

# Legislative Ethics Board

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## COMPLAINT 2024 – No. 1

*In re Saldaña*

June ~~May~~ 4, 2024

### REASONABLE CAUSE FINDING AND STIPULATION

#### I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by allowing her legislative assistant (LA) to use public resources with which to advocate for the LA's husband's complaint with the Department of Labor & Industries (L&I). Although the complaint does not cite a specific provision of the Act to have been violated by Respondent, the Board has analyzed the complaint as alleging a violation of RCW 42.52.160 (use of public resources for private gain).

#### II. PROCEDURAL HISTORY

Complaint 2024 – No. 1 was received on February 8, 2024, and discussed at the Board's regularly scheduled meeting on April 22, 2024.

#### III. JURISDICTION

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

#### IV. FINDINGS OF FACT

1. Complainant resides in the 35<sup>th</sup> legislative district and, with her husband, owns Amro Nurseries, a wholesale plant nursery in Shelton, Washington.
2. Respondent is a member of the state Senate representing the 37<sup>th</sup> legislative district. She has served in the Senate since she was appointed in 2016.
3. Respondent's LA and her husband reside in the 35<sup>th</sup> legislative district.

4. During March 2022, Respondent's LA told Respondent about the workplace complaints<sup>1</sup> the LA's husband had filed with L&I. The LA also explained that her husband's claim had been denied as being untimely because it was not filed within 30 days of the action about which he complained to L&I.
5. Based upon the information provided by the LA about her husband's case, Respondent told her LA the timeline for filing a DOSH complaint was too short and asked her LA to contact L&I about the timeline. Respondent was interested in whether the timeline should be extended from both a policy and legislative perspective.
6. Respondent indicated that she knew her LA would use her legislative computer during work hours and her husband's case as an example of the short timeline. Respondent did not want her LA to use her husband's name in her contact with L&I because Respondent did not want L&I to treat her LA differently because Respondent is a legislator. Respondent stated she was interested in the information from L&I about the timeline so that her office could assist others who may have a similar issue.
7. Respondent stated that people who are not constituents often bring labor-related issues to her. She has always instructed her staff that if the person is not a constituent, her staff should put the person in touch with the legislators from that person's district to handle the case work.
8. Respondent's LA followed up with Respondent in March or April of 2022 on this issue. The LA told Respondent that because L&I had instituted new rules<sup>2</sup> to reflect a new timeline required by legislation passed in 2021, the agency would investigate the LA's husband's complaint.
9. Based upon this information, Respondent believed there was nothing more to be done in the matter and did not expect to discuss it further with her LA.
10. Respondent further stated that, in retrospect, her office probably should not have gotten involved in this matter.

## V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.160(1) prohibits a state officer or state employee from using any person, money, or property (known in the opinions as public resources) under his or her official control or direction, or in his or her official custody, for the private benefit or gain of the officer or another unless that use is part of a state employee's official duties. *See also In re Higginbotham*, 2005 – No. 1.

In this matter, the LA informed Respondent about the LA's husband's case. Respondent indicated that the LA was very stressed about the situation because her husband was unemployed. Respondent admitted that she knew the LA would use her husband's case to illustrate the issues with the short timeline for filing a complaint. Respondent did not want the LA to use the LA's husband's name or his relationship to the LA because Respondent did not want any special treatment from L&I. It is unclear whether Respondent was aware of the content of her LA's emails to L&I. However, these emails clearly

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<sup>1</sup> The LA's husband filed a DOSH complaint. DOSH stands for Division of Safety and Health within L&I

<sup>2</sup> These rules did not become effective until July 1, 2022, and were based upon statutory changes made during the 2021 legislative session.

show that, while she initially paid lip service to Respondent's request for policy information, she was much more interested in having L&I take action on her husband's complaint. In any event, Respondent knew her LA would contact L&I about the LA's husband's case.

Respondent admits that her office probably never should have gotten involved; the matter should have been transferred to one of the legislators who represented the district in which her LA and husband resided. Respondent is responsible for the daily supervision of her LA and has a duty to assist her LA in following the provisions of the Ethics Act. As such, she should not have permitted her LA to use public resources to contact L&I about her husband's case. Even though the Respondent did not directly contact L&I about the case, her LA, with Respondent's knowledge and permission, did so using a legislative computer and the state email system. The LA also applied an email signature block that made it very clear that the LA worked for Respondent and was contacting L&I on behalf of the Respondent.

The provisions of the Ethics Act apply to all legislators and staff independently and each is responsible for ensuring their actions meet the requirements of the Act. Legislators have a higher duty to make sure their office staff follow the provisions of the Act. By allowing her LA to use public resources to inquire about the LA's husband's case, Respondent has violated RCW 42.52.160.

VI. ORDER


IT IS HEREBY ORDERED: that reasonable cause exists that Senator Saldaña violated RCW 42.52.160 and that she pay a civil penalty in the amount of five hundred dollars (\$500) payable to the Washington State Treasurer; provided, however, that two hundred and fifty dollars (\$250) of this penalty be suspended, with such suspension conditioned upon Senator Saldaña having no further violations of RCW 42.52 through October of 2028.

IT IS FURTHER ORDERED: that Respondent receive refresher ethics training provided by Board Counsel no later than May 31, 2024.

  
Tom Hoemann

Date: July 4, 2024

I, Rebecca Saldaña, hereby certify that I have read this Stipulation and Order in its entirety; that I have had the option of reviewing this agreement with legal counsel, or have actually reviewed it with legal counsel; fully understand its legal significance and consequence; agree to the entry of findings of fact and conclusions of law, and agree to personally sign it as a resolution of this matter and have voluntarily signed this Stipulation and Order.

  
Rebecca Saldaña

Date: 5/31/2024

Having reviewed this proposed Stipulation, and on behalf of the Legislative Ethics Board, the Stipulation is accepted.



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Tom Hoemann, Chair