

# COMPLAINT 2005 - NO. 3

## IN RE GREEN

Jurisdiction Determination - Dismissal

### I. Nature of the Complaint

The complainant alleges that Representative Tami Green has failed to represent him by refusing to respond to his legislative concerns and by failing to respond to his e-mails, office visits and letters. The complainant maintains that Representative Green has a constitutional duty to respond to his request for the Representative's position on legislation. In support of his allegations, the complainant cites portions of the Washington State Constitution, the Constitution of the United States, and RCW 44.04.015 and RCW 42.52.900.

### II. Determination of Jurisdiction

#### *Constitutional claims*

RCW 42.52.320 establishes the jurisdiction of the Legislative Ethics Board (Board). In pertinent part it reads:

#### **Authority of legislative ethics board**

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

The State Ethics Act (Act) does not address constitutional allegations that a legislator is unresponsive to constituents.

#### *Statutory claim - RCW 44.04.015*

Chapter 44.04 addresses several general provisions related to the legislative branch of government. RCW 44.04.015 establishes term limits for the House of Representatives and the Senate and was approved by a vote of the people in the form of Initiative Measure No. 573 (approved November 3, 1992). The measure was later declared to be unconstitutional by the Washington State Supreme Court. Complainant quotes from the preamble, or intent section, of Initiative 573, in support of his allegations against Representative Green.

. . .

(7) The people of Washington have a compelling interest in preventing the self-perpetuating monopoly of elective offices by a dynastic ruling class.

Notwithstanding the fact that the term limits initiative has been found to be unconstitutional, RCW 42.52.320 (previously cited) limits the jurisdiction of this Board to enforcement of Chapter 42.52 RCW.

#### *Statutory claim - RCW 42.52.900*

RCW 42.52.900 is the intent section of the Act. This Board concluded, in Complaint 2002 - No. 2, that:

The intent section is basically a statement of values and serves as a guide to the interpretation of the substantive sections but it is not self-executing (see also, Complaints 2000 - No's. 3, 4 and 5).

### **III. Conclusion and Order**

After fully considering this matter, the Board concludes that it lacks jurisdiction over the subject matter of the complaint. The complaint is hereby dismissed.

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James A. Andersen, Chair

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Date