



Washington State Executive Ethics Board

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Executive Ethics Board News

Neil Gorrell, Chair
Linnaea Jablonski, Vice-Chair
Judy Golberg, Member
Mike Connelly, Member
Martin Biegelman, Member

February 13, 2009

The Executive Ethics Board (Board) met on Friday, February 13, 2009. All members were present. Others attending included: Melanie de Leon, Executive Director, Ruthann Bryant, Board Secretary, Sue Jones and Nancy Lewin, Board Investigators, Mickey Newberry, AAG Prosecutor and Jerry Anderson, Senior AAG, Board Counsel. Other members of the public also attended.

Enforcement

In lieu of an enforcement hearing, the Board accepted stipulations from:

- A. Charles Madison, Director of the Department of Speech and Hearing at Washington State University – Spokane who violated RCW 42.52.160, Use of persons, money, or property for private gain, by using his work computer to access and view non-work related material. Dr. Madison agreed to pay a civil penalty of \$750, with \$250 suspended.
- B. Linda Balch, Information Technology Systems Specialist with the Attorney General's Office, who violated RCW 42.52.050 by disclosing confidential information to persons not entitled or authorized to receive the information. Ms. Balch agreed to pay a civil penalty of \$250.
- C. Martin Singleton, an Information Technology Systems Specialist with the Attorney General's Office, who violated RCW 42.52.050 by disclosing confidential information to persons not entitled or authorized to receive the information. Mr. Singleton agreed to pay a civil penalty of \$250.

Other

A. The Board concluded discussions regarding whether a Department of Revenue Administrative Law Judge (ALJ) could make a determination regarding the tax liability of Company #1, where the ALJ holds shares in Company #2, who has a financial and voting interest in Company #3, which owns Company #1. The Board decided that the ALJ's ownership in Company # 2 was too attenuated for the state employee to have a conflict of interest or financial interest in the transaction.

B. The Board continued its proposed revision of WAC 292-110-010. They developed another draft revision that was sent out for comments. Members from local unions and state agencies provided oral testimony or written comments regarding this newest draft. The Board took these comments under advisement and will develop another draft for review at the March meeting. Once a clean draft is agreed upon by all Board members, the CR 102 will be filed, giving folks another chance to provide their comments at the public hearing.

C. The Board began reviewing all of the advisory opinions (AO). The Board staff is facilitating this review by grouping like subjects together, so that the Board reviews all of the opinions on that subject at the same time, and completing a pre-review to provide the Board with context and recommendations.

During their review the Board will determine if the AO should remain unchanged, be updated or combined with others, or be retired. The first round of reviews regarded conflicts of interest for board and commission members and encompassed the following AOs, with the described outcomes:

- AO 96-09 – Retire
- AO-96-09A – Separate the “Model” rules into a separate WAC, then retire AO.
- AO 97-11 – Include the statements regarding divestitures into the model rules, then retire AO.
- AO 98-08 – Expand applicable group to include all Boards and Commissions and draft new language regarding potential future business.
- AO 99-07 – Review for any updates
- AO – 03-05 – Retire

D. The Board decided to begin issuing press releases regarding the outcome of cases once the Board has taken action. These releases will go out to the Olympia area and the place of residence of the Respondent.

Meeting agendas can be found at www.ethics.wa.gov under “Meetings.”

The next meeting of the Executive Ethics Board is scheduled for March 13, 2009.