

LEGISLATIVE ETHICS BOARD MINUTES

January 17, 2008

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Rep. Jamie Pedersen; Senator Debbie Regala; Mike Hoover and Marty Lovinger, Office of Senate Counsel; Tim Sekerak, Office of House Counsel; Mike O'Connell, Board Counsel.

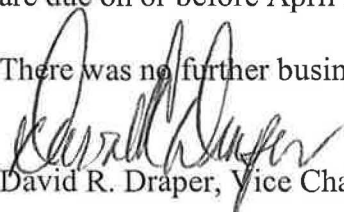
Rep. Pedersen was welcomed as a new member of the Board. The November minutes were approved (no meeting in December). Mr. Draper, presiding, announced that due to the meetings late start the agenda would be modified to allow the Board to move to executive session earlier than planned. First, Mr. Draper called for public comment and recognized Rep. Mark Miloscia. Rep. Miloscia informed the Board of his interest in ethics issues and thanked the Board for its efforts in promoting an ethical environment in the Legislature. The Representative told the Board that he would be introducing a bill which would address, among other things, increased emphasis on ethics training. The Board expressed its thanks for his input and for taking the time during session to attend the meeting.

The public meeting was recessed and the Board convened in executive session at 12:55 PM to consider matters preliminary to reasonable cause determinations of complaints. The public meeting was reconvened at 2 PM. Public comment was again invited and there was none.

Ms. McKereghan presented her proposal to develop possible options for the Board to consider at a future meeting relative to enhancing the Board's ability to provide ethics education, including needs assessment. Mr. Draper thanked her for taking the initiative on this issue and the members encouraged her to proceed and said they would look forward to discussing such options.

Counsel distributed to the citizen board members the Personal Financial Affairs Statement provided by the Public Disclosure Commission with a reminder that the reports are due on or before April 15, 2008.

There was no further business and the meeting was adjourned at 2:20 PM.


David R. Draper, Vice Chair

LEGISLATIVE ETHICS BOARD MINUTES

February 21, 2008

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice Chair; Wayne Ehlers, Chair; Senator Jim Honeyford; Donna L. McKereghan; Rep, Jamie Pedersen; Senator Debbie Regala; Mike Hoover and Marty Lovinger, Office of Senate Counsel; Tim Sekerak, Office of House Counsel; Mike O'Connell, Board Counsel.

The January minutes were approved. The citizen members re-elected Mr. Ehlers and Mr. Draper as board chair and vice-chair, respectively. Chair Ehlers announced that the Board would convene in executive session to discuss matters preliminary to reasonable cause determinations on pending complaints and employee performance. He announced the executive session would last thirty-five (35) minutes and the Board would then reconvene in public session and continue with the public meeting. The public meeting was recessed at 12:05 PM and the Board convened in executive session. The public meeting was reconvened at 12:40 PM.

The Board next considered the configuration of meeting agendas so that there would be a more precise time established for the public portion of meetings. Members agreed it was desirable to provide, insofar as possible, more definite timeframes for the public meeting and after discussion agreed that when practical any executive session should be scheduled near the beginning of a meeting and for an announced length of time, in accordance with the Open Public Meetings Act. If the time set aside for the executive session proved to be inadequate the Board could extend that session with proper notice or reconvene in executive session after the public portion of the agenda was completed.

Chair Ehlers and Counsel presented a proposed written policy on board administrative practices. Chair Ehlers explained that the proposal was a reflection of current practices which had been followed for many years but they had never been written down or formally acknowledged by the Board. The members agreed the practices should be in writing and included in the next publication of the ethics manual under "Board Operating Policies." Two amendments to the draft were approved: (1) staff to inform board officers of proposed vacation in excess of two days and (2) a board officer shall be required to sign staff's vouchers for reimbursement of staff travel expenses. The policy was adopted.

The Board continued its discussion from prior meetings on the role of members in the complaint process. Counsel presented an overview of related issues including ex parte communication, the Open Public Meetings Act and the investigative phase of complaints. Following extensive discussion Counsel was directed to prepare a policy statement for consideration at the next meeting.

Ms. McKereghan advised that she had contacted thirty-four states relative to their ethics resources and ethics training and had received twenty responses. More detailed information will be provided to the Board in the future.

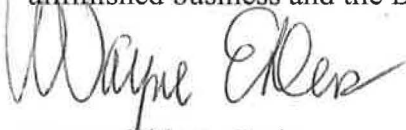
The Board approved, as amended, the 2008 Ethics Alert handout and directed that it be printed and distributed to all legislators and staff.

Chair Ehlers called for public comment and there was none. Counsel briefly described a bill related to legislative e-newsletters in an election year that was progressing through the Legislature. An update will be provided at the next board meeting which will be after the legislative session concludes.

Counsel presented one example of informal advice given since the last meeting. A legislator was advised that his acceptance of an airline's offer to upgrade his travel status from coach to business class, because of his status as a legislator, could be a violation of RCW 42.52.140 (the reasonable expectation statute) and at the least the offer was subject to the annual dollar limitation on receipt of gifts, RCW 42.52.150.

The Board approved Counsel's request for the purchase of a Continuing Legal Education Passport offered by the WA. State Bar Association. Passport use, rather than paying for CLE classes on a case-by-case basis, will result in substantial savings.

Counsel was directed to look into the possibility of rescheduling two of the interim board meetings and if successful to publish a revised meeting schedule. There was no other or unfinished business and the Board adjourned.



Wayne Ehlers, Chair

LEGISLATIVE ETHICS BOARD MINUTES

March 20, 2008

Members and staff present: Neil Amondson; David R. Draper, Vice-Chair; Wayne Ehlers, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Rep. Jamie Pedersen; Mary Lovinger, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

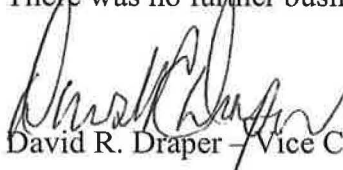
The minutes from the February meeting were approved.

Chair Ehlers called for public comment and there was none. The Chair announced that the public meeting would be recessed and the Board would convene in executive session until 12:30 to discuss complaint matters preliminary to determination of reasonable cause. If more time was needed for executive session the Board would make that announcement at 12:30. The public meeting was then recessed and the Board convened in executive session. The public meeting was reconvened at 12:30.

Sue Adamich, Senior Financial Coordinator from House Accounting presented the latest update of the Board's budget and advised the Board she was configuring a new spreadsheet to reflect budget information.

The Board adopted a written policy on the Complaint Process which had been the subject of discussion in previous meetings. That policy will be printed in the next ethics manual and will also be available on the Board's web site. Counsel reported on three examples of informal advice given since the last meeting: (1) A representative from a private organization sought an answer as to whether a legislator had violated the Ethics Act and was advised that the question should be posed to the Board in the form of a complaint. In addition, informal advice could be given on ethics issues but only to those persons eligible to request advisory opinions; (2) Rep. Loomis was advised that according to the facts presented, her consulting business and existent contracts which she had been engaged in for a substantial time prior to her being appointed to the House did not present conflicts in violation of the Act; (3) Senator Hewitt was advised that Senators could accept payment for reasonable expenses (as defined in the Act) from the sponsors of the Pacific Conference for attending the Conference. The sponsors would be present at the Conference and the House and Senate had historically approved legislators attendance based on agendas which evidenced discussion of legislative issues.

There was no further business and the Board adjourned at 1:05 PM.


David R. Draper - Vice Chair

LEGISLATIVE ETHICS BOARD MINUTES

May 14, 2008

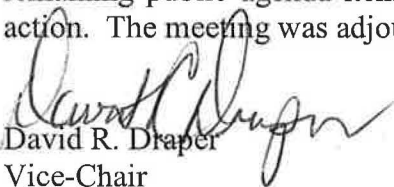
Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice-Chair (presiding); Rep. Doug Ericksen; Donna L. McKereghan; Senator Debbie Regala; Rep. Jamie Pedersen; Mike O'Connell, Board Counsel; Jean Wilkinson, Assistant Attorney General.

The March minutes were approved as amended.

Vice-Chair Draper announced the public meeting would be recessed and the Board would meet in executive session to discuss with Counsel and Ms. Wilkinson matters related to enforcement actions and complaints. Mr. Draper announced that the executive session was scheduled for 30 minutes and if it was not concluded by that time he would make a further announcement to any waiting, members of the public.

At 12:37, Mr. Draper left the executive session to announce to any one waiting outside the meeting room that the executive session was being continued. There were no members of the public waiting for the public session to resume nor were there any members of the public in attendance when the public meeting first began.

At 1: 50 PM the Board reconvened in public session. It was determined that the remaining public agenda items were informational in nature and did not require Board action. The meeting was adjourned at 1:56 PM.


David R. Draper
Vice-Chair

LEGISLATIVE ETHICS BOARD MINUTES

June 19, 2008

Doubletree Hotel – Seattle Airport

Members and staff present: Tony M. Cook; David R. Draper, Vice-Chair; Wayne Ehlers, Chair; Donna L. McKereghan; Rep. Jamie Pedersen; Senator Debbie Regala; Mike O'Connell, Counsel.

The minutes from the May meeting were approved.

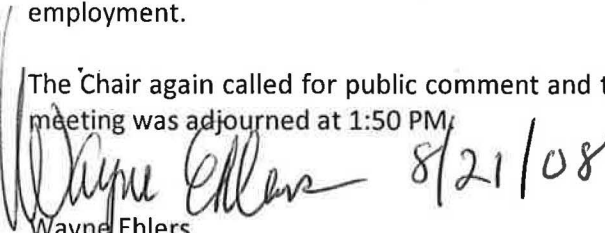
Chair Ehlers called for public comment and there was none. The Chair announced the Board would convene in executive session until 12:40 PM to discuss pending complaints and matters preliminary to determination of reasonable cause. The public meeting was recessed and the Board convened in executive session. At 12:40 PM the Chair left the executive session to announce to any members of the public waiting outside the meeting room that the executive session would continue. There were no members of the public waiting for the meeting to resume. The Board reconvened the public meeting at 1:10 PM.

Counsel reminded members of the COGEL convention in Chicago scheduled for December 7-10. Chair Ehlers directed that the meeting information be mailed to all Board members for their consideration.

Pursuant to RCW 42.52.120, the Board reviewed an Employment Disclosure Form submitted by senate employee Ryan R. Rogers who owns a private business known as Rogers Fine Photography . Mr. Rogers sought guidance on his proposed contract, through his business, with the Legislative Gift Center. Rogers would provide photographs and gift cards prepared through his private business and provided to the Center for sale to the public. The Center was created by statute and revenue generated through sales may be used to help fund two legislative programs; oral history and capitol furnishings. Mr. Rogers' legislative duties involve maintenance and repair. The Board advised that based on the facts as presented the contract would not be in conflict with the proper discharge of the employee's duties.

Counsel presented two examples of informal advice. (1) Senator Sheldon, whose legislative seat is not up for election in 2008, was advised that since he is a candidate for County Commissioner in 2008 the legislative mailing deadlines found in RCW 42.52.185 are applicable and that his second legislative newsletter must be mailed no later than sixty days after the end of the legislative session. (2) A legislative employee was advised her proposed weekday volunteer efforts on behalf of Habitat for Humanity did not fall within the scope of legislative employment or her official duties. The employee had considered seeking mileage reimbursement for her efforts and not taking leave from her employment.

The Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 1:50 PM.


Wayne Ehlers
Chair

LEGISLATIVE ETHICS BOARD MINUTES

August 21, 2008

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice-Chair; Wayne Ehlers, Chair; Donna L. McKereghan; Representative Jamie Pedersen; Senator Debbie Regala; Mike O'Connell, Counsel.

The June minutes were approved. There was no meeting in July.

Chair Ehlers called for public comment and there was none. It was announced the Board would convene in executive session until 12:45 PM to discuss pending complaints and matters preliminary to determination of reasonable cause. The public meeting was recessed and the Board met in executive session. At 12:45 Chair Ehlers announced the executive session would continue until 1:15. The Board reconvened in public session at 1:15.

Ms. McKereghan was authorized to attend the annual convention of the Council on Governmental Ethics Laws in Chicago in December. The Board noted that Ms. McKereghan had filed informative and educational reports in the past on these meetings and directed that her report on this convention be posted on the Board Web site.

Counsel presented a brief overview of the Board's current budget and advised that the Director of House Financial Services, Susan Adamich, would attend the September meeting with budget information to allow the Board to approve a budget request for the next biennium. Counsel reported he had informally advised that a legislator could receive payment of travel, lodging and meal expenses from the sponsor of an annual energy conference. The legislator was invited to participate on a panel on energy issues confronting the states.

After discussion Representative Pedersen moved, with Ms. McKereghan seconding, that Counsel expand the opportunity for ethics training by providing for ethics education to interested campaign and political party staff prior to the 2010 general election. The motion passed.

The Chair again called for public comment and there was none. There was no further business and the meeting was adjourned at 2:00 PM.


Wayne Ehlers, Chair

LEGISLATIVE ETHICS BOARD MINUTES

September 11, 2008

John A. Cherberg Bldg. – Hearing Room 3
12 PM

Members and staff present: Neil Amondson; Tony M. Cook; David R. Draper, Vice-Chair; Wayne Ehlers, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Senator Debbie Regala; Rep. Jamie Pedersen; Tim Sekerak, House Counsel; Mike Hoover and Marty Lovinger, Senate Counsel; Mike O'Connell, Board Counsel.

The August minutes were approved.

The Chair called for public comment and there was none. At 12:15 Chair Ehlers announced the public meeting was recessed and the Board would convene in executive session for thirty minutes to discuss employee performance. The public meeting was reconvened at 12:45.

The citizen members of the Board reappointed Mr. Cook to a five year term ending September, 2013. Mr. Cook holds position 5 on the Board, the position which by law is to be filled by vote of the other citizen members. Mr. Cook had completed the balance of former member Ruth Schroeder's term and pursuant to RCW 42.52.310 was eligible for reappointment to a full term.

Susan Adamich, Director of House Financial Services, presented an update on the status of the current budget together with information on projected expenses for the next biennium. Following discussion the Board approved a budget request for the 2009-2011 biennium. Counsel was directed to forward the request to the House and Senate administrations as the Board's budget is included in the appropriations to the House and the Senate. Counsel was also directed to request the assistance of the administrations in ensuring the Board's appropriation be noted in the published Legislative Budget Notes rather than solely in the budget notes working papers.

Mike Hoover and Marty Lovinger, Senate Counsels, advised the Board on ethics training relative to legislative agencies and provided examples of materials used in recent training. Tim Sekerak, House Counsel, presented an example of informal advice he had recently given to a legislator who had proposed personally hosting a luncheon meeting which would take place during the House Committee Assembly Days. This presentation included a handout which described the issues Mr. Sekerak considered and analyzed in responding to the request.

The Chair again called for public comment and there was none. There was no further business and the Board adjourned at 1:45 PM.


Wayne Ehlers, Chair

LEGISLATIVE ETHICS BOARD MINUTES

October 16, 2008

John A. Cherberg Building – Hearing Room 3

12 PM

Members and staff present: Tony M. Cook; David R. Draper, Vice-chair; Wayne Ehlers, Chair; Rep. Doug Ericksen; Senator Jim Honeyford; Donna L. McKereghan; Rep. Jamie Pedersen; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The September minutes were approved.

Chair Ehlers called for public comment and there was none. The public meeting was recessed at 12:15 and the Chair announced an executive session to last approximately thirty minutes to discuss a complaint and related matters preliminary to determination of reasonable cause. Ms. McKereghan recused herself from consideration of Complaint 2008-No. 6 and left the room. The public meeting was reconvened at 12:45. Ms. McKereghan returned to the meeting room.

Counsel reported on an example of informal advice given since the last meeting. A legislator was advised that acceptance of a complimentary registration fee of \$150 to attend an association's business meeting would be subject to the \$50 limit on most gifts (RCW 42.52.150). The agenda for this 60 minute meeting contained no legislative issues nor was the legislator involved in any legislative activity such as taking part in a panel or reporting on legislative activity.

Counsel advised he met with House Counsel and staff, at their request, on the issue of use of public resources in an election year. This issue involves the Ethics Act and the House Standards of Conduct, which are interrelated on the question of use of public resources in an election year, especially after June 30. Staff expressed concern and frustration that they were often unable to use public resources to assist legislators in communicating with their constituents on legitimate, ongoing legislative issues out of fear that such use may violate the Ethics Act and/or the Standards of Conduct. Staff questioned whether it might be helpful for all concerned if the Board revisited some of these constraints, perhaps in the context of redefining or clarifying the "normal and regular conduct" exception to RCW 42.52.180. This discussion was presented as an information item only and Counsel stated that the House may choose to approach the Board in the future in a more formal sense. Counsel said he had mentioned to the staff that the Board had responded, on occasion, in the past to requests for clarification on issues by utilizing a sub-committee study/report approach but that such an approach was not a guarantee that a new advisory opinion would follow.

Proposed Board meeting dates for 2009 were distributed. The actual schedule will be set following review and comment by the members. Counsel informed the members that he would be involved in providing ethics training in October and November for the Office of the Code Reviser and legislative attorneys. There was no public comment and no further business and the meeting was adjourned at 1:30 PM.


Chair