

BEFORE THE WASHINGTON STATE LEGISLATIVE ETHICS BOARD

In the Matter of Steve Van Luven

Complaint 2001 - No. 4

Solicitation of Lobbyists

STIPULATION AND ORDER

1. Stipulations of Fact

A. In September, 2001, Representative Steve Van Luven prepared and mailed a campaign fund raising letter. There is no allegation that the letter was prepared or mailed with the use of public facilities.

B. The letter was mailed to, among others, individuals registered as lobbyists with the State of Washington, Public Disclosure Commission.

C. The letter contains a post script which appears to be a solicitation for tickets to professional sports events. Representative Van Luven characterizes the post script as an attempt at humor. The Board characterizes the post script as a solicitation. Representative Van Luven acknowledges that the post script, on its face, can be read as a solicitation of gifts from lobbyists.

2. Stipulations of Law

A. The Legislative Ethics Board has both personal and subject matter jurisdiction in this case.

B. RCW 42.52.070 and RCW 42.52.140, prohibit legislators and legislative staff from soliciting lobbyists or lobbyist- employers for tickets to events, including sporting events.

RCW 42.52.070

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

RCW 42.52.140

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it

could be reasonably expected that the gift, gratuity, or favor would influence the vote, action or judgement of the officer or employee, or be considered as part of a reward for action or inaction.

C. RCW 42.52.320(2)(g) directs the Legislative Ethics Board to establish criteria regarding the level of civil fines for violations of the ethics act and rules adopted under it.

D. Ethics Board Rule 5, provides that in determining the proper sanction the board may consider a number of factors, including the nature of the violation and the presence of any aggravating or mitigating circumstances.

3. Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The solicitation of lobbyists tends to significantly reduce public respect for and confidence in state officials and state government because of the perception of personal gain and special privilege.

2. Representative Van Luven shall pay, to the Washington State Treasurer, a monetary penalty of Three Hundred Dollars (\$300.00) within forty five days of the effective date of this Order. Such payment is the personal responsibility of the Representative. (Board Rule 5(D))

I, Steve Van Luven, certify that I have read this Stipulation and Order in its entirety. I have had the option of reviewing this agreement with legal counsel, or have actually reviewed it with legal counsel and I fully understand the contents and agree to it as a resolution of this matter.

S/ _____
Steve Van Luven

1/23/02
Date

Having fully reviewed the document, and on behalf of the Legislative Ethics Board, this Stipulation and Order is agreed to.

S/ _____
James A. Andersen, Chair

2/4/02
Date