

CITY OF SPOKANE ETHICS COMMISSION

Neil Muller,

Complainant,

EC-23-05

vs.

Betsy Wilkerson,

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 Betsy Wilkerson and Betsy Wilkerson's motion to dismiss. Neil Muller, complainant, was present, and Betsy Wilkerson, respondent, was present and represented by attorney Jeffry Finer.

The following documents were considered:

5/31/23	Complaint by Muller
7/11/23	Wilkerson Jurisdictional Response
10/25/23	Muller Opening Brief re: Wilkerson
10/31/23	Wilkerson Request for Continuance
11/9/23	Second Amended Consolidated Prehearing Order
11/22/23	Muller Witness List re: Complaint re Wilkerson
11/29/23	Wilkerson Response to Opening Brief and Motion to Dismiss
12/6/23	Muller Reply to Wilkerson Response to Opening Brief

1 After review of the documents and filings outlined above (along with attachments) and
2 consideration of the arguments presented by the Parties, this Commission makes the
3 following Findings, Conclusions, and Decision.

4 **FINDINGS**

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6 On May 31, 2023, complainant Neil Muller filed his complaint with the City of
7 Spokane Ethics Commission.

8 The complaint alleges that Ms. Wilkerson violated provisions of the City of
9 Spokane's Ethics Code contained in SMC 1.04A.030 through her conduct relating to
10 the adoption of the City's Redistricting Plan contained in Ordinance No. C-36298.
11 Specifically, Mr. Muller alleges that Ms. Wilkerson's receipt of an unsolicited e-mail from
12 a private citizen to Ms. Wilkerson's private e-mail address regarding neighborhood
13 councils and reappointments constituted conducting City business on a private
14 communication device and that such conduct violated the prohibited conduct against
15 conflicts of interest under SMC 1.04A.030 A, G and K.
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19 Ms. Wilkerson's response to this complaint included a motion to dismiss based in
20 part on the argument that her conduct in the adoption of Ordinance No. C-36298 was
21 permitted under SMC 1.04A.030 (G), which provides in part that "City council members
22 shall not be prohibited from participating in the adoption of legislation when the council
23 member has only a remote interest in the legislation, which has been disclosed, and the
24 legislation is applicable to the general public and not unique to the council member."
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26 Ms. Wilkerson further argues that she never knew that the single unsolicited e-mail was
27 sent to her private account, never viewed or acted upon that single e-mail and
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1 consulted with the City's Human Resources Department once she learned of the e-mail
2 and the allegations in the ethics complaint.

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 unsolicited receipt of a single e-mail to Ms. Wilkerson's person e-mail
8 account is not a violation of prohibited conduct enumerated in the Ethics
9 Code;
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11 2) There is no obligation set out in the Ethics Code that the recipient of an e-
12 mail to their private e-mail account must forward or disclose the e-mail;
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14 3) There is no evidence presented to the Ethics Commission that Ms.
15 Wilkerson's conduct in the receipt of this unsolicited e-mail constitutes a
16 violation of the Ethics Code's prohibited conduct set out in SMC 1.04A.030;
17 and
18
19 4) The evidence and arguments presented by Mr. Muller are insufficient to
20 enable this complaint to proceed to a hearing on the merits.

21 **DECISION**

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23 Based upon the Findings and Conclusions set forth above and the deliberation of
24 the Ethics Commission, the Ethics Commission concludes that a violation of Spokane
25 Code of Ethics did not occur, that the Motion to Dismiss the complaint is granted
26 pursuant to SMC 1.04A.110.F1. and the complaint is, therefore, dismissed.
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1 The decision was approved by a vote of 4 to 0 of the Ethics Commission
2 members present for and participating in the hearing. Co-Chair Sarah O'Hare recused
3 herself.
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5 DATED this 20 day of December, 2023.

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9 Clayton McFarland
10 Co-Chair
City of Spokane Ethics Commission
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