

Washington State Executive Ethics Board



Annual Report for Fiscal Year 2005

November, 2005

MISSION STATEMENT

The Executive Ethics Board raises awareness and communication on the Ethics in Public Service Act and ensures compliance with the law.

LEADERSHIP

The Executive Ethics Board is comprised of five members, all appointed by the Governor. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Chair Paul Zellinsky was appointed by Governor Locke in 2002 to serve until September 30, 2006. Mr. Zellinsky has served on the Kitsap Planning Commission, the Bremerton Council of the Navy League, the Bremerton and Silverdale Chambers of Commerce and the Sheltered Workshop for the Handicapped. He was an auto dealer and spent 11 years in the waste management business. Mr. Zellinsky served in the Legislature from 1983 – 1999.

Vice Chair Trish Akana was appointed by Governor Locke in November 2003 to fill the classified state employee position. Ms. Akana is employed by the Department of Ecology. She served for 2 years on the North Thurston School District Special Education Advisory Council. Ms. Akana serves on the Board of Directors for the Dispute Resolution Center of Thurston County where she has volunteered as a family mediator for more than 5 years. She also volunteers as a workplace mediator with the Interagency Mediation Program. Her term expires on September 30, 2007

Member Marilee Scarbrough sits in the exempt state employee position as a staff person with the Washington State School Directors Association. Ms. Scarbrough was the attorney for TeamChild and worked as legal counsel for the Washington State House of Representatives. Her experience also includes working as staff attorney with the Pierce County Department of Assigned Counsel as well as serving as Judge Pro Tem for Tacoma Municipal Court. Appointed by Governor Locke in 2001, Ms. Scarbrough's term expires in September, 2005.

Member Evelyn Yenson was recommended by then Attorney General Christine Gregoire and was appointed by Governor Locke in 2004. Ms. Yenson was the Washington State Lottery Director from 1987-1997 and Director of the Department of Licensing from 1997-1999. She has worked in the private sector for the past seven years. Her term expires on September 30, 2008.

Member Judy Golberg was appointed to the EEB by Governor Locke in 2004 at the recommendation of State Auditor Brian Sonntag for a term that ends on September 30, 2009. Between 1983 and 1992, Ms. Golberg was a member of the Richland School Board, serving 3 years as President and 5 years as Vice President. She is a member of the League of Women Voters, and also served as State President from 2003-2005. Ms. Golberg has been employed in the health care field since 1989 and is currently a member of the Association of Health Care Administrative Assistants.

Executive Director Susan Harris was appointed to her position by Attorney General Rob McKenna in February, 2005. She began state service in 1975 with the then Department of Motor Vehicles. In 1977, she transferred to the Public Disclosure Commission, spending the next 28 years with that agency, the last five years as Assistant Director. During that time, Susan focused her energies on investigations and policy issues.

GENERAL INFORMATION

Biennial Budget: \$695,955

FTE's: 3 staff
.15 board members

Legal Counsel: Case work/ Prosecutor: Government Compliance and Enforcement Division (Linda Dalton, Bob Hargreaves, Michael Tribble)
Board Counsel: Licensing and Administrative Law Division (Linda Moran, Nancy Krier)

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BACKGROUND

The Executive Ethics Board is housed with the Office of the Attorney General. Staff members are employees of the AGO. However, the Board is an independent group made up of five individuals who are appointed by the Governor. Both board and staff members are dedicated to improving the public's confidence in state government by ensuring that state officers and employees conduct themselves with the highest ethical and moral standards and they conduct the state's business in a manner that advances the public's interest.

Fiscal Year 2005 was a rebirth of the Executive Ethics Board. First, there was a new administration for the State of Washington, including a new Governor and new Attorney General, and second, a new Executive Director joined the staff. This provided an opportunity to regroup and develop a comprehensive 2- year strategic plan that sets out three goals:

- **Raise ethical awareness and communication,**
- **Fulfill legislatively-mandated responsibilities, and**
- **Improve internal processes to bring about greater efficiencies and effectiveness.**

The Board Members believe that publicizing their actions, conducting training, developing educational materials, and issuing advisory opinions or non-binding staff opinions are ways to accomplish these goals.

The Board Members take their role seriously, and hold themselves to the highest values in an attempt to be role models. They have set their standards to be respectful, trustworthy, fair, competent, possessing integrity, and finally, stewards of the Ethics in Public Service Act. These values are essential in order to assure the public that any action taken by the Board was done in a fair and unbiased manner, and the action was conducted in a manner that advanced the public's interest.

RAISE ETHICAL AWARENESS AND COMMUNICATION

Training/Advice

Because the Board was going through a significant transitional period, the training program was temporarily put on hold. Although no formal training was being provided, staff continued to offer non-binding staff opinions. During FY 2005, staff responded to over 300 emails seeking advice on compliance with the ethics laws. Staff members were also readily available to assist telephone callers seeking advice.

Staff has developed training materials, such as Power Point presentations and a training manual which are also available to agencies for their internal training needs.

Ethics Advisors Group

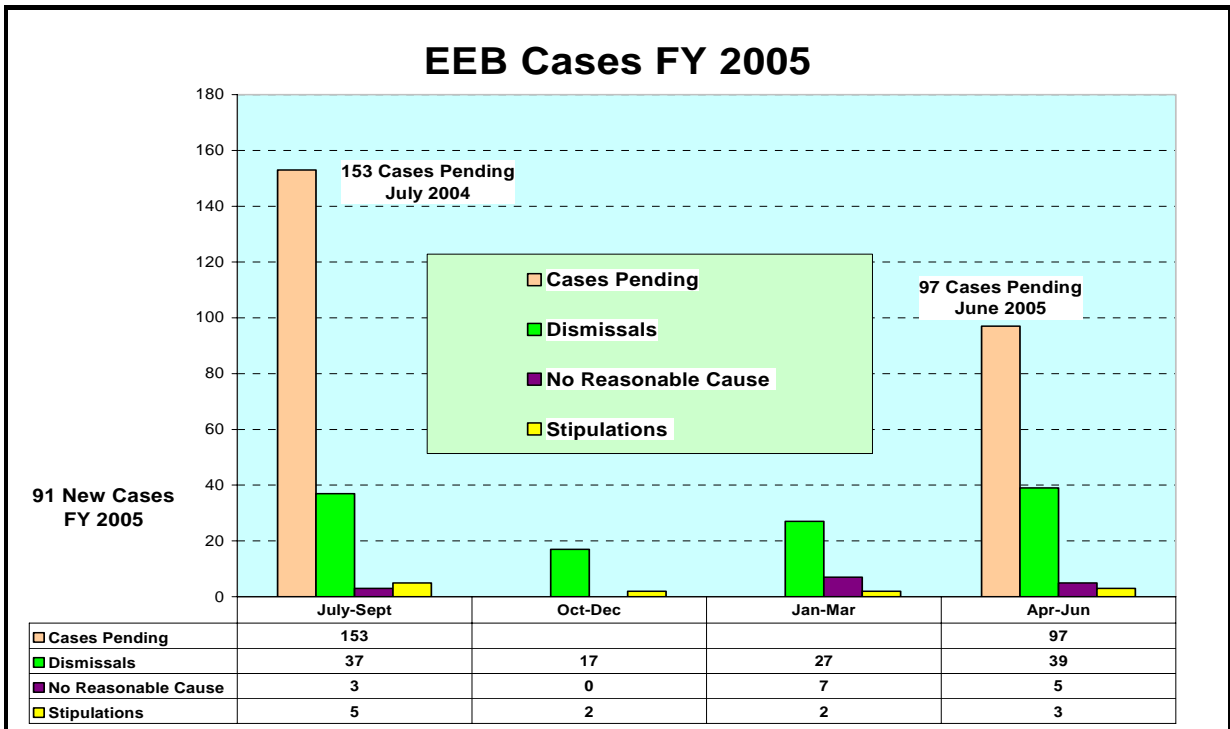
Staff members continued meeting with ethics advisors from different agencies, typically in the week following the Board meeting. These meetings consist of a review of Board actions and also give the ethics advisors a chance to seek input from others in issues that arise within their own agencies.

FULFILL LEGISLATIVELY-MANDATED RESONSIBILITIES

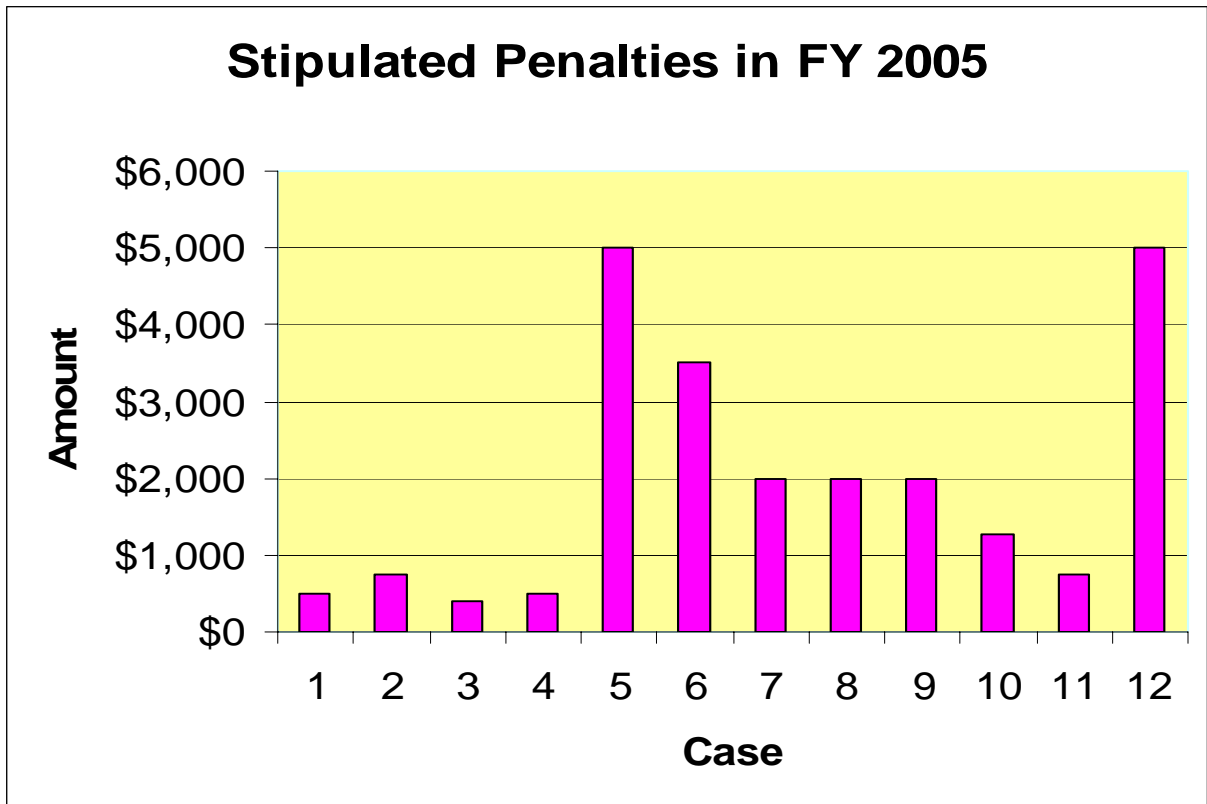
Enforcement Activities

At the start of FY 2005, staff was facing an enforcement caseload of 153 active investigations. During the year, an additional 91 complaints were received.

Action was taken on 147 cases, leaving 97 cases open at the end of the fiscal year. In the disposition of those 147 cases, 120 were dismissed by the Executive Director, the Board found that in 15 cases there was no reason to believe a violation occurred, and 12 respondents entered into a stipulated agreement with staff as to violations and penalty, which were ultimately accepted by the board.



The use of public resources for personal gain was the leading reason for the violations found against the 12 individuals who stipulated. Most of these respondents agreed that their actions went beyond what was permissible by law and by their own agency's policy. The penalties for such violations were between \$400 and \$5,000, depending on the egregiousness of the violation and any mitigating or aggravating circumstances. In some cases, the respondent agreed to pay part of the investigative costs.



These 12 individuals were employed by 10 different agencies.

Advisory Opinions

The Board issued one advisory opinion during FY 2005. The question was:

“May the State Survey Manager, a Department of Natural Resources (DNR) manager, also be an officer on a private non-profit organization that will receive funds under a Federal grant that was initiated and managed by the Survey Manager’s division? “

The Board determined that it was permissible under these circumstances because the employee was serving on the board as part of his official duties, but also cautioned the agency that the employee should not exercise any fiscal oversight of the federal grant.

Legislation/Rule Making

During the 2005 Legislative Session, bills were introduced in the Legislature which would have impacted the EEB had they passed. Of all the bills with potential impact on the EEB, one House Bill, along with its companion Senate Bill, passed. That bill related to the ethical transfer of technology in facilities of higher education.

The bill with the most impact on the EEB was the 2006/2007 budget bill. In that bill, the EEB was given additional funds to increase its staffing level from 3 FTE's to 4.5 FTE's. While this bill wasn't effective until July 1, 2005, it allowed staff to reorganize and prepare for the arrival of an additional investigator and ½ time office assistant.

A bill was introduced which would have allowed board members to serve a second term, but that bill failed in the Senate.

The Board did not engage in rule making during FY 2005.

Other

Staff reviewed and approved over 30 contracts from state employees seeking to contract with other state agencies.

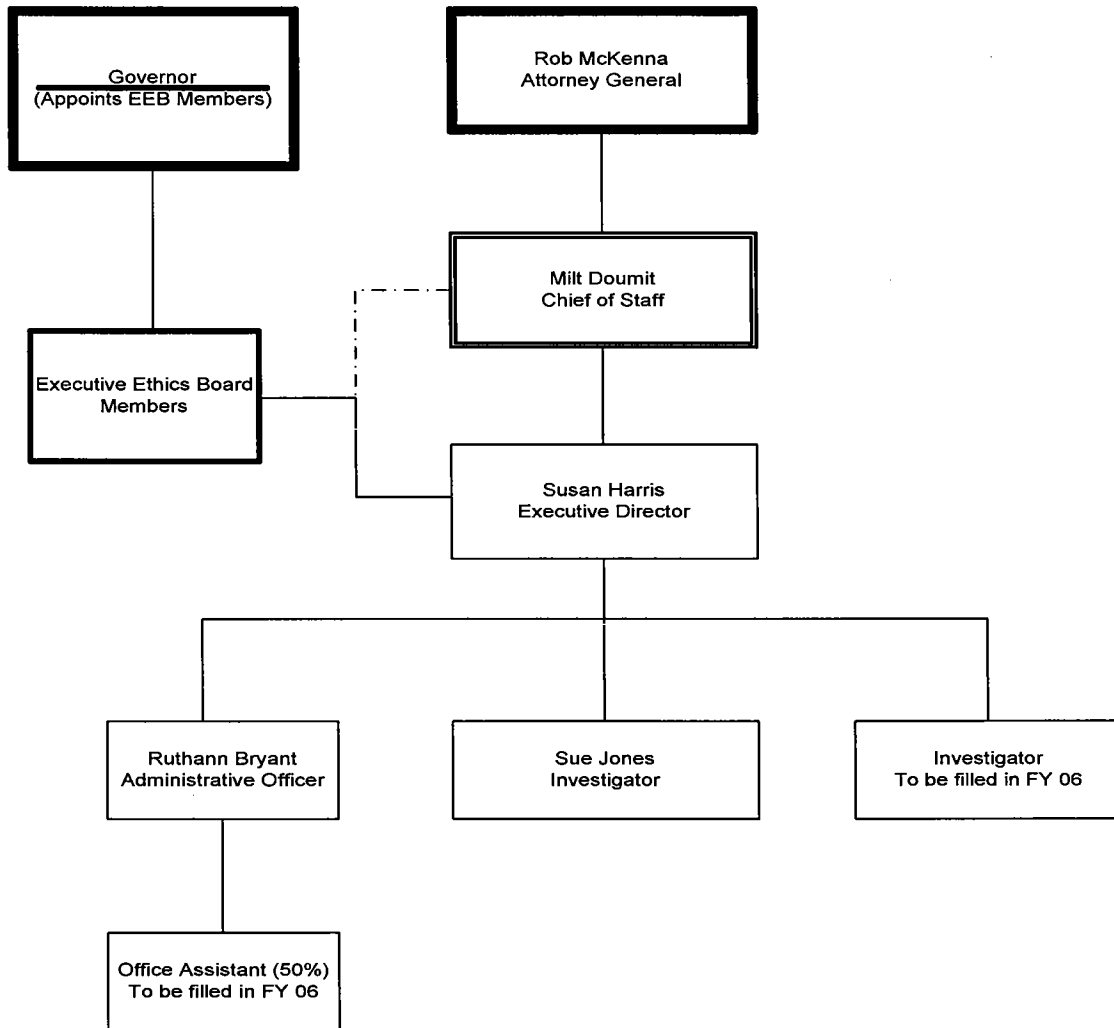
The Board also reviewed and approved four agency policies

IMPROVE INTERNAL PROCESSES TO BRING ABOUT GREATER EFFICIENCIES AND EFFECTIVENESS

The transition period gave the Board members an opportunity to review the structural foundation and to look at ways to improve service to the public. As a result, the Board developed its own policies on how the members will conduct themselves and processes they will follow during Board meetings.

In addition, the relationship between the Attorney General's Office and the Board was better defined. The Board sets policy, directs staff and determines whether someone has violated the Ethics in Public Service Act. The Attorney General, with input from Board Members, supervises and conducts performance evaluations of the Executive Director.

Relationship Between the Office of the Attorney General and the Executive Ethics Board



Looking forward, the Board will continue to seek ways in which it can improve its processes and will continue to maintain its self-imposed standards.

Finally, the Board would like to offer its thanks to Kent Nakamura, who, during the difficult transition period, gave up retirement to serve as Interim Director, “keeping the ship afloat!”