

Legislative Ethics Board

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COMPLAINT 2022 – No. 6

In re Das
June 10, 2022

I. NATURE OF COMPLAINT

The complaint alleges that Respondent violated the Ethics in Public Service Act (Act) (RCW 42.52.180 – use of state resources for campaign purposes) by soliciting campaign donations from legislative staff.

II. JURISDICTION

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

III. PROCEDURAL HISTORY

Complaint 2022 – No. 6 was received on February 3, 2022 and was discussed during the Board's regularly scheduled meeting on April 18, 2022.

IV. FINDINGS OF FACT

1. Respondent is a member of the Senate representing the 47th legislative district. She has served in the Senate since 2018.
2. On October 29, 2021, Complainant was discussing Respondent's legislative assistant's (LA) step increase with Respondent when Respondent asked Complainant to donate to her (Respondent's) campaign.
3. Complainant responded that she does not donate to political campaigns.
4. Shortly after their conversation was concluded, Respondent sent Complainant a text of the link to her campaign website. The text also included multiple heart emojis.

5. In November 2021, Respondent sent Claire Jessup¹ a message on Facebook Messenger requesting that she (Jessup) donate to Respondent's campaign.
6. Ms. Jessup did not donate to Respondent's campaign.
7. Respondent's LA for several years indicated that Respondent asked her on several occasions to donate to her (Respondent's) campaign.
8. The first time Respondent asked her LA to donate to her campaign was in 2019. The LA donated to Respondent's campaign because of the power dynamic between Respondent and her, she felt pressured to make a campaign contribution. Respondent's C-3 report filed with the PDC on December 5, 2019, indicates that Respondent's LA made a \$51 contribution to Respondent's campaign.
9. In October 2021, Respondent again asked her LA to donate to her campaign. This request occurred about a month before the LA's performance review. Because of the timing of the request, Respondent's LA again felt pressured to make another campaign donation.
10. Respondent's October 2021 C-3 report with the PDC indicates that Respondent's LA contributed \$101 to Respondent's campaign.
11. At the time Respondent solicited these campaign donations, Complainant, Ms. Jessup and Respondent's LA were employed by the Senate.
12. Respondent indicated that she had no idea that she was not supposed to solicit campaign donations from staff. She further indicated that as a long-time campaign fundraiser, she asks everyone for donations.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.180 prohibits a state officer from using or authorizing the use of "facilities of an agency," directly or indirectly, for the purpose of assisting a campaign for the election of a person to an office or for the promotion or opposition to a ballot proposition. "Facilities of an agency" include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency. And as the Board has previously stated, there is zero tolerance for the use of legislative facilities for campaign purposes even if there has been no actual assistance to a campaign. *In re Hunt*, 2019 – No. 3; *In re Young*, 2017 – No. 41; *In re Johnson*, 1996 – No. 1; *Advisory Opinion* 1995 – No. 18.

RCW 42.17A.655 prohibits any state or local official or state or local official's agent from knowingly soliciting, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency. While the enforcement of this statute is under the jurisdiction of the Public Disclosure Commission, the ETHICS MANUAL, published and updated annually, has included the following in the section of the MANUAL dealing with use of state

¹ Fictitious name

resources for campaign purposes: “it is a violation [of RCW 42.52.180] to solicit contributions from legislative employees for legislative candidates, regardless of time or place.”

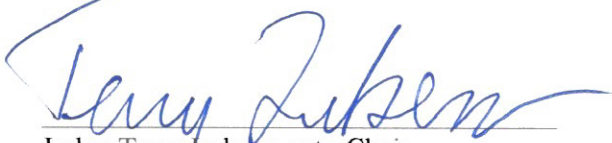
Legislative employees are “facilities of an agency” as that term is defined in .180 and as it has been construed by the Board over the years. *See e.g., In re Sawyer*, 2018 – No. 4. Each of the persons Respondent solicited for campaign contributions was employed by the Senate at the time Respondent was a member of the Senate.

Even if a legislator or legislative employee did not intend to violate the Act, intent is not required to establish a violation of RCW 42.52.180. *In re Carrell*, 2008 – No. 3. Furthermore, .180 “prevents legislators from having unfettered use of state resources to assist their campaigns and the legislature has declared that the Act shall be construed liberally to effectuate its purposes and policy . . . RCW 42.52.901.” *See also In re Stambaugh*, 2016 – Nos. 8 & 13.

A tenet from which the Board has never strayed over the years is the prohibition on the use of public resources for campaign purposes. No actions could be more violative of this prohibition than a legislator soliciting campaign donations from legislative employees. It is irrelevant whether these solicitations occurred during working hours; the ETHICS MANUAL and RCW 42.17A.655 are very clear that a violation does not depend on where and when the solicitation occurred. That the solicitation occurred is sufficient to find that RCW 42.52.180 was violated.

VI. ORDER AND STIPULATION

IT IS HEREBY ORDERED: that reasonable cause exists that Sen. Das violated RCW 42.52.180 and that she pay a civil penalty of One Thousand dollars (\$1000), payable to the Washington State Treasurer.



Judge Terry Lukens, ret., Chair
6/20/22

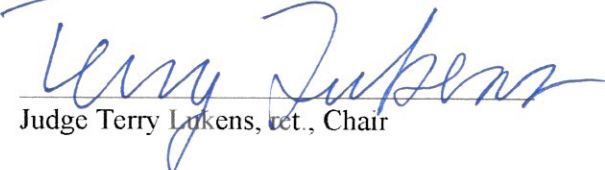
Date

I, Mona Das, hereby certify that I have read this Stipulation and Order in its entirety; that I have had the option of reviewing this agreement with legal counsel, or have actually reviewed it with legal counsel; fully understand its legal significance and consequence; agree to the entry of findings of fact and conclusions of law, and agree to personally sign it as a resolution of this matter and have voluntarily signed this Stipulation and Order.

Sen. Mona Das

Date: _____

Having reviewed the proposed Stipulation, and on behalf of the Legislative Ethics Board, the Stipulation is accepted.



Judge Terry Lukens, et., Chair

member of the Senate.

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Sen. Mona Das

Date: **6-13-22**

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Judge Terry Lukens, ret., Chair
In re Das