

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by George McGrath Against Ben Stuckart

FINDINGS

The Ethics Commission makes the following findings:

1. On or about December February 22, 2016, George McGrath filed an ethics complaint against Ben Stuckart.
2. The complaint alleges that Mr. Stuckart violated the Code of Ethics Sections 1.04A.030 (A), regarding conflicts of interest, and (G) regarding personal interest in legislation. The complaint alleges that Mr. Stuckart violated the Code of Ethics by passing ordinances and resolutions that are detrimental to and curtail the constitutional right of free speech and that he has specially singled out Mr. McGrath by enacting legislation that limits Mr. McGrath's opportunities to speak during the City Council's public forum.
3. On March 7, 2016, Mr. Stuckart filed a Response and Motion to Dismiss the ethics complaint pursuant to SMC 1.04A.110 on the basis that 1) the Ethics Commission has no jurisdiction pursuant to SMC 1.04A.110 (D)(1), 2) the complaint fails to set for sufficient facts pursuant to SMC 1.04A.110 (C) to enable the Commission and the respondent to reasonably be able to understand the nature of the alleged offense, 3) even if the alleged violations were found to be true would not constitute a violation of the Code of Ethics pursuant to SMC 1.04A.110 (D)(1)(b) and 4) the complaint is, on its face, frivolous and filed as an attempt at harassment pursuant to SMC 1.04A.110 (D)(1)(d).
4. On March 23, 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 March 23, 2016 Commission meeting, the Commission considered the February 22, 2016 complaint filed by Ms. McGrath, the March 7, 2016 Response and Motion to Dismiss filed by Mr. Stuckart, testimony presented by Mr. McGrath and the deliberation of the Commission members.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The complaint met the requirements of SMC 1.04A.110 C in regards to the complaint being submitted on the correct form, referencing the Code of Ethics, directed towards a city official or employee subject to the Code of Ethics and describing facts constituting the violation is sufficient detail so that the Commission and the respondent can reasonably understand the nature of the complaint. The complaint, however, fails to allege facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics.

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 Mr. McGrath is dismissed pursuant to SMC 1.04A.110 D. 1. on the basis that the complaint fails due to lack of jurisdiction caused by the failure to the complainant to allege facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics.

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

Levi Liljengquist 5-18-16
Troy Bruner - Chairperson Date
Levi Liljengquist