

**CITY OF SPOKANE ETHICS COMMISSION
MEETING MINUTES
APRIL 11, 2018 @ 4:00 P.M.**

Present today are: Brian Steverson, Commission Member; Dennis Cronin, Commission Chair; Sarah O'Hare, Commission Member; Ken Hall, Commission Member; Clayton McFarland, Commission Member; Michelle Bleek, Commission Member, is out ill for this meeting, but hopes to be present for the hearing set for next Wednesday. Amina Fields, Commission Member arrives later. Also present are Michael Piccolo, Counsel to the Commission and Milt Rowland, outside counsel for the Commission. Joe Shogan, Complainant, is present today. Also present are candidates for the Salary Review Commission who are presenting to be interviewed for a vetting by the Ethics Commission today.

Dennis Cronin, Chair, commences the meeting at 4:10 p.m., and asks members to introduce themselves. Today's meeting constitutes the Pre-Hearing in the Ethics Complaint matter of Joe Shogan v. Mayor David Condon. But there are a few matters prior to the handling of the Shogan Complaint matters. The minutes need to be reviewed and there are two (and later another) guests present today to be interviewed for approval to serve on the Salary Review Commission by affirming that there would be no conflict of interest by their appointment.

The meeting's agenda is reviewed for approval. Ken moves we approve the agenda and Brian Seconds. The vote is unanimous. The agenda is approved.

Dennis states the next item is to approve the Minutes from the prior meeting of March 21, 2018. There is a change on page 2, paragraph 5, where it was actually Sarah who has asked for clarification and not Michelle. That correction will be made to the Minutes and they are approved and entered - as corrected.

Mike Piccolo explains that there are applicants present today to be interviewed by the Ethics Commission for vetting of their application to serve on the Salary Review Commission.

The first candidate is Ms. McDermott and Dennis welcomes her to the meeting. He asks if she could briefly share some information regarding her application. Mrs. McDermott says she would share she has no ethical conflicts by serving on this commission. She was born and raised in Spokane and works in public service. She thinks, with her professional service experience, she has a good perspective to bring to the table. Brian asks if she has any potential conflict of interest with City of Spokane employees and she responds that she does have some friends who work for the City, but nothing that could not be addressed if necessary. There is nothing that would affect her perspective. She does not have any relatives who work for the City. She has not worked on anyone's campaign. She states Spokane is a great place to live. Dennis thanks her for her very impressive application and for coming today and she departs.

The second interview is with Mr. Savage, Dennis asks if everyone has reviewed his application. Dennis asks Mr. Savage to share anything he would add to his application. He has lived in the City for 20 years and has had no real or direct affiliation with the City before. He states he desire is to volunteer/ work for the community to pay back / serve. He states he doesn't have any conflict with serving on the Salary Review Commission. He doesn't have any family that's involved with the City at all. Brian asks about any particular skill or knowledge he could bring to this work. Mr. Savage states he has familiarity with code research. The Commission thanks Mr. Savage and he is excused and departs the meeting.

The final candidate is Mrs. Wise. Dennis Cronin introduces everyone. When asked why she applied to serve on the SRC, she states she is interested in community and has made a point to know what is going on. She wants to be a part of the city and be more involved. She says that when people ask her to serve, her answer is always yes. She was initially applying for the OPO Commission and when she met with the Mayor about it, he asked her if she would be interested in serving on any other committee or commission if she did not get selected specifically for that one and again she said yes. She serves on MACMA and then she has served on the Salary Review Commission. Her career is in financial literacy. She understands Spokane wants to be welcoming and inviting and knowing that, and what she does on a day to day basis, helps her understand how finances influence / affect families.

Clayton asked if she has served on any campaigns and she said no.

She said her application was intentionally left blank. She states that was because she speaks better than she writes and she thought if she could explain herself directly, the commission would be able to understand her better. She asks what expectations they would have of her, but Dennis advises that, as the Ethics Commission, they are not there to adjudge whether she is appointed or what the expectations will be, just that there is no ethical conflict with her potential appointment.

Mike Piccolo reminds everyone the Salary Review Commission has a meeting the following night.

Dennis asks if there is a motion to recommend Mrs. McDermott and Brian makes that motion. Mike reminds the Commission they are not making any recommendation of any of these candidates, but, rather, are indicating that following their review, they find no conflict with their potential appointment. Their Motion is only to make a Finding that they have made a determination there is no conflict by that person's appointment to the SRC. Therefore, all three candidates are each unanimously approved to forward to the Salary Review Commission for their review regarding appointment.

The next item on the agenda is the Pre-Hearing of the Complaint by Joe Shogan against Mayor David Condon. Brian Stevenson is the Chair for this part of the meeting today, due to Mr. Cronin's conflict of interest by his personal relationship with Karen Stratton, one of Joe Shogan's witnesses.

Brian states they all the Commission members should have the documents regarding for the Pre-Hearing today. Everyone should have received the Requests for Subpoenas, Exhibit List, Witness List; Objections by Shogan, and Respondent's Witness List as well. Everyone has received each

of the four “sets” of documents: Complainant’s Request for Subpoenas of Witnesses; Complainant’s Exhibit List; Respondent’s Witness List; Respondent’s Exhibit List. There is also Respondent’s Objections to Complainant’s Exhibits and Respondent’s Exhibit List (basis for objection). Everyone has all the copies ready.

Brian asks Milt about the Pre Hearing Order – and what it is they need to do regarding the subpoena request and the list of Exhibits at this meeting today. Milt advises the subpoena requests need to be decided today if and/or who they will actually subpoena witnesses to appear at the hearing. The Commission issues the subpoenas, has the latitude to issue the all subpoenas they want to and to question Mr. Shogan why he wants these subpoenas to determine their relevancy, if any, to the hearing at issue. The testimony/evidence is now limited to what is provided for in the prehearing order.

Mr. Steverson asked Mr. Shogan to explain why he wants each of his witnesses. Joe states that Mayor Condon is on the Respondent’s witness list, but if he doesn’t appear, then Joe would like to reserve the right to subpoena him to call him to testify should Mr. King not call him or if he doesn’t show up. He doesn’t see the need for a subpoena to the people who said they would be there. He would take them at their word that they will be there. The only party Mr. Shogan says he would insist upon a having subpoena would be Mr. Coddington. On his supplemental list with Cotton and Dalton, he has not requested a subpoena.

Mr. Rowland’s asks what information / relevance he believes Mr. Coddington’s testimony has regarding this matter. Mr. Shogan says he is listed on page 3 in the Seabold report – one of his exhibits. That brings in Breann Beggs too who lays forth the whole issue of withholding public records requests- stalling on them. He wants to ask Mr. Coddington about the withholding of the public records set forth in the Seabold Report- both versions.

Joe said that Karen Stratton (Affidavit) said that she asked the Mayor if this matter involved Cotton and the Mayor told her no, when yes, we know it was. Joe contends that was a lie by the Mayor. Breann should testify as to that withholding of information as well.

Clayton asked Milt that to ensure the appearance of the witnesses, would they ask the Superior Court to issue the subpoenas, but Milt said no, that they would issue them first and then, if the party did not appear, then obtain a subpoena from the court. Milt hopes that anyone receiving a subpoena will appear willingly. Milt notes that everything done should have been done a week earlier. He should have had the subpoenas served last week rather than this week. Joe states that since that is the case, he would like a subpoena for Coddington and the Mayor. If they were not to show, then he could not enforce their appearance. Therefore, he would like to have them subpoenaed.

Clayton said it his opinion that he should subpoena whomever he wants to now. If they don’t show, he (Shogan) would have no recourse. Clayton notes it’s been a long drawn out process and he should take his opportunity now. He adds it may be that if he doesn’t subpoena them, and they don’t show, the Commission may not want to subpoena them.

Joe said they key for him is basically Stuckart, Karen Stratton, and Breann Beggs to just appear but if they don’t show he will have no recourse. Joe says it will be on him if they don’t.

Then Joe said he does want subpoenas. Jim King might even require the Mayor be subpoenaed to appear. He is not even sure Mr. King would make Mayor Condon appear - if he was not subpoenaed. Also, others may need a subpoena to be able to take the time off of work.

Ken Hall moves that the Commission issue subpoenas for all the witnesses on Mr. Shogan's list, so that if someone doesn't show up, then Mr. Shogan could ask for a subpoena from Superior Court to enforce them if he needs to. Milt agrees that they could subpoena everyone on the list. Clayton agrees that this way they could get the subpoenas from the court if they don't appear.

Clayton asks if they (Stuckart, Stratton, Beggs,) don't show up at the hearing, is Mr. Shogan going to want to subpoena them and he states that he does want subpoenas at the very least for Condon and Coddington. If they don't show, he would submit to you to go get one from Superior Court. Mr. King may even require a subpoena to have him appear.

Brian asks Mr. Rowland if the Commission can issue the subpoenas even if Mr. Shogan said we don't need to and Milt advises that the Commission can issue their own subpoena. Milt agrees and says he didn't think about how they may need one for an excuse to miss work.

Milt explains the Commission has very broad discretionary powers and they can subpoena a witness without a request. Brian says that is his concern, that if there is no subpoena, they would not appear. The matter is opened for discussion. Ken Hall says he agrees, let's get them all there and get this matter finally going.

Joe adds that if you want to hear those witnesses there, Mr. King has not issued subpoenas for his witnesses, if they aren't there, what could he do? Milt says that Mr. King must be confident that they will appear. But Joe says that *he* can't be sure they will be there, and if they aren't there would be nothing he could do. Monique Cotton is in Portland. He is sure we would not show and he is not going to ask for that. And Pat Dalton he will not subpoena.

Clayton makes a motion that they issues subpoenas for every witness listed on Mr. Shogan's list. Brian Steverson seconds that Motion. That would include: Condon, Stuckart, Stratton, Beggs, Waldref, Breen, Coddington to be subpoenaed. All approve. The commission will issue the subpoenas for all seven individuals.

Brian asks Milt if there is anything else they need to do today and Milt says no. The Hearing will be next Wednesday.

Meeting adjourned.

Reviewed and Approved this ____ day of _____, 2018.

Ethics Commission, Chair