

COMPLAINT 2014 – NO. 3

In Re Roach
Travel – Gifts
October, 2014

DETERMINATION OF NO REASONABLE CAUSE – ORDER OF DISMISSAL

I. Nature of the Complaint

The complaint was received on June 2, and an investigation was commenced pursuant to RCW 42.52.420. The Board discussed the on-going investigation at regularly scheduled meetings on June 17, August 19, and October 14. The Board has personal and subject-matter jurisdiction.

The three allegations may be summarized as follows.

1. Senator Pam Roach (Respondent) traveled to Turkey and Azerbaijan (AZ) in 2013 as a guest of organizations with connections to groups that some had characterized as having political views at odds with those of the United States. Her presence and participation tended to legitimize those organizations and may have endangered citizens in her legislative district, Washington State, and the United States by giving aid and comfort to enemies of the United States.

Conclusion of the Board

The complaint cites no provisions of the Act in support of this allegation. The Act does not address a claim that gifts of travel are conditioned on the political beliefs of the donor. The allegation is dismissed for lack of reasonable cause to believe the Act has been violated.

2. Respondent abandoned her legislative duties when she traveled outside the United States during a time the Legislature was in session.

Conclusion of the Board

The complaint cites no provisions of the Act in support of this allegation. The Act does not address a claim that a legislator's travel during session constitutes an ethics violation based on a theory of abandonment of legislative duties. The allegation is dismissed for lack of reasonable cause to believe the Act has been violated.

3. The trip was neither an appearance in an official capacity nor a trade mission and Respondent's acceptance of paid travel and other expenses constituted the receipt of illegal gifts under the Act. The provision of the Act applicable to this allegation is the definition of "gift" found in RCW 42.52.010(9)(d).

"Gift means anything of economic value for which no consideration is given. 'Gift' does not include:

...

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, 'reasonable expenses' are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;"

Conclusion of the Board

The Board concludes that Respondent's participation in activities which were part of the travel, as described in the Determinations of Fact, created an objectively reasonable nexus with her duties as a legislator, such that the travel qualified as an "appearance...in an official capacity" within the meaning of the Act. Because of this determination it is not necessary for the Board to consider whether or not the trip was a trade mission. The allegation is dismissed for lack of reasonable cause to believe the Act has been violated.

The Board's previous opinions have asked whether there is a "legislative purpose" to a trip – a legislative purpose that must be "substantive and not minor," – depending on (among other non-exclusive factors) "(a) an invitation, itinerary, or agenda which shows that he legislator is required to attend official functions, given assignments in advance or make presentations at official functions; and (b) the legislator performs substantial services on behalf of the state or the legislature." Advisory Opinion 2002 – No.1. The Board issued that advisory in response to questions related to complimentary travel offered to legislators to attend the Rose Bowl.

Similarly, the Board advised in Advisory Opinion 1996 – No.10 that legislators who received complimentary admission, including food and beverage, to the VIP area at the SEAFair hydroplane race, would not be appearing in an official capacity within the meaning of the Act, as "there is no official purpose served by the attendance of legislators at the event. The race is purely a sports entertainment event which is not part of official duties."

In the present case, these **Determinations of Fact** contribute to the creation of an objectively reasonable nexus with the travel and Respondent's legislative duties.

1. She was invited as a legislator from the State of Washington, along with legislators from other states and current and former U.S. government officials.
2. The trip was described by the sponsors as educational in nature and the issues discussed during the trip prominently included energy policy and energy security.
3. Respondent participated in a number of meetings over several days in Turkey and met with elected officials, the press, and chambers of commerce.
4. Topics of meetings included the Turkish election and political system, media and government relations in Turkey, the status of freedom of speech and minority rights, city development projects and water systems, U.S. and Turkish economic ties including the relationships between Turkey, Microsoft and Boeing, and sister city projects.

Summation

Given the facts of this case, it is reasonable to conclude that the activities in which the Respondent participated were sufficiently related to her legislative duties to permit the acceptance of travel expenses under the Act.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the complaint be dismissed for lack of reasonable cause to believe there has been a violation of the Act.

Kristine F. Hoover, Chair

Date: