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4 **CITY OF SPOKANE ETHICS COMMISSION**

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6 **SPOKANE AREA NOW,**

7 Petitioner,

8 vs.

9 **DAVID CONDON, MAYOR,**

10 Respondent.

**PETITIONER'S RESPONSE TO  
OBJECTIONS TO EXHIBITS**

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12 COMES NOW Complainant SPOKANE AREA NOW ("NOW"), by and through its  
13 undersigned attorneys, Rick Eichstaedt and the Center for Justice submits this response to Mayor  
14 Condon's Objection to NOW's Exhibits in the above titled matter.

15 Mayor Condon objects to seven of nine of NOW's exhibits arguing: (1) the information is  
16 hearsay and/or (2) the information is not relevant. These objects fail for two reasons.

17 First, the Commission's Prehearing Order in this matter explicitly states, "It is the intention  
18 of the Ethics Commission to hear all relevant evidence. Lack of conformity to state or federal rules  
19 of evidence goes to the weight, not the admissibility, of evidence." Prehearing Order at 5.  
20 Accordingly, any objection as to hearsay fails. While certainly, Mayor Condon can argue at the  
21 hearing that evidence may be hearsay – such an argument merely goes to the weight of that  
22 evidence. Moreover, it should be pointed out that the entirety of the exhibits provided by NOW  
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24

25 PETITIONER'S RESPONSE TO OBJECTIONS TO  
EXHIBITS- 1

CENTER FOR JUSTICE  
35 West Main, Suite 300  
Spokane, WA 99201  
(509) 835-5211  
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24  
9-23-16

1 were part of the independent investigative record completely on behalf of the City by the Seabold  
2 Group.<sup>1</sup>

3 Second, Mayor Condon objects to the relevance of the evidence produced. NOW explains  
4 the relevance below:

5 **Exhibit 3:** Exhibit 3 is a certified transcript of a hearing that occurred with City  
6 Administrator Teresa Sanders as part of the Seabold Investigation. The Exhibit is offered as  
7 evidence of the events that occurred prior to and after the complaint of Monique Cotton.  
8 This is relevant in demonstrating that a complaint had been lodged.

9 **Exhibit 4:** Exhibit 4 is relevant because it is evidence of the complaint lodged by Ms.  
10 Cotton regarding sexual harassment and the actions directed by Mayor Cotton to follow-up  
11 to those complaints.

12 **Exhibit 5:** Exhibit 5 is relevant because it is evidence of the complaint lodged by Ms.  
13 Cotton regarding sexual harassment and the actions directed by Mayor Cotton to follow-up  
14 to those complaints.

15 **Exhibit 6:** Exhibit 6 is relevant as evidence of the sexual harassment that occurred to Ms.  
16 Cotton.

17 **Exhibit 7:** Exhibit 7 is a letter signed by Mayor Condon that includes a description of  
18 actions taken to address Ms. Cotton's complaint. It is relevant to demonstrate that the City  
19 treated Ms. Cotton's complaint as such. It is not being offered to address any matters that  
20 have been dismissed by this Commission.  
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24 <sup>1</sup> Available at <https://my.spokanecity.org/news/stories/2016/07/27/independent-investigative-report-released/>.

**Exhibit 8:** Exhibit 8 is a letter signed by Mayor Condon that authorizes the transfer of Ms. Cotton from Police to Parks. It is relevant to demonstrate the actions that the Mayor authorized to resolve Ms. Cotton's complaint. It is not being offered to address any matters that have been dismissed by this Commission.

**Exhibit 9:** Exhibit 9 is a letter addressed to Mayor Condon from Attorney Bob Dunn demanding reimbursement of expenses associated with Mr. Dunn’s involvement in handling of Ms. Cotton’s complaint. It is relevant evidence to demonstrate that Ms. Cotton had lodged a complaint.

As set forth above, Mayor Condon objections must be denied

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of September, 2016.

CENTER FOR JUSTICE

RS

**RICK EICHSTAEDT, WSBA #336487**  
**Attorney for Spokane Area NOW**

1 **CERTIFICATE OF SERVICE**

2 I, Rick Eichstaedt certify that on the 23<sup>rd</sup> day of September, 2016 I caused the foregoing  
3 *Petitioner's Response to Objections to Exhibits* to be electronically delivered to the following:

4 Office of the City Attorney  
5 808 W. Spokane Falls Blvd., 5<sup>th</sup> Floor  
6 Spokane, WA 99201

7 James King  
8 Evans/Craven/Lackie  
9 818 W. Riverside, Suite 250  
10 Spokane, WA 99201

11 DATED this 23<sup>rd</sup> day of September, 2016.

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CENTER FOR JUSTICE



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RICK EICHSTAEDT, WSBA #336487  
Attorney for Spokane Area NOW