

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Marla Dee Miller Against David Condon

FINDINGS

The Ethics Commission makes the following findings:

1. On or about January 6, 2016, Marla Dee Miller filed an amended ethics complaint against David Condon.
2. The complaint alleges that Mr. Condon engaged in collusion with other individuals and withheld and lied about information regarding personnel matters and expenditures as well as other allegations set forth in the complaint.
3. On January 19, 2016, Mr. Condon, through his attorney, submitted a Motion for Dismissal the ethics complaint pursuant to SMC 1.04A.110 (C) on the basis that the complaint failed to list any evidence or documentation that would support the allegation of Code of Ethics violation and failed to indicate whether the complainant could personally provide that evidence.
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 January 6, 2016 complaint filed by Ms. Miller, the January 19, 2016 Motion to Dismiss filed by Mr. Condon's attorney, 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 the 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.

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. Miller 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 of the complainant to cite to a provision of the Code of Ethics.

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

 3-23-16

Troy Bruner - Chairperson Date