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**AUG 10 2016**

**OFFICE OF THE CITY ATTORNEY**

August 8, 2016

Michael J. Piccolo, Assistant City Attorney  
City of Spokane Ethics Commission  
808 W. Spokane Falls Blvd.  
5<sup>th</sup> Floor, Municipal Bldg.  
Spokane, WA 99201-3326

**VIA U.S. MAIL**

Re: Spokane Ethics Commission Complaints  
Our File No. 3295-022

Dear Mr. Piccolo:

It has come to my attention that Jamie Pendleton has filed ethics complaints against two members of the City of Spokane Managerial & Professional Association ("Association"), Dean Giles, and Margaret Redd. Pursuant to 1.04A.110D, these complaints should be dismissed.

SMC 1.04A.110D(1)(a) requires the Ethics Commission to dismiss any complaint when it "has no jurisdiction." The Ethics Commission should dismiss Mr. Pendleton's complaints because the Commission lacks jurisdiction pursuant to SMC 1.04A.160. Under SMC 1.04A.160, the current 2015 Code of Ethics is not applicable to Association members. SMC 1.04A.160 states in pertinent part:

The Code of Ethics shall be applicable to all elected or appointed officers and exempt confidential employees and shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment.

The City of Spokane and the Association are parties to a 2015-2016 collective bargaining agreement ("CBA"). Article IX, Section D of the CBA provides:

The Code of Ethics contained in Spokane Municipal Code Chapter 1.04, as effective Sunday, March 4, 2007, shall apply to Association members. The Association agrees to reopen this Section of the contract upon adoption by the Spokane City Council of any modification to the

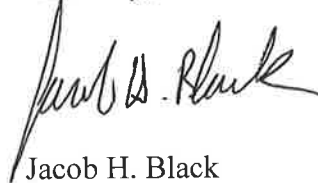
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Code of Ethics, to discuss applicability of the modified Code of Ethics to Association members.

On January 12, 2015, the Spokane City Council adopted amendments to the 2007 Code of Ethics. Because modifications were made, the Code of Ethics referenced in the parties' CBA is no longer applicable. To date, the Association has not adopted or, discussed with the City, the applicability of the January 2015 Amended Code of Ethics to Association members. The current CBA reflects this fact. The 2015 Code of Ethics is not a condition of employment for Association members. Because the amended Code of Ethics is not applicable to Association members, the Ethics Commission should dismiss Mr. Pendleton's complaints against Association members for lack of jurisdiction.

Moreover, and in the alternative, pursuant to SMC 1.04A.110D(1)(c) the Ethics Commission should dismiss the complaints because they are "frivolous, groundless or brought for purposes of harassment" on their face.<sup>1</sup> Further, the Ethics Commission should dismiss Mr. Pendleton's complaints pursuant to SMC 1.04A.110D(1)(d) because even *if* his allegations were true, the alleged violations are "minor or de minimis violation[s]."<sup>2</sup> The Association therefore respectfully requests the Ethics Commission dismiss Mr. Pendleton's complaints against its members.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob H. Black", written in a cursive style.

Jacob H. Black

JHB:yc

cc: David Lewis

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<sup>1</sup> Mr. Pendleton is a vexatious complainant who has filed seven (7) complaints with the Ethics Commission since 2015. See <https://my.spokanecity.org/bcc/commissions/ethics-commission>.

<sup>2</sup> Mr. Pendleton makes numerous factual misrepresentations in his complaints.