

CITY OF SPOKANE ETHICS COMMISSION

Ethics Commission's Findings, Conclusions and Decision Regarding Complaint filed by Jamie Pendleton Against Margaret Redd

FINDINGS

The Ethics Commission makes the following findings:

1. On or about July 13, 2016, Jamie Pendleton filed an ethics complaint against Margaret Redd alleging that Ms. Redd violated SMC 1.04A.030(M), regarding aiding or assisting other officers or employees in violating the Ethics Code, and SMC 1.04A.030 (N), regarding commission of acts of moral turpitude and dishonest, in relations to her actions regarding Mr. Pendleton's business.
2. SMC 1.04A.160, regarding applicability of the Ethics Code, states that "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."
3. On August 8, 2016, the attorney for the Managerial and Professional Association, on behalf of Ms. Redd, filed a response to the complaint asserting that pursuant to SMC 1.04A.160, the Ethics Commission does not have jurisdiction since the collective bargaining agreement between the Association and the City does not place employees represented by the Association under the current Ethics Code codified in Chapter 1.04A SMC.
4. While the current collective bargaining agreement between the City and the Association does reference the inclusion of the Ethics Code, it does not include Chapter 1.04A SMC as amended by the City Council. The amended version of the Ethics Code includes prohibited conduct alleged in Mr. Pendleton's complaint that is not included in the prior version of the Code of Ethics encompassed in the collective bargaining agreement between the City and the Association.
5. The Commission held a hearing on September 14, 2016 to address the complaint.

CONCLUSIONS

The Ethics Commission makes the following conclusions:

The Ethics Commission does not have jurisdiction in this matter pursuant to SMC 1.04A.160 because Mr. Pendleton filed a complaint against an employee of a labor union that has not entered into a collective bargaining agreement providing that compliance with the current Code of Ethics codified in Chapter 1.04A SMC is a condition of employment.

DECISION

Based upon the Findings and Conclusions set forth above, the August 8, 2016 response from the Managerial and Professional Association and the deliberation of the Ethics Commission at the September 14, 2016 meeting, the Ethics Commission concludes that the complaint by Mr. Pendleton against Margaret Redd is dismissed pursuant to SMC 1.04A.160 due to the Commission's lack of jurisdiction.

This decision was approved by a vote of Six to zero of the Ethics Commission members present for and participating in the hearing.

 9-14-16
Troy Bruner - Chairperson Date