

LEGISLATIVE ETHICS BOARD
MINUTES OF MEETING
November 14, 1994

Meeting was held in Olympia at 1:30 p.m. Members present were Paul Aldinger, William Asbury, Wil Bachofner, Senator Alex Deccio, Representative Jim Horn, Thelma Jackson, and Senator Adam Smith. Staff present were Tim Burke, Office of Program Research; Tony Cook and Mike O'Connell, Office of Senate Counsel.

Thelma Jackson was elected temporary chair.

Selection of the ninth member was deferred to the December 7 meeting. Staff was directed to distribute resumes of persons recommended by board members. December 1 was established as the deadline for suggestions.

Board requested that Tim Burke, Tony Cook and Mike O'Connell be continued as interim staff for the organizational phase of the board's work.

The next meeting was set for 10:00 a.m., December 7, in Olympia.

Meeting adjourned at 3:15 p.m.


Thelma Jackson, Temporary Chair

WASHINGTON STATE LEGISLATURE

LEGISLATIVE ETHICS BOARD

Minutes for its meeting on December 7, 1994
conducted in Olympia, Wa.

Members Present: Mrs. Jackson, Chair; Mr. Asbury; Mr. Bachofner ; Senator Deccio; Representative Appelwick; Representative Horn

Staff: Messrs. Burke and Cook

Mrs. Jackson, in her capacity as temporary chair, called the meeting to order at 10:10 A.M.

The Board considered the nominees for the 5th member position. Mr. Hubert Locke was added to the list of nominees. It was decided that the Board would meet on December 14th, when Mr. Aldinger would be present (either in person or by phone) to participate in the selection of the person to fill the position. It was also decided that the Board would meet at the Legislature's Sea-Tac office and that some of the nominees would be invited to meet with the Board at the meeting.

The Board next considered the matter of electing a permanent chair. Mrs. Jackson was elected permanent chair.

The Board agreed that the existing procedural rules followed by the Senate and House Boards of Legislative Ethics would serve as temporary rules for the Board until it is able to adopt permanent rules. The Board requested the staff to prepare draft temporary rules that would incorporate the existing rules. It was agreed that the Board would consider the draft temporary rules at its January meeting.

The Board discussed its education and training function. It was agreed that the Board would prepare an ethics manual, similar to the Ethics Guide, for distribution to legislators and legislative staff. The Board requested the staff to prepare a draft manual for the Board's consideration at its January meeting.

The Board discussed the advisory opinions decided by the Senate and House Boards of Ethics. It was agreed that the Board would review the opinions for the purpose of determining which should serve as precedents that would apply until provided otherwise by the Board. The staff was requested to review the advisory opinions and at the Board's January meeting identify those that the Board might wish to consider continuing.

Staff was requested to prepare a range of cost estimates for the operations of the Board, including estimated costs for investigators and administrative law judges. The Board agreed that it would review these estimates at its January meeting.

The meeting adjourned at 12:25 P.M.

Thelma Jackson *1/26/95*
Thelma Jackson, Chair date

LEGISLATIVE ETHICS BOARD
MINUTES OF MEETING
January 12, 1995

Meeting was held in Olympia at 3:30 p.n. on January 12, 1995. Members present were Thelma Jackson, Chair; Paul Aldinger, Representative Marlin Appelwick; Robert Aronson, William Asbury, Will Bachofner, Senator Alex Deccio, and Senator Adam Smith. Staff present were Tim Burke, Tony Cook, and Mike O'Connell.

Board reviewed the draft table of contents for the proposed Legislative Ethics Guide. Board agreed by consensus that the Guide should be produced as presented, with the following conditions: (1) 8 and 1/2 by 11-inch looseleaf format; (2) final draft available within two to three weeks; and (3) circulate to Board members prior to general distribution. It was also agreed that examples from the Attorney General's manual can be incorporated if they are directly on point.

Board received a staff report on the ethics portion of the Joint Rules of the legislature. When a final draft is available, it will be distributed to Board members for their comment.

Board reviewed proposed temporary rules of procedure applicable to advisory opinions and complaints. Motion was made/ seconded/ approved that the procedures be adopted as the interim procedures, with a change on page 9, line 9 to "any person."

Motion was made/ seconded/ approved to adopt a complaint form with the following changes: (1) complaints should be addressed to the Chair of the Legislative Ethics Board, using an address unique to the Board; (2) the warning on submittal of false complaints should be printed in standout boldface type immediately preceding the space for the complainant's signature; and (3) the form should not be more than a single page.

Board decided three advisory opinions and provided the staff with directions for preparing the drafts. The advisory opinions deal with: (1) propriety of a member's participation in a conference where the member's travel expenses would be paid by the conference sponsor; (2) whether the opinions of the former boards of ethics would continue as precedents; and (3) whether the \$50 gift limit would apply where the recipient pays for a portion of the gift and brings the donor's contribution of less than \$50.

Board agreed that it would follow a ten-day rule for circulation of draft opinions. Board members will have ten days after a draft opinion is sent to them to notify staff whether they have problems with the draft and that the draft will become final if no member objects to it within the ten days. It was further agreed that

nonsubstantive changes (such as grammar corrections) can be made without the need to recirculate a new draft.

Board reviewed areas of mutual jurisdiction and/or interest month the Legislative Ethics Board, Executive Ethics Board, Judicial Conduct Commission, Public Disclosure commission and the Attorney General . Board agreed to request legislative clarification of enforcement responsibility and authority under RCW 42 .17 .132 (legislative mailing restrictions) .

Board discussed procedures for review of personal service contracts filed pursuant to RCW 42.52.120(3) . Staff was directed to provide a summary of all such contracts on a regular basis.

Staff was directed to prepare a report or advisory opinion request for a future meeting on the question of whether medical services provided to state-aid patients are "contracts" within the purview of RCW 42.52.120(2) , (3) .

Board reviewed the issue of staffing. Motion was made/ seconded / approved (6-1) to continue to use the current staff and consider contract services for any complaint which reaches the investigation stage .

Motion was made/ seconded/ approved to request that at least \$250,000 be included in the 1995-97 biennial appropriation to the Legislature to cover the costs of the Board.

It was agreed by sensus that the Board will have a regular meeting time of 1.34 p.m. on the second Thursday of each month. Meetings will be he d in Glynpia during legislative sessions, and in the SeaTac area during the interim. The next meeting is February 9 in Olympia.

Motion was made/ seconded/ approved to designate Will Bachofner as Vice-Chair.

Meeting adj ourned at 10:20 p.m.

Thelma Jackson 2/9/95

LEGISLATIVE BOARD OF ETHICS

MINUTES

February 9, 1995

Cherberg Building
Olympia, Wa.

Members Present: Mrs. Jackson, chair; Mr . Aldinger ;
Representative Appelwick; Mr. Aronson, Mr . Asbury; Mr . Bachofner
; Representative Horn; and Senator Spanel

Staff: Messrs. Burke and O' Connel

Mrs. Jackson called the meeting to order at 1:30 P.M.

The Board considered an advisory opinion request by Senator McDonald who also appeared before the Board and explained the background of his opinion request. The Board provided the staff with instructions for preparing a draft advisory opinion in response -to his request. (This request will be numbered 1995 - No. 6.)

The Board considered Draft 1 of Advisory Opinion 1995 - No. 1 and, with one change, adopted it as a final opinion. The change was the insertion of cautionary language that the Board was adopting the cited precedents only to the extent that they were not in conflict with the State Ethics Act.

The Board considered Draft 2 of Advisory Opinion 1995 - No 2, which included some non-substantive changes recommended by Mr. Aronson, and adopted the draft as a final opinion.

It was noted that no member objected to Draft 1 of Advisory Opinion 1995 - No. 3, and that therefore, under the Board's ten-day circulation period, the draft has become a final opinion.

The Board considered Advisory Opinion Request 1995 - No. 4, dealing with whether a legislator could participate in legislative activities with respect to a bill affecting a residential subdivision in which the legislator owns a lot. The Board concluded that the legislator could do so and provided the staff with instructions for preparing a draft advisory opinion.

The Board considered Advisory Opinion Request 1995 - No. 5, dealing with a legislator's acceptance of a newspaper subscription gift. The Board provided the staff with instructions for preparing a draft advisory opinion.

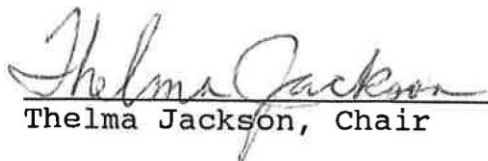
The staff provided the Board members with the new Ethics Guide prepared for them. The Chair stated that at the next regular meeting the Board would consider what kind of ethics information, and in what format, the Board should provide to legislators and legislative staff.

The Chair postponed until the next regular meeting a staff report on the application of the contract filing provisions to legislators who are health care providers.

The Chair informed the members of the office space and facilities arrangements that have been made for the Board. Staff distributed the Board's new letterhead and provided the citizen members with name cards and business cards.

The Board considered a proposed bill that generally would eliminate the "gift" definitions currently in the Public Disclosure Act and replace them with the "gift" definition in the State Ethics Act. The Board agreed that it would conduct a telephone conference on this draft on Tuesday, February 14th, beginning at 2:15 P.M.

The meeting was adjourned at 5:30 P.M.

 3/8/95
Thelma Jackson, Chair date

LEGISLATIVE BOARD OF ETHICS

MINUTES

February 14, 1995

Cherberg Building
Olympia, Wa.

Members Participating: Mrs. Jackson, chair; Mr. Aldinger;
Representative Appelwick; Mr. Aronson, Mr. Asbury; Mr. Bachofner;
Representative Horn; and Senator Spanel

Staff: Messrs. Burke, Cook, and O' Connel

Mister Aldinger and Mister Aronson participated by telephone with the other Board members who met in the Board's office in the Cherberg Building. Staff was also present in the Board's office.

Mrs. Jackson convened the meeting at 2: 15 P.M.

The Board discussed the bill draft which would provide for one definition for "gift" in the Public Disclosure Act and that would be the definition used in the State Ethics Act. Al SO, under the bill, when one of the ethics board issued an advisory opinion or decided a complaint interpreting "gift, " that interpretation would be incorporated into the definition for purposes of the PDC's applying the definition to officers or employees under the board's jurisdiction.

By unanimous vote, the Board adopted a motion by Mr. Aldinger that the Board supports a single definition of "gift" and that would be the definition used in the State Ethics Act. It was the consensus of the Board that it is desirable that the ethics boards and the PDC use the sane definitions. The Chair stated that she would contact the PDC for the the purpose of accomplishing this.

The meeting was adjourned at 3:00 P.M.

 3/8/95
Thelma Jackson, Chair date

LEGISLATIVE BOARD OF ETHICS

MINUTES

March 9, 1995
Legislative Building
Olympia, Wa.

Members Present: Mrs. Jackson, chair; Mr. Aldinger;
Representative Appelwick; Mr. Aronson, Mr. Asbury; Mr. Bachofner;
Senator Deccio; Representative Horn; and Senator Spanel

Staff: Messrs. Burke, Cook, and O' Connel

Mrs. Jackson called the meeting to order at 1:00 P.M.

The Board discussed Advisory Opinion Request 1995 - 7 and Complaint 1995 - No. 1 and agreed that it would take up the opinion request first. The Board scheduled the complaint for its next meeting. The Board then considered the advisory opinion request and provided the staff with directions for preparing a draft opinion.

With respect to the Board's policy to promote consistency between the Ethics Boards and the PDC, Mrs. Jackson reported on her meeting with the PDC and on her scheduled meeting with the Executive Ethics Board. She also reported on her meeting with the Secretary of the Senate and Chief Clerk of the House regarding the Board's budget for the coming fiscal biennium.

Mrs. Jackson explained that her activities on behalf of the Board (apart from attending Board meetings) are taking up considerable time from her business and that she intended to obtain per diem when these activities take up more than three hours. The other members of the Board agreed that this would be appropriate.

Staff discussed the problems with the current complaint procedures and it was agreed that the staff would prepare proposed changes for the Board to consider.

The Board discussed the State Ethics Act's prohibition against citizen members of the Board engaging in lobbying activities.

Staff reported on the Act's provisions applicable to a legislator who, in his or her private capacity, contracts with a state agency. The staff was directed to prepare a draft advisory opinion answering questions relating to when the Board's prior approval of such contracts is required and when the contracts must be filed with the Board.

Staff provided the Board with a status report on the advisory opinion requests and provided Board members with Draft Advisory Opinion 1995 - No. 6. With respect to this draft, it was pointed out that the ten-day circulation rule would begin to run as of today's meeting.

Staff provided the Board with its activity report.

On Mr. Bachofner's motion, the Board agreed that it would next meet on April 6, 1995, beginning at 11:30 A.M.

The meeting was adjourned at 4:30 P.M.

Thelma Jackson

Thelma Jackson, Chair

date

LEGISLATIVE BOARD OF ETHICS

MINUTES

April 6, 1995
Cherberg Building
Olympia, Wa.

Members Present: Mrs. Jackson, chair; Mr. Aldinger;
Representative Appelwick; Mr. Aronson, Mr. Asbury; Mr. Bachofner;
Senator Deccio; Representative Horn; and Senator Spanel

Staff: Messrs. Burke, Cook, and O'Connell

Mrs. Jackson called the meeting to order at 11:30 A.M.

With respect to the proposed joint meeting with the other ethics boards, Mrs. Jackson reported on her contacts with the PDC and Executive Ethics Board and stated that she will meet with the Chair of the Judicial Conduct Commission on April 7th.

The Board heard from Lee Reaves of the State Auditor's Office. Mr. Reaves discussed the Auditor's draft agreement with the Executive Ethics Board and stated that a similar understanding could be established with the Legislative Ethics Board. It was agreed that the State Auditor's Office would prepare a draft agreement for the Board to consider at its next meeting.

The Board approved of changes made to draft Advisory Opinion 1995 - No. 7 and adopted the opinion as changed.

The Board considered Advisory Opinion Request 1995 - No. 8, which presents the question of whether the State Ethics Act bars state officers and employees from claiming frequent flyer miles for their air travel on state business. On Mr. Aldinger's motion, the Board agreed that the issues presented were policy issues, not ethics issues, and declined to decide the question.

With respect to Advisory Opinion Request 1995 - No. 9, the Board provided guidance to the staff for purposes of preparing a draft advisory opinion.

Senator Quigley appeared and explained the background involved in Advisory Opinion 1995 - No. 7 and the related complaint. He

apologized, admitted his error, and stated that he was willing to accept the judgment of the Board.

The Board next considered a draft revising and making permanent the Board's procedures for advisory opinions and complaints. on Mr. Bachofner's notion, the Board amended the advisory opinion procedures so that advisory opinions could only be requested by legislators and legislative employees. On Mr. Aldinger's motion, the Board amended the draft to retain the 30-day rule for advisory opinions. With respect to complaint procedures, the Board switched the locations of subsections (2) and (3) on page 3

and adopted language under which the staff will provide the person charged in the complaint with a copy of the complaint as soon as it is filed. The Board then adopted the procedures as amended .

The Board discussed how the notice to the complainant and respondent would be provided and directed the staff not to use formal service of process but to use alternative methods of providing the notice.

The Board considered the PDC's request for comments on alternative drafts for the definition of "measurable expenditures " under RCW 42.52.180. It was agreed that the staff would circulate options to the Board members .

The Board went into closed executive session for purposes of considering complaints. The Board decided complaint 1995 - No. 1 and continued its consideration of Complaint 1995 - No. 2..

The Board then resumed the public meeting and announced its opinion in complaint 1995 No. 1, reprimanding Senator Quigley for the conduct charged in the complaint.

The Board agreed that it would next meet on May 11, 1995,

beginning at 1:30 P.M.

The meeting was adjourned at 5:30 P.M.



Thelma Jackson, Chair

_____ date

LEGISLATIVE BOARD OF ETHICS

MINUTES

May 18, 1995
Cherberg Building
Olympia, Wa.

Members Present: Mrs. Jackson, chair; Mr. Aldinger; Mr. Aronson, Mr. Asbury; Mr. Bachofner; Senator Deccio; Representative Horn; and Senator Spanel

Staff: Messrs. Burke, Cook, and O'Connell

Mrs. Jackson called the meeting to order at 1:30 P.M.

Mrs. Jackson reported on her meeting at Sea-Tac with the chairs of the PDC, Executive Ethics Board, and the Commission on Judicial Conduct. She also reported on the Council on Governmental Ethics Laws, one of the topics discussed at the Sea-Tac meeting.

The Board took the following actions with respect to matters not on the meeting agenda: At its next meeting, the Board agreed that it would consider the law relating to board members' political activities. It also agreed that it would invite the State Auditor to its next meeting for the purpose of discussing the draft agreement which he had submitted to the Board.

The staff reported on inquiries, filings, education and training materials, and ballot measure communications .

The Board considered and gave final approval to its permanent rules of procedure regarding advisory opinions and complaints.

The Board discussed its obligation to adopt a rule defining "measurable expenditure" under RCW 42.52.180. After indicating its

concerns, the Board directed the staff to coordinate with the PDC, Executive Ethics Board, and the Judicial Conduct Commission.

The Board considered the following three matters relating to the approval and filing of contracts under RCW 42.52 .120: Senator Stephen Johnson's letter of April 18, 1995; a legislative employee's letter of May 16, 1995 requesting an advisory opinion; and Draft 1 of Advisory Opinion 1995 - No. 9.

The staff was provided with directions for revising Draft 1 of Advisory Opinion 1995 - No. 9. The draft opinion as changed was then adopted as a final opinion.

The staff was also provided with directions for preparing drafts responding to the questions by Senator Johnson and the legislative employee.

The Board authorized staff to briefly inform Senator Johnson and the legislative employee of the Board's response to their questions and to advise them that they would receive advisory opinion in the near future more fully responding to their questions .

The Board considered Advisory Opinion Request 1995 - No. 10, relating to a nongovernmental entity's providing a tour to members of a legislative committee and staff assigned to the committee. On Mr. Aldinger's motion, the Board decided that under the circumstances in the opinion request members and staff could participate in the tour because the committee or the House would be the recipient of the tour expenses and not the committee members or staff. On Mr. Aronson's motion, the Board also decided that even if members and staff were considered as recipients of the tour expenses, they could still participate because the Board would interpret RCW 42 . 52 - 150 f dh as excluding the expenses from the "gift" definition. The staff was directed to prepare the draft opinion so that the authorization would clearly be limited to educational functions and to reasonable expenses .

The Board considered Advisory Opinion Request 1995 - No. 11 by Senator M er and concluded that the State Ethics Act would not preclude Senator Moper from participating as a compensated faculty member under the circumstances specified in the opinion request .

The Board agreed that it would next meet at Sea-Tac on Thursday, June 8, 1995, beginning at 11:30 A.M.

The meeting was adjourned at 5:30 P.M.

Thelma Jackson

Thelma Jackson, Chair date

LEGISLATIVE BOARD OF ETHICS

MINUTES

June 8, 1995

Sea-Tac Airport
Olympia, Wa.

Members Present: Mrs. Jackson, chair; Mr. Aldinger;
Representative Appelwick; Mr. Aronson, Mr. Asbury; Mr. Bachofner
; Representative Horn; Senator Long; and Senator Spanel.

Staff: Messrs. Burke, Cook, and O' Connell.

Mrs. Jackson called the meeting to order at 11:30 A.M.

The Board considered Complaints 1995 - No. 2 and No. 3. With respect to No. 2, the Board provided the staff with instructions for drafting an opinion. With respect to No. 3, on Mr. Aronson's motion, the Board dismissed the complaint on the basis that the Board does not have jurisdiction over the matters alleged.

The Board considered the letter of May 22, 1995, from the Public Disclosure Commission regarding the use of the legislative E-Mail system for inviting persons to attend the "Life Principles seminar. On Representative Aldinger's notion, the Board decided that the matter has been appropriately and promptly dealt with by the Chief Clerk and that action by the Board is not warranted,

The Board reviewed draft Advisory Opinions 1995 - Nos. 9, 10, 11, 12, and 14. After amending the drafts in Nos. 9, 11, 12, and 14, the Board adopted each of them as a final opinion. The Board amended the draft in No. 10 and instructed the staff to send the amended draft to the Board members. It was agreed that the 10-day rule would apply to the amended draft in No. 10.

The Board also approved a recommended letter from the Secretary of the Senate and Chief Clerk of the House explaining the Board's recent opinions on state agency contracts.

The Board considered Advisory Opinion Request 1995 - No. 13 by Senator Oke. The Board decided the question presented and provided the staff with instructions for preparing a draft

opinion which will be sent to the Board members per the Board's 10-day rule.

The Board reviewed RCW 42.52.380 and agreed that the scope of this law should be narrowed by new legislation.

The Board considered whether it should participate in COGEL and agreed that the matter should be decided by the Chair .

The Board reviewed the staff memo containing a draft definition of "measurable expenditures" and providing background information on the "de minimis" standard. With respect to the draft definition, it was agreed that the members would let the staff know within ten days whether they approve the draft or have any suggestions for changing it.

The Board agreed that it would next meet on September 14th, beginning at 9:30 A.M., at the Legislature's Sea-Tac Office, but that members would be on call should a meeting or meetings be required in July or August.

The meeting was adjourned at 5:00 P.M.

 6/21/95
Thelma Jackson, Chair date

LEGISLATIVE BOARD OF ETHICS

MINUTES

October 27, 1995
Sea-Tac Office

Members Present: Mrs. Jackson, chair; Mr. Aldinger; Representative Appelwick; Mr. Aronson; Mr. Asbury; Mr. Bachofner; Representative Horn; Senator Long; and Senator Spanel

Staff: Messrs. Burke, Cook, and O ' Connell
AISO Present: Jack Darragh

Mrs. Jackson called the meeting to order at 9:30 A.M.

The Board considered Advisory Opinion Request 1995 - No. 16, submitted by the Chief Clerk. On Mr. Aldinger's motion, the Board concluded that the State Ethics Act would not be violated under the facts presented in the opinion request. The Board provided the staff with directions for preparing a draft -advisory opinion.

The Board considered Advisory Opinion Request 1995 - No. 17 , submitted by the Chief Clerk in response to questions raised by House staff during recent ethics training. With respect to the hypothetical letter contained in the opinion request, the Board decided as follows: Letter No. 1 would be appropriate, so long as "undue influence" would not be used. Letter No. 2 would not be appropriate because it would violate the prohibition on securing special privileges. Letter No. 3 would be appropriate so long as only one letter is mailed at state expense and other conditions are met. This decision on this letter is not intended to prevent the customary employer-authorized solicitations within the legislative branch, such as for UGN or to assist a legislator or legislative employee in need or a member of his or her family in need. Letter No. 4 would be appropriate. Letter No. 5 would be appropriate because it recognizes a unique achievement and because it does not involve a mass mailing. The Board agreed that birthdays and regular graduations are not to be categorized as unique achievements .

The Board reviewed two options for a draft rule governing measurable expenditures . It adopted option 2 .

The Board considered draft Advisory Opinion 1995 - No. 18 and adopted the following changes:

--(1) On page 1, Question 1 is expanded to also include a constituent's letter that sets forth the constituent's views on a ballot proposition but that does not expressly ask for a response from the legislator.

--(2) The reference to "SCAN" calls in the opinion is replaced " by long distance calls charged to the state" or some similar language .

-- (3) On pages 4 and 5, the ALTERNATE PÄRÄGRÄPH is adopted but with deletion of the last three sentences.

--(4) On page 7, the answer to question 1 is changed to permit the legislator to respond to the letter for which a response is

not expressly requested and to do so to the same extent as the letter for which a response is expressly requested.

--(5) On page 7, at the end of the first paragraph in the answer to question 2, language is inserted along the following lines: "However, if the subject matter of a ballot proposition was before the legislature as a bill, then the legislator may discuss that bill in the newsletter to the same extent as the legislator may discuss any other bill in a newsletter. See our answer to question 8 ."

--(6) On page 8, strike the alternate answer.

--(7) On page 8, revise the answer to question 4 to make it clear that a legislator, at state expense, may call the campaign headquarters for a ballot proposition for the purpose of obtaining information on the provisions of the proposition or for other purposes within the scope of the legislator's duties or authority .

-- (8) On page 9, strike the last two sentences in the answer to question 5.

The Board considered Advisory Opinion Request 1995 - No. 19, also submitted by the Chief Clerk. On Mr. Aronson's motion, the Board concluded that the answer to both questions presented was "yes. " The Board provided the staff with instructions for preparing a draft opinion.

Staff provided the Board with its activity report and an update on the activities of the Executive Ethics Board.

-2-

Mr. Jack Darragh, representing himself, testified on the activities of the Executive Ethics Board regarding the adoption of a rule permitting private use of public property where the use is "of de minimis cost and value" under RCW 42.52.160. Mr. Darragh urged the Legislative Ethics Board not to adopt any rule under that RCW section.

The Board agreed that it would next meet on November 29, 1995 , beginning at 9:00 A.M. , in Olympia.

The meeting was adjourned at 3:00 P.M.


Thelma Jackson, Chair


date

LEGISLATIVE BOARD OF ETHICS

MINUTES

November 29, 1995

Cherberg Building
Olympia: Wa .

Members Present : Mrs. Jackson, chair; Representative Appelwick; Mr. Asbury; Mr. Bachofner; Representative Horn; Senator Long; and Senator Spanel

Staff: Messrs . Burke, Cook, and O' Connell

Mrs. Jackson called the meeting to order at 9:30 A.M.

The Board agreed that it would have an Internet Home Page, specified the content for its Home Page, and directed the staff to establish it. The staff was also directed to report to the Board on the policies adopted by the House and Senate regarding member home pages .

The staff reported on the application of the RCW 42.52.150 (2) (g) exemption from the \$50 limit. (This exemptions extends to "admission to, and cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization ") Staff had advised Senate members and staff that a political fundraiser is not an "event" under the exemption; that payments are not covered by the exemption if the only argument for their being covered is because part of the proceeds from the activity would be provided to a charity; and that it is preferable that members or staff who are provided free admission to an event, along with food and beverages during the course of the event, should be provided with the sane by the "civic, charitable, governmental, or community organization" – and not by a third party. The Board agreed that staff should continue providing this informal advice.

The staff reported on the rules recently 'adopted by the Executive Ethics Board dealing with state officers' and

employees' use of state resources for a private purpose. The Board discussed the rules and directed the staff to prepare draft rules (with alternatives) that would be based on the Executive Ethics Board's rules.

The Board considered Representative Appelwick's advisory opinion request on whether it would violate the State Ethics Act for a member, using private resources, to solicit or accept funds to pay the costs of attending a conference dealing with legislative issues where the person or entity solicited, or from whom the **accepted, would not be the person or entity** sponsoring or conducting the conference. It was agreed that the staff would prepare alternative draft opinions for the Board to consider .

The citizen members of the Board reelected Mrs. Jackson as Chairman for the next year. Mr. Asbury was elected Vice Chairman for the next year . (Mr. Bachofner declined nomination for the office of Vice Chairman.)

At Representative Horn's request, the Board considered a draft bill expanding the authority of elected state officials to use public resources to write guest editorials in newspapers.

The Board agreed that it would next meet on December 11, 1995 , beginning at 1:30 P.M., in the Sea-Tac area. The meeting was adjourned at 12:30 P.M.



Thelma Jackson Chair date

LEGISLATIVE BOARD OF ETHICS

MINUTES

December 11, 1995
Washington State Training and Conference Center SeaTac,
Wa.

Members Present: Mrs. Jackson, chair; Representative Appelwick; Mr. Aronson; Mr. Asbury; Mr. Bachofner; Representative Horn; Senator Long; and Senator Spanel

Staff: Messrs. Burke, Cook, and O'Connell

Mrs. Jackson called the meeting to order at 1:45 P.M.

The Board considered three alternative drafts for Advisory Opinion 1995 – No. 20. With one member dissenting and another abstaining, the Board agreed on the substance of a proposed draft and requested the staff to prepare a new draft opinion for the **consider at its next meeting.** The Board also requested the staff to provide the Board with (a) information on legislators' out-of-state travel requests and actual out-of-state travel, (b) a list of registered lobbyists and lobbyists' employers, and (c) information on the statutory requirements for lobbyist registrations.

The staff made a brief report on the development of legislative policies governing legislators "home pages" on the Internet .

The Board went into executive session to consider the investigative report in Complaint 1995 – No. 4. With two members dissenting, the Board tentatively agreed on whether there is reasonable cause to believe that a violation of the State Ethics Act has been committed. The staff was requested to provide the Board members with a draft opinion that would be subject to the Board's ten-day rule.

The Board considered how its records should reflect abstaining and dissenting votes on opinions . It was agreed that the opinions would not show the vote, absent a request to the contrary from a dissenting or abstaining member. It was further agreed that the minutes would show the vote.

The Board agreed that it would next meet on Friday, January 12 , 1996. beginning at 1:30 P.M. , in Olympia.

The meeting was adjourned at 4:45 P.M.


Thelma Jackson, Chair 12/18/95
date