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Joint Oversight Committee
City of Spokane

Re: Cotton/Straub Investigation Findings & Summary Report

Members of the Committee:

I'm writing to inform you that after considerable reflection since releasing my summary report, and after re-reviewing the evidence that I relied on in reaching my findings regarding Issue 5 (the Spokesman-Review August 18, 2015 public records request), I have determined that I must amend my findings on Issue 5 as to Mayor Condon and Mr. Coddington. Issue 5 always presented the most difficult issues to resolve, particularly given the unavailability of the members of the City Attorney's office. The conclusion that Mayor Condon and Mr. Coddington withheld information with the purpose and intent of delaying the release of records was based on a preponderance standard, which is a very low threshold of proof (more likely than not). My finding with respect to those individuals was also based entirely on circumstantial evidence, meaning I drew inferences based on other evidence. That is in contrast to my findings regarding Ms. Isserlis, Ms. Sanders, and Mr. Dalton, which is detailed in the report.

Given the low standard of proof and the fact that all of the information was circumstantial, my initial finding as to the Mayor and Mr. Coddington should have been inconclusive. I should have reserved judgment with the caveat that I believe certain members of the City Attorney's Office likely have information bearing on these issues that would aid in a more definite finding.

I had a conversation with Councilmember Beggs after the Council received the report and knew that my findings on Issue 5 were very concerning to the Council. I also had a separate conversation with Ms. McAloon and Mr. Romero on today's date. Those conversations prompted me to reconsider all of the evidence related to Issue 5, which in turn led to my decision to amend my findings as to Mayor Condon and Mr. Coddington. I understand that my amended findings will result in criticism and speculation, for which I accept full responsibility. I also want to make clear that the decision to amend my findings was my decision, and my decision alone. No one attempted to influence me in any way. I regret that my actions have added to the controversy surrounding this investigation.

Attached please find my amended report.

Respectfully submitted,

Kris Cappel/Seabold Group