

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 BETSY WILKERSON 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 Betsy's response to my opening brief, she begins with 3 primary arguments:

- 1. Legislative Privilege**
- 2. Consolidated Cases**
- 3. City Legal Council**

1. I am not a lawyer. Neither is Betsy. However, it is clear that she has solicited and received the guidance and services of a lawyer. If I am mistaken, I apologize, however I would invite her to more fully explain the relevance of the 1808 (yes, the year eighteen hundred and eight) Commonwealth of Massachusetts case, Coffin v. Coffin that she sites. My complaint has nothing to do with Betsy's "actions on the dais." How she votes as council member and discussion in the public are not what this complaint is about. Instead, I call into question her actions because she was party to a political strategy discussion well hidden from the public.

2. I have nothing to contribute to Betsy's request that she have her own hearing. My understanding is that her hearing will be sole and separate. Is this not the case?

3. I have nothing to offer as to Betsy's request for City legal counsel. However, I will point out again as above that she appears to be benefitting from the services of legal counsel based on her citations of over two-hundred year old case law and the fact that in at least one communication to this commission, she has cc'd attorney Jeffry Finer. Betsy's letter to this commission of 29 November 2023, page 2, "I am continuing to participate in this proceeding without the benefit of legal counsel" doesn't seem to be entirely believable.

In further response to Betsy's response to my opening brief, she states on page 2, "the complaint itself is wholly dependent on an October 23, 2022 group email initiated (evidently) by Mary Winkes and

addressed to Brian Parker (hereafter, the “Winkes Email”). The Winkes Email is not addressed to me, but I was included as a “cc” using my private email address. There is no evidence whatsoever that I initiated this email, responded to this email, or otherwise encouraged this email in any way.”

The above is confirmation that:

1. Wilkerson knows about the “Winkes Email”
2. Confines her participation in the Winkes Email to not having initiated, responded or encouraged it. However, she stops well short of asserting whether she was party to other emails on the subject matter, had phone calls, text messages, in-person communications, etc. with regard to legislation outside of public knowledge.
3. Asserts that there is “no evidence” without stating that she did not participate in such unethical activities. The lack of evidence assertion could be understood as a “you can’t prove it” defense.

Spokane Municipal Code Section 01.04A.110 Complaint Process of the Ethics Commission states (emphasis added below),

“B. Any person may file an official written complaint **or inquiry** with the Ethics Commission asking whether a current City officer or employee has failed to comply with this Code of Ethics.”

In her response to my opening brief, Betsy shares her misgivings that I am asking the commission to inquire, in my belief with good cause, as to whether she has participated in unethical behavior as per our Ethics Code. I look forward to calling witnesses to help us all conduct this inquiry.

Councilmember Wilkerson was elected to be a leader in our community. We as citizens ask of our leaders to not only lead the community, but to put the stop to unethical activity should any occur. I raise this point as I did in the complaint, when council member Wilkerson does become aware of the email in question, she appears to do nothing to stop further action or correspondence from the parties in question.

- The lack of expected leadership to recognize, act upon, and disclose unethical behavior from campaign contributors and political activists.

The remainder of Betsy’s response contains her continued denial of *any* wrongdoing. I refer to my complaint in full and look forward to further discussion of this matter at the upcoming hearing.

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

Gratefully,

Neil Muller