

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Jackie Murray Against Mike Fagan

FINDINGS

The Ethics Commission makes the following findings:

1. On or about December 30, 2015, Jackie Murray filed an ethics complaint against Mike Fagan.
2. The complaint alleges that Mr. Fagan violated the Code of Ethics in regards to a series of communications between Mr. Fagan, Ms. Murray and representatives from Respect Washington. The communications related to an initiative petition effort regarding an immigration status information ordinance adopted by the Spokane City Council. Ms. Murray's complaint alleges Mr. Fagan and the Respect Washington representative used Ms. Murray's name on the initiative effort, made misrepresentations to her and refused to remove her name from the Respect Washington organization as well as other allegations set forth in the complaint.
3. On January 13, 2016, Mr. Fagan filed a Motion to Dismiss the ethics complaint pursuant to SMC 1.04A.110 (C) on the basis that the complaint failed to describe facts that constitute a violation of the Code of Ethics in sufficient detail so that the Commission and the respondent could reasonably be expected to understand the nature of the offense that is being alleged.
4. On January 27, 2016, the Ethics Commission held a meeting to review the complaint to determine whether, pursuant to SMC 1.04A.110 (D) (1) and (2), the Commission had jurisdiction to conduct further proceedings and whether the complaint, on its face, alleges facts that, if true, would substantiate a violation.
5. At the January 27, 2016 Commission meeting, the Commission considered the December 30, 2015 complaint filed by Ms. Murray, the January 13, 2016 Motion to Dismiss filed by Mr. Fagan and the deliberation of the Commission members.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The complaint fails to describe facts that constitute the violation of this Code of Ethics in sufficient detail so that the Commission and the respondent can reasonably be expected to understand the nature of any offense that is being alleged. Furthermore, the complaint fails to cite to a provision of the Code of Ethics that would constitute a violation in that the alleged abuse of power allegation is not enumerated in Chapter 1.04 of the Spokane Municipal Code.

DECISION

Based upon the Findings and Conclusions set forth above and the deliberation of the Ethics Commission, the Ethics Commission concludes that the complaint by Ms. Murray is dismissed pursuant to SMC 1.04A.110 (C) on the basis that the complaint fails to describe the facts that constitute the violation of this Code of Ethics in sufficient detail so that the Commission and the respondent could reasonably be expected to understand the nature of any offense that is being alleged. The Ethics Commission further concludes that the complaint shall be dismissed pursuant to SMC 1.04A.110 (D) (1) due to lack of jurisdiction caused by the failure to the complainant to cite to a provision of the Code of Ethics that is alleged to have been violated.

This decision was approved by a vote of six to zero of the Ethics Commission members present for and participating in the hearing.

 3-23-16

Troy Bruner - Chairperson Date