

Legislative Ethics Board

BOARD MEMBERS:
SHONTRANA GATES-WERTMAN
SEN. CHRIS GILDON
REP. DAVID HACKNEY
TOM HOEMANN
JUDGE TERRY LUKENS (ret.)
STEVE O'BAN
SEN. JAMIE PEDERSEN
PAM TAJIMA PRAEGER
REP. MIKE STEELE



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LEGISLATIVE ETHICS BOARD MINUTES February 7, 2023

Present were: Judge Terry Lukens, Chair; Tom Hoemann, Vice-Chair (via Zoom); Rep. David Hackney; Sen. Jamie Pedersen; Sen. Chris Gildon; Steve O'Ban; Pam Praeger (via Zoom); Rep. Mike Steele; Shontrana Gates-Wertman; Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Ohad Lowy, House Counsel; Rebecca Faust.

The minutes for the December 19, 2022 Board meeting were approved.

The Board reviewed one Employment Disclosure form submitted by Travis Shofner, Deputy Communications Director for the House Democratic Caucus who is married to Richelle Geiger, Senior Policy Analyst with the State Treasurer's Office. The Board did not see a conflict of interest with this disclosure.

The Board elected its new officers for 2023: Tom Hoemann was elected Chair and Pam Tajima Praeger was elected Vice-Chair. They will assume their duties at the next meeting scheduled for March 27, 2023.

The Board discussed the draft rule regarding the creation and filing of a Separate Opinion (concurring and/or dissenting). The draft incorporated the suggested changes made by the Chair at the December meeting. The draft was approved unanimously.

The Board reviewed the draft 2022 Annual Report. There were no suggested changes and the Report was approved.

There was no public testimony.

The next meeting is scheduled for March 27, 2023 from noon to 1:30p.m. in the Senate Rules Room

The Board moved into executive session to discuss pending complaints.

The meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Tom Hoemann", written over a horizontal line.

Tom Hoemann, Chair

Date: _____

3/30/23

Legislative Ethics Board
Meeting Minutes
February 7, 2023

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES March 27, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Judge Terry Lukens; Rep. David Hackney; Sen. Jamie Pedersen; Sen. Chris Gildon; Steve O'Ban (via Zoom); Rep. Mike Steele; Shontrana Gates-Wertman; Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Suchi Sharma, Senate Counsel; Ohad Lowy, House Counsel; Rebecca Faust; Alexis Wallace.

The minutes for the February 7, 2023 Board meeting were approved.

There were no Employment Disclosure forms to review.

As this was his last meeting as a Board member, Tom Hoemann and Sen. Pedersen thanked Judge Lukens for his long service on the Board. Judge Lukens served as chair during the height of the COVID period when all the meetings were virtual and did an admirable job guiding the Board through that time period.

Board counsel discussed the old Advisory Opinions analyzing RCW 42.52.120 – compensation for outside activities. The Board determined that a subcommittee should be formed to analyze these opinions in more depth and the subcommittee's recommendations brought to the full board for approval. Sen. Pedersen and Pam Tajima Praeger agreed to be on the subcommittee. Board counsel will send out an email seeking additional volunteers.

Board counsel discussed the request for an Advisory Opinion from the Director of the Office of the Legislative Labor Relations. Board counsel was directed to put together an outline of the questions and potential discussion items for the next meeting in May.

The Chair indicated that the date for the May 1, 2023 meeting needed to be changed. He will send out an email with suggested dates on it.

The Board moved into executive session to discuss pending complaints.

The Board moved back into public session and Rebecca Faust presented her report (An Assessment of the Fairness and Efficacy of the Legislative Ethics Board in Washington State) to

the Board. She indicated that Republicans had received bigger fines than Democrats. Judge Lukens pointed out that there were several cases which should be recognized in which large fines were levied that skewed those results presented by Ms. Faust.

The meeting was adjourned.



Tom Hoemann, Chair

Date: 5/19/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES May 19, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Rep. David Hackney (via Zoom); Sen. Jamie Pedersen; Sen. Chris Gildon; Steve O'Ban (via Zoom); Rep. Mike Steele; Shontrana Gates-Wertman (via Zoom); Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Ohad Lowy, House Counsel (via Zoom).

There were no additions to the agenda and the agenda was approved.

The minutes for the March 27, 2023 Board meeting were approved.

There were no Employment Disclosure forms to review.

The chair welcomed the newest citizen member of the Board – Larry Hoff – who was a member of the Board when he was a legislator.

The chair asked for volunteers to participate in the subcommittee formed to discuss the old Advisory Opinions analyzing RCW 42.52.120 – compensation for outside activities. Pam Tajima Praeger, Rep. Steele and Sen. Pedersen volunteered. The chair asked that the initial meeting of the subcommittee occur before the next meeting on June 12, 2023.

Board counsel provided an update on issues for which she has provided informal advice as well as training that she has conducted or in which she has participated.

There was no public testimony.

The Board moved into executive session to discuss pending complaints.

The meeting was adjourned.

Tom Hoemann, Chair

Date: _____

6/12/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES June 12, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair (virtual); Rep. David Hackney; Sen. Jamie Pedersen (virtual); Sen. Chris Gildon; Steve O'Ban; Rep. Mike Steele; Larry Hoff; Jennifer Strus, Board Counsel; Suchi Sharma, Senate Counsel (virtual); Ohad Lowy, House Counsel (virtual).

There were no additions to the agenda and the agenda was approved.

The Board moved into executive session to discuss pending complaints.

The Board moved back into public session.

The minutes for the May 19, 2023 Board meeting were approved.

There was one Employment Disclosure form to review submitted by Rep. Reeves. Board Counsel was directed to summarize the disclosure via email after the meeting and the members were asked to respond to Board Counsel by email.

Board Counsel summarized the meeting of the subcommittee on the Advisory Opinions interpreting RCW 42.52.120. The subcommittee members indicated that of concern to them in the former opinions were the use of two terms not defined in statute: substantial management responsibility and substantial controlling interest. The Board indicated that it might issue a new Advisory Opinion to include old advice that is still good law along with new advice that would cover new employment situations not contemplated when the former opinions were issued.

There was no public testimony.

The next Board meeting is scheduled for July 10, 2023, from 10 to 12 in the Senate Rules Room.

The meeting was adjourned.

Tom Hoemann, Chair

Date: 7/10/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES July 10, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Larry Hoff (virtually); Sen. Jamie Pedersen; Sen. Chris Gildon; Rep. David Hackney; Rep. Mike Steele; Steve O'Ban (virtually); Jennifer Strus, Board Counsel; Suchi Sharma, Senate Counsel (virtually); Jeannie Gorrell, Senate Counsel (virtually); Ohad Lowy, House Counsel (virtually); Debbie Brookman, Director, Office of State Legislative Labor Relations.

The minutes for the June 12, 2023, Board meeting were approved.

There were two Employment Disclosure forms reviewed. Both of the forms were filed by Rep. Kristine Reeves. One form involved her consulting firm's work as a subcontractor with CSE who is submitting a proposal with the Department of Commerce. The Board saw no conflict with this employment disclosure. The second disclosure form involved work as a subcontractor with CSE but the proposal would be submitted to the Joint Transportation Committee. The Board was concerned about the inherent conflict with a legislator's consulting firm working with a legislative agency. Board counsel was directed to convey the Board's concern to Rep. Reeves.

The Board reviewed the Board's 21-23 budget expenditures. Tom Hoemann indicated that the Board ended the fiscal year with a \$77,000 balance. The proposed 23-25 budget was discussed and Board counsel was directed to provide that budget to the members for their review.

The Board continued its discussion about the Advisory Opinions analyzing RCW 42.52.120. It was decided that Board counsel should work on a definition of the term "beneficial interest" as that term is used in the opinions and not defined.

The Board discussed the Summary of Advisory Opinion 2023-1. This request was submitted by the Office of Legislative Labor Relations. Board counsel drafted suggested answers to the questions posed in the request. The Board discussed opining that the professional lobbyist retained by the union selected to represent the employees could lobby the legislature but the individual legislative employees would continue to be prohibited from lobbying as provided in *In*

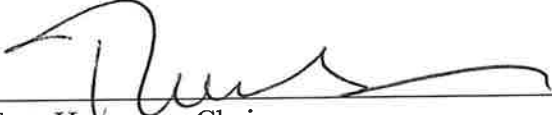
re House and Senate Staff, 2022 – No. 11. Board counsel was instructed to prepare a draft opinion which will be discussed at the Board's next meeting in September.

The Board discussed Board Rule 1 (C)(1) which provides that complaint investigations will be limited to the allegations contained in the complaint. The Board agreed that this Rule was appropriate at the time it was passed almost 30 years ago but to follow the letter of it would require the Board to ignore violations that have arisen as part of an investigation into the allegations in the complaint. It was suggested that a subcommittee should be formed to look at all of the Board's rules. The chair will work with Board counsel to arrange such a subcommittee.

There was no public testimony.

The Board moved into executive session to discuss pending complaints.

The meeting was adjourned.



Tom Hoemann, Chair

Date: 9/11/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES September 11, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair (virtually); Larry Hoff; Sen. Jamie Pedersen; Sen. Chris Gildon (virtually); Rep. David Hackney; Rep. Mike Steele; Steve O'Ban (virtually); Shontrana Gates-Wertman (virtually); Jennifer Strus, Board Counsel; Suchi Sharma, Senate Counsel; Jeannie Gorrell, Senate Counsel; Ohad Lowy, House Counsel (virtually); Debbie Brookman, Director, Office of State Legislative Labor Relations; Jeanie Lindsay, Northwest News Network; Claire Withycombe, SEATTLE TIMES.

The chair called the meeting to order at 12:05 p.m.

The minutes for the July 10, 2023, Board meeting were approved.

There was one Employment Disclosure form reviewed. Geoffrey Cunningham, a research analyst with the Joint Legislative Review Committee submitted the form. His wife is employed by the Department of Labor and Industries. The Board did not see a conflict of interest.

The Board discussed reviewing the Board's rules as some are at least 25 years old. The chair suggested that a subcommittee of board members be formed to review the comments to the rules put together by Board Counsel. Those members interested in participating on the subcommittee should let the chair know.

The Board discussed the draft *Advisory Opinion 2023 – No. 1*. Board counsel went through the entire draft with the members. After extensive discussion, Board counsel was directed to put together another draft opinion incorporating the comments of the Board. The draft is to be recirculated to Board members for comment. The chair indicated that it was important to act on this opinion in a timely manner so that the Director of the Legislative Labor Relations Office can include the Board's opinion in her final report.

The discussion on a definition of "beneficial interest" was deferred until the October 2023 meeting of the Board.

There was no public testimony.

The Board moved into executive session to discuss pending complaints.

The meeting was adjourned at 2:00 pm.



Tom Hoemann, Chair

Date: 10/27/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES October 27, 2023

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Sen. Jamie Pedersen; Sen. Chris Gildon; Rep. David Hackney; Larry Hoff; Steve O'Ban (virtual); Shontrana Gates-Wertman (virtual); Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Suchi Sharma, Senate Counsel (virtual); Ohad Lowy, House Counsel (virtual); Debbie Brookman, Director, Legislative Labor Relations Office.

The chair called the meeting to order at 10:09 am.

The minutes for the September 11, 2023 Board meeting were approved.

The Board reviewed an Employment Disclosure form submitted by Ryan Blake, budget fellow with OPR. The Board did not see a conflict with his position with the legislature and his part-time job at the UW as an undergraduate application essay reviewer.

The Board discussed the latest draft of *Advisory Opinion 2023 – No. 1*. There was some concern expressed that the language in response to Question 6 in the draft was not clear enough. Board counsel was instructed to edit that section to clearly state that whatever duties the EEB opinion allows should be clearly stated in our opinion as being permitted activities.

Member O'Ban raised the issue of the ability to issue a separate opinion in this matter as he disagreed with the majority on some of the responses to the questions. The Board discussed the ability of a member to issue a separate opinion in an Advisory Opinion. There is nothing in the rules that would prohibit it and the board determined that the procedures governing the circulation of a separate opinion in a complaint opinion should be followed in this matter.

A motion was made to adopt the draft *Advisory Opinion 2023 – No. 1* as written including the new language to be drafted by Board Counsel. The motion was seconded but not voted upon. Member O'Ban moved to divide the question and Member Hoff seconded the motion. The following are the votes for each question posed in the Advisory Opinion request:

Question 1

Yes – Pedersen, Praeger, Hoemann, Hackney, Gates-Wertman
Nay – Hoff, Gildon, O'Ban

Question 2

Yes – Pedersen, Praeger, Hoemann, Hackney, Hoff, Gates-Wertman, Gildon
Nay – O'Ban

Question 3

Yes – Pedersen, Praeger, Hoemann, Hackney, Gates-Wertman

Nay – O’Ban

Question 4

Yes – Pedersen, Praeger, Hoemann, Hackney, Hoff, Gildon, Gates-Wertman, O’Ban

Question 5.1.

Yes – Pedersen, Praeger, Hoemann, Hackney, Gates-Wertman

Nay – Hoff, Gildon, O’Ban

Question 5.2.

Yes – Pedersen, Praeger, Hoemann, Hackney, Gates-Wertman

Nay – Hoff, Gildon, O’Ban

Question 6 – as rewritten

Yes – Pedersen, Praeger, Hackney, Hoemann, Gates-Wertman, Hoff, Gildon

Nay – O’Ban

The Board discussed Rep. Corry’s formal response to *Advisory Opinion 2023 – No.2* which was issued in June 2023. The response attempted to lay out his current job responsibilities in keeping with the Board’s opinion in response to his request. Board counsel was directed to write Rep. Corry a response expressing appreciation for his response and asking some follow-up questions:

- Current title in light of changes in job responsibilities;
- Does the official job description now consist of the “Chris will” and “Chris won’t” list contained in his formal response?
- When did these new job responsibilities begin?
- Does he plan to take a leave of absence during session?

Board counsel was also instructed to take the job description Rep. Corry provided for the advisory opinion request and line it up with his new job description.

The Board had a brief discussion about the changes to the Board’s rules. It was suggested that members be given adequate time to review the rules before a further discussion of them. Board counsel was instructed to move the current Board Procedures into the Rules.

There was no public testimony.

The public portion of the meeting was adjourned at 12:07 pm

The Board moved into executive session to discuss pending complaints.

The executive session was adjourned.



Tom Hoemann, Chair

Date: 12/15/23

Legislative Ethics Board

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LEGISLATIVE ETHICS BOARD MINUTES December 4, 2023 Meeting Held Virtually

Present were: Tom Hoemann, Chair; Pam Tajima Praeger, Vice-Chair; Sen. Jamie Pedersen; Sen. Chris Gildon; Rep. David Hackney; Rep. Mike Steele; Larry Hoff; Steve O'Ban; Shontrana Gates-Wertman; Jennifer Strus, Board Counsel; Jeannie Gorrell, Senate Counsel; Ohad Lowy, House Counsel; Debbie Brookman, Director, Legislative Labor Relations Office; Jerry Cornfield; Jessica Hice; Bernard Dean, Chief Clerk.

The chair called the meeting to order at 9:05 am.

The minutes for the October 27, 2023 Board meeting were approved.

There were no Employment Disclosure forms to review.

The Board discussed the proposed changes to the Rules. Board counsel reviewed with the Board the substantive changes to the proposed rules that had been made since the last Board meeting in October. Those changes were reflected in the chart of rule changes prepared by Board counsel. One of those changes in the proposed rules is that only Advisory Opinions unanimously supported by the Board members would be published. Sen. Pedersen remarked that advisory opinions are designed to provide future guidance on ethics issues and are not terribly useful if the Board is divided in its response.

Jeannie Gorrell raised some concern about the elimination of Example 3 in the proposed rules. The Board indicated that the example was eliminated because it did not reflect current practice. The Board determined that the example would be updated to reflect the current practice and left in.

Sen. Gildon commented that the terms "confidential report" in Rule 1 probably is not of much value in light of the Supreme Court's decision regarding the legislature's responsibilities under public disclosure law. He suggested that that phrase could be replaced with "attorney-client privilege." There was some discussion that Board counsel does have an attorney client privilege with the board and that relationship can be raised in possible public disclosure requests.

The Board continued its discussion of Advisory Opinion 23-1. Member O'Ban clarified that his dissent applied to the entire proposed majority opinion not just to a particular question in the Advisory Opinion

request. Sen. Pedersen stated that although the proposed rule change requiring that advisory opinions be unanimously agreed to has not yet passed, and because the report by the Office of Legislative Labor Relations (OLLR) (to which this opinion was to have assisted) has already been submitted, there is no benefit at this point to publish this advisory opinion. Sen. Pedersen moved to not issue an opinion on this request; Member O'Ban seconded the motion. The vote on the motion was 5 for and 2 against. Board counsel was instructed to draft a statement explaining the Board's decision to OLLR which shall also be posted on the Board's website. The statement is to be circulated to all Board members for comment before being posted.

The Board discussed Rep. Corry's response to the Board's request for further information. Changes in the position description submitted by Rep. Corry appear to be responsive to the request for further information by the Board. No further action to be taken at this time.

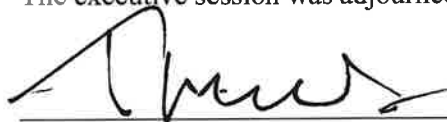
The Board discussed the recently received request for an Advisory Opinion 2023-3 from House Counsel. Board counsel summarized the request. The chair deferred further discussion of the opinion request to executive session.

There was no public testimony.

The public portion of the meeting was adjourned at 10:05 am.

The Board moved into executive session to discuss pending complaints.

The executive session was adjourned.



Tom Hoemann, Chair

Date: 1/19/24