

# Legislative Ethics Board

**BOARD MEMBERS:**  
SHONTRANA GATES-WERTMAN  
SEN. CHRIS GILDON  
REP. DAVID HACKNEY  
TOM HOEMANN  
LARRY HOFF  
STEVE O'BAN  
SEN. JAMIE PEDERSEN  
PAM TAJIMA PRAEGER  
REP. MIKE STEELE



1007 WASHINGTON ST. SE  
OLYMPIA, WA 98501  
360-786-7343  
www.leg.wa.gov/leb  
JENNIFER STRUS - COUNSEL  
Jennifer.Strus@leg.wa.gov

## COMPLAINT 2023 – No. 6

*In re Kloba*  
May 30<sup>th</sup>, 2023

### NO REASONABLE CAUSE – ORDER OF DISMISSAL

#### I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated RCW 42.52.180 which prohibits the use of public resources for campaign purposes by tweeting her support for Chris Reykdal's re-election as Superintendent of Public Instruction using her official Twitter account.

#### II. JURISDICTION

The Board has personal and subject matter jurisdiction. RCW 42.52.320.

#### III. PROCEDURAL HISTORY

Complaint 2023 – No. 6 was received on April 2, 2023, and discussed at the Board's regularly scheduled meeting on May 19, 2023.

#### IV. FINDINGS OF FACT

1. Respondent is a member of the House of Representatives representing the 1<sup>st</sup> legislative district. She assumed office in January of 2017 and was re-elected in November 2022.
2. Respondent has two Twitter accounts, both of which are personal accounts.
3. No House member has an official Twitter account. An official account would be one in which the content would be developed and supported using legislative staff.
4. Respondent has a Twitter account under the name @RepKloba. After her name on the account, the following language appears: "Official account of Representative Shelley Kloba, Chair of Commerce and Gaming Committee. Focused on data privacy, problem gambling, Avs, tech., economic development."
5. Respondent also has a Twitter account under the name @kloba2022. After her name on the account, the following language appears: "I'm a mom, Representative, Chair of House Regulated Substance & Gaming Committee, co-founder of the Bipartisan Workgroup, and former Kirkland City Councilmember."

6. On October 29, 2020, using the @RepKloba Twitter account, Respondent retweeted a tweet supporting Chris Reykdal’s re-election bid for Superintendent of Public Instruction.
7. Respondent created two Twitter accounts intending to use the @RepKloba account for legislative matters and the @kloba2022 for campaign and other personal matters.
8. The @RepKloba account is not an official account. She indicated that she called it an official account to differentiate it from her campaign Twitter account but agreed that her calling it an official account could be misleading to the public.

VI. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.180 prohibits the use of public resources (called “facilities of an agency” in the statute) to assist a campaign. The claim that the Respondent’s posting of her endorsement of Reykdal’s candidacy fails because the Twitter account was not an official account using legislative facilities or staff, but rather a personal Twitter account. Accordingly, there was no violation of .180.

In *Advisory Opinion 2020 – No. 1*, the Board recommended that, “to avoid public confusion and perhaps future ethics complaints, when members use their title in the name of their sites, . . . they add a disclaimer to the site stating that it is not the member’s official legislative site.” Had that advice been taken in this matter, an ethics complaint might have been avoided.

V. ORDER

IT IS HEREBY ORDERED: that there is no reasonable cause to believe Respondent violated RCW 42.52.180.



Tom Hoemann, Chair

Date: May 30, 2023