



Published at the direction of the

LEGISLATIVE ETHICS BOARD

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2024 ANNUAL REPORT WASHINGTON STATE LEGISLATIVE ETHICS BOARD

ETHICS BOARD MISSION STATEMENT

To fairly administer the Ethics in Public Service Act (Act)¹ and to always be aware of the long-term effects that Board decisions may have on the legislative branch of government and the public trust.

To emphasize training and the utilization of ethics advisers so that, whenever possible, questions may be addressed in an educational rather than a confrontational setting.

BACKGROUND

Established in 1994 by statute, the Washington state Legislative Ethics Board (Board) is composed of nine members. Four members are current legislators selected by their caucuses and appointed by either the President of the Senate or the Speaker of the House. Four members are citizens who are selected by the Governor from a list of three individuals submitted by each of the four caucuses. The fifth citizen member is selected by at least three of the four citizen members. The chair must be a citizen member. Legislative members serve two-year terms and can be reappointed; citizen members serve one five-year term and cannot be reappointed. All members serve until their successors are appointed.

MEMBERS

Shontrana Gates-Wertman (resigned in October 2024) was selected by the House Democratic Caucus as a citizen member in 2022. Ms Gates-Wertman is an attorney and has worked for the Valley Defenders, PLLC; the King County Prosecuting

¹ RCW 42.52.*et seq*

Attorney's Office and the Division of Child Support in the Department of Social and Health Services. She received her law degree from Seattle University and her undergraduate degree from Saint Mary's College of California.

Sen. Chris Gildon was appointed by the Senate Republican Caucus in January 2023. He is a current member of the Senate representing the 25th legislative district located in the Puyallup area. Prior to his election to the Senate, Sen. Gildon served in the House of Representatives from 2019-2021. Sen. Gildon is a 23-year veteran Army officer. Sen. Gildon earned a bachelor's degree in political science from the University of Texas, complemented by a master's degree in public administration from Webster University and a master's in strategic security studies from the National Defense University.

Rep. David Hackney was appointed by the House Democratic Caucus in January 2023. Rep. Hackney has represented the 11th legislative district since 2020. He is currently vice-chair of the Capital Budget Committee and also serves on the Consumer Protection & Business and Transportation Committees. Rep. Hackney received his undergraduate degree from Cornell University and his law degree and MPA from Harvard University.

Tom Hoemann, Chair, was selected as a citizen member by the Senate Democratic Caucus in 2020. He retired from the Senate in 2013 after spending almost all of the previous 34 years serving there in various positions, the last eight as Secretary of the Senate. He received his undergraduate and law degrees from the University of Washington.

Larry Hoff was selected by the House Republican Caucus as a citizen member in April 2023. He was previously a member of the House of Representatives representing the 18th legislative district. Rep. Hoff received his undergraduate degree in Accounting from the University of North Dakota. He retired from the credit union industry in 2017 after serving as CEO for several credit unions. As a House member, Mr. Hoff served on the Legislative Ethics Board.

Steve O'Ban was selected by the Senate Republican Caucus as a citizen member in January 2023. Mr. O'Ban previously served in the House of Representatives from January 2013 to June 2013 at which time he was appointed to the Senate. He served in the Senate from 2013 to 2021 representing the 28th legislative district located in University Place. During 2024, Mr. O'Ban served as the Senior Counsel to the Pierce County Executive. He completed his undergraduate work at the University of Washington and received his law degree from Seattle University.

Sen. Jamie Pedersen was appointed by the Senate Democratic Caucus in 2014. Sen. Pedersen represents the 43rd legislative district (central Seattle). He was elected to the House of Representatives in 2006 and was appointed to the state Senate in 2013 and has served since that time. Sen. Pedersen has been a member of the Legislative Ethics Board since 2008, representing the House Democratic Caucus from 2008-2013 before moving to the Senate. Sen. Pedersen received both his undergraduate and law degrees from Yale University. He currently serves as the Senate Majority Leader.

Pam Tajima Praeger was selected by the other citizen members as the 5th citizen member. Ms. Praeger served as President of Spokane Falls Community College from 2011-2012. She also previously served in a variety of other professional positions with the College for more than 30 years. Ms. Praeger has served on various boards and commissions, including a stint as Chair of the Commission on Judicial Conduct. She received her undergraduate degree from Pacific Oaks College and her Master's Degree from the University of Idaho.

Rep. Mike Steele was appointed by the House Republican Caucus in January 2023. Rep. Steele has represented the 12th legislative district, which includes parts of Chelan, Douglas, King and Snohomish counties, since 2017. Rep. Steele serves on the House Capital Budget, Education, and Rules Committees. He is currently employed as the Executive Director for the Lake Chelan Chamber of Commerce. He received degrees in business administration and political science from Pacific Lutheran University.

STAFF

The Board employs one Board counsel, who investigates complaints filed with the Board; drafts complaint opinions, advisory opinions, and ethics alerts; trains on ethics issues; and provides guidance to legislators and legislative staff on ethics issues. The Board counsel also staffs the bi-monthly meetings of the Board.

Current Board counsel, Jennifer Strus has served in this capacity since June 2018. Ms. Strus has also served as Senior Coordinator/Counsel with the Senate staffing various committees for 15 years; served five years as the Assistant Secretary for the Children’s Administration in DSHS; and has served as budget counsel for the Office of Financial Management and as an Assistant Attorney General. Ms. Strus received her undergraduate degree from Illinois State University and her law degree from Washburn University of Topeka School of Law.

BOARD AUTHORITY

Pursuant to RCW 42.52.320, the Board is required to develop educational materials, issue advisory opinions, adopt rules or policies governing the conduct of the board’s business; investigate, hear and determine complaints filed by any person or on the board’s own motion; and impose sanctions when reasonable cause is found to believe the Act was violated.

2024 BOARD MEETINGS

Pursuant to Legislative Ethics Board Rule 1.A., a quorum for transaction of board business consists of a majority of the members. This quorum must include not less than a majority of citizen members. The Board met on the following dates in 2024:

January 19, 2024
March 11, 2024
April 22, 2024
May 21, 2024
July 9, 2024
September 11, 2024
October 15, 2024
November 4, 2024
December 19, 2024

BOARD RESPONSIBILITIES

INFORMAL ADVICE

There are four designated ethics advisers for the legislature: House counsel; both Senate counsels; and the Board counsel. These advisers meet on a regular basis to discuss ethical issues that have arisen to ensure they are providing consistent advice. Board counsel routinely responds to several hundred queries (some of which come from the other ethics advisers) per year from legislators, legislative staff, lobbyists, and the general public regarding ethical situations.

In 2024, Board counsel was involved in providing guidance in over 532 ethics inquiries, on the telephone, virtually and through email. The most frequent topics of inquiry involved the following areas: campaigns (RCW 42.52.180); use of state resources (RCW 42.52.160); gifts (RCW 42.52.150); and conflict of interest (RCW 42.52.020) The following breakdown² shows the numbers of inquiries by topic areas:

▪ Definitions (gifts) (RCW 42.52.010)	16 inquiries
▪ Conflict of interest (RCW 42.52.020)	45 inquiries
▪ Special Privileges (RCW 42.52.070)	7 inquiries
▪ Confidentiality (RCW 42.52.050)	0 inquiries
▪ State resources (RCW 42.52.160)	199 inquiries
▪ Campaign (RCW 42.52.180)	191 inquiries
▪ Mailing restrictions (RCW 42.52.185)	4 inquiries
▪ Gifts (RCW 42.52.150/.140)	31 inquiries
▪ General information	12 inquiries
▪ Employment after leaving (RCW 42.52.080)	0 inquiries
▪ No money for legislative advice or assistance (RCW 42.52.110)	0 inquiries
▪ Honoraria (RCW 42.52.130)	0 inquiries
▪ Jurisdiction of the Board (RCW 42.52.320)	6 inquiries
▪ Citizen-legislature principle (RCW 42.52.330)	0 inquiries
▪ Compensation for outside activities (RCW 42.52.120)	6 inquiries
▪ Authority of the Executive Ethics Board (.360)	0 inquiries
▪ Board Rule 1	0 inquiries
▪ Board Rule 3	0 inquiries
▪ Board Rule 7	0 inquiries
▪ Raising campaign funds (RCW 42.17A)	6 inquiries

² A number of inquiries involved more than one area of the Ethics Act; hence, the total number of topics addressed in the inquiries exceeds the total number of inquiries.

- Letters of recommendation or congratulations (RCW 42.52.187) 20 inquiries
- State Constitution 1 inquiry
- Open Public Meetings Act (RCW 42.30) 1 inquiry
- Rosa Franklin scholarship fund 1 inquiry

TRAINING

The Act does not require ethics training but does encourage training of all state employees, which includes legislators and legislative staff, every 36 months. The Act does require all state agencies (including the legislature) to designate ethics advisers. The legislature has designated the following persons as ethics advisers: House counsel; both Senate counsels; and Board counsel.

Both the House and Senate and some legislative agencies require ethics training for new employees and new legislative members on a regular basis. Board counsel participates in developing and providing those trainings. In 2024, Board counsel participated in approximately 15 ethics trainings. Furthermore, Board counsel also provided continuing legal education seminars on legislative ethics to legislative attorneys.

ETHICS MANUAL

The Board publishes the *Legislative Ethics Manual*, which is updated annually. It is available electronically on the Board’s website as well as in hard copy. The *Manual* contains a summary of new cases decided by the Board the previous year, a question-and-answer section about the most frequently asked about areas of the Act, the complete Ethics in Public Service Act (RCW 42.52) and the Board’s Administrative Rules.

OUTSIDE EMPLOYMENT OR GRANT CONTRACTS WITH STATE AGENCIES

Under RCW 42.52.120 and Board Rule 8 F., a legislator or legislative employee must submit to the Board all contracts, grants or employment situations requiring Board approval.³ The Board has designated forms that must be completed when submitting a contract,⁴ grant or employment situation for approval. A legislator or legislative employee must receive Board approval before entering into or obtaining a beneficial (financial) interest in a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or whenever only one bid or application was received by the state agency letting the contract.

The Board also requires that legislative employees and legislators inform the Board by submitting the proper form for Board approval if their spouse or registered domestic partner works for or has a contract with a state agency. The purpose of this submission is to ensure there is no conflict of interest between the official duties of the employee or legislator and the duties of the spouse or domestic partner. In 2024, the Board reviewed 11 total submissions.

³ There are two forms: one for employment with a state agency and one for contracts and grants with state agencies.

⁴ The Board substantially revised the form to be completed for a contract or grant with a state agency. The form now asks for additional information to assist the Board in better determining whether there is a conflict of interest.

ADVISORY OPINIONS

Under Board Rule 1.L., requests for advisory opinions may be made by any legislator, legislative staff, or board member. The board also may issue an advisory opinion on its own motion. Requests for an advisory opinion may be made by other persons but only about the application of the Act to them.

Requests must be stated in the hypothetical unless the request is specifically about the requester's own conduct. The request must provide sufficient information for the board to be able to issue an opinion. Advisory opinions will not be issued on facts that have already occurred.

The Board will not issue an advisory opinion unless the Board is unanimous in its decision to issue the opinion. Unless confidentiality is waived the identity of the requester will be known only to the chair and Board counsel. The Board will either issue an advisory opinion or notify the requester that the request is denied and the reasons for the denial.

The Board issued 4 advisory opinions during 2024. *Advisory Opinion 24-01*, submitted on the Board's own motion, discussed the criteria the Board uses when determining whether a contract or grant a legislator or legislative staff has with a state agency presents a conflict with their official duties.

The *Advisory Opinion 24-02* request asked whether caucus staff was required to remove comments made by the public on official social media posts that may be of a campaign nature. The Board held that while the prohibition against using public resources for campaign purposes applies to legislators and legislative staff, the Act does not provide the Board with jurisdiction over what the public may post in response to a caucus social media post.

The request for *Advisory Opinion 24-03* asked whether the statute prohibiting the alteration of legislators' websites during the election season would, nevertheless, allow administrative changes to be made. The Board denied the request, stating that the statute was absolute in not permitting the websites to be altered.

Advisory Opinion 24-04, submitted on the Board's own motion, asked when it would be acceptable for legislative staff to accept a gift card from an outside entity. The Board listed the situations in which acceptance would not pose an ethical issue.

ETHICS ALERTS

The Board will occasionally issue ethics alerts on topics that do not warrant an advisory opinion but about which the Board would like the information quickly available to legislators and legislative staff. In 2024, the Board issued two *Ethics Alerts*. The first *Alert*, issued in January 2024, contained information about the ethical considerations when an Initiative to the Legislature is filed and especially when the Initiative is considered "before" the legislature. The second *Alert*, issued in May 2024, concerned whether gifts from legislators to legislative staff constitute "gifts" as that term is defined in the statute and if so, whether the \$50 limit applied.

COMPLAINTS

Under Board Rule 1.B., anyone can file an ethics complaint with the Board and the Board can initiate a complaint. No complaint can be anonymous. Every complaint filed with the Board is investigated, and the results of the investigation are provided to the Board through a report prepared by Board counsel. The Board debates the complaint in executive session and once a decision is made, the Board issues a written opinion, which is posted on its website and available to the public.

In 2024, the Board resolved the following complaints:

Allegation	Statute(s) Implicated	Result
Complaint alleged Act was violated when legislator used his official position to discontinue support for a program that he had originally supported.	RCW 42.52.070	No reasonable cause – complaint dismissed
Complaint alleged that Act was violated when legislator permitted her legislative assistant to use public resources and the imprimatur of the legislator’s office to advocate for the assistant’s husband’s discrimination complaint with a state agency.	RCW 42.52.070 & .160	Reasonable cause found; \$500 fine with \$250 suspended provided no further violations through 10/28.
Complaint alleged Act was violated because legislative assistant used public resources and the imprimatur of a legislator’s office to advocate for her husband’s complaint with a state agency.	RCW 42.52.070 & .160	Reasonable cause found; \$500 fine with \$250 suspended provided no further violations through 10/28.
Complaint alleged Act violated when legislator testified in a dependency matter regarding her foster daughter and the Complainant felt her stature as a legislator gave her more credibility in court.	RCW 42.52.070	The Board lacks subject matter jurisdiction
Complaint alleged Act violated when a legislator, who is an attorney, appeared virtually in a court matter while the legislature is in session.	RCW 42.52.160	No reasonable cause – complaint dismissed
Complaint alleged Act violated when legislative staff discussed the six Initiatives to the Legislature at a weekend conference held off campus.	RCW 42.52.180	No reasonable cause – complaint dismissed
Complaint alleged Act violated because constituent was upset with how the legislator’s office handled the casework on her issue.	RCW 42.52.320	Board lacked subject matter jurisdiction
Complaint alleged Act violated when legislator either posted or had someone post unkind remarks about the Complainant on legislator’s personal social media account.	RCW 42.52.320	Board lacked subject matter jurisdiction
Complaint alleged Act violated because legislator had incorrect outside employment information on her official website.	RCW 42.52.160	No reasonable cause – complaint dismissed
Complaint alleged that Act was violated because legislator altered her official social media account by eliminating her Twitter (X) account.	RCW 42.52.180	No reasonable cause – complaint dismissed
Complaint alleged Act violated when legislator did not disclose text messages in response to a public disclosure request.	RCW 42.52.050(4)	No reasonable cause – complaint dismissed
Complaint alleged Act violated when legislator used public resources to write arguments in favor of an initiative for the voter’s pamphlet.	RCW 42.52.180	No reasonable cause – complaint dismissed

NEW BUSINESS

During 2024, the Board worked on legislation to update parts of the Act that had not been updated since the Act was originally passed in 1994. While the majority of the proposed legislation is technical in nature, there are several substantive portions of the bill, including:

- increasing the gift limit to \$100 from \$50;
- removing the penalty portion of the statute from the cost portion;
- allowing a legislator's website to be altered during an election season for office contact information purposes; and
- providing that gifts from legislators to legislative staff are not presumed to influence.

The bill (SB 5143) was introduced during the 2025 legislative session.