

# Legislative Ethics Board



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## COMPLAINT 2025 – No. 1

*In re David Hackney*

March 4, 2025

### NO REASONABLE CAUSE – ORDER OF DISMISSAL

#### I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by falling asleep and snoring during a committee hearing. 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 42.52.020 (conflict of interest).

#### II. BACKGROUND

Complaint 2025 – No. 1 was received on January 17, 2025, and discussed at the Board's regularly scheduled meeting on February 21, 2025.

#### III. JURISDICTION

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

#### IV. FINDINGS OF FACT

1. Respondent is a member of the House of Representatives representing the 11th legislative district. He has served in that position since 2021.
2. At the time the Complaint was filed, Respondent was the Vice-Chair of the House Committee on Consumer Protection & Business.
3. On January 17, 2025, the Consumer Protection & Business Committee heard House Bill (HB) 1209. HB 1209 would prohibit the sale or transfer of products containing sodium nitrate in a concentration greater than 10% except to a commercial business or institution requiring the use of the product.
4. Complainant's wife testified in favor of the bill. Her son was able to purchase this substance on Amazon and used it to commit suicide 4 years ago.
5. During his wife's testimony, Complainant observed Respondent nodding off and snoring.

6. The video of the hearing shows the Respondent nodding off during the testimony.

V. ANALYSIS AND CONCLUSIONS OF LAW

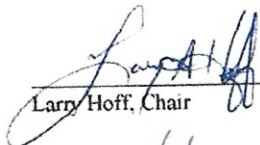
RCW 42.52.020 provides that no legislator may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity or incur an obligation of any nature that is in conflict with the proper discharge of the legislator's official duties.

The question is whether a legislator has violated this section by falling asleep during a committee hearing. RCW 42.52.020 contemplates that a conflict will arise when a member participates in a business transaction or employment that conflicts with their official duties. For example, the Board has previously held that being employed as a legislative liaison for an organization or sitting on the Board of Directors which votes on a state legislative agenda constitutes a conflict with their official legislative duties. *See, e.g. In re Macri*, 2023 – No. 9.

While falling asleep and snoring during a committee hearing could convey a lack of interest to the audience, particularly to those who have a personal stake in the outcome of a bill, it is not an activity that necessarily presents a conflict with a member's legislative duties under RCW 42.52.020. It is, however, a matter that should be of considerable concern to the House administration which is in a better position with which to deal with this issue.

VI. ORDER

IT IS HEREBY ORDERED that there is no reasonable cause to believe the Respondent violated RCW 42.52.020 and the complaint is dismissed.

  
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Larry Hoff, Chair

Date: 3/4/2025