

December 6, 2023

Sarah O'Hare, Chair
Members of the City of Spokane Ethics Commission
c/o Mike Piccolo, Assistant City Attorney, Ethics Commission Staff Director

Via email to: mpiccolo@spokanecity.org

REBUTTAL TO MARK CARLOS RESPONSE TO OPENING BRIEF

Sarah and fellow Ethics Commissioners,

I don't know that I'm in a position to apologize, but I will thank you for your attention and continued participation in this protracted process. My sincere intent was and is to call about concerns that are shared by many, in the hopes that we all receive exemplary service by our elected officials and City staff.

Reviewing Mark's response to my opening brief, they begin offer arguments:

- 1. Testified on "own" time.**
- 2. City Business on Personal Device**
- 3. My affiliation with BOMA Spokane**
- 4. Assisting Another**
- 5. Didn't Share Information Outside Office**

1. What Mark fails to address, which is detailed in my complaint, is that he testified invoking his position with City Council. Personal time testifying as a citizen is entirely different than when testifying in carrying your official capacity with City Council.

2. Mark makes no effort to deny that he conducted City business on his personal cell phone, in fact they appear to admit to such.

3. Most troubling is that Mark, while participating in an ethics proceeding, takes the opportunity to further provide evidence to his bias against groups that do not align with his political preferences. In this case, the nonpartisan professional organization – *The Building Owners and Managers Association* (BOMA) Spokane chapter. Need I say more when Mark is amply making my case for me? It is pretty clear that no members of BOMA or myself to be welcome to advocate for a position with Mark Carlos whether we agree or disagree.

4. If Mark is incapable of understanding what ethical violations have occurred or the public perception that they may have occurred, I am incapable of explaining to them how their own actions with another makes them further complicit.

5. I am capable of introducing evidence from a Spokane Police Ombudsman's report that Mark's assertion that they have in fact shared privileged City information outside of the office. In fact, the Ombudsman's report on Mark's behavior depicts grave concerns that documents were obtained by them in violation of policy, illegally copied and manipulated, and likely shared with news media. I offer this only by way of responding to Mark's assertions that they are beyond reproach. This is a public document already, and I have the public records request identifying the anonymous employees. The document is available upon request.

Thank you all again for your time and attention to this matter.

Gratefully,

Neil Muller