

Executive Ethics Board News

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

January 13, 2009

The Executive Ethics Board (Board) met on Friday, January 9, 2009. All members attended, with Mike Connelly appearing by phone. 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.

The Board welcomed new member Martin Biegelman who is the Director of Financial Integrity at Microsoft Corporation where he leads a global fraud detection, investigation, and prevention program. He is a former federal law enforcement professional having served as a United States Postal Inspector in a variety of investigative and management assignments. He is both a Certified Fraud Examiner and a Certified Compliance and Ethics Professional and the author of books on fraud prevention, compliance and ethics, and identity theft.

Enforcement

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

Kristin Millis, publisher of the *Daily*, a newspaper at the University of Washington. Ms. Millis agreed to pay a civil penalty of \$500, with \$250 suspended, for violating RCW 42.52.160(1).

Other

A. The Board began discussions regarding whether a Department of Revenue Administrative Law Judge (ALJ) can 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 wanted additional information regarding the size of the ALJ's stock holdings before providing an opinion.

B. The Board also began discussions regarding whether a Collective Bargaining Agreement can require a state agency to include printed information supplied by a Union into the worker's pay envelopes, particularly flyers regarding legislative initiatives. The Board heard from the Governor's Labor Relations Office regarding the background of this issue. The union wanted more time to prepare information to provide the Board, so this issue was tabled until the February meeting.

C. The Department of Veterans Affairs (DVA) presented two policies regarding visitors to state-owned Veteran's homes. The Board approved both policies. In addition to approving these policies, the Board also discussed whether legislators could visit residents of the Homes without violating RCW 42.52.180. The Board found that the process DVA used was appropriate and did not violate the provisions of the Ethics Act.

D. In July 2008, the Board began discussions regarding the use of state resources under WAC 292-110-010. In November 2008, the Board held the public hearing regarding the proposed revision and received both oral and written comments. The Board wanted to incorporate these comments into the revision, so they withdrew the CR 102 and went back to the drawing board. The Board hopes to have another proposed revision at the February meeting.

E. The Board approved its 2009-2013 Strategic Plan and reviewed the Annual Report for publication on the website by the end of January.

Staff News

The staff began reviewing all of the advisory opinions and will begin to present their findings regarding these reviews during future Board meetings. These reviews will ascertain whether the opinion is still current and applicable, needs updating or should be repealed or retired.

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

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