



**TO:** City Council  
**FROM:** Ethics Advisory Board  
**SUBJECT:** EAB Report on Ethics Complaint 2022-01  
**DATE:** March 23, 2023

---

On March 17, 2022, City Council Member Bryan Frye (“Complainant”) filed a complaint, labeled Complaint 2022-01. In compliance with City Council Policy 39, our report is as follows:

1. Summary of Complaint -

Complainant alleges that Mayor Brandon Whipple (a) openly advocated for Casey Yingling to be hired as Assistant to the Mayor and (b) interfered with the hiring process on or around February 16, 2022.

2. Scope of Investigation -

The investigation included review of the complaint, the Mayor’s response, City of Wichita personnel policies, general hiring practices, documents provided by Human Resources (HR) and Management, and documents generated in the hiring process for this job posting. Interviews were conducted of two named witnesses.

3. Summary of Facts -

The Code of Ethics (Council Policy 39) was adopted May 11, 2021. Events related to the employment/engagement of Ms. Yingling in various capacities, began prior to May 11, 2021, which was during Mayor Whipple’s campaign, transition, orientation and initial period in office. A City of Wichita HR witness said Ms. Yingling was first hired in a temporary, part-time capacity. Wichita personnel involved in city management and human resources said the new mayor initially wanted a fulltime assistant and to hire Ms. Yingling. Regardless, Ms. Yingling’s temporary employment ended early in the Mayor’s term, and other staff fulfilled various roles assisting the mayor for a period.

A witness advised that the Council directed staff to perform an organizational analysis, including resources to serve the mayor and city council members. Following this analysis, adjustments to staffing were recommended to better support the various elected officials. This arrangement operated until approximately January 2022.

Witnesses indicate that around January 2022, a member of the Mayor’s support staff announced retirement. An updated/rewritten position of Assistant to the Mayor was posted. In January and February 2022, applications were accepted, screening and assessments occurred, and interviews

were scheduled. There were five individuals in the pool of initial applicants. Even fewer were deemed qualified or even partially qualified through the screening process which included a written exam. A witness advised that due to the limited duration of the job, one of the two candidates chosen to be interviewed withdrew on the date of interviews, leaving Yingling as the only interviewee. Ms. Yingling was interviewed by a three-person panel including the Mayor and the two named witnesses, using predetermined interview questions and rating forms that were filled out. She was hired.

#### 4. Applicable Section(s) of the Code of Ethics Involved –

The complaint form used by Complainant is the original form, and it did not specifically require listing a particular Policy 39 subsection (A-P) to have been allegedly violated. Complainant alleges use of political patronage, improper interest, and interfering with the hiring process, which appears to reference subsection O, which reads as follows:

“Refrain from patronage and do not interfere with the hiring process in order to maintain the integrity of that process. Officials should refrain from expressing an improper interest in the hiring process.”

#### 5. Findings of the EAB –

The Ethics Advisory Board (“EAB”) reviewed the parties’ submissions, City of Wichita policies, usual procedures, and documents generated from the hiring process, and conducted multiple witness interviews. Of note, the Code of Ethics (“the policy”) was adopted May 11, 2021. Thus, the EAB limited its decision to evidence and facts occurring after the enactment of the policy.

While the two witnesses who were involved in the hiring process would not deny being aware of the Mayor’s previous desire to hire Ms. Yingling, they denied that the Mayor directly or indirectly interfered in the early 2022 hiring process. The evidence provided did not support that the Mayor directly or indirectly interfered in the hiring process or openly advocated for Ms. Yingling after May 11, 2021 (the date of the policy’s adoption).

The second part of the complaint alleges Mayor Whipple interfered with the hiring process by participating in the interview of Ms. Yingling on February 16, 2022. The EAB confirmed the Mayor was on the interview panel. The procedures set forth in the hiring policy were generally followed with a few exceptions, and those exceptions do not substantiate an ethical violation by the Mayor. While Mayor Whipple participated in the interview, HR and management witnesses said other elected officials have participated in interviews for positions, such as their community service representatives, as well as occasionally participating in interviews for key management positions.

Therefore, the EAB does not find a violation of Policy 39 based upon the evidence provided. On March 23, 2023, the EAB adopted this report and considers this matter closed.

In compliance with City policy and EAB procedures, this report is being provided to the Complainant, the named official, outside counsel to the EAB, City Council, City Attorney, City

Manager and City Clerk. The complainant and respondent have seven (7) days in which to email a response to [Kathy.Sexton@wichita.edu](mailto:Kathy.Sexton@wichita.edu) stating any specific dispute of the facts or interpretation of the Code of Ethics.

After seven days, assuming no response is received, the findings become final. If a response is received within the seven days, the allegation raised will return to the EAB agenda for reconsideration and a final determination.

In either case, the City Clerk shall post the final report on the Ethics webpage at [www.wichita.gov](http://www.wichita.gov).