



Published at the direction of the

LEGISLATIVE ETHICS BOARD

PO Box 40482 • Olympia WA 98504-0482 • Phone (360) 786-7343 • www.leg.wa.gov/LEB

2020 ANNUAL REPORT

MISSION STATEMENT

To fairly administer the Ethics in Public Service Act (Act) 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 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. All members serve until their successor is appointed.

MEMBERS

Rep. Laurie Dolan was appointed by the House Democratic Caucus in 2017. She is a current member of the House of Representatives representing the 22nd legislative district (Olympia area). Rep. Dolan received her undergraduate degree from the UW and her Master's degree and Ph.d. from Gonzaga University. After spending 30 years in education, she was hired as then-Governor Gregoire's policy director. She currently serves as Vice-Chair of the House Education Committee.

Eugene Green who resigned in December 2020 after serving more than 8 years, was selected by the other citizen members in 2012. Mr. Green retired from Senate Committee Services, where he served as policy staff on numerous committees for 29 years. He is a graduate of the University of Illinois.

Tom Hoemann 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.

Rep. Larry Hoff was appointed by the House Republican Caucus in 2020. He is a current member of the House of Representatives representing the 18th legislative district located in the Vancouver, Washington area. 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. Rep. Hoff serves as the ranking minority member on the House Labor and Workplace Standards Committee.

Senator Jim Honeyford was appointed by the Senate Republicans in 2007. He has been reappointed multiple times since then. Sen. Honeyford was a member of the House of Representatives from 1994-1998 and has been a member of the Senate representing the 15th legislative district (eastern Washington) since 1998. He currently serves as the Assistant Ranking member on the Capital Budget Cabinet, Ways and Means Committee. Sen. Honeyford earned his undergraduate degrees at Central Washington University and a Master's degree of Education in Instructional Media.

Judge Terry Lukens (ret.), Chair, was selected by the House Republican Caucus as a citizen member in 2016. Judge Lukens has been a city council member, the mayor of Bellevue, a member of a large Seattle law firm, a mediator and a Superior Court judge. He received his undergraduate degree from Brown University and his law degree from Rutgers University.

Pam Madson, Vice-Chair, was selected by the House Democratic Caucus as a citizen member in 2019. Ms. Madson is a retired state employee having served as Senior Counsel to the Washington State House of Representatives Office of Program Research for 18 years, as well as a Senior Policy Analyst for the State Liquor Control Board and a Special Assistant to the Director of the State Department of Wildlife. Ms. Madson received her undergraduate degree from Washington State University and her law degree from Gonzaga University.

Dan McDonald was selected by the Senate Republican Caucus as a citizen member in 2019. Mr. McDonald is a former member of the House of Representatives (1978-1982) and the State Senate (1983-2002). While in the Senate, Mr. McDonald served first as Chair of the Ways and Means Committee and then as the Senate Majority Leader. Mr. McDonald is an engineer having received his undergraduate degree in engineering from the UW and his graduate degree in economics also from the UW.

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 was reelected in 2014 and 2018. Sen. Pedersen has been a member of the Legislative Ethics Board since 2008, representing the House Democratic Caucus from 2008-2013. Sen. Pedersen received both his undergraduate and law degrees from Yale University. He currently serves as the chair of the Senate Law & Justice Committee.

Rep. Luanne Van Werven was appointed by the House Republican Caucus in 2019 and resigned in 2020 after losing her reelection bid. Rep. Van Werven represented the 42nd legislative district (Whatcom County). Rep. Van Werven was elected to the House of Representatives in 2014. She served as the Ranking Minority member on the House College & Workforce Development Committee. Prior to her election, she served as interim state Republican chair. Rep. Van Werven attended Bellevue College and she and her husband operate a family business.

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 assists legislative members and staff with ethics issues. The Board counsel also staffs the bi-monthly meetings of the Board.

The current Board counsel is Jennifer Strus. Ms. Strus 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 at 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 RESPONSIBILITIES

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 that they are consistent in their 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 and assists them in effectively handling these situations.

In 2020, Board counsel was involved in answering over 465 ethics inquiries, on the telephone, virtually and through email. The most frequent topics of inquiry involved the following areas: use of state resources (RCW 42.52.160); gifts (RCW 42.52.140); and campaigns (RCW 42.52.180). The following breakdown¹ shows the numbers of inquiries by topic areas:

▪ Conflict of interest (RCW 42.52.020)	18 inquiries
▪ Special Privileges (RCW 42.52.070)	20 inquiries
▪ Confidentiality (RCW 42.52.050)	2 inquiries
▪ State resources (RCW 42.52.160)	171 inquiries
▪ Campaign (RCW 42.52.180)	196 inquiries
▪ Mailing restrictions (RCW 42.52.185)	33
▪ Gifts (RCW 42.52.150 & .140)	21 inquiries
▪ General information	4 inquiries
▪ Employment after leaving (RCW 42.52.080)	2 inquiries
▪ No money for legislative advice or assistance (RCW 42.52.110)	2 inquiries

¹ 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.

- Honoraria (RCW 42.52.130) 1 inquiry
- Jurisdiction of the Board (RCW 42.52.320) 1 inquiry
- Citizen-legislature principle (RCW 42.52.330) 20 inquiries
- Compensation for outside activities (RCW 42.52.120) 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.

Both the House and Senate and some legislative agencies provide ethics training for new employees and new legislative members on a regular basis. Board counsel participates in the development and provision of those trainings. Furthermore, Board counsel has provided continuing legal education seminars on legislative ethics to legislative attorneys as well as to members of the Government Lawyers Bar Association.

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 and Policies.

OUTSIDE EMPLOYMENT CONTRACTS

Under RCW 42.52.120 and Board Operating Policies, a legislator or legislative employee must submit on the designated form all contracts, grants or employment situations requiring Board approval.² A legislator or legislative employee must receive Board approval before entering into or obtaining a beneficial 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. The Board also requires that legislative employees, including legislators, submit the 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 duties of the employee and the duties of the spouse or domestic partner. In 2020, the Board reviewed 12 submissions.

NEW RULES OR BOARD POLICIES

The Board adopted a new policy regarding Board member recusal. The policy provides that a Board member must recuse him or herself if his or her impartiality might be questioned because of a conflict of interest or personal bias or prejudice. It further requires legislative Board members to consider recusal if a complaint is filed against a seatmate. The policy also

² In late 2020, the Board updated the Disclosure Form by creating two forms: one for employment with a state agency and one for contracts and grants with state agencies. The new forms clarified who was completing the form (legislator or legislative staff) and who had the employment or contractual relationship with the state agency (legislator, legislative staff, spouse or domestic partner).

states that if a legislative member becomes a respondent in an ethics complaint that member cannot participate in any discussions or deliberations related to the complaint until the proceedings on the complaint are concluded. If the Board finds reasonable cause that the Act has been violated, the issue of a legislative member’s continuing participation on the Board must be referred to the appointing authority to determine whether the authority wants that member to continue representing it.

REVIEW OF ADVISORY OPINIONS

Many of the Board’s Advisory Opinions were written during the first few years of the Board’s existence. The Board has decided to conduct a review of all 77 advisory opinions to ensure that it still agrees with the legal conclusions in the opinion. A subcommittee of Board members has been tasked with developing a process under which all advisory opinions will be reviewed.

ADVISORY OPINIONS AND ETHICS ALERTS

The Board issued five advisory opinions during 2020, three of which were requested in 2019. These opinions dealt with the following topics: the extent to which a legislative employee can participate in campaign work off hours; the status, qualifications and political activities of citizen members of the Board; press releases, social media posts, speeches and talking points during the election year freeze; and, fundraising by legislators as part of their outside employment duties.

The Board issued one *Ethics Alert* during 2020. *Ethics Alerts* are issued when an issue continues to arise and the Board believes it needs to provide some direction to legislators and staff. The *Alert* dealt with the “freezes” on a legislator’s activities that occur during an election year.

COMPLAINTS

Anyone can make an ethics complaint to the Board and the Board can initiate a complaint. No complaint can be anonymous. Each complaint is investigated, and the results of the investigation are provided to the Board through a report. 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 2020, the Board resolved the following complaints:

No.	Allegation	Statute(s) Implicated	Result
2019-12	The House Democratic Caucus (HDC) linked an article reporting scorecard ratings issued by NARAL to local legislators in its media clippings.	RCW 42.52.180	No reasonable cause; complaint dismissed.
2019-13	HDC included on its official caucus Twitter account a list that linked to unofficial Twitter accounts, some of which contained campaign material.	RCW 42.52.180	Reasonable cause found. Complaint dismissed per RCW 42.52.425.
2020-01	Speaker of the House failed to act upon a tort claim filed by an inmate.	RCW 42.52.030 RCW 42.52.430	No subject matter jurisdiction; complaint administratively dismissed.

2020-02	Complaint filed against Mayor of Vancouver, WA.	RCW 42.52.320	No personal jurisdiction; complaint administratively dismissed.
2020-03	Legislator sent one text containing a legislator's concerns about a constituent to a third-party.	RCW 42.52.070	No reasonable cause; complaint dismissed.
2020-04	Legislator testified in favor of bills she sponsored; complainant alleged her testimony was false.	RCW 42.52.010(2)	No reasonable cause; complaint dismissed.
2020-05	Legislator included in her financial filing with the Public Disclosure Commission assets she sold after she closed her dentistry practice in 2017.	RCW 42.52.040	No subject matter jurisdiction; complaint dismissed.
2020-06	Legislator attended a community rally protesting the death of George Floyd while carrying campaign signs and engaging in sometimes tense and profane conversations with some of the attendees.	RCW 42.52.070	No reasonable cause; complaint dismissed
2020-07	Legislator allegedly intimidated a constituent at her place of employment and sent an email from her campaign, using her official title, to her political opponent asking her to remove a campaign sign.	RCW 42.52.160 RCW 42.52.160	No reasonable cause; complaint dismissed.
2020-08	Legislator sent a text to a person who made a campaign donation to the local Republican party asking that the person have the party direct some of the donation to her campaign and stated that such a donation would solve problems for both of them.	RCW 42.52.140 RCW 42.52.070	No reasonable cause; complaint dismissed
2020-09	Legislator filmed a campaign video on her personal cell phone in her legislative office.	RCW 42.52.180	Reasonable cause found; \$300 fine with \$150 suspended.
2020-10	Legislator used video footage and photos taken by legislative staff in campaign ads.	RCW 42.52.180	Reasonable cause found; \$250 fine imposed.
2020-11	Complaint filed against Jefferson County Commissioners.	RCW 42.52.320	No personal jurisdiction; complaint administratively dismissed.