

## **CITY OF SPOKANE ETHICS COMMISSION**

### **Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Michael Cannon against Adam McDaniel**

#### **FINDINGS**

The Ethics Commission makes the following findings:

1. On or about April 19, 2016, Michael Cannon filed an ethics complaint against Adam McDaniel.
2. The complaint alleges that Mr. McDaniel violated the Code of Ethics Sections 1.04A.030 (F), regarding prohibition on certain private employment and (G) regarding personal interest in legislation. The complaint alleges that the operation of Mr. McDaniel's personal political consulting business violates SMC 1.04A.030 (F) on the basis that such business activity is incompatible with the proper discharge of his official duties and would impair his independent judgment. The complaint further alleges that Mr. McDaniel violated SMC 1.04A.030 (G) by operating a political consulting business which Mr. Cannon alleges benefits from the passage of legislation by the Spokane City Council which Mr. McDaniel helped obtain approval through his City employment as the Senior Executive Assistant to the Council President. Mr. Cannon alleges that this situation enables Mr. McDaniel's private political consulting business to personally benefit from his policy work performed on behalf of the City and that such a benefit is a personal interest in legislation.
3. On May 4, 2016, Mr. McDaniel filed a Response to Ethics Complaint and Request for Dismiss of the ethics complaint pursuant to SMC 1.04A.110 (D)(1) on the basis that the alleged violation, if true, would not constitute a violation of Chapter 1.04A and the complaint, on its face, is frivolous, groundless and brought for the purpose of harassment. Mr. McDaniel also asserts that the complaint fails to contain facts that indicate how any activities he has engaged in would be incompatible with the proper discharge of his duties in his City employment. Mr. McDaniel further asserts that the complaint fails to contain any facts indicating how he has benefited directly or indirectly from any legislation or contracts passed by the City Council.
4. On May 6, 2016, Mr. Cannon filed a reply to Mr. McDaniel's response.
5. On May 18, 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.

6. At the May, 18, 2016 Commission meeting, the Commission considered the April 19, 2016 complaint filed by Mr. Cannon, the May 4, 2016 Response and Request for Dismissal filed by Mr. McDaniel, the May 6, 2016 Reply by Mr. Cannon, the testimony presented by Mr. Cannon and Mr. McDaniel 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, and being directed towards a city official or employee subject to the Code of Ethics. However, the Commission concludes that the complaint failed to describe facts constituting the violation in sufficient detail so that the Commission and Mr. McDaniel could reasonably understand the nature of the complaint being alleged. The complaint failed to set forth facts that would demonstrate how Mr. McDaniel's operation of his private political consulting business, of which he is the sole proprietor, would be incompatible with the proper discharge of his official duties or would tend to impair his independent judgment or action in the performance of his duties. Furthermore, the complaint failed to set forth facts that would demonstrate how Mr. McDaniel obtained a personal benefit, either directly or indirectly, from the enactment of legislation.

### **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. Cannon is dismissed pursuant to SMC 1.04A.110 C on the basis that the complaint failed to describe facts constituting the violation in sufficient detail so that the Commission and the respondent can reasonably understand the nature of the complaint being alleged.

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

 6-29-16  
Levi Liljenquist - Vice Chairperson Date