

**Complaint 2005 – No. 7  
In Re Green**

December, 2005

**STIPULATION AND ORDER**

**I. NATURE OF THE COMPLAINT**

The Complaint alleges that Representative Tami Green violated the Ethics in Public Service Act (Act) when she utilized public resources to send a letter to the complainant. The complainant-employer was involved in labor negotiations with his employees at the time. The letter urged him to negotiate a "fair contract" with his employees and accused him of not practicing the tenets of his faith, which is a faith shared by the Representative.

**II. PROCEDURAL HISTORY**

The Complaint was filed with the Board on August 19, 2005. Two additional complaints, identical in wording and attachments, were subsequently filed by employees and/or friends of the complainant and are incorporated herein by reference. An investigation was conducted pursuant to RCW 42.52.420 and the Board discussed the results of the investigation at regularly scheduled Board meetings on September 15 and October 20, 2005.

**III. JURISDICTION**

The Board has both personal and subject-matter jurisdiction because the Complaint alleges a legislator made improper personal use of public resources.

**IV. DETERMINATIONS OF FACT**

1. Representative Green, at the request of individuals representing a labor group involved in a private dispute and/or labor negotiations with an employer, agreed to write a letter to the employer on behalf of the labor group.
2. Representative Green maintains she has consistently been an active voice for working people and a strong labor movement and that she took the opportunity to present this situation to the employer in the context of a shared religious belief.

3. Representative Green composed the letter and directed her Legislative Assistant to print the letter on official legislative stationery. The letter was mailed to the employer, apparently at no cost to the state, and a copy was hand-delivered to the labor group by the Representative. The copy then appeared in the workplace during the course of the ongoing labor issues.

## V. DETERMINATIONS OF LAW

1. RCW 42.52.160 prohibits a legislator from using public resources to benefit self, or others, unless that use is part of the legislator's official duties.

### **RCW 42.52.160. Use of persons, money or property for private gain.**

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

2. Board Rule Number 3, Private Use of State Resources, adopted pursuant to the authority granted in RCW 42.52.160 provides, in pertinent part:

#### **(4) Special qualifications and limits.**

...

(c) A legislator or legislative employee may not make private use of any state property which is consumable such as paper, envelopes or spare parts, even if the actual cost to the state is de minimis.

3. RCW 42.52.160 is violated when an employee uses a single state-supplied envelope to mail a personal bill, Complaint 2005 -- No. 2; when senate stationery is used by a Senator to send a letter to a homeowner's association to which the Senator belonged, Complaint 1997 -- No. 1; when legislative staff and legislative stationery were used by a legislator to mail a letter to a high school principal complaining about the treatment afforded the legislator's daughter and teammates, Complaint 2003 -- No. 1; and when a state phone and computer were used to conduct the business of a homeowner's association, Complaint 2005 -- No. 1.
4. It is not part of a legislator's official duties to use public resources, which includes Legislative

Assistants, to become involved in a purely private labor dispute.

5. It is not part of a legislator's official duties to use public resources to admonish a constituent on how that constituent is practicing his faith.

**VI. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Respondent has violated RCW 42.52.160 and shall be penalized by a letter of instruction, and this Order is served on Respondent as the letter of instruction.

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James A. Andersen, Chair

I, Tami Green have had the option of reviewing this Stipulation and Order with legal counsel, or have actually reviewed it with legal counsel, fully understand its legal significance and have voluntarily signed it as a resolution of this matter.

\_\_\_\_\_  
Tami Green

\_\_\_\_\_  
Date