

Legislative Ethics Board Minutes

January 18, 2007

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, vice-Chair; Wayne Ehlers, Chair; Rep. Doug Ericksen; Rep. John Lovick; Donna L. McKereghan; Senator Debbie Regala; Tim Sekerak, House Counsel; Mike Hoover and Marty Lovinger, Senate Counsel; Mike O'Connell, Board Counsel.

The November minutes were approved (the Board did not meet in December). Counsel presented summaries of recently-received employment disclosure forms. These forms were submitted by legislative employees, for filing only, who have spouses employed by state agencies and who were hired in a competitive environment. Counsel explained that in non-competitive hiring situations the Board would preview the employment information for a conflict-of-interest analysis pursuant to RCW 42.52.120.

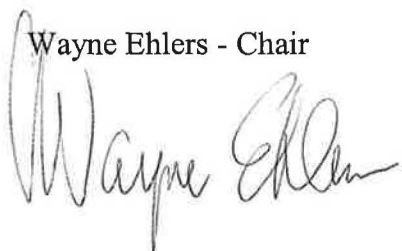
House Counsel, Tim Sekerak informed the Board of recent informal advice given to a legislator-lawyer. The legislator was advised that he had no conflict-of-interest under the Ethics Act when supporting legislation that he had drafted for a client of his law firm, for compensation, prior to becoming a legislator. Although still a member of the firm the legislator had resigned his partnership and no part of his present compensation is based on legislative advice or assistance.

The Board discussed frequent-flyer miles and the related issue of future-flight coupons in the context of legislative business travel. House and Senate Counsel discussed current legislative policy and their analysis of the question whether the miles and coupons were public resources. Their consensus was that the miles and coupons were not public resources and could be used by the travelers for future personal use because they were issued in the name of the traveler and were not available for use by the House or the Senate. The Board was not asked for a formal opinion but indicated that Counsel's advice seemed appropriate given the fact the airlines would only award the miles and coupons to individuals and not to the House or the Senate.

Ms. McKereghan reported on her trip to the COGEL (Council on Governmental Ethics Laws) conference and her written report was distributed to Board members. Chair Ehlers thanked her for attending on behalf of the Board and for sharing the information.

The Board approved the amended text of the proposed 2007 Ethics Alert which summarized selected 2006 Board opinions and would be distributed to all legislators and staff. The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session to discuss preliminary matters relative to pending complaints. The Board reconvened in public session, the Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 1:35 PM.

Wayne Ehlers - Chair



LEGISLATIVE ETHICS BOARD MINUTES

February 15, 2007

Members and staff present: Neil Amondson; David R. Draper, vice-Chair; Wayne Ehlers-Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Senator Debbie Regala; Mike Hoover and Marty Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

Chair Ehlers introduced and welcomed Senator Jim Honeyford as a new Board member. The January minutes were approved. The Board reviewed selected ethics bills pending before the legislature. Counsel was advised to keep the members informed of the status of ethics legislation between Board meetings.

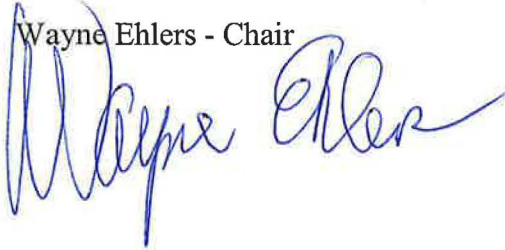
Citizen Board members were provided with financial reporting manuals and forms provided by the Public Disclosure Commission. These reports are due April 16th and may also be filed electronically.

The Board agreed to move its meeting dates for March, April and May due to conflicts with member's schedules. Meetings were rescheduled for March 14, April 18 and May 16. The Board briefly discussed the possible use of suspended monetary penalties in the disposition of complaints and agreed to continue the discussion at the next meeting. Counsel was directed to assist Ms. McKereghan in gathering more information on this subject.

Counsel presented three examples of informal advice given to legislators since the last meeting. (1) Legislators may use legislative phones and computers to stay in touch with their outside employers or businesses during a legislative session provided there is no cost to the state. This advice is based upon the Ethics Act which directs the Board to interpret ethics laws in light of the constitutional principle of a citizen-legislature and Board Rule 3 which states in part that the citizen-legislature concept permits a part-time legislator to retain contact with outside employment. According to the Act and Board opinions staff may not use state resources for their own outside businesses nor may they be authorized or directed by legislators to use state resources on behalf of a legislator's outside business or employment. Scheduling issues may be exempt from these restrictions as noted in the Ethics Manual. (2) A legislator was advised not to use public resources to prepare and/or send congratulatory letters to a business association which had recognized some of its members for internal awards because the awards were not "extraordinary" as required by the Act. (3) Legislators were advised they could accept a complimentary, one-year subscription to a Washington trade magazine because of the presumption contained in RCW 42.52.150(2)(e) that such subscriptions could be accepted notwithstanding the \$50 gift limit. It was noted that the subscription was valued at less than \$50 and the "reasonable expectation" statute did not seem to be pertinent to the inquiry (RCW 42.52.140).

The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session to discuss preliminary matters relative to pending complaints. The Board reconvened in public session, the Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 1:12 PM.

Wayne Ehlers - Chair

A handwritten signature in blue ink that reads "Wayne Ehlers". The signature is written in a cursive style with a large initial "W" and "E".

LEGISLATIVE ETHICS BOARD MINUTES

March 14, 2007

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, vice-Chair; Wayne Ehlers-Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Rep. John Lovick; Donna L. McKereghan; Senator Debbie Regala; Marty Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

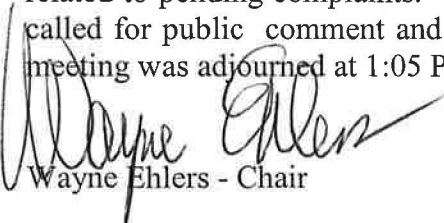
The February minutes were approved as amended.

The first agenda item was a discussion about the use of suspended penalties in complaint dispositions. Counsel presented a brief report on the use or lack of use of suspended penalties by the Public Disclosure Commission, the Executive Ethics Board and the Commission on Judicial Conduct. The Board concluded, after reviewing the Ethics Act and Board rules, that suspended penalties were an option for the Board if it should choose to apply them in a particular case and that the Board could decide on a case-by-case basis whether the use of suspended penalties was a desirable tool.

The Board continued its review of bills before the Legislature which would amend the Ethics Act and advised Counsel to keep the members informed on the status of the various pieces of legislation.

Counsel presented the members with two examples of informal advice given to legislators since the last meeting. (1) Complimentary tickets to sporting events from state agencies to legislators are subject to a gift analysis the same as if the tickets were offered by another person or entity. (2) A legislator was advised not to accept an offer from a lobbyist-employer for complimentary travel on a private jet to attend an event in another state honoring the legislator.

The Chair called for public comment and there was none. The public meeting was recessed and the board convened in executive session to discuss preliminary issues related to pending complaints. The Board reconvened in public session, the Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 1:05 PM.



Wayne Ehlers - Chair

LEGISLATIVE ETHICS BOARD MINUTES

April 18, 2007


Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, vice-Chair; Wayne Ehlers, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Rep. John Lovick; Donna L. McKereghan; Mike Hoover and Marty Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The March minutes were approved. Counsel presented an update on the ethics bills of interest to the Board and noted that one, House Bill 1599, had passed both houses. As amended the bill would allow raffles by executive branch employees under limited conditions.

The Board reviewed its budget and observed it was approximately \$11,000 in the black through March. Counsel advised that the Board's budget request for the next biennium had been appropriated to the House and the Senate, as per past practice, for the exclusive use of the Board and that this information would be included in the official budget notes.

House Counsel presented a hypothetical example of informal advice, while identifying the points of analysis, when the question is whether a legislator may have a conflict of interest when seeking employment outside the legislature. Board Counsel informed the Board on informal gift advice given since the last meeting on the question of when certain gifts may be entitled to the presumption in RCW 42.52.140 that their acceptance would not violate the "reasonable expectation" standard. Basically the gift statute permits recognition of a legislator's broad support, such as the gift of a plaque as "Legislator of the Year," but limits the giving of gifts under circumstances where it appears a quid pro quo or reward was the issue.

Counsel advised he would be providing summer ethics training to the staff of the Joint Legislative Audit and Review Committee. The Chair recognized Kevin Pierce, Staff Coordinator for Senate Support Services. Mr. Pierce and Ms. McKereghan, at the request of Counsel, had been discussing what type of laptop might best replace the years-old Board laptop which was no longer in use by the Board or supported by the legislature's technical staff. After discussion the Board approved the purchase of the model recommended by Mr. Pierce and Ms. McKereghan. The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session to consider matters relative to pending complaints. The Board reconvened in public session. There was no public comment or further business and the meeting was adjourned.



Wayne Ehlers
Board Chair

LEGISLATIVE ETHICS BOARD MINUTES

May 16, 2007

Members and staff present: Neil Amondson; Tony M. Cook; Wayne Ehlers, Chair; Sen. Jim Honeyford; Rep. John Lovick; Donna L. McKereghan; Sen. Debbie Regala; Mike Hoover and Marty Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The April minutes were approved as corrected.

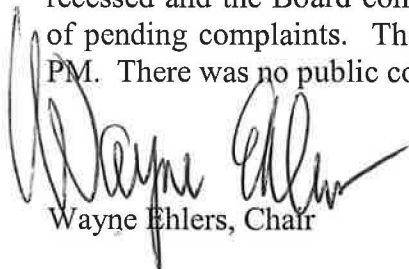
Chair Ehlers recognized the following individuals in attendance: former Board members Will Bachofner, William F. Asbury, Senator Stephen Johnson; and Tri-City Herald reporter Chris Mulick.

Interim meeting dates were established and Counsel was directed to send the schedule in an e-mail to members and staff (June 21, July 19, August 16, September 27, October 25, and November 29). Counsel reminded the Board that the COGEL conference is scheduled for Victoria, B.C., September, 16-19.

Marty Lovinger and Mike Hoover briefed the Board on interim advice given to staff with regard to the scope of staff's permitted activity relative to ballot measures and they provided a handout on that topic.

Counsel asked the Board for input on whether the members felt it would be helpful to conduct a survey of legislative staff to seek input which might prove helpful in designing future ethics training. The Board agreed to continue the discussion at later meetings.

The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session to discuss ongoing investigations of pending complaints. The Board reconvened in public session at approximately 1:30 PM. There was no public comment or further business and the meeting was adjourned.



Wayne Ehlers, Chair

LEGISLATIVE ETHICS BOARD MINUTES

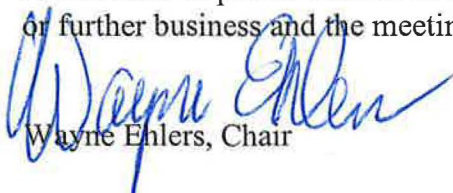
July 19, 2007

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, vice-Chair; Wayne Ehlers, Chair; Senator Jim Honeyford; Rep. John Lovick; Donna L. McKereghan; Senator Debbie Regala; Marty Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The May minutes were approved (Board did not meet in June).

The Board approved attendance at the COGEL conference in September for Mr. Cook, Mr. Draper and Ms. McKereghan. Board, House and Senate Counsel reported on a number of ethics training and related issues. Mr. Lovinger advised the Board of a legislative agency (JLARC) ethics training session conducted by himself and Board Counsel. A handout was provided to illustrate the content of the training and Chair Ehlers directed Counsel to provide copies to all Board members. Counsel advised the Board he would be attending a seminar in Tacoma on August 3, entitled "What you Need to Know about Public Records and Open Meetings." Mr. Sekerak presented the Board with an example of informal advice issued since the last Board meeting. The topic of the advice was legislative travel paid for by a third party and Mr. Sekerak described the collaborative process between House, Senate and Board Counsel when such advice was requested. The genesis of this collaboration, as explained by Mr. Sekerak, was the so-called "Rose Bowl" opinion in which the Board described the procedures to be followed when the issue was legislative travel proposed to be paid for by an entity other than the Legislature. The Board held further discussions on the potential use of a Board-sponsored survey designed to obtain information from staff, and perhaps legislators, which would be of assistance in future ethics training. Generally, the Board agreed that properly structured such a survey could be beneficial, depending upon the time and expense which might be associated therewith. The discussion ended with a request to House, Senate and Board Counsel to work together on the concept and report back to the Board at a future date.

Next, the Board discussed a request to sign a letter of support for a Multilateral Ethics Statement presented by the King County Board of Ethics. While expressing support for that Board's efforts and initiative, the Legislative Board members determined that the Legislative Ethics Act differed in many respects from the ethics codes of local jurisdictions as expressed in the Multilateral Statement. Counsel was directed to send a letter to that effect to the King County Board. The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session to discuss preliminary matters related to pending complaints. The Board reconvened in public session at approximately 2:30 pm. There was no public comment or further business and the meeting was adjourned.


Wayne Ehlers, Chair

Legislative Ethics Board

BOARD MEMBERS:

NEIL AMONDSON

TONY M. COOK

DAVID R. DRAPER, VICE-CHAIR

WAYNE EHLERS, CHAIR

REP. DOUG ERICKSEN

SEN. JIM HONEYFORD

REP. JOHN LOVICK

DONNA L. MCKEREGHAN

SEN. DEBBIE REGALA



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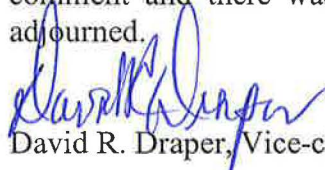
LEGISLATIVE ETHICS BOARD MINUTES

August 16, 2007

Members and staff present: Neil Amondson; Tony M. Cook; Wayne Ehlers, Chair; Rep. Doug Ericksen (via conference call); Rep. John Lovick; Donna L. McKereghan; Senator Debbie Regala; Mike O'Connell, Board Counsel.

The July minutes were approved.

There was no public comment. Chair Ehlers recessed the public meeting and the Board convened in executive session to discuss ongoing investigations of pending complaints. The Board reconvened in public session at 3 PM. The Chair again called for public comment and there was none. There was no further business and the meeting was adjourned.


David R. Draper, Vice-chair

LEGISLATIVE ETHICS BOARD MINUTES

September 27, 2007

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice-chair; Rep. Doug Ericksen; Senator Jim Honeyford; Rep. John Lovick; Donna L. McKereghan; Senator Debbie Regala; Mike Hoover and Marty Lovinger, Office of Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

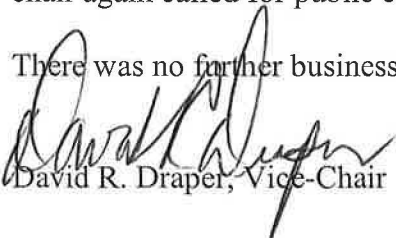
The August minutes were approved.

Mr. Draper, presiding, called on Counsel for background on the Board's 1997 advisory opinion on legislator's use of legislative materials when doorbelling on legislative issues. House Counsel, Tim Sekerak, next addressed the Board and requested on behalf of certain House members that the Board reconsider that part of AO1997-07 which held that such doorbelling was limited in that only surplus legislative documents could be used. The specific language from that opinion is "...no material should be prepared at public expense solely for doorbelling purposes." After extensive discussion a motion to reconsider the advisory opinion failed.

Vice-chair Draper called for public comment and there was none.

The Board convened in executive session at 1:20 PM to discuss ongoing investigations of pending complaints. The Board reconvened in public session at 2:20 PM. The Vice-chair again called for public comment and there was none.

There was no further business and the meeting was adjourned.



David R. Draper, Vice-Chair

LEGISLATIVE ETHICS BOARD MINUTES

November 29, 2007

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, vice-chair; Wayne Ehlers, Chair; Senator Jim Honeyford; Donna L. McKereghan; Mike Hoover and Marty Lovinger, Senate Counsels; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The September minutes were approved (no meeting in October).

Counsel presented copies of four state agency disclosure forms pursuant to RCW 42.52.120 on behalf of legislative branch staff who (themselves or their spouses) had contracts, grants or employment with other state agencies. Counsel discussed the history of the disclosure requirement which is directed at providing public information about legislators and/or legislative staff who have a beneficial (financial) interest in these types of arrangements. Forms were received on behalf of Gary Benson, Lizbeth Martin-Mahar, and John Woolley, employees of the Joint Legislative Audit and Review Committee (JLARC). These were presented as information items only for the Board.

Counsel presented an example of informal advice given to Senator Paull Shin who requested that his question and the response be provided to the Board. Senator Shin, who chairs the Higher Education Committee, was advised there was no per se conflict of interest for him if he accepted an invitation to sit as an unpaid member of the board of trustees for an independent institution of higher education. Senator Shin will seek further advice if he encounters legislative issues with regard to the institution.

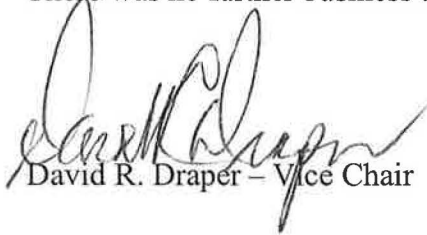
House Counsel, Tim Sekerak presented another example of informal advice on potential conflicts of interest. Rep. Jeff Morris, who chairs the Technology, Energy and Communications Committee, had inquired whether he could accept a part time, project-specific, contract of employment awarded through an open and competitive process with the Pacific Northwest Economic Region (PNWER). Based upon the facts presented to Mr. Sekerak, Rep. Morris was advised he could accept the position subject to changes in the facts which might necessitate further analysis of potential conflicts of interest.

Pursuant to Board Rule 1K(1) the Board waived the six-day rule for consideration of advisory opinion requests and considered such a request from senate employee, Joanna E. Arlow. Ms. Arlow sought guidance on how to address her present legislative duties in light of the fact she had accepted post legislative session employment with an organization whose legislative interests would involve issues which would fall within those duties. Following extensive discussion the Board agreed on a response subject to the circulation of a written draft of the proposed opinion and review by board members.

Chair Ehlers inquired if there was any public comment and there was none. The public meeting was recessed and the Board convened in executive session at 12:50pm to consider matters preliminary to reasonable cause determinations of complaints. The Board reconvened the public meeting at 3pm. Public comment was again invited and there was none.

For planning purposes Chair Ehlers asked Counsel to contact the board members and remind them of proposed meeting dates and he encouraged the members to respond with information about any known schedule conflicts they may have with those dates.

There was no further business and the Board adjourned at 3:10 pm.



David R. Draper - Vice Chair