

Legislative Ethics Board

BOARD MEMBERS:
REP. LAURIE DOLAN
EUGENE GREEN
SEN. JIM HONEYFORD
STEPHEN L. JOHNSON
JUDGE TERRY LUKENS (ret.)
SEN. JAMIE PEDERSEN
KENNY PITTMAN
DEBBIE REGALA
REP. BRANDON VICK



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Legislative Ethics Board Minutes

February 4, 2019

Present were: Eugene Green , Vice-Chair (by phone); Debbie Regala (by phone); Kenny Pittman; Judge Terry Lukens (by phone); Dan McDonald; Rep. Laurie Dolan; Rep. Brandon Vick; Sen. Jim Honeyford; Sen. Jamie Pedersen and Jennifer Strus, Board Counsel.

The board minutes for the December 3, 2018 meeting were approved.

The Board welcomed former Senator Dan McDonald as its newest citizen member. Mr. McDonald replaces former Senator Steve Johnson.

Eugene Green was elected chair of the Board for 2019. His term begins immediately. Debbie Regala was elected vice-chair of the Board for 2019 and her term begins immediately.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

The Board reviewed conflict of interest disclosures submitted by the following: Rep. Shewmake; Rep. Ybarra; Rep. Boehnke; Tyler Troutman, House Intern; and Kenneth Fockele. Reps. Shewmake and Boehnke work in higher education, Rep. Ybarra is employed by the Grant County PUD, Mr. Troutman works for the Department of Labor & Industries but has taken a leave of absence to work as a House intern; and Mr. Fockele's spouse is a medical resident at the UW.

Rep. Lauren Davis submitted a contract amendment for the Board to review. The amendment is for Washington Recovery Alliance for which she serves as Executive Director. The amendment continues the work the Alliance began two years ago and extends it into 2019. Rep. Davis will not receive any personal financial benefit as a result of this contract amendment. The Board did not see any conflict and approved the contract amendment.

In the Ethics Advisory being drafted on solicitation of lobbyists, counsel was asked to work on a disclaimer that members could use that specifically states that in a solicitation for charity donations, lobbyists are not to donate. The Ethics Alert should also include a synopsis of the recently released *Sawyer* opinion.

The Board was asked to weigh in on a tweet published by the Washington State Democrats called "#Why We Serve. This particular tweet focused on Sen. Van de Wege. The Board had no issue with the tweets

that had a legislative nexus. They did recommend that future tweets should focus more on the legislative work performed by a legislator rather than the value of the legislator as a person.

The Board was also asked to weigh in on the following situation: a member has a campaign website that is active after the member is elected. Constituents e mail the member at that campaign website about legislative matters. How does the member let the constituent know that he or she should e mail the member at the legislature now? It was suggested that a link to the member's legislative website be added to the campaign website so that the constituent could click on the link and would be taken directly to the legislative website. Counsel was asked to research whether this suggestion is possible and report back to the Board.

The Board also approved sending a letter to former Senator Steve Johnson along with a plaque thanking him for his long service as both a member and a citizen on the Board.

There was no public comment.

The Board selected March 25, 2019 from noon to 1:30 as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 3-25-19

Legislative Ethics Board

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Legislative Ethics Board Minutes

March 25, 2019

Present were: Eugene Green , Chair; Debbie Regala, Vice-Chair; Kenny Pittman; Judge Terry Lukens; Dan McDonald; Rep. Laurie Dolan; Sen. Jim Honeyford; Sen. Jamie Pedersen; Victoria Cantore, Senate Counsel; Jeannie Gorrell, Senate Counsel; Alison Hellberg, House Counsel; Kate Reynolds, Executive Ethics Board Executive Director, and Jennifer Strus, Board Counsel.

The board minutes for the February 4, 2018 meeting were approved.

On behalf of the Board, Sen. Jim Honeyford thanked former chair and Board member Steve Johnson for his years of service and presented him with a plaque to show the Board's appreciation.

The Board reviewed one conflict of interest disclosure submitted by Kira McCoy who works part-time for The Northwest Network. The Board had no concerns regarding the issues raised in the disclosure.

The Board discussed the proposed Ethics Alert on solicitation of lobbyists for charity via Facebook. There was a discussion about the inclusion in such a request alerting lobbyists and their employers asking that they not donate because the Ethics Act does not permit legislators or legislative staff to solicit donations to charity. Board counsel was asked to add to the proposed Alert specific language that members and staff should add to any request for charity that appears on Facebook. There was also discussion that, despite an ethics complaint, if the legislator or staff demonstrated due diligence to follow these instructions they should not be penalized. The Board asked counsel to rework the Ethics Alert and send it out to the Board for its review and approval.

The Board discussed ESHB 2018 as it passed out of the House. The bill would expand the Board's jurisdiction to include complaints of harassment, including sexual harassment. Board counsel discussed allowing Board counsel to dismiss complaints in certain circumstances similar to what the Executive Director of the Executive Ethics Board (EEB) can do. Kate Reynolds, Executive Director of the EEB, discussed the process by which she can administratively dismiss complaints. She answered a number of questions the Board members had. Victoria Cantore explained that she has been asked to work on an amendment to ESHB 2018 to narrow the definition of harassment. The bill was heard in the Senate State Government, Tribal Relations & Elections Committee on March 22, 2019.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected May 9, 2019 from noon to 2:00 as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 5-9-2019

Legislative Ethics Board



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REP. LUANNE VAN WERVEN

Legislative Ethics Board Minutes

May 9, 2019

Present were: Eugene Green, Chair; Debbie Regala, Vice-Chair; Kenny Pittman; Judge Terry Lukens; Dan McDonald; Rep. Laurie Dolan; Sen. Jim Honeyford; Sen. Jamie Pedersen; Jeannie Gorrell, Senate Counsel; Alison Hellberg, House Counsel; and Jennifer Strus, Board Counsel.

The board minutes for the March 25, 2019 meeting were approved unanimously.

The Board reviewed three conflict of interest disclosures submitted by Nora Snell, Deputy Chief Clerk of the House, Bernard Dean, Chief Clerk of the House and Greg Payne, Office Coordinator, House of Representatives. The Board had no concerns regarding the issues raised in the disclosures.

The Board discussed ESHB 2018 as it passed the Legislature. The bill expands the Board's jurisdiction to include complaints of harassment, including sexual harassment. Board counsel discussed possible rule-making by the Board in light of the expanded jurisdiction. The Chair appointed a subcommittee to prepare rules to implement ESHB 2018. The subcommittee members are Rep. Dolan, Sen. Pedersen, Judge Lukens and Dan McDonald. The Board agreed there was no deadline to the completion of the rules. Even though the bill goes into effect the end of July 2019, the Board agreed that it might be helpful to see what sort of complaints are filed under ESHB 2018 before finalizing any rules. Sen. Pedersen stated, and the Board agreed, that process rules that could include administrative dismissals of complaints could be finalized before substantive rules are put in place.

Brendan Wold, Deputy Communications Director, House Republican Caucus requested the Board's guidance on the substance of videos that the caucus wants to prepare for its members. Essentially the videos would show the member, in his or her district, perhaps in front of or inside a business in the community discussing the impact on the local economy of actions taken by the legislature. In these videos, there would always be a strong legislative nexus. According to Mr. Wold, the videos are screened before being released and if they contain anything that might run afoul of the Ethics Act, that part of the video is removed. The Board on its own motion directed Board counsel to draft an advisory opinion explaining what can and cannot be included in such a video.

Board counsel indicated that during session someone brought to her attention that House Democratic Campaign Committee staff were in the wings off the House floor talking to members. The issue of campaign committee staff being present in the wings and whether this presents an ethical dilemma was discussed by the Board. Several Board members indicated that campaign committee staff is available to provide advice to members especially if a member is from a swing district; campaign committee staff are

there to discuss the pluses and minuses of voting a certain way on issues that are before the legislature. The campaign committee staff are there to discuss policy issues and the impact of those issues; they are not there for campaign issues. Some Board members thought the presence of the campaign staff gives a flavor of mixing campaigns with legislative issues and is a slippery slope. Others believed that since the campaign committee staff were present to provide advice on voting – a core legislative function – and not on doorbelling, fundraising, or other core campaign functions, their presence was not qualitatively different from that of numerous other lobbyists and citizens invited to the wings. After extensive discussion, the Board deferred further consideration of the issue because the legislature is not currently in session. The chair stated that the issue could be placed back on the agenda at a future meeting.

The Board then moved into a discussion about soliciting lobbyists. A member was asked to give a speech at a fund raiser for a charitable organization and then ask for donations. There would be lobbyists in the audience at the fund raiser. Advice from all four legislative ethics advisers was that she could give the speech but not ask for donations. The Board disagreed with the advice as being too stringent and, on its own motion, directed Board counsel to draft an advisory opinion clarifying the situations in which a legislator would be permitted to request donations at a fund raiser.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected June 14, 2019 from 10:00 am to noon as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 6-14-19

Legislative Ethics Board



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Legislative Ethics Board Minutes

June 14, 2019

Present were: Eugene Green, Chair; Debbie Regala, Vice-Chair; Kenny Pittman; Judge Terry Lukens; Dan McDonald; Rep. Laurie Dolan; Sen. Jim Honeyford; Sen. Jamie Pedersen; Rep. Luanne Van Werven; Alison Hellberg, House Counsel; and Jennifer Strus, Board Counsel.

The board minutes for the May 9, 2019 meeting were approved.

On behalf of the Board, Eugene Green thanked former chair and Board member, Kenny Pittman, for his years of service and presented him with a plaque to show the Board's appreciation.

The Board welcomed its newest member, Rep. Luanne Van Werven, to the Board.

The Board reviewed a contract submitted by Rep. Lauren Davis. The contract is between the organization for which she is Executive Director and the Health Care Authority. It is for up to \$40,000 to provide a recovery conference. The Board did not find any issues with this contract.

The Board discussed draft Advisory Opinion 2019 – No. 1 regarding the solicitation of donations by members to an audience that may include some lobbyists. The Board agreed that the Opinion should include solicitations to non-profit organizations as well as charitable organizations. Board counsel was instructed to make that change to the opinion.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected August 26, 2019 from noon to 2:00 as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 8-26-2019

Legislative Ethics Board



BOARD MEMBERS:
REP. LAURIE DOLAN
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Legislative Ethics Board Minutes

August 26, 2019

Present were: Eugene Green, Chair; Debbie Regala, Vice-Chair; Judge Terry Lukens; Dan McDonald; Rep. Laurie Dolan; Sen. Jim Honeyford; Sen. Jamie Pedersen; Rep. Luanne Van Werven; Pamela Madson; and Jennifer Strus, Board Counsel.

The board minutes for the June 14, 2019 meeting were approved.

The Board welcomed its newest member, Pamela Madson, to the Board.

The Board reviewed the proposed draft rules allowing for administrative dismissal by staff in certain matters as well as provisions regarding the implementation of ESHB 2018. The Board approved the immediate implementation of the amendments to Rule 1. With regard to new Rule 7 (ESHB 2018 implementation rules), the Board indicated that it would take public testimony on that rule at its next scheduled meeting. In addition, the Board determined it would also seek public input on the question of whether the complainant's name in a harassment complaint filed pursuant to ESHB 2018 should be redacted when the complaint is made public.

The Board discussed the issue of when a legislator may use his or her legislative title. Generally a member cannot use his or her title if it would violate the special privileges or private gain portions of the Ethics Act but the Board did not think a blanket rule was possible and recommended that advice by ethics advisers continue to be given on a case by case basis.

The Board reviewed the question whether report cards issued by outside advocacy groups "grading" members on their voting records on particular issues could be used on legislative web sites or legislative social media sites. In determining that such report cards were generally campaign related, they instructed staff to issue an Ethics Alert to this effect.

The Board discussed the request for an advisory opinion on transferring private or campaign social media accounts to the legislature. After some discussion, staff was directed to continue exploring the issue to report on at the next meeting of the Board.

The issue of joint investigations was also discussed. The Board determined that if one chamber is conducting or going to conduct an investigation and an ethics complaint is also filed on similar issues that the complaints should be investigated jointly but only if the complainant agrees. Because ethics

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complaints are confidential until the Board makes a decision, the Complainant would have to agree to waive that confidentiality.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected October 14, 2019 from ten to noon as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 10-14-19_____

Legislative Ethics Board

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Legislative Ethics Board Minutes

October 14, 2019

Present were: Eugene Green, Chair; Debbie Regala, Vice-Chair; Dan McDonald; Rep. Laurie Dolan; Sen. Jim Honeyford; Sen. Jamie Pedersen; Rep. Luanne Van Werven; Pamela Madson; Jennifer Strus, Board Counsel; Alison Hellberg, House Counsel; Victoria Cantore, Senate Counsel; John Handy, House Republican Caucus Communications; Andy McVicar, House Democratic Caucus Communications; Kimberly Wirtz, Senate Republic Caucus Communications; Rebecca Faust, citizen

The board minutes for the August 26, 2019 meeting were approved.

The board reviewed three conflict of interest disclosures submitted by OPR staff, Kelly Leonard and Jim Morishima, and House Republican caucus staff member, Clayton Hill. Each of these staff has a spouse who is employed by a state agency. The Board had no concerns regarding the issues raised in the disclosures.

The Board took public testimony on the proposed draft Rule 7. One person, Rebecca Faust, testified. Based upon her suggestions, the Board determined that the subcommittee appointed to draft proposed Rule 7 should meet to discuss the suggestions made by Ms. Faust and recommend to the full board at its next meeting whether any changes to proposed Rule 7 should be made.

The Board discussed the issue of when a legislator may use his or her legislative title. Generally a member cannot use his or her title if it would violate the special privileges or private gain portions of the Ethics Act but the Board did not think a blanket rule was possible and recommended that advice by ethics advisers continue to be given on a case by case basis.

The Board determined that it should begin to issue an annual report of its activities. Board counsel was directed to draft a report for Board review at the next meeting in December.

The Board discussed the request for an advisory opinion on transferring private or campaign social media accounts to the legislature. After very robust discussion, the Board determined that the question presented to the Board in the advisory opinion request had changed somewhat. The question to be determined is whether a legislator can transfer a social media account to the legislature in the same fashion that a transfer of campaign mailing lists to the legislature is allowed.

The Board had a brief discussion of the request for an advisory opinion requesting the Board's opinion on whether staff can work on campaigns or run for office on their personal time. Board counsel was instructed to research the issue and place the issue on the agenda for the December meeting to discuss.

The Board was presented with the question of whether the Ethics Alert prohibiting posting of scorecards on legislative websites, social media etc would also prohibit posting of Legislator of the Year Awards or awards of a similar ilk. After a long discussion, the Board determined it would not answer this question as it was currently presented.

The Board discussed whether it wanted to get involved in prolonged discussions about hypotheticals based upon its opinions. The Board determined that it would wait for specific complaints about issues before it would become involved.

The Board was presented with the following issue: a legislator is given a blanket as a gift from a Washington tribe. The blanket is worth more than \$50. RCW 42.52.150 (2)(k) states that "unsolicited gifts from dignitaries from another state, or a foreign country that are intended to be personal in nature" are not presumed to influence the legislator and can be accepted without regard to the \$50 limit. Would a blanket provided to a member by a tribe fall under this exception? The Board indicated that it would because tribes are sovereign nations.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected December 2, 2019 from ten to noon as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 12-2-2019

Legislative Ethics Board



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Legislative Ethics Board Minutes

December 2, 2019

Present were: Eugene Green, Chair; Debbie Regala, Vice-Chair; Rep. Laurie Dolan (by phone); Sen. Jamie Pedersen; Judge Terry Lukens; Rep. Luanne Van Werven; Pamela Madson; Jennifer Strus, Board Counsel; Victoria Cantore, Senate Counsel; Jeannie Gorrell, Senate Counsel; Rebecca Faust, citizen

The board minutes for the October 14, 2019 meeting were approved.

The Board subcommittee discussed the amendment it recommended on proposed draft Rule 7. The proposed amendment would remove the deleted language "~~described in~~ the complaint" in section (1) and replace it with "that is the subject of" the complaint. The Board approved the amendment as well as the remainder of the Rule.

The Board discussed the Board's draft annual report. The Board decided to discuss the content of the report at its January 2020 meeting because the information will be more complete at the end of December. The Board approved the structure of the report.

The Board moved into executive session to consider pending complaints. Upon conclusion of the Board's consideration of pending complaints, executive session ended and the Board went back into public session.

There was no public comment.

The Board selected January 27, 2020 from noon to 1:30 pm as its next meeting date.

The meeting was adjourned.



Eugene Green, Chair

Date: 1-27-2020