

December 12, 2024

Kathy Sexton
Ethics Officer, City of Wichita, Kansas
Sent via electronic mail only to kathy.sexton@wichita.edu

Re: Ethics Complaint – October 23, 2024
Complainant: Ted Bush, International Association of Firefighters Local 135
Response to Report Dated December 3, 2024

Dear Ms. Sexton,

I appreciate the Ethics Board's work to resolve this Complaint. I have reviewed the Board's *Report* dated December 3, 2024, and am following up with three requests.

The first request refers to the Board's ultimate conclusion: "The Ethics Board finds the facts regarding Complainant's allegations are conflicting. The Ethics Board finds no violation of Council Policy 39 based on the information provided." While I agree with the finding that no Council Policies have been violated, I am puzzled by the Board's finding that there are "conflicting and inconsistent facts."

I see no conflict whatsoever in the facts reported. As you note, I [Respondent] denied and continue to deny the allegations in the Complaint. Chief Snow is the individual who made the statements which served as the foundation for the Complaint – while apparently recorded by Mr. Bush without her knowledge – and per your report, Chief Snow "denies that the Respondent said or did what is alleged." Notably, Chief Snow even clarified that my comments to her during the conversation she summarized for Mr. Bush were "not an instruction to lay off the employees." If the alleged order or instruction had occurred, the appropriate protocol is for the Department Head to alert the City Manager. To the contrary, your report notes that City Manager Layton recalled separate conversations with me and Chief Snow, with City Manager Layton stating, "**Neither mentioned anything about Respondent instructing Chief Snow to lay off anyone** (emphasis in original)," and "[Mr. Layton] said he was never advised by anyone else that Respondent ever ordered anyone to lay off 42 employees." On December 5, after your *Report* was released, Chief Snow issued an apology to me, stating "she never instructed me to do anything." She went on to state: "I apologize to Mayor Wu and the community for in any way causing a distraction from anything other than the Wichita Fire Department's laser focus on keeping Wichita safe."

Other allegations made by Mr. Bush in his sworn Complaint, including "[I] informed [Chief Snow] that Chief Snow must lay off forty-five (sic) employees within the Wichita Fire Department before the end of 2025" and that "she did not have any choice in the matter" are inconsistent with

Kathy Sexton
Re: Ted Bush/IAFF Local 135 Ethics Complaint
December 10, 2024
Page 2

the small portion of the recording that has been reviewed by the Board¹ and released to the public – the same recording Mr. Bush had in his possession at the time he decided what sworn allegations he wanted to present against me.

Both parties alleged to have been participants in the original conversation – Chief Snow and I – both agree that I never made the alleged statements. No witness supports the allegations presented. The Board’s *Report* should be amended, or the Board should otherwise clarify that there is no conflict in the evidence as to whether I made the alleged statements: The evidence is clear this never occurred and I believe it is important to clarify this point for the citizens of Wichita.

Second, the *Report* states “The Complainant recorded the meeting with Chief Snow and provided only a portion of the audio recording of the meeting. As part of the investigation, the entire recording of the meeting was reviewed to confirm that portions not provided did not pertain to this issue.” However, based upon my follow-up questions to the Board (*see* FN 1, Item 2), I now understand the Board only reviewed the four minutes of audio that have been released to the public, and not any of the remaining 43 minutes of recorded conversation. I am unclear as to why the Board only reviewed the four minutes it was provided, even with the knowledge that this was less than 10% of the recorded conversation. If the Board is in any way considering the 4:00 portion of the recording as evidence, I believe it is important for the Board to review the entire 47-minute recording – as the report states was done – to confirm “portions not provided did not pertain to this issue.”

Finally, I would request that the Board please preserve and maintain any and all evidence obtained from Mr. Bush or other representatives of IAFF Local 135 as part of its investigation, including, but not limited to, any and all audio recordings, documents, handwritten notes, or other evidentiary items obtained from Mr. Bush or other representatives of IAFF Local 135 at any time in the investigation. Please do not return or destroy these items and continue to maintain them until further notice.

Thank you for your time and consideration.

Sincerely,

Lily Wu
Mayor, City of Wichita

¹ See attached Kathy Sexton’s e-mail to me dated Friday, December 6 at 8:29 a.m., Item 3.

Wu, Lily

From: Sexton, Kathy <kathy.sexton@wichita.edu>
Sent: Friday, December 6, 2024 8:29 AM
To: Wu, Lily
Subject: Re: Clarification questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1. September 16
2. just the clip
3. no

Hope this is helpful.
Kathy

From: Wu, Lily <LWu@wichita.gov>
Sent: Friday, December 6, 2024 8:20:38 AM
To: Sexton, Kathy <kathy.sexton@wichita.edu>
Subject: Clarification questions

Kathy-

Good morning. Could you use answer the following clarification questions before submitting a response within the 7 days?

1. Which date is the actual day of the audio recording? (The report states, "The audio file provided says October 1, but the Board was advised that is not when the meeting occurred.")
2. Did the Ethics Board listen to the entire 47:05 audio recording or just the 4:00 clip, which was provided to the media on Thursday, December 5?
3. The allegation: "before the end of 2025, and that she did not have any choice in the matter." Did Chief Snow tell Mr. Bush anywhere in the recording that I said to Snow that she "did not have any choice in the matter" and/or that the layoffs must occur "before the end of 2025"?

Thanks,
Lily

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