

Legislative Ethics Board



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COMPLAINT 202 – NO.12

In re Justus Phelps

June 30, 2025

ORDER OF DISMISSAL – NO REASONABLE CAUSE

I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by working as a spokesperson for Sen. Nikki Torres' campaign while also working as a legislative assistant. Although the complaint does not cite a specific provision of the Act to have been violated by Respondent, the Board has analyzed the complaint as alleging a violation of RCW 42.52.180 (use of public resources for campaign purposes).

II. JURISDICTION

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

III. PROCEDURAL HISTORY

Complaint 2025 – No. 12 was received on April 26, 2025 and was discussed during the Board's regularly scheduled meeting on June 16, 2025.

IV. FINDINGS OF FACT

1. Respondent is currently employed as Sen. Torres's legislative assistant. He has been employed by the Senate since 2019.
2. Multiple attempts to reach Complainant to interview him were unsuccessful.
3. Respondent has worked on various political campaigns during his tenure as a Senate employee.
4. According to Respondent, he has consulted Senate Counsel multiple times over the years to ensure his campaign work does not run afoul of the Ethics Act. Senate Counsel confirmed this fact.

5. Sen. Torres had planned to run for re-election in 2026 in the 15th district. She currently resides in the 14th district but because of redistricting changes she would have to move to the 15th district to run.
6. Rep. Dufault announced in March 2025 that he was going to run against her in the 15th district.
7. As a result, Sen. Torres believed that she needed to announce her plans to run for re-election earlier than she normally would have.
8. The 2025 legislative session lasted from January 13, 2025 to April 27, 2025.
9. On Thursday, March 27, 2025, at 12:16 pm, Respondent issued a press release from Sen. Torres' campaign that she intended to run in 2026 in the 15th district.
10. On that date, the legislature was in committee, hearing bills from the opposite house.
11. Respondent sent that email from his personal computer while sitting in his car using a personal hotspot with which to connect to the internet.
12. Respondent's lunch hour was from noon to 1:00 pm.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.180 prohibits the use of public resources for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.

The issue of whether and when legislative employees may work on political campaigns was addressed by the Board in two *Advisory Opinions* issued in 2019. See *Advisory Opinions*, 2019 – 4a and 4b. Under the Act, there are no provisions that specifically prohibit legislative employees from working on campaigns, whether paid or not. *Advisory Opinion* 2019 – 4a. However, any use of state resources by a legislative employee to support the campaign of any person running for state, local or federal office, a judicial position or a ballot measure would violate RCW 42.52.180. This prohibition applies to a legislative employee whether or not on leave, even when engaged in campaign activity on his or her own time, as long as the employee remains a state employee. See also *In re Young*, 2017 — No. 41. As a result, the Board believes that employees who are employed by or volunteer for campaigns may do so only during their non-working hours¹ or risk violating RCW 42.52.180(1).

¹ Legislative Ethics Board Rule 4 provides as follows: (1) A legislative employee's working hours are those designated or required by Senate, House of Representatives, or legislative agency work schedule policy. If an employee has a designated work schedule different from the work schedule policy, that employee's working hours are the hours approved by that employee's supervisor and the Secretary of the Senate, Chief Clerk of the House of Representatives, or administrative director of a legislative agency, as appropriate. (2) "Working hours" do not include the time approved and designated for the employee's lunch break. Employee lunch periods are assumed to be 12:00 p.m. to 1 p.m., unless an employee has a designated work schedule different from the work schedule policy which has been approved by the employee's supervisor and the Secretary of the Senate, Chief Clerk of the House of Representatives, or administrative director of a legislative agency. (3) "Working hours" do not include time in official leave status, if the leave has received advance written authorization.

Respondent did issue a campaign press release, but he did so using personal, not public, resources and did it during his assigned lunch hour. Pursuant to LEB Rule 4, working hours do not include the time designated for the employee's lunch hour. According to the Board's opinion in *Advisory Opinion 2019 – 4a*, legislative employees may do campaign work only during non-working hours. Respondent issued the press release during his lunch hour, a non-working hour and did not use state resources; therefore, there is no violation of the Act.

The Board cautions legislators that it is a violation of the Act to pressure, compel or coerce any legislative staff person to do campaign work even if that work will be done during the staff's non-working hours. Legislative staff who do campaign work in their non-working hours must do so of their own accord and not in response to any pressure from legislators to do so.

VI. ORDER

IT IS HEREBY ORDERED: that the Board finds no reasonable cause to believe Respondent violated RCW 42.52.180 and this matter is dismissed.

Larry Hoff (For)

Larry Hoff, Chair

6/30/25
Date