

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Roger Habets against Council Member Zappone

FINDINGS

The Ethics Commission makes the following findings:

1. On or about March 3, 2025, Roger Habets filed an ethics complaint against Spokane City Council Member Zack Zappone.
2. In his complaint, Mr. Habets alleged "Zappone blocked all comments on his government official page. Free speech is guaranteed under the First Amendment, Constitution of the USA, on Facebook." He described the alleged violation of the Code of Ethics as "No government official can violate the US Constitution by censoring free speech."
3. On March 3, 2025, Staff Director Megan Kapaun forwarded the complaint to the Ethics Commission.
4. In the time between the complaint being alleged and the next meeting of the Ethics Commission, Staff Director Kapaun reviewed the complaint for jurisdictional issues pursuant to SMC 104B.150A to see (1) if Council Member Zappone is subject to the Code of Ethics and (2) if the alleged conduct, if found to be true constitutes prohibited conduct in violation of any provision of SMC 1.04B.050. Staff Director Kapaun determined that Council Member Zappone is subject to the Code of Ethics but that the alleged conduct, if true, is not a violation of SMC 1.04B.050 and recommended to the Ethics Commission that at the March meeting the complaint be dismissed.
5. On March 19th, 2025, the Ethics Commission held a meeting to review the complaint to determine whether, pursuant to SMC 01.04B, 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 February 28th, 2025 complaint filed by Mr. Habets in conjunction with the Code of Ethics listed in SMC 1.04B.050.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The complaint met the requirement 1.04B.140 with respect to the complaint being submitted on the correct form and by alleging a violation against Council Member Zappone as an elected official in the City of Spokane who is 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 being an ethics violation under SMC 01.04B.050. Additionally, the complaint failed to describe facts constituting a violation in sufficient detail so that the Commission and Council Member Zappone could reasonably understand the nature of the complaint being alleged. Mr. Habets stated concerns over "censoring free speech" by removing a comment section on a personal social media page do not set forth facts that would demonstrate a violation of the Ethics Code.

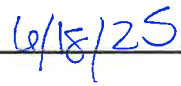
DECISION

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. Habets must be dismissed pursuant to SMC 01.04B.200 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 4 to 0 of the Ethics Commission members present for and participating in the hearing.



Jennifer Huffaker, Chairperson



Date