

Legislative Ethics Board

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COMPLAINT 2014 – NO. 1 In Re Cody

JURISDICTION DETERMINATION – ORDER OF DISMISSAL February, 2014

I. Nature of the Complaint

The complaint was received on January 13, 2014 and it alleges that Representative Eileen Cody (Respondent) violated the Complainant's constitutional rights as well as several state and federal laws not included within the parameters of the Ethics in Public Service Act (Act).

No provisions of the Act are cited in support of the allegations.

II. The Allegations

1. Respondent engaged in a conspiracy to commit an unconstitutional taking of disabled persons' civil rights to receive medical marijuana at the lowest possible price and that such action also constituted an illegal restraint of trade.
2. The conspiracy included the Respondent, unnamed legislative staff and the Washington State Liquor Control Board (LCB) and is evidenced by her sponsorship of House Bill 2149.
3. House Bill (HB) 2149 unconstitutionally discriminates against legally authorized medical marijuana patients because the bill would tax currently authorized healthcare prescriptions.
4. HB 2149 violates three specific provisions of the Washington State Constitution: Article 1, Section 8 (Irrevocable Privilege, Franchise or Immunity Prohibited); Article 1, Section 12 (Special Privileges and Immunities Prohibited); and Article II, Section 28 (Special Legislation Prohibited).


5. Currently authorized medical marijuana patients and providers possess a constitutionally protected vested property right under current law.
6. HB 2149 authorizes the LCB to unconstitutionally take away the vested rights of currently established medical marijuana providers by elimination of home production.
7. HB 2149 would tax marijuana prescriptions in violation of constitutional guarantees of equal protection.
8. Introduction of HB 2149 by Respondent denies the Complainant and others their constitutional rights to free speech and the rights afforded them under Chapter 70.48 RCW (the "White Cane" law).
9. Respondent and others have exposed the State to huge monetary penalties through their involvement with the promotion of proposed changes to the law. The proposed change to tax medical users and growers was prematurely seized upon by the State Department of Revenue when it used the U.S. mail to send out illegal tax warrants and tax extortion letters to the medical marijuana community. As a result, the State is now liable under federal laws for mail fraud and criminal racketeering.
10. Respondent violated her oath of office by promotion of HB 2149 which violates constitutional protections afforded to Complainant and others.
11. Respondent authorized legislative staff to work with the Governor's staff and executive agency staff to jointly draft recommended changes to medical marijuana statutes and this activity violated the constitutional doctrine of separation of powers.
12. The Legislature should not be permitted to act on or consider HB 2149 because of violations of the public notice requirements established in the Administrative Procedures Act and the State Environmental Policy Act.
13. HB 2149 requires medical marijuana patients submit their names to a patient list and be registered. This violates HIPPA, the Health Information and Patients Protection Act (sic).
14. The Office of the Code Reviser publishes a Bill Drafting Guide which discourages the use of provisos in bill drafting. Provisos were used in budget language which pertained to medical marijuana statutes and the Medical Marijuana Work Group. Provisos are unlawful and unconstitutional especially since this budget proviso directs the Department of Revenue, the Department of Health, and the LCB to draft bills to change the medical marijuana statutes and that is an unconstitutional delegation of legislative authority.

III. **Determination of Jurisdiction**

The jurisdiction of the Legislative Ethics Board is limited to enforcement of the Act and rules adopted under it with respect to legislators and legislative branch employees (RCW 42.52.320 Authority of the legislative ethics board). The allegations in this case do not present an issue subject to enforcement by this board.

IV. Conclusion and Order

The Board concludes that it lacks subject-matter jurisdiction in this case to enforce allegations of violations of constitutional rights and doctrines, or federal laws or those referenced state laws which are beyond the scope of the Act. The complaint is hereby dismissed.



Dr. Kristine F. Hoover, Chair

Date: 2/28/2014