

CITY OF SPOKANE
ETHICS COMMISSION
MINUTES OF NOVEMBER 11, 2015 MEETING

In attendance:

Monica Holland, Member
Mike Piccolo, Asst. City Attorney
Troy Bruner, Chair
Stephen Sennett, Member
Levi Liljenquist, Member
Brian Steverson, Member
Tyler Wasson, Member
Shar Lichty, Complainant
Terry Sawyer
Karen Stratton, City Council Member
Gunnar Sebright
Alice Buckles, Member
Brian Coddington, Communications Director
Theresa Sanders, City Administrator
Brittany Paris
Heather Lowe, HR

Troy begins by welcoming all present, especially Tyler Wasson, the Commission's newest member.

Troy moves that the Commission approve the prior 10/28 Meeting Minutes. Stephen Sennett Seconds that motion and all approve. Troy moves that the Commission approve the Findings and Conclusions from the prior meeting, seconded by Brian, and all approve.

If everyone is in agreement, Troy states, the Commission will begin today with review of Theresa Sander's Complaint. He reminds everyone they are there today to determine jurisdiction only, and to not review the complaint's merits. The complaint was filed by Shar Lichty. It was received by the Commission on 10/12.

Stephen Sennett notes that, procedurally, the complaint seems to be in order and in compliance with the guidelines, as to form and guidelines.

Troy agrees, and then all Commission members agree. Troy asks if everyone is in agreement that the Commission has jurisdiction and all agree. Troy states that the matter will be carried over to the next meeting which will address the complaint and review the allegations and determine, if true, has a violation of the code been committed.

Troy states that, following a review of the moral turpitude portion of the code, what are the thoughts of the members regarding these allegations. Steve Sennett states there are two distinct issues. Brian agrees stating that they are 1) the Straub comment and 2) the Cotton comment.

Brian agrees that, if true, the conduct could be a violation of the code.

Shar Lichty states that the Complaint is looking solely at Sander's dishonest comments, and not any actual action. Ms. Lichty confirms that she has no complaint against Cotton's personnel transfers, just the dishonesty contained in Sanders' comments.

Troy states that we should also review the Sanders complaint for dismissal.

Theresa Sanders states that she believes she has covered her defense in her letter submitted to the Commission. Troy asked Ms. Sanders if she was open to questions and Ms. Sanders said, "of course".

Ms. Sanders states she regrets having made statements to the media at all. She said it was regarding a personnel issue and a wiser course would have been to not have spoken at all.

Stephen Sennett asked, if, responding to media is part of her job, was she trained in dealing with the media? Ms. Sanders said she was. Mr. Sennett asked what the training was and Ms. Sanders stated that it would have been/should have been that she was unable to respond. She had not wanted to be the one to disclose the complaint's complaint- so she had made denials instead, which was a mistake. Levi asked, so it with that training, that you were unable to respond? Ms. Sanders stated that she had not wanted to victimize the complainant. She added it is a very rare thing for her to ever comment to the media. She is more internal operations. However, she concedes that the media had not shown up unannounced, but had set an appointment. It was not sprung on her.

Troy states that the Commission had determined jurisdiction, and so, now, if the Commission determines the allegations are true, what would be their action. Steven Sennett states they could address a Motion to Dismiss on other grounds. Troy asked the Commission if they wanted to focus on some type of dismissal and Steven and Brian both state yes.

Theresa Sanders states that she would note that Ms. Lichty's complaint is a political move and that even in the Spokesman Review Article on 10/13/15, Ms. Lichty had acknowledged that her filing had been political.

Ms. Lichty responded that she had not been asked if the filing was political, just the *timing* of the filing. And she acknowledges that politics played a role in the timing of the filing, but not the complaint itself. Steve asked Ms. Lichty is she would have still filed if she had not been involved politically, and Ms. Lichty said yes, but that was not her sole or first motivation.

Troy states his impression is that it seems there is some complexity, so it is not compelling to dismiss the Complaint.

Brian states that it is not fair and is burdensome to assume someone in politics is filing for political reasons. Steve Sennett asked Ms. Lichty, would you have still filed if not involved politically and she stated yes, it may have played a factor, but she would have filed it anyway.

Troy asked if there is a Motion to deny the dismissal. Brian moves to not dismiss on Motion. Stephen Sennett seconds the motion. Levi Liljenquist abstains. Motion carries.

Troy- Okay then, we must determine then if the actions constituted a violation of the Ethics Code.

Levi states, "we have an admission."

Brian states, "could we clarify. We just voted on a Motion..."

Troy, Motion was to affirm we have jurisdiction.

Stephen Sennett states, we have other options. We could inquire if Sanders would agree to a Stipulation.

Troy: Sanders could stipulate to have committed the violation?

Theresa Sanders: I will so stipulate.

Steve Sanders: We could draft a stipulation today.

Levi states it sounds like a violation, but she prevented another violation of improper disclosure. She could have said no comment regarding the Ms. Cotton part of the complaint.

Ms. Sanders states, "the press release is accurate." "I have no objection to it." The comments made were regarding the firing of Frank, but we did not think of it like that, because he had resigned.

Monica reviews the press release. Ms. Sanders states it had been prepared just moments before its release. Theresa states no termination occurred. It still has not. He is an employee.

Troy states the short time frame seems to make it less concerning. Monica states she agrees, that things are developing by the minute, it's a messy situation, the timing of it all, and it occurred during a compressed situation/period of time.

Troy states, one option we have is cease and desist order.

Levi: That seems to fit. She could stipulate to not make any more dishonest statements.

Troy asked Mike, how they would prepare a stipulation. Mike states he would prepare it. Something like the one in the Stuckart matter. There, it had been a cease and desist order and a \$200 fine.

Troy says that Ms. Sanders may have been well intentioned, but she admits herself she shouldn't have spoken out as she did.

Steve Sennet asked Ms. Sanders if she has the authority to fire Straub and she responded no. He then asked if she was aware of what Mayor Condon was planning for Straub and Ms. Sanders said no.

Levi moves for a Cease and Desist Order of Speaking to the media and a \$10 fine.

Steve asks what dollar amount fits the act? Levi responds, "Something nominal." Brian states a fine amount of \$100 or \$50.00. Troy states, how about \$75.00?

Steve Sennett: So moves

- 1) Cease and desist order in re speaking to the media
- 2) Monetary fine of \$75.00

Levi seconds that motion. Motion approved unanimously.

Mr. Piccolo states, "Procedurally, we will put that in writing."

Troy states let's move on to the next Complaint, regarding Brian Coddington.

Levi notes we should be able to move more quickly through this one. He moves that the Commission has jurisdiction. Monica seconds, Motion carries unanimously.

CODDINGTON MATTER

Ms. Lichty states there are two versions. What Coddington did and said and what Sanders said and what Straub said. Straub stated he was forced to resign. Levi agrees, this is a little different.

Troy asked Mr. Coddington if he had anything he wanted to say and Mr. Coddington responded he could let his written response comments stand on their own, but is happy to take questions.

Steve Sennett states that on its face, it is not accurate. On those grounds he moves to dismiss the Complaint. Monica and Levi second the motion. Motion carries unanimously.

Troy wants to clarify what the second issues are.

Brian responds that they are looking for quotes referenced in Issue "A". Levi states he believes they can be found in Attachment C. Brian states, you are referring the SR article, and I don't think that is accurate. Brian asked if he can question Mr. Coddington, and asks him if there had been any conversation to which he had been privy. Mr. Coddington responded no and states he was not any part of that conversation.

Troy asked, Ms. Lichty were you just assuming he would/should know?

Brian Moves to Dismiss on the grounds of no evidence.

Steve asks to wait, a second allegation contained that Coddington new options were on the table.

Troy stated, "I don't see any indication he knew."

(There is confusion over the attachments-they are mixed-up- people are trying to identify the correct attachment to each complaint)

Shar Lichty states that is her error. Attachment D of the Sanders Complaint is the one that corresponds.

Brian states, I am still not seeing a comment regarding Coddington. He doesn't see Coddington involved at all really, even if looking at Sanders.

Troy states, "I agree. It's a stretch. An assumption." The complaint lacks evidence.

Levi moves to Dismiss. Mr. Coddington states that questions are and were asked the same question many different ways. He had assumed the press questions were more repeat questions, worded differently. He had two questions asked. Whether Straub was leaving his job and / or if he was in danger of losing his job. Coddington said, in his mind they are the same question.

Troy asked, do you acknowledge that you were aware of the issues but, were aware of the wording dangers.

Levi moves to Dismiss the Complaint.

Brian, seconds the Motion.

All approve. Motion against Mr. Coddington is dismissed.

Meeting concluded at 5:40 p.m.

Minutes reviewed and approved.

Dated this ____ day of _____. 2016.

City of Spokane Ethics Commission