
OFFICE OF THE SPOKANE CITY ATTORNEY

TO: ETHICS COMMISSION

CC: JOHANN JOSEPH, COMPLAINANT
JOSH KENT, RESPONDENT
PATTI KENDALL-BAUER, RESPONDENT

FROM: MEGAN R. KAPAUN, STAFF DIRECTOR/ASSISTANT CITY ATTORNEY

SUBJECT: PRELIMINARY REVIEW OF COMPLAINTS AGAINST JOHANN JOSEPH, JOSH KENT, AND PATTI KENDALL-BAUER

DATE: AUGUST 18, 2025

The City Clerk's Office received three complaints last week filed by Johann Joseph, an employee in the City's MySpokane/311 office. Pursuant to SMC 1.04B.150, the City Attorney's Office is providing this memorandum of its preliminary review of the three complaints.

Complaint No. 1. August 13, 2025 Complaint against Johann Joseph

The first complaint filed on August 13, 2025 by the complainant Johann Joseph identified himself as the respondent to have engaged in prohibited conduct. This complaint appears to have been filed incorrectly and does not meet the requirements of SMC 1.04B.140 A by identifying the City official or employee to have engaged in prohibited conduct. Further, the complaint does not state any specific provision of SMC 1.04B that is alleged to have been violated. It is recommended that this complaint not be processed.

Complaint No. 2. August 14, 2025 Complaint against Josh Kent

The second complaint filed on August 14, 2025 by the complainant Johann Joseph identified Josh Kent as the city employee to have engaged in prohibited conduct. Mr. Kent is an employee in MySpokane/311 and a member of the Local 270 bargaining unit. Local 270, as all other labor bargaining units, has entered into a collective bargaining agreement (CBA) with the City of Spokane, which specifies among many other labor/management provisions the terms and conditions affecting working conditions of Local 270 members. Local 270 has not agreed to be subject to the Ethics Code pursuant to a labor agreement. Therefore, Mr. Kent is not subject to the Code of Ethics. The complaint against Mr. Kent must be summarily dismissed by the Ethics Commission Chairperson pursuant to SMC 1.04B.150. Failure to dismiss the complaint would constitute an unfair labor practice (ULP) by the City.

Complaint No. 3. August 14, 2025 Complaint against Ms. Patti Kendall-Bauer

The third complaint filed on August 14, 2025 by the complainant Johann Joseph identified Patti Kendall-Bauer as the city employee to have engaged in prohibited conduct. Ms. Kendall-Bauer is an employee in MySpokane/311 and a member of the Managerial and Professional Association (M&P) bargaining unit. M&P, as all other labor bargaining units, has entered into a collective bargaining agreement (CBA) with the City of Spokane, which specifics among many other labor/management provisions the terms and conditions affecting working conditions of M&P members. M&P has agreed to be subject to the Ethics Code pursuant to its CBA with the City. Therefore, Ms. Kendall-Bauer is initially subject to the Code of Ethics.

The complainant is required to specify which provision of SMC 1.04B.050 has been violated. The complaint fails to describe the allegation with sufficient detail to enable both the Commission and the respondent to reasonably understand the nature of the complaint as required by SMC 1.04B.140. Furthermore, the complaint fails to contain an allegation which, even if true, would constitute prohibited conduct in violation of the Code of Ethics. SMC 1.04B.050 sets forth the specific codified prohibited conduct that constitutes a violation of the Code of Ethics. There is no alleged conduct in the complaint that, even if true, would be a violation of the Code of Ethics set forth in SMC 1.04B.050.

The conduct alleged in Mr. Joseph's complaint relates to various personnel policies and collective bargaining agreements regarding workplace conduct, anti-harassment/bully conduct, performance review, ADA compliance, etc. Pursuant to the collective bargaining agreement with M & P and City personnel and administrative polices, complaints of a personnel nature are to be addressed with the City's Human Resources Department. Mr. Joseph's complaints are required to be processed and potentially investigated by the HR Department. Addressing these matters in any other way, specifically as an Ethics Code violation, could be an unfair labor practice by the City.

It is recommended that pursuant to SMC 1.04B.200(B) the Ethics Commission dismiss the complaint filed by Mr. Joseph regarding Ms. Kendall-Bauer.