

**COMPLAINT 2006 – NO. 10  
IN RE TOM**

Jurisdiction Determination – Dismissal

**I. Nature of the Complaint**

The complainant alleges that Representative Rodney Tom improperly received per diem payments from the House of Representatives for four days during the 2005 Legislative Session. In support of the allegations, complainant offers House voting records for April 13, 14, 15, and 16 which show Representative Tom was excused from voting on the days in question.

**II. Determination of Jurisdiction**

According to RCW 44.04.120, legislators are paid an allowance in an amount to be fixed by the Secretary of the Senate and Chief Clerk of the House, in accordance with applicable rules and resolutions of each house. “Such allowance shall be reasonably calculated to reimburse expenses...which are ordinary and necessary in the conduct of legislative business...”

The authority of the Legislative Ethics Board is limited by law. RCW 42.52.320 states in pertinent part:

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

“This chapter” is RCW 42.52, the Ethics in Public Service Act, and it confers no authority on the Board to adjudicate issues relating to the conditions of payment of per diem to legislators provided for in RCW 44.04.

**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.

David R. Draper, Vice-Chair  
Date: