

COMPLAINT 2014 – NO. 4

In Re Hurst

Determination of No Reasonable Cause – Order of Dismissal

August, 2014

1. Nature of the Complaint

Representative Christopher Hurst (Respondent) is the chairman of the House Government Accountability and Oversight Committee (commonly referred to as OVER). The complaint alleges he violated the Ethics in Public Service Act (Act) when he presided over a work session the committee held on June 11, 2014 and later the same day allegedly hosted a campaign fundraiser on behalf of his campaign for reelection to the House of Representatives. One of the items on the OVER agenda was titled “Issues Relating to Liquor Regulation and Taxation Following the Passage of Initiative 1183.” This initiative allowed for state licensing of private owners of liquor stores. The fundraiser was a liquor industry event. Some of the lobbyists who took part in the OVER work session attended the fundraiser.

The complaint asserts that it is unethical to schedule both events on the same day because there was a connection between the committee agenda item, liquor, and the liquor industry participation in the fundraiser. This connection, it is argued, created a nexus between campaign fundraising and the legislative process. No provisions of the Act are cited in support of the complaint. The relevant statute is RCW 42.52.180; Use of public resources for political campaigns. Section 1 of .180 reads as follows:

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. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and

equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

2. Determinations of Fact

There is reasonable cause to believe that the following are among the pertinent facts in this case.

1. Proposed House interim committee meeting schedules must be approved through a process that has been in effect for some time. The interim plan is proposed by the committee chair with the assistance of committee staff. House leadership ultimately decides the interim schedule.
2. According to the records of the Office of Program Research (OPR) a rough draft of the OVER interim plan was proposed by Respondent on April 10. The plan included the topic of Initiative 1183 proposed for a meeting in Woodinville on June 11.
3. The Woodinville meeting, among others, was approved in mid-May, either the 14th or the 15th.
4. There are no facts which show that any House staff was aware of the fundraiser during the time the interim committee schedule was proposed, submitted and approved.
5. According to Kathryn Hedrick, she was contacted by committee staff and asked if she could put together a panel for the meeting. She agreed to the request. Ms. Hedrick is a registered contract lobbyist and one of her clients is Woodinville Whiskey.
6. According to committee documents a tour was scheduled for mid-day on June 11, prior to the work session. The tour would consist of visits to three different locations which represented interests involved with the changes occasioned by passage of the initiative – a distillery (Woodinville Whiskey), a winery and a brewery. Woodinville offered all three in close proximity to one another and in close proximity to the site of the work session at the Woodinville City Hall.
7. Committee documents show the tour began at 11:45 a.m. and concluded at 1:30 p.m. The work session was from 2:00 p.m. until 4:00 p.m. The fundraiser was scheduled for 6:00 p.m. at Woodinville Whiskey.
8. Ms. Hedrick states that the fundraiser was her idea and she organized it without the input or assistance of the Respondent. His only involvement, she says, was his agreement to attend.
9. Ms. Hedrick states she had been thinking about a fundraiser for the Respondent for quite some time and saw June 11, as an opportunity – if she could get the Respondent to commit to his attendance. After the decision by the House to approve the OVER interim meetings, Ms. Hedrick invited other liquor-industry lobbyists to the fundraiser on May 28.
10. The invitation included Respondent's campaign logo, which she says she took from the internet. The email to her invitees reads: *Hi Everyone, Representative Hurst asked that I invite you to attend a fundraiser he is having on June 11 at Woodinville Whiskey from 6:00-7:30PM. This is a spirits/wine/beer industry specific event. He is hopeful that you*

and your clients will be able to attend. Invitation is attached. Please let me know if you have any questions. Thank you! Kathryn (emphasis added).

11. Ms. Hedrick stated that the choice of words on the invitations was hers and her goal was to try to get a large turnout. She wanted the invitation to suggest that Respondent was “hands-on” with this event and she could raise more money.
12. There are no facts which contradict Ms. Hedrick’s assessment of the fundraiser: Respondent did not host the event; did not create the invitation; did not secure the location; did not provide any food or beverage; and did not send out any information.

3. Determinations of Law

1. RCW 42.42.180 prohibits the indirect, as well as the direct, use of the facilities of the House of Representatives to assist a campaign.
2. The opinion in this case is very fact-dependent. Because the legislative activity on June 11, was planned and organized well in advance of the planning of the fundraiser, and because there is no evidence the Respondent had any role with the fundraiser except for his agreement to attend, the Board concludes there is no reasonable cause to believe there was a violation of RCW 42.52.180.

4. Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the complaint be dismissed for lack of reasonable cause to believe Respondent committed a violation of RCW 42.52.180.

Kristine F. Hoover, Chair

Date: