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Office of the City Attorney

## CITY OF SPOKANE ETHICS COMMISSION

ALEXANDER J. SHOGAN, JR.

Complainant

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THE CITY OF SPOKANE;

THERESA SAUNDERS, SPOKANE

CITY ADMINISTRATOR

Respondents

)  
 ) CLARIFIED II COMPLAINT  
 ) LIST OF EXHIBITS  
 ) BY COMPLAINANT SHOGAN  
 )  
 )  
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ALEXANDER J. SHOGAN, JR, Complainant in This Matter, HEREBY Submits the  
 Following LIST Of EXHIBITS:

**C-1: Pages 12 &13 of MAYOR DAVID CONDON INTERVIEW By KRIS CAPPEL**

**C-2: MARCH 1,2017 AFFIDAVIT Of KAREN J. STRATTON**


**C-3: Pages 1,2,3 & 104 of INVESTIGATIVE REPORT RE: THE RESIGNATION  
 Of FRANK STRAUB By The SEABOLD GROUP, Dated July 25, 2016**

**C-4: RE-DONE Pages 3 and 104 of of INVESTIGATIVE REPORT RE: THE  
 RESIGNATION-Of FRANK STRAUB, Dated July 26, 2016**

**C-5: November 24, 2015 Article in the SPOKESMAN-REVIEW Entitled "Mayor David  
 Condon knew of alleged sexual harassment by police chief in April, records show"**

**C-6: November 26, 2015 Article in the SPOKESMAN-REVIEW Entitled "Stuckart:  
 Mayor Condon lied about sexual harrassment Claim"**

DATED at Spokane, Washington, this 3<sup>rd</sup> day of April, 2018.

  
 ALEXANDER J. SHOGAN, JR.  
 Complainant Herein

Complainant's  
**EXHIBIT 1**

1 with the separation?

2 **MAYOR CONDON:** Yes.

3 **MS. CAPPEL:** Did anybody ask you any questions  
4 that you can recall at that executive session?

5 **MAYOR CONDON:** I cannot remember specific  
6 questions in particular. You know, the -- like I said, if I  
7 reference, you know, "Well, why are you doing this," the --  
8 you know, that I'd had the meeting recently with the  
9 Lieutenants and Captains and -- and they had lost the  
10 confidence in his leadership, and that was the basis for it.

11 **MS. CAPPEL:** Do you have any recollection of any  
12 questions outside of the loss of confidence in his  
13 leadership in terms of why you were making this move?

14 **MAYOR CONDON:** None specifically. I mean, it was  
15 very -- I mean, it was either the -- not specifically. If  
16 someone had been asked many questions on the subject and to  
17 delineate that meeting in particulars --

18 **MS. CAPPEL:** I gotcha. Do you recall anyone  
19 asking whether Monique Cotton had anything to do with your  
20 decision to ask for Straub's resignation?

21 **MAYOR CONDON:** Specially I -- I don't remember  
22 that question. I've, you know, obviously been asked, you  
23 know, during that, and it did not, so --

24 **MS. CAPPEL:** Meaning you don't specifically recall  
25 the question being asked, but Monique Cotton had nothing to

1 do with your decision to ask for Frank's resignation?

2 **MAYOR CONDON:** It had -- at this point it was  
3 their senior leadership that had said they just couldn't  
4 work anymore for -- in his management style.

5 **MS. CAPPEL:** Okay. So Monique Cotton had nothing  
6 to do with your decision to ask --

7 **MAYOR CONDON:** The final --

8 **MS. CAPPEL:** -- him to resign?

9 **MAYOR CONDON:** -- decision, no.

10 **MS. CAPPEL:** Okay. Do you -- I'm told -- I've  
11 interviewed several council members --

12 **MAYOR CONDON:** Sure.

13 **MS. CAPPEL:** -- and I'm told that Council Member  
14 Stratton posed the direct question --

15 **MAYOR CONDON:** Okay.

16 **MS. CAPPEL:** -- of whether Monique Cotton had  
17 anything to do with your decision to ask for the  
18 resignation. Does that help you recall at all what --

19 **MAYOR CONDON:** Like I said, I could have -- I  
20 could surmise she would ask that question and I would say  
21 that it did not.

22 **MS. CAPPEL:** Okay. I'm going to switch topics and  
23 I'm going to start with the one -- I think it's 3(d) or  
24 something like -- it's the Carly Cortwright transfer. It's  
25 actually 3(a). I'm sorry. I only have one copy of these

*Complainant's*  
**EXHIBIT 2**

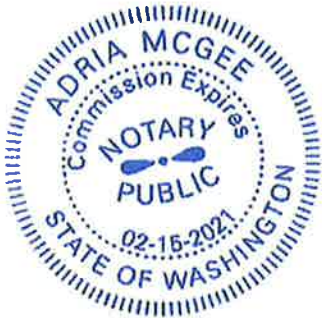


1 regarding the circumstances of Ms. Cotton's transfer, I consider their response to my question  
2 to be untruthful and dishonest.

3 4. On March 16, 2016 I was interviewed by Kris Cappel of the Seabold Group  
4 regarding this and other city matters. A true and correct copy of pages 26-28 of this interview  
5 is attached as Exhibit "A" to this affidavit. I affirm that the contents of those pages accurately  
6 reflect my recollections of the discussions at executive session on September 21, 2015.

7  
8 Karen J. Stratton  
9 KAREN J. STRATTON

10 SUBSCRIBED AND SWORN TO before me this 1 day of March, 2017.



Adria McGee  
NOTARY PUBLIC in and for the State of  
Washington, residing at Spokane, Washington.  
My Commission expires: 2/15/2021

1 MS. CAPPEL: Okay. And she did come back?

2 MS. STRATTON: She did.

3 MS. CAPPEL: All right. Let's talk about how did  
4 you learn and when did you learn that there were serious  
5 concerns that had been raised by Chief Straub's senior staff  
6 that the Mayor intended to address?

7 MS. STRATTON: It was during an executive session  
8 -- or executive -- yeah, executive session of the City  
9 Council. Executive session is held after our briefing on  
10 Mondays at 3:30. We have a briefing and then if we need to  
11 go into executive session, we do. And usually those are  
12 reserved for legal issues, anything that we need time  
13 together as a Council, if the attorney's in there or whoever  
14 to talk about issues.

15 MS. CAPPEL: That includes personnel issues?

16 MS. STRATTON: Correct. And it was at that time  
17 that the Mayor and Theresa Sanders were there. They had a  
18 letter. They were holding a letter. They explained to us  
19 that they had gotten letters from the Mayor's -- the police  
20 captains and lieutenants and his executive staff and that it  
21 -- it reflected his management style that was abusive and  
22 they had complaints about it.

23 MS. CAPPEL: Did he show you the letters?

24 MS. STRATTON: Yeah, he was -- they were standing  
25 in front of the room so they had the letters and we were



1 able to see them later, but it was made very clear that they  
2 brought up some very serious concerns about how the Chief  
3 was managing the department and obvious that there were big,  
4 big concerns about it. And that they were going to meet  
5 with the Chief. They had talked to him by phone and they  
6 were going to meet with him the next morning.

7 **MS. CAPPEL:** Did they -- did the Mayor or Theresa  
8 say what they planned to do?

9 **MS. STRATTON:** No. And it -- my perception was I  
10 left there thinking they would talk to him in the morning  
11 and either map out a plan to correct the behavior or to  
12 verify the information and to have a plan moving forward or  
13 -- you know, and there was a possibility that, you know, he  
14 would be -- he's an at-will employee, so he could be, you  
15 know, fired. But I -- I left that thinking that there were  
16 discussions still left to have with the Chief.

17 **MS. CAPPEL:** And was there any further discussion  
18 or questions asked of the Mayor and Theresa before the  
19 meeting broke?

20 **MS. STRATTON:** Yes. Because we had heard so much  
21 within City Hall about Monique Cotton and there were rumors  
22 and people talking about it constantly, I did ask the  
23 question if it had anything to do with Monique Cotton and  
24 was told no.

25 **MS. CAPPEL:** And what was -- you were asking

1 whether -- when you say "it" had anything to do with Monique  
2 Cotton, what are you referring to?

3 **MS. STRATTON:** When they were talking about, you  
4 know, they had concerns from the upper staff and the  
5 captains and lieutenants, my mind didn't go to abusive  
6 language, my mind went to Monique Cotton. So that was the  
7 "Does this have something to do with Monique Cotton?"

8 **MS. CAPPEL:** And that was because of rumors that  
9 you had heard?

10 **MS. STRATTON:** Right.

11 **MS. CAPPEL:** Were you -- before the Mayor and  
12 Theresa shared the existence of the letters and described  
13 them as abusive management style, had any of -- had that  
14 come to your attention as a Council member that his staff  
15 thought he had an abusive style?

16 **MS. STRATTON:** Not necessarily, I mean, his  
17 administrative staff they always seemed, you know, when we  
18 would have meetings, especially public safety meetings once  
19 a month, so we would see them and they seemed to be -- they  
20 seemed to work together fine. And then once in a while you  
21 would hear that he -- he had a hot temper or, you know, he  
22 would, you know, get upset about something and yell at  
23 somebody, but to the extent that was in the letter and that  
24 has since come out, no.

25 **MS. CAPPEL:** Okay. Had any members of the police

*Complainant's*  
**EXHIBIT 3**

Exhibit 3

**INVESTIGATIVE REPORT  
RE: THE RESIGNATION OF  
FRANK STRAUB**



# Exhibit 3

**TO:** Investigative Oversight Committee

**FROM:** Seabold Group

**DATE:** July 25, 2016

**RE:** Investigation of the Resignation of Chief Frank Straub

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## I. INTRODUCTION

On September 22, 2015, Spokane Mayor David Condon announced in a press conference that Police Chief Frank Straub was resigning.<sup>1</sup> In the months before Chief Straub's resignation, it was well known throughout City Hall and the Spokane Police Department (SPD) that media outlets were pursuing various rumors about the relationship between Chief Straub and one of his subordinates, Monique Cotton. In addition to informal media inquiries, Nick Deshais, a reporter with the Spokesman-Review, had filed a public records request on August 18, 2015, seeking information about complaints asserted by Ms. Cotton against Chief Straub. There also had been at least two articles in August raising questions about Ms. Cotton's abrupt transfer out of the SPD into the Parks Division in May 2015.

After reading a short statement during the September 22<sup>nd</sup> press conference, Mayor Condon fielded questions from reporters. One of the most pointed questions came from an *Inlander* reporter who asked:

*"Were there any sexual harassment complaints lodged against Frank?"*

*Mayor Condon replied, "No."*

*In response to a follow up question from a KHQ reporter, Mayor Condon added, "[T]here had been no official filings of anything."*

In addition to the Mayor's denial during the September 22<sup>nd</sup> press conference, Theresa Sanders, the City Administrator, publicly denied knowledge of any difficulties between Straub and Cotton and instead portrayed Ms. Cotton's move to Parks as a promotion.

Many weeks later, and after the Mayor's re-election, the City released documents in response to Deshais' August 18th public records request, revealing for the first time that Ms. Cotton had made sexual harassment allegations against Chief Straub in April 2015, and that her transfer to Parks was not a promotion, but rather she was moved because of

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<sup>1</sup> Several minutes before that announcement, the City had issued a press release giving conflicting accounts for Chief Straub's sudden departure. It was reported that Chief Straub had "decided to leave the Spokane Police Department to pursue new opportunities and be closer to family." It was also reported that Mayor Condon had received letters from police leadership expressing "concerns about his management style." See Exhibit 1.

Straub's abusive behavior. Those documents also revealed that concerns about Straub's management style were known to the Administration many months before it was originally reported. The City also finally produced text messages between Ms. Cotton and Chief Straub that had been exchanged in August 2013, in which Chief Straub wrote to Ms. Cotton: "Love you You are an awesome partner and best friend. You always will be."<sup>2</sup> Straub's text message fueled already existing rumors that Ms. Cotton and Chief Straub were involved in a romantic relationship.

The timing of these disclosures set off a public firestorm, eventually leading to an agreement between Mayor Condon and Council President Ben Stuckart to commission an independent investigation into the Administration's handling of the Straub/Cotton personnel matters, as well as a number of other issues.

Seabold Group was retained to lead the investigation. We conducted 50 interviews and reviewed many thousands of pages of documents. This report is lengthy and detailed. The story that emerges is that in his three years as police chief, Frank Straub introduced many new and innovative programs and initiatives to the SPD, and he and his teams were making progress toward reforming and modernizing the department. But those successes came at a significant price for many of the most senior members of the department.

Throughout his tenure, Chief Straub managed by fear and intimidation. This report is filled with the personal experiences of his senior command staff who were often subjected to cruel and demeaning verbal abuse, unpredictable emotional outbursts, and retaliatory personnel moves. In September of last year, senior members of the department joined forces to put the Condon Administration on notice that they had had enough of Chief Straub's inappropriate and abusive treatment. To protect themselves, they provided Mayor Condon with two letters, both dated September 18, 2015. One letter was signed by the leadership of the Lieutenants & Captains Association, and one was signed by Chief Straub's entire executive team. Those letters were a blistering condemnation of Chief Straub's leadership.

It was those letters that prompted Mayor Condon to ask for Chief Straub's resignation. Monique Cotton's sexual harassment allegations played no part in the Mayor's decision. Further, this investigation revealed no evidence in support of her claims and no evidence that Chief Straub sexually harassed any other female employed with the City.

This investigation confirmed what has been reported many times over. Mayor Condon and certain members of his executive staff deliberately concealed Ms. Cotton's sexual harassment allegations against the Chief, and affirmatively misrepresented the circumstances of her transfer to Parks. This was done with the knowledge and apparent counsel of the Mayor's City Attorney. The effort to conceal Ms. Cotton's sexual harassment allegations extended to the delayed production of records that ultimately triggered this investigation.

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<sup>2</sup> Exhibit 3. These text messages were recovered from Captain Dan Torok's work cell phone in September 2015, and are referred to as the Torok "Love you" texts or "Torok texts" throughout the report.

Based on all of the evidence we considered, we conclude that Mayor Condon, Ms. Sanders, Mr. Coddington, and Ms. Isserlis intentionally withheld information from the City Clerk about the existence of the documents at issue with the intent and purpose of delaying the production of those records until after the Mayor's election. We also conclude that Pat Dalton, the senior assistant city attorney, deliberately delayed the release of the Torok text messages until after Mayor Condon's re-election.

## **II. THE INVESTIGATION SCOPE**

The scope of this investigation was determined by the Investigation Oversight Committee ("Committee"). The Committee's original members included: Brian McClatchey, City Council Policy Advisor; Laura McAloon, a private attorney who was recently appointed by Mayor Condon as the new City Attorney; Councilmember Karen Stratton; and Rick Romero, the former Director of City Utility. Councilmember Stratton withdrew from the Committee after being informed that she was a witness in the investigation. She was replaced by Councilmember Breean Beggs.

The issues that were included in the scope of the investigation are described in the attached "Memorandum of Proposed Scope." (Exhibit 2). We attempted to provide every witness who agreed to be interviewed with a copy of the scope document before his or her interview.

After the investigation began, two modifications to the scope were agreed to by the Committee. The first modification was to add a complaint filed with the City by Carly Cortright, alleging hostile work environment, gender discrimination, and retaliation. The written complaint was dated December 21, 2015, and received by the HR Director on or about December 29, 2015. (Exhibit 7).

The second modification was to narrow the scope of "Issue 5," which originally provided:

What are the City's policies and procedures for responding to public record requests and were they followed in responding to media requests for documents related to Chief Straub and Ms. Cotton?

As we got into the investigation, we learned that there were at least 34 (possibly more) public records requests, resulting in the production of many thousands of pages of records, that were potentially encompassed within the original scope. Such an undertaking would have consumed the investigation budget and likely much, much more. Accordingly, at the investigator's recommendation, the Committee agreed to limit the inquiry to the documents that were produced on November 13, 2015, and November 24, 2015, in response to a records request filed by the Spokesman-Review on August 18, 2015.

For purposes of our report, we have slightly reformatted and re-ordered the issues as they are described in the scope memo. They include the following:

Mayor Condon admitted he and his staff, to include Ms. Sanders and Mr. Coddington, knowingly and intentionally withheld information from the public (and the City Council) regarding Ms. Cotton's sexual harassment allegations.

Ms. Sanders stipulated to violating the City Code of Ethics prohibiting dishonesty, and Mr. Coddington admitted in his investigative interview that he knowingly concealed information from the media relating to Cotton's sexual harassment allegations.

The Condon Administration also on several occasions knowingly misrepresented the facts and circumstances of Ms. Cotton's transfer to Parks. And while Ms. Isserlis and Ms. Jacobson never commented publicly about the circumstance of Ms. Cotton's transfer to Parks, they too was aware that the Condon administration had misrepresented and concealed the true reasons for Ms. Cotton's transfer.

***11. The Mayor's December 11, 2015 Letter to the City Council was Misleading Regarding the Reasons for the Delay in Responding to the August 18, 2015 Public Records Request.***

Mayor Condon submitted a response to questions from the City Council in a letter dated December 11, 2015. That letter and other public statements attributed to the Mayor suggested that the delay in producing records in response to Deshais' August 18<sup>th</sup> request was because of the City Clerk's workload and lack of resources. That is not factually accurate. The City Clerk's Office was not the cause of the delay. It was the City Attorney's Office that controlled the timing of the release of Straub/Cotton records, a fact that was omitted in the Mayor's letter, along with other relevant information known to the CAO. We address that section of the Mayor's letter below.

Regarding the August 18, 2015 public records request, the City Council posed the following questions:

- Why did it take three months for the release of documents responsive to a media public records request regarding Ms. Cotton?
- When were the documents released by the City on Nov 24 actually discovered?
- If these documents were discovered prior to November 24, why were these documents not released when they were discovered?
- Please explain when responsive documents were provided to the City Clerk for review and release?

Mr. Dalton drafted the section of the Mayor's letter addressing the Council's questions, which appears at pages 5-8 of Attachment A.<sup>89</sup>

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<sup>89</sup> The entire letter with both attachments is attached as Exhibit 58.



*Complainant's*  
**EXHIBIT 4**

# Exhibit 4

Based on all of the evidence we considered, we conclude that Ms. Sanders and Ms. Isserlis intentionally withheld information from the City Clerk about the existence of the documents at issue with the intent and purpose of delaying the production of those records until after the Mayor's election. We also conclude that Pat Dalton, the senior assistant city attorney, deliberately delayed the release of the Torok text messages without justification until after Mayor Condon's re-election.

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For purposes of our report, we have slightly reformatted and re-ordered the issues as they are described in the scope memo. They include the following:

*Complainant's*  
**EXHIBIT 5**

## Exhibit 5

Mayor David Condon knew of alleged sexual harassment by police chief in April, records show

Nicholas Deshais

Nov. 24--Spokane Mayor David Condon knew in April that a female city employee accused former police Chief Frank Straub of sexual harassment because he had "grabbed her ass, tried to kiss her."

The accusations from Monique Cotton, the former police spokeswoman, were told to Condon and City Administrator Theresa Sanders to "give context" to an outburst by Straub on March 31. At that meeting, Straub accused his senior staff in a profanity-laced tirade of withholding information from him and making him look bad, according to notes from multiple people at the meeting. The notes were released by the city late Tuesday in response to public records requests filed in August.

Though that meeting was called to discuss one hour of overtime accrued by Lt. Mark Griffiths, it quickly evolved into Straub "screaming" at Cotton, Griffiths and Capt. Eric Olsen, according to a memo of the meeting written by Griffiths.

Other memos and notes released by the city show that meeting was a flashpoint for Cotton, who almost immediately demanded to be transferred from the police department, citing previous abusive behavior from Straub.

"My transfer into a new position has to be viewed as advancement," Cotton wrote to Sanders in a text message on April 13. "I never wanted to be in this situation of having to come forward to you or the mayor in strict confidence. I am not the one who did anything wrong. ... I just wanted assistance to be placed in an environment free from that kind of conduct, while not impacting my career and drawing negative attention."

Though Cotton declined to speak by phone, she released a statement Tuesday saying she "feared for my safety and the security of my employment."

"I have made significant efforts to discreetly and professionally navigate this extremely difficult work situation," she wrote. "I sought legal counsel because I feared for my safety and the security of my employment. In addition to the harassment I reported to city leaders, my concerns mirror those outlined by the current Executive Staff and the Lieutenants and Captains Association. My goal has never been to profit from this terrible situation and to date I have not filed a claim for damages. Rather, I am trying to survive these awful circumstances, maintain my employment and continue to productively contribute to the City of Spokane."

Brian Coddington, the mayor's spokesman, said the mayor would not comment directly on the matter.

"The records speak for themselves," Coddington said.

The documents show Cotton's fears and accusations went to the highest levels of city government, with Sanders writing "the mayor put the matter in my hands to investigate."

In her notes from a phone call with Cotton on April 14, Sanders wrote that Cotton said she "cannot be party to a complaint regarding sexual harassment."

"This person has hurt me enough (Frank). I don't want to be hurt anymore," Cotton told Sanders.

Cotton also told Sanders, more than once, that Straub "grabbed her ass, tried to kiss her," according to the documents. Sanders wrote in her notes, "Stated she has texts. Told her I would look into the matter and that she would have a job."

Cotton told Sanders she only conveyed the "'confidential information' regarding sexual harassment ... to provide 'context' for Frank's recent outburst."

The notes also suggest how Cotton became spokeswoman for the parks department.

"Offered parks," the notes read. "Same pay, same level of reporting. Will do really positive messaging. ... She will work with Brian (Coddington) on positive communication."

Two months later, an agreement between Cotton and the city administration became troubled.

On June 8, her attorney, Bob Dunn, wrote a strongly worded letter to Condon and Sanders demanding payment of \$13,276.89 for "fees and expenses."

Over the next couple of days, Dunn and city Attorney Nancy Isserlis volleyed emails at each other over the payment. Dunn suggested using a "reimbursement agreement" to keep the documents from becoming public record.

"We have examples that the City has routinely generated for law firms, lawyers, mediators, etc. covered by attorney client privilege approved by City Legal," Dunn wrote.

Isserlis responded that Dunn "might want to read the city ethics code."

"Thanks, but I suspect I read it long before you became City employed," Dunn replied.

Isserlis said she was referring to updated ethics rules approved earlier this year by the City Council. Dunn, confusingly, wrote, "Perfect, then it should be easy for us to get where we need to be."

No response came from Isserlis, and Dunn again replied.

"Nancy -- so where are we on our issue please? Obviously we want this addressed before it turns into a Police Ombudsman headline, right?" he wrote.

On June 17, Dunn wrote another strongly worded letter, this one with a threat to make the situation public.

"A promise was made for services rendered, my client relied on those promises, and then performed as requested," Dunn wrote. "The City should know by now that I have absolutely no problem filing tort claims against it. However in this situation, that was not the course my client wanted to pursue, nor was it the agreement."

To drive the point home, however, Dunn gave an example of the letter he would write if the city didn't cooperate. In that "hypothetical claim" section, Dunn said "Mayor Condon knew or should have known about the candidate's (Straub's) personal relationship improprieties with female subordinates, yet nonetheless intentionally ignored such information ..."

The hypothetical claim suggests that Condon and other city leaders willfully ignored Straub's harassment, saying they "did absolutely nothing to supervise or monitor that hire's subsequent predatory and sexually inappropriate misconduct and outrageous interactions, including physical and emotional assaults with and against subordinate female City employees."

Dunn suggests he would pursue a claim against the city for "an amount not less than \$500,000" if it did not reimburse him for the agreement.

In her response to Dunn, city Attorney Nancy Isserlis said Cotton or Dunn must file a claim to be reimbursed, otherwise she would be violating the city's ethics code and state law.

"The City immediately accommodated her request for reassignment, and it appears that she is doing well in her new role," Isserlis wrote about Cotton. She included a blank claim form for Dunn.

There are no other documents showing communication between Dunn and city officials in the records release.

Neither Straub nor his lawyer, Mary Schultz, could be reached Tuesday for comment. Dunn did not return a call seeking comment.

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Item: 2W63221233457

*Complainant's*  
**EXHIBIT 6**

2/1/2017

Exhibit 5

Stuckart: Mayor Condon lied about sexual harassment claim | The Spokesman-Review

# THE SPOKESMAN-REVIEW

News

Sports

A&E

Opinion

Menu

Wash.

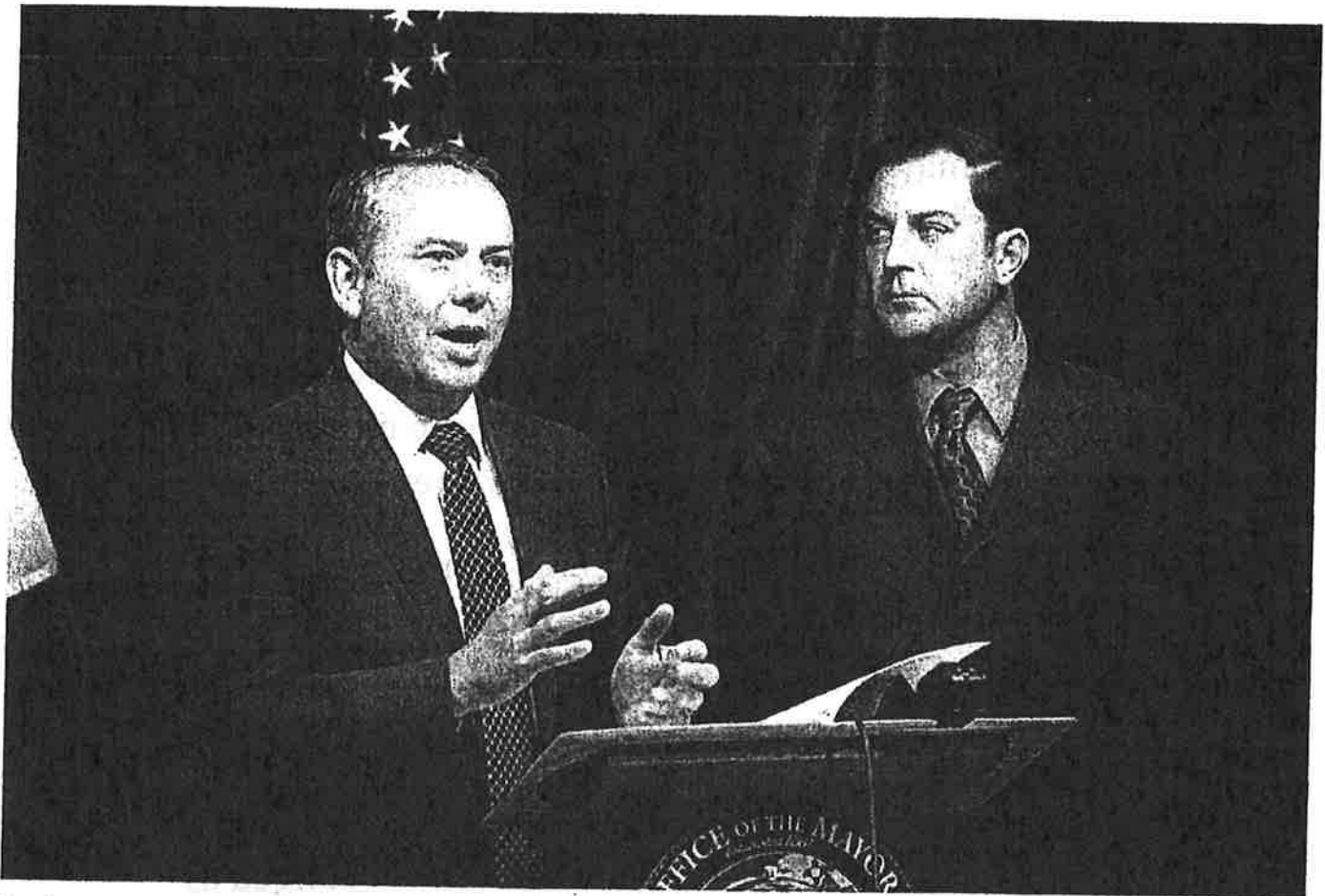
Idaho

Business

Health

## Stuckart: Mayor Condon lied about sexual harassment claim

WEDNESDAY, NOV. 25, 2015, 9:24 P.M.



Spokane Mayor David Condon, left, with City Council President Ben Stuckart, announce the resignation of Spokane Police Chief Frank Straub during a press conference, Tuesday, Sept. 22, 2015, at Spokane City Hall. (Colin Mulvany / The Spokesman-Review)

**X** by **Nicholas Deshais** ☐  
[nickd@spokesman.com](mailto:nickd@spokesman.com)



(509) 459-5440

Spokane City Council President Ben Stuckart said he is "severely disappointed" in Mayor David Condon for the handling of allegations of sexual harassment against former police Chief Frank Straub, saying he can't trust Condon or members of his Cabinet after being "lied to."

Stuckart is "working on a draft of a letter with a very long list of questions" for Condon. Some of those questions raise concerns about the timing of records released this week that show that Condon knew in April the police chief had been accused of harassment.

If the mayor doesn't sufficiently answer the questions, Stuckart said he's considering an independent investigation by the City Council into the actions of the mayor and city administration.

"When did they know they had these documents and why are they being released now and not when the records request went out?" Stuckart said of requests made by The Spokesman-Review on Aug. 21, which were filled Tuesday. "They took over three months to produce these documents, which they obviously knew they had."

The accusations of sexual harassment came from former police spokesman Monique Cotton, who told Condon and City Administrator Theresa Sanders in April that Straub had "grabbed her ass, tried to kiss her." Cotton was hurriedly transferred to the parks department following the accusations.

Since then, the city's reasoning for the transfer has changed as information has slowly come out of City Hall. First, her transfer was described as an advancement that required an "enticement" of a \$10,000 pay raise to persuade Cotton to move. Now, Condon describes the secrecy that surrounded the transfer as a way to protect Cotton and honor her request for privacy.

"Ms. Cotton raised concerns in April and made it very clear at that time that she did not want to pursue a formal complaint or investigation," Condon said in a statement. "Had we aired this publicly sooner that would have meant going back on my word to Ms. Cotton and bringing more hurt and stress to an already difficult situation."

Brian Coddington, the mayor's spokesman, said Sanders investigated Cotton's allegations but produced "no written report or findings."

"There was no discipline from it," Coddington said of the investigation.

According to the city's policies, when a supervisor is notified of alleged sexual harassment, they must follow a prescribed set of steps. First, they must document and report the incident to the department head, investigate the complaint, take "appropriate corrective action," forward the results of the investigation to the Human Resources department and provide official findings to the victim.

Mary Schultz, Straub's attorney, said Straub "absolutely" denies sexually harassing Cotton.

"Mayor Condon assures us that he will continue to protect the feelings of an accuser who won't allow their claims to be investigated, and throw our city police chief under the bus instead," Schultz said in an email. "And he will continue to extend this same opportunity to any police department employee who approaches him with similar accusations. So everyone just line up. Now that's the kind of leadership Spokane needs."

Condon forced Straub to resign in late September, saying the Lieutenants and Captains Association had raised questions about his leadership. Straub filed a \$4 million claim for violation of due process.





The mayor's reasoning – trying to avoid hurting Cotton – did not calm Stuckart, who said he was “lied to” by Sanders in the moments before the Sept. 22 news conference announcing Straub's forced resignation.

“I asked her point-blank, is there anything that's going to come out in a public records request that's going to bite us? She said no,” Stuckart said. At that news conference, Condon told reporters there were no complaints of sexual harassment lodged against Straub.

“Why did the mayor lie in the press conference? Why did Theresa lie to me?” Stuckart said. Earlier this month, the city's Ethics Commission ruled that Sanders violated the city's ethics code by lying about the reason for Cotton's transfer.

Stuckart has called for Straub's immediate resignation. After being removed from his post leading the police department, Straub was moved to the city attorney's office, where he is “producing work,” according to Coddington, the mayor's spokesman. Straub remains on the city's payroll as the highest-paid employee, at nearly \$180,000 a year.

“He's providing resources and continuity to some of the criminal justice work,” Coddington said. “He's reporting to Gloria Ochoa. He produced a report within the last 10 days.”

Coddington did not provide the report when it was requested.

Stuckart, the only official elected citywide in Spokane other than the mayor, also suggested there were “political calculations” to not only the timing of the release of documents but also why Condon kept Straub in office after hearing of the sexual harassment allegations in April.

“April was before the filing deadline,” Stuckart said, referring to a deadline Condon's potential opponents faced if they chose to run against him. Stuckart considered challenging Condon, but decided

against it. Democratic state Rep. Marcus Riccelli also considered a run. Instead, political newcomer Shar Lichty ran against Condon with little institutional support and poor results.

"The public deserved to know this in April, not now," Stuckart said. "These documents were released after the election for a reason."

Bob Dunn, Cotton's attorney, acknowledged that Cotton wanted the situation kept out of public view.

"Monique has not wanted to be above the radar. The marching orders that I've had from April was to keep this off the front page and to make sure that we got this resolved without her being in the limelight," Dunn said. "I respected that. It's not necessarily the way I thought it should go down."

Dunn said he counseled Cotton against such an approach, to no avail.

"There are leaks over at City Hall like a dike. You can put a finger in an information hole, but it's going to pop out someplace," he said. "She felt that if she went to the right people and dealt with it quietly and low-key, it would just go away."

Dunn said the city has yet to "reimburse" Cotton for legal and counseling fees, which he said amount to \$13,276. He said he has been "hamstrung" in pursuing the fees because Cotton does not want to file a claim against the city, which is a public document.

"I'm like a chained dog," Dunn said. "I think there's a lot more to talk about, but right now I'm hamstrung. I know she's got more of a story to tell. My view is that she needs to tell her story."

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key it would just go away."

Dunn said the city has yet to "rehabilitate" Cotton for local and commuting fees, which he said amount to \$13,500. He said he has been "harmless" in paying the fees because Cotton does not want to file a claim against the city, which is a public document.

"I'm like a chained dog," Dunn said. "I think there's a lot more to talk about, but right now I'm harmless. I know she's got more of a story to tell, but now is that she needs to tell her story."

