

October 7, 2019

City of Spokane Ethics Commission
Office of the City Attorney
C/o Rebecca Riedinger, Ethics Commission, Staff Support
5th Floor Municipal Building
808 W Spokane Falls Blvd
Spokane, WA 99201

RE: Ethics Complaint Filed Against Council Member Karen Stratton

Dear Members of the Ethics Commission,

Thank you for your time and attention to this matter. I am unable to attend the initial hearing on October 16th, 2019 due to a planned vacation. I am providing my comments in writing in lieu of my physical attendance. I believe that, according to SMC 01.04A.110 D2, "Further information must be presented for the Commission to determine if a violation of the Code of Ethics has occurred."

Since this hearing is addressing the Jurisdictional matters, I am going to attempt to make this as clear as possible and not focus on the many distractions that Council Member Stratton lobbed in her written response. The most relevant concern is with the use of City Property for personal use.

SMC 1.04A.030 K.3. Fair and Equitable Treatment.

- **No City Officer** or employee **shall use City** –Owned vehicles, equipment, materials, money or **Property for personal or private convenience** or profit. **Use is restricted to such services as are available to the public general, for the authorized conduct of official business (not personal use), and for such purposes and under such conditions as can be reasonably expected to be approved by City Policies**

Whether sought for profit, expanding market, or whether successful or unsuccessful to the endeavor of advocating for David & Shilo Morgan and Lucky Leaf is irrelevant to the proceedings of this hearing or the merit of the issue. It is the use of the property that is the section at hand rather than the success or potential gain that we call into question. There was no resolution passed in which the City of Spokane would suggest that the City of Pasco to change their zoning to favor the retail sale of Marijuana and related cannabis products. There was no direction from City Administration to advocate to the City of Pasco. The issue at hand is that city property, specifically letterhead, was used for Personal use, which specifically violates the Fair and Equitable Treatment portion of the code of conduct.

In addition to the concerns in my initial request for the Spokane Ethics Commission review of Spokane Council Member Stratton's official letter to the City of Pasco, WA for "Lucky Leaf," ("The letter"), two new circumstances warrant further investigation and hearing on the matter.

First and foremost, in the days following my request for ethical review, Council Member Stratton appears to have stated that she had at least some pause about her letter to Pasco Council Members. In a Spokesman-Review article by Kip Hill on September 16, 2019, entitled, "Ethics complaint targets

Spokane Councilwoman Karen Stratton's endorsement of Pasco marijuana business," Council Member Stratton is quoted as:

"Stratton said she was approached by David and Shilo Morgan, owners of Lucky Leaf, to write a letter on their behalf, and she conferred with the City Council's policy advisor, Brian McClatchey, before sending her own letter.

"I know Brian and I talked about it," Stratton said. But Stratton said the conversation did not include whether writing the letter on city letterhead was appropriate."

Council Member Stratton mentions a conversation with Mr. McClatchey about the letter, and yet she provides no information about any advice or opinion from Mr. McClatchey. At the time I wrote my complaint, I was not aware that Mr. McClatchey had been approached on the matter. Now that Council Member Stratton appears to have sought advice from Mr. McClatchey, I believe that Mr. McClatchey may be the most important witness to provide information on the matter. I ask that you include Mr. McClatchey among witnesses, as Council Member Stratton has chosen to involve him.

Second, I am not a lawyer. I do not believe Council Member Stratton is either. And yet, in her three-and-a-half-page response letter of October 2, 2019, she constructs complex legal arguments that would seem to require further explanation, best explored through a hearing with the benefit of questions and answers.

Unlike Council Member Stratton, I put full faith in the members of our Ethics Commission to execute your duties. Council Member Stratton's response to my call for ethical inquiry is troubling in tone.

Council Member Stratton begins her response by taking a patronizing posture with regard to Commissioner Clayton McFarland. The argument that Council Member Stratton makes to Commissioner McFarland's professional affiliations and insinuation of compromise is not only insulting, but also belies her central argument that she is not in violation of our ethics code because she is not directly able to sell her marijuana to "Lucky Leaf."

Council Member Stratton's argument requires that because Commissioner McFarland is a Realtor and a member of BOMA (Building Owners and Managers Association), and that some Realtors support her opponent and I am a member of BOMA, that McFarland should step aside in this matter to avoid the appearance of impropriety.

If Council Member Stratton is to be consistent, shouldn't she have exercised this level of caution and NOT used City of Spokane letterhead and her elected position to forward her personal opinion about her "Lucky Leaf" colleagues and marijuana zoning in the City of Pasco? Council Member Stratton is holding a cautious interpretation of ethics with regard to Commissioner McFarland, but a rather loose interpretation with regard to her own actions in writing her letter.

Further regarding Council Member Stratton's belittling tone, her use of the word "inane," generally understood to mean stupid or silly, in response to my call for ethical inquiry is unnecessarily aggressive.

Additionally, Council Member Stratton's request that my call for ethical inquiry be determined to be frivolous is both hostile and disappointing. While I am not personally concerned about Council Member Stratton's retaliation, I am deeply concerned that her calls for punitive action will create a chilling effect

on citizens of Spokane who feel that a situation may require our Ethics Commission's review. Citizens should be celebrated by elected officials for coming forward, not chastised.

Respectfully,



Neil Muller