

COMPLAINT 2009 – NO. 4

In Re Roach

JURISDICTION DETERMINATION – ORDER OF DISMISSAL

October, 2009

I. Nature of the Complaint

The complaint alleges that Representative Dan Roach violated the Ethics in Public Service Act (Act) (1) by failing to timely file campaign reporting documents with the Public Disclosure Commission (PDC), by making improper personal expenditures of campaign funds, and (2) using the State Seal in a 2008 campaign advertisement.

According to documents submitted in support of the allegations contained in (1) above, the PDC asserted jurisdiction and resolved both the late filing charges and the personal expenditure charge pursuant to Chapter 42.17 RCW, the Public Disclosure Act.

According to documents submitted in support of allegation (2) above, the Secretary of State asserted jurisdiction over the use of the Seal in the campaign advertisement pursuant to Chapter 43.04 RCW, Use of the State Seal.

II. Determination of Jurisdiction

RCW 42.52.320 limits the jurisdiction of the Legislative Ethics Board to alleged violations of Chapter 42.52 (Ethics in Public Service Act) and related rules by legislators and employees of the legislative branch of state government.

RCW 42.17.360 directs the Public Disclosure Commission to enforce Chapter 42.17 RCW (Campaign Finances-Lobbying-Disclosures-Use of Campaign Funds, etc) which it has done relative to the allegations of late filings and improper expenditures.

With regard to the use of the Seal, this Board noted in **Complaint 2000 – No. 7** that RCW 43.04 grants authority over the use of the State Seal to the Secretary of State. In that case, as in the present case, the Secretary exercised that authority and the campaign use of the Seal was discontinued.

III. Conclusion and Order

The Board concludes that it lacks subject-matter jurisdiction in this case and the complaint is hereby dismissed.

David R. Draper, Chair

Date: