

**CITY OF SPOKANE ETHICS COMMISSION
MEETING MINUTES – October 19, 2022, 4:00 pm**

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

I. Call to Order/Roll Call.

Co-Chairperson Sarah O'Hare called the October 19, 2022, meeting of the Ethics Commission to order at 4:00 p.m.

Present for the meeting were Commission Members: Co-Chairs Sarah O'Hare and Clayton McFarland; Michelle Bleek-Plesek, Kenneth Hall; Gail Heck-Sweeney and Merle Iverson. Also present were Assistant City Attorney and Staff Director Salvatore J. Faggiano, and support staff Doris Stragier.

The Agenda was approved unanimously.

II.a. Approval of June 15, 2022 Minutes.

The Minutes from the meeting of June 15, 2022, have been reviewed. Motion to approve was made by Commissioner Iverson and seconded by Commissioner Heck-Sweeney. The minutes were approved unanimously.

II.b. Approval of August 17, 2022 Minutes.

The Minutes from the meeting of August 17, 2022, have been reviewed. Motion to approve was made by Commissioner Iverson and seconded by Commissioner Hall. The minutes were approved unanimously.

II.c. Interview Applicant for Salary Review Commission.

The interview of applicant Carl "Reed" Jessen for the Salary Review Commission was conducted. Co-Chair O'Hare explained it is the Ethics Commission responsibility to review applicants for the Salary Review Commission pursuant to SMC 1.04.170 [sic SMC 1.04A.170] to provide an advisory opinion as to whether or not any potential conflicts of interests or other conflicts with the ethics code are present. After questioning, Co-Chair O'Hare stated it appears that no conflicts of interest or other conflicts with the ethics code exist and asked for a motion. Co-Chair McFarland moved that the Commission provide an advisory opinion to the Mayor's Office approving Carl "Reed" Jessen's application; seconded by Commissioner Hall; approved unanimously.

II.d. Jurisdiction Determination of Ethics Complaint against Kara Odegard by Edwin "Larry" Andrews II.

Co-Chair O'Hare stated the next items was to determine as a body if the Commission has jurisdiction to hear the September 9, 2022 complaint by Mr. Andrews against Ms. Odegard regarding SMC 1.04A.030 A (General Prohibition Against Conflicts of Interest), F (Certain Private Employment Prohibited), K (Fair and Equitable Treatment) and N (Commission of Acts of Moral Turpitude or Dishonesty Prohibited), and whether or not this matter can be dismissed, whether it can be resolved through a stipulation, or if this matter needs additional

attention in the form of a hearing. Both parties are present, the complainant Larry Andrews, initially appearing pro se; and Kara Odegard, being represented by attorney Jeffry Finer. Co-Chair O'Hare asked the parties if they had any additional statements concerning the question of the Commission's body of jurisdiction.

Mr. Finer stated he wanted to add that the Commission has jurisdiction over the person, not over all the acts alleged.

Kenneth Hart introduced himself as Mr. Andrews' attorney and requested a continuance of the hearing as he was just asked today to represent Mr. Andrews and wanted additional time to review the documents. Co-Chair O'Hare asked if Mr. Hart felt the Commission has jurisdiction over the matter. Mr. Hart answered most likely the Commission does have jurisdiction, however, said there is an issue about which items should be brought before the commission of the total number of issues that are raised in the complaint and that is what he'd like to discuss with Mr. Finer.

Co-Chair O'Hare stated since both parties have indicted the Commission has jurisdiction over this matter, in lieu of asking the first four normal questions, asked if there is a motion to determine if we have jurisdiction in the complaint against Kara Odegard made by Larry Andrews.

Co-Chair McFarland asked the purpose of codifying our efforts, should we read through the first four questions.

The Commission considered the following questions per SMC 1.04A.110 to determine whether the Commission has jurisdiction to preside over this Complaint:

- 1) Was the complaint submitted in writing on a complaint form approved by the Commission? Did the complaint substantially meet the requirements of the complaint form? ***Upon unanimous vote the Commission answered this question in the affirmative (6-0, Yes).***
- 2) Did the complaint allege a violation of the Code of Ethics by a person who is subject to the Code of Ethics? ***Upon unanimous vote the Commission answered this question in the affirmative (6-0, Yes).***
- 3) Did the complaint identify a section of the Code of Ethics alleged to have been violated? ***Upon unanimous vote the Commission answered this question in the affirmative (6-0, Yes).***
- 4) Did the complaint describe facts that constitute the violation of the Code of Ethics in sufficient detail that the respondent and the Commission can reasonably be expected to understand the nature of the complaint? ***Upon unanimous vote the Commission answered this question in the affirmative (6-0, Yes).***

After further discussion among the Commission and the parties, and since the first four questions outlined above were answered in the affirmative, the Commission next considered the following questions:

- 1) Does the complaint alleged facts that, if found to be true, would be sufficient to constitute a violation of the Code of Ethics? ***Upon unanimous voice vote the Commission answered this question in the affirmative (6-0, Yes).***
- 2) Is the alleged violation a minor or de minimis violation? ***Upon unanimous voice vote the Commission answered this question in the negative (6-0, No).***
- 3) Is the complaint, on its face, frivolous, groundless or brought for purposes of harassment? ***Upon unanimous voice vote the Commission answered this question in the negative (6-0, No).***
- 4) Has the matter become moot because the person who is the subject of the complaint no longer a City officer or employee? ***Upon unanimous voice vote the Commission answered this question in the negative (6-0, No).***
- 5) Has the appointing authority already taken action as a result of finding a violation and the Commission believes the action was appropriate? ***Upon unanimous voice vote the Commission answered this question in the negative (6-0, No).***

Co-Chair O'Hare asked both parties if they are interested in forming a stipulation to address concerns towards Mr. Andrews' complaint. After discussion, both parties agreed to work towards an agreed stipulation.

Co-Chair McFarland excused himself from the meeting at 4:45 pm.

II.e. Respondent Breenan Beggs' Motion to Dismiss Complaint filed by Thomas J. Bassler.

As not all Commission members were able to view a video exhibit provided, Commissioner Hall moved; Commissioner Bleek-Plesek seconded, to take a break to view the video of the April 11, 2022, City Council Urban Experience meeting; approved unanimously by a 5-0 affirmative vote (with Co-Chair McFarland excused from participation).

After returning from reviewing the video exhibit, Co-Chair O'Hare stated they will move forward to consider Respondent's motion to dismiss. The complainant Thomas Bassler, represented by attorney Kenneth Hart, and respondent Breean Beggs, are present. Co-Chair O'Hare opened the floor for both Respondent and Complainant regarding today's motion to dismiss and asked for a motion to begin testimony from the parties. Commissioner Hall moved that they start the process of the hearing on the motion to dismiss; Commissioner Heck-Sweeney seconded, approved unanimously by a 5-0 affirmative vote (with Co-Chair McFarland excused from participation).

After presentation by both parties, Co-Chair O'Hare asked for a motion to end the testimony period. Commissioner Bleek-Plesek moved, Commissioner Hall second; to end the testimony period on Respondent Beggs' motion to dismiss, approved unanimously by a 5-0 affirmative vote (with Co-Chair McFarland excused from participation).

Co-Chair O'Hare asked for a motion to move into executive session for deliberations. Commissioner Iverson moved; Commissioner Bleek-Plesek seconded, to move to into executive session for deliberation, approved unanimously by a 5-0 affirmative vote (with Co-Chair McFarland excused from participation).

After deliberations and back on the record, Co-Chair O'Hare provided a synopsis of what was reviewed and considered, finding that the Commission having jurisdiction over the matter at hand and after having conducted a proper hearing on Respondent's motion to dismiss, stated after reviewing all the material, submissions, and arguments of the parties, the Commission has concluded that there are no material facts left to review and/or considered necessitating further hearing and that in looking at the established facts most favorable to the complainant, it finds in favor of the Respondent to dismiss the complaint by Thomas Bassler. Co-Chair O'Hare generally outlined that the Commission finds that on the 18th of April, 2022 the email that Ben Stuckart sent to the COC members and included the respondent, with attached 3 proposals; that the Stuckart email was sent after the COC Board voted on those proposals; subsequently, Council President Beggs forwarded those proposals to his colleagues (the remaining City Council members and their staff); the email sent by Council President Beggs was an internal City email, not a public disclosure, done for city purposes; and that Council President Beggs did not personally gain any benefit or advantage therefrom, nor did any third party.

After sharing the Commission's findings and conclusions, Co-Chair O'Hare asked for any questions or comments from Commissioners prior to the vote.

Commissioner Bleek-Plesek wanted to inform Respondent Breean Beggs that the communication he sent generally was an issue of not being transparent of where the documents were from and asked in the future when searching for something that you're not using personal or professional things to lean upon that others might not be able to; ensure that it looks like the process is being cared for and respected in the way that it should be. And we all know that there is always an information line that is the most acceptable. Keep transparency number one.

Commissioner Hall moved that the Commission approve the dismissal of the complaint; Commissioner Iverson seconded; approved unanimously by a 5-0 affirmative vote (Co-Chair McFarland excused from participation).

III. Calendar.

The next regularly scheduled meeting is December 21, 2022, at 4:00 pm.

IV. Other Business.

None.

V. Adjournment.

Co-Chair O'Hare adjourned the meeting at approximately 6:30 p.m.

Approved on 15 March '23


Sarah O'Hare, Co-Chair


Clayton McFarland, Co-Chair