

Legislative Ethics Board

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COMPLAINT 202 – No. 2

In re Caldier
May 22, 2025

ORDER OF DISMISSAL – NO REASONABLE CAUSE

I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by suing the Complainants in Small Claims court and engaging a collection agency to collect the judgment. 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 42.52.070 (special privileges).

II. JURISDICTION

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

III. PROCEDURAL HISTORY

Complaint 2025 – No. 2 was received on January 25, 2025 and was discussed during the Board's regularly scheduled meeting on May 5, 2025.

IV. FINDINGS OF FACT

1. In early 2022, Respondent's primary residence was destroyed in a house fire, and she had to find a temporary residence.
2. Complainants own a house in Gig Harbor and from February 28, 2022 to November 15, 2023, Respondent rented the Complainants' house.
3. Upon signing the lease, Respondent paid a security deposit of \$5500.00

4. Complainant Brett Booth is currently employed by the Department of Homeland Security and spends a considerable amount of time on the east coast.
5. Upon termination of the lease, Complainants determined that the Respondent had caused considerable damage to the house and kept the entire security deposit.
6. Respondent worked through a company called Fleetcor (later purchased by ALE Solutions) to dispute the retention of her security deposit. The Housing Coordinator at ALE, Nate Hemmerich, is the person who assisted her.
7. Sean Kirk, attorney for ALE Solutions, indicated that the insurance company involved with Respondent's house fire contracted with ALE to assist her in finding housing after the fire displaced her.
8. Mr. Kirk contacted three employees in Washington state who had had direct contact with Respondent. According to Mr. Kirk, none indicated that Respondent had used her legislative status in any way when dealing with them.
9. ALE does not contract with landlords and although Mr. Hemmerich attempted to assist Respondent with her security deposit, all disputes regarding security deposits are between the landlord and the tenant.
10. There were numerous emails exchanged between Respondent, Mr. Hemmerich, and Complainant, Oxana Booth, about the retention of the security deposit, at the time the Respondent was to vacate the property.
11. Respondent used her personal email account for these emails. The signature on her email read "State Representative Michelle Caldier, 26th Legislative District - WA State."
12. At some point after Respondent vacated the Complainants' property, Respondent received a Security Deposit Accounting Statement which claimed Respondent caused \$10,530.00 worth of damage to their property. The statement indicated that after the security deposit was applied to the total amount, Respondent still owed \$5,030.00.
13. On December 27, 2023, Respondent filed a claim against the Complainants in Pierce County Small Claims Court in the amount of \$10,000. The original hearing date on the claim was scheduled for April 17, 2024.
14. Respondent engaged ABC Legal Services to serve the Complainants with notice of the small claims action. She provided the process server with the Complainants' address in Washington, D.C. that she obtained from ALE Solutions.
15. The process server indicated that Complainants had been served.
16. The Complainants did not appear for the April 17th hearing on the small claims complaint and a default judgment was entered. It later turned out that the address provided to the process server was inaccurate and the Complainants had not been properly served.

17. Respondent, unaware that there were issues with the service of the Complainants, contracted with Proficio Financial to collect the debt based upon the default judgment.
18. According to Complainants, the first they were aware there had been a judgment entered against them was when Proficio contacted them as part of the collection process.
19. Matt Flaten, Proficio, indicated that he had no idea Respondent was a legislator in his dealings with her. She never raised it.
20. Thereafter, Complainants filed a Motion to Stay Execution of the Judgment and Vacate the Judgment that had been entered against them.
21. On January 5, 2025, the Pierce County District Court Judge entered an Order prohibiting the execution of the judgment pending the hearing on the Motion and Vacated the Judgment and scheduled the Motion to Vacate for hearing on February 6, 2025.
22. Complainants indicate that they sent this information to both Respondent and Proficio specifically requesting that Proficio stop all collection actions against them and remove the collection action from their credit report.
23. Complainants indicated that they attempted to serve Respondent numerous times and feel like she had avoided them. They were finally able to serve her with the Motion to Vacate and the notice of the hearing date.
24. Respondent apparently invoked Article 16 of the Washington state Constitution¹ in postponing the date of the February 6th hearing to sometime in June, 2025.
25. According to Mr. Flaten, the collection account has been marked as a disputed account in their records and there is currently no attempt to collect the debt.
26. Complainant, Brett Booth, indicated that as an employee of the Department of Homeland Security, a collection action on his record is considered problematic to his employer.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.070 provides in pertinent part as follows: *“(1) Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.”*

To find a violation of .070 in this matter, there would have to be evidence that Respondent used her legislative position to obtain something that someone similarly situated would not receive. The facts indicate that the process used to file a small claims court action as well as the collection process are all

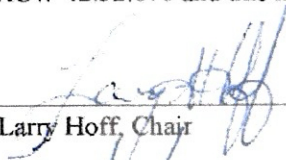
¹ Wash. St. Const. Art. 16 provides as follows: Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session. (emphasis added)

processes anyone would use. There is no evidence from the people Respondent dealt with that she used her legislative position in any way. In fact, Proficio Financial had no idea that she was even an elected official. There is no evidence that Respondent violated .070.

The Board would be remiss if it did not mention Respondent's use of her legislative title in her emails from her personal email account. In *Advisory Opinion* 1998 – No. 4, the Board opined that a legislator is free to use their title regardless whether or not they are using state resources. Respondent's use of her title in her personal emails did not violate the Ethics Act.

VI. ORDER

IT IS HEREBY ORDERED: that the Board finds no reasonable cause to believe Respondent violated RCW 42.52.070 and this matter is dismissed.



Larry Hoff, Chair

5/22/25

Date