

2018

Executive
Ethics Board

[ANNUAL REPORT]

Washington State Executive Ethics Board

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The Board Members and Background

Mission Statement

To promote integrity, confidence and public trust in state government through education, interpretation and enforcement of the Ethics in Public Service Act.

Leadership

Established in 1995 via statute, the Washington State Executive Ethics Board (the Board) is comprised of five members appointed by the Governor for five-year terms. Two of the five members must be current state employees; one an exempt employee and one a classified employee. One of the remaining three members of the Board is selected from names provided by the State Auditor's Office, one from names provided by the Attorney General's Office and one is a citizen-at-large. Except for initial members and those completing partial terms, members serve a single five-year term. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

John Ladenburg Sr. (Chair) was appointed by Governor Inslee in October 2015 for a term through September 2019. Mr. Ladenburg has represented Pierce County as a Tacoma City Council member, a Prosecuting Attorney and as Pierce County Executive where he served for eight years. He is currently in private practice with his two sons at the law firm Sadler Ladenburg in Tacoma.

Shirley Battan (Vice Chair) was appointed by Governor Inslee in March, 2017 to fill the remainder of a term extending through September, 2018 and was reappointed for a full term by Governor Inslee. Shirley is a graduate of Western Washington University and the University of Puget Sound School of Law (now Seattle University). Shirley retired from the Office of the Attorney General in June 2014 as a Deputy Attorney General, having served at the executive level for Attorneys General Gregoire, McKenna and Ferguson. In that role she had administrative oversight for several legal divisions and was also responsible for attorney hiring, attorney training, internal policy development and the Office's Diversity Advisory Committee. She is a recipient of the National Association of Attorneys General Executive Manager of the Year Award and also the Conference of Western Attorneys General Kempsky Award for Outstanding Management.

Lisa Marsh, was originally appointed by Governor Gregoire in March 2011 and was reappointed for a full term by Governor Inslee in November 2015. Lisa earned her J.D. from the University of Puget Sound School of Law in 1994 and an LL.M. in tax from the University of Washington, from which she also earned a green belt in Lean/Six Sigma. Lisa has been in public service for 30 years, including serving as a Chief Operations Officer, Chief Information Officer, Chief Strategy Officer, Administrative Law Judge, Assistant Attorney General, and Change Agent. Lisa has been recognized with the Governor's Award for Leadership in Management and the Excellence in Leadership Award; and her units have received multiple state, national and international topical and team awards.

Gerri Davis was appointed by Governor Inslee in December 2017 for a term of service through September 2022. Gerri serves as the Human Resources Director with the State of Washington Department of Financial Institutions, and has been employed with the State of Washington Department of Financial Institutions (DFI) since March of 1997. She served as Ethics Advisor to

DFI's Agency Management and Staff since 2000, including providing Ethics Training to agency management and staff. Since Gerri's appointment to the Executive Ethics Board she no longer serves as the agency's Ethics Advisor, but does to continue to provide Ethics Training to agency management and staff, as well as managing the annual Ethics Package completion required by all agency staff. Gerri has extensive experience and training in all aspects of Human Resources work, has been engaged in managing agency ethical standards during her tenure with DFI, and holds a certificate in Human Resources Management from Seattle Pacific University.

Anna Dudek Ross was appointed by Governor Gregoire in May 2012 for a term of service extending through September 2016 and was reappointed for a full term by Governor Inslee. Anna is a graduate of Macalester College and Vanderbilt University Law School. Anna is an environmental attorney focusing on regulation and government contracting. She previously served as Deputy Counsel to a presidential campaign, as Managing Director of the Alaska office of a Seattle-based consulting firm, and as an Associate Director of the Seattle University School of Law Center for Professional Development. Anna lives in Seattle with her husband Jeremy and daughter Sabina.

Board staff includes an Executive Director, Administrative Officer and two Investigators. The Board is an independent agency, but the Board's staff is funded and supported through the Attorney General's Office (AGO).

The Executive Director reports to the AGO's Solicitor General. Board staff complies with all of the AGO's policies and procedures and follows the AGO's Performance Management System in which each staff member's work performance is evaluated on an annual basis against mutually agreed upon performance goals. Board staff is housed in an AGO-leased facility.

Background

The Executive Ethics Board is an independent group made up of five individuals who are appointed by the Governor. The Office of the Attorney General provides staff for the Board. Board members as well as staff 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.

The Board's strategic plan emphasizes two areas in which most resources are to be devoted:

- **Strengthen the ethical culture and promote an ethical workforce within the executive branch of Washington State government, and**
- **Improve the complaint process.**

The Board Members believe that conducting training, developing educational materials, and issuing advisory opinions or non-binding staff opinions are ways to accomplish these goals. The Board released an electronic complaint form and has been working on reviewing all of their rules and advisory opinions to make both the process and rules more user friendly and transparent.

Strengthen the Ethical Culture and Promote an Ethical Workforce

The Board assists customers—including agency advisors, state employees, elected officials and the public at large—via e-mail, the phone, or face-to-face meetings. Board staff routinely answer hundreds of queries a year from customers regarding ethical situations and assist them in effectively handling these situations.

In 2018, Board staff answered over 1,300 ethics questions both on the telephone and via email. Use of state resources and general information about the Board were among the top inquiries.



The Board’s website continues to be the main source of information for state agencies and the public at large. The site adapts to screens of all sizes and provides Board customers with real-time information, a calendar of events, electronic forms as well as contact us and public records request forms.

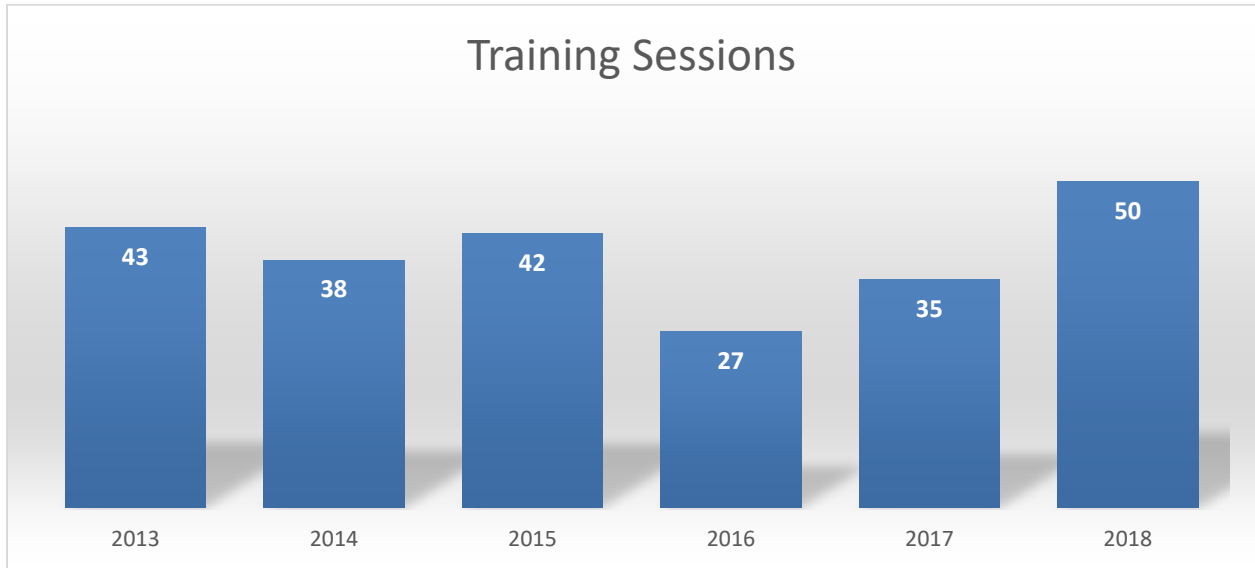
Training

The Ethics in Public Service Act does not currently mandate ethics training but does encourage training of all state employees every thirty-six months and requires all state agencies to designate an ethics advisor. The Board offers free training to any state agency in a variety of ways: a 4-hour in-depth look at the Ethics in Public Service Act, RCW 42.52; a 90-minute refresher course for those employees who already have a good working knowledge of the Act, both online and live; and other sessions specifically tailored to the agency’s needs.

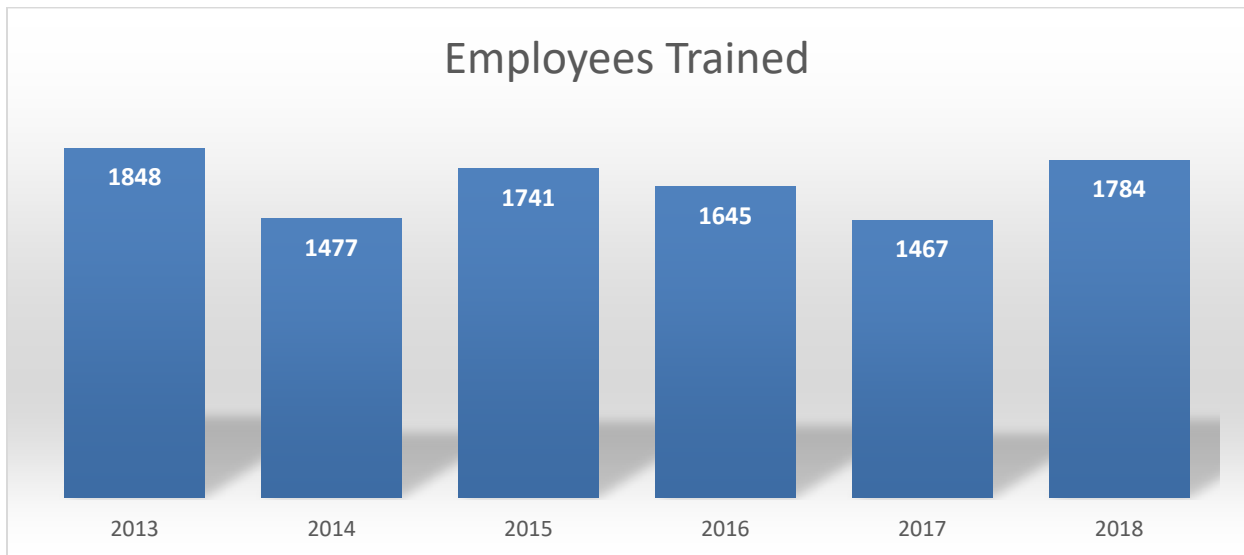
Board staff also worked in partnership with Bellevue College on a pilot program to conduct Ethics Training via webinar. Seven sessions were held in this new format reaching just over 100 employees. Staff plans to extend this option to others throughout the coming year.

Over the past year, Board staff conducted 50 live classroom sessions across the state and trained 1,784 state employees.

Sessions held:



Number of state employees trained:



EEB Newsletter

Board staff published an EEB Newsletter immediately following each Board meeting to inform state agencies of recent Board opinions and enforcement actions. These newsletters are posted on the ethics website for the public to read.

Outside Employment Contracts

Under WAC 292-110-060, a state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. In 2018, the Board staff reviewed and approved 78 contracts.

Policy Reviews

Under RCW 42.52.360(4) and 292-120-035, the Board may review and approve agency policies. When determining an appropriate sanction for violations of the Act, the Board may consider agency policies in effect at the time of the conduct and would likely not impose sanctions for conduct that would violate the Act if the conduct at issue was permitted under a board-approved agency policy. In 2018, the Board reviewed and approved 14 agency policies. Approved policies are posted on the Board's website for reference.

Rule-making

In 2018, the Board finalized amendments to WAC 292-110 Agency Substantive Rules and filed minor amendments to WAC 292-120-035 Safe Harbor Provision. In addition, the Board also approved amendments to the entire chapter of WAC 292-130 Public Records and Agency Organization Rules and held a public hearing for interested stakeholders and public comment.

Advisory Opinions

The Board reviewed and approved revisions to two Advisory Opinions: Advisory Opinion 02-05 Use of State Facilities to Gamble and Advisory Opinion 10-02 Wearing Uniform at Charitable Events.

Coalition for Integrity

In 2018 the Coalition for Integrity published their *States with Anti-corruption Measures for Public Officials [S.W.A.M.P] Index Report 2018*. The Coalition for Integrity is non-profit, non-partisan 501(c)(3) organization, working in coalition with a wide range of individuals and organizations to combat corruption and promote integrity in the public and private sectors.

The S.W.A.M.P. report analyzes the laws of all 50 states and the District of Columbia relating to current state laws and regulations governing ethics and transparency in both the executive and legislative branches.

Washington State scored number one in the nation! Washington was recognized for having an Executive Ethics Board and a Legislative Ethics Board, both of which have authority to independently investigate, hold public hearings, issue reprimands and impose fines. Washington State also has strong gift rules, which prohibit elected and appointed executive branch officials and legislators from accepting more than \$50 worth of gifts, in aggregate, in a calendar year or in a single gift from multiple sources.

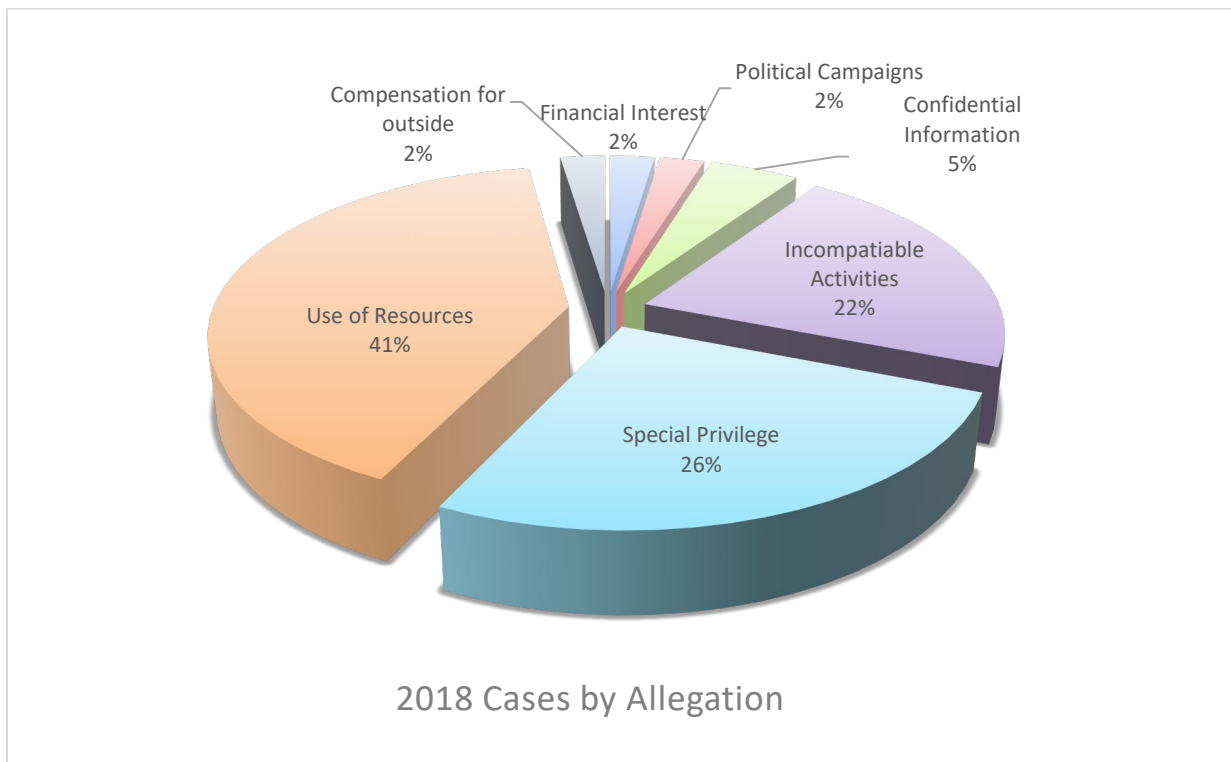
Improve the Complaint Process

Enforcement

In order to simplify the process for the public to file complaints with the Board, staff added an electronic complaint form to the website. The public can easily complete a complaint form, attach evidence and file it with the Board electronically. The public can also print and mail the complaint into our office.

In 2018, the Board opened 62 new cases and currently has 27 open cases. The Board found Reasonable Cause in 26 cases and no Reasonable Cause in five cases, issued 22 Board Dismissals and issued four Orders of Default. In 2018, the Board reviewed 15 Executive Director Dismissals, settled 23 cases with agreed stipulations and held one enforcement hearing. In total, the Board levied \$148,250 in monetary penalties. Monies received as payment of these penalties are deposited into the state's general fund.

The use of public resources for personal gain was once again the leading allegation for cases accepted for filing in 2018, followed by special privilege and activities incompatible with public duties.



Details on the enforcement actions resulting in civil penalties can be found in Attachment 1.

The goal is to complete routine investigations within 180 days. In 2018, investigations were completed in an average of 147 days, well within our goal. Much of the decrease in the completion rate is due to the addition of a second investigator. Overall, the complexity of cases received has increased and Board staff is now conducting forensic analysis on nearly all use of state resource cases.

General Information

Budget

Washington's Executive Ethics Board has an annual operating budget of \$481,192, four staff members and jurisdiction over approximately 62,425 employees in the Executive branch of state government, not including over 38,000 higher education employees.

Staff:

Kate Reynolds, Executive Director
Ruthann Bryant, Administrative Officer
David Killeen, Senior Investigator
Daniel Davis, Investigator (Jan-Feb)
Bobby Frye, Investigator (May-Present)

Legal Counsel:

Bruce Turcott, Assistant Attorney General, Counsel to the Board
Chad Standifer, Assistant Attorney General, Counsel to staff and enforcement attorney

Contact Information

Address: 2425 Bristol Court SW
PO Box 40149
Olympia, WA 98504-0149

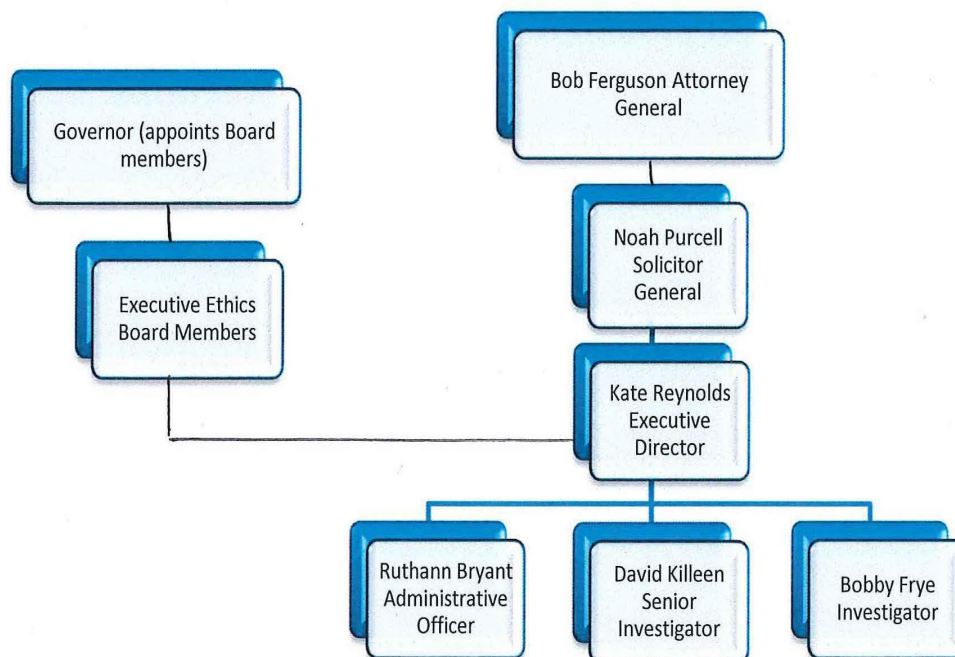
Telephone: 360-664-0871

Facsimile: 360-586-3955

Website: www.ethics.wa.gov

Email: ethics@atg.wa.gov

Organizational Chart



The Board accepted stipulated penalties from or imposed penalties on 28 individual state employees as follows:

	Allegation	Violation	Penalty
Employee 1	A former Department of Social and Health Services employee had an inappropriate relationship with a client on his assigned caseload.	RCW 42.52.020	\$5,000
Employee 2	Former Executive Director for the Eastern Washington State Historical Society, Northwest Museum of Arts and Culture used his position to secure a performance-based bonus for himself and violated the Act in actions made regarding the MAC and the MAC Foundation.	RCW 42.52.020, .070, .110, .160	\$30,000
Employee 3	Director of Operations, Washington State Ferries allowed his wife to use a ferry pass when she no longer had the privilege to do so, took time off to attend a golf tournament without submitting the proper leave and allowed his subordinates to do the same.	RCW 42.52.020, .070, .160	\$6,000 with \$2,000 suspended
Employee 4	Athletic Director at Bellevue College scheduled Bellevue College gym rentals for his private interest groups and received a special privilege in regards to these personal outside business interests.	RCW 42.52.020, .070	\$750
Employee 5	An employee at South Puget Sound Community College used state resources for his private benefit and gain.	RCW 42.52.160	\$2,500 with \$1,250 suspended
Employee 6	A former Department of Social and Health Services Employee used state resources to promote his private outside business.	RCW 42.52.160	\$2,500
Employee 7	A former Employment Security Department employee used state resources for her private benefit and gain.	RCW 42.52.160	\$1,000
Employee 8	A Department of Health employee took time off from work without submitting the proper leave slips arriving late totaling nearly 20 eight-hour workdays and failed to submit leave for 17 days she was not at work.	RCW 42.52.160	\$3,500 with \$1,000 suspended
Employee 9	A former Department of Social and Health Services employee used state resources to browse the internet for 93.5 hours over a ten-week period.	RCW 42.52.160	\$3,000
Employee 10	Manager of Federal Funding for the Department of Social and Health Services used state time and resources to conduct out-of-state peer reviews for a federal contractor	RCW 42.52.110	\$4,000 with \$2,000 suspended

	and received compensation by the contractor in addition to his state salary.		
Employee 11	Director of the Seattle Maritime Academy at Seattle Central College allowed an employee to store and dock his personal boat on Seattle Maritime Academy property on a regular basis.	RCW 42.52.070	\$2,000 with \$1,000 suspended
Employee 12	A Maintenance Superintendent with Washington State Department of Transportation received a special privilege from another employee with that employee issued a Commercial Driver Training Employer Certification to his son.	RCW 42.52.070	\$2,000 with \$1,000 suspended
Employee 13	An Administrative Services Manager with Western Washington University ordered personal items using the college Amazon Prime account and used state resources, including equipment, to support her private business.	RCW 42.52.160	\$4,000 with \$2,000 suspended
Employee 14	A former Tacoma Community College Public Safety Officer used state resources to watch movies, browse the internet and to access a GoFundMe account to solicit funds for a career change.	RCW 42.52.160	\$1,250
Employee 15	A Department of Social and Health Services employee used her position to access a client case file for personal purposes.	RCW 42.52.050 and .070	\$2,500 with \$1,250 suspended
Employee 16	A faculty member at Grays Harbor College required her students to purchase a textbook that she co-authored with another faculty member.	RCW 42.52.020, .030, 070	\$1,500 with \$1,000 suspended
Employee 17	A Western Washington employee used her position to secure special privileges for another employee by not complying with standard recruitment practices.	RCW 42.52.070	\$250
Employee 18	A former University of Washington employee used state resources in support of his outside business, secured special privileges for himself and others by using the Harborview Medical Center facility to conduct personal outside business activities and received outside compensation for the performance of his official duties.	RCW 42.52.020, .070, .110, .160	\$27,500
Employee 19	A Department of Corrections employee took time off work without submitting leave slips, used state resources for her personal benefit and gain and loaned money and gave gifts to some of her subordinates.	RCW 42.52.020 and .160	\$5,000 with \$1,800 suspended
Employee 20	An Everett Community College employee used state resources for her private business as a proctor for standardized college and	RCW 42.52.160	\$4,000 with \$2,000 suspended

	profession school admissions and professional licensing tests.		
Employee 21	A former Washington Military Department used state resources for private benefit and gain and secured special privileges by using his state credit card to make unauthorized charges.	RCW 42.52.070 and .160	\$3,000
Employee 22	A supervisor at the Department of Corrections failed to submit leave for time taken off work.	RCW 42.52.160	\$2,500 with \$500 suspended
Employee 23	A former Employment Security Department employee used state resources for her private benefit and gain.	RCW 42.52.160	\$2,500
Employee 24	A former Attendant Counselor at Yakima Valley School sent videos of residents via Snapchat.	RCW 42.52.050	\$2,000
Employee 25	A former Supervisor at Community Colleges of Spokane used a state issued credit card to make personal purchases and did not reimburse the college for all of the items purchased.	RCW 42.52.020, .070, .160	\$4,000
Employee 26	The former Director of Public Safety at Bellevue College used his position to have one of his subordinates provide personal transportation for him, sell personal items and state property for him.	RCW 42.52.020 and .160	\$10,000
Employee 27	A former Employment Security Department employee accepted a post-state employment position with a company in which she worked under a contract with while employed with the state.	RCW 42.52.080	\$2,000
Employee 28	A former Department of Social and Health Services Information Technology Specialist used his state computer for extensive internet browsing, storage for extensive personal files and for personal gain or special privilege of another.	RCW 42.52.160	\$14,000