



# Basics of Washington Ethics Laws

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## INTRODUCTION:

If you are a public official, may one day be a public official, or are an activist who monitors government boards and commissions, you will want to become familiar with Washington ethics laws. NOTE: This training document is not a legal document, nor is it intended to provide legal advice. Instead, it is a descriptive, but not exhaustive, document about some basics of Washington ethics laws. For more information, read the statutes described in this document or check out the Washington Ethics Commission website by pointing your browser to: <http://www.Washington.gov/ogec/Pages/index.aspx>

## 1 WHO DO ETHICS LAWS APPLY TO

Washington ethics laws apply to public officials, public employees, and public records. Laws and regulations covering this can be found in Ch. 42.52 RCW, Ch. 292.100 WAC, Ch. 292.110 WAC, Ch. 292.120 WAC, and Ch. 292.130 WAC. You should consider reading these statutes to learn more. The scope of this document will be limited to ethics laws as they relate to public officials.

## 2 WHO IS A PUBLIC OFFICIAL

A public official is any person holding a public office in Washington, including any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivisions office. In short, if you got elected to a public office in Washington, ethics laws apply to you. If you are selected to fill an appointed position, you should consider yourself a public official too.

## 3 WHAT ARE THE PURPOSES OF ETHICS LAWS

Overall, the main purposes of ethics laws are to prevent and stop government corruption. Ethics laws are intended to set the standards by which governments conduct themselves. They are intended to:

- a. Prevent public officials from using their positions to obtain financial benefits that would not be available to them, their household members, or any businesses that they, their relatives, or their household members are associated with if they were not public officials.
- b. Prevent public officials from using confidential information obtained because of their positions or actions taken in the course of carrying out their duties for personal gain.
- c. Determine which forms of compensation or benefits public officials may properly receive for their work. These include official compensation (established salary, health care benefits, and the like), reimbursement of reasonable expenses incurred while working in an official capacity including travel expenses, properly reported campaign contributions, awards for professional achievement (there are restrictions to delineate such awards from honorarium or gifts), limited "de minimis" personal use of public facilities. Statute establishes many conditions with respect to these categories. While this covers many of the most common examples, it is not an exhaustive list.

## 4 OTHER ISSUES

- a. **Nepotism.** Nepotism is covered in Ch. 495d-113 WAC. It is defined as "the practice of showing favoritism to relatives in hiring and employment practices." It is good practice to apply this to the awarding of contracts. Nepotism is only loosely regulated at the state level and municipalities often have their own politics on nepotism – check with your local or county clerk.

In general, family members of public officials can be hired to work for the same public entity provided the official is not involved in the recruitment, screening, appointment, termination, promotion, demotion, changes in compensation, supervision, or evaluation of a person with whom the official shares a substantial economic interest. Otherwise, such relationships shall not be used as a basis for granting or denying employment rights, privileges, or benefits.

## 4 OTHER ISSUES (CONT)

In statute, “family member or relative” includes the spouse or domestic partner, children (including adopted and foster children), siblings, grandparents, uncles and aunts, nephews and nieces, in-laws, and the employees’ spouse or domestic partner. But with respect to an “intermediaries,” those who transmit campaign contributions to a candidates or campaign committees, the definition is broadened to include stepchildren, grandchildren, parents, step-parents, grandparents, siblings, half-siblings of the individual and the spouse or the domestic partner of any such person.

**b. Owning a Business or Accepting Private Employment.** Generally, public officials can work for private employers or even own their own business. It is illegal to solicit or extend a promise of employment based on a person’s status as a public official. Public officials cannot use public resources or their position to create opportunities for income. There must be a clear distinction between a public official’s private work and their use of the public body’s time and resources.

**c. Employment of Former Public Officials.** Generally, a former public official cannot accept employment from an employer for up to two years if the former official, during the last year of his/her service was involved with the negotiation or administration of a contract between the prospective employer and the public body he or she served on. There are more details in statute.

For two years after he/she leaves office, the former official may not have a direct or indirect beneficial interest in any contract or grant resulting from interactions between the public board he/she served on and any other entity if the former public official participated in activities leading to the awarding of the contract or grant.

No former public official may accept employment or compensation from a prospective employer if a reasonable person could believe that such an offer was extended in compensation for the former public official taking a particular action or actions before leaving office. Former public officials cannot use confidential information obtained while serving for personal gain.

**d. Accepting Gifts.** A “gift” is something of economic value offered to an official or candidate, or members of their household, without cost which is not made available to the general public. There are circumstances where accepting gifts can be appropriate, but it is generally best for public officials to avoid accepting gifts – doing so makes it easy to accidentally step on a legal landmine and can create perceptions of corruption even if one is technically behaving legally. If you see a public official accepting a lot of gifts, you could be looking at red flags.

Chapter 42.52.140 RCW defines what constitutes a gift and under what circumstances. Gifts of an aggregate value exceeding \$50 cannot be accepted from a single source. Gifts given to an official’s family or guests will be counted toward the \$50 limit.

## 5 CONFLICTS OF INTEREST

Conflicts of interest arise when a public officials finds themselves in positions where acting in an official capacity can create benefits that other people would not have access to. When public officials recognize such conflicts, they need to declare them conflict publicly and remove themselves from the decision making process related to the matter at hand. Washington statute discusses different kinds of conflicts:

**a. Activities Incompatible with Public Duties.** No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business, transaction, or personal activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer’s or state employee’s official duties.

**b. Activities Creating Personal Financial Conflicts of Interest.** No state officer may be beneficially interested, directly or indirectly in a contract, sale, leaser, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part. Neither may he or she accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

### CONCLUSION:

This offers a basic introduction and rules of thumb relating to Washington’s ethics laws. You can learn more by reading statutes on ethics, visiting the websites of the Washington State Executive Ethics Board, The Washington State Legislative Ethics Board, and the Seattle Ethics and Elections Commission. Using common sense and acting with integrity covers most of the bases, but there are traps! Know the guidelines and you’ll be OK!