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JAN 19 2016

OFFICE OF THE CITY ATTORNEY

CITY OF SPOKANE ETHICS COMMISSION

**MARLA DEE MILLER,**

Claimant,

vs.

**DAVID CONDON, MAYOR,**

Respondent

MAYOR DAVID CONDON  
MOTION TO DISMISS ETHICS  
COMPLAINT OF MARLA DEE  
MILLER

COMES NOW, Respondent, and moves to dismiss, based upon lack of jurisdiction, the Amended Complaint of Maura D. Miller dated January 26, 2016.

The basis for dismissal is as follows:

1. The Amended Complaint fails to describe the specific provision of SMC 1.04A.030 that the Complainant alleges has been violated.

2. The Complaint fails to comply with SMC §01.04A.110C. SMC 1.04A.030 does not prohibit, define or establish "collusion" as an actionable transgression under the Code of Ethics.

The Complaint fails to list any evidence or documentation that would support the allegation of Code of Ethics violation and fails to indicate whether the Complainant can personally provide that evidence.

MOTION TO DISMISS: Page 1

*Evans, Cranen & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

1 DATED at Spokane, Washington this 19 day of January, 2016.

2 EVANS, CRAVEN & LACKIE, P.S.

3 By

4 James B. King, WSBA #8723

5 Attorney for Respondent

6 David Condon

1 CERTIFICATE OF SERVICE

2 Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury  
3 under the laws of the State of Washington, that on the 19 day of January, 2016, the  
4 foregoing was delivered to the following persons in the manner indicated:

5 Marla Dee Miller  
6 2014 East First Avenue  
7 Spokane, WA 99202-3144

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

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