



Board Issues Interim Interpretation 07-01

At its September 8 meeting, the Board issued Interim Interpretation 07-01, Distributing Communications from an Employee Organization or Charitable Organization.

During the 2006 Legislative session, a bill was introduced in the legislature that would allow state employees to distribute communications to other state employees, if the communication was from an employee organization or charitable organization. The bill passed both the House and Senate, and was signed by the Governor on March 24, 2006. The law went into effect on June 7, 2006.

The Board began the rule

making process by discussing amendments to WAC 292-100-007 Definitions, to include new definitions to aid in clarifying and give direction to organizations who might be affected by the new legislation.

Senior Assistant Attorney General Nancy Krier provided extensive background on electioneering communications and express advocacy to clarify the definition of support or oppose. The language was developed after review of several court cases, both state and federal.

At the November 17th meeting, the Board gathered

public comment regarding the amendment to WAC 292-100-007 and decided to continue the hearing while staff conducts further research.

In the meantime, the interpretation offers guidance to stakeholders on the implementation of RCW 42.52.560, while the rule making process continues.



For a copy of Interim Interpretation 07-01 contact our office via email : ethics@atg.wa.gov

New Member Joins the Executive Ethics Board

The Executive Ethics Board welcomed new member Kyle Usrey following his appointment by Governor Gregoire on October 5, 2006.

Member Usrey is an Attorney-at-Law and Dean of the School of Global Commerce and Management at

Whitworth College in Spokane.

He has been engaged in international business consulting for over ten years, with clients in China, Bulgaria, Tunisia, East Africa, most of SE Asia, Australia and Canada.

The Board also said farewell to long time Member Paul Zellinsky when his term ended on September 30, 2006.

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Ethics Board Members

- Trish Akana, Chair
- Evelyn Yenson, Vice Chair
- Paul Zellinsky, Member
- Judy Golberg, Member
- Neil Gorrell, Member
- Kyle Usrey, Member

Recent Executive Ethics Board Case Decisions

EEB Case 05-032 A Washington State Parks and Recreation Commission employee violated the Ethics Law when he used a state computer to view Internet sites not related to his official duties. These Internet sites included numerous nudist web sites. Evidence reflected 15-20 hours in one month spent viewing such sites. He agreed to pay a civil penalty of \$2,000.

EEB Case 05-041 A Department of Social and Health Services employee used state resources, including the state computer to store numerous pictures. In addition, she accessed the Internet to access various non-work related websites and to join an on-line dating service. She agreed to pay a civil penalty of

\$750.00

EEB Case 06-022 A Department of Transportation employee reached a settlement with the Board and agreed to pay a civil penalty of \$1,150. He used his state

computer to store personal documents, access his personal email, to send and receive instant messages, surf the web and to download a music software application.

EEB Case 06-030 An employee with the Department of Transportation agreed to a civil penalty of \$1,000 for using state resources to support his outside bodybuilding and fitness photography business.



To obtain a copy of a settlement agreement, please contact our office at 360-664-0871 or via email: ethics@atg.wa.gov

November Enforcement Hearings

On November 17, 2006, the Board held an enforcement hearing to determine if an employee of Yakima Valley Community College violated the Ethics Law when he used his position to secure special privileges and used state resources for personal benefit.

The Board also considered a complaint against a former Vocational Rehabilitation Counselor with the DSHS Division of Vocational Rehabilitation (DVR). The allegations were that the employee violated RCW

42.52 when he (1) authorized purchases that were beyond the authority of a Vocational Rehabilitation Counselor (VRC); (2) authorized on-the-job-training (OJT) for three DVR clients through a business in which he was a co-owner; (3) authorized car repair expenses on a vehicle allegedly owned by a DVR client, when he was the registered owner of the vehicle; and (4) authorized car repair expenses on a

Decisions in both enforcement hearings are pending.

vehicle allegedly owned by a DVR client, when actually the vehicle was registered to an individual who resided with the respondent, and who was not a DVR client.

Administrative Law Judge Cindy Burdue presided over the hearings and decisions are pending in both cases.

Amendments to Rules

After a public hearing on November 17, 2006 the Board adopted amendments to four rules:

WAC 292-100-045—Executive director's dismissal The amendment includes statutory changes to include the authority of the Board to issue dismissals.

WAC 292-100-050—Determination on

reasonable cause The changes are not substantive, but are made for ease of reading.

WAC 292-100-150—Discovery-Production of documents and use at hearing Allows time for staff to copy materials prior to mailing the board packet and allows parties to provide additional materials at the hearing.

WAC 292-100-160—Conduct of hearings

The amendment clarifies the role of the administrative law judge when sitting with the board or sitting alone.



The rules become effective 31 days after filing with the Code Reviser.

Train-the-Trainer

Executive Ethics Board staff has developed a train-the-trainer program to provide state agencies with the tools necessary to train their own employees about the Ethics in Public Service Act.

Each two hour session provides an indepth discussion of the Ethics Law. We also review each of our brochures, Training Manual and PowerPoint presentation.

All of the resources are available both in hard copy and electronic format. We are also featuring a CD with all of our publications, Laws, Rules and

FAQs to assist you in training your staff.

We will be announcing the training schedule in January. If you are interested in receiving information on

this program, please contact Ruthann Bryant at 360-664-0871 or via email: ruthannb@atg.wa.gov

If your agency is not interested in our Ethics Law Train-the-Trainer approach, please keep in mind that the Department of Personnel has two courses covering this topic. Both are available to all public sector employees and detailed information about these courses can be found by visiting the Department of Personnel website at www.dop.wa.gov



Look for Train the Trainer dates to be announced in January

Can I keep an airline voucher for being “bumped” from a flight while on official travel?

No. If an employee is on official agency business, and the agency paid for the official travel, the Board believes that the vouchers are the property of the agency.

The Board has stated that employees may keep frequent flyer miles, if the agency elects, because of the administrative burden it would

cause to track the miles. However, there is no administrative burden with vouchers since they are tangible items. The vouchers are simply handed over to the fiscal or travel office to be used by other state employees

The tangible item of travel vouchers paid for with public agency consideration belong to the public agency.

while traveling on official agency business.

Request for Advisory Opinion

Washington State Parks and Recreation Commission (Parks) asked the Board whether the prohibition against conducting an outside business or private business in a state facility applied to employees and/or their family members living in agency residences.

Following discussion with Parks’ staff, the Board declined to issue an opinion since the law and rules are very clear:

state resources may not be used for private benefit.

They said that Parks employees voluntarily live in Parks housing and are aware of and agree to abide by Parks’ policies prior to making the decision to live there.

For Reference:

RCW 42.52.160 Use of persons,

money, or property for private gain and WAC 292-110-010 Use of Resources.



EXECUTIVE ETHICS BOARD

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2007 Board Meeting Schedule

January 12
February 9
March 9
April 13
May 11
June 8
July 13
September 14
October 12
November 9

We're on the Web!
www.ethics.wa.gov

New Website Coming Soon

The Executive Ethics Board is currently designing a new website. The site will be more user friendly and easier to navigate.

Many new things have been added including Board Advisory Letters and Informal Board Advice. We will also feature an updated Frequently Asked Questions section based on the most common questions asked of Board staff as well as agency Ethics Advisors.

Board Advisory Opinions will be easy to find and navigate and will feature a search option both by topic or by year.

In addition, the site will also include a new format for the Ethics Challenge with a results page that will display the number of each question answered incor-

rectly and allow the user to view the correct answer. This results page can be printed for your Human Resource Office to maintain training records.

You can look for the new website to "go live" at the end of January 2007.



*Comments or questions? Please send them to us via email:
ethics@atg.wa.gov*