

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding EC 24-03 Complaint filed by Auton against CMs Zappone and Wilkerson

FINDINGS

The Ethics Commission makes the following findings:

1. On or about 7/24/2024, Duane Auton filed an ethics complaint against Spokane City Council Members Zack Zappone and Betsy Wilkerson.
2. In his complaint, Mr. Auton alleged "Misuse of power and judgment. 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."
3. On July 30, 2024, Council Member Zappone filed a Motion To Dismiss in which he asserted that the complaint failed to point to any provision of SMC 1.04A.030 allegedly violated, and that nothing alleged, even found to be true, violates any provision of SMC 1.04A.030. He stated that 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. The motion also stated that the Commission cannot hear allegations regarding "a political grievance for legislative action that passed the Council" and that the matter regarding the previous mayor involves ongoing litigation and is outside the jurisdiction of the Ethics Commission.
4. On July 31, 2024, Council President Wilkerson also filed a Motion to Dismiss, asserting that the complaint failed to point to any provision of SMC 1.04A.030 allegedly violated. Her motion further stated that nothing alleged, even if found to be true, is a violation of any provision of SMC 1.04A.030. She also noted that Mr. Auton has other avenues to voice his concerns and cited ongoing litigation as among the reasons the Commission lacks jurisdiction to oversee the complaint.
5. 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. At meeting, the Commission considered the July 24, 2024 complaint filed by Mr. Auton, the July 30, 2024 response filed by Council Member Zappone, the July 31, 2024 response filed by Council President Wilkerson, and the testimony presented by Mr. Auton.

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 by alleging a violation over individuals who are 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 Members Zappone and Wilkerson could reasonably understand the nature of the complaint being alleged. Mr. Auton's stated concerns over "using the power of the people to chastise the mayor" and "putting the city in a possible financial obligation" do not set forth facts that would demonstrate a violation of the Ethics Code.

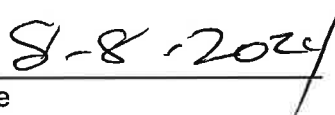
DECISION

Based upon the Findings and Conclusions set forth above and 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 specific provision of the Ethics Code that was violated, and it failed 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



Date