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6 CITY OF SPOKANE ETHICS COMMISSION

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8 SPOKANE AREA NOW,

9 Plaintiff,

10 vs.

11 DAVID CONDON, MAYOR,

12 Defendant

RESPONDENT MAYOR DAVID
CONDON 'S MOTION TO DISMISS
ETHICS COMPLAINT – SPOKANE
CHAPTER OF NATIONAL
ORGANIZATION OF WOMEN

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15 COMES NOW, Respondent, by and through his undersigned attorneys and moves to
16 dismiss, pursuant to SMC 1.04A.110(d). The complaint of the Spokane Chapter of the
17 National Organization of Women dated December 22, 2015. This motion is based upon the
18 following undisputed facts as well as the Declaration of Leroy Eadie.
19

20 **ALLEGATIONS OF DISHONESTY IN MAYOR CONDON'S**
21 **DECEMBER 11, 2015, LETTER TO CITY COUNCIL**

22 NOW contends that Mayor's statement in a letter to the City Council of December 11,
23 2015, that Monique Cotton was selected to "fit an existing need in the Parks and Recreation
24 Division" was dishonest. As the attached Declaration of Leroy Eadie shows in April, 2015, the
25 Parks and Recreation Division did have an existing need for a marketing and public relations
26 specialist in April 2015. The decision to select Ms. Cotton to fill the need was made by Leroy
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30 MOTION TO DISMISS- page 1

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1 Eadie who was empowered and authorized to make this decision by virtue of his position. Mr.
2 Eadie was not required to obtain Park Board approval for this decision.

3 NOW further alleges the City explored the possibility of Ms. Cotton filling a dual role
4 on behalf of the Spokane Fire Department and the Spokane Police Department in April of
5 2015. NOW claims the Respondent's statement to the City Council that Ms. Cotton was
6 selected to "fit an existing need in the Parks and Recreation Division" was being dishonest
7 because Mayor Condon did not in that letter inform the Council that the Fire Department in
8 April 2015 allegedly felt that Ms. Cotton was not an appropriate candidate for its needs. The
9 Code of Ethics is not a mandate requiring minute and comprehensive disclosures by elected
10 officials in any and every communication. Whether the Fire Department considered and
11 rejected Ms. Cotton for a possible position is irrelevant to Mr. Eadie's decision to select Ms.
12 Cotton. The Mayor's nondisclosure of the Fire Department's view, assuming the Mayor even
13 knew, does not constitute dishonesty or moral turpitude.

14 NOW's contention that unlimited disclosure of each and every conceivable fact known
15 by the Respondent about any situation, employee, policy or action, in making any kind of
16 presentation or in responding to any questions must be made under threat of an accusation of
17 dishonesty if the disclosure is not made is unsupportable in the Code or under common or
18 statutory law. No one could be misled or deceived by the statement that Ms. Cotton was
19 selected "to fit an existing need in the Parks and Recreation Division." Whether Cotton was
20 deemed unsuitable for a position in another department in April 2015 is irrelevant and
21 immaterial to the statement that Ms. Cotton was selected to fill a need in the Parks
22 Department. To accuse a public official of lying because he did not disclose that a different
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24 MOTION TO DISMISS- page 2

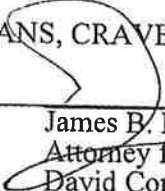
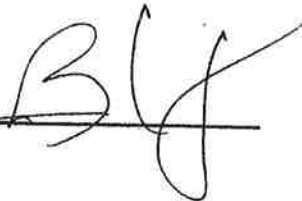
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1 department, for unstated reasons, did not feel that Ms. Cotton was an appropriate candidate for
2 its need is frivolous at best and disingenuous at worst.

3 DATED at Spokane, Washington this 20th day of January, 2016.

4 EVANS, CRAVEN & LACKIE, P.S.

5 By

6  
7 James B. King, WSBA #8723
8 Attorney for Respondent
9 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 20 day of January 2016, the foregoing was delivered to the following persons in the manner indicated:

Rick Eichestaedt
Center for Justice
35 W. Main, Ste. 300
Spokane, WA 99201

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

1-20-16 / Spokane, WA
(Date/Place)



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6 CITY OF SPOKANE ETHICS COMMISSION

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8 SPOKANE AREA NOW,

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DECLARATION OF LEROY EADIE

15 Leroy Eadie, under the penalty of perjury of the laws of the State of Washington, states
16 and declares as follows:

- 17
- 18 1. I am over 18 years of age and am competent to be a witness herein.
 - 19 2. The matters set forth in this Declaration are based upon personal knowledge.
 - 20 3. I am the current Director of the Parks & Recreation Division of the City of
21 Spokane.
22
 - 23 4. I have read the allegations in the National Organization of Women Ethics
24 Complaint against Mayor David Condon regarding alleged dishonesty by Mayor Condon in
25 his December 11, 2015, letter to the City Council.
26
 - 27 5. In April/May 2015, the Parks & Recreation Division had an existing need for a
28 public relations, public information, marketing and/or branding professional.
29

30 DECLARATION OF LEROY EADIE - Page 1

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6. The need for a person with these qualifications was based upon two factors. First, the Parks & Recreation Division was involved in public outreach, marketing, and branding efforts related to the City of Spokane's Riverfront Park redevelopment program. Second, the Community Affairs Coordinator who had some but not all of the previously described duties was on an extended leave.

7. At the suggestion of the City Administrator, I interviewed, with my Executive Officer, Jason Connelly, Monique Cotton, to determine if she had the skills, experience and abilities to fill the existing need.

8. After the interview and evaluation of Ms. Cotton's skill set, I made the decision to retain her to fill the existing need and to perform the activities previously described in this declaration. The interview took place in April 2015. My decision was made thereafter and she started on May 5, 2015.

9. I am not required to obtain Park Board approval for decisions such as the one involving Ms. Cotton.

10. I am responsible for managing the Parks & Recreation Division with the assistance of my staff. The Park Board is responsible for setting policy and for budgetary decisions.

DATED at Spokane, Washington this 20 day of January, 2016.

Leroy Eadie

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