

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, "Misuse of power and judgement. Using the position of the people to publicly chastise the mayor on behalf of the people, without checking with the people. Acting on their own accord and not that of the people. Putting the city in a possible financial obligation." 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 lawsuit filed by the previous mayor. This is ongoing litigation and refraining from speaking to any specifics of the lawsuit, the Commission does not have the jurisdiction to oversee this complaint.

For these reasons, the Commission must dismiss this complaint.

DATED this 30th day of July, 2024

Zack Zappone