

COMPLAINT 2006 – NO. 6
In Re Dunn

October, 2006

STIPULATION AND ORDER

I. Nature of the Complaint

The Complaint alleges that Representative Jim Dunn, a candidate for re-election from the 17th Legislative District, submitted as his campaign contact in the Clark County Voter Guide Pamphlet a web site which was in fact his legislative web site. It is alleged that this use of the legislative web site is a violation of the Ethics in Public Service Law (Act), RCW 42.52.180.

II. Procedural History

The Complaint was received by the Board on August 28, 2006. An investigation was conducted pursuant to RCW 42.52.420 and the Board discussed the results of the investigation at a regularly scheduled meeting on September 21.

III. Jurisdiction

The Complaint alleges a legislator's use of a public resource, a legislative web site, to assist a campaign for election to legislative office. The Board has both personal and subject-matter jurisdiction.

IV. Determinations of Fact

1. Rep. Dunn is a candidate for election in the 17th Legislative District and submitted a short statement with campaign contact information for the Clark County Voter Guide. The contact information read as follows:

Address: Friends for Jim Dunn, 13215 C8 SE Mill Plain Blvd 362, Vancouver 98684; **Telephone:** (360) 256-1405; **E-mail:** StateRep@JimDunn.com; **Web site:** www.JimDunn.ws

2. The physical address listed in the voter's guide is Rep. Dunn's home address. The e mail address is a non-legislative e mail address and the "web site" is a pointer to Rep. Dunn's legislative web site.
3. The Clark County Elections Office advised that the voter's guide was placed on-line on August 16 and was mailed the week of August 28.

4. From August 16 until September 5 the use of www.JimDunn.ws would directly connect the user to the Representative's legislative web site. Rep. Dunn "redirected" this address/pointer to his campaign web site on or about September 5 after being notified of the complaint.
5. Rep. Dunn's legislative web site has an e-mail function allowing visitors to the site to contact him. Incoming and outgoing e mails from this site were obtained and reviewed. The time frame for this review was from August 16, the day Clark County election officials advised the voter's guide went on-line, to September 5 when the pointer was redirected to the Representative's campaign web site. No campaign e-mails were discovered.
6. Rep. Dunn describes the use of his legislative web site as a campaign contact, through the use of "pointer" www.JimDunn.ws, as unintentional.

V. Determinations of Law

1. RCW 42.52.180 prohibits a legislator from using or authorizing the use of facilities of the legislature, 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.

"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" (emphasis added).

2. RCW 42.52.180 is violated if a legislator (a) uses the legislature's toll free hotline number in campaign mailings (Complaint Opinion 2001-No.5); (b) uses his/her legislative address or phone number in campaign mailings even if the mailings contain a warning that the address and phone number should only be used for legislative business (Complaint Opinion 2002-No.5); or (c) uses his/her legislative e-mail address as a campaign contact (Complaint Opinion 2004-No.3).
3. Utilization of a "pointer" which invites and directs others to use that avenue of communication for campaign contact and which, when used, connects the user to a legislative web site, is in reality no different than providing the legislative web site as a campaign contact.

VI. Summary and Order

Although no campaign e mails were discovered on the legislative web site during the time it was available as a campaign contact, and Rep. Dunn did re-direct the pointer to his campaign web site when the matter was formally brought to his attention, it was the Representative's responsibility to insure that his campaign contact information did not

include the use of his legislative web site.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Rep. Dunn has violated RCW 42.52.180 and shall be penalized by a letter of instruction and this Order is served on him as the letter of instruction.

Wayne Ehlers, Chair

I, Jim Dunn, have had the option of reviewing this Stipulation and Order with legal counsel, or have actually reviewed it with legal counsel, fully understand its legal significance and have voluntarily signed it as a resolution of this matter.

Jim Dunn
Date: _____