



SPOKANE CITY COUNCIL  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201-3335  
(509) 625-6255

Ben Stuckart  
Council President

Troy Bruner, Chair  
City of Spokane Ethics Commission

Mr. Bruner:

I am writing to respond to the ethics complaint filed by George McGrath against me on February 22, 2016. I ask that you dismiss this complaint for the following reasons. First, the Ethics Commission has no jurisdiction over this complaint.<sup>1</sup> Second, this complaint lacks sufficient detail to be reasonably understood.<sup>2</sup> Third, even if all of Mr. McGrath's allegations are true, there is no violation of the City's Ethics code.<sup>3</sup> Finally, this complaint is, on its face, frivolous and merely an attempt at harassment.<sup>4</sup>

The complaint references SMC 01.04A.030 A and G. Section A deals with Conflicts of Interest. Section G prohibits Councilmembers from having Personal Interests in Legislation. I have read the complaint, diagramed sentences and read it again and again, yet nothing in the 6 pages alleges a violation of either of these sections. There are no details that tie this complaint back to these Code sections. The Ethics Commission should dismiss immediately because neither you nor I should have to assume that when Mr. McGrath alleges that I suppressed his free speech I now have a conflict of interest. This is unreasonable. This complaint appears to be frivolous on its face and an attempt to harass me. Since none of the items alleged below fit any definition in Sections 01.04A.030 you have no jurisdiction to even consider these items. Nor are any of them an allegation of a violation of our City's code of ethics.

Mr. McGrath also alleges that I violated his free speech rights, that I did not recognize him at a public meeting, and that, as Council President, I pass ordinances and resolutions detrimental to the citizens of Spokane. Mr. McGrath is certainly free to express his opinion, but none of those opinions rise to the level of a complaint which relates to the Ethics Code. Therefore, Mr. McGrath's claims are not within your jurisdiction.

I will make sure I am available during your hearing in person or by phone in case you have questions.

Sincerely  
  
Ben Stuckart

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<sup>1</sup> City of Spokane Ethics Code, Section 01.04A.110 D. 1. a. "It (Ethics Commission) has no jurisdiction

<sup>2</sup> City of Spokane Ethics Code, Section 01.04A.110 C. **"The complaint must describe the facts that constitute the violation of this Code of Ethics in sufficient detail so that the Commission and the person who is the subject of the complaint or inquiry can reasonably be expected to understand the nature of any offense that is being alleged."**

<sup>3</sup> City of Spokane Ethics Code, Section 01.04A.110 D. 1. b. **"The alleged violation, if true, would not constitute a violation of this article."**

<sup>4</sup> City of Spokane Ethics Code, Section 01.04A.110 D. 1. d. **"The complaint or inquiry is, on its face, frivolous, groundless or brought for purposes of harassment."**