

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

RESPONSE TO OBJECTIONS BY ETHICS VIOLATION RESPONDENTS:

SPOKANE COUNCIL MEMBER **ZACK ZAPPONE**
SPOKANE COUNCIL AIDE **MARK CARLOS (WILKERSON)**
SPOKANE COUNCIL AIDE **JEFF GUNN (ZAPPONE)**

OF THE VOLUNTEER SPOKANE ETHICS COMMISSION
SERVICE TO SPOKANE OF BOARD MEMBER - CLAYTON MCFARLAND

Spokane Ethics Commission Members,

I am writing in regard to objections filed by the above-named public servants and their objections to Mr. Clayton McFarland's ability to honorably serve in his capacity as a duly appointed Member of the Spokane Ethics Commission during proceedings to take place on December 14, 2023.

As documented on the City of Spokane's website, Council Member Zack Zappone (10/25/23), Mark Carlos (10/25/23) and Jeff Gunn (10/25/23) objected to Clayton McFarland and his "potential conflict of interest" largely because Clayton and I are members of the Business Owners and Managers Association of Spokane (BOMA).

I am not providing a strong opinion one way or the other as to whether Mr. Clayton McFarland should choose to recuse himself or not. That decision is Mr. McFarland's decision to make.

However, I am writing to expand this conversation, because Mark Carlos can't seem to either understand the Ethics code or can't help but try to shape shift the conversation. I brought these complaints forward for many reasons, but one of the most notable items is on page 7 of the complaint with Mark Carlos.

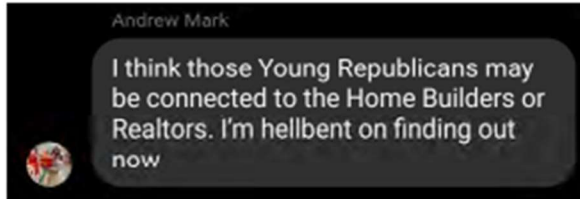
Spokane's Code of Ethics requires SMC Section 01.04A.030 A 1, "any employee who becomes aware that he or she might have a potential conflict of interest that arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of the potential conflict"



Carlos goes on to target “young republicans”

Carlos writes,

“I think those Young Republicans may be connected to the Home Builders or Realtors. I’m hellbent on finding out now”



Gunn writes, “They’re Gonzaga young republicans” “Work on CMR campaign”.
Carlos writes, “Good work, Gunny”

Spokane’s Code of Ethics requires in SMC Section 01.04A.030 K,

“5. City Officers and employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of City facilities or resources for such purposes except as authorized by the provisions of RCW 42.17A.555.”

I am not going to re-write the entire complaint or opening brief, but rather to point out that here we are 7 months later having the same conversation about the same passages on the Spokane Code of Ethics. Rather than try to understand where he stands and the allegations that he faces, Mark Carlos has chosen to challenge on a member the Ethics Commission based on their servitude for their own employment based on his professional affiliation.

Mark Carlos has put this agenda forward that BOMA as an organization is out to take out left leaning candidates, but rather fails to understand what trade associations due. They advocate for the interests of their members. Example: Both Council member Wilkerson and Council Member Zappone serve as officers of the Washington Association of Cities. This Association is an organization that works with other cities as a trade association representing municipal cities across the state of Washington to have a larger advocacy voice in Olympia and potential Washington D & C depending on what they are advocating for. They serve many functions, best practices for cities, training, etc. They pay a lobbyist(s) and have Advocacy endeavors every month of the year.

Their positions can be noted here

<https://wacities.org/about-us/board-of-directors>

Their Advocacy positions can be noted here at the following link

Mark Carlos goes to great lengths in his daily activities to make the position known that no one can be a “concerned citizen” he seems “hellbent” using his words on knowing who everyone is and what their agenda might be. He pays additional attention to those opinions that might not come from that of the current goal in mind, where any objection must come with an agenda.

The complaint I put forward many months ago was centered about the political activities that members of council and their legislative aids are taking part on during city employed hours, on city devices, and using city resources by way of employment.

Those political activities referenced are by virtue the very conflict of interest we are discussing in these complaints.

Spokane operates as one of the largest small towns in the country. It is difficult to remain anonymous at more than 200,000 people. The city also operates in a fashion where we all get to know many people that interact daily and thus, we get closer in our limited degrees of separation. The doxxing of constituents and parties that advocate for their causes or industries would seem not only tone deaf in the current state of national politics, but also in very poor taste locally. By Mark Carlos's dive into pulling pictures of me and my activities and advocacy efforts on behalf of BOMA in Olympia, is an attempt to silence a constituent.

In summary:

At some point our elected officials and their legislative aids need to understand that they serve the whole constituency and check politics at the door. The goal is to give everyone a voice, not just those that agree with the endeavor at hand.

Definition:

"doxxing" – is derived from the term "dropping dox" or "documents"

Doxxing is a form of cyberbullying that uses sensitive or secret information, statement, or record for the harassment, exposure, financial harm, or other exploitation of target individuals.

Regards,

Neil Muller
Concerned Citizen