

CITY OF SPOKANE ETHICS COMMISSION

Neil Muller,

Complainant,

**EC-23-04**

vs.

Jeff Gunn,

Respondent.

**FINDINGS, CONCLUSIONS AND  
DECISION**

**INTRODUCTION**

The City of Spokane Ethics Commission held a hearing on December 14, 2023, pursuant to SMC 1.04A.110F. Before the Commission was the complaint filed by Neil Muller against Jeff Gunn. Also before the Commission was Jeff Gunn's objection to a potential conflict of interest between Commissioner McFarland and complainant Neil Muller. Neil Muller, complainant, and Jeff Gunn, respondent, were present.

The following documents were considered

5/31/23 Complaint by Muller

7/12/23 Gunn Jurisdictional Response

10/25/23 Muller Opening Brief re: Gunn

10/25/23 Gunn Objection to Potential Conflict of Interest Between Commissioner  
McFarland and Complainant Neil Muller

11/9/23 Second Amended Consolidated Prehearing Order

11/22/23 Muller Witness List re: Complaint re Gunn

11/29/23 Muller Response to Objections by Ethics Violation Respondents  
(Zappone, Carlos and Gunn) re: Potential Conflict of Interest

12/6/23 Muller Reply to Jeff Gunn Response to Opening Brief

1 12/14/23 Commissioner McFarland's Written Response to Potential Conflict of  
2 Interest

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4 After review of the documents and filings outlined above (along with attachments) and  
5 consideration of the arguments presented by the Parties, this Commission makes the  
6 following Findings, Conclusions, and Decision.  
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8 **FINDINGS**

9 On May 31, 2023, complainant Neil Muller filed his complaint with the City of  
10 Spokane Ethics Commission.  
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12 The complaint alleges that Mr. Gunn violated provisions of the City of Spokane's  
13 Code of Ethics contained in SMC 1.04A.030 through his conduct relating to the  
14 adoption of the City's Redistricting Plan contained in Ordinance No. C-36298.  
15 Specifically, the complaint alleges that Mr. Gunn violated SMC 1.04A.030 A, General  
16 Prohibition Against Conflicts of Interest, SMC 1.04A.030 G, Personal Interest in  
17 Legislation Prohibited, SMC 1.04A.030 K, Fair and Equitable Treatment, SMC  
18 1.04A.030 M, Aiding Others Prohibited, and SMC 1.04A.030 N, Commissions of Acts of  
19 Moral Turpitude or Dishonesty Prohibited. The alleged conducts of Mr. Gunn attributed  
20 by Mr. Muller as having constituted prohibited conduct includes texting with Council  
21 Member Zappone and other staff in an unprofessional manner regarding constituents,  
22 conducting city business on private electronic devices, misuse of government resources  
23 and maintaining a conflict of interest in the adoption of the redistricting ordinance.  
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27 Mr. Gunn responded in part by stating that he was acting in his capacity as an  
28 at-will employee serving at the pleasure of Council Member Zappone and under his  
29 direct supervision. He further states that the allegations raised in the complaint were  
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1 resolved in the Superior Court decision regarding the appeal of the redistricting  
2 ordinance.

### 3 **CONCLUSIONS**

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5 Based upon the foregoing Findings of Fact, the Ethics Commission enters the  
6 following conclusions:

- 7 1) The Motion to Dismiss is denied;
- 8 2) The mannerism, tenor, and tone of communications is not a violation of the  
9 Code of Ethics;
- 10 3) The communication of City business on personal electronic devices, while it  
11 may be a violation of the City's administrative policies, is not a prohibited  
12 conduct enumerated in SMC 1.04A.030; and
- 13 4) Based on the preponderance of the evidence standard, there is insufficient  
14 evidence presented to the Ethics Commission that Mr. Gunn's conduct  
15 alleged in the complaint constituted a violation of the Code of Ethics; and
- 16 5) While the Ethics Commission has determined that there is no violation of the  
17 Ethics Code, it does note that all City employees need to understand and  
18 follow the City's administrative policies regarding the use of personal devices  
19 to when conducting City business.

### 20 **DECISION**

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22 Based upon the Findings and Conclusions set forth above and the deliberation of  
23 the Ethics Commission, the Ethics Commission concludes by preponderance of the  
24 evidence that a violation of Spokane Code of Ethics did not occur, and that the  
25 complaint is dismissed accordingly pursuant to SMC 1.04A.110 F 2 and 3.

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2 The decision was approved by a vote of 4 to 0 of the Ethics Commission  
3 members present for and participating in the hearing. Co-Chair Sarah O'Hare recused  
4 herself.  
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6 DATED this 20 day of December, 2023.  
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10 Clayton McFarland  
11 Co-Chair  
12 City of Spokane Ethics Commission  
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