

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint Against Theresa Sanders

FINDINGS

The Ethics Commission makes the following findings:

1. On or about October 12, 2015, Shar Lichty filed an ethics complaint against Theresa Sanders, who serves as the City Administrator for the City of Spokane.
2. The complaint alleges that Ms. Sanders violated SMC 1.04A.030 (N) of the Code of Ethics by repeatedly mispresenting to the public facts surrounding the transfer of Monique Cotton from her position with the Police Department to her present position with the Parks Department (Allegation No. 1) and misrepresenting facts to the public when a decision to dismiss former Chief Straub had been decided (Allegation No. 2). SMC 1.04A.030 (N) provides that it is a violation of the Code of Ethics for a city officer or employee to commit any act of dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City.
3. On October 27, 2015, Ms. Sanders submitted a letter in response to the ethics complaint asserting that Ms. Lichty admitted that her filing of the ethics complaint was politically motivated and done for personal gain to herself as part of her election campaign for mayor to and harm to Ms. Sanders. Ms. Sanders' response includes a motion for the Commission to dismiss Ms. Lichty's complaint pursuant to SMC 1.04A.110 (D) (1) (d) on the basis that the complaint is malicious, frivolous and having been brought for the purpose of personal and political gain.
4. On November 11, 2015, the Ethics Commission held a meeting to review the complaint to determine whether, pursuant to SMC 1.04A.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.
5. At the November 11, 2015, Commission hearing, the Commission considered the October 12, 2015 complaint filed by Ms. Lichty, the October 27, 2015 response filed by Ms. Sanders, the testimony submitted by the parties at the hearing and the deliberation of the Commission members.

CONCLUSION

The Ethics Commission makes the following conclusions:

1. The Commission has jurisdiction to hear this complaint pursuant to SMC 1.04A.110 (D) based upon the fact that the complaint cites a specific provision of the Code of Ethics against a City employee who is subject to the Code of Ethics. The complaint substantially complies with the requirements of SMC 1.04A.110 (C).
- 2) As to Allegation No. 1, the Commission finds that the complaint alleges facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics pursuant to SMC 1.04A.110 (D) (2). Ms. Sanders' motion to dismiss is denied by a vote of six to zero with one abstention by the members of the Ethics Commission present for the hearing.
- 3) As to Allegation No. 2, the Commission finds that the complaint fails to set forth facts alleging a violation that, if true, would constitute a violation of the Code of Ethics. The complaint shall, therefore, be dismissed pursuant to SMC 1.04A.110 (D) (1) (b).

STIPULATION

Pursuant to SMC 1.04A.040 (B), Ms. Sanders agrees, as to Allegation No. 1, to stipulate that the facts as alleged in the complaint are correct and would constitute a violation of the Code of Ethics and agrees to the following penalties:

- 1) A cease and desist order is hereby entered directing that Ms. Sanders shall not communicate publically in her position as the City's Administrative Officer regarding matters relating to the subject of the complaint. This cease and desist order shall not apply to any responsive documents subject to a public records request or to internal communications from Ms. Sanders issued as part of her position as the City's Administrative Officer.
- 2) A monetary penalty of seventy five dollars (\$75.00) shall be paid by Ms. Sanders pursuant to SMC 1.04A.040 (B) (4).

DECISION

Based upon the Findings and Conclusions set forth above and the deliberation of the Ethics Commission, the Ethics Commission concludes that Allegation No. 1 set forth in the complaint by Ms. Lichty does allege facts which, if found to be true, would be sufficient to constitute a

