

WAC 352-04-050 Conflict of interest. (1) A member of the commission shall comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or under the supervision of the commission, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, lease, purchase or grant; or

(b) The member is an officer, agent, employee or member of an entity which is engaged in a transaction involving the commission.

(2) If required by subsection (1) of this section, the member or employee shall:

(a) Recuse him or herself from the commission discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse him or herself from the commission vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining commission members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(3) The prohibition against discussion set forth in subsection (2)(a) through (c) of this section shall not prohibit the member of the commission from using his or her general expertise to educate and provide general information on the subject area to other members.

(4) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

(5) A member who would otherwise be disqualified under subsection (2)(a) through (c) of this section may participate fully in the proceedings if a quorum cannot be achieved because of a conflict of interest, and the participation of the board member is required for official action, as long as the member discloses the basis for disqualification prior to participating and voting.

[Statutory Authority: Title 79A RCW, RCW 79A.05.025, 79A.05.030, 79A.05.070, and 42.30.075. WSR 00-23-033, § 352-04-050, filed 11/8/00, effective 12/9/00.]