

## LEGISLATIVE ETHICS BOARD MINUTES

April 18, 2013

Members and staff present: David R. Draper, Chair; Eugene Green; Senator Jim Honeyford; Dr. Kristine F. Hoover, Vice-Chair; Rep. Jamie Pedersen; Kenny Pittman; Rep. Brandon Vick; Keith Buchholz and Jeannie Gorrell, Senate Counsel; Tim Sekerak, House Counsel. Absent/excused: Senator Cleveland; Stephen L. Johnson; Mike O'Connell, Board Counsel

Chair Draper opened the meeting by welcoming a new member to the Board, Rep Vick, who replaced Rep Wilcox.

Chair Draper announced the selection of a new Chair for the Committee as his term has expired. Dr. Hoover will begin her term as Chair beginning today and Kenny Pittman will serve as Vice-Chair.

The Board continued its review of legislative reimbursement policies. Discussion ensued regarding the next steps the Board desired to take in its exploration of this issue. Some consideration was given to the notion that there was not enough guidance being offered to adequately separate various appropriate uses of the reimbursement process, particularly in the area of cellular data plans. But it was also recognized that the Board has in the past become involved only in cases where facts revealed the need to offer explicit guidance to persons covered by the Act. It was offered that those facts have not materialized and thus any specific guidance may be premature. In the interest of closure of this formal Board agenda item, Senator Honeyford moved that the Board not go forward with issuing any guidance at this time. Mr. Pittman seconded and the motion was approved.

Call for public comment: None.

The Minutes from the December meeting were approved without amendment.

Recent legislative developments in social media policy were discussed. Mr. Sekerak described the House social media policy which was provided to the members. Andy McVicar, House Democratic Caucus, and Sarah Stewart, House Republican Caucus, described their role in administration of the various sites that serve as social media outlets for caucus communication.

Report of Counsel:

- The only pending ethics bill is SB 5577. It was significantly amended in the House and passed back to the Senate.
- The House and Senate budgets will contain the same amount of money for the Legislative Ethics Board as the last biennium, pending legislative decisions on employee compensation.

- There were three employment contract disclosures brought to the board. None revealed any conflict of interest. Employees submitting the disclosure information were Rep. Monica Jurado Stonier, Richard Rodger and Michaela Murdock.

Informal advice:

- Gifts from lobbyists to members' medical expense funds are limited to \$50.
- District office situations have presented an increasing number of questions. Renting from corporate entities that are owned by members in various degrees is one source of concern. Conversely, when a member or spouse owns a building, free space in that building used for a legislative office should not be considered a gift.
- Lobbyist's appreciation dinners are not allowed. The statute is clear that there are circumstances where food and beverages are allowed, but not as a "thank you" or form of compensation for official action.
- Congratulatory letters are allowed for significant awards or achievements. A nomination for a significant award does not qualify as an award itself.

Before going into executive session, Mr. Green made remarks on behalf of the Board in the presentation of a gift to outgoing Chairman Draper.

Executive Session: The issue discussed was how the Board should proceed with a citizen's request for an investigation into an alleged ethics issue when that citizen seemed unwilling to file a formal complaint as required by Board rule but persisted in his call for an investigation. The Board entertained the staff recommendation to send the individual a complaint form with an explicit invitation to express whether or not he was filing a complaint. So moved by Mr. Green and approved by the Board via voice vote.

The public session was reconvened. The Chair called for public comment and there was none.

The next scheduled meeting is June 20, 2013. Counsel will continue to keep the Chair informed about potential agenda items so that the Chair can determine whether a scheduled meeting is necessary.

Meeting adjourned at 1:20 PM



Dr. Kristine F. Hoover, Chair

## LEGISLATIVE ETHICS BOARD MINUTES

September 5, 2013

Members and staff present: Senator Annette Cleveland; Eugene Green; Senator Jim Honeyford; Dr. Kristine F. Hoover, Chair: Stephen L. Johnson; Rep. Jamie Pedersen; Kenny Pittman, Vice-Chair; Rep. Brandon Vick; Keith Buchholz and Jeannie Gorrell, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

The minutes from the previous meeting in April were approved. Senator Cleveland was welcomed as a new member of the Board. Mr. Green was appointed to a full term on the Board which ends in September, 2018.

### Report of Counsel:

1. ESSB 5577 is now law. Among other things the new law addresses the 45 and 10 day letter process whereby a citizen can give notice in the case of an alleged .180 violation that the citizen will go to court and press the case if no "action" is taken by the Board. The law states that Board "action" is commenced when the complaint is received and a preliminary investigation is initiated.
2. For the last fiscal year which ended June 30, 2013, the Board's budget was underspent by \$5,449.
3. Employment disclosure forms were received from three House employees. Jill Reinmuth filed on behalf of her spouse, Steve, who was appointed as an assistant director for a state agency. Jacob Lipson filed on behalf of himself on the occasion of his acceptance of a research assistant position in a graduate school program. Neither position is viewed as presenting a conflict of interest. Mike Hoover filed a disclosure that his spouse was selected through a competitive process for the position of Director of Government Relations for the Department of Employment Security.

### Informal advice rendered since the last meeting included the following:

1. A legislator may accept complimentary football tickets and food and drink to attend a state university game under limited conditions. The game must be designated a home game of the grantor and special seating such as in a President's box must be involved. The gift exemption does not extend to season tickets, multiple games or general seating. The value of a ticket and refreshments provided on a complimentary basis to a guest of the legislator is attributed to the legislator and is subject to the monetary limit on gifts.
2. A legislator was advised against the use of public resources, including a Legislative Assistant, to advertise and establish a help desk in the legislative office to counsel constituents on healthcare plans and assist them in choosing a provider through the new healthcare exchange network. Concerns included the improper personal use of public facilities, the use of public resources to confer special privileges, and the scope of the assistant's official legislative duties.

3. It is permissible for legislators to accept complimentary travel, lodging and subsistence when they attend a legislative tour and participate in an evening public meeting on legislative issues. The grantor is a sponsor of the events and would be in attendance.

The Chair called for public comment and there was none.

The public meeting was recessed at 1:20 PM and the Board convened in executive session to discuss pending complaints prior to a determination of reasonable cause. The public meeting was reconvened. There was no public comment. The next scheduled meeting is October 10, 2013.

The meeting adjourned at 2:35 PM.

A handwritten signature in cursive script, appearing to read "Kristine F. Hoover".

Dr. Kristine F. Hoover, Chair

## LEGISLATIVE ETHICS BOARD MINUTES

October 10, 2013

Members and staff present: Judge Gary B. Bashor; Senator Annette Cleveland; Eugene Green; Senator Jim Honeyford; Dr. Kristine F. Hoover, Chair; Stephen L. Johnson; Rep. Jamie Pedersen; Kenny Pittman, Vice-Chair; Rep. Brandon Vick; Keith Buchholz and Jeannie Gorrell, Senate Counsel; Tim Sekerak, House Counsel; Mike O'Connell, Board Counsel.

Judge Gary B. Bashor was introduced and welcomed as a new citizen member of the Board. Judge Bashor succeeds David Draper and his appointment is effective until September, 2015.

Counsel reported that he had attended a meeting of the Public Disclosure Commission and would attend a Commission stakeholders' meeting. An item of discussion was, and will be, lobbyist reporting of entertainment and meals. This topic will be an agenda item at the next PDC meeting which is scheduled for December 5.

Counsel advised that he and the designated ethics advisers will conduct an ethics CLE class for legislative lawyers on October 22.

The Chair called for public comment and there was none. The public meeting was recessed at 12:40 and the Board convened in executive session to discuss a pending complaint prior to determination of reasonable cause.

The public meeting was reconvened at 2:10. The Chair again called for public comment and there was none. The next meeting was set for December 10. There was no further business and the meeting was adjourned.



Kristine F. Hoover, Chair

## LEGISLATIVE ETHICS BOARD MINUTES

December 10, 2013

Members and staff present: Judge Gary Bashor; Senator Annette Cleveland; Eugene Green; Senator Jim Honeyford; Dr. Kristine F. Hoover, Chair; Stephen L. Johnson; Rep. Jamie Pedersen; Kenny Pittman, Vice-Chair; Rep. Brandon Vick; Mike O'Connell, Board Counsel.

The October minutes were approved. The citizen members re-elected Dr. Hoover and Mr. Pittman as Chair and Vice-Chair for 2014.

Counsel reported on two examples of informal advice given since the last meeting. (1) The Board lacks jurisdiction over allegations that a group of legislators violated their oaths of office when they voted in favor of legislation viewed as unconstitutional by the individual who raised the question; (2) Legislators may accept a reduced admission fee from the Washington State Budget and Policy Center for attendance at the Center's annual meeting. The meeting featured panel discussions on state fiscal issues and some panels included legislators. The Act exempts payment of these enrollment fees from the definition of "gift" (RCW42.52.010).

An employment disclosure form was filed by Rebecca Connolly, a Research Analyst for JLARC, whose spouse is employed by the Office of the Insurance Commissioner as a Program Analyst. According to the filing, her spouse was hired after an open and competitive process.

Counsel reported that the Board's current expenditures were \$7,000 below appropriations during the current fiscal year. The Board approved the printing and distribution of the 2014 ethics manual.

Andrea McNamara Doyle, Executive Director of the Public Disclosure Commission (PDC) and Lori Anderson, PDC Communications and Training Officer presented the Board with further background on lobbyist reporting of entertainment expenses. One of the issues under consideration by the PDC is whether to raise the reporting threshold for meals and beverages provided to legislators from the current threshold of \$25. Mr. Green observed that this would mean there would be fewer reports available to the public, and to the Board, on the question of which lobbyists were entertaining legislators and how much they were spending. Senator Pedersen noted that the \$25 threshold was established in statute by the Legislature and he asked whether the PDC seemed committed to changing the amount by rule-making. Mr. Pittman asked what might be the new threshold. Ms. Anderson said the amount would be up to the Commissioners but there is a statutory formula for adjustments based on an inflationary index and no adjustments have been made for years. Using this formula an adjusted threshold could total \$78 but she did not feel that figure was under serious consideration. Ms. McNamara Doyle said there is interest on the part of the Commissioners to adjust the threshold but the amount is still under discussion. Following further discussion the Chair thanked both for their attendance and information.

The Chair called for public comment and there was none. The Board approved a regular meeting schedule for 2014. The dates are February 18, April 15, June 17, August 19, and October 21. A December meeting, if needed, will be scheduled at a later time.

The public meeting was recessed at 1:15 and the Board convened in executive session to discuss quasi-judicial matters related to a pending complaint and prior to determination of reasonable cause. The public meeting was reconvened at 2:20.

The Chair called for public comment and there was none. There was no further business and the Board adjourned.



Kristine F. Hoover, Chair