

**BEFORE THE SPOKANE ETHICS COMMISSION**

**RE COMPLAINT OF DUANE AUTON MOTION TO DISMISS**

Pursuant to SMC 01.04A.110(D)(1)(a) and (b), I request that the Spokane Ethics Commission issue an order dismissing the complaint filed against me by Duane Auton for the reasons set forth below. SMC 01.04A.110(D)(1)(a) and (b) provides that this Commission shall dismiss a complaint if the Commission: (a) has no jurisdiction and (b) the alleged violation, even if true, does not violate the City's code of ethics.

The complaint filed by Mr. Auton must be dismissed because he failed to point to any provision of SMC 1.04A.030 that I allegedly violated. Page 1 of the complaint form states, "With the nature of possible litigation on the city council, I feel they are hastily approving measures Can the legitimacy of these approvals be audited? I have an open ethics complaint and the old mayor is suing us over them." Nothing alleged, even if true (which I assert it is not), is a violation of any provision of SMC 1.04A.030. If Mr. Auton has issues with the substance of Council passed ordinances or resolutions, there are avenues to voice those concerns. An ethics complaint is not one of those avenues.

Moreover, because there is no applicable requirement in the Code, this Commission lacks jurisdiction to hear this complaint. Again, the Commission cannot hear allegations regarding a political grievance for legislative action that passed the Council.

Lastly, Mr. Auton refers to the approved tax proposition to be on the ballot this November. Again, any grievance Mr. Auton may have with the approval of this initiative may be resolved through casting a vote in November or testifying during Open Forum at Council Legislative Session.

For these reasons, the Commission must dismiss this complaint.

DATED this 30th day of July, 2024

Zack Zappone