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2 **BEFORE THE SPOKANE ETHICS COMMISSION**

3
4 RE COMPLAINT OF DUANE AUTON) MOTION TO DISMISS
(Second Complaint))
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6 Pursuant to SMC 01.04A.110(D)(1)(a) and (b), I request that the Spokane Ethics
7 Commission issue an order dismissing the complaint filed against me by Duane Auton for the
8 reasons set forth below.

9 SMC 01.04A.110(D)(1)(a) and (b) provides that this Commission shall dismiss a
10 complaint if the Commission: (a) has no jurisdiction and (b) the alleged violation, even if true,
11 does not violate the City’s code of ethics.
12

13 The complaint filed by Mr. Auton must be dismissed because he failed to point to any
14 provision of SMC 1.04A.030 that I allegedly violated. Page 1 of the complaint form alleges that
15 myself, Councilmember Zappone, and Council President Wilkerson violated the ethics code by
16 “hastily approving measures.” The evidence of this violation according to the form is “[a]ll
17 over the news.” The only action that is pointed to in the complaint is “[a]pproving tax hikes for
18 the ballot.”
19

20 Nothing alleged, even if true (which it is not), is a violation of any provision of SMC
21 1.04A.030. There is no provision of the Code regarding “hastily approving measures.”
22 Moreover, the Code at SMC 8.07.060 specifically provides that the Council may refer the
23 increase of a sales tax measures, to which the complaint may be referring, to the voters.
24

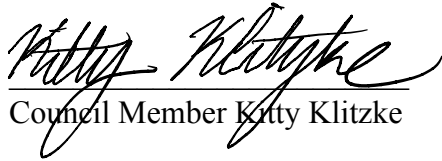
25 Moreover, because there is no applicable requirement in the Code, this Commission lacks
26 jurisdiction to hear this complaint. Again, the Commission cannot hear allegations regarding

1 “hastily approving measures.”

2 For these reasons, the Commission must dismiss this complaint.

3 DATED this 29th day of July 2024

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5 Respectfully submitted by,

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8  A handwritten signature in cursive script, appearing to read 'Kitty Klitzke', written over a horizontal line.
9 Council Member Kitty Klitzke