

13 January, 2016

Mr. Troy Bruner, Chair  
City of Spokane Ethics Commission

Re: Motion to dismiss in the case of Ethics complaint against Councilman Mike Fagan

Mr. Bruner,

I respectfully make a motion that the complaint against me dtd; 12/30/2015 be dismissed as the complainant does not indicate what in the ethics code I was to have violated, and it fails to demonstrate that the city has jurisdiction in this matter;

Section 01.04A.110 (C) of the complaint process of the ethics commission is clear that; *"The complaint must describe the facts that constitute the violation of this Code of Ethics in sufficient detail so that the Commission and the person who is the subject of the complaint or inquiry can reasonably be expected to understand the nature of any offense that is being alleged"*.

In review of the complaint and accompanying documents, the complainant has failed to identify what in the ethics ordinance I violated. In my opinion, the complainant's statement makes many assertions which I liken to casting a wide net to see if we will catch fish.

I would like to now address some of those assertions;

*"Mike Fagan suggested that I do a petition rather than a writ of mandamus"*

Not True; In my review of the emails provided dtd; 11/10/14 & 11/12/14 I was responding to a constituents request for information and data. The complainant was offered an option in contacting a 3<sup>rd</sup> party for assistance, but at no time did I suggest an initiative versus a writ of mandamus as alleged.

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

Not True; If based upon the emails provided with the complaint, I did write that; *"For obvious reasons, I am not able to take the lead on this"*. I did so due to the fact that I did not want a conflict of interest, nor did I want to continue any communication using city resources even though I did not specifically say that in my reply above.

While I do not specifically recall, I may have sent a separate email (on my private email) to those who were organizing things to let them know that I did not want to violate any laws therefore, do not send anything to my official email. This is consistent with the training we receive as electeds.

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*"In the email dated 11/21/2014 you will see proof of my allegation that Mike and Craig conspired to bring me in on THEIR petition".*

Not True; In the email of 11/21 which I was NOT party to, Craig Keller states to the complainant; *"I loved your email to Mike Fagan of a couple of weeks back and have looked forward to this"*. Aside from the reference made to me above, I do not see anything contained therein that would indicate "conspiracy".

*"Of course, all the expense of phones and PO boxes were borne by me."*

Not True; Please see a copy of Respect Washington check dtd; 1 June 2015. The complainant was reimbursed \$177.75 for her campaign expenses.

*"I have been unable to get Craig Keller and Respect Washington to remove my name from his organization"*.

This is not applicable to the matter at hand. On or around 2 December, 2015 The complainant, her husband, an associate of mine and I had a very friendly and cordial lunch during which time, the complainant expressed this sentiment. Knowing that the complainant and Craig Keller were at odds with each other, I contacted Craig Keller myself to ask for clarification and assistance on this. Mr. Keller responded with his letter of 9 January, 2016 indicating that the complainant had resigned.

*"I was informed on Dec. 2, 2015 by Mike Fagan in front of witnesses that he had lied to me"*.

Not True; I don't know how to respond to this. Up to this point in history, I have always thought that I had good standing with the complainant. The complainant contributed to my re-election campaign, she and her daughter assisted in sign waving during the campaign, and due to the lack of extended family being in the Spokane area, I attended her daughter's graduation at the INB when she requested.

Thank you very much for your consideration on my motion to dismiss this complaint.

Mike Fagan, Councilman  
Spokane City Council

Enclosures;

1. Check cashed by the complainant
2. Respect Washington letter dtd; 9 January, 2016

# Respect Washington

To Whom it May Concern:

January 9, 2016

Surely every of two thousand, six hundred and twenty-six signatories to the City of Spokane Initiative 2015-1 celebrate the sufficiency of their petition. One signatory and the original filer of this petition, Mrs. Jackie Murray, did generously offer this pathway toward a truer representation of resident wishes than what a mere five muscled into law on the night of October 27, 2014.

While the City should remain grateful to Mrs. Murray for initiative taken toward winning herself and all citizens a voice on a future ballot, fulfillment of the City of Spokane Charter Section 82(b) now lies solely inside the responsibility of the City Council. Mrs. Murray and Respect Washington – from whose board of directors Mrs. Murray has resigned – are left merely to witness Council's enactment of the petition's legislation "without alternation" or, alternatively, to defer such enactment to the voters at a future election.

*Less Than Fifteen Per Centum Petition: If such petition be signed by registered and qualified electors in number at least equal to five but less than fifteen per centum of the total number of votes cast at the last preceding general municipal election, the council shall either pass such ordinance without alteration or submit it to popular vote at the next available general municipal election. [City of Spokane Charter Section 82 (b)]*

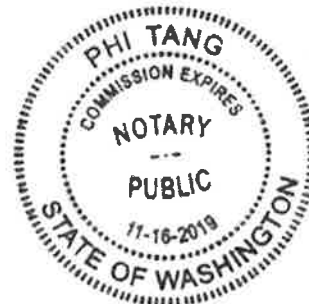
Every Initiative 2015-1 signer and signature collector cherishes an America that pursues "blind" justice. Today each one of us looks forward that day justice is restored into the City of Spokane.

Grateful to the Supreme Ruler of the Universe,

*Craig Keller*

Co-founder / Volunteer

*[Signature]*



Post Office Box 1232, Tacoma, Washington 98401 206-935-3505 [www.RespectWashington.us](http://www.RespectWashington.us)

## U.S. Bank Confidential Communication



Requested by: Phi Tang

This check image contains confidential information. If you print this image, please store it in a secure place to avoid unauthorized usage of this information. Increased security awareness when discarding or destroying this document is recommended.

<b>Item #1</b>	<b>Account No.:</b> 1535 [REDACTED]	<b>Check No.:</b> 0	<b>Sequence No.:</b> 008354707221
<b>Amount:</b> \$177.75		<b>Routing No.:</b> 12500010	<b>Date:</b> 07/07/2015
<b>Front:</b>			
RESPECT WASHINGTON 4445 53RD AVE SW SEATTLE WA 98116-3912			
DATE <u>June 1, 2015</u>			
PAY TO THE ORDER OF <u>Jackie Murray</u> \$ <u>177.75</u>			
<u>One hundred seventy-seven and 75/100</u> DOLLARS			
<b>usbank.</b> All of us serving you®			
MEMO <u>Vander Debt Repayment B. Craig Keller</u>			
⑆ 125000105⑆ 1535 [REDACTED] 64			
<b>Back:</b>			
CO-OP SHARED BRANCH 01 Numerica Credit Union >325182690< 778437 7/7/2015 9:17 AM Host ID: N/A DIN: 566700000018657			
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE			
ENDORSE HERE <u>Jackie Murray</u>			