

WASHINGTON STATE
EXECUTIVE ETHICS BOARD
2425 Bristol Court SW – 1st Floor Conference Room 148 – Olympia, WA

March 10, 2006
Regular Meeting Minutes

A. Preliminary Business

1. Roll Call

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Chair Trish Akana at 9:00 a.m. Also present were Members Neil Gorrell and Judy Golberg. Vice Chair Evelyn Yenson and Member Paul Zellinsky were present via telephone. Board staff in attendance included: Executive Director Susan Harris, Senior Assistant Attorney General Linda Moran, Administrative Officer Ruthann Bryant and Investigators Nancy Lewin and Sue Jones.

2. Approval of Agenda

Motion 06-023 Moved by Member Zellinsky, seconded by Vice Chair Yenson:

The Board approves the March 10, 2006 agenda.

The motion passed unanimously.

3. Approval of February 10, 2006 Minutes

Motion 06-024 Moved by Member Golberg, seconded by Member Gorrell:

The Board approves the February 10, 2006 minutes as written.

The motion passed unanimously.

B. Policy Reviews

Ms. Harris provided a draft policy submitted by Washington State University regarding Promotions and Sponsorships and noted that the policy does not address the issue of special privileges.

The board requested that staff ask Washington State University whether it has statutory authority to engage in promotional activities and research similar policies from other universities and bring the policy to a future meeting.

Ms. Harris also provided a draft Washington State University policy regarding Charities and suggested changing the word "may" on page 2, first example, forth line to "must" in order for the activity to qualify as "organizational effectiveness." The Board concurred with the change and requested that the university clearly define "charity" and "charitable purpose." The policy will be presented at a future meeting.

Two draft policies submitted by Washington State Parks and Recreation Commission regarding Using and Managing Cellular Telephones and Using Agency Telephone Service and Equipment were also provided by Ms. Harris. She noted that both policies were approved at the February 10 meeting of the Board. At that meeting the Board expressed concern with a statement stating that the de minimis use was limited to once a day since the Board never ruled on such a matter. That statement has been removed and the Using Agency Telephone Service and Equipment policy is being resubmitted for approval. The policy regarding Using and Managing Cellular Telephones contains minor formatting changes.

Motion 06-025 Moved by Member Golberg, seconded by Member Gorrell:

The Board approves Washington State Parks and Recreation Commission policy on Using and Managing Cellular Telephones and Using Agency Telephone Service and Equipment as presented.

The motion passed unanimously.

C. Advisory Opinion

Susan Harris presented a request for clarification submitted by Administrative Law Judge John Gray regarding Advisory Opinion 01-02, Membership in Non-State Organizations that are Affected by State Agency Decisions.

Mr. Gray is a member of a national organization to which he pays dues. The membership entitles him to discounts on certain goods and services, however he is not an officer or a voting member of the organization. As an Administrative Law Judge, Mr. Gray hears tax cases, and that activity meets the definition of "transaction involving the state." He is concerned with a potential conflict if he is assigned a case involving the organization in which he is a member.

Ms. Harris noted that Advisory Opinion 01-02, as currently written, precludes members of Costco, AARP, and AAA from working on transactions involving the state simply because they are card holding members.

After discussion, the Board determined that membership alone is not enough to create a conflict, as in Mr. Gray's case. The Board added that opinions are advisory

and do not apply in all instances. They directed staff to draft an amendment to Advisory Opinion 01-02 and present it at a future meeting.

D. Stipulations and Orders

1. EEB Case No. 03-038 (Sullivan)

Ms. Harris briefed the Board on the proposed stipulation and order. Ms. Sullivan agreed that she violated RCW 42.52.160 when she used state resources by failing to properly submit leave documentation. The Board's deliberation on the proposal was deferred until closed session.

2. EEB Case No. 03-056 (Groves)

Ms. Harris briefed the Board on the proposed stipulation and order. Mr. Groves agreed that he violated RCW 42.52.160 when he included a non-state email address and a commercial web address in his signature block on 12 official Department of Licensing emails. The Board's deliberation on the proposal was deferred until closed session.

E. Staff Reports

1. Executive Director's Report

Ms. Harris summarized legislation that may have an impact on the Ethics law. She noted that HB 2898 Regulating distribution of communications by state employees passed and is now in the Governor's office for signature. She noted that rule-making on the issue will be scheduled for a future meeting.

Ms. Harris also discussed a new complaint form which clarifies confidentiality of complainants pursuant to RCW 42.17.310(1)(e).

Ms. Harris reported on a letter she sent to Tom Fitzsimmons, Governor Gregoire's Chief of Staff. The letter indicated the Board's desire to offer training to executive management teams. Mr. Fitzsimmons responded favorably to the suggestion.

Ms. Harris also indicated that she had 6 training sessions scheduled with agency executive management teams, most as a result of the letter. DOP was publishing their training schedule to include ethics training.

Ms. Harris then discussed the upcoming state-wide ethics conference scheduled for June 15 at the Olympia Red Lion Hotel. She asked the Board to consider moving its June meeting and combining it with the July meeting. The Board agreed that, due to the June conference, their regularly scheduled June meeting would be held on July 13, and a retreat will be on July 14.

2. Other Staff Reports

No other staff reports were given.

F. Public Comment/Board Member Comments

Harvey Gertson from the Department of Transportation briefly commented on ethics issues his agency is currently facing.

Chair Akana discussed the reasonable cause process and handed out a detailed narrative for members to reference. She noted that staff is preparing a flowchart of the narrative for the May meeting.

G. Executive or Closed Session

At 10:55 a.m. the Board moved into Closed Session to discuss potential litigation and deliberate and to receive and evaluate complaints against state employees and officers. At 11:50 a.m. the Board came back into regular session.

H. Miscellaneous Matters/Adjournment

There being no miscellaneous matters, the meeting was adjourned at 11:50 a.m.

Approved by the Board 04/14/06