

Legislative Ethics Board

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COMPLAINT 2023 – No. 17

In re Dent
March 9, 2024

NO REASONABLE CAUSE – ORDER OF DISMISSAL

I. NATURE OF COMPLAINT

The Complaint alleges that Respondent violated the Ethics Act by using his position as a legislator to discontinue supporting a program in which Complainant was personally and professionally invested. Although the complaint does not cite a specific provision of the Act to have been violated by Respondent, the Board has analyzed the complaint as alleging a violation of RCW 42.52.070 (special privileges).

II. PROCEDURAL HISTORY

Complaint 2023 – No. 17 was received on October 16, 2023 and discussed at the Board's regularly scheduled meeting on March 11, 2024.

III. JURISDICTION

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

IV. FINDINGS OF FACT

A. Introduction

1. Respondent is a member of the House of Representatives representing the 13th legislative district. He was first elected in 2014 and re-elected several times, most recently in 2022.
2. Complainant has been involved in a program designed to help reduce the gang problem in eastern Washington since 2010. Over the years, according to Complainant, he raised considerable funding from various sources for different gang related programs in eastern Washington.
3. In 2019, Complainant was instrumental in the development of HB 1895 which would have created a pilot project to reduce gang involvement, crime and violence in eastern Washington.

B. Various Programs with Which Complainant Has Been Involved

4. From 2010 to 2019, Building Bridges East was the non-profit organization that provided services in Yakima, Moses Lake and Mattawa. The purpose of the program was to reduce youth gang involvement and crime. El Nuevo Camino was the name of the treatment model used. The model relied on mentors to work with gang involved youth or those youth at risk of becoming gang involved. The funds to support this program came from various sources: the federal government; the Gates Foundation and the state legislature through the Department of Social and Health Services and the Department of Commerce. Complainant states that he was the person who raised the funds.
5. From 2017-2019, Dayna Dent, Respondent's spouse, was chair of the program and Mattawa Chief of Police Joe Harris was the vice-chair. These years were the last that the program was funded by the legislature. According to Complainant, Chief Harris and Ms. Dent were the fiscal agents for the program.
6. According to Dayna Dent, she resigned as Board chair because the program lost its funding.

C. Legislative Involvement

7. In the 2017-2019 budget, the legislature appropriated \$83,000 in fiscal year 2018 and \$83,000 in fiscal year 2019 to the Department of Commerce to create El Nuevo Camino projects for the purpose of addressing serious youth gang problems in mid-sized counties in eastern Washington. Respondent stated he was involved in securing this funding.
8. During the 2019 session, Respondent sponsored HB 1895 which appropriated \$1.4 million and required the money to be used to contract for the operation of the El Nuevo Camino pilot projects in Moses Lake, Mattawa, Quincy, Othello, Toppenish, Wapato, Zillah, western lower valley in Yakima County, Kennewick, Richland and Pasco.
9. HB 1895 was referred to the Appropriations Committee but never received a hearing. The Senate companion bill, sponsored by Senator Warnick, Respondent's seatmate, received a hearing but was not voted out of committee.
10. The 2019-2020 supplemental budget appropriated \$400,000 to the Department of Commerce to continue and expand the El Nuevo Camino pilot project for the purpose of addressing serious youth gang problems in eastern Washington. This proviso was vetoed by the Governor for COVID purposes.
11. In 2022 and 2023, Building Bridges East, through Complainant, made additional funding requests to the legislature. By that time, the legislators who had previously supported this program were no longer interested in supporting it for various reasons.

D. Discussion with Chief Joe Harris

12. Chief Harris was approached by the Complainant about instituting the program in Mattawa. Complainant explained that the program consisted of mentors working with kids at risk of gang

involvement and those already involved in gangs. The local school district referred the kids to the program. Chief Harris indicated that he was initially very interested in the program.

13. There were 2 or 3 mentors assigned to the Mattawa area. The program employed mentors who had been former gang members or who had been at risk of gang involvement. Chief Harris indicated that he ran checks on the mentors to make sure they were suitable to work with kids, which they were.
14. Chief Harris indicated that he got to know the mentors and thought they were doing a good job.
15. As the program in Mattawa progressed, some of the mentors complained to Chief Harris about their pay and the lack of reimbursement for their travel costs. They also complained that their hours fluctuated a lot. When Chief Harris looked into their complaints, he discovered that the mentors were being paid with personal checks from Complainant's checking account.
16. Chief Harris discussed this payment arrangement with Complainant and told Complainant he could not pay these mentors out of his personal account. He discussed with Complainant the lack of mileage payment to the mentors and stated he did not feel that Complainant was being totally honest with him. Chief Harris stated that this is when he got Dayna Dent involved in the program. The Chief also stated that he had a conversation with Respondent about his experience with the financial issues with the program.
17. Chief Harris also discovered at some point that there was a person in Moses Lake who was in charge of the program, not Complainant; the Complainant was on the periphery and handled the lobbying for the program and the finances.
18. Chief Harris stated he washed his hands of the program in 2019. Once the legislative money dried up, the program in Mattawa petered out.

E. Discussion with Rep. Ybarra

19. In 2020 or 2021, Rep. Ybarra received an email from El Camino Nuevo that included a list of the people who supported the program.
20. The superintendent of the Quincy school district and the Quincy police chief were listed as supporters of the program.
21. Rep. Ybarra spoke to both the superintendent and police chief to ask them about the program. Both responded that they did not know anything about it.
22. Rep. Ybarra was concerned that Complainant, who had apparently prepared the email, listed people in his district as supporters who were not aware of the program.
23. Rep. Ybarra questioned other members and Respondent about the program: where it was located and was it successful? He discussed with Respondent and other legislators his concerns and indicated that he could no longer support the program.

F. Discussion with Emmanuel Garcia

24. Mr. Garcia became a board member of El Nuevo Camino in 2016.
25. Mr. Garcia worked part-time for the program from 2017 to 2018 but was laid off because of funding issues.
26. In 2022, Mr. Garcia rejoined the board and was involved only with the program in Grant County.
27. He did assist Complainant in 2023 in attempting to secure legislative funding for the program. He spoke to Rep. Ybarra about supporting the funding ask and Rep. Ybarra said he would not support the program if Complainant was involved.
28. Mr. Garcia resigned from the program because local legislators would not support the program if Complainant was involved.

G. Discussion with Sheriff Udell

29. Complainant approached Sheriff Udell in 2021 about starting a four county anti-gang program. Udell is Sheriff of Yakima County.
30. Sheriff Udell assisted with lobbying the program. He indicated they initially got some traction especially with some Democrats.
31. The sheriff indicated that he was contacted by Respondent who indicated that there had been a similar program in Grant County in which Complainant had been involved. Respondent told Sheriff Udell that he did not have confidence in having Complainant run a similar program in Yakima County.
32. Sheriff Udell spoke to Rep. Ybarra about whether he would support the program. Rep. Ybarra stated that he had no confidence that Complainant could properly run the program.
33. Sheriff Udell stated that the program presented to him by Complainant was not fully fleshed out and when his local Senator started asking questions about it, he started to get uncomfortable.
34. Sheriff Udell stated that the proposal did not contain many details and he discovered that Complainant was not popular with the local legislators so he backed out of the project.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.070 provides in pertinent part as follows:

- (1) *Except as required to perform duties within the scope of employment, 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. . . .*

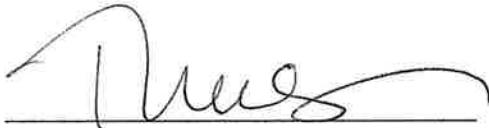
The Washington state legislature is a citizen legislature. This concept assumes that legislators have non-legislative jobs, interests and experiences and the legislature benefits from the knowledge those outside experiences bring. The Board is required to consider the citizen-legislator concept in its application of the Ethics Act. RCW 42.52.330.

Appropriation of state funds is a core duty of the legislature. Legislators commonly express their support for or opposition to various state programs through the appropriations process. Legislators may apply their professional and personal knowledge and opinions in the exercise of their official duties. Legislators may disagree with one another. *In re Kretz*, 2017 – No. 42. 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. *In re Reykdal*, 2016 – No. 14.

The Complainant alleges that Respondent used erroneous information to discontinue his support of the program. However, the various persons interviewed for this report indicated that there did appear to be issues with the program, particularly the management of the program funds and these concerns were shared with Respondent. There is no requirement that a legislator continue to support a program over which he has concerns. In fact, legislators as stewards of public funds should discontinue the support for a program in which they believe may no longer be a good expenditure of funds.

VI. ORDER

IT IS HEREBY ORDERED: that there is no reasonable cause to believe Respondent violated the Ethics Act. The complaint is hereby dismissed.



Tom Hoemann

Date: March 19, 2024