

MINUTES OF THE LEGISLATIVE ETHICS BOARD

January 6, 2000

Members Present: Paul Aldinger; William F. Asbury; James Andersen, Chairman; John Betrozoff; Senator Steve Johnson; Senator Julia Patterson; Representative John Pennington.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit, Jennifer Joly and Marty Lovinger.

Minutes: Moved, seconded and the minutes of December 2, 1999 were approved.

The Board excused the public and convened in executive session at approximately 12:10 p.m., in accordance with Board Rule 1-F, to discuss a pending complaint. Representative Constantine participated by speaker phone. At approximately 1:30 p.m. the executive session was adjourned and the Board reconvened in public session.

Judge Andersen informed the public that ordinarily the Board does not identify the parties to a complaint during the fact-finding or initial stages of a complaint proceeding. However, in this instance, the Board was considering an advisory opinion request from Representative Ed Murray and has just concluded an executive session to discuss a new complaint. In deciding how to proceed with the advisory opinion request the Board is acknowledging what the Representative has already acknowledged in the media; that a complaint, alleging basically the same facts offered in the advisory opinion request, has been received by the Board. The chair continued by announcing that the Board had determined that under these facts the advisory opinion request had been superceded and that the complaint has priority status pursuant to the provisions of the State Ethics Act. The advisory opinion request will be held in abeyance. It may or may not be revived by the Board in some future action.

Judge Andersen advised the public that the Board, having decided to proceed with the complaint, would conduct a fact-finding investigation as required by the law and that the Board's decision on whether to proceed with the complaint would eventually be presented in a public document. No mandatory time for completing the investigation or issuing the Board's decision is required by the law. The Board is not confined to a set of offered facts as in the case of a request for an advisory opinion, and the Board's earlier, partial analysis of Representative Murray's question on filing of contracts may or may not be adopted, amended or modified in some way. The Board felt the advisory opinion had been a work in progress and it is now on the shelf because of the complaint.

Counsel reported on ethics training, including a continuing legal education (CLE) seminar for approximately one hundred legislative and executive branch lawyers, held in Olympia last month. The Board co-hosted the seminar with the Government Lawyers Bar Association and Counsel, the designated ethics advisers, the chair and the vice-chair participated as panelists.

Counsel reported that since 1997, when the legislature amended RCW42.52.185 (election year mailing restrictions) by adding "electronic mail", questions about the broader topic of advancing

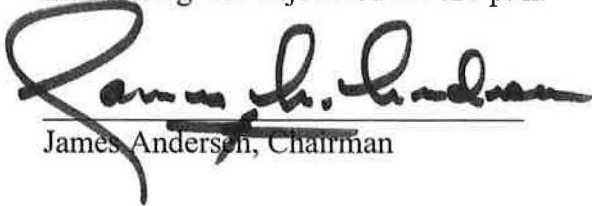
technology and the impact on the State Ethics Act had increased. Representative Pennington agreed that there appeared to be technology-related issues which, if they could be addressed by the Board, would be helpful to legislators and staff. Mr. Aldinger thought the topic would be a timely one and observed that the Board had initiated advisory opinions in the past and these appear to have been helpful. Mr. Asbury agreed. The Board will continue the discussion at the next meeting.

Receipt of a campaign fund raising letter, allegedly the product of Representative Chris Hurst's campaign committee and printed on that committee's stationery, was acknowledged. The letter was forwarded, anonymously, to the Public Disclosure Commission and then forwarded to the Board. The Board determined this was not an action item as no complaint had been received and there was nothing on the face of the letter which indicated Board jurisdiction.

Margaret Grimaldi, Executive Director of the Executive Ethics Board, presented a bill draft, on behalf of that Board, which would amend the law on gifts by permitting, under some circumstances, receipt of an award by a public official for meritorious service. The Legislative Board chose not to join in the proposal and noted that such an exemption from gift-giving would not seem appropriate so far as legislators were concerned.

Judge Andersen acknowledged the presence of Mr. Will Squire, representing Common Cause.

The next meeting was set for February 10, in Olympia, and with no further business before the Board the meeting was adjourned at 2:20 p.m.



James Anderson, Chairman

MINUTES OF THE LEGISLATIVE ETHICS BOARD

April 13, 2000

Members Present: Paul Aldinger; William F. Asbury; James Andersen, Chair; John Betrozoff; Representative Dow Constantine; Senator Julia Patterson; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved as submitted.


The Chair recognized Senator Winsley and Senator Costa and invited them to give testimony on the issue of mailings commonly known as "Government Guides". Both Senators felt that "government guides" was too restrictive a term and that they felt they were more of a publication which provided their constituents with a list of resources. Some of the addresses might be government offices or government officials but others might be private agencies which contracted with state or local government to provide government-like services. In addition, Senator Winsley felt it would be inappropriate to list public schools but to exclude private schools. Senator Costa felt that present interpretations from legal counsel, strictly limiting these guides to government offices and government officials, resulted in denying constituents essential information. Senator Patterson asked where the line would be drawn if these guides included an expanded list of resources. Both Senator Patterson and Mr. Asbury felt that identifying government funding of these non-governmental resources would be a helpful first step in analyzing this issue. Chair Andersen expressed concern lest the Ethics Board become a super-censor of these publications and become involved in previewing and judging each proposed mailing or handout. Mr. Betrozoff asked if the request to include the addresses and phone numbers of non-government resources required a change in the law or were we dealing with a Board ruling or interpretation which the Board was now being asked to reconsider? Counsel responded that it was the latter - an earlier advisory opinion, not directly on point with these facts, had concluded that the ethics law permitted a government guide because it allowed citizens an opportunity to contact their government officials. As a result, informal legal advice to staff and members has discouraged expanding these guides to include non-government resources. Counsel pointed out that a related question is the prohibition on the use of public resources to promote or provide an advantage (special privilege) to a third party. Mr. Asbury moved that the Board declare a temporary moratorium on its earlier opinion limiting these guides to government resources only, and approve the mailing of these documents which could include the addresses and phone numbers of other services as described by the Senators, until such time as the Board could more fully discuss and analyze the issue. The Board unanimously adopted the motion. Chair Andersen noted that Counsel was currently drafting an advisory opinion on some of the issues raised by use of public resources, including solicitation on behalf of charities and other organizations, and asked if the government guide question might not be addressed in that opinion. Counsel responded that it would be appropriate to do so if the Board wished. Counsel was instructed to proceed and present some options for the Board to consider.

The next order of business was Board review of the contract filings received since the prospective opinion in the Murray case was rendered. Counsel presented approximately seventy filings, divided into several categories. The first category were those legislators, employees or spouses who had

been hired or awarded a contract with another state agency through a competitive process. The Board noted that these filings satisfied the notice requirements. Next, the Board reviewed the filings of gubernatorial appointees and hires. Counsel suggested that the Board could assume that such appointments and hires were competitive in nature, absent facts to the contrary, and that the filing of this information would satisfy the notice requirements. The Board indicated its approval of that recommendation. The Board noted that since the Murray opinion was prospective in effect, the law did not require copies of pre-Murray contracts to be submitted whether competitive or non-competitive in nature. Counsel recommended that the Board approve a number of substantially similar contracts which involve the same contractor and basically the same type of work. The authority to approve, "before the fact", such contracts is found in RCW 42.52.120. The Board reviewed the information provided on the contract filing form and approved those substantially identical contracts for: Senator Costa; Charles Barrett (spouse of legislative employee); Jennifer Strus; Senator Kohl-Welles and Elizabeth Bonbright-Thompson (spouse of legislative employee). The Board concluded this portion of the meeting by noting that the law requires legislators and legislative employees to file notice of their spouse's employment as a legislative session employee, beginning with the next regular legislative session.

Chair Andersen called upon Mr. Aldinger to present the report of the technology subcommittee. Mr. Aldinger reported that he and Representative Pennington had held a meeting, observed a demonstration of legislative computer/web site use, and had formulated with the help of House Counsel, Jennifer Joly, a number of potential questions for the Board to consider if it chose to issue an advisory opinion on technology and the ethics act. Mr. Aldinger distributed the questions and requested the members to be prepared for a discussion at the next meeting. He also noted that the information he observed on the legislative web sites was information which had first been prepared as a document and, as such, had presumably undergone any necessary ethics analysis. He found no apparent ethics issues as to content. The Board was presented with a demonstration of the legislative web sites with the assistance of legislative staff from the committees and the caucuses. The Board was told that no materials are created specifically for the web sites but are transferred there after having been prepared in another context, whether that be written, or audio or visual material (videos). In addition, one caucus information director stated that with the exception of newsletters, all materials (op-ed pieces, news releases, audio and video) prepared for senators who are up for election are removed from the web site prior to June 30 in an election year. The House of Representatives does not permit caucus web pages at this time but individual information on representatives can be obtained through the House home page. The Board agreed to continue the discussion at the next meeting and at that time the audio and video portions of the web sites would be demonstrated.

Public comment was called for and none was forthcoming. The Board proceeded to executive session at 2 p.m. to discuss the investigatory phase of pending complaints. The public session reconvened at 2:30 p.m.. The date for the next meeting was set for May 11 in the Sea Tac area. The Board adjourned.


James A. Andersen, Chair

MINUTES OF THE LEGISLATIVE ETHICS BOARD
May 11, 2000

Members Present: Paul Aldinger; William F. Asbury; James Andersen, Chair; John Betrozoff; Representative Dow Constantine; Senator Julia Patterson; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved.

The first order of business was discussion of proposed Advisory Opinion 2000 - No. 1. Counsel reported that the draft opinion addressed the questions of charitable fund-raising and government guides. The fund-raising issues had been discussed previously, but the government guide portion of the draft was new and was in response to issues raised in the April meeting by Senators Costa and Winsley. The Chair reminded the members that the Senators had urged the Board to reconsider the restrictions placed on government guides and to allow the inclusion in those guides of non-government entities. The Board, at the April meeting, had declared a moratorium on the application of the restrictive rules on government guides until such time as the issue could be more fully discussed. Counsel presented a number of options related to treatment of government guides and the Board agreed to review these and continue the discussion at the next meeting.

Counsel reported on House Bill 2449, which amends the Ethics in Public Service Act by granting discretion to the ethics boards to adopt rules which permit administrative dismissal of complaints in limited circumstances. The Chair recognized Meg Grimaldi, Executive Director of the Executive Ethics Board, who reported that the Executive Board will consider adoption of an administrative rule to implement the statute. Representative Constantine suggested that the Legislative Board should be sensitive to its ability to deal quickly with frivolous complaints and be prepared to draft a rule if needed. Counsel was directed to track the experience of the Executive Board on this issue and keep the Legislative Board informed.

Chair Andersen turned the meeting over to Mr. Aldinger, chair of the Subcommittee on Technology. Mr. Aldinger reported that Michael Norris, Senate computer specialist, would demonstrate audio and video materials on legislative web sites as well as certain campaign sites which had linked to legislative sites and, following that, the subcommittee would propose an advisory opinion on the subject of computer linkage. The draft opinion, recommended by subcommittee members Mr. Aldinger and Representative Pennington, was presented by House Counsel and designated ethics adviser, Jennifer Joly. The draft opinion would limit the number of links and direct removal of certain discretionary legislative materials by a date certain in an election year. Mr. Aldinger stated that technology is ever-changing and the Board should be willing to revisit these issues as changes take place. Mr. Asbury said he favored adoption of this opinion because it is direct and it addresses one of the timely questions raised by the subcommittee. Senator Patterson questioned whether the draft should include a recommendation that the legislature seek input and analysis from this Board before it adopted legislation or rules which impacted ethics issues. She pointed out that the Board could be of valuable service to members and staff while commenting on proposed changes, such as

technology standards. The Board agreed to continue discussion on this proposal at a later date but not to add that issue to the proposed draft. Representative Constantine requested that two additional issues be considered in the future: (1) whether this Board should give some formal direction on the campaign use of other legislative materials prepared at taxpayer expense; and (2) whether legislators should put a notice on their campaign web sites which advises that when people hyperlink from those computers to legislative sites they are accessing materials available to all and that those legislative materials were not prepared for campaign purposes. Following discussion, the Chair announced that it was the consensus of the Board members that all these issues would be on a future Board agenda. Mrs. Schroeder said that with the understanding the Board would continue discussion on these issues, she supported adoption of the advisory opinion. The Board unanimously adopted the draft opinion as amended.

The Chair called for public comment and again recognized Meg Grimaldi. She reported that the Executive Board is also interested in the question of elected, executive officials linking their campaign computers to government web sites and would find the just-adopted advisory opinion of the Legislative Board to be helpful. She stated that a big issue for the Executive Board is the personal use of computers and the Legislative Board's willingness to look at that issue through its subcommittee will also be helpful.

Senator Patterson thanked Michael Norris for making the trip to Seattle with all his computer equipment and assisting the Board members in understanding the computer linkage issues. Mr. Betrozoff added his thanks.

The Chair announced a five minute recess followed by an executive session to discuss pending complaints. The public session reconvened at 11:55 a.m.. The date for the next meeting was set for June 8, in the Sea Tac area. The Board adjourned.


James A. Andersen, Chair

MINUTES OF THE LEGISLATIVE ETHICS BOARD
June 8, 2000

Members Present: Paul Aldinger; James Andersen, Chair; William F. Asbury; John Betrozoff; Representative Dow Constantine; Senator Steve Johnson; Representative John Pennington; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved.

The first order of business was an update on informal advice rendered since the last report to the Board. Counsel advised that pursuant to RCW 42.52.185, which places limitations on certain election year mailings, congratulatory letters to the recipients of the following awards were approved: the Jefferson Award; the Washington Award for Excellence in Education; and the Washington Award for Vocational Excellence. A gift question from a lobbyist involved a question of valuation. The lobbyist didn't feel his vacation home had a rental value because it was paid for, was located in a remote area, was unoccupied for a majority of the year and it would cost him nothing to allow a legislator to stay there as a guest. Counsel advised that none of these facts were pertinent to the gift statutes. The test is the value to the recipient. The host would be responsible for establishing a fair market value and advising the legislator and the PDC. Finally, counsel advised that it would not be a violation of RCW 42.52.185 if a legislator responded to a request from the National Conference of State Legislatures to contact the schools in the legislator's district. The purpose of the communication would be to inform the schools that the legislator was available to visit classrooms to explain the legislative process. Counsel noted that the legislator could contact the school by phone, or send a letter to the school board since the statute limits unsolicited mailings to "constituents". Long-standing informal advice has been that an entity such as a school board is not a "constituent" for purposes of the mailing restrictions.

The Board resumed consideration of the latest draft of Advisory Opinion 2000 - No. 1. The Chair bifurcated the issues for the purposes of the discussion. Those issues are (1) charitable solicitation and (2) government guides. Following the discussion, Counsel was advised to amend the draft with regard to (1) by clarifying that the prohibition on soliciting lobbyists would not apply to incidental contacts and to include examples in the draft. With regard to (2), the Board chose to continue discussion on two options and instructed Counsel to redraft those options for future consideration.

The Board reviewed a letter from the Public Disclosure Commission, accompanied by a complaint against Representative Cathy Wolfe which had been filed with the PDC. The complaint was forwarded to the Board for its consideration of the question of jurisdiction over the allegations. The Board unanimously concluded that the complaint lacked any facts which would confer jurisdiction.

Counsel advised the Board that he had informally advised Mr. Bob Fitchett, Chief Administrator of the Legislative Evaluation & Accountability Program, that the Ethics Act did not prohibit him from

contracting with a former employee to provide consulting services to the agency.


Mr. Aldinger distributed an updated list of the remaining issues to be discussed by the Board as reported by the Subcommittee on Technology. Next on the list are questions relative to the extent of the de minimis use exceptions to the ban on personal use of legislative computers.

The Chair called for public comment and there was none.

The Board moved to executive session to discuss a pending complaint and reconvened in public session at 12:45 p.m..

The Board next discussed the tentative meeting schedule for the rest of the year and established the following dates, subject to change: July 13; August 10; September 21; October 19; and December 14. Counsel advised that the COGEL conference would be held in Tampa, Florida the first week of December.

The Board adjourned.

A handwritten signature in black ink, appearing to read "James A. Andersen", written over a horizontal line.

James A. Andersen, Chair

MINUTES OF THE LEGISLATIVE ETHICS BOARD
July 13, 2000

Members Present: Paul Aldinger; James Andersen, Chair; William F. Asbury; John Betrozoff; Representative Dow Constantine; Senator Julia Patterson; Representative John Pennington; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved.

The first order of business was consideration of the most recent draft of Advisory Opinion 2000 - No. 1. Counsel explained the opinion recognizes that legislators may, without using public resources, raise money for charities provided lobbyists are not solicited. . The draft also recognizes the ability of the House and the Senate to use public resources in limited circumstances to raise money for an institutional cause, again with no solicitation of lobbyists. In addition, the draft would permit legislators to include certain non-governmental entities in resource guides produced at public expense. The Board discussed a proposed Senate policy on resource guides which was viewed as consistent with the draft opinion. In answer to a question, counsel stated that informal advice has been that generally an association member is not a lobbyist-employer for purposes of the prohibition on raising money for charities from lobbyists or lobbyist-employers. With regard to the resource guide portion of the opinion, Representative Pennington asked if legislators could include a list of special events on behalf of the non-government entity. Counsel responded that the draft would limit inclusion of information to name, address, and phone number and that special event listing would be viewed as promotional as opposed to informative. Mr. Aldinger moved to approve the draft, subject to review by members after agreed-to changes were made. Mr. Asbury seconded the motion and noted that the Board has strived to provide flexibility to the House and Senate, whenever possible, in administering issues such as resource guides and that the Board should be reluctant to question in every case just how far it should be willing to go to protect a legislator from his or her constituency. Chairman Andersen agreed, noting that some legislators may choose not to expand their resource guides to non-government entities but that this opinion would leave that decision to the elected officials, where it belonged. Senator Patterson noted that the opinion addressed one of her concerns by making it clear that selective inclusion or exclusion was not permitted, thereby lessening the opportunity to turn a resource document into a prohibited advocacy piece. The Board approved the opinion as amended, subject to distribution and the normal review process.

Mr. Aldinger introduced the technology questions before the Board, as developed by the subcommittee on that subject. Jennifer Joly, House Counsel, reviewed Board precedents, rules and the ethics manual for examples of personal use of state equipment questions. The nature of the current questions, she noted, were specific to computers. Board counsel noted that it was important for the Board to stay engaged with this dialogue because the House and Senate were already faced with these questions from legislators and staff. Ms. Joly discussed a number of approaches to the questions of personal use of computers and the relationship of the citizen-legislator concept to accepted minimal uses of other state equipment, such as the telephones. After a lengthy discussion

and question and answer period , the Board agreed to continue the discussion at a future meeting.

Chairman Andersen called for public comment and recognized Chuck Sauvage, of Common Cause. Mr. Sauvage stated that he felt it was appropriate for the Board to preserve the distinction between staff and legislators when discussing issues such as personal computer use. He felt that the citizen-legislator concept called for a sensitivity to that distinction. Mr. Sauvage congratulated the Board for tackling tough technology issues.

There was no further public testimony. Following a break, the Board convened in executive session at approximately 11:40 a.m., for discussion of a pending complaint.

The Board reconvened in public session at 12:10 p.m..

There was no further business and the Board adjourned.

James A. Andersen, Chair

MINUTES OF THE LEGISLATIVE ETHICS BOARD
September 21, 2000

Members Present: Paul Aldinger; James A. Andersen, Chair; William F. Asbury, Vice-Chair; John Betrozoff; Senator Steve Johnson; Senator Julia Patterson; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved.

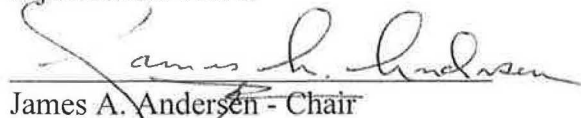
The Chair reported on a meeting he, Mr. Asbury, Jennifer Joly, Milt Doumit, and others had with a legislative delegation from Hong Kong. The discussion involved the history and the application of the ethics act in Washington.

Counsel presented the Board's budget request for the 2001-2003 biennium. House Accountant Carolyn Lindsey was in attendance to answer any questions members might have. Counsel next presented examples of informal advice rendered since the last meeting, as follows: (1) meals served at sporting events are subject to a gift analysis, along with the value of the event, and are not subject to the meal exemption; (2) free tickets to state university football games have historically been viewed as entitled to the presumption found in RCW 42.52.150, as a gift presumed not to influence; (3) the use of legislative resources, absent an apparent legislative nexus, to intervene on one side of a private labor dispute would contravene the ethics act; (4) some public buildings, whether pursuant to statute or executive agency policy, may be appropriate for use by campaigns or political parties; and (5) discretionary legislative materials may not be used verbatim by incumbents in their campaigns.

The Board then discussed and adopted Advisory Opinion 2000 - No. 3, which determined that under the facts presented, free lodging given to a legislator was a gift and the valuation method proposed therein was appropriate under these circumstances. Mr. Aldinger moved that the minutes reflect that this opinion should be confined to these specific facts and the opinion should not be interpreted as sanctioning a particular gift valuation analysis. The motion passed unanimously.

During the public comment portion of the meeting, the Chair recognized Mr. Chuck Sauvage from Common Cause and Ms. Sharon Foster, a registered lobbyist. Ms. Foster stated she would be encouraging her lobbyist colleagues to attend Board meetings and follow the Board's deliberations.

Counsel was instructed to draft a letter thanking Senator George Sellar for his many years of service as a member of the Senate and Joint Ethics Boards. There was no further business and the meeting adjourned at 11:30.


James A. Andersen - Chair

MINUTES OF THE LEGISLATIVE ETHICS BOARD
October 19, 2000

Members Present: Paul Aldinger; James A. Andersen, Chair; William F. Asbury, Vice-Chair; John Betrozoff; Representative Dow Constantine; Senator Stephen Johnson; Senator Julia Patterson; Representative John Pennington; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

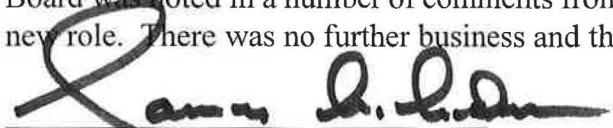
The minutes from the last meeting were approved.

Counsel presented examples of informal advice rendered since the last meeting, as follows: (1) for purposes of the mailing restrictions found in RCW 42.52.185, a legislator who is running for a different public office ceases to be a "candidate" following the primary election for that office when his vote total is affirmed as insufficient to allow his candidacy to proceed to the general election; (2) public facilities, such as a legislator's office and staff, may not be used to distribute materials paid for by the legislator's campaign irrespective of the fact that not all items may be identifiable as campaign items; (3) legislators who are contacted via e-mail for information on a pending ballot measure may provide the addresses of computer links to both opponents and proponents of the measure; and (4) the ethics act does not prohibit staff from providing a campaign with a copy of a public document available to whoever else may request it.

Counsel advised that he had responded to a public records request for any public information in the custody of the Board on several Senators. The Board reviewed a letter from Senator Benton relative to the Board's advisory opinion on computer links between legislative and campaign sites. The Board next reviewed a news article concerning an award of grant money to Walla Walla County from the Department of Ecology and presented by Senator-candidate Valoria Loveland. The Board directed counsel to conduct a further inquiry about the circumstances surrounding this public presentation of funds and to report his findings at the next meeting.

Following a presentation by the Sub-committee on Technology, and extensive Board comment, ethics adviser Jennifer Joly was requested to prepare further examples of impermissible and permissible de minimis use of computers pursuant to Board Rule #3 for discussion at the next meeting. Members agreed that any examples approved by the Board would be included in the 2001 Legislative Ethics Manual.

Mr. Will Squires, of Common Cause, was recognized by the Chair during the public comment portion of the agenda. The Board convened in executive session at 11:30 a.m. to discuss a pending complaint, and reconvened in public session at 11:52 a.m.. Representative Constantine announced his resignation from the Board due to his appointment as Senator. His exemplary service to the Board was noted in a number of comments from the members and all wished him good luck in his new role. There was no further business and the meeting was adjourned.


James A. Andersen, Chair

Minutes of the Legislative Ethics Board

December 14th, 2000

Members Present: Paul Aldinger; James A. Andersen, Chair; William F. Asbury, Vice-Chair; Representative Phil Rockefeller; Ruth Schroeder.

Counsel and Ethics Advisers: Mike O'Connell; Milt Doumit; Jennifer Joly; Marty Lovinger.

The minutes from the last meeting were approved.

Mr. Asbury introduced Representative Rockefeller, the newly appointed legislative member who replaced then-Representative Dow Constantine.

Counsel updated the members on the schedule of ethics seminars and training for staff and new legislators.

The Board discussed a request for an advisory opinion from Chief Clerk Tim Martin relative to legislative press releases. Counsel provided a memorandum on Board precedents and legal issues involved in the request. Citizen members of the Board expressed a desire to continue the discussion until the January meeting when it was hoped that more legislators could attend.. Counsel was directed to try to arrange a time on January 11th when it would be convenient for legislative members to attend if possible. Tony Cook, Secretary of the Senate, spoke briefly on the advisory opinion request and indicated he would be available at the next meeting to answer any questions the Board might have about how the Senate processes requests for press releases in an election year. The Board agreed to continue the discussion next month with the intent of issuing a response to the request at that time.

On behalf of the technology subcommittee, Mr. Aldinger presented two, draft examples of personal use of state computers. Jennifer Joly explained that these examples were the result of extensive discussion at previous Board meetings and were designed to offer guidance to legislators who had questions about permissible, personal uses of state computers. After discussion and the approval of oral amendments, Mr. Aldinger moved to adopt the two examples and to include them in the 2001 Legislative Ethics Manual. Mr. Asbury seconded the motion and it passed unanimously. Mr. Aldinger reported that the subcommittee, heretofore consisting of he and Representative Pennington, welcomed the addition of Representative Rockefeller. Chair Andersen instructed staff to provide the Representative with such materials as he might need to assist him in addressing the remaining technology issues. Mr. Aldinger stated that the subcommittee would continue to discuss these issues and would issue a report at a future meeting

The next issue before the Board was a request for an advisory opinion on congratulatory letters to elementary students who graduated from the DARE program. The Board found, in accordance with its precedents and legislative intent, that mass mailings of such letters were not appropriate under

the State Ethics Act. Counsel was instructed to draft a response and to distribute it to Board members for a ten day review period in accordance with established Board policy.

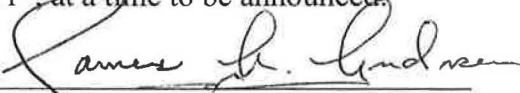
Jennifer Joly reported on her trip to the COGEL conference in Florida and updated the Board on ethics issues in other states.

Counsel reported that he had completed further inquiries into Senator Loveland's participation in the public award of grant money to Walla Walla County. The grant was issued through the Department of Ecology and at a previous meeting the Board expressed an interest in why this event was scheduled in extremely close proximity to the Senator's election. The report showed that it was standard procedure for DOE to invite district legislators of both parties to these events and that is what happened in this case. In addition, DOE officials stated that the agency made the overture and set up the event without regard to the election cycle. The report answered the questions raised by Board members.

The chair called for public comment and during this time written testimony was presented on behalf of Washington Public Employees for Environmental Responsibility (PEER). The handout requested the Board issue an advisory opinion on its own motion and include specific issues in future ethics training. Both requests dealt with the general subject of legislative influence over agency decision-making and enforcement of environmental laws. Chair Andersen asked the Board members to review the materials for discussion at a future meeting.

The Board proceeded to executive session to discuss two pending complaints. Discussion was to be continued next month.

The Board reconvened in public session and there being no further business adjourned until January 11th at a time to be announced.


James A. Andersen, Chair