittling I was receiving from Chief Straub."

Since Cotton's transfer was reported, the move has been raised as a campaign issue by Shar Lichty, who is challenging Condon in his bid for re-election.

In a news release Tuesday afternoon, the city lauded Straub's success, saying he "has led the effort that has driven down crime and use of force incidents while restoring public confidence in officers." The release said Straub resigned his position in the police department to "pursue new opportunities and be closer to family."

He'll stay on with the city until Jan. 1, working in the city attorney's office on criminal justice initiatives.

That release, however, said "some police leadership members submitted letters last week summarizing their concerns about his management style."

Straub said in the news release, "I am very proud of the work that has been done to re-engage the Spokane Police Division with the community and drive down crime. We have achieved great things and brought policing in Spokane closer to the community. Rather than engage in a public discussion that distracts from making Spokane safer I have told the Mayor that it is time for new energy and perspective."

Assistant Chief Rick Dobrow will serve as interim chief. Dobrow has been with the department since 1994. He spent several years as an officer in Stockton, Calif., before coming to Spokane. Straub picked him to be assistant chief last year.

Straub embarked on a major reorganization of the department that led to leadership changes.

Some veterans on the police force characterized Straub as moody and quick to lose his temper.

Within a year of his hire, Straub's leadership team consisted of Assistant Chief Craig Meidl, Cmdr. Brad Arleth of the Patrol Division, Cmdr. Joe Walker of the Tactical and Strategic Operations Bureau, Cortright as director of the Business Services Bureau, and Cotton as the department's director of communications.

Within months, Meidl, Arleth and Walker stepped down and opted for demotions.

Meidl had been Straub's first assistant police chief until he returned to the rank of lieutenant. He was replaced by Dobrow, and Meidl is now a captain and leads the department's Hillyard precinct.

Meidl's self-demotion followed those of Brad Arleth and Joe Walker. Arleth stepped down as commander of field operations to a captain in the investigations department and the downtown precinct. Walker stepped down as commander of investigations and returned to a civil service position as lieutenant.

Spokane County Sheriff Ozzie Knezovich said he learned of Straub's resignation from others in his department who saw it on Twitter.

Knezovich has had a more strained relationship with Straub than he did with Straub's predecessor, Anne Kirkpatrick.

"Frank basically ran his agency, and we didn't have a lot of interaction," Knezovich said. "I have always had a close relationship with all the chiefs I've worked with. Frank was just a little different in that approach."

Get more news and information at Spokesman.com

THE SPOKESMAN-REVIEW

May 4, 2015

Police communication director moving to parks department

Rachel Alexander
The Spokesman-Review

Tags: Monique Cotton Parks Department Riverfront Park Spokane Police Department

After three years at the Spokane police department, communications director Monique Cotton is leaving to manage outreach and public relations for the Riverfront Park redesign, as well as other parks initiatives.

Cotton began her new role Monday.

"We have a unique opportunity to do something special in Riverfront Park," Mayor David Condon said in a news release. "Telling an engaging story requires someone experienced in bringing a vision to life. Monique has had great success doing that during her time with the Spokane Police Division."

In addition to her work for Riverfront Park, Cotton will manage communications for the parks department, including information about classes, sports leagues and golf courses.

Cotton said as far as she knew, the police department would be finding another commissioned officer to share public information officer duties with Cpl. Jordan Ferguson.

Cotton said she's proud of the work she did for the police department, including managing communications about the Department of Justice's collaborative reform process and organizing the Junior Police Academy.

She especially enjoyed telling human-centered stories about the work officers were doing, she said.

"That was a really cool experience for me to be able to highlight those stories and tell them to the community," she said.

This story is developing and will be updated.

Get more news and information at Spokesman.com

Attachment B
Bucklinston

THE SPOKESMAN-REVIEW

October 8, 2015

Former police Chief Frank Straub files \$4 million claim against city, alleges violation of due process

Nicholas Deshais
The Spokesman-Review



Spokane Police Chief Frank Straub answers questions about the arrest of murder suspect Timothy E. Suckow during a press briefing, Jan. 14, 2014 at the Public Safety Building. DAN PELLE danp@spokesman.com

Former Spokane police Chief Frank Straub filed a \$4 million claim against the city Thursday, alleging a "violation of due process in termination."

Straub was forced to resign late last month following complaints about his leadership style. His sudden ouster as chief followed months of rumors about his explosive behavior, as well as reports about personnel moves involving two women who were transferred out of the police department.

In his claim, Straub denies that he resigned. The demand letter from his attorney, Mary Schultz, states again and again that Straub was "fired."

"You fired Chief Straub," the letter states. "His termination was already fact. ... You had already buried him as the police chief."

Although he had lost the confidence of Mayor David Condon and is pursuing a multi-million dollar claim against the city, Straub remains employed as the highest paid city worker. He was reassigned to work in the city attorney's office "during the transition period to ensure the continuity of important strategic initiatives," the city said in the news release last month announcing Straub's departure.

Brian Coddington, the mayor's spokesman, said he couldn't discuss the claim.

"The city did receive a claim today," he said. "As it's pending litigation, this is nothing we can discuss."

Attachment C - Coddington

Asked if he knew the claim was coming when Straub was ousted, Coddington said, "I really can't get into that."

Mayor David Condon, in a statement released Thursday evening, called the claim "unfortunate" and reiterated that Straub resigned.

"This is unfortunate as we would like to move the Spokane Police Division forward without distraction," Condon said.

City Council President Ben Stuckart also said he wouldn't talk about the claim.

"I can't comment. I haven't had a chance to review it, and I was a participant in some of the conversations so will probably be involved in some of the legal proceedings," Stuckart said. "My understanding is Cabinet positions such as police chief serve at the pleasure of the mayor."

The claim is a precursor to a lawsuit. Once the city rejects it, Straub can take his case to court.

Straub took issue with the "gratuitous public dissemination of very damaging letters," referring to letters handed out during Condon's news conference announcing his removal as police chief. One letter, from the Lieutenants and Captains Association cited personal attacks, emotional outbursts, scare tactics, threats, retaliation, inappropriate language and untruthfulness as examples of Straub's behavior. Straub has denied those accusations.

"Frank Straub was an at-will employee with a three-year contract," Schultz said. "He could've been discharged for any reason, or none at all. The problem isn't that it was done. It was the way it was done."

An attempt to reach Straub was unsuccessful Thursday afternoon.

The claim letter states that on Sept. 21, City Administrator Theresa Sanders texted Straub at 6:39 a.m. and told him to "report to the Mayor for a 7:00 a.m. 'meeting' of unannounced content."

At that meeting, Straub was told of his termination, the letter says. He asked for an investigation into the reasons for his termination and was denied.

The following day, nearly 30 hours after Straub said he was told he was fired, Coddington denied any knowledge of the situation to the Spokesman-Review.

"I have not heard that," he said just after 1 p.m. on Sept. 22. "I don't believe that's accurate."

But during that day, the letter says, Straub attempted to prevent city officials from releasing a press statement announcing his resignation. But by 3:51 p.m., he was "unable to obtain any retraction of the disparaging information," the letter says, adding that the city was "bludgeoning" him with the press release.

At 4:07 p.m., city officials texted Straub and told him the press release would be sent out "in five minutes."

"Frank Straub was fired," the letter from Straub's lawyer states. "He was removed from the City website, and Rick Dobrow was out doing interviews as the new police chief before Frank was even able to turn in his badge."

After Straub's ouster, Sanders and Coddington said the decision to remove Straub came moments before a press statement was released after 4:30 p.m. The claim letter rebuts that timeline.

As Straub's lawyer, Schultz was told by the city that the ousted chief has no civil service protections and can be fired at will. Schultz demanded proof of Straub's alleged explosive behavior, but was rebuffed.

"From both a legal and a plain common sense perspective, what those letters should have triggered was not a need to fire the Chief; what they should have triggered was the need for your Department to find out who was promoting mutiny in that police department and why."

The suit also suggests that the forced resignation was related to Condon's re-election.

"These actions show a premeditated and engineered plan to elevate the mayor's 'decisiveness' quality at the expense of Frank Straub's reputation," the claim read. "It's a very interesting time of year."

Finally, the claim suggests that Straub simply was doing what he was told to do by the mayor, who then turned his back on the chief after an “engineered process” to get him fired was put in place.

“The Mayor hired him to wade in and the Mayor mandated him to wade in,” the suit said. “Once he was in, City administration undercut his authority, coddled mutiny, and subversively managed cancerous factions to its own perceived advantage. This was an engineered process designed to damage Frank Straub and enhance the mayor’s standing.”

The man who served as chief previous to Straub, Scott Stephens, won a \$190,000 settlement with the city in 2013. Stephens was an interim chief, and had served as assistant chief to Straub after Straub was selected to lead the department in 2012.

A few months later, after Straub told Stephens that he would demote him, Stephens allegedly made threats. Stephens denied the accusations, and his attorney, Bob Dunn, accused the city of using a false allegation to ruin Stephens’ reputation to force him out of the department. Stephens filed a claim against the city for \$750,000.

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October 2, 2015

VIA E-MAIL: nisserlis@spokanecity.org; ejacobson@spokanecity.org

Nancy Isserlis
Erin Jacobson
City Attorney
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Frank Straub/City of Spokane

Dear Nancy and Erin:

I received Erin's email sent at 9:46 a.m. this morning.

Having reviewed what I have been able to review to this point, I can safely say that there seems to be no reason for former Chief Straub to return a prepared resignation letter by 5:00 p.m. as "acknowledgement of his reassignment." You fired Chief Straub on Monday morning, Sept 21, 2015. City Administrator Teresa Sanders texted him at 6:39 a.m. on Monday, September 21st, and required him to report to the Mayor for a 7:00 a.m. "meeting" of unannounced content. That turned into a 7:50 a.m. meeting with the Mayor and City Administrator Sanders, where he was told he was being discharged that day unless he immediately submitted his resignation. He was told of the existence of the letters, but not shown the letters. He asked for an investigation, and was denied. His termination was already fact.

Chief Straub first saw those letters on Tuesday morning, and was given nothing more than an alleged opportunity to participate in a press release that day. The press release was already written by the City, and included language about how members of the "police leadership team" expressed "concerns" about Chief Straub's "management style." That press release referenced the "letters last week" being submitted, to whom is not noted, which "summarized their concerns." You had already buried him as the police chief.

The first draft press release he received had him leaving the Spokane Police Division entirely, and announced Interim Chief Rick Dobrow's elevation to Chief Straub's position.

Attachment D-
Coddington

Nancy Isserlis
October 2, 2015
Page 2 of 3

By 3:51 p.m. on the 22nd, Chief Straub had been unable to obtain any retraction of the disparaging information. His opposition to the City's bludgeoning him with this press release process is plain from the manner in which he was texting you and trying to email you before you were "going live. His last plea appears at 4:07 p.m. after being told "we're going to distribute in five minutes." Frank Straub was fired. He was removed from the City website, and Rick Dobrow was out doing interviews as the new police chief before Frank was even able to turn in his badge.

What is so gratuitously damaging about what happened here is that you sent me a contract between Frank Straub and the Mayor that allowed Frank to serve until December 31, 2015 on a maximum term. Even if those Sept. 18th letters are credible, and they are transparently *not* credible, *see below*, the professional process should have been, and is, to sit down with him, discuss these alleged concerns, hear his side, investigate who should be disciplined or counseled, if anyone, and follow that professional process. Depending on what emerged from that, one obvious option was to simply allow him to finish out his term and transition elsewhere. He served our City well. But for some reason, this City's administration chose to do a hatchet job on him only three months before his term ended.

I was brought into this last week after this already hit the news. You told me that Chief Straub is not entitled to civil service protections, and can be discharged at will. The City was being generous with him, you said. You told me that there had been "complaints" prior to the letters. You would not assure me that these alleged complaints were documented, nor investigated. I asked you the obvious-- a question to which I never got an answer. How did these two Sept. 18th letters so suddenly materialize, together, both coincidentally submitted to the City on the very same Friday--September 18, 2015--and be acted on by Monday morning at 7 a.m. as if they were court injunctions? From both a legal and a plain common sense perspective, what those letters should have triggered was not a need to fire the Chief; what they should have triggered was the need for your Department to find out who was promoting mutiny in that police department and why. Each of those letters includes nothing but conclusory allegations. Neither has specific incidents, dates, or content. Both of them pieced together reflect that scheduled "budget meetings" in the prior months had somehow turned into sessions regarding Chief Straub, unbeknownst to him. How this all culminated in both letters being delivered to the mayor the same day, a firing in less than 24 business hours, and the Mayor's immediate appointment of the primary author of one of the letters, Rick Dobrow, to Frank Straub's position as Police Chief, is transparently political.

This back door pretext is accompanied by the equally extraordinary decision by the Mayor to precipitously "waive privilege" to immediately release these per se defamatory and untested letters to the general public. "Waiving privilege" means that the Mayor was being advised by your legal department. In no way did those letters have to be published to justify an at will termination. In no way did those letters need to be immediately released to

Nancy Isserlis
October 2, 2015
Page 3 of 3

the media to protect the public interest, as if this was some kind of Amber Alert, with the kidnapper speeding for the freeway entrance on the way out of town. These actions show a premeditated and engineered plan to elevate the mayor's "decisiveness" quality at the expense of Frank Straub's reputation. It's a very interesting time of year.

Only this past Tuesday did Erin Jacobson finally raise, and then only as an aside offered towards the end of our conversation, your department's awareness of the due process requirements in this kind of public information release. You suggested such a process as a future "offer." You are well aware that such processes were owed Frank Straub *before* the Mayor intentionally distributed these damning allegations for public consumption. These are now a permanent part of his record.

The Mayor, the City Administrator, and the Legal Department who engineered this termination in the manner in which it occurred are not immune from suit. You are all aware of the due process requirements of these situations. These are not due process rights given in exchange for signing a resignation. They go with the job.

Frank Straub was hired as this City's Police Chief and mandated to clean up issues in this department for the benefit of this City. The Mayor knew the Chief Straub had to be supported against toxic elements in that department. The Mayor hired him to wade in and the Mayor *mandated* him to wade in. Once he was in, City administration undercut his authority, coddled mutiny, and subversively managed cancerous factions to its own perceived advantage. This was an engineered process designed to damage Frank Straub and enhance the mayor's standing.

We expect that now former Chief Straub will continue to receive all payments and benefits the City promised him in exchange for his work on his own burial announcement--your press release. We will be filing a tort claim against the City, the Mayor, and your legal department Monday morning to address the damage that this politically motivated railroading has caused him. The citizens of Spokane are entitled to better than this. Anyone who puts their neck on the line to come to this City to help us professionalize our police force is certainly entitled to better than this.

Sincerely,

MARY SCHULTZ LAW, P.S.

Mary Schultz
Attorney at Law

MS: dnf
Pc: Frank Straub
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