

COMPLAINT 2003 - NO. 1
Representative Richard DeBolt, Respondent

REASONABLE CAUSE DETERMINATION
AND ORDER

March 21, 2003

I. Nature of the Complaint and Procedural History

The complaint alleges that Representative Richard DeBolt used state resources to prepare and mail a personal letter in violation of RCW 42.52.160. A copy of the complaint, Representative DeBolt's response, the letter in question and the response to that letter are attached as exhibits.

The complaint was filed with the Board on February 3, 2003. The complaint was reviewed by the Board on February 20, 2003, and a preliminary staff report was presented at that time.

II. Acceptance of Stipulation of Facts

Board Rule 1:H, provides that a complaint may be settled either by stipulation of facts or by a stipulation of facts, conclusions and penalty. The statement offered by Representative DeBolt stipulates only to the facts.

The Board accepts the stipulation of facts as follows:

I drafted a letter (prepared by my Legislative Assistant and sent on House letterhead at my direction) to the Principal of coach's suspected high school with cc: to school district Superintendent. The letter was an inquiry into official school policy regarding school staff's disrespectful and abusive behavior towards the public, and corrective action. The Board is in receipt of this letter.

III. Determination of Reasonable Cause

RCW 42.52.410 and Board Rule 1:D direct the Board, following investigation, to determine whether there is reasonable cause to believe a violation of the Ethics in Public Service Law has occurred.

We find that, in its totality, the letter in question is a personal letter and that reasonable cause does exist. Senator Stephen Johnson and Representative Doug Ericksen dissent.

IV. Conclusions of Law

We conclude that the action complained of in this complaint is minor and further proceedings would not serve the purposes of the Ethics in Public Service Law, Chapter 42.52 RCW.

V. Analysis

1. RCW 42.52.160 provides, in part, that a legislator is prohibited from using any person, money or property under the legislator's control or direction for private benefit and also provides that legislators are not prohibited from using public resources to benefit others as part of their public duties.
2. Public "duties" are to be broadly interpreted to encompass a legislator's discretionary and nondiscretionary duties when legislative correspondence is involved. Citizens expect their legislators to be ombudsmen and community leaders, as well as legislators in the strict sense. However, where the member has a strong personal interest and benefit, the Board will carefully examine the possible "ombudsman" role (Advisory Opinions 1995 - No. 17, and 1997 - No. 1).
3. Although other parents, some of whom may have been constituents of Representative DeBolt, may also have been affected by the actions complained of in the letter, the letter is not viewed as written on their behalf.
4. Legislators are reminded that they may use their private stationery and stamps and personally write their own letters in situations where the use of public resources would create an appearance of impropriety.

VI. Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that no further proceedings are warranted in this case.

James A. Andersen, Chair

I find no reasonable cause exists in this case and, therefore, respectfully dissent.

Senator Stephen Johnson

Representative Ericksen's dissent is attached