

# Legislative Ethics Board

**BOARD MEMBERS:**  
SHONTRANA GATES-WERTMAN  
SEN. CHRIS GILDON  
REP. DAVID HACKNEY  
TOM HOEMANN  
LARRY HOFF  
STEVE O'BAN  
SEN. JAMIE PEDERSEN  
PAM TAJIMA PRAEGER  
REP. MIKE STEELE



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## LEGISLATIVE ETHICS BOARD MINUTES January 19, 2024

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Sen. Jamie Pedersen; Sen. Chris Gildon; Rep. David Hackney; Larry Hoff (virtual); Steve O'Ban (virtual); Shontrana Gates-Wertman (virtual); Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Suchi Sharma, Senate Counsel; Ohad Lowy, House Counsel

The chair called the meeting to order at 12:05 am.

The minutes for the December 4, 2023 Board meeting were approved.

There were no Employment Disclosure forms to review.

The election of officers for 2024 were held. Member Hoff nominated Tom Hoemann and Pam Praeger to continue in their current positions as Chair and Vice-Chair respectively. They were unanimously elected.

Board counsel discussed the current issue regarding Initiatives to the Legislature (ITL) that has arisen because there are likely to be six such initiatives this session. The question has arisen regarding at what point are ITLs considered received by the legislature so that members can discuss the contents like they would any other bill. One suggested approach was to wait until the bill was actually introduced; another was to wait until the ITL was publicly available on the legislative website. The Board was concerned that members be allowed to comment at the earliest possible moment. The Board ultimately decided that once the ITL has been received by either chamber, it may be discussed by the members as though it is a bill. The Board did suggest that the chambers will have to create a process by which to inform staff and legislators that the ITL has been received. Board counsel was instructed to draft an Ethics Alert to explain this issue.

Board counsel raised an issue with a former Advisory Opinion – 2020 – No. 1. The language in the section dealing with caucus social media use during the election season is incorrect and unclear. Board counsel was directed to make the changes in the original and post the new version. These changes should be noted in the summary on the Board's website.

Board counsel discussed SB 6041 with the Board. The bill amends the Ethics Act making it a violation for a state officer or employee to knowingly provide false or misleading information to the legislature or in an official report produced by a state agency.

The Board reviewed the draft of the 2023 Annual Report and approved the changes contained in the draft. Board counsel to finalize the draft and post it on the Board's website.

The Board discussed the several changes to the proposed Rules since the last meeting of the Board. Specifically, the Board approved the requirement that Advisory Opinions be unanimously agreed to before being published. The chair proposed that the minutes be posted on the board's website contemporaneously rather than annually. The proposal was approved by the Board. Sen. Pedersen moved that the rules be adopted; member O'Ban seconded the motion. Proposed rules were adopted unanimously.

The Board discussed the request for an advisory opinion from House counsel. Board counsel went through the chart that listed all of the Board's opinion interpreting RCW 42.52.160 over the years. A discussion ensued regarding the meaning of the term "tangible legislative nexus." After a spirited discussion, Board counsel was instructed to draft a response to the advisory opinion request that reflects the Board's discussion in the meeting.


The Board then discussed the proposed dates for meeting in 2024. March 11, 2024 is the next meeting of the Board. Members are to let Board counsel know if there are any of the proposed dates that will not work.

The Board continued its discussion of the advisory opinions interpreting RCW 42.52.120 – the discussion was tabled several months ago. Board counsel reviewed the previous work of the Board. Board counsel was asked to prepare different definitions to include managerial and decision making roles for the March meeting.

There was no public testimony.

The public portion of the meeting was adjourned at 1:35 p.m..

There was no executive session.

  
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Tom Hoemann, Chair

Date: 3/11/24