

HAND DELIVERED

September 22, 2016

Spokane Ethics Commission
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Dear Members of the Ethics Commission,

I am requesting an advisory opinion by the Ethics Commission. My employment with the City of Spokane ends October 3, 2016. Effective October 4, 2016, I intend to join the law firm of Winston & Cashatt as an associate attorney. Pursuant to SMC 1.04A.030(O)(2)-(3), I am writing to advise the City and the Ethics Commission of my intended move, as Winston & Cashatt has handled legal matters on behalf of the City of Spokane for decades, and currently has open matters representing the City, which should conclude shortly. Pursuant to the Rules of Professional Conduct and the City Ethics Code, I will have no involvement in those pending matters if they are not concluded prior to October 4. Although Winston & Cashatt does not have any matters which are adverse to the City, the firm does occasionally represent clients in misdemeanor cases in Municipal Court. I will have no involvement in those cases should they arise.

Since Winston & Cashatt may be called upon in the future to assist the City with legal matters, as required under the City Ethics Code, I am giving notice of my intent to join the firm as an associate. I request that the Commission take the appropriate advisory action under the Ethics Code and inform me of your opinion. Please let me know if you need anything further from me.

Kind regards,



Tyler R. Whitney

cc: Mayor David Condon

Tyler R. Whitney
1506 N. McKenzie River St.
Spokane, WA 99224

CITY OF SPOKANE ETHICS COMMITTEE

Ethics Committee's Advisory Opinion In Response to Request from Tyler Whitney

On September 22, 2016, Tyler Whitney, the Policy Advisor for the Mayor's Office, submitted a letter to the Ethics Commission advising the Ethics Commission that he is going to return to private practice as an associate attorney with the law firm of Winston & Cashatt effective October 4, 2016. A copy of his letter is attached to this opinion. Pursuant to SMC 1.04A.170, the Ethics Commission may issue advisory opinions.

His letter indicated that Winston & Cashatt 1) has handled legal matters on behalf of the City of Spokane for decades, 2) currently has open matters representing the City, which will conclude shortly, 3) has not in the past, nor does it presently, have matters which are adverse to the City and 4) may be called upon in the future to assist the City with legal matters, and 5) that he, consistent with the Rules of Professional Conduct (RPC) and the City Ethics Code, will have no involvement in any pending matters if they are not concluded by October 4, 2016.

Pursuant to SMC 1.04A.030 (O) 2 and 3:

No former City officer or employee shall, within a period of one year after leaving City office or employment:



- a. participate in matters involving the City if, while in the course of employment with the City, the former City officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;
- b. represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee.

It is clear from his letter that Mr. Whitney recognizes and is compliant with SMC 1.04A.030 (O) 2 and will remain compliant consistent with the Ethics Code and the RPC through arrangement with his future employer. Specifically, Mr. Whitney will not be participating in matters involving the City.

SMC 1.04A.030 (O) 3 further provides that "Whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to and approval received from the Ethics Commission. Said approval shall be in written form and copied to the mayor at the same time that it is given to the individual making the request."

In Mr. Whitney's present circumstances, no City Officer has contacted the Ethics Commission to enter into an expert or consulting service contract with Mr. Whitney.

It is the opinion of the Ethics Commission that the course of action set forth by Mr. Whitney in his September 22, 2016 letter is consistent and compliant with the City's Ethics Code.

Troy Bruner - Chairperson Date

Chairperson