

City of Spokane Ethics Commission
ATTN: Commission Members and Michael Piccolo, Assistant City Attorney
808 W. Spokane Falls Boulevard
Spokane, WA 99201

December 1, 2023

RE: Objections to Potential Conflict of Interest, EC-23-02, EC-23-03, and EC-23-04

Commission Members,

I have been provided three (3) written objections regarding a potential conflict of interest between myself and the complainant, Neil Muller. This letter will serve as my formal written response to those objections.

I have review each of the objections and outlined specific responses to them below:

- In Mr. Gunn's objection, he states that Mr. Muller and I have a "clear working history together". Mr. Muller and I have only ever interacted through a local trade association, BOMA Spokane (Building Owners and Managers Association). This is commercial real estate's version of American Bar Association, the Appraisal Institute, National Restaurant Association, or AGC (Association of General Contractors) to name a few. Simply belonging to the same trade association does not rise to the level of a working relationship in my mind.
- In Mr. Zappone's objection, he states that because of my involvement on the legislative committee for BOMA Spokane (of which Mr. Muller is a member) that there is a conflict of interest. In the documents that been filed by both the complainant and respondent, I have not seen anything that involves that committee's objective; essentially "commercial real estate issues". Mr. Zappone further states that this "gives a perception of a conflict of interest, whether or not there is one." Again, simply belonging to the same trade association does not rise to the level of a working relationship.
- The most difficult objection to address is that of Mr. Carlos. This objection contains clear falsehoods in regards to my personal and professional life. He alleges that I endorsed Councilmember Wilkerson's opponent and am somehow involved in their campaigns, which I am not. BOMA Spokane did endorse candidates for local office, but in each of those instances I did not vote for, or against those candidate endorsements. This year I have had the privilege to serve as President of BOMA Spokane. But in each of the instances that Mr. Carlos references candidate endorsement activity I did not vote for, or against. Simply because I am involved in the leadership of the organization does not equate to the conflict that he alleges. Further, Mr. Carlos states that "The Ethics Commission is being weaponized by BOMA Spokane during local races". I can certify that the ethics commission and its procedures/decisions have nothing to do with BOMA and have not been discussed in BOMA Spokane meetings. Mr. Carlos is misunderstanding what a private citizen is doing on their own time and attempting to draw conclusions because of a vague work/professional connection. The purpose of the subsequent hearing regarding this complaint is about Mr. Carlos' alleged ethical impropriety, not mine. I take offense to the idea that Mr. Carlos has so harshly judged my own personal ethics/ideas as shown in his written objections without actually knowing anything about me. I believe it is

important to note that I have served on this commission longer than I have been a member of BOMA Spokane.

Due to circumstances beyond the control of the commission, we are limited to five (5) current ethics commission members despite the commission having seven (7) positions. In order for a quorum to be present there must be four (4) commissioners to have a hearing for a complaint. Additionally, there must four (4) affirmative votes in determining and issuing its written findings and conclusions regarding a complaint. Because of this, I believe that the consequences of not being able to determine this commissions written findings are more important that the alleged (and I believe false) appearance of conflict of interest. The ethics commission not being able to make a determination in these matters has harsher consequences than the feelings of the respondents.

Lastly, I'd like to conclude that the process for hearing an ethics complaint is extremely time consuming and taxing on members of the ethics commission. Unlike the respondents, we are not paid to serve in this capacity and do so out of our love for this City and belief in its government. I sincerely hope that the respondents take this into consideration more seriously on any future ethics commission interactions. There are roughly 230,000 citizens in Spokane, let's not minimize the work of those volunteering on its behalf, particularly when there are three (3) vacancies on this commission.

Thank you,

Clayton McFarland