



**CITY OF SPOKANE**  
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October 27, 2015

Brian Coddington  
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City of Spokane Ethics Commission  
808 W. Spokane Falls Blvd  
Spokane, WA 99201

RE: Response to ethics complaint

Ethics Commission members,

Thank you for the opportunity to respond to the allegations made by Ms. Shar Lichty, a candidate for mayor. It is extremely disappointing that Ms. Lichty has chosen to misuse the ethics complaint process as a tool for attempted personal benefit. Her claims are without merit, reckless and self-serving and intended to harm my credibility and reputation for political gain. I request that per SMC Section 01.04A.110.D.1.d you dismiss her complaint as frivolous, groundless and brought for purposes of harassment, in this case, political benefit.

Ms. Lichty made her motivation clear when she contacted the media three hours before filing her complaint with this Commission. That motivation was reaffirmed by the press conference she held moments after filing the complaint, her subsequent comments to the media and use of the complaint in political advertising less than 40 hours later.

She was motivated by the attention it would bring to her campaign and made no attempt to validate the allegations. That was clearly demonstrated when word of the intended filing of the complaint came from the news media three hours before it was filed with the Commission.

Additionally, Ms. Lichty acknowledged the filing was politically motivated in an interview with *KXLY-TV* for its 5 pm newscast on October 12, 2015, stating: "I'm not sure if I would have been the one filing, but I certainly would have supported filing. So, but ... it's possible I would have been the one filing as well."

Following is a timeline of events that preceded and immediately followed the filing of the complaint on October 12. The events clearly indicate the complaint was filed as an orchestrated media event for political purposes.

- Caitlin Reardan, a reporter with *KHQ-TV*, called my cell phone at 12:27 pm to ask if I would speak to her about an ethics complaint Ms. Lichy intended to file later in the day.
- Kip Hill, a reporter with *The Spokesman-Review*, called at 1:42 pm, stating in his voicemail message left on my desk phone that: “I believe an ethics complaint is going to be filed today. I don’t know if you’re aware of that or not, but wanted to talk to you about it a little bit if you have some time.”
- I returned a call from Mitch Ryals, a reporter with *The Inlander*, at 2:28 pm. He asked about the ethics complaint that he expected Ms. Lichy to file later in the day.
- John Hendrix, a reporter with *KXLY-TV*, sent a text message at 3:09 pm stating, “Hey Brian – will you guys have a statement or time for a quick interview about the ethics complaint Shar Lichy says she is filing against you and Theresa Sanders?”
- Ms. Lichy held a press conference attended by several members of the media at approximately 3:30 pm in front of City Hall to announce that she had filed the ethics complaint and distributed copies of it to the media.

Several of the statements Ms. Lichy made to the media during the press conference and at a political debate appearance three days later are summarized below. Her comments when considered together with her interactions with the media both prior to and after the filing confirm a political agenda that is clearly outside of the intent and purpose of this Commission.

- *KXLY-TV*, 5 pm news, October 12, 2015: “I’m not sure if I would have been the one filing, but I certainly would have supported filing. So, but ... it’s possible I would have been the one filing as well.”
- *KHQ-TV*, 5 pm news, October 12, 2015: “It’s kind of in my nature to hold the incumbent that I’m running against accountable for the actions, lack of actions, or misdeeds under their administration.”
- *The Spokesman-Review*, October 13, 2015: “Lichy acknowledged Monday that the timing of the complaint benefited her campaign against Condon, but said her motives was driven by correcting the public record and holding city official accountable.”
- *The Inlander*, October 13, 2015: “Lichy admits that filing the complaint was political, but notes that the Ethics Commission will respond to the complaint in 30 days, after the election.”

- *KSPS-TV*, Spokane Mayoral Debate, October 15, 2015: “The timing is interesting, but if I wanted to be truly political in filing that ethics violation I would have had someone else file it and then I would have put out advisories to the media to respond to that complaint. But that’s not how I do things. I’m completely transparent. The concern was brought to me. I decided to move forward on it. So, I’m the one that filed the complaint because I thought that was the appropriate way to handle that.”

### **The complaint lacks merit**

Three stories written by one newspaper reporter and a letter from an attorney whose client has filed a claim against the city form the entire basis for the complaint filed with this Commission. Ms. Lichty made no attempt to gather any independent information or facts and chose instead to arrive at conclusions that benefitted her campaign.

Had Ms. Lichty taken the time to do any independent due diligence she would have learned that the allegations have no basis in fact. She would have learned that they center around two questions asked by *The Spokesman-Review* reporter Nick Deshais and a timeline compiled by an attorney who was retained at least a day after the fact to file a multi-million dollar claim against the city.

The ordinance establishes as a standard that “to the best of the person’s knowledge, information, and belief formed after reasonable reflections, the information in the complaint or inquiry is true.” In the absence of personal knowledge, a reasonable interpretation of that standard would include the expectation that some attempt was made to verify third-party statements being made. That did not happen.

### **Allegation1: Mr. Coddington denied any knowledge of Straub’s imminent departure.**

This allegation stems from the two questions posed by Mr. Deshais: “Is the chief losing his job today?” and the immediate follow-up, “So, the chief’s job is not in danger?” Both were asked back to back during a very brief conversation that occurred around midday on September 22. The first question is very direct and clear. The second question I interpreted as a re-rephrase of the first – a practice I have experienced as common during hundreds of media interviews.

**Allegation 2: Coddington's statement was contradicted by the fact that a decision to dismiss Straub was made the previous day (30 hours before Coddington's statement) and that a press release had been prepared and circulated early in the day on September 22<sup>nd</sup>.**

At the time the questions were asked, a discussion was ongoing about the options moving forward regarding the chief of the Spokane Police Division. As I understood it, several options were discussed during a morning meeting on September 21 to which I was not a party. No deadline was established for determination of next steps. In fact, the parties to that discussion had planned to take as long as the rest of the week to review the information discussed and make a decision about next steps.

**Allegation 3: Despite these assertions, it is clear that a press release was drafted (which Straub attempted to stop from release) early on September 22<sup>nd</sup>.**

As can happen, that timing changed. The conversation evolved rapidly that afternoon and the situation had changed by late afternoon. Over an approximately three-hour span concluding just after 4 pm, a mutual decision was made that resignation was going to be the conclusion of the discussion that began on September 21.

There was significant public interest in the police chief during the days and weeks leading up to the brief exchange with Mr. Deshais on September 22. Numerous public records requests were filed by *The Spokesman-Review*, *The Inlander*, and members of the public. Multiple media calls came in seeking confirmation of rumors, including the call from Mr. Deshais on September 22 just before 1 pm.

Once a conclusion was reached just after 4 pm on September 22, it was determined that, given the interest, it would be best to address members of the media as a collective. No obligation existed to call Mr. Deshais back and immediately update him of a change in status and information. He, along with the rest of the Spokane media, was invited to hear the update at one time approximately four hours after the initial conversation and still before his deadline for the morning paper. Mr. Deshais posted his first story on spokesman.com and then attended the 4:45 pm news conference.

### **Summary**

Circumstances and information change. We make every effort to provide the best, most current information available. This situation is no different. The conversation evolved, the situation changed and updated information was quickly provided to the media.

In her haste for political gain, Ms. Lichty made no attempt to verify any of the claims made in the media or elsewhere and chose instead to capitalize on an opportunity to boost her campaign.

Ms. Lichty said that she is all about accountability. I'm asking that this Commission hold her accountable for filing frivolous, politically motivated allegations. Admonish her for wasting this Commission's time, send a message to future candidates for public office that this behavior will not be tolerated and dismiss her claim for what it is: frivolous, groundless and brought for purposes of harassment, in this case, political benefit.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Coddington". The signature is written in a cursive, flowing style.

Brian Coddington