

# Legislative Ethics Board

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## COMPLAINT 2023 – No. 1

*In re Davis*  
May 30th, 2023

### NO REASONABLE CAUSE – ORDER OF DISMISSAL

#### I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by not informing the City of Lynnwood of Acadia Healthcare's plan to locate a methadone clinic in the city, by publicly supporting the methadone clinic being located in Lynnwood, and by benefitting politically and financially from its location. 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 42.52.140.

#### II. JURISDICTION

The Board has personal and subject matter jurisdiction. RCW 42.52.320.

#### III. PROCEDURAL HISTORY

Complaint 2023 – No. 1 was received on January 5, 2023 and discussed at the Board's regularly scheduled meetings on March 27, 2023 and May 19, 2023.

#### IV. FINDINGS OF FACT

1. Respondent is a member of the House of Representatives representing the 32<sup>nd</sup> legislative district. She was first elected in 2018 and was most recently re-elected in 2022.
2. The city of Lynnwood is located within the 32<sup>nd</sup> legislative district.
3. Respondent first became aware of Acadia Healthcare's (Acadia) proposed methadone clinic in Lynnwood on December 20, 2022 when she received an email from the Lynnwood City Council president.
4. Respondent had previously worked with the city council on the Community Recovery Center project and knew the council through that work.
5. Respondent had never heard of Acadia until she met someone representing that organization at the rate setting meeting on opioid treatment programs (OTP) in December 2022.

6. Acadia never contacted Respondent about locating an OTP in her district.
7. Respondent had no involvement with the Lynnwood methadone clinic site selection or the Department of Health certification process for the clinic, nor does she have any authority in those processes.
8. The City of Lynnwood authorized the methadone clinic siting automatically pursuant to their city code. In a city council work session on March 9, 2023, Lynnwood City Development and Business Director, David Kleisch, explained how the automatic siting occurred. Because Acadia was classified as a “clinic” rather than an Essential Public Facility (EPF), it was permitted outright under the city’s zoning code. This meant that, unlike an EPF permit, it did not require oversight by the council, public notice, public comment, or a public hearing.
9. Because of its automated siting process, the City of Lynnwood authorized the methadone clinic site before Respondent or the Lynnwood City Council knew about the proposed OTP.
10. Respondent did not personally receive any payment or benefit from Acadia.
11. Washington Recovery Alliance, the organization Respondent helped found, and by which she is still employed, did not receive a benefit from Acadia. WRA is primarily funded through grants and the WRA Development and Communications Manager confirmed there is no record of a relationship with Acadia, financial or otherwise.
12. At the public hearing on December 29, 2022, Respondent spoke in favor of OTPs and methadone treatment in general. Her statements were supportive of having an OTP in south Snohomish County. In her public comments, Respondent stated that she hoped Acadia would be successful and that she would be involved in holding Acadia accountable for any problems. Respondent did not make any statements specific to Acadia’s qualifications or suitability.

VI. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.140 provides as follows:

*No state officer or state employee may receive, accept, take, seek, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity or favor would influence the vote, action or judgment of the officer or employee, or be considered as part of a reward for action or inaction.*

In analyzing .140, the Board is primarily looking for conduct which offers or appears to offer something specific in exchange for something specific. *In re Van Luven*, 2002 – No. 1. The offer of a vote on a specific bill in exchange for money is an obvious example of a violation of the *quid pro quo* prohibition. See *Senate Ethics Board Complaint* 1975 – No. 1; *In re Scott*, 1995 – No. 4.

Although the Complainant alleges that Respondent supported the siting of the Acadia clinic in Lynnwood in exchange for monetary or political gain, there is no evidence that Respondent received

anything in exchange for the siting of the clinic in Lynnwood. In fact, the evidence shows that Respondent had nothing to do with the process of siting this clinic, other than speaking generally at a public hearing on the subject in support of such facilities.

V. ORDER

IT IS HEREBY ORDERED: that there is no reasonable cause to believe Respondent violated RCW 42.52.140.



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Tom Hoemann, Chair

Date: May 30, 2023