

## LEGISLATIVE ETHICS BOARD MINUTES

February 16, 2016

Members and staff present: Gary Bashor; Stephen L. Johnson, Vice-Chair; Senator Jim Honeyford; Senator Jamie Pedersen; Kenny Pittman, Chair; Keith Buchholz and Jeannie Gorrell, Designated Senate Ethics Advisers; Mike O'Connell, Board Counsel. House members and staff were unable to attend due to their legislative session schedule.

The meeting was primarily devoted to further discussion of Rule 5, meals. Counsel provided some draft examples of changes/clarifications as requested by the Board at the close of the December meeting. First, meals with lobbyists on potluck occasions – do they count as one of the 12? The Board agreed that the analysis should focus on the fact that legislators contribute to a potluck and in this sense the occasion is not materially different from the situation when a legislator dines at a restaurant with a lobbyist but pays for his or her meal or splits the tab. Absent facts to the contrary, the Board will assume that a legislator actually provides a fair contribution to the potluck meal and the occasion does not require a complimentary gift analysis.

Next, the Board considered two related draft examples of occasions when legislators receive complimentary meals. In both cases, legislators are invited to discuss legislative-related business. The Board views these occasions as “an appearance in an official capacity” and therefore entitled to the gift exemption so that the meals do not count as one of the 12. The Board approved the combination of both examples and the application of the gift exemption provided that, at least, all legislators from a legislative district have been invited. Counsel was directed to draft this modification to Rule 5 for the April meeting.

One proposal for modification remained. The issue involves “other” complimentary sit-down occasions that are more in the nature of an annual dinner event hosted for all legislators during a legislative session – the 4-H and Farm Bureau dinners were used as examples. The request for exclusion of these meals from the 12, from Senator Honeyford, seemed generally acceptable to the Board although there was a difference of opinion on the basis for excluding the meals. Some felt that with sufficient identification of the event itself, as described in the Senator’s request, as to location, frequency and the scope of the invitee list, the meals should be exempt. Others felt these parameters may be too restrictive. All Board members seemed to agree that the request put forth by the Senator was reasonable because these occasions did not present the same concerns as the more private and more exclusive restaurant and residence meals provided by lobbyists or lobbyist-employers. In response to a question, Counsel advised the Board that there were precedents which required some activity on the part of legislators, related to official duties, in order for the “appearance in an official capacity” exemption to be applied. It matters, according to precedent, that legislators do or be called upon to do “something” other than to be present. For example, mere attendance at a sporting event is not an appearance in an official capacity related to the performance of official duties, and gifts (including meals) provided during a legislator’s travel are not exempt unless there is a reasonably objective nexus between the trip and official duties. In these opinions the Board examined the agendas in an effort to determine

exactly what duties related to the legislative office were involved. Further discussion on this issue will take place at the April meeting.

There was some discussion about whether the Board should provide a meals flip chart, or flow chart, for educational purposes once changes to Rule 5 are approved. Generally, there was agreement that some educational tool or tools should be provided. The subject will be revisited in April.

The Chair called for public comment and there was none. The Board approved a schedule for regular meetings on April 19, June 21, October 18, and December to be determined. There was no further business and the Board adjourned.

  
Kenny Pittman, Chair

# Legislative Ethics Board

**BOARD MEMBERS:**  
JUDGE GARY B. BASHOR  
EUGENE GREEN  
REP. DREW HANSEN  
SEN. JIM HONEYFORD  
STEPHEN L. JOHNSON  
SEN. JAMIE PEDERSEN  
KENNY PITTMAN  
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## LEGISLATIVE ETHICS BOARD MINUTES

April 21, 2016

Members and staff present: Eugene Green; Rep. Drew Hansen (by phone); Senator Jim Honeyford; Stephen L. Johnson, Vice-Chair; Senator Jamie Pedersen; Kenny Pittman, Chair; Debbie Regala; Rep. Brandon Vick; House and Senate Designated Ethics Advisers; Mike O'Connell, Board Counsel.

The February minutes were approved.

After discussion, the Board approved amendments to Rule 5 – meals. One change will allow a legislative delegation, or a larger group of legislators, to accept complimentary meals when they attend meetings with groups to discuss legislative-related business. The meal will not count as one of the 12 meals permitted by RCW 42.225.150(5). A second change identifies certain annual sit-down dinners during a legislative session to which all legislators are invited as “an appearance in an official capacity” and, therefore, the dinner does not count as one of the 12. The amended rule will be immediately placed on the Board’s website and distributed to all legislators, staff and other interested parties. Mr. Pittman suggested the changes also be noted in the next Ethics Alert and the Board agreed.

The Chair called for public comment and there was none. The public meeting was recessed and the Board convened in executive session for approximately one hour to discuss pending complaints prior to a determination of reasonable cause.

The public meeting was reconvened. Counsel announced his retirement, to be effective on August 1. There was no further business and the meeting was adjourned at 1:50 PM.

Kenny Pittman  
Chair

## Draft Legislative Ethics Board Minutes

June 21, 2016

Members and staff present: Eugene Green; Senator Jim Honeyford (by phone); Stephen L. Johnson, Vice-Chair; Terry Lukens; Senator Jamie Pedersen; Kenny Pittman, Chair; House and Senate Designated Ethics Advisers; Mike O'Connell, Board Counsel.

Chair Pittman welcomed Judge Terry Lukens (retired) as the newest member of the Board. Ms. Alison Hellberg, recently hired as House Counsel, was welcomed as the House ethics adviser.

The April minutes were approved.

Counsel presented an example of informal advice provided to legislators since the last board meeting. Consistent with informal advice as noted in board minutes from 2000, 2002, and 2012, the mailing restrictions detailed in RCW 42.52.185 are not applicable to a legislator after the applicable filing periods have closed and the legislator is not a candidate for office.

The Board previewed a potential contract between the spouse of Rep. Farrell and a state agency, pursuant to RCW 42.52.120, and advised the Representative that if there were no material changes to the facts as presented to the Board, she would not have a conflict of interest if the contract was entered into.

The Chair called for public comment. Two members of the public were present, Bill Scheidler and Bruce Gambill, and addressed the Board. Mr. Scheidler urged the Board to look at the McCleary decision (common school funding) and consider whether that Supreme Court decision which held the Legislature in contempt created an ethics issue for individual legislators. Mr. Scheidler expressed his opinion that Justices who decided the case, and who had accepted campaign contributions from the Washington Education Association, should not have taken part in the decision and perhaps it was the ethical duty of legislators to file a complaint on this issue with the Commission on Judicial Conduct. Mr. Gambill spoke to alleged corruption and misdeeds within the Pierce County Superior Court, the judiciary, the Pierce County Sheriff's Office, the state bar association, appellate courts, the Office of the Attorney General, the administrators for the State Supreme Court, Justices of that court and Governor Inslee. Mr. Johnson noted that none of these concerns invoked the limited jurisdiction of the Legislative Ethics Board. Chair Pittman thanked the gentlemen for their comments.

The Board discussed the desired criteria for the replacement for the retiring counsel. It was generally agreed that any of the Designated Ethics Advisers, who were familiar with the legislative process and the application of the Ethics Act, would meet the Board's general expectations. The Board also agreed that an important part of the new counsel's job would be in the area of ethics training. The Chair was directed to follow-up with Mr. Keith Buchholz, Senate Counsel and ethics adviser, who had expressed an interest in the job. Barring concerns

from a majority of the Board, which have not surfaced, the Chair was authorized to proceed with the hiring of Mr. Buchholz.

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

A handwritten signature in blue ink, appearing to read "Kenny Pittman", followed by a horizontal line extending to the right.

Kenny Pittman  
Chair

# Legislative Ethics Board

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STEPHEN L. JOHNSON  
JUDGE TERRY LUKENS (ret.)  
SEN. JAMIE PEDERSEN  
KENNY PITTMAN  
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## Legislative Ethics Board Minutes August 16, 2016

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Members and staff present: Eugene Green; Rep. Drew Hansen, Senator Jim Honeyford (by phone); Stephen L. Johnson, Vice-Chair; Judge Terry Lukens (by phone); Senator Jamie Pedersen; Kenny Pittman, Chair, Debbie Regala, Rep. Brandon Vick; House and Senate Designated Ethics Advisers; Keith Buchholz, Board Counsel.

Chair Pittman welcomed Keith Buchholz as counsel to the Board.

The June 2016 minutes were approved.

Counsel presented examples of informal advice provided to legislators since the last board meeting.

- (1) Consistent with informal advice as noted in board minutes from 2000, 2002, and 2012, the mailing restrictions detailed in RCW 42.52.185 are not applicable to a legislator who fails to advance from the primary election and is not a candidate for office. The recently completed primary election added more names to the list of those legislators who are no longer candidates.
- (2) House and Senate counsel addressed a new scenario for offering gifts of football tickets to legislators: a university could host a Saturday pre-game reception with legislators and university officials, followed by the legislator receiving a ticket to attend the game, with the game seating not specified. To be consistent with past advice, ethics advisers recommended that the reception could be attended (RCW 42.52.150), but the football ticket would be subject to a gift analysis.
- (3) May a legislator use a "GoFundMe" or similar web-based system to raise money to attend a national political convention, when the pool of potential contributors might include lobbyists or their employers? Fundraising to attend a national political convention is authorized under federal law. Ethics advisers concluded that such a fund-raising tool, when used for the specific purpose of attending a national political convention, fit an exception to the general prohibition on receipt of gifts, as the funds would be items the legislator was "authorized by law to accept." RCW 42.52.010 (9) (d).

The Chair called for public comment. No persons were present who desired to address the board.

The Chair moved the Board into executive session to consider pending ethics complaints.

Following the executive session, the Chair called for public comment. No persons were present.

There was no further business and the Board adjourned.

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Kenny Pittman  
Chair

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## Legislative Ethics Board Minutes October 11 and 24, 2016

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October 11, 2016

Members and staff present: Eugene Green; Rep. Drew Hansen (by phone); Stephen L. Johnson, Vice-Chair; Judge Terry Lukens (by phone); Sen. Jamie Pedersen; Kenny Pittman, Chair; Debbie Regala; Rep. Brandon Vick; House and Senate Designated Ethics Advisers; Keith Buchholz, Board Counsel.

Initially, the Board moved into executive session to consider pending matters. Upon conclusion of the executive session, the Board returned to public session at approximately 12:45.

The August 2016 minutes were approved.

Lynn Rostvold of House accounting presented the Board's financial outlook. The Board directed Ms. Rostvold to prepare a budget recommendation for the Board for the 2017-18 biennium, including a return to holding meetings more than once every two months.

The Chair called for public comment. Mr. Bill Scheidler addressed the Board first. Mr. Scheidler, as the complainant in Complaints 2016 – Nos. 10, 11, and 12, was advised by the Chair that no public hearing on his complaints was yet scheduled, and that he would have the opportunity to address those complaints only during a public hearing. Mr. Scheidler continued to address the Board regarding the mandatory nature of the Bar Association, the failure of the legislative branch to properly act, the implied message to the judges that they are above the law, placing all citizens at the risk of misconduct. Mr. Scheidler offered a copy of his statement to the Board, and was again instructed that his opportunity to argue his position would be allowed only during a public hearing on his complaints.

Ms. Anne Block addressed the Board regarding its responsibilities to the public.

Mr. Charles Heckman addressed the Board regarding his concerns about the poor treatment of veterans. Mr. Heckman is a veteran with international education and work experience. He encountered difficulties with the Merit Systems Protection Board. He challenged the hiring practices of the Department of Ecology, but his claim was dismissed. He believed that his rights were violated and he had no manner to challenge the decision. He noted the significant issues



with homeless veterans today, alleging that the Department of Ecology has fewer than one-half of the required number of veteran employees.

The Chair declared a recess to prepare the room for executive session. This action required the assistance of the Washington State Patrol. The Chair ended the recess.

The Chair moved the Board into executive session to consider pending ethics complaints.

Following the executive session, the Chair called for public comment. Micah (no last name given) offered that every judge is a de facto state officer and not independent, as all state officers have a common employer.

David Neal addressed judicial corruption, arising from his experiences with the courts in a family law dispute. He noted the poor decisions made by the courts and concluded that judges were not being held accountable for their decisions. The fact that the Board hired a lawyer as its staff is an example of a poor decision.

Brandia (no last name given) offered her experiences with a shelter manager. The prosecutor in her case has admitted that the constitution was not being followed, and that the restrictions placed on her during her case – not being allowed to subpoena people – were not the way “things are supposed to work.” In 2011, she would have attended every Board meeting has she known of them.

Before the meeting was adjourned, Board members offered to stay and hear the concerns of other attendees.

There was no further business and the Board adjourned.

October 24, 2016

On October 24, 2016, the Board held a telephonic meeting to consider pending complaints. Participating were Chair Kenny Pittman, Rep. Drew Hansen, Sen. Jim Honeyford, Sen. Stephen Johnson, Judge Terry Lukens (ret.), and Sen. Jamie Pedersen.

The meeting was conducted entirely in executive session. Upon conclusion of the Board’s consideration of pending complaints, the meeting was adjourned.



Kenny Pittman

Chair

Date: \_\_\_\_\_

# Legislative Ethics Board

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## Legislative Ethics Board Minutes December 13, 2016

Members and staff present: Eugene Green; Rep. Drew Hansen; Sen. Jim Honeyford; Stephen L. Johnson, Vice-Chair; Judge Terry Lukens; Sen. Jamie Pedersen; Kenny Pittman, Chair; Debbie Regala; Rep. Brandon Vick; House and Senate Designated Ethics Advisers; Keith Buchholz, Board Counsel.

The October 2016 minutes were approved.

Board staff submitted the statement from House accounting reflecting anticipated Board costs for the next biennium. Sen. Pedersen questioned a significant increase in costs for Board staff. Counsel offered to return to House accounting and present an adjusted report for the following regular Board meeting.

Counsel described two conflict of interest disclosures to the Board. Both were based on open and competitive hiring practices and no Board action was necessary.

The Chair opened the hearing in the matter of state representative Melanie Stambaugh, based on two complaints (Complaint 2016 – Nos. 8 and 13) that Rep. Stambaugh used state resources in a campaign for public office. Administrative Law Judge Deborah Pierce presided. Represented by AAG Chad Standifer, Board staff testified regarding the results of staff investigation. Rep. Stambaugh testified, both at the request of AAG Standifer and her counsel Nick Power. Rep. Chad Magendanz also testified on behalf of Rep. Stambaugh. The matter was taken under consideration by the Board.

The Chair moved the Board into executive session to consider pending ethics complaints.

Executive session ended after approximately 30 minutes.

There was no further business and the Board adjourned.

A handwritten signature in blue ink, appearing to read "Kenny Pittman".

Kenny Pittman, Chair

Date: 2/21/2017