

# 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: [riedinger@spokanecity.org](mailto:riedinger@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: MIKE FAGAN

Position/Title: CITY COUNCILMAN

**Nature of Code of Ethics violation:**

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

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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.



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

my HUSBAND. OTHERS MAY NOT ADMIT THEIR INVOLVEMENT

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**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.

I HAVE INCLUDED SOME, MORE IS AVAILABLE

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Last year I began complaining to my council member Mike Fagan about the sanctuary city ordinances which I have since found out were requested by Mayor Condon.

Mike Fagan "suggested" that I do a petition rather than a writ of mandamus. He didn't tell me that 1) he already had made plans to do a petition and 2) he was very involved in the petition world.

Mike Fagan pretended that this was all my idea when the truth of the matter is that I was chosen by Mike Fagan, Tim Benn and others to be the "face" of their petition since none of them wanted to do something so dangerous. The petition was already set up and the players involved were just waiting for somebody with "working class" status and of the proper "ethnic background" to use. I find this unethical. I was tricked into doing a petition, which I was loath to do by subterfuge and deceit.

I have sent copies of the emails I have received from Mike Fagan, who also admonished me NOT to use the city email account, so that he could avoid detection in this enterprise.

In the email dated 11/10/2014 please note that Mike Fagan suggests that FAIR is "interested in finding someone in Spokane..." This is not true as I had already tried to contact FAIR. At no time was any correspondence to back up this allegation presented to me. This was a ruse, in my opinion, to insert Craig Keller and respectwashington, which Craig Keller is the sole proprietor of.

In the email dated 11/12/14 You can see how Craig Keller and respectwashington were inserted into the conversation. Now we have FAIR and respectwashington willing to "assist" me in this endeavor. That is NOT what is true. As you can see, Mike Fagan and Craig Keller were already in collusion about this matter. FAIR was never a part of this.

In the email dated 11/21/2014 you will see the proof of my allegation that Mike and Craig conspired to bring me in on THEIR petition. Mike has already lined up Mr Keller "a couple of weeks back, and Mike Fagan had sent my emails to himself to Craig Keller. Seems like a vetting process. At no time was I apprised of this "vetting" process. Craig Keller pretended to have this "idea" that I should be on the board of respectwashington. I did not like the idea but was persuaded by Mike Fagan and Craig Keller to do so. Of course all the expense of phones and PO boxes were borne by me. As I found out later, Mike used his insider information to circumvent the ordinance #C35167 barring outside influence in local politics. I find it unethical to use my name so that Craig Keller and respectwashington could get his foot in the door. I have been unable to get Craig Keller and respectwashington to remove my name from his organization.

I have included an email from Craig Keller showing how many times he tried to get me to send emails, purporting to be from me to Mr. Piccolo. I sent emails entirely from Craig Keller, he would not allow me to change a single word of his missives. Craig Keller feels that "I" was simply his "name" to use to get around the Ord. C35167.

I was informed on Dec. 2 2015 by Mike Fagan in front of witnesses that he had lied to me. Mike stated that I was merely Craig Keller's "local contact" and Craig's "coordinator". I NEVER signed on for that. Craig Keller was explained to me as my "assistant" not my boss. This was unethical in my opinion.

The whole petition was started and implemented through fraud and deception. I am angry that my city councilman Mike Fagan subjected me to all the hatred and vitriol, the expense and time I put into this endeavor under false pretences. I feel used and abused and Mike Fagan deliberately tricked me into this situation. He should be punished.



### 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.

Jackie Murray  
Complainant's Signature

12/30/2015  
Date

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

SPOKANE, WA

Name (please print): JACKIE MURRAY

Address: 1428 E. LACROSSE AVE., SPOKANE, WA 99207

Phone Number(s): (509) 863-9222 (208) 819-7384 CELL

E-Mail Address: jmurraytruckin@aol.com



Subj: **FW: Items of interest in my fight to get "sanctuary city" status removed.**  
 Date: 11/10/2014 3:07:18 P.M. Pacific Standard Time  
 From: [mfagan@spokanecity.org](mailto:mfagan@spokanecity.org)  
 To: [JMurrayTruckin@aol.com](mailto:JMurrayTruckin@aol.com)  
 CC: [smcgrath@spokanecity.org](mailto:smcgrath@spokanecity.org)

To whom it may concern,

Please see the attached report from FAIR in answer to your question of how many and how much. Very interesting report which looks at the breakdown of where the spending occurs.

FAIR is interested in finding someone in Spokane who would be interested in sponsoring an initiative or referendum. They could possibly finance, advertise and write the law.

THE SEQUE INTO CRAIG KELLER & RESPECT WASHINGTON

You would be responsible for getting 3,000 or 11,000 voters signatures in order to put it on the ballot depending on which ballot it goes on. ~ I BARELY KNOW ANYBODY HERE. THE IDEA THAT I COULD GATHER SIGNATURES IS ABSURD

I used this report, and other hard hitting facts on illegal's during my presentation the night of the vote but I am in the minority.

The majority rolled over me and voted to approve the sanctuary city anyway.

Let me know if you are interested in talking about some kind of campaign and I'll put you in touch with some folks who can help out. Or, you could call my associate Sheryl McGrath at 625-6224.

Thank you and regards,

Mike Fagan  
 City councilman  
 District 1

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**From:** McGrath, Sheryl  
**Sent:** Monday, November 10, 2014 9:56 AM  
**To:** Fagan, Mike  
**Subject:** FW: Items of interest in my fight to get "sanctuary city" status removed.

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**From:** [JMurrayTruckin@aol.com](mailto:JMurrayTruckin@aol.com) [<mailto:JMurrayTruckin@aol.com>]  
**Sent:** Saturday, November 08, 2014 11:59 AM  
**To:** McGrath, Sheryl  
**Subject:** Items of interest in my fight to get "sanctuary city" status removed.

First, I can't be at the council meeting Monday. I have other obligations. That being said, here are some things I have found out.

[Crime rate in Spokane, Washington \(WA\): murders, rapes, robberies, assaults, burglaries, thefts, auto thefts, arson, law enforc](#) In here I find the crime rates for Spokane exceed the national average. Why is our PD concentrating on seat belt violations? They should be deprting as many of the criminal element as possible.

[Mexican drug cartels operating in Inland Northwest - Spokane, North Idaho News & Weather KHQ.com](#) Here's one for the council. Mexican drug cartels are operating here and the council wants to aid and abet their criminal enterprise. ICE says that if I can prove that they have done this then they can prosecute. I'm also looking at a



writ of mandamus. A WRIT OF MANDAMUS IS WHAT I WANTED TO DO, CLEARLY

[Spokane one of the top cities in country for car theft | Spokane/E. WA - KXLY.com](#) One of the top reasons for this one is meth addiction...see above.

[Sanctuary city - Wikipedia, the free encyclopedia](#) This one is just for clarity. Ben Stuckart admonished me that Spokane is NOT a sanctuary city. I beg to differ. I also want to point out that \*I\* am not a talk show host and this definition is used by others to include myself.

More things I want to know; What is the amount of money Spokane and the state of Washington spends on social services for illegal aliens? How many of our children have contracted diseases due to the illegal population? My computer is acting up right now...



Subj: **ILLEGAL ALIEN ISSUE**  
Date: 11/12/2014 11:23:29 A.M. Pacific Standard Time  
From: [mfagan@spokanecity.org](mailto:mfagan@spokanecity.org)  
To: [JMurrayTruckin@aol.com](mailto:JMurrayTruckin@aol.com)  
CC: [smcgrath@spokanecity.org](mailto:smcgrath@spokanecity.org)

Jackie,

When you get a chance, please log onto; [www.respectwashington.us](http://www.respectwashington.us)

You want to talk with Mr. Craig Keller. His org has been trying for the last 7 years to get an e-verify citizens initiative on the ballot in Washington state. He was very instrumental in hooking me up with the FAIR report.

I am told that FAIR and Respect Washington are willing to assist you in prepping and running with an initiative to reverse the city vote, and more if you choose.

For obvious reasons, I am not able to take the lead on this. I am so happy that you feel the same way about the immigration issue as I do.

I will keep a finger on the pulse of this issue.

Thank you and regards,

Mike Fagan

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**From:** JMurrayTruckin@aol.com [mailto:JMurrayTruckin@aol.com]  
**Sent:** Tuesday, November 11, 2014 7:23 AM  
**To:** Fagan, Mike  
**Subject:** Here's another article

I got this one this morning from the NCPA, hardly a "right wing propaganda" machine. Usually I completely disagree with whatever they write, but in this case I'm glad to use their research for my own purposes.

[The Financial Costs of Illegal Immigration](#)

Does it do any good to put facts in front of the city council or should I start making a lot of noise?

PROOF OF HOW I WAS TRICKED INTO DOING A PETITION,  
NOTICE WHAT 'I' WAS WANTING TO DO AND HOW  
A PETITION WAS BROUGHT



Subj: **Spokane bills + petition for repeal**  
Date: **11/21/2014 10:59:19 A.M.** Pacific Standard Time  
From: [craig@respectwashington.us](mailto:craig@respectwashington.us)  
To: [jmurraytruckin@aol.com](mailto:jmurraytruckin@aol.com)

Dear Jackie,

This is so exciting to now know you. Thanks for the long conversation. I loved your email to Mike Fagan of **a couple weeks back** and have looked forward to this. I was not disappointed!

Attached are the two signed ordinances which we wish to repeal or amend. And the citizens' petition that serves to repeal in total Sanctuary and amend the "anti-bias policing" law. (You may think we should repeal that entire thing!)

Once you have had about 30 min. -one hour with these I will phone again to walk through the petition line by line so you will have all your questions answered.

Thank you!

Craig

206-935-4625

my home address (for all your direct mail if ever you get to visit)

4445 53rd Ave. SW  
Seattle, WA 98166

some of my websites:  
[www.RespectWashington.us](http://www.RespectWashington.us)  
[www.SaveOurChoice.us](http://www.SaveOurChoice.us)  
[www.BananaBan.org](http://www.BananaBan.org)

MIKE FAGAN WAS SHARING MY PRIVATE EMAILS  
WITH CRAIG KELLER WITHOUT MY KNOWLEDGE OR  
CONSENT. PLEASE NOTE THE DATE WHICH IS  
INTERESTING AS "A COUPLE OF WEEKS PRIOR"  
I DIDN'T KNOW I WAS DOING A PETITION. I  
THINK I WAS BEING "VETTED" FOR THE "FACE"  
OF THE PETITION. I HAD NO INTENTION OF BEING  
CRAIG KELLER'S "LOCAL CONTACT" OR "COORDINATOR".  
THIS WAS A PLOY BY MIKE FAGAN IN COLLUSION  
W CRAIG KELLER TO CIRCUMVENT ORD, C 35167



Subj: **[Fwd: Craig-to-Jackie with next draft letter to Piccolo]**  
Date: 5/29/2015 8:34:13 P.M. Pacific Standard Time  
From: [jackie@respectwashington.us](mailto:jackie@respectwashington.us)  
To: [jmurraytruckin@aol.com](mailto:jmurraytruckin@aol.com)

----- Original Message -----

Subject: [Fwd: Craig-to-Jackie with next draft letter to Piccolo]  
From: [jackie@respectwashington.us](mailto:jackie@respectwashington.us)  
Date: Tue, December 9, 2014 4:09 pm  
To: [jackie@respectwashington.us](mailto:jackie@respectwashington.us)

----- Original Message -----

Subject: [Fwd: Craig-to-Jackie with next draft letter to Piccolo]  
From: [jackie@respectwashington.us](mailto:jackie@respectwashington.us)  
Date: Tue, December 9, 2014 2:36 pm  
To: [jackie@respectwashington.us](mailto:jackie@respectwashington.us)

THIS ENTIRE MISSIVE  
IS FROM CRAIG KELLER  
NOT ME.

I OBJECTED TO THE  
"ADVOCACY LANGUAGE"  
AND PRETTY MUCH THE  
WHOLE TONE OF THIS.

Dear City Attorney Piccolo:

Thank you for your December 8 communication.

I appreciate your addressing of my concerns with that very early ballot title draft.

I also thank you for efficiently reformatting the ordinance and technically adding the "Effective Date" and Charter Section 82 sections.

Thank you for seeking clarification about the name of the committee which I - the sole petition sponsor- am partnering with to offer this petition to the public. Yes, please utilize "Respect Washington" as the registered entity.

Despite those several improvement I have three small, detail questions.

1.

Recommended in the signature block is a column entitled "CHECK IF REGISTERED ADDRESS IS DIFFERENT." This data does not seem to be "mandatory" under SMC 2.02.060. I do appreciate how this data can be helpful to the Auditor come her attempted validation of signatures which did not record an address of domicile. Yet I speculate that the County Auditor should have no problem validating such enteries as modern day voter registration databases link mailing address and physical-voter-registration address. I hope this column can be avoided to make room for other desired information and toward promoting improved legibility of the signer's input on this relatively small sheet of paper. I thank you for your review.

2.

I notice now how the prayer of the ballot title has added "special [election]. While the option of sending the question to a special \_or\_ general election appears to be the Council's, upon submission of a "Fifteen Per Centum Petition," it would also appear from Charter Section 82 that a "Less than Fifteen Per Centum Petition", can be referred only to a general election ballot. I duly note that "special or general" precludes neither! So perhaps I waste words here. Yet I just have a



slight concern that addition of "special" may suggest to some petition signers that a special election is permissible \_and an option of Council's\_ if a "Less than Fifteen Per Centum Petition" is ultimately submitted. In any case, your "or" separator and also Section 7 should ultimately dispell any confusion.

3.

Regarding item 5.), revision of what I will term the petition frontside's "header." Would you please offer an opinion about what may be considered "marketing" or "1st Amendment" text \_in addition\_ to what otherwise is a petition form in "substantially" conformity to SMC 2.02.060 requirements? With great respect for the thoughtfulness employed by our City fathers in fashioning the practical elements prescribed in SMC 2.02.060, my understanding of a citizen's right to petition his government for redress of grievances should not preclude this use of advocacy language upon a petition. I have no objection to the use of the generic header recommended, but would be grateful for your opinion on whether \_additional\_ advocacy text is prohibited under our law.

I thank you for your most excellent public service.

Jackie Murray  
Petition sponsor

— I DIDN'T WRITE ANY OF THIS



**REQUIRED WARNING:**

Under Washington law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

## Initiative Petition to the Spokane City Council

### Initiative No. 2015-1

We, the undersigned citizens and legal voters of the City of Spokane, Washington require that this ordinance known as Initiative No. 2015-1 - a full, true and correct copy of which is printed herein - be passed without alteration by the Spokane City Council, or be submitted to electors of the City of Spokane for their approval or rejection at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition:

#### City of Spokane Proposition No. 2015-1

##### An Ordinance Relating to Immigration Status Information

The City Council adopted Ordinance Nos. C-35164 and C-35167, regarding biased-free policing and immigration status information respectively, prohibiting the inquiry of an individual's immigration status by city officers or employees unless required by law or court order. This proposition would remove from the Spokane Municipal Code words added by the ordinances which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. Should this proposition be enacted into law? Yes ☐ No ☐

##### Summary of Measure

THE LAW AS IT CURRENTLY EXISTS: SMC 3.10.040, regarding biased-free policing, and 3.10.050, regarding immigration information status, prohibit city officers or employees from inquiring into an individual's immigration information status or engaging in activities designed to ascertain the immigration status of any person unless required by law or court order. THE EFFECT OF THE PROPOSAL, IF APPROVED: This proposition would amend SMC 3.10.040, repeal SMC 3.10.050, and adopt a new section SMC 3.10.060, thereby eliminating the prohibition of city employee use of immigration status information. Any future regulations limiting the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities would require a majority vote of the City Council and of the people at the next general election.

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of The City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once. (The full text of the proposed ordinance is printed on the reverse side of this page.)

	Petitioner's Signature (as on voter's registration) Spokane City voters only	Print Name	Spokane Street Address & Zip	Date Signed
1.	X		Email: <small>eMail address (optional, to stay informed)</small>	___/___/2015 <small>phone (optional)</small>
2.	X		Email: <small>eMail address (optional, to stay informed)</small>	___/___/2015 <small>phone (optional)</small>

Immediately ask Friends to SIGN & MAIL to:

Jackie Murray - RESPECT WASHINGTON, P.O. Box 7226, Spokane, WA 99207

\*PLEASE DUPLICATE THIS PETITION (ONE SHEET, DOUBLE-SIDED) FOR ADDITIONAL SIGNATURE LINES\*

## ORDINANCE NO. C - 2015-1

AN ORDINANCE RELATING TO IMMIGRATION STATUS INFORMATION; AMENDING SMC SECTION 3.10.040; REPEALING SMC SECTION 3.10.050 AND ADOPTING A NEW SECTION 3.10.060 TO CHAPTER 3.10 OF THE SPOKANE MUNICIPAL CODE

### The City of Spokane does ordain:

**Section 1.** That SMC 3.10.040 (Ord. No. C35164 relating to bias-free policing), is amended to read as follows:

### 3.10.040 Biased-Free Policing

A. The City of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner.

B. Spokane Police Department Officers and all officers commissioned under the Spokane Police Department shall be prohibited from engaging in bias-based profiling.

C. Bias-based profiling is defined as an "act of a member of the Spokane Police Department or a law enforcement officer commissioned by the Spokane Police Department that relies on actual or perceived race, national origin, color, creed, age, (~~citizenship status~~), gender, sexual orientation, gender identity, disability, socio-economic status, or housing status or any characteristic of protected classes under federal, state or local laws as the determinative factor initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity."

D. The Spokane Police Department shall maintain policies consistent with this section.

**Section 2.** That SMC 3.10.050 SMC (Ord. No. C35167 relating to immigration status information), is repealed.

### (( 3.10.050 — Immigrant Status Information

~~A. Unless required by law or court order, no Spokane City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.~~

~~B. Spokane Police Department officers shall have reasonable suspicion to believe a person has been previously deported from the United States, is again present in the~~

~~United States, and is committed or has committed a felony criminal-law violation before inquiring into the immigration status of an individual.~~

~~C. The Spokane Police Department shall not investigate, arrest, or detain an individual based solely on immigration status.~~

~~D. The Spokane Police Department shall maintain policies consistent with this section. ) )~~

**Section 3.** That there is adopted a new section 3.10.060 to chapter 3.10 of the Spokane Municipal Code to read as follows:

3.10.060 Respect for Law: The City of Spokane shall not limit the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities unless such regulation is approved by a majority of the city council and a majority vote of the people at the next general election.

**Section 4.** Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure.

**Section 5.** Severability: Should any provision of this ordinance or its application to any person or circumstances be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**Section 6.** Effective Date. This ordinance, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane Auditor's Office.

**Section 7.** That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the next applicable election under Section 82 of the Spokane City Charter.

**NOTALIZED AREAS ARE  
THE VERBALE I OBJECTED TO.**

## LEGISLATIVE HISTORY

Ordinances C35164 and C35167 were passed by 5-2 Council votes on October 20 and October 27, 2014, respectively.

**Members who voted for Spokane to become a sanctuary for illegal aliens:**

Benjamin Stuckart (term ends 2015)

Candace Mumm (Dist 3 term ends 2017)

Jon Snyder (Dist 2 term ends 2017)

Karen Stratton (Dist 3 term ends 2015)

Amber Waldref (Dist 1 term ends 2017)

**Members who voted to prevent Spokane from becoming a sanctuary for illegal aliens, and to defend the right of taxpayers, police and other city employees to refuse finance and harbor of lawless activity:**

Mike Allen (Dist 2 term ends 2015)

Mike Fagan (Dist 1 term ends 2015)

**Date of Mayor's signature:**

David Condon (term ends 2015)

Ord. C35164 on November 6, 2014

Ord. C35167 on November 12, 2014

**Prime Sponsor:** Benjamin Stuckart

(term ends 2015)

## INSTRUCTIONS:

**STEP 1:** Make 2-sided copies of this blank paper petition for friends. Or download the petition file from [www.RespectWashington.us](http://www.RespectWashington.us) and print 2-sided.

**STEP 2:** Fill signature lines immediately.

Do not procrastinate. Fill this petition this week.

**STEP 3:** Mail petition and contribution (check please, no cash) to:

[www.RespectWashington.us](http://www.RespectWashington.us)

P.O. Box 7226, Spokane, WA 99207

(509) 565-0244

Please help us cover the costs of this petition by enclosing your most generous check when you mail in your signed petition sheet. Thank you.

PAID FOR BY RESPECT WASHINGTON