

**CITY OF SPOKANE - ETHICS COMMISSION
MEETING OF DECEMBER 21, 2016
MINUTES**

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

Troy Bruner, Chair
Levi Liljenquist, Vice Chair
Brian Steverson, Member
Sarah O'Hare, Member
Dennis Cronin, Member
Amina Fields, Member
Milt Rowland, Special Counsel to Commission
Mike Piccolo, Counsel to Commission

Troy opens the meeting and introduces himself and members. Troy moves to approve the meeting's agenda. Levi seconds that motion, and it carries unanimously. Agenda is approved.

Levi moves to approve the Minutes from the November 16, 2016 meeting. All approve, except Amina, who abstains as she was absent from that meeting. All else approve and motion carries.

Applicant for interview, Jill, is present and the commission reviews her application. Troy thanks her for coming and opens the forum to members for their questions to Jill. Troy first asks what inspired Jill's interest in joining the Ethics Commission. She stated that she feels remorse after the last election. She stated that she awoke the day after and thought she wants to get involved and this membership seemed like a good idea for a first step. Amina states that the Ethics Commission prohibits campaigning or endorsement of any candidate, and asked Jill if that would be an acceptable aspect to her. Jill states that she is a freelance writer for Channel 7 and is very used to keeping her views private. Brian asks Jill what skill set she may bring to the Commission. Jill states she is a reporter and works in a newsroom. She is skilled at taking in information, facts, and coming to a conclusion, despite there being no black or white. Jill has no question for the Commission and she leaves the room at Troy's request and he promises to notify her of the Commission's decision. Once left to their review, Troy asks members what their thoughts are regarding the appointment of Jill. Sarah states she is concerned that Jill had stated she was dismayed about the election, adding that ethics is neither good nor bad, so she is concerned that Jill would have some biases. Troy and Amina both state that the idea that Jill's motivation to be on the Commission had stemmed from her dissatisfaction over the election does not concern them. Amina says she therefore moves to approve Jill for membership to the Commission. Sarah votes against appointment, with all others approving, 5 to 1. Motion to approve Jill for membership passes.

Troy moves to the next Agenda item, which is the written Findings drafted from the prior meeting regarding Theresa Sander's request for approval to hire Rick Romero - which had been denied. Levi moves we approve the Findings and Brian seconds that motion. All approve. Findings regarding Romero will be entered. Mike Piccolo explains briefly the exceptions where a city employee may return to work for the City, not as an employee.

The next item is the 2017 roster of members. Some members are leaving, including himself as chair and Troy asks if anyone on the Commission would like to serve as chair going forward. Amina stated she would like to nominate Dennis Cronin to be chair. Dennis states he is willing, but there is no second. Brian states he is willing. Mike states that he thinks a Motion and a second would be appropriate. Troy and Amina move to nominate Dennis and Sara seconds that motion. Brian abstains. Four approve and by majority Dennis is appointed as chair. Dennis moves that Brian be vice chair. Amina seconds that motion and all approve. Brian will serve as vice chair.

Shogan Matter: Milt presents to address the Shogan complaint. Milt states the original Shogan complaint was filed before Milt came aboard and by that time Shogan's initial complaint had been withdrawn / dismissed without prejudice. Milt's point being that Shogan had withdrawn the matter, with the option to refile, if he so wished. However, Complaints are supposed to be filed and heard within a certain amount of time. The Commission never reviewed the matter nor ever reached any certain determination. Now, the question will be if the Commission has jurisdiction. Mr. Shogan states that the Commission had already determined jurisdiction previously. The second issue is that, based on the briefing, more information would assist the Commission in making its determination. This is not a procedure written into the code. Milt states he strongly feels they should hear from the parties.

Troy states that he wants to point out that the agreed dismissal was also signed by Attorney Jim King and that paragraph No. 3 states the Commission accepts jurisdiction and that the complaint could be refiled. That is what the parties had decided between them. Brian reviews the Minutes from the January 13, 2016 meeting and states, here is what happened:

- 1) Shogan filed a complaint on 12/2/15;
- 2) The amended complaint was filed 12/14/2015;
- 3) At the January 16, 2016 meeting, there was a hearing on Mr. King's Motion to Dismiss
- 4) Then there had been a stipulation with Shogan for voluntary withdrawal, without prejudice, which King had signed. They had not acted on it, because they had not been requested to do so.

Alice notes that at the Pendleton complaint hearing and during Spitzer matter there was a record of the dismissal. Here there is no proving the matter was dismissed. Dennis asks if jurisdiction had ever been determined.

Joe stated he had been waiting for the Cappel report to be released. He added that if you check the dates he refiled an amended complaint, stating that it is either an amended complaint or a whole new complaint, but regardless they should decide.

James King states the Commission determined jurisdiction. He states the Stipulation was between the parties. Troy states Joe could file a whole new complaint.

Joe states the Amended Complaint adds the Cappel Report to his supporting documentation. In filing an amended complaint, it is essential to open / review just as they would a new complaint, and revisit the jurisdiction issue again just as with a new complaint. Brian states he is willing to accept the amended complaint as a new complaint.

Milt states that essentially, the *are* being invited to consider the matter as a new complaint. Troy states this is a judgment call and he would agree with Bria. Brian moves to acknowledge the filing of this amended complaint as a new complaint.

Mr. King states he would like to know what document Shogan is relying upon that would make it an amended complaint. Joe states it is the 11/26 headline and un-redacted Cappel report that has been added and he believes the commission at least ought to review it. He is willing to withdraw any reference to Carly Cortright.

Brian states 10/6/16 would be the date of the refiling and Troy states that it was rewritten, resubmitted and revised documents and asks what if they took out any reference to anything filed before October 6? Joe states yes, for the record. Brian repeats his motion to accept the Shogan 10-6 Amended Complaint as a new complaint/matter.

King states the initial issue he would raise is the 10/6 complaint incorporates old issues – like in reference to Carly Cortright.

Dennis states the situation has all changed since Mr. Shogan first came before the Commission.

Levi states that it why he feels the complaint should be dismissed. Amina states that because Mr. Shogan refiled and amended, she feels both should be dismissed for lack of jurisdiction. He could refile his complaint, with clarity.

Brian responds he thinks they have to treat it as it is – and the determination was made that they had jurisdiction- and, anyway, Mr. Shogan could just file a new complaint.

Troy asks is there is any consensus. Joe states that he did allege facts about specific actions, so if they were dismiss it for lack of jurisdiction Levi notes there were two issues: 1) the press conference and 2) a statement regarding Parks. No. 1 was discussed and the second one was allowed by amended complaint.

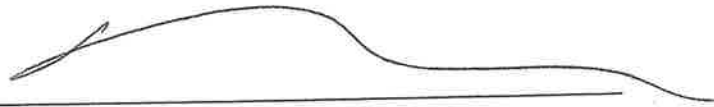
Levi moves to dismiss based on lack of facts.

Amina asks if he could make it for lack of clarity. There is no second.

Amina makes a motion to dismiss for lack of jurisdiction – this complaint should be considered as a new matter. Dennis seconds that Motion and only Brian opposes. Motion to Dismiss carries.

Meeting adjourned.

Reviewed and Approved:

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke at the end.

City of Spokane Ethics Commission