

# Legislative Ethics Board



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## COMPLAINT 2019 – No. 7

*In re Kuderer*  
October 25, 2019

### I. NATURE OF THE COMPLAINT

The complaint alleges that Respondent violated the Ethics in Public Service Act (Act) by forwarding an email, which had been sent by Complainant to a private person regarding a bill sponsored by Respondent, to Complainant's employer. Although the Complaint does not cite a provision of the Act alleged to have been violated by Respondent, the Board has analyzed the complaint as alleging a violation of RCW 42.52.160 (private gain).

### II. JURISDICTION

The Board has both personal and subject matter jurisdiction in this matter. RCW 42.52.320.

### III. PROCEDURAL HISTORY

The complaint was received by Board counsel on August 21, 2019 and was the subject of discussion at regularly scheduled meetings on August 26 and October 14, 2019.

### IV. FINDINGS OF FACT

There is reasonable cause to believe the following are the pertinent facts of the case:

1. Respondent is a member of the Washington State Senate representing the 48<sup>th</sup> Legislative District.
2. During the 2019 legislative session, Respondent was the prime sponsor of SB 5077 which would restrict single-use plastic straws at food service establishments.
3. The idea for SB 5077 was brought to Respondent by the AP Government class at Lake Washington High School.
4. On January 24, 2019, SB 5077 was heard in the Senate Environment, Energy & Technology Committee.

6. Two individuals representing the disability community, one of whom was the Complainant, testified against the bill.
7. On Saturday, January 26, 2019, Complainant sent to the teacher of the Lake Washington High School AP Government class an email from his personal email account. In this email, Complainant suggested that the teacher educate his students about the fact that many disabled persons need to use plastic straws. Complainant further chided the teacher about how the students in his class should use their "privilege" to amplify the voices of those with less power.
8. On January 28, 2019, the teacher forwarded Complainant's email to Respondent, commenting that the bill had opposition and that it was "a great learning experience for my students."
9. On January 29, 2019, Respondent forwarded Complainant's email to a disability organization she thought employed Complainant, expressing concern about the email sent by Complainant as she felt it was a bullying in nature. Although the organization to which Respondent sent the email did not employ Complainant, the director of that organization forwarded Respondent's email to Complainant's employer.
10. Upon receiving the email from Respondent, Complainant's employer immediately wrote to Respondent apologizing for the email and assuring Respondent that she had personally addressed the issue with the Complainant.

V. CONCLUSIONS OF LAW

RCW 42.52.160 prohibits the use of persons, property or money (public resources) under a legislator's official control or direction, or in his or her official custody, for the private benefit of self or another unless that use is part of the legislator's official duties. "Official duty" means those duties within the specific scope of an official's employment as defined by the agency, or by statute, or by the state constitution. RCW 42.52.010(12).

Promoting or advocating for one's legislation is clearly within the scope of a legislator's official duties. Respondent's actions in this matter pertained to a bill on which she was the prime sponsor. As a result, the Board does not find reasonable cause to believe that a violation of RCW 42.52.160 has occurred.

VI. ORDER

IT IS HEREBY ORDERED that Complaint 2019 – No. 7 is dismissed.

  
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Eugene Green, Chair

Date: 10-25-2019