



Washington State Executive Ethics Board

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Executive Ethics Board News

Judy Golberg, Chair
Neil Gorrell, Vice-Chair
Evelyn Yenson, Member
Linnaea Jablonski, Member
Mike Connelly, Member

June 13, 2008

The Executive Ethics Board (Board) met on Friday, June 13, 2008. All members were present. Others attending included: Melanie de Leon, Executive Director, Nancy Lewin and Sue Jones, Investigators, Mickey Newberry, AAG, and Jerry Anderson, AAG. Other members of the public also attended.

Enforcement

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

- a. Steve Conn, Information Technician at Olympic College. Mr. Conn used agreed to pay a civil penalty of \$1,200 for personal use of a state resource.
- b. Jamie Holter, Public Information Officer, Department of Transportation. Ms. Holter agreed to pay a civil penalty of \$500 for personal use of a state resource, with a portion of the penalty suspended providing she has no violations for a period of three calendar years.
- c. W.H. Knight, Dean, University of Washington Law School. Mr. Knight agreed to pay a civil penalty of \$750, with a portion of the penalty suspended providing he has no violations for a period of three calendar years, for using a state resource to receive and/or send communications regarding an outside business endeavor.

Legislative Matters

The Board will be proposing one bill that would amend RCW 42.52.500 to increase the amount of the penalty that triggers the requirement for the Board to offer the use of an Administrative Law Judge (ALJ) to respondents who come before the Board in enforcement hearings from the current \$500 to \$2,000. The Board's rationale is that most of the cases that they hear now are not complex and regard matters that have come before the Board in the past, thus negating the need for a ALJ to preside over even the procedural aspects of the case.

Other

The Board discussed an agency question regarding participation in collective bargaining. Specifically, the Department of Transportation posed two questions to the Board:

1. May a manager, as part of the state's bargaining team, propose language during collective bargaining that may benefit himself or herself, his or her spouse, or child?
2. May a manager, who on approved withdrawal from a union after accepting a management position, be a part of the state's collective bargaining team with that union when the manager may receive a benefit for himself or herself, his or her spouse, or child because the member has the

right to voluntarily revert back to a represented position and receive benefits previously negotiated?

The Board discussed these questions with DOT representatives and did not believe that this would be a violation of the Ethics in Public Service Act, if, at the time the manager is negotiating, the manager is not officially part of the collective bargaining unit that is impacted by the collective bargaining agreement. The Board staff is preparing a draft response for the Board that the Board will review at the July meeting.

The Board was asked to reconsider their Advisor Opinion, 08-01, regarding the sale of products during Weight Watchers meetings. After reviewing the actual contracts in place and the material used to prepare the current Advisor Opinion, the Board voted to decline reconsideration.

In May, the Board staff addressed 82 ethics questions via the Ethics website, e-mails and direct calls to Board staff or in-person meetings.

Staff News

The Board staff is please to welcome AAG Mickey Newberry as our new lead enforcement attorney.

Board staff began providing "Tips of the Month" in May regarding ethical issues. These will be placed on our website when our website is updated in the coming weeks.

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

The next meeting of the Executive Ethics Board is scheduled for July 11, 2008.