

Legislative Ethics Board

BOARD MEMBERS:
EUGENE GREEN
REP. DREW HANSEN
SEN. JIM HONEYFORD
STEPHEN L. JOHNSON
JUDGE TERRY LUKENS (ret.)
SEN. JAMIE PEDERSEN
KENNY PITTMAN
DEBBIE REGALA
REP. BRANDON VICK



451 JOHN A. CHERBERG BUILDING
PO BOX 40482
OLYMPIA, WA 98504-0482
360-786-7343
FAX: 360-786-1553
www.leg.wa.gov/leb

KEITH BUCHHOLZ - COUNSEL
Keith.Buchholz@leg.wa.gov

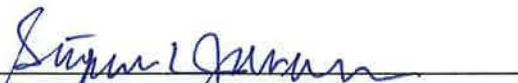
Legislative Ethics Board Minutes

January 25, 2017

Present were Eugene Green; Rep. Drew Hansen; Sen. Jim Honeyford; Stephen L. Johnson, Vice-Chair; Judge Terry Lukens; Sen. Jamie Pedersen; Debbie Regala; Rep. Brandon Vick; Senate Designated Ethics Advisers; Martin Lovinger, retained counsel.

Vice-Chair Johnson opened the meeting and moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session was ended, and the meeting was adjourned.



Stephen L. Johnson, Vice-Chair
Date: 4/19/17

Legislative Ethics Board

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Legislative Ethics Board Minutes

February 21, 2017

Present were Kenny Pittman, Chair; Eugene Green; Judge Terry Lukens (telephone); Debbie Regala (telephone); Rep. Brandon Vick; Rep. Drew Hansen; Sen. Jamie Pedersen; Sen. Jim Honeyford; House and Senate ethics advisors; and Keith Buchholz, Board Counsel.

The December 2016 minutes were approved.

Counsel described numerous conflict of interest disclosures to the Board, largely representing disclosures by session staff hired by the House and Senate. Reps. Kristine Reeves and Mike Pellicciotti disclosed outside positions with state agencies, held prior to taking office. All were based on open and competitive hiring practices and no Board action was necessary.


Board staff submitted an updated statement from House accounting reflecting anticipated Board costs for the next biennium. The error in the December report was due to duplication of benefits paid for staff.

Board counsel described informal advice regarding use of mailing lists. Counsel advised that he had informally approved use by appointed legislators of mailing lists developed by the appointees' predecessors in office under RCW 42.52.185 (1) (c), based on the language of the provision and the public interest in legislative communications. Sen. Pedersen disagreed with the advice given by counsel, based on the legislature's intent when adopting the provision and the manner in which the lists are developed. He requested an advisory opinion for the Board's consideration.

The Board elected annual officers from among its citizen members. Former Sen. Stephen L. Johnson was elected Chair and Eugene Green was elected Vice-Chair.

Chair Pittman moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session was ended, and the meeting was adjourned.


Kenny Pittman
Date: 4/19/2017

Legislative Ethics Board



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Legislative Ethics Board Minutes

March 3, 2017

Participating were Eugene Green, Vice-Chair; Sen. Jim Honeyford; Judge Terry Lukens; Kenny Pittman; Debbie Regala; Rep. Brandon Vick; Keith Buchholz, Board Counsel.

Vice-Chair Green opened the meeting and moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session was ended, and the meeting was adjourned.

Eugene Green, Vice-Chair

Date: 4-19-17

Legislative Ethics Board

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Legislative Ethics Board Minutes

April 19, 2017

Present were Stephen Johnson, Chair; Eugene Green; Judge Terry Lukens; Kenny Pittman; Debbie Regala; Rep. Brandon Vick; Sen. Jim Honeyford; and Sen. Jamie Pedersen; House and Senate ethics advisors; and Keith Buchholz, Board Counsel.

The board minutes for January, February, and March 2017 were approved.

Rep. Melanie Stambaugh presented her request for an advisory opinion to the Board. Her request was based on efforts to raise funds sufficient to pay personal obligations she incurred in defense of ethics complaints filed against her in 2016. Those obligations consisted of the board's fine and the fees from her attorney. Her request focused on individual gifts under \$50, seeking to use the threshold amount described in RCW 42.52.150 (1).

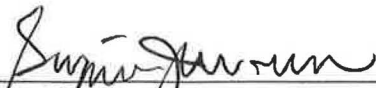
Rep. Stambaugh stated that she was making the request on behalf of numerous community members, including her family, neighbors and friends, who had contacted her offering financial support. She confirmed that she had not engaged in fundraising, but was aware of possible aggregated online efforts such as GoFundMe. She also noted that there was a history of a similar effort used on behalf of LG Owen by members of the lobbying community.

Board members and staff discussed (1) the difference between using such funds to pay a private attorney, in contrast to the payment of the board's fine, (2) that portion of the statute that prohibited use of individual small contributions (a "single gift from multiple sources"), and (3) the role of taking personal responsibility for one's actions. Board counsel was directed to prepare materials for the Board to consider, following the same series of questions contained in Rep. Stambaugh's request.

Tina Stambaugh, mother of the representative, addressed the board in support of her daughter's request.

Chair Johnson moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session was ended, and the meeting was adjourned.



Stephen Johnson, Chair

Date: 6/24/17.

Legislative Ethics Board



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Legislative Ethics Board Minutes

June 21, 2017

Present were Stephen Johnson, Chair; Eugene Green; Judge Terry Lukens; Kenny Pittman; Debbie Regala; Rep. Laurie Dolan; Rep. Brandon Vick; Sen. Jim Honeyford; and Sen. Jamie Pedersen; House and Senate ethics advisors; and Keith Buchholz, Board Counsel.

The board minutes for April 2017 were approved.

The Board approved a conflict of interest disclosure submitted by Jill Reinmuth of the Office of Program Research. Members noted that the requirement of advance approval for routine conflict of interest disclosures did not reflect the demands of the modern job market, and that the Board should consider brief telephone meetings if the timing of a job or contract offer could not await the next regular Board meeting.

The Board discussed the request for an advisory opinion regarding the ability of legislators to fundraise for the purpose of paying private debts and fines assessed by the Board. Board staff summarized the request and discussion ensued. The Board used two draft opinions: one opinion concluding that RCW 42.52.150 did not prohibit a legislator from fundraising to pay private debts, and a second concluding that such fundraising was not allowed by the same statute. An amendment to the latter opinion was before the Board. Both draft opinions concluded that the payment of fines for violation of the Ethics in Public Service Act were the responsibility of the legislator or employee, based on Board Rule 6.

Sen. Pedersen moved that the Board adopt the draft opinion concluding that RCW 42.52.150 did not allow legislators to engage in fundraising to pay private debts. He further moved that the Board adopt an amendment to the draft opinion. The amendment was adopted. On the motion to adopt the draft opinion as amended, a majority of the members voted in favor of the opinion as amended. Voting YES: Vice Chair Eugene Green, Rep. Laurie Dolan, Sen. Jim Honeyford, Judge Terry Lukens, Sen. Jamie Pedersen, Kenny Pittman, and Debbie Regala. Voting NO: Chair Stephen Johnson and Rep. Brandon Vick.

The Board moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session was ended, and the meeting was adjourned.



Stephen Johnson, Chair

Date: 8/23/17.

Legislative Ethics Board



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101 LEGISLATIVE BUILDING
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Legislative Ethics Board Minutes

August 23, 2017

Present were Stephen Johnson, Chair; Judge Terry Lukens; Kenny Pittman; Debbie Regala; Rep. Laurie Dolan; Rep. Brandon Vick; Sen. Jim Honeyford; and Sen. Jamie Pedersen; House and Senate ethics advisors; and Keith Buchholz, Board Counsel.

The board minutes for June 2017 were approved. The draft minutes contained an error regarding the final vote on Advisory Opinion 2017 – No. 1. The Board voted to correct the error.

The Board reviewed a conflict of interest disclosure submitted by Ingrid Jean-Baptiste Lewis of the Office of Program Research. The disclosure pertained to employment entered into by her spouse, following an open and competitive process. No Board action was required.

Acting upon the motion by Mr. Green to appoint a subcommittee to consider issues pertaining to ethics defense funds, the Chair appointed Eugene Green, Rep. Brandon Vick, and Judge Terry Lukens. The appointments were confirmed by vote of the Board.

The Board moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session ended, and the meeting was adjourned.

A handwritten signature in black ink, appearing to read "S. Johnson".

Stephen Johnson, Chair

Date: 7/10/18

Legislative Ethics Board



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Legislative Ethics Board Minutes

December 20, 2017

Participating were Stephen Johnson, Chair; Eugene Green, Vice Chair, Judge Terry Lukens; Kenny Pittman; Debbie Regala; Rep. Laurie Dolan; Rep. Brandon Vick; and Sen. Jamie Pedersen; Jeannie Gorrell, Senate ethics advisor; and Keith Buchholz, Board Counsel. Sen. Johnson, Mr. Green, Judge Lukens and Sen. Regala participated by phone; the rest were in person.

The board minutes for August 2017 were approved.

The Board reviewed a conflict of interest disclosure submitted by Jeannie Gorrell, Senate counsel. The disclosure pertained to employment entered into by her spouse, following an open and competitive process. No Board action was required.

Board staff presented informal advice provided to Tom McBride, a lobbyist who sought approval for legislators to attend a software conference. He was advised that legislators could accept gifts of travel, lodging and meals under RCW 42.52.010.

The Board heard a recommendation from its subcommittee (Green, Lukens and Vick) regarding a draft bill that could allow legislators to fundraise for limited purposes: to pay legal expenses arising from ethics complaints. Sam Brown, of Senate Committee Services, described the draft bill. Judge Lukens and Mr. Green spoke in support of the draft, emphasizing the limited resources of public officials and the cost of counsel. They described the limited contribution level in the bill, the use of a trustee to manage and report funds, the use of the funds to only pay attorney fees (not ethics fines), and the requirement to properly distribute leftover funds.


Discussion ensued.

Rep. Stambaugh addressed the Board. She expressed concern that the state not inhibit "justice-making," and that legislative staff as well as state officials should be allowed to fundraise under the bill. She questioned whether the "single source" provisions [of RCW 42.52.150 (1)] would still apply if a legislator had a serious medical issue, and whether the campaign fundraising freeze would apply under the draft bill.

The Board took no action to make the draft bill request legislation. Rep. Vick volunteered that he and Rep. Dolan would consider various persons who might consider sponsoring the bill.

The Board moved into executive session for consideration of pending complaints.

Upon conclusion of the Board's consideration of pending complaints, executive session ended, and the meeting was adjourned.



Stephen Johnson, Chair
Date: 3/7/08