

CITY OF SPOKANE ETHICS COMMISSION

ETHICS COMPLAINT FORM

Please review the City of Spokane's Code of Ethics – Chapter 1.04A SMC – before completing this complaint form. When you have completed this form, submit it to:

City of Spokane Ethics Commission
Attention: Rebecca Riedinger
Office of the City Attorney
5th Floor Municipal Building
W. 808 Spokane Falls Blvd.
Spokane, WA 99201

RECEIVED

JUL 20 2016

OFFICE OF THE CITY ATTORNEY

or at: rriedinger@spokanecity.org

Pursuant to the City of Spokane's Code of Ethics, I am filing a complaint regarding conduct which I believe constitutes a violation of the City's Code of Ethics.

Name, position, and department of person(s) I believe to have violated the Code of Ethics:

Name: Lisa Jones (Spokane Fire Department)

Position/Title: Spokane Fire Marshall

Nature of Code of Ethics violation:

What specific provision of SMC 1.04A.030 do you believe has been violated?

Sections: I. Disclosure of Confidential Information K. Fair and Equitable Treatment.

and N Commission of Acts of Moral Turpitude or Dishonesty Prohibited

Describe in as much detail as possible the alleged Code of Ethics violation conduct. Attach additional sheets of paper, if necessary. Please include all documentation you believe demonstrates a violation. Your description should include the date, location and frequency of the alleged violation.

Details Attached.

Names and positions of the persons who may have witnessed the event:

Michael Miller Spokane Fire Marshall / Laura Thurston Spokane Fire Department

Captain Judi Carl Spokane Police Department / Officer Chuck Reisenauer Spokane Police Department

Daniel Waters (Spokane Inlander) Brian Schaeffer City of Spokane Parking Services

Micah Prim Spokane Police department, Nathan Mulkey Spokane Fire Marshall

Evidence or documentation

Please list any evidence or documentation that would support your allegation of a Code of Ethics violation. Indicate whether you can personally provide that information.

In the complaint details attached we have listed exhibits that refer to emails by number that we have also provided in this complaint. These emails were provide by public records request obtained by City of Spokane PRR's

Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that to the best of my knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true and correct.


Complainant's Signature

7/14/2016

Date

Date and Place (e.g. City, State)

Spokane, Wa 99201

Name (please print): Jamie Pendleton

Address: 15202 E Sprague Ave #1888 Veradale, Wa 99201

Phone Number(s): 208-918-1045

E-Mail Address: jpendleton@spokanedaquirifactory.com

On January 6th 2014 at 12:40 PM City Employee Lisa Jones and several others employees including Dean Giles City Of Spokane Planning and Development was notified by the SRHD that Spokane Daiquiri Factory was Approved to Open.

(Email Exhibit #1 Attached).

Spokane Downtown Daiquiri Factory opened for business on January 30th 2014.

The same day local "activist" Scott Kusel launched a media smear campaign on the drink names of the venues menu.

On Friday February 7th at 1:52 PM Lisa Jones inquired with other City of Spokane Employees on the Mac Occ Load. A load that Spokane Fire is required to issue via the Assembly License applied for and approved by Spokane Fire.

(Email Exhibit #2 Attached).

Friday February 7th at 2:16 PM Scott Kusel sends a follow up email to Lisa Jones stating:

"Thank you for taking so much time to speak with me on the phone today. **The information you provided was amazing and will benefit me well beyond my situation.** *(which at the time was targeting a minority owned business that just opened in downtown Spokane)*. In the email he attached images and stated: **I will keep an eye on this and will careful if it comes time to report an over capacity situation.**

Friday February 7th at 3:33 PM Lisa Jones responds to Scott Kusel via email: Thanks Scott for your "inquiry"

(Email Exhibit #3 Attached).

This is a clear violation of PRA. Lisa Jones has disclosed specific business occupancy load information to the public without receiving a filed Public records request in effort to conspire with boycotters to target the business for future "capacity situations". Situations, that Lisa in her capacity as the Fire Marshall clearly discussed with Scott Kusel during their "phone conversation/inquiry"

This is also a violation of the Spokane Ethics Code

I. Disclosure of Confidential Information

1. Disclosure of Confidential Information

No City officer or employee shall, except as required or reasonably believed to be required for the performance of his/her duties, disclose confidential information gained by reason of his/her official position or use such information for his/her own personal interest. "Confidential information" is all information, whether transmitted orally or in writing, that the employee has been informed, is aware, or has reason to believe is intended to be used only for city purposes, is not intended for public disclosure, or is otherwise of such a nature that it is not, at the time, a matter of public record or public knowledge.

2. *Confidential information includes, but is not limited to, personal information regarding City officials and employees; private financial and other personal information provided by city taxpayers, license holders, contractors, and customers; intelligence and investigative information, including the identity of persons filing complaints; formulas, designs, drawings, and research data obtained or produced by the city and preliminary, non-final assessments, opinions, and recommendations concerning city policies and actions. Any public official who is uncertain as to whether certain information is confidential should consult the City Attorney. An employee who is uncertain as to whether certain information is confidential should consult their immediate supervisor or department head.*

We know this because 2 minutes after receiving the Occupancy load information for Spokane Downtown Daiquiri Factory by email from co-worker Laura Thurston at **2:03 PM**. Lisa Jones promptly turned the "phone conversation/inquiry" into a Complaint. At 2:05 PM Lisa Jones claims she had "received a complaint" in an email sent to Michal Miller Assistant Spokane Fire Marshall.

(Email Exhibit #4 Attached).

Somehow in 60 seconds a complaint **(that is nowhere in the public records)** came in and was taken by Lisa Jones that there were over 600 people in the business on opening night.

After disclosing confidential compliance information with Scott Kusel via phone and inquiring with City of Spokane Staff, this **"information about keeping Spokane Safe"** somehow turned into an official complaint. A Complaint manufactured by Lisa Jones and then forwarded to co-worker Michael Miller which was used to later by The Spokane Fire Department to target the Downtown business for compliance issues in an official capacity, when no "Official Complaint" was even made but only manufactured by Lisa Jones.

Lisa then uses her own manufactured complaint to schedule a visit to check! On the same day Scott Kusel had a protest scheduled at the location. This is clearly no coincidence. This was later followed by even more fabricated actions by Lisa Jones that we will reveal at a future Ethics Commission hearing scheduled on this matter.

These actions are also violations of the Spokane Ethics Code:

K. Fair and Equitable Treatment.

1. *No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use position to secure special privileges or exceptions for himself/herself or for the benefit, gain or profits of any other persons.*
2. *No City officer or employee shall employ or use the employment of any person under the City officer's or employee's official control or direction for the personal benefit, gain or profit of the City officer or employee or another beyond that which is available to every other person.*
3. *No City officer or employee shall use City-owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business (not personal use),*

and for such purposes and under such conditions as can be reasonably expected to be approved by City policies.

- 4. Except as authorized by law and in the course of his or her official duties, no City officer or employee shall use the power or authority of his or her office or position with the City in a manner intended to induce or coerce any other person to provide such City employee or any other person with any compensation, gift, or other thing of value directly or indirectly.*
- 5. City Officers and employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of City facilities or resources for such purposes except as authorized by the provisions of RCW 42.17.13.*

N. Commission of Acts of Moral Turpitude or Dishonesty Prohibited

No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal conviction

#1

From: Jones, Lisa
Sent: Monday, January 06, 2014 12:40 PM
To: Millard, William (Shannon); Miller, Michael (Fire); Thurston, Laura
Subject: Fwd: Spokane Downtown Daiquiri Factory at 121 N Wall

Begin forwarded message:

From: "Haas, Margarete" <MHaas@srhd.org>
Date: January 6, 2014 12:38:44 PM PST
To: Building Services Certificate of Occupancy <erabscoo@spokanecity.org>, "Froemming, Michael" <mfroemming@spokanecity.org>, "Giles, Dean" <dgiles@spokanecity.org>, "Halsey, John" <JHalsey@SpokaneCity.org>, "Jones, Lisa" <LJones@spokanecity.org>, "Kokot, Dave" <DKokot@spokanecity.org>, "Meyer, Eric" <EMeyer@srhd.org>, "Penkunis, Mike" <MPenkunis@SpokaneCity.org>
Subject: Spokane Downtown Daiquiri Factory at 121 N Wall

The above establishment has been approved to open.

<image001.jpg> <image002.jpg>

Margarete Haas | Environmental Health Specialist II | Environmental Public Health
509.324.1556 | 509.324.3603 fax | mhaas@srhd.org
Spokane Regional Health District | www.srhd.org

<image003.jpg><image004.jpg><image005.jpg>

Always working for a safer and healthier community

CONFIDENTIALITY NOTICE: This e-mail message and any attachments are for the sole use of the intended recipient(s) and may contain proprietary, confidential or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited and may be a violation of law. If you are not the intended recipient or a person responsible for delivering this message to an intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

#2

om: Jones, Lisa
sent: Friday, February 07, 2014 1:52 PM
To: Thurston, Laura
Subject: DAIQUIRI FACTORY
Attachments: image003.jpg

Max occ load? Business owner name and contact number?

Lisa Jones, Fire Marshal
Spokane Fire Department
(509)625-7040 office
(509)625-7006 fax

Partner in Safety



#3

From: Jones, Lisa
Sent: Friday, February 07, 2014 3:33 PM
To: Scott
Subject: RE: Maximum occupancy @ Spokane Downtown Daiquiri Factory
Attachments: image001.jpg

Thanks Scott for your inquiry and nice compliment. We are happy to answer your questions and provide information about keeping Spokane safe! Take care and best wishes!

Lisa Jones, Fire Marshal
Spokane Fire Department
(509)625-7040 office
(509)625-7006 fax

Partner in Safety



From: Scott [mailto:srkusel@gmail.com]
Sent: Friday, February 07, 2014 2:16 PM
To: Jones, Lisa
Subject: Maximum occupancy @ Spokane Downtown Daiquiri Factory

Lisa,
Thank you for taking so much time to speak with me on the phone today. The information you provided was amazing and will benefit me well beyond my current situation. I have attached two images about the club's claim of their attendance and a photo of the club. I will keep an eye on this and will be careful if it comes time to report an over capacity situation.

Thank you again

Scott Kusel

4

From: Jones, Lisa
Sent: Friday, February 07, 2014 2:05 PM
To: Miller, Michael (Fire)
Subject: FW: DAIQUIRI FACTORY

I just received a complaint about this business being potentially overcrowded. I will be checking it (or you can) this weekend probably tomorrow night. Claims were that over 600 people were there opening night... not sure whether that was accurate, an exaggeration or throughout the course of the evening. I am not familiar with the business owner.

Lisa Jones, Fire Marshal
Spokane Fire Department
(509)625-7040 office
(509)625-7006 fax

Partner in Safety



From: Thurston, Laura
Sent: Friday, February 07, 2014 2:03 PM
To: Jones, Lisa
Subject: RE: DAIQUIRI FACTORY

Max occ load? 224
Max occ w/tables & Chairs is 129

<input type="checkbox"/> <u>Name of Room/Text:</u>	<u>Seated/Number</u>	<u>Standing/Number</u>
<input type="checkbox"/> MAIN AREA W/ TABLES AND CHAIRS	104	0
<input type="checkbox"/> MAIN AREA OPEN	15	173
<input type="checkbox"/> WAITING AREA	7	18
<input type="checkbox"/> PATIO	20	40

Business owner name and contact number?
JAMIE PENDLETON -509 315-5060
509 589-1045

Laura Thurston
Spokane Fire Department
44 W. Riverside Ave
Spokane, WA 99201