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JAN 19 2016

OFFICE OF THE CITY ATTORNEY

CITY OF SPOKANE ETHICS COMMISSION

TERESA JUNEAU-SIMON,

Complainant,

vs.

DAVID CONDON, MAYOR,

Respondent

RESPONDENT MAYOR DAVID
CONDON'S MOTION TO DISMISS
ETHICS COMPLAINT OF TERESA
SERVEAN-SIMON

COMES NOW respondent, DAVID CONDON, MAYOR OF SPOKANE CITY, by
and through his undersigned attorneys, and moves to dismiss the Amended Ethics Complaint
filed before the City of Spokane Ethics Commission on or about December 30, 2015, by
Teresa A. Servean-Simon.

The Complaint should be dismissed on jurisdictional grounds for the following
reasons:

1. The Complainant fails to identify the specific provision of 1.04A.030 that she
believes has been violated "guessing" that subsection (N) of 1.04A.030 applies. That section
prohibits moral turpitude and/or dishonesty. However, nothing in the description of the alleged
conduct describes an act of moral turpitude and/or a dishonest statement by Respondent.
Instead, the Complaint refers nebulously and ambiguously to an alleged dispute or

MOTION TO DISMISS- page 1

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1 misunderstanding about a cancellation of travel reservations, whether or not minutes would be
2 kept of certain meetings, whether City employees were or were not permitted to email
3 complaints to the Mayor's office and, finally, to an alleged loss of an employment position at
4 the City by another individual, not a complainant, at some unspecified time and place.
5

6 The Complaint as presented is in violation of SMC §01.04A.110(c) because it fails to
7 describes facts that constitute a violation of the Code of Ethics in sufficient detail so that the
8 Commission and the person who is subject to the complaint or inquiry can reasonably expect
9 to understand the nature of any offense that is being alleged.
10

11 The Complaint is likewise subject to dismissal under §01.04A.110 in that the alleged
12 violations, if true, would not constitute a violation of SMC §01.04.
13

14 Accordingly, Respondent asks that the matter be dismissed pursuant to §01.04A.110(d).

15 DATED this 1st day of January, 2016.

16 EVANS, CRAVEN & LACKIE, P.S.

17 By

18 James B. King, WSBA #8723
19 Attorney for Respondent
20 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 19 day of January, 2016 the foregoing was delivered to the following persons in the manner indicated:

Teresa Servean-Simon
708 S. Thor Street
Spokane, WA 99202

VIA REGULAR MAIL ☒
VIA CERTIFIED MAIL ☐
VIA FACSIMILE ☐
HAND DELIVERED ☐
VIA EMAIL ☒

1-19-16 / Spokane, WA
(Date/Place)

