

LEGISLATIVE ETHICS BOARD MINUTES

January 20, 2010

John A. Cherberg Building – Senate Hearing Room 3

Members and staff present: Tony M. Cook, Vice-chair; David R. Draper, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Kenny Pittman; Senator Debbie Regala; Rep. Jamie Pedersen; Keith Buchholz and Mike Hoover, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

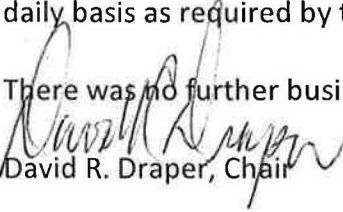
The December minutes were approved. The citizen members re-elected Mr. Draper as Chair and Mr. Cook as Vice-chair. The public meeting was recessed at 12:15PM for an announced thirty minutes to discuss a pending complaint and matters preliminary to determination of reasonable cause. Rep. Pedersen, having recused himself from consideration of the pending complaint, left the room. The public meeting was resumed at 12:45.

Counsel distributed Personal Financial Affairs Statements to the citizen board members. These reports are to be filed with the Public Disclosure Commission (PDC) by April 15. Counsel presented an Employment Disclosure Form on behalf of newly appointed Senator Randolph Gordon who is employed part time by the King County Superior Court as an arbitrator. Counsel advised that at the request of the Board contact had been made with the PDC about the possibility of adding ethics training for campaign staff in conjunction with the PDC training schedule. This issue will be updated at future meetings. The Board approved the text and the publication of the 2010 Ethics Alert.

House Counsel, Tim Sekerak updated the Board on ongoing efforts to assist legislators and staff in complying with the requirements of RCW 42.52.185(1)c, which permits ongoing electronic mail about legislative matters to constituents who have indicated they would like to receive the e-mails.

Chair Draper called for public comment and there was none. Counsel presented three examples of informal advice given since the last meeting. (1) Staff could accept an offered, government employee discount for lodging provided by a major hotel chain which is offered to all government employees whether or not the employee is traveling on official business: (2) Legislators could accept a beginning-of-the-session calendar from a lobbyist-employer pursuant to the gift provisions of RCW 42.52.150(2); (3) A session employee, on leave without pay from a private employer, was advised not to use public resources when contacting the employer on a daily basis as required by the employer as a condition for granting the leave status.

There was no further business and the meeting was adjourned at 1:20.


David R. Draper, Chair

LEGISLATIVE ETHICS BOARD MINUTES

March 10, 2010

John A. Cherberg Building – Senate Hearing Room 3

Members and staff present: Neil Amondson; Tony M. Cook, Vice-chair; David R. Draper, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Kenny Pittman; Senator Debbie Regala; Rep. Jamie Pedersen; Keith Buchholz and Mike Hoover, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The January minutes as amended were approved (no meeting in February). Brad Ellis, an employee of the Legislative Service Center (LSC), addressed the Board and provided a handout explaining the creation and management of Listserv lists for legislators. In answer to questions Mr. Ellis explained that his agency works in concert with the Department of Information Services (DIS) in setting up the initial list. E-mail addresses may be added to the list through messages from legislators or individuals may subscribe directly via a member's subscription page or by sending a command to the Listserv system via e-mail. Individuals may also unsubscribe using the member subscription page. The Board thanked him for the information and recessed the public meeting at 12:25 PM for an executive session for an announced thirty minutes to discuss a pending complaint and matters preliminary to determination of reasonable cause. Rep. Pedersen, having recused himself from consideration of the pending complaint, left the room. The public meeting was resumed at 12:55.

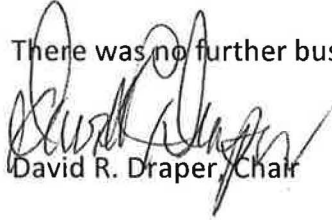
The Board discussed a letter from Edmonds resident Al Rutledge. Mr. Rutledge expressed concerns about several issues and requested changes to laws involving campaign financing and false political advertising. In addition, the letter proposed that health insurance for legislative staff be limited and that legislators and staff be prohibited from campaigning or raising funds for other than their own candidacy. The Board discussed the requests and determined that most of them, if not all, were beyond the jurisdiction of the Board. The Board noted that no examples were provided which would indicate that the Board should consider proposing changes to its rules or procedures and that requests for legislation should be directed to legislators. Counsel was directed to respond in writing to Mr. Rutledge and advise him accordingly.

Counsel presented three examples of informal advice given since the last meeting. (1) As proposed, a sine die pool conducted with the use of public resources and offering a cash prize would be inconsistent with the state gambling laws and would most likely violate the Ethics Act as an impermissible use of public resources: (2) A citizen's concerns about budget earmarks and the prerogatives of legislators through the use of seniority or leadership status did not invoke the jurisdiction of the Board: (3) Pursuant to the facts presented, there was no conflict of

interest for a legislator due to his spouse's proposed business relationship with the Legislative Gift Center involving the marketing of the spouse's book.

The Board reviewed an employment disclosure form timely submitted by Senator Randy Gordon. The Senator was appointed as an arbitration officer for King County Superior Court. The Board discussed Advisory Opinion 2000-No.1 in which it determined there was no inherent conflict of interest in the case of a legislator's appointment as a pro tempore judge. The opinion was viewed by the Board as appropriate guidance for the Senator in accepting the position.

There was no further business and the meeting was adjourned at 1:45.



David R. Draper, Chair

LEGISLATIVE ETHICS BOARD MINUTES

June 17, 2010

John A. Cherberg Building – Senate Hearing Room 3

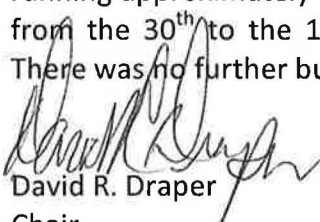
Members and staff present: Neil Amondson; Tony M. Cook, Vice-chair; David R. Draper, Chair; Rep. Doug Ericksen; Donna L. McKereghan; Kenny Pittman; Senator Debbie Regala; Rep. Jamie Pedersen; Keith Buchholz and Mike Hoover, Senate Counsel; Mike O'Connell, Board Counsel.

The March minutes were approved (no meetings in April or May). The public meeting was recessed at 12:10 for an executive session to discuss pending complaints and matters preliminary to determination of reasonable cause. The public meeting was resumed at 1:05 PM. Chair Draper called for public comment and there was none.

Keith Buchholz presented a memorandum on use of state resources and attendant campaign restrictions. Mike Hoover provided copies of information related to campaign freeze periods with emphasis on mailings as well as the new law which allows discretionary materials to stay on a member's website after June 30 in an election year.

Board Counsel presented two examples of informal advice given since the last meeting. (1) Pursuant to the specific facts presented, a legislator could utilize his private website to offer a prize to the legislative employee who presented the best idea for innovation and costs savings to the State through the use of technology. Employees would be advised to use their own time and not to use state resources. (2) A candidate for the legislature is a partner in a business which provides legislative lobbying services and asked whether this would present a conflict of interest if elected. The informal advice was that there were board opinions directly on point and those legislators who were also legislative lobbyists would have a conflict of interest.

Counsel provided a budget update which showed board expenditures through April, 2010 running approximately 8% below allotments. The Board changed the September meeting date from the 30th to the 15th. The Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 1:35 PM.


David R. Draper
Chair

LEGISLATIVE ETHICS BOARD MINUTES

August 19, 2010

John A. Cherberg Building – Senate Hearing Room 3 – 12PM

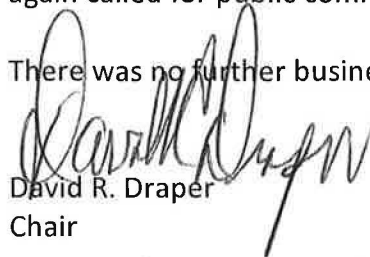
Members and staff present: Neil Amondson; Tony M. Cook, Vice-chair; David R. Draper, Chair; Senator Jim Honeyford; Donna L. McKereghan; Senator Debbie Regala; Rep. Jamie Pedersen; Mike Hoover, Senate Counsel; Mike O'Connell, Board Counsel.

The June minutes were approved.

Previously, board members raised several questions about what types of computer and web site support were provided to legislators by the Legislature. In addition, members expressed an interest in learning more about non-legislative (personal) web sites that legislators may be using, whether public resources are utilized to assist them with these personal sites and the degree of control legislators or legislative staff may have over these sites. The control issue was of particular interest as some of the sites are used by legislators for campaign-related activity. Legislative Service Center staff Brad Ellis (Application Support Group) and Fred McDowell (Technical Support Manager) were introduced to the Board and engaged in a question and answer session with board members and also displayed some of the common personal web sites. Brad and Fred explained that questions related to decisions of the House and the Senate on what type or level of support to provide to legislators should be directed to the House and the Senate. Chair Draper thanked them for sharing their expertise. Counsel was directed to invite house and senate administrations to a board meeting, prior to the 2011 legislative session if possible, to take part in a public discussion about technology issues. Board members expressed their collective view that they hoped this meeting would provide the Board and the administrations with an opportunity to share information on topics which often involve oversight from both the Board and the Legislature.

The Chair called for public comment and there was none. The public meeting was recessed at 12:45 for an executive session to discuss a pending complaint and matters preliminary to determination of reasonable cause. The public meeting was resumed at 1:40. Chair Draper again called for public comment and there was none.

There was no further business and the meeting was adjourned.



David R. Draper
Chair

LEGISLATIVE ETHICS BOARD MINUTES

December 8, 2010

Senate Rules Room – 220 Legislative Building – 12PM

Members and staff present: Tony M. Cook, Vice-chair; David R. Draper, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Kenny Pittman; Senator Debbie Regala; Tim Sekerak, House Counsel; Keith Buchholz and Mike Hoover, Senate Counsel; Mike O'Connell, Board Counsel.

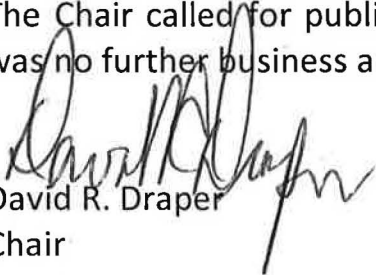
Others in attendance in response to an invitation from the Board: Tom Hoemann, Secretary of the Senate; Bernard Dean, Deputy Chief Clerk; Lisa Fenton and Linda McCready on behalf of the House Republican and Democratic caucus staffs.

The minutes of the last meeting, in August, were approved. The Board and its guests held a long discussion on technology issues and website policies in the House and the Senate. House and Senate Counsel provided copies of policies and shared information about how they were constructed. Tom Hoemann and Bernard Dean shared with the Board their approaches to implementing changes in technology policies or practices and each agreed that the House and Senate were somewhat conservative when it came to making big changes. Rather, they said they took incremental steps, often on a trial basis. The process was quite methodical, they said, and most often involved the members and sometimes a staff working group. Both the House and the Senate permit legislative videos to be placed on a YouTube server, that is one fairly recent change, and some blogging is permitted. The blogs are not inter-active at this time which means that legislators may send messages but not receive them. Tom Hoemann said there are a number of issues about using public resources to support two-way blogging systems which need to be discussed. Ms. McKereghan asked that if either house were inclined to move forward on the two-way blogging issue, or similar changes to existing policies, would that be the sort of change that the Board would be advised of. The answer was yes, any change which would have implications for the Ethics Act would be communicated to the Board, probably through House and Senate Counsels which is the way these things are usually done at present. Mr. Cook asked if there seemed to be confusion or lack of clarity on the part of members or staff when it came to the issue on what is and is not

allowed on personal and campaign websites during an election year. Lisa Fenton and Linda McCready said they didn't think so. There will always be questions, they said, but they work closely with House Counsel, members and staff and while someone may not care for a particular restriction or rule people do understand the parameters. Actually, they said, with everyone working together most problems get worked out in pretty good fashion. When the discussion ended all agreed that it was important to keep the lines of communication open between the Legislature and the Board because the common goal was to avoid ethics issues and answer questions before some questionable action was taken. Chair Draper thanked the participants for attending the meeting during a busy Legislative Assembly Days schedule.

The Chair called for public comment and there was none. The public meeting was recessed at 12:45 for an executive session to discuss a pending complaint and matters preliminary to determination of reasonable cause. The public meeting was reconvened at 1:30. Senator-elect Ericksen, who had been serving on the Board as a legislator representative from the House, announced this would be his last meeting. He expressed his satisfaction with having been able to serve on the Board and that he had enjoyed getting to know and working with the other members. The Board returned the sentiment and thanked him for his service.

The Chair called for public comment a second time and there was none. There was no further business and the Board adjourned.



David R. Draper
Chair