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October 10, 2022

City of Spokane Ethics Committee  
c/o Sam Faggiano  
via email: sfaggiano@spokanecity.org

*Re: Complaint of Larry Andrews*

Dear Mr. Faggiano & Committee Members,

On behalf of Kara Odegard, I am timely submitting the following initial response under SMC 01.04A.110(B)(1-3), to clarify and organize the Andrews Complaint (“Complaint”) and to provide the Committee with background information that is essential to a full understanding of the circumstances in the event that any portion of his complaint goes to hearing.

**GENERAL JURISDICTION & IDENTITY OF PARTIES.** Ms. Odegard is the founder of Measure Meant, a local sustainability consulting firm, and since 2019 has been an employee<sup>1</sup> of the City of Spokane. She is subject to the City’s Ethics Rules. The Ethics Committee has general jurisdiction. See SMC 01.04A.110(B)(1)(a).

**SPECIFIC JURISDICTION & OBJECTIONS.** Despite raising some allegations generally under the Committee’s jurisdiction, numerous allegations in the Complaint do come under this Committee’s remit.

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<sup>1</sup> Ms. Odegard was hired by the Spokane City Council out of her part-time employee role into a full-time role as the City’s Manager of Sustainability Initiatives in April 2020. Measure Meant’s work with the City Council discontinued upon Ms. Odegard’s hiring and the company has not had any contracts with the City of Spokane, nor applied for any contracts with the City of Spokane or any other governmental organization since that time. She is a member of Measure Meant’s Board of Directors and participates in regular board meetings to provide support and basic direction for the operations of the company. Since taking a full-time job with the City Council, she has not been involved in any project work with any Measure Meant clients or projects, has had no direct involvement with any operational management of the company outside of her role on the Board of Directors, and has not participated in the solicitation of business.

The allegation of “moral turpitude” under Paragraph N of the Code is subject to dismissal under Subsection (B)(1)(d) (frivolous, groundless, or brought for purpose of harassment). There is no evidence nor any suggestion of “wickedness or deviant behavior.” These claims are entirely misplaced and appear to have been included in bad faith or for improper purposes.

Further example: the Complaint’s sections alleging violations of the Open Meetings Act are outside the Committee’s jurisdiction, are interpreted incorrectly, and are unsupported by any facts. See Appendix 1, Chart of Allegations. There is no authority for the Commission to consider OMA claims and these matters must be dismissed under Subsections (B)(1)(a,b). If the OMA allegations are nonetheless accepted Ms. Odegard requests the opportunity to present evidence (documents and in-person testimony) that she was advised in writing by the City’s legal department that the OMA does not apply to the sustainability subcommittee.

The Complaint’s allegations about the method or procedure for hiring Ms. Odegard is generally not a matter for this Committee without specific examples. The complainant offers only speculative questions. The Complaint alleges that it is “unclear” to Andrews how Odegard was hired and that her position “seems” to have been created and overseen by the Council not the Administration.” Mr. Andrews’s uncertainty and unfamiliarity with the system of subcommittees is not a proper basis for an ethics complaint. It should be dismissed under (B)(1)(b,d) (i.e., lack of knowledge by complainant does not constitute a violation, frivolous/harassment). If the issue of the City’s hiring process is accepted she will present evidence and — with the Committee’s approval — testimony from the responsible officials. The hiring officials will testify that they were well aware of her ownership of Measure Meant and her past work for the City. The documentary evidence and testimony will show that her work experience was a key factor demonstrating her qualifications to chair the subcommittee.

Allegations of Ms. Odegard’s failure to make the City aware of her past private employment *after* her hiring are likewise frivolous/harassment under (B)(1)(d).

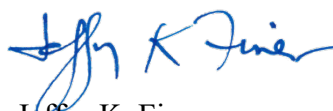
Allegations under Paragraph F that Ms. Odegard’s part-time work for Measure Meant is “too compatible” should be dismissed. The rule forbids “incompatible” operations, not operations that are too compatible.

The demand that the City’s should eliminate reference to Ms. Odegard’s business raises *de minimus* concerns. Further, the public records reflecting her application for the position, including her qualifications by virtue of her employment, should not be redacted from the City’s records unless redaction is allowed under the Public Records Act. If the Committee allows this claim to go forward Ms. Odegard respectfully requests that the Committee permit her to bring documentation and testimony rebutting any claim of a conflict of interest.

The portions of the Complaint that refer to past events of “co-mingling” private work with the City’s efforts to build a framework for citizen-led participation are undated. To the extent that the allegation implies financial wrongs, Ms. Odegard objects. There is no evidence of financial mismanagement, nor could there be. Without evidence in support, the accusation of comingling should be dismissed. (B)(1)(d).

A hearing is required for any remaining matters unless the parties can reach a stipulation under SMC 01.04A.110(E).

Sincerely,



Jeffrey K. Finer

Attachments: Appendix 1 (chart)  
Appendix 2 (email trail)  
Appendix 3 (Ormsby email)