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JAN 19 2016

OFFICE OF THE CITY ATTORNEY

CITY OF SPOKANE ETHICS COMMISSION

ALEXANDER J. SHOGAN, JR. ,

Complainant,

vs.

DAVID CONDON, MAYOR,

Respondent

RESPONDENT MAYOR DAVID  
CONDON'S MOTION TO DISMISS  
AMENDED ETHICS COMPLAINT  
OF ALEXANDER J. SHOGAN, JR.

COMES NOW respondent, DAVID CONDON, MAYOR OF SPOKANE CITY, by  
and through his undersigned attorneys, and pursuant to SMC Section 01.04A et seq., moves  
the Ethics Commission for dismissal of the Amended Ethics Complaint of Alexander J.  
Shogan, Jr.

The Commission on January 13, 2016, considered the Respondent's Motion for  
Dismissal of the Shogan Complaint and, at that time, based upon the allegations contained in  
Paragraph D of the Amended Sworn Complaint in which Mr. Shogan alleged that Mayor  
Condon acted dishonestly because he was allegedly aware of misbehavior in the work place by  
former Chief of Police Frank Straub directed at City of Spokane employee Carly Cortright. It  
was on a basis of the allegation that Ms. Cortright had complained about Chief Straub's  
conduct, formally or informally, at the time the conduct was occurring in August 2013 that

MOTION TO DISMISS- page 1

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

1 persuaded the Commission for allow the Shogan Complaint to continue over the respondent's  
2 objection.

3 In support of his Motion to Dismiss, the respondent files herewith the Declaration of  
4 Carly Cortright. The Cortright Declaration establishes that Ms. Cortright never complained of  
5 any inappropriate behavior by Chief Straub in her work place at the Spokane Police  
6 Department until sometime after Chief Straub's resignation in September 2014. The Cortright  
7 Declaration further establishes that the allegation in paragraph D that the respondent had  
8 knowledge of Ms. Cortright's experiences with Chief Straub at the Police Department is  
9 incorrect and inaccurate in that Ms. Cortright never brought that behavior to the attention of  
10 the respondent or anyone else at the City of Spokane until after Chief Straub's resignation.  
11

12 Finally, the Cortright Declaration establishes that at no time has the complainant  
13 Shogan ever talked to Ms. Cortright to determine whether there was a factual basis for the  
14 allegations made by Mr. Shogan in the Amended Sworn Complaint.  
15

16 As the respondent pointed out in his initial Motion to Dismiss, Mr. Shogan failed to  
17 conduct any appropriate good faith inquiry or investigation before making allegations  
18 concerning Ms. Cortright and the Complaint is subject to dismissal pursuant to SMC  
19 01.40A.110(d)(1)(d) in that it is a complaint which is frivolous and/or brought for purposes of  
20 harassment.  
21

22 Respondent respectfully requests a report and finding from the Commission  
23 concerning the complainant that he has knowingly filed a false and frivolous complaint which  
24 is groundless and brought for purposes of harassment. Alternatively, respondent urges the  
25 Commission to dismiss the complaint in that there are no disputed issues of material fact in  
26

27 MOTION TO DISMISS- page 2  
28  
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1 that it is clear that Ms. Cortright never complained of Chief Straub's misbehavior until after  
2 Chief Straub had departed his employment with the City of Spokane

3 Accordingly, the allegation that the respondent was aware of this misbehavior at the  
4 time of his September 22, 2014, press conference is unsupportable and the Complaint must be  
5 dismissed.  
6

7 DATED this 14 day of January, 2016.

8 EVANS, CRAVEN & LACKIE, P.S.

9 By

10 James B. King, WSBA #8723

11 Attorney for Respondent

12 David Condon  
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the 19 day of January, 2016, the foregoing was delivered to the following persons in the manner indicated:

Alexander J. Shogan, Jr.  
5726 N. Sutherlin Street  
Spokane, WA 99205

VIA REGULAR MAIL ☒  
VIA CERTIFIED MAIL [ ]  
VIA FACSIMILE [ ]  
HAND DELIVERED [ ]  
VIA EMAIL ☒

1-19-16 / Spokane, WA  
(Date/Place)



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CITY OF SPOKANE ETHICS COMMISSION

**ALEXANDER J. SHOGAN, JR.**

Complainant,

vs.

**DAVID CONDON, MAYOR OF THE  
CITY OF SPOKANE,**

Respondent.

DECLARATION OF CARLY  
CORTRIGHT

Carly Cortright, under penalty of perjury under the laws of the State of Washington, states  
and declares as follows:

1. I am over 18 years of age and am competent to be a witness herein.
2. I have personal knowledge of the facts set forth in this Declaration.
3. I have read the Amended Sworn Complaint filed by Alexander J. Shogan, with  
the City of Spokane Ethics Commission (attached as Exhibit A hereto).
4. Paragraph D of Mr. Shogan's Amended Complaint alleges that I brought to  
Mayor Condon's attention or to the City's attention in August 2013 a Complaint regarding  
former Spokane City Policy Chief Frank Straub's behavior in the workplace.

DECLARATION OF CARLY CORTRIGHT - Page 1

*Evans, Craven & Luckie, P.S.*  
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1           5.           Mr. Shogan's Amended Complaint alleges, directly or indirectly, that I made a  
2 formal or informal complaint regarding Mr. Straub's behavior as directed towards me when I  
3 was employed at the Spokane Police Department.

4           6.           Chief Straub did engage in inappropriate behavior, including the use of  
5 sexually charged language, when I worked for the Spokane City Police Department including  
6 remarks directed at myself and my job performance. This behavior was inappropriate and  
7 unwelcome. However, I never made any kind of complaint, formal or informal, verbal or  
8 written, to anyone at the City of Spokane regarding this behavior, nor did anyone else on my  
9 behalf.


10          7.           After Chief Straub's resignation I decided to come forward with my concerns  
11 regarding the behavior I witnessed while an employee of the Spokane City Police Department  
12 and have now filed a complaint.

13          8.           Mr. Shogan's allegation that Mayor David Condon knew of Chief Straub's  
14 misbehavior or inappropriate treatment of me in August 2013 is incorrect because I never  
15 reported Chief Straub's behavior to anyone until after Chief Straub resigned.

16          9.           Mr. Shogan has never asked me when I first complained regarding Chief  
17 Straub's behavior.

18                   DATED at Spokane, Washington this 19 day of January, 2016.

19                   By:

20                     
21 Carly Cortright c

**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the 19 day of January, 2016, the foregoing was delivered to the following persons in the manner indicated:

Alexander J. Shogan, Jr.  
5726 N. Sutherlin Street  
Spokane, WA 99205

VIA REGULAR MAIL ☒  
VIA CERTIFIED MAIL ☐  
VIA FACSIMILE ☐  
HAND DELIVERED ☐  
VIA EMAIL ☒

1-19-16 / Spokane, WA  
(Date/Place)



# CITY OF SPOKANE ETHICS COMMISSION

## ETHICS COMPLAINT FORM

Please review the City of Spokane's Code of Ethics – Chapter 1.04A SMC – before completing this complaint form. When you have completed this form, submit it to:

City of Spokane Ethics Commission  
Attention: Rebecca Riedinger  
Office of the City Attorney  
5<sup>th</sup> Floor Municipal Building  
W. 808 Spokane Falls Blvd.  
Spokane, WA 99201

or at: rriedinger@spokanecity.org

Pursuant to the City of Spokane's Code of Ethics, I am filing a complaint regarding conduct which I believe constitutes a violation of the City's Code of Ethics.

Name, position, and department of person(s) I believe to have violated the Code of Ethics:

Name: David A. Condon

Position/Title: Mayor of the City of Spokane

Nature of Code of Ethics violation:

What specific provision of SMC 1.04A.030 do you believe has been violated?

Section 01.04A.030 (N) Commission of Acts of  
Moral Turpitude or Dishonesty Prohibited

Describe in as much detail as possible the alleged Code of Ethics violation conduct. Attach additional sheets of paper, if necessary. Please include all documentation you believe demonstrates a violation. Your description should include the date, location and frequency of the alleged violation.



See Amended Sworn Complaint Alleging  
Violation of Section 01.04A.030(N) of the  
City of Spokane Code of Ethics -  
Commission of Moral Turpitude or  
Dishonesty Prohibited.

Names and positions of the persons who may have witnessed the event:

Former Spokane Chief of Police Frank Straub	
City Administrator Theresa Sanders	
Monique Cotton	Joe Walker
Brian Coddington	Brad Arleth
Carly Cortwright	

Evidence or documentation

Please list any evidence or documentation that would support your allegation of a Code of Ethics violation. Indicate whether you can personally provide that information.

See Amended Sworn Complaint Alleging Violation  
of Section 01.04A.030(N) City of Spokane  
Code of Ethics - Commission of Acts of  
Moral Turpitude or Dishonesty Prohibited

### Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that to the best of my knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true and correct.

Alexander J. Shogan, Jr.  
Complainant's Signature

December 14, 2015  
Date

Date and Place (e.g. City, State)

12/ 2015 Spokane, Washington

Name (please print): Alexander J. Shogan, Jr.

Address: 5726 N. Sutherlin Street, Spokane, WA 99205

Phone Number(s): (509) 954-0727

E-Mail Address: joeshoganjr@gmail.com

CITY OF SPOKANE ETHICS COMMITTEE

ALEXANDER J. SHOGAN, JR.  
Complainant

DAVID CONDON, MAYOR OF  
THE CITY OF SPOKANE,  
Respondent

)  
) NO.  
) AMENDED  
) SWORN COMPLAINT ALLEGING  
) VIOLATION OF SECTION 01.04.030 of  
) CITY OF SPOKANE CODE OF ETHICS  
)  
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STATE OF WASHINGTON )

County of Spokane )

: ss

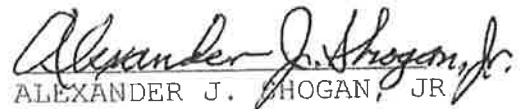
ALEXANDER J. SHOGAN, JR being duly sworn, on oath,  
states as follows:

- A. That he is a Resident of the City of Spokane currently living in the Northwest area of the 3rd Council District and a Registered Voter in that District.
- B. That he has read and is familiar with the City of Spokane Code of Ethics contained in Chapter 01.04 of the Code.
- C. That on December 2, 2015 he filed an **Ethics Complaint** against David Condon, Mayor of the City of Spokane, Respondent herein, stating in part that: With regard to rumors of Misconduct by the then Spokane Police Chief Frank Straub, Respondent had heard of "these issues" in the "last several weeks."
- In Fact, the Respondent was made aware of Extremely Serious Misconduct - **Sexual Harassment**- allegations against Chief Straub in April, 2015 during a Confrontation involving himself, City Administrator Theresa Sanders, and Monique Cotton, then Spokesperson for the Spokane Police Department. Cotton reported to the Respondent and Sanders details of sexual harassment of her by Chief Straub. Again, in September of 2015, when Respondent accepted the Resignation of Chief Straub, he was asked at that time whether there were any sexual harassment complaints against Chief Straub and Respondent replied, "No."

1 D. **Furthermore**, in Answering "No" as Stated Previously,  
2 Respondent Denied his Knowledge of an Allegation  
3 of Misconduct by Chief Straub brought to the Respondent's  
4 Attention in **August, 2013** by Carly Cortwright, who was  
5 at that time the Spokane Police Department Executive.  
6 For Carly Cortwright, the Culture created under  
7 Chief Straub's Leadership punished honesty. She has stated  
8 "The sexually charged language and behavior created another  
9 layer of disrespect." Subsequent to this Event,  
10 Carly Cortwright was moved to a New job in City Hall.

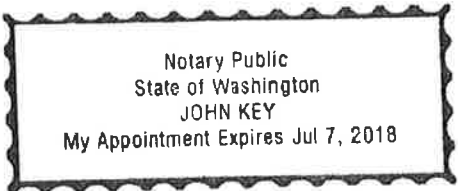
11 E. As Mayor of the City of Spokane, Respondent is a Public  
12 Official governed by the City of Spokane Code of Ethics.  
13 **His Failure to Tell the Truth on Several Occasions**  
14 regarding the Claims of Sexual Harassment made by  
15 Both Carly Cortwright and Monique Cotton against then  
16 Police Chief Frank Straub **Constitute a Violation of Section**  
17 **01.04A.030 Prohibited Conduct of the Spokane Code of Ethics**  
18 as follows:

19 N. Commission of Acts of Moral Turpitude or Dishonesty  
20 Prohibited.

21   
ALEXANDER J. SHOGAN, JR.

22 SUBSCRIBED AND SWORN TO before me this 14 day of December, 2015.

23 NOTARY PUBLIC in and for the State of Washington,  
24 residing at Spokane.  
25 My Commission expires: 7/7/18

26  
27  
28  
  
Notary Public  
State of Washington  
JOHN KEY  
My Appointment Expires Jul 7, 2018