CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding
Complaint EC-24-01 filed by Duane Auton against Council Member Kitty Klitzke

FINDINGS

The Ethics Commission makes the following findings:

1. On or about 6/26/2024, Duane Auton filed an ethics complaint against Spokane City Council Member Kitty Klitzke.

2. In his complaint, Mr. Auton alleges that he requested help in connection with "a public safety concern," citing an injury he sustained. He indicates that after 90 days the matter was not resolved and that he had not heard from Council Member Klitzke. His complaint includes email attachments showing interaction with Clint Harris, the City's Director of Streets regarding gravel on the sidewalk that was not cleared and which he alleges made it unsafe to walk. The complaint also includes photographs of the sidewalk.

3. On July 29, 2024, Council Member Klitzke filed a Motion To Dismiss alleging that the complaint failed to point to any provision of SMC 1.04A.030 allegedly violated. In her motion, she asserts that nothing alleged, even if true, is a violation of any provision of SMC 1.04A.030, and that there is no provision of the Code regarding taxation without representation or requiring a Council member to personally respond and address every single request of a constituent.

4. On July 31, 2024, the Ethics Commission held a meeting to review the complaint to determine whether, pursuant to SMC 01.04A.110 (D)(1) and (2), the Commission had jurisdiction to conduct further proceedings and whether the complaint, on its face, alleges facts that, if true, would substantiate a violation. The Commission considered Mr. Auton's June 26, 2024 complaint, the July 29, 2024 Motion to Dismiss filed by Council Member Klitzke, and testimony presented by Mr. Auton at the meeting.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The complaint met the requirement of SMC 01.04A.110 (C) with respect to the complaint being submitted on the correct form and alleging a violation by a person who is subject to the Ethics Code. The complaint failed, however, to identify any specific provision of the Ethics Code as having been allegedly violated and therefore failed to meet that requirement of SMC 01.04A.110 (C). Additionally, the complaint failed to describe facts constituting a violation in sufficient detail so that the Commission and Council Member Klitzke could reasonably understand the nature of the complaint being alleged. "Taxation without representation" is not an enumerated violation of the Ethics Code, and Mr. Auton's description of trying to speak with Council Member Klitzke regarding his safety concerns over the sidewalk and lack of maintenance by the City does not set forth facts that would demonstrate a violation of the Ethics Code.

DECISION

Based upon the Findings and Conclusions set forth above an the deliberation of the Ethics Commission, the Ethics Commission concludes that the complaint by Mr. Auton must be dismissed pursuant to SMC 01.04A.110 (C) on the basis that the complaint failed to identify a provision of the Ethics Code as having been allegedly violated or to describe facts constituting the violation in sufficient detail so that the Commission and the respondent can reasonably understand the nature of the complaint being alleged.

This decision was approved by a vote of 5 to 0 of the Ethics Commission members present for and participating in the hearing.

Merle Iverson, Chairperson

8-8-2024
Date