

Legislative Ethics Board

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COMPLAINT 2016 – No. 14

In Re Reykdal
March 23, 2017

ORDER OF DISMISSAL: LACK OF REASONABLE CAUSE

I. Nature of the Complaint

The complaint alleges facts that, if proven, could support a violation of RCW 42.52.070 (Special Privileges): "...no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons."

In the 2016 legislative session, House Bill 1546 (Reykdal, 2016) significantly altered a pre-existing dual credit system in public high schools, under which students could receive both high school as well as college credit under certain circumstances.

After passage of the bill, the Office of the Superintendent of Public Instruction (OSPI) hired Kim Reykdal, the spouse of Rep. Reykdal, in June 2016.

The complaint alleges that Rep. Reykdal used his position as a legislator to secure special privileges for his spouse through the passage of HB 1546.

II. Jurisdiction

The Board has personal jurisdiction over (former) Rep. Chris Reykdal, who was a member of the Washington legislature at the time the complaint was filed. It also has jurisdiction over those claims that relate to Rep. Reykdal's actions. It has no jurisdiction to consider claims regarding OSPI's internal hiring practices or its decision to hire Ms. Reykdal.

III. Findings of Fact

1. Complaint 2016 – No. 14 was received in October 2016.
2. At the time the complaint was filed, Chris Reykdal was a member of the Washington legislature and vice-chair of the House Committee on Education. Rep. Reykdal was the prime sponsor of HB 1546.
3. HB 1546 was request legislation from the Office of Financial Management (OFM). It sought to address concerns that program inefficiencies were being exploited in certain aspects of Washington’s Dual Credit programs. Those programs allow high school students to obtain college and high school credit by taking certain college level courses. HB 1546 sought to address those inefficiencies by creating a new “college in the high school” program.
4. According to the complainant, section 6 of HB 1546 appeared to direct OSPI to create a position to implement the bill, a position later filled by Kim Reykdal. That section contained a short amendment to a pre-existing statute that provided a “governing body” with authority to retain external support for complete implementation of the bill.
5. A review of the bill’s procedural history showed that section 6 of HB 1546 was added to the bill when the bill reached the Washington State Senate. It was not part of the original bill and was not considered by House until the concurrence process.
6. Board staff contacted Rep. Reykdal and the Senate sponsor of the amendment that became section 6. Rep. Reykdal denied any effort to create a job for his spouse, having agreed to support passage of the bill at the request of OFM. He denied ever having discussed any vocational prospects of his spouse with any legislators or persons at OSPI. The Senate sponsor of the amendment that became section 6 also denied any having information that would confirm any of the allegations in the complaint.
7. Leg-Tech, the legislature’s information technology staff, performed electronic searches of the email accounts for all information related to HB 1546, its subject, and Kim Reykdal, for both Rep. Reykdal and the Senate sponsor of the Senate amendments. The results of the request included several messages between Rep. Reykdal and Kim Reykdal. Board staff reviewed that information and found no mention of or reference to any effort to provide a job for Kim Reykdal, any discussion of OSPI needing to hire someone to implement the bill, or any other facts that would support the complaint.
8. Section 6 of HB 1546 directed the Guaranteed Education Tuition (GET) committee to allow parents to use GET credits to support their children’s participation in the “college in the high school” program. It had no connection to OSPI’s implementation of the bill. No provision in HB 1546 required OSPI to hire any additional personnel.

9. Kim Reykdal was a student counselor at Olympia High School in Olympia, WA. Her background included significant experience working with students on their post-high school activities, including extensive work with the Running Start program. Her vocational background included national recognition of her experience and efforts. Her application to OSPI cited her prior legislative experience as a stakeholder but did not mention her spouse.
10. Board staff contacted those persons who participated in the screening and interview process by which Kim Reykdal was hired by OSPI to work on OSPI's dual credit programs, as determined by a public records request. (One person identified as a "screener" had no specific recollection of the process.) There were multiple applicants for the position and three persons invited to interview for the job. All persons involved in the selection and interviewing process denied any effort by any person to influence their decision making process, both from Rep. Reykdal or any other person. All participants affirmed that Kim Reykdal was the top selection of the screening panel and the interview panel. One interviewer offered, "There could have been fifty applicants" and Ms. Reykdal would still have been the top choice.

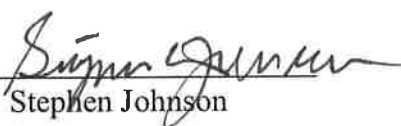
IV. Conclusions of Law

1. The Board has personal and subject matter jurisdiction over Rep. Reykdal and the allegations in the Complaint.
2. RCW 42.52.070 (Special Privileges) provides "...no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons." The Board has applied this provision to several past complaints.
3. Prior Board decisions have applied the Special Privileges statute to find violations when a legislator – attorney wrote to his private clients and appeared to offer special access to legislators (Complaint 1995 – No. 1), when a legislator solicited tickets to a sporting event from lobbyists (Complaint 2001 – No. 4), and when a legislator pressured a state agency to take action favorable to a private business owned by family members (Complaint 2007 – No. 1). In each example, a legislator took specific action intended to provide a specific benefit to a specific person or persons.
4. Introducing and lobbying for the passage of legislation is the heart of legislative activity; it is the essence of "normal and regular" conduct of a legislator. Every piece of legislation passed into law affects the actions or opportunities of Washington residents.
5. No reasonable basis exists to conclude that Rep. Chris Reykdal violated RCW 42.52.070 (Special Privileges) by sponsoring and lobbying on behalf of HB 1546 (2016). The

statute requires affirmative action on the part of the elected official: "...no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons." No facts were present to support a conclusion that Rep. Reykdal used his position to benefit his spouse.

V. Order of Dismissal

IT IS HEREBY ORDERED: that Complaint 2016 – No. 14 is hereby dismissed.



Sen. Stephen Johnson

Date: