

IN RE ZARELLI
Complaint 2003 - No. 11
August 21, 2003

JURISDICTION DETERMINATION - ORDER OF DISMISSAL

I. History and Nature of the Complaint

The complaint was received on July 11, 2003, and considered by the Board at a regularly scheduled meeting on August 21. The complainant alleges that Senator Zarelli violated RCW 42.52.900 of the State Ethics Act (Act) by collecting unemployment compensation while not reporting his legislative salary. The complainant presents seven newspaper articles in support of his allegation.

II. Jurisdiction

1. RCW 42.52.320(1) limits the jurisdiction of the Board.

The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

The Act, chapter 42.52 RCW, covers many issues related to legislator's and legislative employee's responsibilities and obligations but does not encompass disputes with the State of Washington over this compensation issue.. RCW 42.52.900, cited by the complainant, is the intent section of the Act. The intent section is a statement of values and may be helpful in interpreting a substantive provision of the Act, but it is not self-executing and standing alone does not confer jurisdiction on the Board (**Complaints 2000 - No's. 3, 4 and 5**). There is no allegation or inference that the Senator used his elected position to wrongly obtain benefits from the state.

2. The legislature has granted authority to the Washington State Employment Security Department to administer the state's unemployment compensation laws (RCW 50.08.020) and, in addition, has directed the attorney general to prosecute when necessary to enforce those laws.

RCW 50.12.150

The attorney general shall be the general counsel of each and all divisions under this title and it shall be his duty to institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of each, every, and all of the provisions of this title, . . . (in pertinent part)

III. Order

The complaint is dismissed for lack of jurisdiction.

James A. Andersen, Chair