

Legislative Ethics Board

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COMPLAINT 2018 – No. 2

In Re Reeves

May 14, 2018

ORDER OF DISMISSAL: LACK OF REASONABLE CAUSE

I. Nature of the Complaint

The complaint was filed by a resident of Seattle WA. The complaint addresses two issues: Rep. Kristine Reeves's non-legislative job as "Director" of the military division within the Dept. of Commerce, and her sponsorship of two bills that affect the Growth Management division at Commerce.

II. Background

Rep. Kristine Reeves was elected to the House of Representatives in November 2016. Prior to her election, she was employed by the Washington State Department of Commerce.

Upon her election, Rep. Reeves contacted the staff for the executive ethics board and the legislative ethics board. Based on those discussions, she altered her job at Commerce, took reduced pay during legislative sessions, and disclosed her ongoing employment at Commerce to the legislative ethics board. As her original employment was based on an open and competitive process, the Board learned of her position but no action was required.

Part of the change in Rep. Reeves's outside employment was to alter her Commerce job title to "Director, Military & Defense Sector." She also reduced the scope of her job to remove supervisory authority over the "sector leads" at Commerce. (Commerce is divided into multiple sectors, each of which has responsibility for different functions within the agency.)

The Military and Defense Sector within the Department of Commerce operates to facilitate economic development within Washington, focusing on non-governmental defense industry businesses seeking to contract with federal military installations. Its website lists priorities as:

- developing & promoting strong military-civilian partnerships that help us advocate and advance the sector regionally & nationally,
- providing for military & defense compatible use in local communities all across the state,
- promoting a business climate that enhances an innovative military & defense industry, and
- continuing to enhance the successful transition of service members, veterans & their families to civilian life.

Although Rep. Reeves indicated that HB 2111 and HB 2341 were brought to her through the Growth Management sector at Commerce, and would benefit the GMA sector more than hers, there was at least limited overlap with the work performed by her sector.

III. Jurisdiction

The Board has personal and subject matter jurisdiction.

IV. Findings of Fact

1. Rep. Kristine Reeves represents the 30th legislative district. Before the 2018 legislative session, Rep. Reeves learned of a bill that was being sought by the Growth Management sector at Commerce. After consulting with counsel for her leadership, she agreed to sponsor the bill (HB 2111). When some concerns about the bill language were brought to her, Rep. Reeves dropped HB 2341, a different version of HB 2111. HB 2111 was referred to a House committee but never heard; HB 2341 received a public hearing but did not proceed further.
2. Sen. Conway indicated interest in the subject and dropped SB 6456, a companion bill to HB 2341. SB 6456 advanced through a policy committee to Ways and Means but no further.
3. Both House bills concerned the same issue: the possible development of property adjacent to military operations, when such development could hamper “current or future mission requirements.” The bills required that local governments provide affected military installations with notice of changes to local land use regulations and would have required local governments to consider the feedback provided by military installations.
4. There is no indication or allegation that Rep. Reeves would benefit personally from passage of either bill. There is no indication that her outside job at Commerce will compensate her for sponsoring the bills.

V. Prior Decisions

Complaint Opinion 2011 – No. 1 (Armstrong) involved a factual scenario similar to the Reeves complaint. Rep. Armstrong was an employee of the Port of Wenatchee, and (on paper) had some responsibility for legislative affairs. Upon investigation, it was determined that he had not engaged in lobbying or legislative strategy planning for the Port. However, he had sponsored bills on behalf of his employer and the trade association of which his employer was a member. The Board stated:

RCW 42.52.070 states that except as required to perform duties within the scope of employment, no legislator may use his or her position to secure special privileges or exemptions for any one, including self. The sponsorship of legislation is within the scope of employment of a legislator, this invoking the exception. In addition, when a legislator becomes an advocate for a person public resources and the office of the legislator may be used if a government official or government office is involved or that person is seeking assistance on legislative issues. If either of these two conditions is met, there is a sufficient and tangible legislative nexus to conclude that the advocacy is within the scope of a legislator’s employment and/or within his or her official duties (Advisory Opinion 2006 – No. 1 and others). There are no facts to support the claim that Respondent used his position to confer a special privilege on the Port or the [trade association].

In *Complaint Opinion 2014 – No. 2 (Harris)*, a majority of the Board found that use of legislative resources to potentially benefit a private entity (related to the legislator’s employer) did not violate RCW 42.52.070 (Special Privileges) because the legislator did not personally benefit.

VI. Conclusions of Law

1. One allegation is that RCW 42.52 prohibits a legislator from being the director of a state agency. The Ethics Manual states that legislators may be employees of state or local governments unless the agency position “creates a direct conflict with the office of state legislator.” The Manual mentions two such conflicts: state agency director and legislative liaison.
2. Rep. Reeves’s job title is “Director, Military & Defense Sector.” However, that position is not a state agency director; she is the lead for one part of the Dept. of Commerce.
3. The second allegation is that Rep. Reeves sponsored the two bills in order to obtain “special privileges” for herself. (The Complaint cites RCW 42.52.020 (Activities Incompatible with Public Duties) and 42.52.160 (Use of persons, money or property for private gain). The act of sponsoring bills is core legislative activity, protected under both statutes cited by the complainant as well as the special privileges statute.

VII. Order of Dismissal

It is hereby ORDERED that Complaint 2018 - No. 2 is dismissed.


Sen. Stephen Johnson
Chair