

Legislative Ethics Board

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COMPLAINT 2023 – Nos. 7, 13 & 14

In re McEntire

September 29, 2023

NO SUBJECT MATTER JURISDICTION – ORDER OF DISMISSAL

I. NATURE OF COMPLAINT

The Complaints alleges that Respondent violated the Ethics in Public Service Act (Act) by allowing someone to take over his personal Twitter account and post demeaning personal comments about the Complainants.

II. PROCEDURAL HISTORY

Complaint 2023 – No. 7 was received on April 20, 2023. Complaints 2023 – Nos. 13 & 14 were received on June 30, 2023 and July 3, 2023 respectively. All complaints were discussed at the Board's regularly scheduled meeting on September 11, 2023.

III. JURISDICTION

The Board has personal jurisdiction but lacks subject matter jurisdiction. RCW 42.52.320.

IV. FINDINGS OF FACT

1. Respondent is a member of the House of Representatives representing the 19th legislative district. He has served in the House since 2021.
2. One of the Complainants resides in Respondent's district. The other Complainant resides in Bremerton.
3. Respondent has neither an official Twitter nor an official Facebook account.
4. Respondent once had a personal Twitter account but that account was hacked so he deleted it. After he deleted his Twitter account, another Twitter account appeared bearing the title @JoelMcEntire. Whoever owned this account began posting demeaning comments about people and seemed to be posing as Respondent. Respondent reported this issue to Twitter which shut down that account but the person who began that account created a second account called

@JoelMcEntire2. Respondent successfully had that account removed but then @JoelMcEntire 3 was created.

5. Respondent tried to determine who owned these fake accounts but was unsuccessful. He further indicated that trying to monitor and shut down these fake accounts consumed too much of his time so he discontinued his efforts.
6. Complainants indicated that they have been targeted in postings on these accounts. The owner of these accounts has posted on Twitter untrue and demeaning personal comments about them.
7. Although Complainants allege that Respondent is responsible for these accounts and posts, they have not provided any evidence of Respondent's alleged involvement and Respondent denies that he is behind these accounts.


IV. ANALYSIS AND CONCLUSIONS OF LAW

The complaint alleges that Respondent violated the Ethics Act by posting demeaning comments on a personal Twitter account. The Board has no subject matter jurisdiction over a legislator's personal social media account. *See In re Kloba*, 2023 – No. 6. Even if the Board had jurisdiction in this matter, it would not have found a violation because there was no evidence presented showing that these Twitter accounts were owned by Respondent and that he was responsible for the comments targeting the Complainants.

Finally, the Board notes that our lack of subject matter jurisdiction over a legislator's personal social media account does not mean that future aggrieved persons with similar concerns are left with no recourse. All legislators are bound by the Legislative Code of Conduct which is administered by the House and Senate chambers.¹

V. ORDER

IT IS HEREBY ORDERED: this Complaint is dismissed because the Board lacks subject matter jurisdiction over the allegations in the Complaint.



Tom Hoemann, Chair



Date

¹ <https://leg.wa.gov/House/Documents/LEG%20Code%20of%20Conduct.pdf>