

City of Spokane  
Ethics Commission Meeting  
September 14, 2016

THIS MEETING WAS AUDIO RECORDED AND IS AVAILABLE FOR REVIEW AT THE  
OFFICE OF THE CITY ATTORNEY

Present:

Members:

Troy Bruner, Chair  
Levi Liljenquist, Member  
Brian Steverson, Member  
Dennis Cronin, Member  
Alice Buckles, Member  
Amina Fields, Member

Milt Rowland, Outside Counsel  
Mike Piccolo, Commission Counsel

This meeting is held at the City of Spokane Downtown Public Library and was so posted  
in the Public Meeting Notice.

Levi moves to approve the agenda. Brian seconds the Motion. All approve. Motion  
carried unanimously. Meeting agenda approved.

The Commission reviews the minutes from the last meeting and Troy moves to approve  
those minutes. Levi seconds that motion. All approve, with Amina abstaining as she had  
not been present at the last meeting.

The next matter is the advisory opinion by Nancy Isserlis. Dennis Cronin asked Mike  
Piccolo if she will be a principal in Winston Cashatt the firm and Mike says that, no, Nancy  
would be of counsel. After some discussion, Brian moves the Commission approve the  
application by Isserlis. Levi seconds that motion and all approve. Motion carries.

Regarding the Complaints from Jamie Pendleton:

Mike states that M&P employees are not subject to the Ethics Code. Mulkey, however,  
is under the jurisdiction of the Ethics Code.

Troy states the Commission should consider dismissing all the complaints that they do  
not have jurisdiction over, which would be all of them, except for the one regarding Mr.  
Mulkey. Dennis Cronin so moves and Levi Seconds. All are in favor, motion carries – all  
matters outside their jurisdiction are dismissed. Mike, anticipating this outcome presents  
the Findings of Facts for the parties being dismissed and they are so entered.

The matter regarding Nathan Mulkey is the last complaint remaining. He is present and comes forward to testify. Troy notes that there are issues by the City over The Daiquiri Factory's occupancy load. Their measurements were off in the area of couches vs. tables and chairs.

The most number of people allowed per his calculations, Mr. Mulkey says is 190 people.

The code restricted his space, not the officials/officers.

Dennis asked how he carried out his duties. Mr. Mulkey said the remeasured because Mr. Pendleton was not present at the first inspection, although Sabrina had been there. They had inspected and measured the space for 45 minutes and they had made every effort to maximize the number of people allowed –even moving things around a little. Mulkey stated that Pendleton never followed up with him about having the inspection reviewed or reconsidered.

Troy asked Mr. Mulkey if he feels harassed by this complaint and Mr. Mulkey says "yes". Mr. Mulkey states he felt he had been kind and courteous and he was shocked to hear he was the subject of an ethics complaint, especially since he had tried to assist Mr. Pendleton with getting a permit.

Brian notes that although there were two ethics codes that were cited to be violated he notes that Mr. Pendleton did not appear to support his allegations as promised.

Troy adds that he is concerned about the point about Mr. Mulkey being harassed.

Brian moves to dismiss the first Complaint. Amina seconds that motion. All in favor. Motion carries. Matter dismissed.

Brian states that like the first, Mr. Pendleton has provided no support for his complaint and moves to dismiss it as well. Levi seconds that Motion. All in favor. Motion carries. Second matter dismissed.

Troy moves to dismiss the Dean Giles complaint. Levi seconds that Motion. All in favor - Motion carries.

Mike states that he will bring the Findings and Conclusions regarding this matter to the next meeting on 9/28.

Regarding Action Item F: In re: The NOW complaint in re: Condon. The Hearing is on the 28<sup>th</sup>. Milt states that he had perhaps expected a contest to a subpoena, but no one wants to subpoena anyone, so there is nothing for them to do today regarding that NOW complaint.

Dennis notes he will be in Yakima and asks when the Exhibits will be available. Milt says we will provide them as soon as possible.

Dennis notes the Mayor is the only witness, we believe, but the Commission had not received any filings for witness lists or briefs prior to the meeting, but they had until 5:00

p.m today, and while they are not at the hearing, they may have served them in our absence from the office. We will check when we return.

Troy states that ends the agenda. We will meet on the 28<sup>th</sup>. Dennis moves to adjourn. Levi Seconds that motion and all approve.

Troy reminds the next meeting will be September 28<sup>th</sup> at 1:00 p.m. an unusual time for the Commission.

Meeting adjourned.

Minutes Reviewed and Approved:

Dated this 16 day of November, 2016.

  
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City of Spokane Ethics Commission