

Washington State Executive Ethics Board

Annual Report
2012

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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

The Executive Ethics Board is comprised of five members, all appointed by the Governor. The members are as follows:

- (1) One member is a member of the classified service;
- (2) One member is a state officer or state employee in an exempt position;
- (3) One member is a citizen at large;
- (4) One member is a citizen selected from a list provided by the state auditor; and,
- (5) One member is a citizen selected from a list provided by the attorney general.

Except for initial members and those completing partial terms, members serve a single five-year term during which time they may not hold partisan or full-time nonpartisan elective office, make campaign contributions, or lobby other than on matters relating to the ethics law. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Matthew Williams III, (Served as Chair January 1 – December 31) was nominated by State Auditor Brian Sonntag and appointed by Governor Christine Gregoire in November, 2009 for a term of service that extends until September, 2014. Mr. Williams is a retired Lieutenant Colonel, United States Army, and is a combat veteran of the Vietnam War (Bronze Star recipient) and Panama Incursion. Additionally, he is a tenured member of the U.S. Army Special Forces (*Green Berets*), and was the Senior Intelligence Officer for the 1st Special Operations Command (Airborne), Fort Bragg, N.C. Among his more distinguished military assignments, Mr. Williams was appointed Head of Delegation for NATO Intelligence Issues, NATO Headquarters, Brussels, Belgium, as well as serving as Adjunct Guest Lecturer at the Naval War College, Newport, Rhode Island. He is currently co-owner and educational training consultant with the *Fitz-Williams Group*, University Place, WA. Mr. Williams is a graduate of North Carolina Agricultural and Technical University, Greensboro, N.C., and holds a Bachelor of Science Degree in Business Administration. Moreover, he is a graduate of the Professional Teaching Certification Program at Saint Martin's University, Lacey, WA. He sings professionally in the local area.

Lisa Marsh, (Served as Vice-Chair January 1 – December 31) was appointed by Governor Gregoire in March 2011. She is the Deputy Assistant Commissioner of the Unemployment Insurance Tax & Wage Administration for the Employment Security

Department, which collects and maintains employer tax and wage data and moneys in order to enable the appropriate payment of benefits. 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 in 1997; she has been licensed to practice law in 11 jurisdictions. Lisa has been in public service for 25 years, including prior service as an Administrative Law Judge, an Assistant Attorney General, and a Senior Policy Advisor with the Department of Information Services. She has been recognized with the Governor's Award for Leadership in Management; two US Department of Labor awards: Performance Excellence in Tax Operations and the Unemployment Insurance Innovation Award for Integrity; the Excellence in Government Leadership Award; both state and international awards from the International Association of Workplace Professionals; and the 2011 NASWA James F. Walls Team Award.

Linnaea Jablonski was appointed by Governor Gregoire in September 2007 to fill the classified state employee position. Ms. Jablonski works for the Department of Corrections. Ms. Jablonski received her bachelor's degree from The Evergreen State College in 2002 and has a Master's degree in Negotiation and Conflict Resolution. Her term ended on September 30.

Nancy Biery was nominated and appointed by Governor Gregoire in October 2011 to the Citizen- at-Large position for a term extending through September 2016. Ms. Biery has spent the last 20 plus years in the public and private sector, most recently serving as U.S. Senator Cantwell's State Director of Outreach. She also served as Director of External Affairs under Governor Gary Locke during his last term of office. In 2009 she served again under US Commerce Secretary Gary Locke as a Senior Advisor in Washington, DC. Previously, Ms. Biery has owned two small businesses and was a partner in small women-owned business that specialized in public affairs and government relations work. Currently, she works with community and non-profit organizations, local governments and small businesses to help them achieve communication, organizational and operational success. Ms. Biery graduated from the University of California – Irvine. She and her husband own three adorable dogs and reside on the Olympic Peninsula. Nancy resigned her position in March.

Anna Dudek Ross was appointed by Governor Gregoire in May 2012 for a term of service extending through September 2016. Anna is a graduate of Macalester College and Vanderbilt University Law School. Anna worked as agency counsel for the U.S. Army Corps of Engineers and the Environmental Protection Agency, Region 10 focusing on environmental regulation and government contracting. She left federal service to serve as Deputy Counsel to a presidential campaign. After the campaign, Anna founded and served as Managing Director of the Alaska office of a Seattle-based consulting firm. Anna is Associate Director of the Seattle University School of Law Center for Professional Development. Anna may frequently be found combing the beaches of Washington's myriad bodies of water with her husband and their Springer Spaniel.

MICHAEL L. BAHN, BS, JD, Attorney [Retired], Mike was employed from April 1995 through December 2010 as a Staff Attorney for the Department of Health, serving the state's Medical Quality Assurance Commission. He performed the legal analysis and settlement of licensing and disciplinary cases generated by complaints of unprofessional conduct against medical doctors and physician assistants.

From August 1987 through March 1995 he was employed by the Department of Labor and Industries in the industrial safety and health division as the internal appeals hearings officer and administrative rules review officer.

Prior to working for the state, his law career began at the Spokane County Prosecutor's Office. Subsequently he entered private practice in Spokane specializing in contract, business, and employment law. He is a graduate of Gonzaga University School of Law, 1980, and the University of Wisconsin – Stevens Point, 1973.

Mike has served on the Washington State Bar Association's Administrative Law Section as its continuing legal education program coordinator. He served a 3-year term from September 2008 through August 2011 on the Bar Association's Disciplinary Board. He began serving on the Executive Ethics Board in May 2012.

Samantha Simmons was appointed by Governor Gregoire in October, 2012 for a term of service that extends until September, 2017 to fill the classified state employee board position. Ms. Simmons has been working in the public sector in Human Resources since 2003. Ms. Simmons started her career with the Department of Transportation and then promoted to a position with the Attorney General's Office. Ms. Simmons currently works for the Department of Social and Health Services as the Drug and Alcohol Free Program Specialist and Public Disclosure Coordinator.

Executive Director Melanie de Leon was appointed to her position by Attorney General Rob McKenna in January 2008. Melanie graduated from the University of Puget Sound with degree in Business Administration. She spent the next 13 years as an Air Force officer. She completed a Master of Arts in Public Administration while in the Air Force. Upon leaving active duty, Melanie became a Quality Manager for a local software manufacturing company and worked her way up to run the manufacturing facility. During this time, Melanie completed her law degree at Seattle University School of Law. She started working for the Attorney General's Office in 2001, prosecuting cases for the Office of the Insurance Commissioner, and then litigated juvenile dependencies and parental terminations. After a brief time as a criminal prosecutor, Melanie became a staff attorney for the Department of Health, working with the Medical and Chiropractic Commissions.

GENERAL INFORMATION

Biennial Budget: \$ 772,080

Board Members:

Linnaea Jablonski (09/01/07-09/30/12)
Matthew Williams III (11/7/09-9/30/14)
Lisa Marsh (3/14/11-9/30/15)
Nancy Biery (10/1/11-9/30/16)
Anna Dudek Ross
Michael Bahn
Samantha Simmons

Staff:

Melanie de Leon, Executive Director
Ruthann Bryant, Administrative Officer
David Killeen, Investigator

Legal Counsel:

Bruce Turcott, Assistant Attorney General, Counsel to the Board
Chad Standifer, Assistant Attorney General, Counsel to Staff
and Chief Prosecutor

Contact Information:

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BACKGROUND

The Executive Ethics Board (EEB) is an independent board made up of five individuals who are appointed by the Governor. The Office of the Attorney General provides staff for the Board. Board members strongly believe in the mission of the Board: 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 major goals for 2011 came from their 2009-2013 strategic plan, however, in the 2011-2013 Operating Budget the legislature mandated that the Executive Ethics Board ("the Board"):

- (a) develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices;
- (b) coordinate and work with the commission on judicial conduct and the legislative ethics board;
- (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington State Quality Award feedback reports, and publish an annual report on the results to the public; and
- (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector

The Board completed and published this report on February 1, 2012.

Staff Activities

Personal Service Contract Managers

The Board staff annually gives a presentation at the Personal Service Contracts Overview, a 7-hour class for agency personnel who manage personal service contracts. In the presentation, the staff distributes informational materials and informs the agency personnel about conflicts of interest, post-employment laws, special privilege and use of state resources.

Ethics Advisors Group

The Ethics Advisors Group met the week following the Board meeting to discuss Board actions and to provide input to the Board staff regarding opinions and performance measures. This group was a valuable as a resource for developing employee surveys, providing feedback on their ethical cultures and developing methods to measure ethics programs.

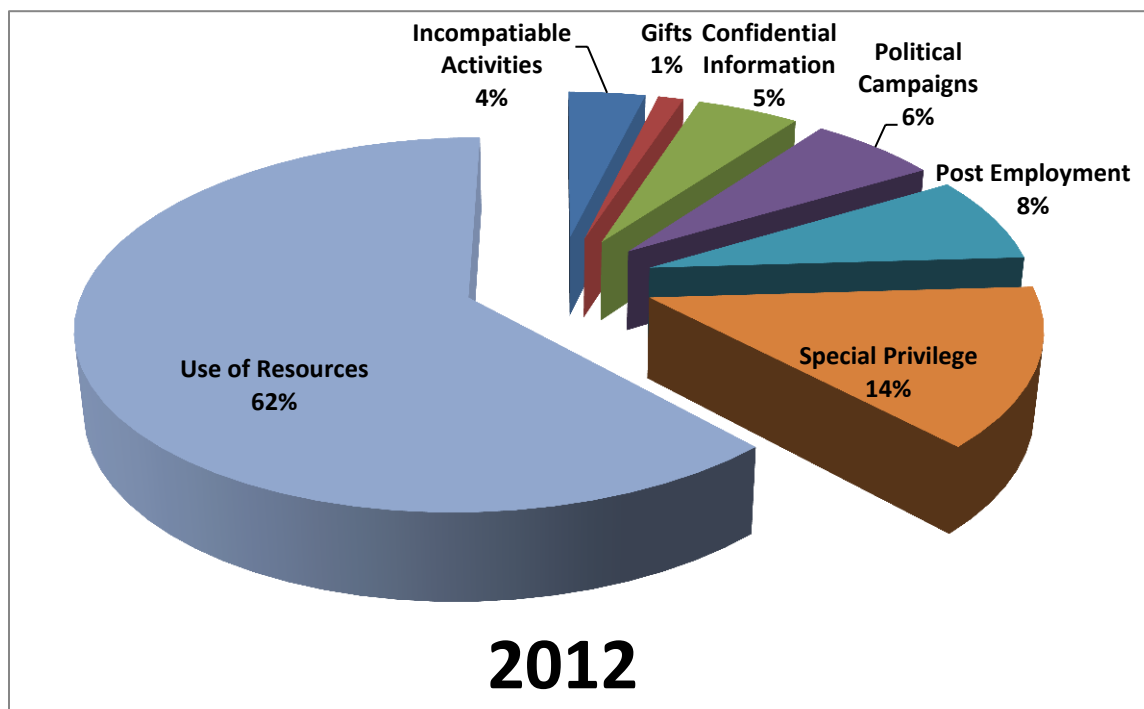
Human Resource (HR) Managers Group

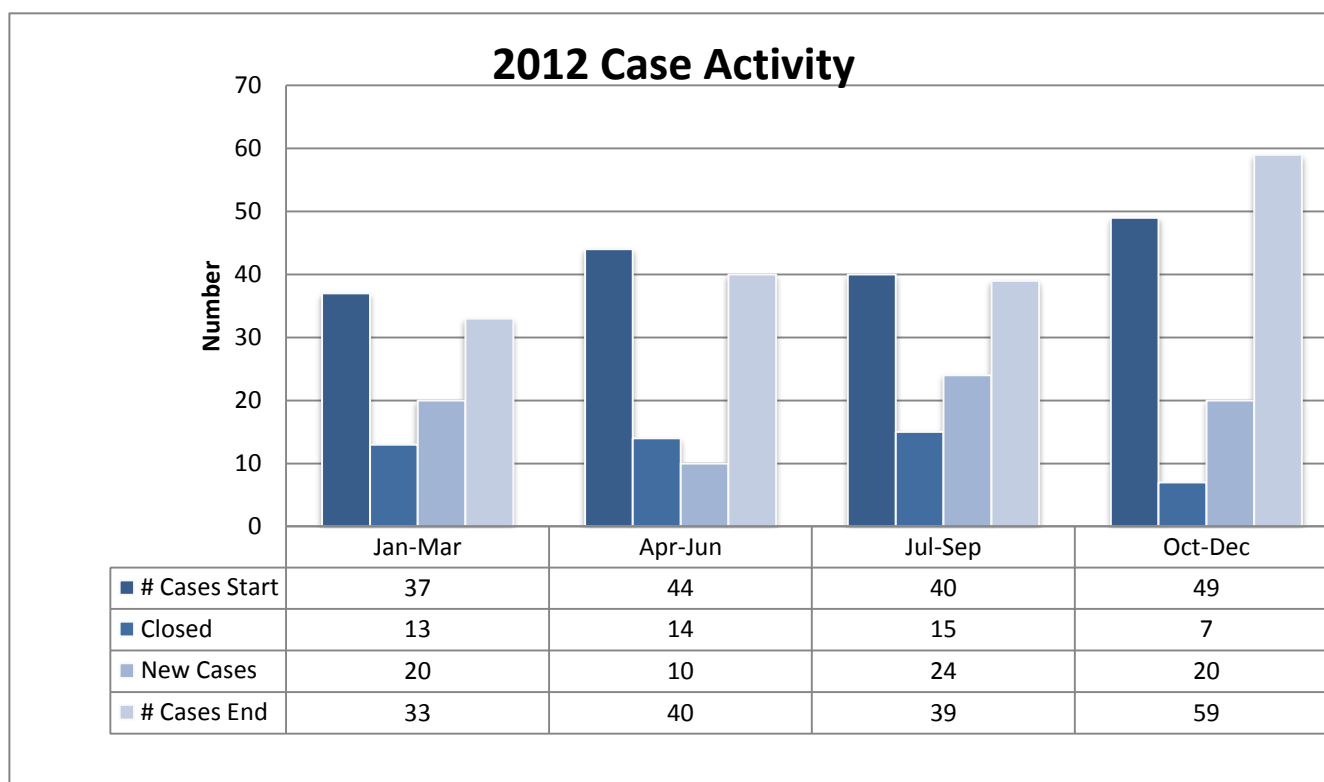
The Executive Director attended HR Managers meeting to provide information regarding ethical issues, elicit assistance regarding revisions to rules or policies and to gather input regarding training. These meetings helped disseminate information to agencies much quicker and have greatly enhanced the relationship and communication between the EEB staff and state agencies.

Enforcement Activities

Between January 1 and December 31, 2012 the EEB opened 78 new cases, almost doubling the amount opened in 2011. Agreed stipulations more than doubled, totaling \$75,900 in 2012.

The use of public resources for personal gain was again the leading allegation for cases accepted for filing in 2012, with special privileges running the second most frequent allegation.





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

	Allegation	Violation	Penalty
Employee 1		RCW 42.52.160	\$1,000
Employee 2	A former Department of Social and Health Services employee attempted to be appointed the guardian for a DSHS client on his caseload or former caseload, inappropriately shared information with another person regarding a previous case and used DSHS letterhead and fax machine for personal use.	RCW 42.52.020, .040, .070 and .160	\$12,500
Employee 3		RCW 42.52.160	\$1,000
Employee 4	An employee of the Department of Transportation used state resources for personal gain when she used her state computer during breaks and lunchtime to read and edit a novel she was writing and sent and received	RCW 42.52.160	\$4,000

	1,618 personal emails over a period of six months.		
Employee 5	An employee of the Department of Social and Health Services used his state issued computer to visit sites on the internet and sent/received emails directly related to his outside business as a musician in a local band.	RCW 42.52.160	\$3,000
Employee 6	An employee of the Department of Labor and Industries used state resources on 1,580 hits on non-work related websites over an 8 month period and stored nearly 400 non-work related emails on his computer over a 6 month period.	RCW 42.52.160	\$1,500
Employee 7	The Executive Director of The Evergreen State College, Tacoma Campus used state her state computer for personal benefit and used her state issued cell phone to make personal phone calls.	RCW 42.52.160	\$4,000
Employee 8	An employee of University of Washington Medical Center provided a special privilege and engaged in activities incompatible with public duties when she participated in the hiring process of her daughter.	RCW 42.52.020 and .070	\$2,000
Employee 9	An employee of the Department of Social and Health Services used her state issued computer to visit sites on the internet which were directly related to her outside employment as an art instructor.	RCW 42.52.160	\$2,000
Employee 10	A former Military Department employee used state resources for outside employment.	RCW 42.52.160	\$3,000
Employee11	An employee of Office of Minority and Women's Business Enterprises used state resources for personal gain when he used his state computer to day trade and visit NASDAQ.	RCW 42.52.160	\$3,000
Employee 12	A former Department of Personnel employee made excessive phone calls and conducted business for an outside dance academy and photography studio.	RCW 42.52.160	\$1,500

Employee 13	An employee of the Department of Social and Health Services used state resources to conduct a personal real estate business and visited other non-work related websites.	RCW 42.52.160	\$2,000
Employee 14	An employee with the Employment Security Department used state resources for personal gain	RCW 42.52.160	\$1,000
Employee 15	A Support Enforcement Officer for the Department of Social and Health Services used state resources for personal gain and to conduct a personal business.	RCW 42.52.160	\$3,000
Employee 16	The former Executive Director of the Washington State Criminal Justice Training Center allowed an outside non-profit organization the use of state facilities and his staff to conduct meetings, used state resources for his outside employment, purchased wall art from his sister's business and gave free tickets (valued at \$400 each) to his son and a friend.	RCW 42.52..020, 070, 0160	\$12,500
Employee 17	An Interviewer for the Employment Security Department used state resources for personal gain.	RCW 42.52.160	\$2,500
Employee 18	An employee with the Employment Security Department used his state issued cell phone for hundreds of personal calls while on annual leave.	RCW 42.52.160	\$1,000
Employee 19	An employee with the Employment Security Department used her SCAN card to make over 100 personal phone calls.	RCW 42.52.160	\$250
Employee 20	An employee with The Evergreen State College used state resources to promote an outside business that her husband owned.	RCW 42.52.160	\$250
Employee 21	A Department of Corrections Mental Health Counselor used state resources to visit sites not related to his position and to send correspondence relating to his outside employment.	RCW 42.52.160	\$1,500
Employee 22	A Western Washington University	RCW 42.52.070,	\$25,000

	employee failed to follow state travel regulations and used his position to secure time off without submitting leave requests to account for his time away from the University.	.160	
Employee 23	An employee for the Employment Security Department used state resources for personal gain.	RCW 42.52.160	\$1,200
Employee 24	An employee with the Employment Security Department used his state computer for personal use.	RCW 42.52.160	\$3,500
Employee 25	An employee with Clover Park Technical College used his state computer and email to promote an outside business.	RCW 42.52.160	\$250
Employee 26	An employee with the Washington State Parks and Recreation Commission took property belonging to a state park for personal use and used a state car for personal benefit.	RCW 42.52.160	\$450
Employee 27	A former Military Department employee used state resources to conduct personal business activities related to her outside employment.	RCW 42.52.160	\$2,500

Training

The EEB staff provided ethics training to almost 2,500 state employees, travelling all across Washington to bring the training to agencies as well as offering an in-depth class in Olympia every other month for any state employee to attend free of charge. Board staff also developed a comprehensive training package that state agencies could download from the Board’s web site to enable the agency to provide in-house ethics training. The materials included a 54-page manual, 35 slide power point presentation and answers to the scenarios discussed in the manual. Board staff is also working with the Department of Enterprise Services to add an on-line version to the state’s e-Learning courses.

Over the past year, the EEB Staff held 62 training sessions across the state. EEB staff also presented continuing legal education sessions for the Department of Social and Health Services, Department of Health, and the Attorney General’s Office.

EEB Newsletter

The EEB Staff publishes a newsletter immediately following a 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

Per 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 2012, the EEB Staff reviewed and approved 79 contracts.

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

