

**CITY OF SPOKANE ETHICS COMMISSION
MEETING MINUTES – July 26, 2023, 2:00 pm**

I. Call to Order/Roll Call.

Commissioner Co-Chair Sarah O'Hare called the July 26, 2023, meeting of the Ethics Commission to order at 2:02 p.m. and turned the meeting over to Commissioner Co-Chair Clayton McFarland.

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

The Agenda was approved unanimously by all Commissioners.

II.a. Approval of March 15, 2023 Minutes.

The Minutes from the meeting of March 15, 2023, have been reviewed. Motion to approve was made by Commissioner Iverson and seconded by Commissioner Gail Heck-Sweeney. The minutes were approved unanimously.

II.b. Jurisdictional Determination of Ethics Complaint EC-23-06 against Beggs, Wilkerson, Stratton, Zappone, and Kinnear by Dave M.

Dave M. rescinded his complaint and this matter is moot.

II.c. Jurisdictional Determination of Ethics Complaint EC-23-05 against Betsy Wilkerson by Neil Muller.

Co-Chair McFarland stated the next item is to determine if the Commission has jurisdiction to hear the May 31, 2023 complaint by Mr. Muller against Ms. Wilkerson. Both parties are present, the complainant Neil Muller, and the respondent Betsy Wilkerson. Co-Chair McFarland asked the Commissioners if they had any questions and all responded in the negative. Co-Chair McFarland asked the parties if they had any questions and both responded in the negative.

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 (5-0, 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 (5-0, 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 (5-0, 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 (5-0, Yes).***

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 (5-0, Yes).***
- 2) Is the alleged violation a minor or de minimis violation? ***Upon unanimous voice vote the Commission answered this question in the negative (5-0, 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 (5-0, 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 (5-0, 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 (5-0, No).***

The Commission will move forward with an additional hearing to determine whether or not a violation of the Code of Ethics has occurred or if this matter can be dismissed, or, in the meantime, can be resolved through a stipulation. Hearing date is to be determined.

II.d. Jurisdictional Determination of Ethics Complaint EC-23-04 against Jeff Gunn by Neil Muller.

Co-Chair McFarland stated the next item is to determine if the Commission has jurisdiction to hear the May 31, 2023 complaint by Mr. Muller against Mr. Gunn. The complainant Neil Muller was present; the respondent Jeff Gunn was not present. Co-Chair McFarland asked the Commissioners if they had any questions and all responded in the negative. Co-Chair McFarland asked the complainant if he had any questions and he responded in the negative.

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 (5-0, 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 (5-0, 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 (5-0, 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 (5-0, Yes).***

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 (5-0, Yes).***
- 2) Is the alleged violation a minor or de minimis violation? ***Upon unanimous voice vote the Commission answered this question in the negative (5-0, 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 (5-0, 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 (5-0, 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 (5-0, No).***

The Commission will move forward with an additional hearing to determine whether or not a violation of the Code of Ethics has occurred or if this matter can be dismissed, or, in the meantime, can be resolved through a stipulation. Hearing date is to be determined.

It was noted at the meeting that Mr. Gunn would not be employed with the City after next month.

II.e. Jurisdictional Determination of Ethics Complaint EC-23-03 against Mark Carlos by Neil Muller.

Co-Chair McFarland stated the next item is to determine if the Commission has jurisdiction to hear the May 31, 2023 complaint by Mr. Muller against Mr. Carlos. Both parties are present, the complainant Neil Muller, and the respondent Mark Carlos. Co-Chair McFarland asked the Commissioners if they had any questions and all responded in the negative. Co-Chair McFarland asked the parties if they had any questions and both responded in the negative.

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 (5-0, 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 (5-0, 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 (5-0, 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 (5-0, Yes).***

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 (5-0, Yes).***
- 2) Is the alleged violation a minor or de minimis violation? ***Upon unanimous voice vote the Commission answered this question in the negative (5-0, 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 (5-0, 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 (5-0, 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 (5-0, No).***

The Commission will move forward with an additional hearing to determine whether or not a violation of the Code of Ethics has occurred or if this matter can be dismissed, or, in the meantime, can be resolved through a stipulation. Hearing date is to be determined.

II.f. Jurisdictional Determination of Ethics Complaint EC-23-02 against Zack Zappone by Neil Muller.

Co-Chair McFarland stated the next item is to determine if the Commission has jurisdiction to hear the May 15, 2023 complaint by Mr. Muller against Mr. Zappone. Co-Chair Sarah O'Hare recused herself from this matter. The complainant Neil Muller was present; the respondent Zack Zappone was not present. Co-Chair McFarland asked the Commissioners if they had any questions and all responded in the negative. Co-Chair McFarland asked the complainant if he had any questions and he responded in the negative.

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 (4-0, 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 (4-0, 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 (4-0, 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 (4-0, Yes).***

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 (4-0, Yes).***
- 2) Is the alleged violation a minor or de minimis violation? ***Upon unanimous voice vote the Commission answered this question in the negative (4-0, 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 (4-0, 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 (4-0, 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 (4-0, No).***

The Commission will move forward with an additional hearing to determine whether or not a violation of the Code of Ethics has occurred or if this matter can be dismissed, or, in the meantime, can be resolved through a stipulation. Hearing date is to be determined.

III. Calendar.

The next regularly scheduled meeting is September 20, 2023, at 4:00 pm.

IV. Other Business.

Commissioner Co-Chair O'Hare asked about the Ethics Commission vacancies and the status of that process. Mike Piccolo said the Mayor's appointment would go to the City Council for confirmation when selected but did not have any specific timeline.

V. Adjournment.

The meeting was adjourned at approximately 2:50 p.m.

Approved on 14 December 2023



Sarah O'Hare, Co-Chair



Clayton McFarland, Co-Chair