

CITY OF SPOKANE ETHICS COMMISSION

Thomas Bassler,

Complainant,

EC-22-01

vs.

Breean Beggs,

Respondent

**FINDINGS, CONCLUSIONS AND
DECISION**

INTRODUCTION

The City of Spokane Ethics Commission held a special hearing on October 19, 2022, pursuant to SMC 1.04A.110F. Before the Commission was Respondent Beggs' Motion to Dismiss. Complainant Thomas J. Bassler was represented by attorney Kenneth W. Hart. Respondent Breean Beggs represented himself.

The following documents were considered:

1.	5/5/2022	Complaint by Bassler
2.	6/8/22	Response by Beggs
3.	7/22/22	Pre-Hearing Order
4.	8/5/22	Bassler Request for Continuance
5.	8/11/22	Beggs Response to Request for Continuance
6.	8/11/22	Bassler Reply re Request for Continuance
7.	8/12/22	Bassler Email Reply re Request for Continuance
8.	8/16/22	Respondent's Disclosure of Exhibits
9.	8/16/22	Respondent's Disclosure of Witnesses
10.	8/16/22	Respondent's Motion to Dismiss; - Declaration of Breean Beggs in Support of Respondent's Motion to Dismiss; and - Declaration of Ben Stuckart in Support of Respondent's Motion to Dismiss (See 10/17/22 Praecipe)
11.	8/22/22	Amended Prehearing Order
12.	8/22/22	Bassler Email Request for Continuance of New Hearing Date
13.	8/23/22	Beggs Email Request to Have Motion to Dismiss Heard August 31, 2022
14.	9/7/22	Second Amended Pre-Hearing Order

FINDINGS, CONCLUSIONS AND DECISION

15.	10/12/22	Notice of Appearance of Kenneth W. Hart for Complainant, Thomas Bassler
16.	10/12/22	Bassler's Opposition to [Begg's] Motion to Dismiss
17.	10/12/22	Complainant's Request to Extend Subpoena Deadline
18.	10/12/22	Complainant's Potential Witness List
19.	10/12/22	Complainant's Exhibit List
20.	10/17/22	Reply in Support of Respondent's Motion to Dismiss
21.	10/17/22	Praecipe Ben Stuckart Declaration
22.	10/17/22	Respondent's Objection to Extending Subpoena Deadline

After review of the documents and filings outlined above (along with attachments) and consideration of the arguments presented by the parties, this Commission makes the following findings, conclusions, and decision.

FINDINGS

On May 5, 2022, Complainant Thomas Bassler filed his complaint with the City of Spokane Ethics Commission.

The Complaint alleges that Mr. Beggs may have violated SMC 01.04A.030 I (i.e., made a public disclosure of confidential information) when providing the remaining members of the Spokane City Council and Spokane City Council staff copies of three proposals to contract for services; and may have violated SMC 01.04A.030 K (1) (i.e., used his office or position to secure personal benefit, gain or profit or to secure special privileges or exceptions for himself or for the benefit, gain or profits of another) by sharing the three proposals to contract to the remaining members of the Spokane City Council and its staff.

On June 8, 2022, Mr. Beggs filed his initial response to the complaint, requesting that the Commission decline jurisdiction as the complaint does not allege any specific fact, that if true, would be an ethics code violation as defined by SMC 01.04A.030(I) or (K) since the release (i.e., email) was only to his fellow council members and staff, nor

1 did he, or anyone else, benefit from the release. Mr. Beggs goes on to explain that the
2 email was directed to city councilmembers for purposes of consideration at an
3 upcoming meeting. There was no disclosure to the public or anyone outside the council
4 office and only for the purpose to assist councilmembers in preparing for a meeting to
5 discuss the proposals.
6

7 At the Ethics Commission June 15, 2022, meeting, it was determined the
8 Commission has jurisdiction over the subject matter of the complaint.
9

10 On July 22, 2022, a Prehearing Order was entered without objection, setting
11 forth various filing deadlines for the parties to observe and states the issues presented
12 as follows:
13

14 **Count 1:** Whether Respondent, Breean Beggs, violated SMC 01.04A.030 I (i.e.,
15 made a public disclosure of confidential information) when providing the remaining
16 members of the Spokane City Council and Spokane City Council staff copies of three
17 proposals to contract for services (as well as the scoring sheets completed by the
18 Request for Proposal (RFP) committee of the Continuum of Care Board used as part of
19 an outside review process to assist the City of Spokane with its decision in awarding
20 the contract) which were scheduled for some future date to be considered for approval
21 by the Spokane City Council?
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24 a. When City Council is the decision maker on whether to award a municipal
25 contract for services over \$50,000.00 and to whom a municipal contract is
26 awarded, is sharing documentation received as part of the City's RFP
27 process (to include scoring sheets conducted by an outside entity
28 assigned to assist the City of Spokane with its award decision) by the City
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Council President with remaining members of the Spokane City Council
and their staff a disclosure to the public as contemplated by SMC
01.04A.030 I?

Count 2: Whether Respondent, Breean Beggs, violated SMC 01.04A.030 K (1)
(i.e., used his office or position to secure personal benefit, gain or profit or to secure
special privileges or exceptions for himself or for the benefit, gain or profits of another)
by sharing the three proposals to contract and score sheets to the remaining members
of the Spokane City Council and its staff?

- a. Did Spokane City Council President Breean Beggs secure a personal
benefit, gain, or profit by sharing information relating to an RFP process
(to include scoring sheets conducted by an outside entity assigned to
assist the City of Spokane with its award decision) with remaining City
Council members and their staff?
- b. Did Spokane City Council President Breean Beggs secure special
privileges or exceptions for himself or for the benefit, gain or profits of any
other persons by sharing information relating to an RFP process (to
include scoring sheets conducted by an outside entity assigned to assist
the City of Spokane with its award decision) with the remaining City
Council members and their staff?

The Prehearing Order scheduled the hearing on this matter for August 31, 2022.

On August 5, 2022, Complainant requested a continuance of the August 31,
2022 hearing, indicating that he will be out of town for much of the month of August and
needed additional time to gather additional evidence and prepare for the hearing.

1 On August 11, 2022, Respondent filed an objection to Complainant's request for
2 a continuance. That same day Complainant replied to Respondent's objection.

3 On August 16, 2022, Respondent filed his disclosure of exhibits, witness
4 disclosures, as well as his motion to dismiss with supporting declarations.

5
6 On August 22, 2022, an Amended Pre-Hearing Order was entered continuing
7 this matter to September 14, 2022.

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9 On August 22, 2022, Complainant requested another continuance of the hearing
10 date as he was going to be out of the country through September 21, 2022.

11 On September 7, 2022, a Second Amended Pre-Hearing Order was issued
12 scheduling this matter to be held on October 26, 2022, and Respondent's Motion to
13 Dismiss to be heard on October 19, 2022.

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15 On October 12, 2022, Complainant's attorney filed a notice of appearance, an
16 opposition to Respondent's motion to dismiss, Complainant potential witness list,
17 exhibit list, and a request to extend subpoena deadline.

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19 On October 17, 2022, Respondent filed a reply in support of his motion to
20 dismiss, Praecipe to Ben Stuckart Declaration, and objection to the Complainant's
21 request to extend the subpoena deadline.

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23 On October 19, 2022, the Ethics Commission heard oral arguments from
24 Respondent and Complainant on Respondent's Motion to Dismiss.

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CONCLUSIONS

Based upon the foregoing findings of fact, the Ethics Commission enters the following conclusions:

1. The Commission has jurisdiction over the subject matter of the complaint.
2. A hearing on Breean Beggs' motion to dismiss was properly conducted on October 19, 2022.
3. The standard of review for this Commission in considering whether to grant or deny the Respondent's Motion to Dismiss is determined by the pleadings, affidavits and depositions established at the time of hearing, and whether there are material issues of fact remaining. A non-moving party in a summary judgment motion may not rely on speculation, argumentative assertions that unresolved factual issues remain, or in having its affidavits considered at face value.
4. There are no material facts remaining to necessitate a full hearing to determine whether or not Council President Beggs made a public disclosure of confidential information or whether or not he (or anyone else) benefited from disclosing information to fellow City Council members and staff in violation of the City of Spokane's Ethics Code, SMC 01.04A.030(I) and (K).
5. In looking at the established facts most favorably to the complainant we find that on April 18, 2022, at 8:12 am, Continuum of Care (CoC) Board chair (Ben Stuckart) sent an email to CoC Board Members and included Respondent (City Council President Breean Beggs) attaching the three RFP documents. This was done after the CoC Board voted on those proposals.

1 6. On April 18, 2022, following receipt of Board Chair Stuckart's email,
2 Council President Beggs sent two emails to City Administration (members included Eric
3 Finch, Jennifer Cerecedes, and Jonnie Perkins) at 12:45 pm and 4:55 pm, respectively,
4 requesting copies of the three RFPs for City Council review.
5

6 7. That same day, April 18, 2022, at 8:21 pm, Respondent emailed City
7 Council members and staff the RFP documents in preparation of an upcoming meeting
8 on April 21, 2022.
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10 8. The email from City Council President Beggs to the remaining City
11 Council members and staff was an internal email, intended for City official use only, and
12 was not a public disclosure contemplated by SMC 01.04A.030(I) as constituting a
13 violation of the Code of Ethics.
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15 9. The email sent to fellow City Council members and staff was for City
16 purposes in performance of his duties as City Council President.
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18 10. City Council President did not personally benefit from emailing the
19 documents to fellow City Council members nor did anyone else benefit from his sharing
20 of these documents.
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22 **DECISION**

23 Based upon the Findings and Conclusions set forth above and the deliberation of
24 the Ethics Commission, the Ethics Commission concludes that a violation of the
25 Spokane Code of Ethics did not occur, and that the complaint is dismissed accordingly
26 pursuant to SMC 1.04A.220 (F)(3).
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1 This decision was approved by a vote of 5 to 0 of the Ethics Commission
2 members present for and participating in the hearing. Co-Chair Clayton McFarland
3 recused himself.

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5 DATED this 15th day of December, 2022.

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8 _____
9 Sarah O'Hare
10 Presiding Officer
11 Co-Chair, Spokane Ethics Commission
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