

April 18, 1996

COMPLAINT 1996 - NO. 5

JURISDICTION DETERMINATION - ORDER OF DISMISSAL

I. Nature of the Complaint

The complainant alleges that C.W. Owens was chair of the Indeterminate Sentence Review Board for a 1995 hearing involving the complainant. The complaint further alleges that Mr. Owens was not confirmed by the Senate at the time, and therefore lacked legal authority to make official decisions.

II. Jurisdictional Determination

RCW 42.52.320 limits the jurisdiction of the Legislative Ethics Board to alleged violations of the chapter, and related rules, by "members and employees of the legislature." RCW 42.52.360 establishes ethics jurisdiction in the Executive Ethics Board over state officers and employees of the executive branch.

A member of the Indeterminate Sentence Review Board is a state officer in the executive branch of government.

The complaint fails to state an alleged violation of chapter 42.52 RCW.

III. Conclusion and Order

The board lacks jurisdiction over the respondent, and over the subject matter of the complaint. The complaint is dismissed.