

Legislative Ethics Board

BOARD MEMBERS:
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REP. DREW HANSEN
SEN. JIM HONEYFORD
STEPHEN L. JOHNSON
JUDGE TERRY LUKENS (ret.)
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COMPLAINT 2017 – No. 40 In Re Legislative Ethics Board and Staff April 19, 2017

ORDER OF REFERRAL TO ATTORNEY GENERAL

I. Nature of the Complaint

This ethics complaint was filed against the Legislative Ethics Board and its staff.

The complaint addresses the staff investigation and determination of reasonable cause in Complaint 2016 – Nos. 8 and 13 (Stambaugh).

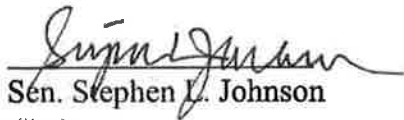
II. Referral to Attorney General

Because the complaints is made against each member of the Legislative Ethics Board and its only staff, a conflict of interest is present, and action taken by the Board on this complaint could be viewed as a violation of RCW 42.52.070 (Special Privileges).

Accordingly, under Board Rule 1, the Board refers each of these matters to the Attorney General for appropriate action pursuant to RCW 42.52.470 (2).

III. Order of Referral

It is hereby ORDERED that the complaint identified above is hereby referred to the Attorney General for appropriate action under RCW 42.52.470 (2) and Board Rule 1.


Sen. Stephen J. Johnson
Chair
Legislative Ethics Board



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

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June 14, 2017

Legislative Ethics Board
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Re: Referral of Ethics Complaint

Dear Legislative Ethics Board Members:

The Office of the Attorney General received an order of referral from the Legislative Ethics Board (Board) under RCW 42.52.470 regarding a complaint made against each of the Board's members and staff. We have reviewed the complaint and concluded that none of the alleged facts appear to constitute a violation under the Ethics in Public Service Act (Ethics Act), RCW 42.52. We are, therefore, closing the referral with no further action.

The following constitutes a summary of our review.

The complaint contends that each of the Board members and Keith Buchholz, Board counsel, violated RCW 42.52.320, which states "[t]he legislative ethics board shall enforce [the Ethics Act] and rules adopted under it with respect to members and employees of the legislature." Specifically, the complaint alleges that the Board leaked allegations to the media and improperly allowed former-Board Chair Kenny Pittman to participate in a hearing as a complainant.

With respect to the first allegation, this office previously determined that there is no evidence that either Mr. Buchholz or any of the Board members released "confidential information" in violation of RCW 42.52.050.¹ See Letter to Board, dated April 18, 2017. Nothing in this complaint provides additional information or evidence for us to change our conclusion.

With respect to the second allegation, the complainant asserts that Mr. Pittman should have recused himself from a Board hearing. Just as we previously concluded in our April 18, 2017 letter, this allegation concerns, at most, procedural issues with the Board's proceedings and

¹ "Confidential information" is defined under the Ethics Act as "(a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law." RCW 42.52.010(5).



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does not amount to a violation under the Ethics Act. And even if the allegation was true and amounted to a procedural irregularity, that issue could be raised in a judicial review proceeding under the Administrative Procedure Act, assuming the complainant satisfied the requirements for challenging Board action. *See, e.g.*, RCW 42.52.440; RCW 34.05.570.

In sum, the referred complaint gives us no reason to believe that any violation of the Ethics Act occurred. We have closed the referral, and will forward a copy of this letter to the complainant under separate cover. Thank you for bringing these matters to the attention of the Attorney General's Office.

Sincerely,



NOAH PURCELL

Solicitor General

CALLIE A. CASTILLO

Deputy Solicitor General

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