

CITY OF SPOKANE ETHICS COMMITTEE

Ethics Committee's Findings, Conclusions and Decision Regarding Complaint Against Ben Stuckart

FINDINGS

The Ethics Committee makes the following findings:

1. On or about December 20, 2018, an anonymous complaint was submitted to the Ethics Commission staff. The person named in the complaint was Council President Ben Stuckart.
2. The complaint alleges that Ben Stuckart violated SMC 1.04A.030 K. 5. and N. pursuant to events reported in the Spokesman Review on November 28, 2018. The newspaper article detailed comments made by Ben Stuckart in an e-mail exchange regarding the removal of campaign signs. The complaint alleges that the use of the City e-mail system violated the prohibition on use of City resources in violation of SMC 1.04A.030 K. 5. and would be an act of moral turpitude in violation of SMC 1.04A.040 N.
3. The anonymous complaint was submitted on the Ethics Commission's complaint form but did not contain the required complainant declaration verifying, under penalty of perjury, that to the best of the complainant's knowledge, information and belief formed after reasonable reflection, the information in the complaint was true and correct.
3. On January 16, 2019, the Ethics Committee held a meeting to review the complaint to determine if the complaint contained the required elements for the filing of a complaint in order to enable the Commission to determine the initial jurisdictional matters.

CONCLUSION

The Ethics Committee makes the following conclusions:

1. SMC 1.04A.110 C provides that complaints must be in writing on a form approved by the Ethics Commission and that the form contain a statement signed by the complainant, which states that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint or inquiry is true. Section 4.1 of the Commission's Policy and Procedures Manual provides that

complaints must be written and signed under declaration by the complainant.

2. The submitted complaint was filed on the Ethics Commission's complaint form but was filed anonymously and without the required declaration under penalty of perjury.

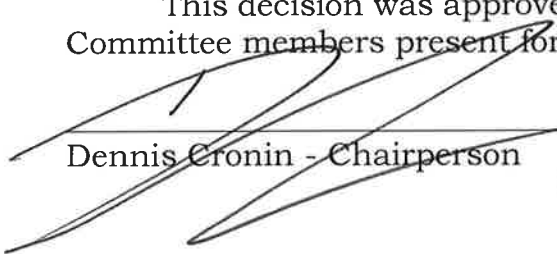
3. Since the complaint was filed anonymously, the Ethics Committee has no ability to verify the allegations, clarify any issues or conduct a hearing in which Mr. Stuckart can properly rebut the allegations, including presenting or cross-examining any witnesses.

4. The complaint fails to set forth the necessary elements set forth in SMC 1.04A.110 C for the Ethics Committee to proceed with the complaint and to make the initial jurisdictional determination. Furthermore, the complaint fails to satisfy the Ethics Committee's Policy and Procedurals Manual, which requires under Rule 4.1 that a complaint must be signed under declaration by the complainant.

DECISION

Based upon the Findings and Conclusions set forth above and the deliberation of the Ethics Committee, the Ethics Committee concludes that the complaint does not comply with the requirements of SMC 1.04A.110 C and Section 4.1 of the Commission's Policy and Procedures Manual by failing to contain the necessary elements for the Committee to proceed and, therefore, shall be dismissed.

This decision was approved by a four to one vote of the Ethics Committee members present for the hearing.


Dennis Cronin - Chairperson

3/20/19
Date