

Legislative Ethics Board



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COMPLAINT 2020 – No. 5

In re Caldier
June 12, 2020

BOARD COUNSEL'S ORDER OF DISMISSAL

I. NATURE OF THE COMPLAINT

The complaint alleges that Respondent violated RCW 42.20.040 (false reporting) by filing reports (annual F-1 statement) with the Public Disclosure Commission (PDC) stating that Respondent's business "Golden Age Dentistry" was still in existence although it had been dissolved in 2017.

II. JURISDICTION

The Board has personal jurisdiction over the Respondent under RCW 42.52.320. The Ethics in Public Service Act (Act) does not confer subject matter jurisdiction on the Board over the filing of financial statements (F-1) by legislators. That is the sole purview of the PDC. Furthermore, RCW 42.20.040 appears to be a criminal statute; the Board has no power to enforce a criminal statute.

III. PROCEDURAL HISTORY

The complaint was received by Board counsel on May 28, 2020.

IV. FINDINGS OF FACT

There is reasonable cause to believe the following are the pertinent facts of the case.

1. The Respondent is a member of the House of Representatives representing the 26th legislative district.

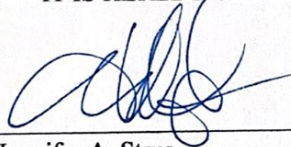
2. Complainant believes the Respondent filed false statements with the PDC because Respondent reported on the F-1 financial statements filed in 2019 and 2020 the sale of assets from her business that was dissolved in 2017.
3. Respondent did own "Golden Age Dentistry" but when she began to experience sight issues and realized she could no longer practice dentistry, she relinquished her dentistry license and closed her business sometime in 2017.
4. Respondent had considerable assets from the business that she has sold over the past three years. She believes that she must disclose the sale of these items on her financial reports to the PDC.

V. CONCLUSIONS OF LAW

1. Pursuant to RCW 42.52.RCW, the Board has jurisdiction over the Respondent but lacks subject matter jurisdiction in this matter because the violations alleged are governed by the PDC not the Act.
2. Pursuant to RCW 42.52.425 and Legislative Ethics Board Rule 1. D., Board Counsel has the authority to dismiss this complaint.
3. The investigation conducted under RCW 42.52.420 revealed that the conduct meets the criterion for dismissal.

VI. ORDER AND STIPULATION

IT IS HEREBY ORDERED that this complaint is dismissed for lack of subject matter jurisdiction.



Jennifer A. Strus
Board Counsel

Date: June 12, 2020