

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, ~~CHAIR~~  
PAUL ALDINGER, ~~VICE-CHAIR~~  
JAMES ANDERSEN  
REP. MARLIN APPELWICK  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

January 15, 1998  
Senate Rules Room, Legislative Building, Olympia, WA

Members Present: All members were present as follows: Will Bachofner, Chair; Paul Aldinger; James Andersen; Rep. Marlin Appelwick; William Asbury; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook, Counsel.

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives.

Also Present: Cathy Maynard, House Democratic Caucus Counsel; Sarah Millington, House Intern; Harvey Gertson, Dept. of Transportation; Chuck Savage, Common Cause; John Carmichael, Graduate Student in Public Affairs at The Evergreen State College; John Engelman, Graduate Student in Public Affairs at The Evergreen State College.

Chair Bachofner called the meeting to order at 11:40 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the December 11, 1997, meeting as circulated.

Election of officers. Chair Bachofner requested Vice-Chair Aldinger to preside in order to proceed to election of officers. At the suggestion of Mr. Bachofner, the

Board agreed by consensus, consistent with the requirements of RCW 42.52.310(8), that the offices of Chair and Vice-Chair should be rotated among the citizen members, with election to occur in January of each year.

Mr. Bachofner nominated Mr. Aldinger for the office of Chair. Mr. Andersen moved that the nominations be closed and a unanimous ballot recorded for Mr. Aldinger. Motion was seconded and passed unanimously.

Mr. Andersen nominated Mr. Asbury for the office of Vice-Chair. Ms. Schroeder moved that the nominations be closed and a unanimous ballot recorded for Mr. Asbury. Motion was seconded and passed unanimously.

Advisory Opinion 1997 — No. 12. The Board considered a staff draft prepared in response to the Board's directions at the December 11 meeting. The Board determined to limit the opinion to joint bipartisan committees with even representation, leaving open the question of application to standing committees. Motion was made/seconded/approved to delete all but the first paragraph of Section B, Committee authorization and add language stating that it is up to the committee to decide whether to authorize correspondence and whom to designate to sign it.

Motion was made/seconded/approved to adopt the opinion as amended, subject to a ten-day circulation of the final draft for review by the members.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, gifts, and conflict of interest.


Staff also reported on a variety of training activities in the Senate and House of Representatives.

Pending ethics legislation was discussed.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on Thursday, February 19, 1998, at 11:30 a.m., in Olympia.

The meeting was adjourned at 12:40 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, **CHAIR**  
PAUL ALDINGER, **CHAIR**  
JAMES ANDERSEN  
REP. MARLIN APPELWICK  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

February 19, 1998

Senate Rules Room, Legislative Building, Olympia, WA

Members Present: All members were present as follows: , Paul Aldinger Chair; James Andersen; Rep. Marlin Appelwick; William Asbury; Will Bachofner; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present to address the Board: Representative Eric Robertson; Tim Martin, Chief Clerk of the House of Representatives; Allen Hayward, Attorney to the Speaker; Cathy Maynard, House Democratic Caucus Counsel; Ken Conte, Director of the Office of Program Research; and Heather Hansen, lobbyist for the Washington State Fairs Association.

Mr. Aldinger called the meeting to order at 11:40 A.M.

Minutes. Motion was made/seconded/approved to adopt the minutes of the January 15, 1998, meeting as circulated.

Advisory Opinion 1998 — No. 3. The Board discussed the request for an advisory opinion by Rep. Eric Robertson. The inquiry asks whether a set of brochures prepared by the House Republican Caucus staff for distribution in connection with town meetings are permissible.

The Board discussed whether the proposed material would violate the prohibition

on use of state facilities to assist campaigns, RCW 42.52.180. Discussion was focused on whether these materials were distinguishable from earlier Board considerations of caucus material in Complaints 1996 - Nos. 3, 8 and 10, especially concerning relevance and method of presentation and distribution.

Following discussion of the time needed to examine the issue, motion was made and seconded to defer the question to the next meeting. Motion failed on a vote of three to five, with one abstaining.

Recess. Meeting was recessed for 15 minutes to allow time to obtain and copy additional background information. Meeting was re-convened at 1:00 p.m.

Advisory Opinion 1998 - No. 3. Further discussion of Rep. Robertson's request ensued. Motion was made and seconded to approve the use of the brochures as pick-up pieces at town hall meetings during the legislative session, charged to legislators' printing budgets on a pro rata basis, with the exception of the document entitled "Reining in Government." Allen Hayward stated on behalf of the Republican Caucus that the questioned brochure was being immediately withdrawn and was no longer requested.

With permission of the Board, the motion was withdrawn and re-stated as follows: the Board approves the proposed use of the brochures at this time, for the stated purpose of distribution at town hall meetings on February 21, with a formal opinion to follow. Motion carried 5 to 3. Staff was directed to prepare a draft opinion for the next meeting with guidelines for such publications in the future.

Board decided by consensus to issue a letter to caucus leadership and staff encouraging the caucus staff to be more concerned about these issues and to raise such questions in a more timely manner.

Advisory Opinion 1998 - No. 1. The Board reviewed an advisory opinion regarding the confidentiality of bill and amendment drafting requests.

Motion was made/seconded/approved to direct staff to draft an opinion incorporating the following responses to the request:

- (1) drafting requests create an expectation of confidentiality, and disclosure is an ethics violation;
- (2) confidentiality is imposed unless otherwise allowed by specific law or formal written policy;
- (3) disclosure to administrative supervisor is permissible;
- (4) disclosure to others is permissible only as needed to effectively perform the

drafting task; and

(5) the same requirements apply to attorneys as other staff drafters. The draft opinion is to be reviewed by the Board at its next meeting.

Advisory Opinion 1998 - No. 2. The Board discussed a request for an advisory opinion by Heather Hansen, contract lobbyist for the Washington State Fairs Association. The request asks whether legislators can receive complimentary passes good for admission to all the state and county fairs for the year.

Motion was made/seconded/approved to direct the staff to draft an opinion stating that the pass is not a per se violation of the ethics law, but could be a violation in the unlikely event that it is used to obtain more than \$50 worth of admissions. The draft opinion is to be reviewed by the Board at its next meeting.

Recommended legislation. The Board reviewed the status of its request legislation. Staff also reported on two other ethics bills: HB 2511, regarding financial conflicts by board and commission members; and HB 2845, filing false claims.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, gifts, and conflict of interest.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on Friday, March 13, 1998, at 10:00 a.m., in Olympia.

The meeting was adjourned at 3:10 p.m.

  
\_\_\_\_\_  
Paul Aldinger, Chair

  
\_\_\_\_\_  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, [REDACTED]  
PAUL ALDINGER, [REDACTED] CHAIR  
JAMES ANDERSEN  
REP. MARLIN APPELWICK  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

March 13, 1998

Senate Hearing Room 3, Cherberg Building, Olympia, WA

Members Present: All members were present as follows: , Paul Aldinger Chair; James Andersen; Rep. Marlin Appelwick; William Asbury; Will Bachofner; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Tim Martin, Chief Clerk of the House of Representatives; Cathy Maynard, House Democratic Caucus Counsel; Ken Conte, Director of the Office of Program Research; Chris Cordes, Deputy Director of OPR; and Mary Fleckenstein, Staff Director, House Democratic Caucus.

Mr. Aldinger called the meeting to order at 10:10 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the February 19, 1998, meeting as circulated with two corrections: (1) the motion to consider Advisory Opinion 1998 - No. 3 should be recorded as a motion to defer consideration, which failed with three positive votes; and (2) the Board decided to issue a letter of caution to caucus leadership and staff, rather than deferring a decision on that item.

Advisory Opinion 1998 - No. 1. The Board reviewed a staff draft advisory opinion regarding the confidentiality of bill and amendment drafting requests, incorporating the discussion of the previous meeting. Motion was made/seconded/approved to adopt the draft opinion as presented, with one dissent.

Advisory Opinion 1998 - No. 2. The Board reviewed a staff draft advisory opinion regarding whether legislators can receive complimentary passes good for admission to all the state and county fairs.

Motion was made/seconded/passed to eliminate the permissive language by changing "could" to "would;" delete the first two lines of the last paragraph; put the burden on the issuer by revising the last sentence to require that passes be limited to \$50; and make other changes necessary to reconcile the draft to these decisions. Motion carried with one dissenting vote.

Staff was directed to prepare a new draft and circulate it for ten-day Board review prior to issuance.

Advisory Opinion 1998 — No. 3. The Board reviewed a staff draft advisory opinion regarding a set of brochures prepared by the House Republican Caucus staff for distribution in connection with town meetings.

Staff was directed to prepare a revised draft for the April Board meeting incorporating the following changes:

(1) make clear that the role of the Board does not include being a "Board of Censors;"

(2) clarify that this opinion is limited to the time of the legislative session only and that use beyond that time is a different question;

(3) in referencing prior Board opinions, include the substance of the partisan language in those cases which was found to be consistent with the statute;

(4) replace words like "permissible" and "approved" with language that indicates that the Board has or has not determined that particular language would be a violation of the campaign prohibition;

(5) clarify that the reference to "every word" on page 5 means that the Board

is not acting as a censor, but will look at the total document to determine whether it is in violation of the ethics law; and

(6) delete the last section on "guidelines" and replace it with a recognition of House Resolution 98-4744, and the comparable Senate policies and practices.

Staff was also directed to draft a proposed change to the Board's procedure rules providing advance notice to the Board for consideration of advisory opinion requests. The proposal will be discussed at the April meeting.

Advisory Opinion 1998 - No. 4, honoraria. Board discussed a request for an advisory opinion on the question of whether a legislative issue is ever sufficiently outside the role of a legislator so that he or she could receive an honorarium for a speech on the issue. By consensus, the Board deferred the request to the April meeting.

Staff was directed to distribute additional information regarding the role of legislators in a campaign capacity.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, and gifts.

Board noted that the Seattle Yacht Club again offered a "temporary membership" to legislators at a special price of \$10.00. Staff was authorized to send a letter to the Yacht Club informing them that a knowing violation of the statute could subject them to legal action.

Legislation. Staff reported that one of the Board's request bills, Senate Bill 6118, had been passed and signed by the governor. None of the other ethics bills were passed in this session.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on April 8, 1998, at 10:00 a.m. in SeaTac.

Executive session. The Board went into closed session to discuss a possible complaint. No action was taken.

Meeting was adjourned at 12:45 p.m.



  
Paul Aldinger, Chair \_\_\_\_\_ date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, ~~CHAIR~~  
PAUL ALDINGER, ~~MEMBER~~ CHAIR  
JAMES ANDERSEN  
REP. MARLIN APPELWICK  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

April 16, 1998  
Quality Inn, SeaTac

Members Present: Paul Aldinger Chair; James Andersen; Rep. Marlin Appelwick; William Asbury; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel

Mr. Aldinger called the meeting to order at 10:20 a.m.

Agenda consideration. Motion was made/seconded/approved to defer discussion of Advisory Opinion 1998 - No. 3 until the next meeting.

Minutes. Motion was made/seconded/approved to adopt the minutes of the March 13, 1998, meeting as circulated.

Advisory Opinion 1998 - No. 4. The Board reviewed a staff draft advisory opinion regarding acceptance of honoraria for speeches related to ballot measures. The Board discussed two options: (1) any acceptance of honoraria for speeches on ballot measures would be an ethics violation; (2) acceptance might be consistent with the statute if the circumstances clearly showed that the honorarium was being received in a personal capacity rather than an official role.

Motion was made/seconded/approved to adopt the draft for Option 1, with the following changes. The Board will presume that any honorarium is being presented to a legislator in an official role. The burden is on the member to show that a speech is outside his or her

official role by demonstrating that the invitation was issued to the legislator in a personal capacity; that the topic is not related to legislation; and that the organization offering the honorarium is not active in the legislative arena. The draft should also include a clear statement near the beginning that the Board is required by the statute to permit honoraria in some cases, and cannot adopt a blanket prohibition.

Staff was directed to prepare a new draft incorporating these changes, and circulate it to the Board for a ten-day approval period.

Board procedure rule. The Board reviewed a staff draft of changes to the procedure rule (Board Rule 1) to provide for a minimum of one week notice before consideration of an advisory opinion request. Motion was made/seconded/approved to adopt the draft as circulated, with the addition of the phrase "of those present" for the unanimous waiver procedure.

Staff was directed to prepare further draft changes to the procedures rule for the next meeting. The draft language is to include: (1) quorum requirements incorporating both a majority of citizen members and a majority of the full Board; and meeting procedure rules (Reed's or Robert's).

Board informational briefing. Mr. Asbury requested that the Board review the practice of "video news releases," as reported by the Daily Olympian. After discussion, the staff was directed to coordinate with the Designated Ethics Advisers to provide a briefing at the next Board meeting on legislative communications, and how they are presently being accomplished.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, gifts, and conflicts of interest.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on May 14, 1998, at 10:00 a.m. in Olympia. The June meeting was confirmed as June 11, at SeaTac.

Executive session. The Board went into closed session to discuss possible complaints. By a vote of 5 to 1, the Board decided to issue two complaints on its own motion.

Meeting was adjourned at 1:30 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, CHAIR  
PAUL ALDINGER, VICE-CHAIR  
JAMES ANDERSEN  
REP. MARLIN APPELWICK  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

May 14, 1998  
Senate Hearing Room 3, Olympia

Members Present: Paul Aldinger Chair; James Andersen; Rep. Marlin Appelwick; William Asbury; Will Bachofner; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Mike O'Connell, Secretary of the Senate; Cathy Maynard, House Democratic Caucus Counsel

Mr. Aldinger called the meeting to order at 10:15 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the April 16, 1998, meeting as circulated.

Advisory Opinion 1998 - No. 3. Motion was made to table the opinion indefinitely, during the time that legislative policy makes it a moot question. Motion was seconded and passed with one dissent.

Board procedure rule. Board reviewed a staff memorandum listing possible additional rules for the conduct of meetings and hearings. By consensus, the issue was referred to a subcommittee. The Chair appointed Mr. Andersen, Mr. Asbury, and Ms. Schroeder to the subcommittee.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, gifts, and conflicts of interest.

Board directed staff to prepare an advisory opinion request to be initiated by the Board regarding the extent to which solicitation of contributions for caucus or committee events would violate the ethics law.

Board informational briefing. Mike O'Connell, Secretary of the Senate, provided an oral briefing on legislative communications, and how they are presently being accomplished. Mr. Blundell explained how the House of Representatives differs in some respects.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on June 11, 1998, at 10:00 a.m. at the Quality Inn--SeaTac.

Executive session. At 12:00 p.m., the Board went into closed session to discuss possible complaints. The Board agreed unanimously to accept the stipulation offered by the respondent in Complaint 1998 - No. 2. The Chair was authorized to review and sign the final order.

Meeting was adjourned at 12:25 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, ~~CHAIR~~  
PAUL ALDINGER, ~~VICE-CHAIR~~  
JAMES ANDERSEN  
~~REP. MARLIN APPELWICK~~  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

June 11, 1998  
Quality Inn, SeaTac

Members Present: Paul Aldinger Chair; James Andersen; Rep. Marlin Appelwick; William Asbury; Sen. Jeanine Long; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel; Jim Lynch, Seattle Times

Mr. Aldinger called the meeting to order at 10:15 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the May 14, 1998, meeting as circulated.

Procedures subcommittee. Mr. Asbury reported that the subcommittee consisting of Mr. Asbury, Mr. Andersen, and Ms. Schroeder met with staff on June 3 and reached some preliminary conclusions about the need for rules, especially for Board hearings. The subcommittee will meet at least once more in order to provide a full recommendation to the Board.

Advisory Opinion 1998 - No. 5. The Board reviewed a draft advisory opinion request on its own motion, regarding solicitation of gifts in the form of food and beverage hosting for legislative events such as retreats and end-of-session gatherings. The Board first discussed whether an opinion is needed on the issue. The Board agreed that no opinion is needed on the valuation aspect of the issue. Staff was directed to provide informal advice

on gift valuation based on dividing the total cost by those invited and expected to attend. The Board also directed Staff to continue with the interpretation that "hosting" requires the presence of the lobbyist-sponsor.

Motion was made/seconded/approved to issue an advisory opinion stating that it is a violation of the ethics law to solicit contributions from lobbyists or lobbyist-employers for legislative events. Staff was directed to prepare a draft opinion for the July meeting.

Advisory Opinion 1998 - No. 6. Board considered a request for an advisory opinion regarding a legislator's involvement in establishing and directing a nonprofit organization to provide education on salmon issues. By consensus, it was agreed to defer consideration of the request to the July meeting.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, mailings, and gifts.

Public Comment. There were no comments from the public.

Next meeting. The Board determined that its next regular meeting would be held on July 9, 1998, at 10:00 a.m. in the SeaTac area.

Executive session. At 12:00 noon, the Board went into closed session to discuss Complaint 1998 - No. 1. The Board decided to continue its consideration to the July 9 meeting.

Meeting was adjourned at 12:45 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
WILL BACHOFNER, ~~CHAIR~~  
PAUL ALDINGER, ~~VICE-CHAIR~~  
JAMES ANDERSEN  
~~MARLIN APPELWICK~~  
WILLIAM ASBURY  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL  
*Rep. Dow Constantine*

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

July 9, 1998  
La Quinta Inn, SeaTac

Members Present: Paul Aldinger Chair; James Andersen; William Asbury; Rep. Dow Constantine; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel; Alma Kidd, Margaret Carpenter, Steve Zimmerman, and Leo Vincent.

Mr. Aldinger called the meeting to order at 10:00 a.m. The Board formally welcomed its new member, Representative Dow Constantine.

Minutes. Motion was made/seconded/approved to adopt the minutes of the June 11, 1998, meeting as circulated.

Recognition of former member. Motion was made/seconded/approved to send a letter extending the Board's formal best wishes to former member Marlin Appelwick, including appreciation for his years of service since the formation of the Board.

Procedures subcommittee. Mr. Asbury, Mr. Andersen, and Ms. Schroeder reported that the subcommittee met with staff on June 19 and July 8, and completed its recommended revisions to the procedures rule. The subcommittee's recommendations were distributed, including a draft of a new procedures rule, a comparison of the Board rule with the Administrative Procedures Act, draft guidelines for Board operations, and a copy of the Executive Ethics Board's penalty rule. Consideration of the recommendation was deferred to



the August meeting.

Advisory Opinion 1998 - No. 5. The Board reviewed a draft advisory opinion request on its own motion, regarding solicitation of gifts in the form of food and beverage hosting for legislative events such as retreats and end-of-session gatherings. The Board discussed whether to include language clarifying the application to multiple sources when not all are present. The Board agreed that the fifty dollar gift limit would be applied to absentee sponsors in a multiple source situation, but that further detail on that point in the opinion might serve to encourage such conduct.

Motion was made/seconded/approved to approve and issue Advisory Opinion 1998 - No. 5 as circulated.

Advisory Opinion 1998 - No. 6. Board considered a request for an advisory opinion regarding a legislator's involvement in establishing and directing a nonprofit organization to provide education on salmon issues.

Board discussed several concerns with the request, including whether the timing implies an opportunity to use the organization for election year campaign activity; whether lobbying is avoidable; how the Board would determine whether the information is "objective;" and the implications of fundraising from lobbyists. Motion was made/seconded/approved to direct staff to prepare a draft opinion for the next meeting with a series of alternatives for the Board's consideration.

Rep. Pennington stated his concern that he has a personal involvement in this issue, because he is the legislator selected as a member of the five-county steelhead recovery advisory board created pursuant to HB 2836. Board agreed that no recusal was necessary, because his position is a different situation.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of use of facilities, conflict of interest, and gifts.

Board agreed to meet jointly with the Executive Ethics Board on Monday evening, September 14, during the Council or Governmental Ethics Laws (COGEL) conference. Staff was directed to prepare a draft agenda for review at the August meeting.

Public Comment. Ms. Alma Kidd spoke to the Board about her concerns regarding public funds being spent unnecessarily by the Attorney General for refusal to disclose public information; and also regarding the procedures followed by the Civil Rights Subcommittee of the Senate Law & Justice Committee. Requested a complaint form, which staff was directed to provide.

Ms. Margaret Carpenter expressed her concern about lack of responsiveness by legislators to her complaints about the process for termination of parental rights. Ms. Carpenter indicated that the legislators in her district declined to meet with her personally. Ms. Carpenter also expressed concern about the methods used by legislators to review constituent casework with

agencies.

Mr. Steve Zimmerman also expressed concern about the procedures used by the Civil Rights Subcommittee, especially why the subcommittee did not have the power of subpoena. Mr. Zimmerman expressed frustration at not being able to locate the right forum to have his "civil rights" concerns addressed.

Mr. Leo Vincent stated an ethics concern regarding committee records. Mr. Vincent wanted a transcribed copy of the proceedings of the Civil Rights Subcommittee. The Board explained that while certain disclosure issues are under its jurisdiction, that would not apply in this case because there is no requirement for a committee to transcribe its tapes at state expense. Copies of the tapes themselves are available to the public.

All the citizens who spoke were advised about the possibility of addressing their ethics complaints about state agency personnel to the Executive Ethics Board.

Next meeting. The Board determined that its next regular meeting would be held on August 13, 1998, at 10:00 a.m. in the SeaTac area.

Executive session. At 12:00 noon, the Board went into closed session to discuss Complaint 1998 - No. 1. The Board decided to continue its consideration to the August meeting.

Meeting was adjourned at 12:30 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
PAUL ALDINGER, CHAIR  
WILLIAM ASBURY, VICE-CHAIR  
JAMES ANDERSEN  
WILL BACHOFNER  
REP. DOW CONSTANTINE  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL



108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540

## MINUTES

### LEGISLATIVE ETHICS BOARD

August 13, 1998  
Quality Inn, SeaTac

Members Present: Paul Aldinger Chair; James Andersen; William Asbury; Rep. Dow Constantine; Sen. Jeanine Long; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel; Margaret Grimaldi, Executive Secretary, Executive Ethics Board

Mr. Aldinger called the meeting to order at 10:20 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the July 9, 1998, meeting, with the following corrections: (1) change "disclosed" to "stated" in the first sentence of the paragraph on page 2 regarding Rep. Pennington's position. In the last sentence of the same paragraph add "because his position is a different situation."

Selection of fifth citizen member. Ms. Schroeder was nominated to serve a full term as the fifth citizen member, when her current partial term expires in September. The citizen members voted unanimously to appoint Ms. Schroeder.

Procedures rule. The Board continued its consideration of a new procedures rule, distributed by the subcommittee at the July meeting. By consensus, the Board agreed on all of the proposals except the language in subsection F(1). Board agreed to defer final consideration of the procedures rule until the next meeting. Members and advisers were invited to submit proposed amendments to the subsection for consideration at that time.

Motion was made/seconded/approved to adopt the General Guidelines for Board Internal

Operations, as circulated.

Staff was directed to prepare a draft penalty rule for the next meeting. The draft is to be based on the Executive Ethics Board rule in Chapter 292-120 WAC.

Joint meeting. The Board considered a proposed agenda for a joint meeting with the Executive Ethics Board, scheduled for September 14 at 5:15 p.m. Staff was directed to prepare a new draft with specific comments on each item indicating priority and relevancy to the jurisdiction of the Legislative Ethics Board.

Advisory Opinion 1998 - No. 6. Board considered a request for an advisory opinion regarding a legislator's involvement in establishing and directing a nonprofit organization to provide education on salmon issues.

Board reviewed staff alternative drafts prepared in response to the discussion at the July meeting. Motion was made and seconded to adopt Alternative 2, position itself a violation of the ethics law, as drafted. Motion failed with three votes in favor, four opposed.

Motion was made and seconded to adopt Alternative 1, position itself not a violation. Motion was made to amend the draft by adopting alternative A on page 6, regarding limitations on fundraising. Motion failed with three votes in favor, four opposed.

Motion to adopt Alternative 1 was withdrawn, with agreement of the second.

Staff was directed to prepare one or more new drafts to incorporate the concerns expressed by the Board, especially with respect to lobbying, fundraising, and the potential for use of the organization to provide indirect compensation to the legislator. Further consideration of the request was deferred to a special meeting scheduled for September 1 at 12:00 noon in the SeaTac area.

Budget for 1999-2001. Motion was made/seconded/approved to submit a budget request for \$320,000 for the 1999-2001 biennium, subject to adjustment after the assumptions have been reviewed at future meetings.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of legislative mailings and staff analysis of ballot measures.

Motion was made/seconded/approved to designate the Chair as the person to cast the vote on behalf of the Board during the COGEL business meeting.

Public Comment. There was no public comment.

Next meeting. The Board confirmed that its next regular meeting is scheduled for Thursday, September 10, at 10:00 a.m. in the SeaTac area. The meeting may be canceled by the Chair if there is no pressing business. The meetings of September 1 and September 14 will

be for limited agenda items only.

Executive session. Following a brief recess, at 1:30p.m. the Board went into closed session. Motion was made and approved to reject a proposed stipulation and issue an order of withdrawal in Complaint 1998 - No. 1.

Meeting was adjourned at 2:20 p.m.

William F. Asbury      Sept. 10, 1998  
Paul Aldinger, Chair      date

# Legislative Ethics Board

**BOARD MEMBERS:**  
PAUL ALDINGER, CHAIR  
WILLIAM ASBURY, VICE-CHAIR  
JAMES ANDERSEN  
WILL BACHOFNER  
REP. DOW CONSTANTINE  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL



108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540

## MINUTES

### LEGISLATIVE ETHICS BOARD

September 1, 1998  
La Quinta Inn, SeaTac

Members Present: All members were present as follows: Paul Aldinger Chair; James Andersen; William Asbury; Will Bachofner; Rep. Dow Constantine; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit, Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel

Mr. Aldinger called the meeting to order at 12:30 p.m. The Chair noted that it was a specially called meeting solely for consideration of Advisory Opinion 1998 - No. 6.

Advisory Opinion 1998 - No. 6. Board considered a request for an advisory opinion regarding a legislator's involvement in establishing and directing a nonprofit organization to provide education on salmon issues.

Board reviewed and discussed staff alternative drafts prepared in response to the discussion at the August meeting.

Motion was made and seconded to approve Option B (position violates the ethics law because of the unique nature of the organization and the opportunity for lobbying abuse) in concept, with the intention of making revisions to the language as needed. Motion carried on a vote of five to four.

Board further discussed revisions to the language of Option B, and the possible incorporation of some of the fundraising language from Option A. Staff was directed to prepare a new draft

for consideration.

Meeting was recessed at 1:45 p.m.

Meeting re-convened at 2:15 p.m. Board discussed the schedule for the next meeting, and confirmed that it would be held on September 10 at 10:00 a.m. at the La Quinta Inn.

Board reviewed the staff draft opinion prepared during the recess. Motion was made/seconded/approved to delete the material at the bottom of page three beginning with "The purpose of the organization" and ending on page four with "however,"

Motion was made/seconded/approved to delete the following phrase from the last sentence in the first paragraph on page four: "dealing with salmon issues"

Motion was made and seconded to adopt the amended draft as Advisory Opinion 1998 - No. 6. Motion carried with two votes opposed.

On motion, meeting was adjourned at 3:00 p.m.

William F. Asbury      Sept. 10, 1998  
Paul Aldinger, Chair      date

# Legislative Ethics Board

**BOARD MEMBERS:**  
PAUL ALDINGER, CHAIR  
WILLIAM ASBURY, VICE-CHAIR  
JAMES ANDERSEN  
WILL BACHOFNER  
REP. DOW CONSTANTINE  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL

108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540



## MINUTES

### LEGISLATIVE ETHICS BOARD

September 10, 1998  
La Quinta Inn, SeaTac

Members Present: William Asbury, Vice-Chair; James Andersen; Will Bachofner; Rep. Dow Constantine; Sen. Jeanine Long; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit, Marty Lovinger, Senate; Jim Blundell, House of Representatives

Also present: Cathy Maynard, House Democratic Caucus Counsel

Mr. Asbury called the meeting to order at 10:10 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the August 13 and September 1 meetings as circulated.

Contract 1998 - No. 1. Board reviewed a proposed contract submitted by Penny Drost, Staff Coordinator and Assistant Director of Communications for the Senate Republican Caucus. The contract is between the Department of Corrections and the Prison Pet Partnership Program. Ms. Drost will be the President of the program, a non-profit agency. No compensation to Ms. Drost is involved.

Motion was made/seconded/approved to advise Penny Drost that the contract as proposed would not be in conflict with the proper discharge of the employee's official duties.

Procedures rule. The Board continued its consideration of a new procedures rule, distributed by the subcommittee at the July meeting.

Motion was made/seconded/approved to add a new sentence to Section F(1), page 3, line 20, as follows: "In the case of a conflict between Chapter 34.05 RCW and these procedures



rules, the procedures rules adopted by the board shall take precedence."

Motion was made/seconded/approved to add a new sentence on page 3, line 6 as follows: "At the request of the respondent, the board may move the hearing to an earlier date."

Motion was made/seconded/approved to adopt all of Rule 1 as amended.

Penalty rule. Board reviewed a draft based on the Executive Ethics Board rule. By consensus, staff was directed to prepare a revised draft for circulation and consideration at the next meeting.

Joint meeting. The Board considered a proposed agenda for a joint meeting with the Executive Ethics Board, scheduled for September 14 at 5:15 p.m.

Motion was made/seconded/approved to limit the joint meeting to a discussion of possible legislative changes, with any decisions on such proposals deferred to a future meeting of the legislative board.

Budget for 1999-2001. Motion was made/seconded/approved to approve the budget request for \$320,000 for the 1999-2001 biennium with the assumptions as submitted, subject to future approval of specific expenditures.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of personal and campaign use of legislative facilities.

Public Comment. There was no public comment.

Next meeting. The Board confirmed that its next regular meeting is scheduled for Thursday, October 8, at 10:00 a.m. at the La Quinta Inn.

Executive session. Following a brief recess, at 12:00 p.m. the Board went into closed session. Motion was made/seconded/approved to send a complaint form with a copy of the statute and rules, in response to an informal complaint.

Motion was made/seconded/approved to authorize counsel to appear in response to a deposition subpoena, while reserving the right to raise questions of privilege in other cases or situations.

Meeting was adjourned at 12:15 p.m.

---

William Asbury, Vice-Chair

date

# Legislative Ethics Board

**BOARD MEMBERS:**  
PAUL ALDINGER, CHAIR  
WILLIAM ASBURY, VICE-CHAIR  
JAMES ANDERSEN  
WILL BACHOFNER  
REP. DOW CONSTANTINE  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL



108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540

## MINUTES

### JOINT MEETING OF THE LEGISLATIVE ETHICS BOARD AND EXECUTIVE ETHICS BOARD

September 14, 1998  
Bainbridge Room, Cavanaugh's Fifth Avenue, Seattle

Members Present: Legislative Ethics Board: Paul Aldinger, Chair; James Andersen; William Asbury; Sen. Jeanine Long; Ruth Schroeder; and Sen. Harriet Spanel; Executive Ethics Board: Janet Lim, Chair; Gwendolyn Foyd; and Cheryl Rohret.

Staff: Tony Cook, Counsel to the Legislative Ethics Board; Bill Collins, Assistant Attorney General, and Meg Grimaldi, Executive Secretary, Executive Ethics Board.

Designated ethics advisers: Milt Doumit, Marty Lovinger, Senate.

Also present: Mike O'Connell, Secretary of the Senate; Cathy Maynard, House Democratic Caucus Counsel; and a representative from Common Cause.

Ms. Lim called the meeting to order at 5:15 p.m. The Chair noted that it was a specially called joint meeting solely for consideration of possible revisions to Chapter 42.52, the State Ethics Act.

Discussion was held on the following possible statutory revisions:

1. Change the 45 day response time in RCW 42.52.460 to 120 days
2. Authority to administratively dismiss complaints.
3. Revise 42.52.420 to permit investigations to pursue facts related to the alleged conduct.
4. Revise 42.52.500 to increase the threshold for use of administrative law judges, currently set at penalties of \$500 and above.
5. Revise 42.52.180 to clarify that it applies to the process of seeking an appointment to a

vacancy for an elective office.

6. Clarify the term "employment contract" in 42.52.120(4).
7. Clarify overlapping ethics and Public Disclosure Commission jurisdiction.
8. Board and commission member financial interests — HB 2511
9. Possible proposals regarding the higher education exemptions.
10. Responses to proposals to remove the restrictions on entertainment and hosting in foreign countries or by foreign dignitaries.
11. Re-examine the mailing limitations statute, 42.52.185.
12. Establish a "false claims" statute.

No action was taken.

On motion, the meeting was adjourned at 7:00 p.m.

  
Paul Aldinger, Chair

  
date

# Legislative Ethics Board

**BOARD MEMBERS:**  
PAUL ALDINGER, CHAIR  
WILLIAM ASBURY, VICE-CHAIR  
JAMES ANDERSEN  
WILL BACHOFNER  
REP. DOW CONSTANTINE  
SEN. JEANINE LONG  
REP. JOHN PENNINGTON  
RUTH SCHROEDER  
SEN. HARRIET SPANEL



108C LEGISLATIVE BUILDING  
PO BOX 40482  
OLYMPIA, WA 98504-0482  
(360) 786-7540

## MINUTES

### LEGISLATIVE ETHICS BOARD

November 12, 1998  
La Quinta Inn, SeaTac

Members Present: Paul Aldinger, Chair; James Andersen; William Asbury; Rep. Dow Constantine; Sen. Jeanine Long; Rep. John Pennington; Ruth Schroeder; and Sen. Harriet Spanel.

Staff: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate Counsel

Also present: Annette Hafner, House Intern; Richard Heath, Sr. Assistant Attorney General; Frank Tennison, Investigator, Ofc. of the Attorney General; Will Squire, Common Cause.

Mr. Aldinger called the meeting to order at 10:15 a.m.

Minutes. Motion was made/seconded/approved to adopt the minutes of the September 10 and September 14 meetings as circulated.

Penalty rule. Board reviewed a draft of new Rule 5 prepared by staff as directed at the September 10 meeting. Motion was made/seconded/approved to adopt Rule 5 as circulated.

Proposed legislation for 1999. Board reviewed drafts of proposed bills, as discussed at the September 14 meeting.

Motion was made/seconded/approved to make two changes to the draft regarding investigations and administrative dismissal: (1) add "and subject to rules established by each board"; and (2) delete subsection (1)(c).

Motion was made/seconded/approved to add a corresponding amendment to RCW 42.17.130 for the appointment to vacancy section.

Motion was made/seconded/approved to recommend the employment contract section as circulated.

Motion was made/seconded/approved to recommend the ballot proposition section as circulated.

Motion was made/seconded/approved to have the drafts prepared as request legislation from the Board.

Ethics manual. Board reviewed a draft ethics manual. Staff was directed to make corrections to the address page, and to add a disclaimer to the introduction stating that the statute ultimately determines whether particular conduct is a violation. Staff was also directed to research the potential for a reduced size format, and report to the next meeting.

Staff Reports. Staff reported that informal inquiries had been received and answered in the last month on the topics of conflicts of interest, gifts, and campaign use of legislative facilities.

Public Comment. Will Squire introduced himself to the Board, and indicated that he would be following Board activities on behalf of Common Cause.

Next meeting. The Board changed its next meeting to a lunch meeting in Olympia on December 3. The exact time and location will be announced later.

Executive session. Following a brief recess, at 11:50 p.m. the Board went into closed session to discuss Complaint 1998 - No. 3. No action was taken.

Meeting was adjourned at 12:20 p.m.

  
Paul Aldinger, Chair

12/3/98  
date

## MINUTES

### LEGISLATIVE ETHICS BOARD

December 3, 1998

Senate Hearing Room 3, JAC Bldg. Olympia

Members Present: Paul Aldinger, Chair; James Andersen; William Asbury; Will Bachofner; Rep. Dow Constantine; Sen. Jeanine Long; Rep. John Pennington; and Ruth Schroeder.

Counsel: Tony Cook

Designated ethics advisers: Milt Doumit and Marty Lovinger, Senate Counsel; Jim Blundell, House Counsel

Also present: Annette Hafner, House Intern; Richard Heath, Sr. Assistant Attorney General; Frank Tennison, Investigator, Office of the Attorney General; Mike O'Connell, Secretary of the Senate, Chuck Sauvage, Common Cause.

Mr. Aldinger called the meeting to order at 11:55 a.m.

Minutes: Motion was made/seconded/approved to adopt the minutes of the November 12 meeting with a correction to the signature line.

New officers: Mr. Asbury was nominated as Chair of the Board. Motion was seconded and approved unanimously to close the nominations and elect Mr. Asbury as Chair. Mr. Andersen was nominated as Vice-Chair. Motion was seconded and approved unanimously to elect Mr. Andersen as Vice Chair. Mr. Asbury conducted the remainder of the meeting as Chair.

Proposed legislation for 1999: The Board reviewed a final draft of a proposed bill, as discussed at the November meeting. Motion was made/seconded/approved to delete "under" at the beginning of line 4, page 2, and insert "subject to". Motion was made/seconded/approved to submit the draft as corrected for pre-filing. The Senate members will sponsor the bill for Senate introduction, and the House members will likewise sponsor the bill in the House.

Ethics manual: Board reviewed the draft and agreed to hold distribution until the 1999-2001 legislator appointments are made. At that time the manual should be distributed to all legislators, staff, the Board's public distribution list, and the COGEL membership list.

Staff reports: Tony Cook submitted his resignation as Counsel to the Board, effective December 7, 1998.

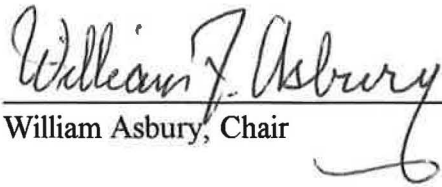
Public comment: Chuck Sauvage commended the Board for developing the ethics manual and requested 100 copies of the draft manual to take to a national conference. Request approved.

Next meeting: The next meeting was set for December 21, at 10:00 a.m. at Sea Tac for an executive session. The next regular meeting is January 14 in Olympia.

Executive session: Following a brief recess, at 12:30 p.m. the Board went into closed session to discuss personnel and Complaint 1998 - No. 3.

Motion was made/seconded/approved to offer the position of Board Legal Counsel to Mike O'Connell. Chair Asbury was delegated authority to make the final arrangements with Mr. O'Connell.

Meeting was adjourned at 2:45 p.m.

  
\_\_\_\_\_  
William Asbury, Chair