

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Teresa Juneau-Simon Against David Condon

FINDINGS

The Ethics Commission makes the following findings:

1. On or about December 30, 2015, Teresa Juneau-Simon filed an ethics complaint against David Condon.
2. The complaint alleges that Mr. Condon engaged in abuse of power relating to directions and instructions given to an employee of the Office of the Mayor in making travel arrangements in violation of established City policy. The complaint asserts that such conduct is in violation of SMC 1.04A.030 (N) regarding the prohibition on city officers and employees committing any act of moral turpitude or dishonesty.
3. On January 19, 2016, Mr. Condon, through his attorney, submitted a Motion for Dismissal of 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. Juneau-Simon, the January 19, 2016 Motion to Dismiss filed by Mr. Condon's attorney, the testimony submitted by the parties at the hearing 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 abuse of power allegation is not enumerated in Chapter 1.04A 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. Juneau-Simon 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 can 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 encompasses the alleged conduct.

This decision was approved by a vote of four to zero of the Ethics Commission members present for and participating in the hearing with Commissioner Wasson abstaining and Commissioner Cronin recusing himself.

 3-23-16

Troy Bruner - Chairperson Date