

Executive Ethics Board News

Neil Gorrell, Chair
Linnaea Jablonski, Vice-Chair
Mike Connelly, Member
Martin Biegelman, Member
Matthew Williams, Member

November 13, 2009

The Executive Ethics Board (Board) met on Friday, November 13, 2009. Mr. Biegelman was absent; all other members attended. Others attending included: Melanie de Leon, Executive Director, Ruthann Bryant, Board Secretary, Nancy Lewin and Sue Jones, Board Investigators. Other members of the public also attended.

Enforcement

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

1. Bernie Andringa, a Diesel Shop Instructor at Skagit Valley College, who violated RCW 42.52.160, Use of state resources. The Board assessed a civil penalty of \$1,000, with \$500 suspended.
2. Jerome Lord, a Pierce Community College employee, who violated RCW 42.52.160, Use of state resources. The Board accepted a civil penalty of \$6,500, with \$1,500 suspended.

Board Action:

- A. The Board heard and approved the Board of Industrial Insurance Appeals' Use of Resources policy.
- B. The Board discussed the following issues:
 1. Whether Washington Horse Racing Commission (WHRC) employees and commissioners may bet on simulcast races without violating RCW 42.52.020 by merely changing their rule under WAC 260-14-040? The Board requested more information regarding simulcast racing and how the Commission's legal counsel interprets the term "race meet." This subject will be discussed again at the January meeting.
 2. Whether legislators or other elected officials may meet with state employees or state officers in a state facility to discuss legislative issues without violating RCW 42.52.070, .160 or .180? If so, what parameters would apply to these meetings? The original issue revolved around the Union requesting use of a state facility to hold a meeting between the legislators and an employee group. The Board held that the Union could not use a state facility for meetings unless the agency allowed every other organization to hold similar types of meetings. The Board did opine that an agency could have legislators in to discuss agency issues with agency employees as long as the discussion did not violate any section of the Ethics act.
 3. What type of links can a state agency provide on its official website? The Information Services Board and Department of Information Services already have guidelines regarding

linking external web sites to agency web sites and the Board opined that agencies should follow these firmly established guidelines.

- C. The Board discussed Advisory Opinion 00-08 regarding the use of titles by state employees and officers and the requirement of using a disclaimer when one uses their state title for non-official acts. The Board's legal advisor made a distinction between use of title under RCW 42.52.180 and RCW 42.52.160 in that the Board had held in the past the one's title was not a "facility" of the agency as mentioned under .180, so a state employee may be able to use their state title when campaigning for the election of a person or a ballot initiative, but might not be able to use their state title to endorse an outside organization under the restrictions of RCW 42.52.160 and WAC 292-110-010. The Board requested more information regarding this issue to be discussed at the January meeting.

Other News

- The Board welcomed new member Matthew Williams who filled the vacancy left by Judy Golberg.
- The Board elected Linnaea Jablonski as the new chair, with Mike Connelly as the vice-chair.
- Member Martin Biegelman was selected by the Obama administration to be the Assistant Director for the Financial Crisis Commission in Washington DC. This commission has an 18-month or longer commitment, so he has taken a leave of absence from Microsoft and relocated to Washington DC to fulfill this role. We do not yet know how, or if, this new role will affect his participation in Board matters. He is working with the Governor's office to determine if he can continue to participate via phone while he is in DC.