

December 6, 2023

Sarah O'Hare, Chair
Members of the City of Spokane Ethics Commission
c/o Mike Piccolo, Assistant City Attorney, Ethics Commission Staff Director

Via email to: mpiccolo@spokanecity.org

REBUTTAL TO ZACK ZAPPONE RESPONSE TO OPENING BRIEF

Sarah and fellow Ethics Commissioners,

I don't know that I'm in a position to apologize, but I will thank you for your attention and continued participation in this protracted process. My sincere intent was and is to call about concerns that are shared by many, in the hopes that we all receive exemplary service by our elected officials and City staff.

Reviewing Zack's response to my opening brief, which is my best effort to provide a road map to my original complaint, he relies on two major themes:

- 1. He abstained from voting for "his" own map.**
- 2. The Spokane Superior Court proceedings, IN RE: SPOKANE REDISTRICTING and MICHAEL BROWN et al.**

1. Map voting abstention. While Zack appears to be correct in that he didn't vote for his own map, this is not the issue(s) that I have asked the Commissioners to contemplate. Instead, the focus on my complaint is on the manner in which Zack promoted his map and therefore failed to check his partisan goals at the doors of City Hall. To be blunt, the map is not the issue. The issues raised in my complaint involve, but are not limited to;

- A demonstrated effort to knowingly endeavor secure a partisan electoral advantage.
- A demonstrated commitment to partisan pursuits during official City time.
- The secretive, off-record collusion with donors and allies to achieve the above.
- The troubling invitation, encouragement and professional reward by way of expressed "attaboys" to a staffer for participation in the above.
- The lack of expected leadership to recognize, act upon, and disclose unethical behavior of his own and by his immediate staff.
- The engagement in snide commentary regarding citizens and a cavalier attitude regarding the manipulation of positions to the public.
- Engaging in political reconnaissance through his primary staff and political allies .

(continues)

2. **Superior Court.** Zack's selective offerings of Court commentary and the ultimate decision of the Court has no bearing on this ethics complaint. At a young age, most of us begin to understand and adopt a manner of living that follows, just because something is "legal" or not "illegal" it doesn't make it ethical. However, since Zack brings the judicial proceedings into play, I will offer that *The Spokesman-Review* reported on April 7, 2023, "Though Hazel emphasized that the wording of the city charter was unclear, he said Zappone had certainly violated the spirit of the local law."

Since Zack's first response to this matter in his July 2023 request that you find no jurisdiction, to this day he has not once stipulated to any wrongdoing, opportunities to do better, or embrace the spirit of learning and reconciliation with those he serves. Instead, Zack has assumed a rigid position of defiance. It is not easy to put forth my name and reputation to stand up for what is right. It is his rigid position and cavalier attitude towards the citizens that emboldens my will to bring this ethics violation to light. I trust that you will take this rigid position of defiance into consideration.

The complaint still stands on its own as Zach has provided no evidence that would refute that he took the actions in the complaint.

Thank you all again for your time and attention to this matter.

Gratefully,

Neil Muller