



Published at the direction of the

LEGISLATIVE ETHICS BOARD

PO Box 40482 • Olympia WA 98504-0482 • Phone (360) 786-7343 • www.leg.wa.gov/LEB

2019 ANNUAL REPORT

MISSION STATEMENT

To fairly administer the Ethics in Public Service Act (Act) and to always be aware of the long-term effects that Board decisions may have on the legislative branch of government and the public trust.

To emphasize training and the utilization of ethics advisers so that, whenever possible, questions may be addressed in an educational rather than a confrontational setting.

BACKGROUND

Established in 1994 by statute, the Washington Legislative Ethics Board (Board) is composed of nine members. Four members are current legislators selected by their caucuses and appointed by either the President of the Senate or the Speaker of the House. Four members are citizens who are selected by the Governor from a list of three individuals submitted by each of the four caucuses. The fifth citizen member is selected by at least three of the four citizen members. The chair must be a citizen member. Legislative members serve two-year terms and can be reappointed; citizen members serve one five-year term. All members serve until their successor is appointed.

MEMBERS

Eugene Green (Chair) was selected by the other citizen members in 2012. Mr. Green retired from Senate Committee Services, where he served as policy staff on numerous committees for 29 years. He is a graduate of the University of Illinois.

Debbie Regala (Vice-Chair) was selected by the Senate Democratic Caucus in 2013. Ms. Regala represented the 27th legislative district (Tacoma), first as a Representative from 1994-2001 and then as a Senator from 2001 until 2012. She graduated from the University of Puget Sound with a degree in foreign languages and education.

Rep. Laurie Dolan was appointed by the House Democratic Caucus in 2017. She is a current member of the House of Representatives representing the 22nd legislative district (Olympia area). Rep. Dolan received her undergraduate degree from the UW and her Master's degree and Ph.d. from Gonzaga University. After spending 30 years in education, she was hired as then-Governor Gregoire's policy director. She currently serves as Vice-Chair of the House Education Committee.

Senator Jim Honeyford was appointed by the Senate Republicans in 2007. He has been reappointed multiple times since then. Sen. Honeyford was a member of the House of Representatives from 1994-1998 and has been a member of the Senate representing the 15th legislative district (eastern Washington) since 1998. He currently serves as the Assistant Ranking member on the Capital Budget Cabinet, Ways and Means Committee. Sen. Honeyford earned his undergraduate degrees at Central Washington University and a Master's degree of Education in Instructional Media.

Judge Terry Lukens (ret.) was selected by the House Republican Caucus as a citizen member in 2016. Judge Lukens has been a city council member, the mayor of Bellevue, a member of a large Seattle law firm, a mediator and a Superior Court judge. He received his undergraduate degree from Brown University and his law degree from Rutgers University.

Pam Madson was selected by the House Democratic Caucus as a citizen member in 2019. Ms. Madson is a retired state employee having served as Senior Counsel to the Washington State House of Representatives Office of Program Research for 18 years, as well as a Senior Policy Analyst for the State Liquor Control Board and a Special Assistant to the Director of the State Department of Wildlife. Ms. Madson received her undergraduate degree from Washington State University and her law degree from Gonzaga University.

Dan McDonald was selected by the Senate Republican Caucus as a citizen member in 2019. Mr. McDonald is a former member of the House of Representatives (1978-1982) and the State Senate (1983-2002). While in the Senate, Mr. McDonald served first as Chair of the Ways and Means Committee and then as the Senate Majority Leader. Mr. McDonald is an engineer having received his undergraduate degree in engineering from the UW and his graduate degree in economics also from the UW.

Sen. Jamie Pedersen was appointed by the Senate Democratic Caucus in 2014. Sen. Pedersen represents the 43rd legislative district (central Seattle). He was elected to the House of Representatives in 2006 and was appointed to the state Senate in 2013 and was reelected in 2014 and 2018. Sen. Pedersen has been a member of the Legislative Ethics Board since 2008, representing the House Democratic Caucus from 2008-2013. Sen. Pedersen received both his undergraduate and law degrees from Yale University. He currently serves as the chair of the Senate Law & Justice Committee.

Rep. Luanne Van Werven was appointed by the House Republican Caucus in 2019. Rep. Van Werven represents the 42nd legislative district (Whatcom County). Rep. Van Werven was elected to the House of Representatives in 2014. She currently serves as the Ranking Minority member on the House College & Workforce Development Committee. Prior to her election, she served as interim state Republican chair. Rep. Van Werven attended Bellevue College and she and her husband operate a family business.

STAFF

The Board employs one Board counsel who investigates complaints filed with the Board; drafts complaint opinions, advisory opinions, and ethics alerts; trains on ethics issues; and assists legislative members and staff with ethics issues. The Board counsel also staffs the bi-monthly meetings of the Board.

The current Board counsel is Jennifer Strus. Ms. Strus served as Senior Coordinator/Counsel with the Senate staffing various committees for 15 years; served five years as the Assistant Secretary for the Children's Administration in DSHS, and has served as budget counsel at the Office of Financial Management and as an Assistant Attorney General. Ms. Strus received her undergraduate degree from Illinois State University and her law degree from Washburn University of Topeka School of Law.

BOARD RESPONSIBILITIES

ADVICE

There are four designated ethics advisers for the legislature: House counsel, both Senate counsels and the Board counsel. These advisers meet on a regular basis to discuss ethical issues that have arisen to ensure that they are consistent in their advice. Board counsel routinely responds to several hundred queries (some of which come from the other ethics advisers) per year from legislators, legislative staff and some lobbyists regarding ethical situations and assists them in effectively handling these situations.

In 2019, Board counsel was involved in answering over 200 ethics inquiries, both on the telephone and through email. The most frequent topics of inquiry involved the following areas: use of state resources (RCW 42.52.160); gifts (RCW 42.52.140); and campaigns (RCW 42.52.180). The following breakdown shows the numbers of inquiries by topic areas:

▪ Conflict of interest	26 inquiries
▪ Special Privileges	22 inquiries
▪ State resources	44 inquiries
▪ Campaign	44 inquiries
▪ Gifts	52 inquiries
▪ General information	9 inquiries
▪ Employment after leaving	1 inquiry
▪ No money for legislative advice or assistance	2 inquiries
▪ Honoraria	2 inquiries
▪ Other	7 inquiries

TRAINING

The Act does not require ethics training but does encourage training of all state employees, which includes legislators and legislative staff, every 36 months. The Act does require all state agencies (including the legislature) to designate ethics advisers.

Both the House and Senate and some legislative agencies provide ethics training for new employees and new legislative members on a regular basis. Board counsel participates in the development and provision of those trainings. Furthermore, Board counsel has provided continuing legal education seminars on legislative ethics to legislative attorneys as well as to members of the Government Lawyers Bar Association.

ETHICS MANUAL

The Board publishes the *Legislative Ethics Manual*, which is updated annually. It is available electronically on the Board's website as well as in hard copy. The *Manual* contains a summary of new cases decided by the Board the previous year, a

question and answer section about the most frequently asked about areas of the Act, the complete Ethics in Public Service Act (RCW 42.52) and the Board's Administrative Rules.

OUTSIDE EMPLOYMENT CONTRACTS

Under RCW 42.52.120 and Board Operating Policies, a legislator or legislative employee must submit on the designated form all contracts, grants or employment situations requiring Board approval. A legislator or legislative employee must receive Board approval before entering into or obtaining a beneficial interest in a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or whenever only one bid or application was received. The Board also requires that legislative employees, including legislators, submit the form for Board approval if their spouse or registered domestic partner works for or has a contract with a state agency. The purpose of this submission is to ensure there is no conflict of interest between the duties of the employee and the duties of the spouse or domestic partner. In 2019, the Board reviewed 24 submissions.

RULE-MAKING

During the 2019 legislative session, the legislature amended RCW 42.52.070 (special privileges) to add to the definition of special privileges harassment including sexual harassment.¹ The Board adopted a new rule to assist it in interpreting complaints alleging harassment and sexual harassment.²

The Board also amended existing rules to allow for the administrative dismissal of a complaint under certain circumstances.

ADVISORY OPINIONS AND ETHICS ALERTS

The Board issued three advisory opinions during 2019. These opinions dealt with the following topics: soliciting donations from lobbyists; using state resources to film a video in which a business might be identified; and transferring to the legislature previous personal or campaign social media contacts.

The Board issued two *Ethics Alerts* during 2019. *Ethics Alerts* are issued when an issue continues to arise and the Board believes it needs to provide some direction to legislators and staff. The first *Alert* addressed the solicitation of lobbyists or lobbyists employers through social media and the second *Alert* addressed the inclusion of legislative scorecards on official legislative websites, social media accounts or publications.

COMPLAINTS

Anyone can make an ethics complaint to the Board and the Board can initiate a complaint. No complaint can be anonymous. Each complaint is investigated, and the results of the investigation are provided to the Board through a report. The Board debates the complaint in executive session and once a decision is made, the Board issues a written opinion which is posted on its website and available to the public.

¹ Engrossed Substitute House Bill 2018 added harassment and sexual harassment to the definition of special privileges.

² See I.E.B Rule 7.

In 2019, the Board resolved the following complaints:

No.	Allegation	Statute implicated	Result
2019-01	Respondent formed an ad hoc group of stakeholders to review guardianship issues, refusing to provide Complainant with the names of those stakeholders, and suggesting that Complainant was disruptive in meetings and that her advocacy methods were not very productive.	RCW 42.52.020; RCW 42.52.050; the public disclosure laws (RCW 42.56)	No reasonable cause found; complaint dismissed. No subject matter jurisdiction of public disclosure allegation.
2019-02	Respondent reserved a room on the capital campus to be used for training conducted by a political organization whose mission is to increase the number of women running for public office. Respondent also gave a floor speech recognizing this organization and its current enrollees.	RCW 42.52.180	No reasonable cause; complaint dismissed because the room reservation was cancelled before room was used. No subject matter jurisdiction over floor speech allegation.
2019-03	Respondent reserved a room on the capital campus to be used for training conducted by a political organization whose mission is to increase the number of women running for public office.	RCW 42.52.180	Reasonable cause found. Respondent fined \$1000 - \$500 suspended.
2019-04	Respondent blocked the Complainant from her personal Facebook page on which she had included an announcement about her upcoming town hall meeting.	RCW 42.52.160	No reasonable cause found; complaint dismissed
2019-06	Respondents included incorrect information in a publication provided at a city council meeting	None cited	No subject matter jurisdiction; complaint administratively dismissed.
2019-07	Respondent forwarded an email sent by Complainant to a private person regarding a bill sponsored by Respondent, to Complainant's employer.	RCW 42.52.160	No reasonable cause; complaint dismissed.
2019-08	Respondent was very demanding and critical of support staff's work.	RCW 42.52.050 RCW 42.52.070 RCW 42.52.160	New statute (ESHB 2018) not applicable because not retroactive; no reasonable cause for .070 and .160 violations; reasonable cause found for .050 violation; complaint dismissed.
2019-09	Respondent posted a comment on her campaign Facebook page that Complainant alleged was confidential information.	RCW 42.52.050	No reasonable cause; complaint dismissed.
2019-10	Respondent discussed a new business she was launching as well as encouraged people to vote for her and her seatmates at an event in which she appeared in her official capacity.	RCW 42.52.160 RCW 42.52.180	Reasonable cause found. Respondent fined \$500, \$400 suspended if no further violations in 5 years; ethics training required.
2019-11	Respondent posted on her legislative website the Legislator of the Year and various other awards she had received for her legislative work.	RCW 42.52.180	No reasonable cause; complaint dismissed.