

Legislative Ethics Board

223 SID SNYDER AVE. SW, ROOM 215
OLYMPIA, WA 98501

PO BOX 40500
OLYMPIA, WA 98504-0500
360-786-7343
www.leg.wa.gov/leb

JENNIFER STRUS - COUNSEL
Jennifer.Strus@leg.wa.gov

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COMPLAINT 2025 – No. 9

In re Jenkins, Meyer, Waldref & Dean

October 27, 2025

REASONABLE CAUSE FINDING – ORDER OF DISMISSAL

I. NATURE OF COMPLAINT

The complaint alleges that the named Respondents posted or approved the posting of items on several official social media accounts in violation of RCW 42.52.180 (prohibits use of public resources for campaign purposes). The Board also analyzed the complaint as alleging a violation of RCW 42.52.160 (use of public resources for private gain).

II. BACKGROUND

Complaint 2025 – No. 9 was received on March 20, 2025 and was discussed at the Board's regularly scheduled meeting on October 15, 2025.

III. JURISDICTION

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

IV. FINDINGS OF FACT

1. Complainant is a constituent of the 22nd legislative district.
2. Rep. Laurie Jenkins is the Speaker of the House and represents the 27th legislative district.
3. Respondent Bernard Dean is the Chief Clerk of the House.
4. Dominique Meyers is the Chief of Staff for the House Democratic Caucus (HDC).
5. Jen Waldref is the Director of the HDC Communications.
6. On various occasions during the 2025 legislative session, the HDC posted on several official social media accounts various questions to members. The tone of these posts was a type of "man on the street" perspective.

7. For example, on March 17, 2025, Rep. Zahn's picture appeared in a post and she was asked, "what music pumps you up?"
8. Similarly, on January 24, 2025, the HDC posted the following question to Rep. Leavitt: "What is your go-to coffee order or snack during session?"
9. There were also posts about the beauty of Washington, a condolence on the loss of J Pod Calf 161 and a post asking if the viewer could tell the Cortes brothers apart.
10. Rep. Reed was asked in a post with what celebrity she'd like to serve.
11. On January 24th the caucus posted the following questions to several legislators: "describe your district in 3 words."
12. On February 27, 2025, the HDC posted a piece on former Rep. Pettigrew and what he was like as a legislator. At the time this piece was posted, Mr. Pettigrew was a lobbyist.
13. There were several posts celebrating black history month and highlighting a member's accomplishments, some of which were legislative.
14. There were several posts highlighting the accomplishments of Washington women in celebration of Women's History Month.
15. During the session, the Senate Republican Caucus brought these posts to the attention of House Counsel requesting that these posts be removed.
16. When the posts were not removed and new ones appeared, Senate Counsel brought this matter to the attention of Board Counsel.
17. Shortly after that contact, Board Counsel spoke with Bernard Dean and brought this issue to his attention. Board counsel expressed concern about some of the social media posts and indicated that there were people ready to file ethics complaints if the posts were not removed.
18. Mr. Dean's response to Board Counsel's concern was to let a complaint be filed and see what the Board would do.

V. ANALYSIS & CONCLUSIONS OF LAW

A. RCW 42.52.180 Use of Public Resources for Campaign Purposes

RCW 42.52.180 prohibits a state officer from using or authorizing the use of "facilities of an agency," directly or indirectly, for the purpose of assisting a campaign for the election of a person to an office or for the promotion or opposition to a ballot proposition. "Facilities of an agency" include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency. And as the Board has previously stated, there is zero tolerance for the use of

legislative facilities for campaign purposes even if there has been no actual assistance to a campaign. *In re Mullet*, 2024 – No. 6; *In re Reed*, 2023 – No. 3; *In re Hunt*, 2019 – No. 3; *In re Young*, 2017 – No. 41; *In re Johnson*, 1996 – No. 1; *Advisory Opinion* 1995 – No. 18. There is an exception to this prohibition for “normal and regular” conduct. RCW 42.52.180(2)(d).

At the time the alleged violations occurred, RCW 42.52.180 (2)(d) provided that the following were activities that constituted “normal and regular” conduct of legislators:

- (1) Communications directly pertaining to any legislative proposal that has been introduced in the House or Senate;
- (2) Posting on official legislative website or social media account about:
 - a) Emergencies¹;
 - b) Federal holidays, state and legislatively recognized holidays;
 - c) Information provided or published by other governmental entities that provide information about government resources;
 - d) Achievements, honors or awards of extraordinary distinction; . . .

Complainant alleges that some of the postings that detail members’ personal journeys are “puff” pieces more appropriate for campaign flyers than posts on official social media. The question is whether any of the posts fall within the exception to the prohibition against using public funds for campaign purposes.

Many of the posts mentioned in the Findings of Fact section of this report do not fall within the exceptions listed in .180. None of the posts appear to be about emergencies,¹ legislative holidays, information posted by other governmental or achievements, honors or awards of extraordinary distinction.

Legislators’ official websites allow biographical information which is where some of the information contained in the social media posts in question should have been placed. The question is why post biographical information about a legislator in a social media post? To let viewer get to “know” the legislator? If so, then some of the posts were “puff pieces” more appropriate for campaign flyers than official legislative social media sites and should have been removed at the time Board Counsel recommended it.

B. RCW 42.52.160 – Use of Public Resources for Private Gain

RCW 42.52.160 prohibits the use of persons, property or money (public resources) under a legislator's or legislative staff's official control or direction, or in his or her personal custody, for the private benefit of self or another unless that use is part of the legislator's official duties. *In re Schmidt*, 2006- No. 4.

Before legislative resources may be used, there must be a tangible legislative nexus. *See eg, In re Marr, Oemig & Tom*, 2007 – No.3; *Advisory Opinion* 2006 – No. 1. Legislative nexus means activities by legislators and staff having a reasonably objective connection to the legislator's or staff's official duties. While in this matter it is communication staff's responsibility to post items on official social media, it is also their responsibility as well as the responsibility of HDC administration to ensure that any post to an official social media site contains the requisite legislative nexus. Posts about a legislator's favorite coffee or snack or with which celebrity a member wants to serve do not have a legislative nexus –

¹ “Emergency” is defined as a serious, unexpected and often dangerous situation requiring immediate action.” *Advisory Opinion* 2020 – No. 1.

there is no tie to legislation or what legislators are doing in their official capacity. The Act applies to all legislative staff. Furthermore, all legislative staff receive ethics training and have four ethics advisers they can consult about whether particular postings may pose ethical issues.

Furthermore, in the minutes to the Board meeting held on February 4, 2019, the Board stated, "official social media posts should focus on legislative work performed by a legislator." Legislators' work on bills or legislative issues are appropriate to be posted on official social media – posts about items not related to legislative work are inappropriate. The postings of these items is a violation of RCW 42.52.160.

The Board is concerned that certain House staff ignored the advice of House Counsel and the Board Counsel. The ethics advisers are there to provide ethics advice to keep members and staff from violating the Ethics Act. Had the House staff taken their advice to heart, this complaint could have been avoided.

VI. ORDER

IT IS HEREBY ORDERED that reasonable cause exists to believe that the named Respondents violated both RCW 42.52.160 and .180 as it existed on the dates of the violations. These posts would also violate the Ethics Act as amended by ESSB 5143 during the 2025 legislature. It is within the Board's discretion whether to impose a penalty for a violation. In this matter, the Board does not impose a penalty for these violations; however, if items continue to be posted on official social media sites without the requisite legislative nexus, the Board will not continue to be so lenient.

Larry Hoff, Chair Larry Hoff, Vice Chair
Larry Hoff, Chair

Date: 10/27/25