



Washington State Executive Ethics Board

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February 13, 2007

Ms. Karen Ann Jensen
Supervision Staff Attorney
Department of Health
Health Professions Quality Assurance
PO BOX 47850
Olympia, WA 98504-7850

Dear Ms. Jensen:

At its meeting of January 12, 2007, the Executive Ethics Board reviewed your request of November 7, 2006 for an advisory opinion. You asked whether certain committee members could contract with the Department of Health (DOH) as expert witnesses.

The Board declined to issue an advisory opinion and have asked that I communicate the reasons to you.

RCW 42.52.120(1)(b) states that an employee may receive compensation for outside activities, provided that: "The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision."

You indicated in your letter and attachments that the committee members would advise, recommend and consult with DOH in case dispositions. If these same committee members were to become expert witnesses on these same cases, they would be advising DOH on matters that they provided the expert testimony, something they might typically do as committee members.

Because they committee members are responsible for advising DOH on disciplinary matters, to allow them to contract with DOH to provide these same services would be contrary to the core of the Ethics in Public Service Act.

If you have further questions or concerns, please feel free to contact me.

Sincerely,

Susan Harris
Executive Director