

Legislative Ethics Board

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COMPLAINT 2016 – No. 16

In Re Muri

March 23, 2017

Campaign Use of Facilities of an Agency

DETERMINATION OF REASONABLE CAUSE AND STIPULATION

I. Nature of the Complaint

The complaint alleges that Rep. Dick Muri used a legislative newsletter as the basis for a campaign mailer.

The complaint alleges actions that could constitute a violation of RCW 42.52.180, which in part provides: “No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.”

II. Background

Complaint 2016 – No. 16 was received in November 2016. The complaint contained copies of Rep. Muri’s legislative newsletter from spring 2016 and a campaign mailer circulated within his district.

The Board has previously noted that “the duplication of a legislative report for campaign use would be a violation of RCW 42.52.180.” Complaint Opinion 2002 – No. 2 (In Re West).

III. Jurisdiction

The Board has personal and subject-matter jurisdiction. RCW 42.52.320.

IV. Findings of Fact

1. Rep. Dick Muri is a member of the Washington House of Representatives. He was a candidate for re-election in 2016.

2. In spring 2016, Rep. Muri worked with his Public Information Officer (PIO) in developing an end-of session newsletter. His PIO is a legislative employee. She began the process by providing a sample format for Rep. Muri, based on other work by the caucus communications staff.
3. Once Rep. Muri approved the overall format of the newsletter, his PIO began drafting language for Rep. Muri to review. Rep. Muri slightly edited the language in order to make it more reflective of his style. The legislature's graphics department created a final version in a .pdf format. The newsletter was approved by Rep. Muri.
4. The official newsletter was mailed on May 9, 2016 at the public cost of \$13,443.90.
5. In his campaign for re-election, Rep. Muri decided to produce a mailer that might stand out from traditional campaign mailers by avoiding negative attacks on his opponent. He decided to use an "informative" style describing his recent legislative accomplishments.
6. In September 2016, Rep. Muri emailed a copy of his official newsletter to his campaign advisor from Rep. Muri's personal email account. He described his newsletter and stated, "See attached pictures of that piece."
7. The campaign advisor's description of the purpose behind sending out a list of accomplishments was consistent with Rep. Muri's description.
8. Rep. Muri's campaign staff produced a campaign mailer substantially similar to Rep. Muri's official newsletter. Almost all of the text of the campaign flyer is based on Rep. Muri's newsletter, with slight edits. Portions of the flyer are identical to the official newsletter.
9. The photograph included in both the mailer and newsletter was purchased by Rep. Muri's campaign on October 17, 2016. Both photos have the same graphics added to them. Both the newsletter and the campaign flyer feature drawings of the state capitol dome.
10. In his statement to the Board, Rep. Muri stated, "I did not personally prepare the campaign documents, but I am responsible for it....In comparing the two documents, it is clear to me that I could have done more to differentiate the two mailings and use wholly-original text for the campaign documents."

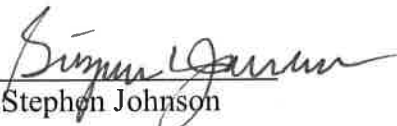
V. Conclusions of Law

1. An official legislative newsletter is a "facility of an agency." RCW 42.52.180.

2. By using the language, graphics, and photo of an official newsletter in the production and distribution of a campaign flyer, Rep. Muri used a facility of an agency in his campaign for re-election.
3. Reasonable cause exists to believe that Rep. Dick Muri violated RCW 42.52.180 when he used his official newsletter as the basis for a campaign mailer.


VI. Order and Stipulation

It is hereby ORDERED: that Rep. Dick Muri pay a civil penalty in the amount of One Hundred Dollars (\$100.00), payable to the Washington State Treasurer; provided, however, that imposition of this penalty be suspended, with such suspension conditioned upon Rep. Muri having no further violations of Chapter 42.52 RCW (Ethics in Public Service Act) through the course of the 2018 general election cycle.




Sen. Stephen Johnson
Chair
Date: March 23, 2017

I, Dick Muri, hereby certify that I have read this Stipulation and Order in its entirety; that I have had the option of reviewing this agreement with legal counsel, or have actually reviewed it with legal counsel; fully understand its legal significance and consequence; agree to the entry of findings of fact and conclusions of law, and agree to personally sign it as a resolution of this matter, and have voluntarily signed.



Rep. Dick Muri
Date: 4/6/2017

Having reviewed the proposed Stipulation, and on behalf of the Legislative Ethics Board, the Stipulation is accepted.



Sen. Stephen Johnson
Chair
Date: