EXHIBIT 16

Mayor

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CITY OF SPOKANE ETHICS COMMISSION

ALEXANDER J. SHOGAN, JR. Complainant DAVID CONDON, MAYOR OF THE CITY OF SPOKANE; THERESA SAUNDERS, SPOKANE CITY ADMINISTRATOR Respondents	)	NO. **II CLARIFIED** SWORN COMPLAINT ALLEGING VIOLATION OF SECTION 01.04A.030 CITY OF SPOKANE CODE OF ETHICS

STATE OF WASHINGTON)
: ss
County of Spokane)

ALEXANDER J. SHOGAN, JR being duly sworn, on oath, states as follows:

A. That he is a Resident of the City of Spokane currently living in the Northwest area of the 3rd Council District and a Registered Voter in that District.

B. That he has read and is familiar with the City of Spokane Code of Ethics contained in Chapter 01.04A of the Code.

C. That he is filing this **II Clarified Complaint** Alleging Violations of Section 1.04A.030 of the City of Spokane Code of Ethics in Compliance with the Decision of the Ethics Commission on February 15,2017 that Complainant Provide the Commission with SPECIFIC FACTS of FALSE STATEMENTS by Respondents Mayor David Condon and City Administrator Theresa Saunders to Spokane City Council President Ben Stuckart as well as to Spokane City Council Member Karen J. Stratton in order to Allow the Commission to Make a **Reasoned Decision** on whether Complainant's Allegations in his **Clarified II Complaint** are Sufficient to Permit the Commission to find that It has Jurisdiction; and, that the Allegations, if Found to be True, would be Sufficient to constitute Violations of the City of Spokane Code of Ethics, Section 01.04A.030.

D. That Respondent Condon is the **Elected Mayor of the City of Spokane** and Respondent Saunders is the **Spokane City Administrator;** and, as such, Both are **Public Officials** governed by the City of Spokane Code of Ethics.

E. That, as Mayor, Respondent Condon;and, as City Administrator, Theresa Saunders were Both **Dishonest** in **their Communication** of the Facts surrounding the Allegations of Sexual Harassment made by Monique Cotton against then-Spokane Police Chief Frank Straub **to Spokane City Council President Ben Stuckart** as well as **to Spokane City Council Member Karen Stratton** (refer to **Exhibit A**: A Copy of Pages 1,2,3 and 104 of the *July 25,2016 Seabold Group Investigation of the Resignation of Chief Frank Straub*; **Exhibit B**:A Copy of Pages 12,13 & 15 of Ben Stuckart's March 22, 2016 *Interview by the Seabold Group*; and, **Exhibit C** Affidavit of Spokane City Council Member Karen J. Stratton re: pages 26,27and 28 of *her March 16, 2016 Interview by the Seabold Group*).

Such **Dishonest Communications** by the **Respondents** to **Spokane City Council President Ben Stuckart** as well as **to Spokane City Council Member Karen Stratton** Constitute **Violations** of **Section 01.04A.030 Prohibited Conduct** of the Spokane Code of **Ethics** as follows:

N. Commission of Acts of Moral Turpitude or Dishonesty Prohibited.

ALEXANDER J. SHOGAN JR

SUBSCRIBED AND SWORN TO before me this 3 day of March 2017.

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

ADRIA MCGEE
Commission Expires
NOTARY
PUBLIC
02-15-2021
STATE OF WASHINGTON

Mayor Condon

Exhibit A

TO: Investigative Oversight Committee

FROM: Seabold Group

DATE: July 25, 2016

RE: Investigation of the Resignation of Chief Frank Straub

I. INTRODUCTION

On September 22, 2015, Spokane Mayor David Condon announced in a press conference that Police Chief Frank Straub was resigning.[1] 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 22nd 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 22nd 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

---

[1] 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."[2] 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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[2] 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 18th 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.[89]

[89] The entire letter with both attachments is attached as Exhibit 58.

Mayor

Exhibit B

IN THE MATTER OF SPOKANE POLICE DEPARTMENT RESIGNATION OF CHIEF FRANK STRAUB

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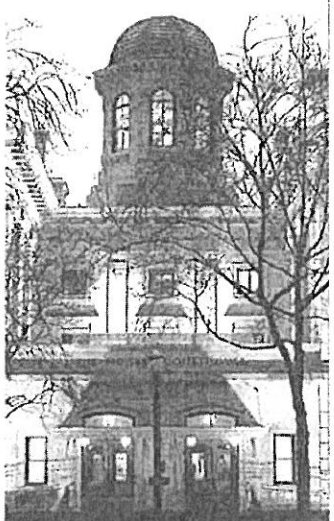

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INTERVIEW OF

BEN STUCKART
CITY COUNCIL PRESIDENT

TAKEN ON
TUESDAY, MARCH 22, 2016
11:22 A.M.

SPOKANE COUNTY COURTHOUSE
1116 WEST BROADWAY AVENUE
SPOKANE, WASHINGTON 99260

1 Cotton, the Cotton rumors. So I went into Theresa Sanders's
2 office, and I asked her what was up, and she said, "Well, we
3 need to talk." She closed her door, and she said, "I have
4 heard that you have been spreading rumors about Chief Straub
5 and Monique Cotton." And I said, "Really? What rumors have
6 I been spreading about Monique Cotton?" And she said,
7 "Well, tell me what you've heard." And I go, "Well, first,
8 I'm hearing it from the press. I'm not telling it to the
9 press." And I got up, and I drew on her chalkboard, and I
10 said, "Here's what I've heard is, Straub and Cotton had a
11 relationship. They broke up. There was a fight in April,
12 and that's why she got transferred." And I said, "I heard
13 that from KXLY."
14 And I said, "The Spokesman, what I've heard is, is
15 that Straub was hitting on Cotton and being sexually
16 inappropriate, and that's why she got moved." And I said,
17 "Theresa, are those rumors? Those are the rumors I'm
18 hearing. Is there any truth to them?" And Theresa Sanders
19 said, "No, absolutely not. There is nothing true about
20 those." But she goes, "What I have heard is that you're the
21 one spreading those rumors."
22 **Q. Did she give you any sense of her source, like**
23 **who's telling her that you're spreading the rumors?**
24 A. Well, no, because it turned out that when all the
25 public records were released, she knew in April that those

1 rumors were actually true. So if you're trying to deflect -
2 - if you're trying to deflect the truth, you're going to
3 blame somebody else for spreading the truth and call it a
4 rumor? I -- I can't even fathom that situation still to
5 this day, how somebody could call me in the office, actually
6 accuse me of spreading rumors about something that they know
7 to be true. That's as duplicitous as you can possibly get
8 in trying to be open and transparent with the public.
9 Because from that point on, I was like, "Wow. Yeah, if they
10 think I'm spreading these rumors the press is coming to me
11 about, you know, then they're, obviously, just rumors."
12 **Q. Did --**
13 A. Because I'm not spreading them.
14 **Q. Do you recall if you and Theresa talked about**
15 **anything else, other than what you just described, in that**
16 **late August meeting?**
17 A. No, that was it. It was a quick meeting. It was
18 ten minutes at the most. I drew on the chalkboard. She
19 said they weren't true. I said I wasn't spreading those
20 rumors, and they must be coming from somewhere else.
21 **Q. Do you recall whether public records requests had**
22 **already been filed by the Spokesman?**
23 A. Yes. They were -- I think that it -- I think they
24 had probably just been filed, and that was -- I think those
25 public records requests probably got filed the week before,

1 conference. Those were the two direct conversations where I
2 asked if the rumors were true.
3 **Q. And what about with the Mayor; did you have those**
4 **kinds of conversations with the Mayor?**
5 A. In the Executive Session was the one time.
6 **Q. On September 21st?**
7 A. On September 21st, where we -- one of the council
8 members asked him directly if this had anything to do with
9 the rumors about Monique Cotton. And the second time was at
10 the press conference when I stood with him, and the question
11 was asked by the Inlander reporter that was there that day,
12 and the Inlander reporter asked at the press conference,
13 "Does this have anything to do with the rumors? Did Monique
14 Cotton ever file a claim?" Then they asked if any of the
15 rumors were true, and the Mayor said no.
16 **Q. And outside of the question that the reporter**
17 **asked of the Mayor, have you spoken to him about the issues**
18 **around --**
19 A. This since --
20 **Q. -- Monique Cotton and Straub?**
21 A. No, because I thought once the press conference
22 happened and everything was over, my assumption was,
23 everybody was telling the truth and that you didn't need to
24 ask again. And so then until November 24th, when it was in
25 the newspaper is the next time it even came up.

Exhibit C

CITY OF SPOKANE ETHICS COMMISSION

ALEXANDER J. SHOGAN, JR Complainant vs. DAVID CONDON, MAYOR OF THE CITY OF SPOKANE; THERESA SAUNDERS, SPOKANE CITY ADMINISTRATOR Respondents	AFFIDAVIT OF KAREN J. STRATTON

STATE OF WASHINGTON)
) ss.
County of Spokane)

KAREN J. STRATTON, being duly sworn, on oath, deposes and says:

1. I am a citizen of the United States and the State of Washington, over the age of twenty-one years and not a party to this action. I make the following statements based on personal knowledge.

2. I have served as a member of the Spokane City Council since 2014.

3. On September 21, 2015, I was present during an executive session convened by the City Council. Also present were Mayor David Condon and City Administrator Theresa Sanders. The topic of discussion was former Spokane City Police Chief Frank Straub. During this discussion, I asked both the Mayor and City Administrator whether concerns about Chief Straub were connected to Monique Cotton, a police spokeswoman who was transferred to Spokane Parks and Recreation Division. They replied "No." Considering later revelations

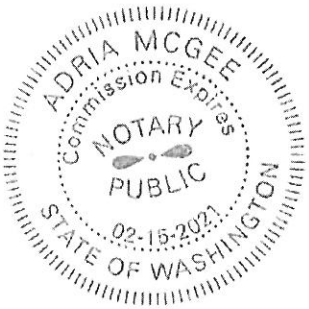
regarding the circumstances of Ms. Cotton's transfer, I consider their response to my question to be untruthful and dishonest.

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

Karen J. Stratton

KAREN J. STRATTON

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

Mayor

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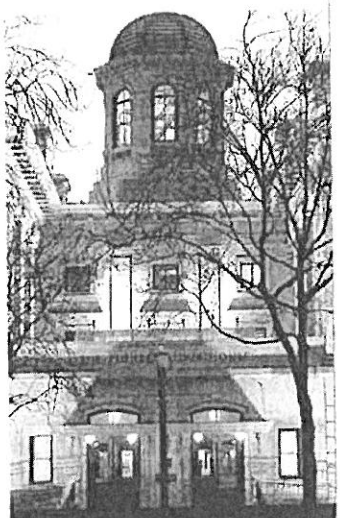

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IN THE MATTER OF SPOKANE POLICE DEPARTMENT

RESIGNATION OF CHIEF FRANK STRAUB

INTERVIEW OF

KAREN STRATTON

TAKEN ON
WEDNESDAY, MARCH 16, 2016
1:52 P.M

SPOKANE COUNTY
1116 WEST BROADWAY AVENUE
SPOKANE, WASHINGTON 99260

—Ex. A—

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

— Ex. A —

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