2022 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 successors are 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.

Shontrana Gates-Wertman was selected by the House Democratic Caucus as a citizen member in 2022. Ms Gates-Wertman is an attorney and has worked for the Valley Defenders, PLLC; the King County Prosecuting Attorney's Office and the Division of Child Support in the Department of Social and Health Services. She received her law degree from Seattle University and her undergraduate degree from Saint Mary's College of California.

Tom Hoemann, Vice-Chair, 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.

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 2022. 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 Senate Floor Leader.

Pam Tajima Praeger was selected by the other citizen members as the 5th citizen member in 2021, replacing long time member, Eugene Green. Ms. Praeger served as President of Spokane Falls Community College from 2011-2012. She also previously served in a variety of other professional positions with the College for more than 30 years. Ms. Praeger has served on various boards and commissions, including a stint as Chair of the Commission on Judicial Conduct. She received her undergraduate degree from Pacific Oaks College and her Master's Degree from the University of Idaho.

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 2022, Board counsel was involved in answering over 455 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 42.52.150); and campaigns (RCW 42.52.180). The following breakdown¹ shows the numbers of inquiries by topic areas:

•	Conflict of interest	(RCW 42.52.020)	57 inquiries
•	Special Privileges	(RCW 42.52.070)	20 inquiries
•	Confidentiality	(RCW 42.52.050)	4 inquiries
	State resources	(RCW 42.52.160)	165 inquiries
•	Campaign	(RCW 42.52.180)	129 inquiries
•	Mailing restrictions	(RCW 42.52.185)	25 inquiries
•	Gifts	(RCW 42.52.150/.140	51 inquiries
•	General information	14 inquiries	
•	Employment after le	aving (RCW 42.52.080)	1 inquiry
•	No money for legisla	tive	
	advice or assistance	(RCW 42.52.110)	1 inquiry
•	Honoraria (RCW 4	2.52.130)	4 inquiries
•	Jurisdiction of the Bo	4 inquiries	
•	Citizen-legislature pr	0 inquiries	
•	Compensation for or	atside activities (RCW 42.52.120)	1 inquiry
•	Redistricting (RCW 4	14.05)	1 inquiry
•	Authority of the Exe	cutive Ethics Board (.360)	1 inquiry
•	Board Rule 1		1 inquiry
•	Board Rule 7		1 inquiry

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.

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. The legislature has designated the following as ethics advisers: House Counsel; both Senate Counsels; and Board Counsel.

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 developing and providing 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 (financial) 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 and 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 official duties of the employee or legislator and the duties of the spouse or domestic partner. In 2022, the Board reviewed 11 submissions.

NEW RULES OR BOARD POLICIES

When the Board finds reasonable cause to believe the Act has been violated, the Board offers the Respondent to the complaint the opportunity to either sign a stipulation admitting to the facts or to request a public hearing. In some cases, the Respondent has indicated a desire to sign the stipulation but delays doing so. As a result, the case takes longer to close than necessary.

The Board determined that it needed to amend the Board Rules to set forth a timeline for signing a stipulation. Therefore, the Board amended Board Rule 1 which provides that Respondent has 30 calendar days from the date the stipulation is sent within which to sign and return the stipulation to the Board. If the signed stipulation has not been received by the Board within the 30-day period, the stipulation will be withdrawn. Board staff must provide the

² There are 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).

Respondent with an electronic copy of the stipulation by email in addition to a hard copy of the stipulation by USPS mail. The 30-day period starts from the date the electronic or hard copy is sent, whichever occurs first.

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 76 advisory opinions to ensure that it still agrees with the legal conclusions in the opinion. In 2022, the Board reviewed advisory opinions dealing with the following issue areas: gifts (RCW 42.52.150); conflict of interest (RCW 42.52.020); special privileges (RCW 42.52.070) and use of public resources for private gain (RCW 42.52.160).

ADVISORY OPINIONS AND ETHICS ALERTS

During the 2022 legislative session, the legislature passed a bill permitting legislative staff to collectively bargain. The bill created the Legislative Labor Relations Office (LLR). The Chief Clerk of the House and the Secretary of the Senate asked the Board whether staff responding to a survey conducted by the LLR would be considered lobbying. In Advisory Opinion 2022 – No. 1, the Board determined that it is not considered lobbying for staff to respond to an anonymous survey about their views on collective bargaining because their responses are not designed to influence the passage or defeat of legislation. The Board did state that other actions taken by staff in an attempt to influence the passage or defeat of legislation would be considered lobbying.

COMPLAINTS

Anyone can make an ethics complaint to the Board and the Board can initiate a complaint. No complaint can be filed anonymously. 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 is available to the public.

In 2022, the Board resolved the following complaints:

Allegation	Statute(s) Implicated	Result
Complaint alleged that the Act was violated	RCW 42.52.160	No reasonable cause;
when legislator photographed an email sent to		complaint dismissed
him on the legislative email system and posted		
that photo on his personal Facebook page.		
Complaint alleged legislator violated the Act	RCW 42.52.160	No reasonable cause;
when she used state resources to issue a press		complaint dismissed
release responding to media inquiries about a		
lawsuit in which the member is named in her		
official capacity.		
Complaint alleged legislator violated the Act	RCW 42.52.020	No reasonable cause;
when she had the Complainant's Twitter		complaint dismissed.
account suspended.		
Complaint alleged the Act was violated when	RCW 42.52.160	No reasonable cause;
legislator attended an out of state conference		complaint dismissed
on conservative policy issues.		

Allegation	Statute(s) Implicated	Result
Complaint alleged the Act was violated because	RCW 42.52.020	No reasonable cause;
legislator was a member of the Board of		complaint dismissed
Directors for a national organization that does		
not lobby the state legislature.	D CWY 42 52 020	27
Complaint alleged the Act was violated because	RCW 42.52.020	No reasonable cause;
legislator was a member of the Board of Directors of a local organization that does not		complaint dismissed
lobby the state legislature.		
Complaint alleged the Act was violated	RCW 42.52.020	No reasonable cause;
because a legislator sponsored legislation and a	RCW 42.52.140	complaint dismissed
budget proviso on a topic she learned about	116 (12.62.1)	complaint dismissed
through outside employment and consulted		
with the president of an organization		
considered to be an expert in the field.		
Complaint alleged legislator violated the Act	RCW 42.52.180	Reasonable cause found;
when she solicited campaign donations from		\$1000 fine
legislative staff.		
Complaint alleged legislator violated the Act	RCW 42.52.180	No reasonable cause;
when, during the election restriction period,		complaint dismissed
she posted on official social media that she had		
been given an award by an organization for her legislative work on issues important to the		
organization.		
Complaint alleged legislator violated the Act	RCW 42.52.070	Legislator signed stipulation;
when he tried to enter a building from which		\$2500 fine and costs
he had previously been removed and		"
responded to a legislative employee using		
expletive laced language.		
Complaint alleged the Act was violated when	RCW 42.52.070	No reasonable cause;
legislator meeting with abortion advocates		complaint dismissed
referred to them as "baby-killers."		
Complaint alleged respondent could assist	RCW 42.52.020	Complaint administratively
Complainant with CPS complaint if she would		dismissed; failure to provide
agree to his political requests.		information to complete investigation
Complaint alleged that Act was violated when	RCW 42.52.020	Reasonable cause found;
some legislative staff took sick leave to protest	RCW 42.52.160	opinion applied prospectively
the failure of a collective bargaining bill to pass.		F
Complaint alleged legislator violated the Act	RCW 42.52.070	No reasonable cause;
when, in a personal social media account,		complaint dismissed
responded to a radio personality with a		
comment about the police killing people.		
Complaint alleges legislator violated the Act	RCW 42.52.070	No reasonable cause;
when he became involved in a Twitter		complaint dismissed
exchange on his personal Twitter account and		
allegedly intimidated the Complainant.		