

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Jamie Pendleton Against Officers Michael Roberge and Ernest Wuthrich

FINDINGS

The Ethics Commission makes the following findings:

1. On or about June 30, 2016, Jamie Pendleton filed an ethics complaint against Officers Michael Roberge and Ernest Wuthrich of the Spokane Police Department alleging that Officers Roberge and Wuthrich violated SMC 1.04A.030 M, regarding aiding or assisting other officers or employees in violating the Ethics Code, and SMC 1.04A.030 (N), regarding commission of acts of moral turpitude and dishonest, in relations to their actions regarding Mr. Pendleton's business.
2. SMC 1.04A.160, regarding applicability of the Ethics Code, states that "The Code of Ethics shall be applicable to all elected or appointed officers and exempt confidential employees and shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment."
3. On July 12, 2016, the President of the Spokane Police Guild, on behalf of Officers Roberge and Wuthrich, filed a response to the complaint asserting that pursuant to SMC 1.04A.160, the Ethics Commission does not have jurisdiction since the collective bargaining agreement between the Spokane Police Guild and the City does not place Police Guild represented employees under the City's Ethics Code.
4. Mr. Pendleton filed a response to the reply on July 14, 2016.
4. The Commission held a hearing on August 10, 2016 to address the complaint.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The Commission does not have jurisdiction pursuant to SMC 1.04A.160 because Mr. Pendleton filed a complaint against employees of a labor union that has not entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment.

DECISION

Based upon the Findings and Conclusions set forth above, the July 12, 2016 response from the Police Guild and the deliberation of the Ethics Commission at the August 10, 2016 meeting, the Ethics Commission concludes that the complaint by Mr. Pendleton against Officers Michael Roberge and Ernest Wuthrich is dismissed pursuant to SMC 1.04A.160 due to the Commission's lack of jurisdiction.

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


Troy Bruner - Chairperson Date