

# Washington State **Executive Ethics Board**



**Annual Report for 2007**  
(July 1, 2006 – December 31, 2007)

December, 2007

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## 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.

**Trish Akana (Chair, 7/1/06 – 12/31/06)** 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 expired on September 30, 2007

**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. Ms. Golberg was a member of the Richland School Board between 1983-1992. She is a member of the League of Women Voters and served as State President from 2003-2005. Ms. Golberg has been employed in the health care field since 1989.

**Neil Gorrell** was appointed to the Executive Ethics Board in November, 2005. Mr. Gorrell is a loyal University of Arizona Wildcat undergraduate, earning degrees in Political Science and Philosophy. He received his J.D. from the University of Washington School of Law in 1996. After serving as a law clerk for Judge Elaine Houghton in Division II of the Court of Appeals, he joined the Office of the Attorney General where he focused on civil and regulatory litigation. Mr. Gorrell worked in several divisions of that office, including Labor & Industries, General Legal, Government Compliance & Enforcement, and Torts. Mr. Gorrell was appointed as an Administrative Law Judge in February of 2004. He currently hears cases for a variety of state agencies and local governments. In his spare time, Mr. Gorrell has taught courses in civil litigation and administrative law in the paralegal program at the South Puget Sound Community College.

**Evelyn Yenson (Chair, 1/1/07 – 6/30/07)** 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.

**Kyle Usrey** was appointed to the Board in 2006, for a term that expires in 2011. Mr. Usrey is an Attorney-at-Law and Dean of the School of Global Commerce and Management at Whitworth College in Spokane. He has been engaged in international business consulting for over ten years, with clients in China, Bulgaria, Tunisia, East Africa, most of SE Asia, Australia and Canada. Mr. Usrey left the state in July 2007.

**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.

**Linnaea Jablonski** was appointed by Governor Gregoire in September 2007 to fill the classified state employee position vacated by Ms. Akana. Ms. Jablonski has worked for the Office of the Secretary of State since February 2006. Ms. Jablonski received her bachelor's degree from The Evergreen State College in 2002 and is now pursuing a Master's degree in Mediation and Conflict Resolution.

**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: \$941,259

### Board Members:

Paul Zellinsky (6/1/02 – 9/30-06)  
Trish Akana (11/1/03 – 9/30/07)  
Evelyn Yenson (4/1/04 – 9/30/08)  
Judy Golberg (1/1/05 – 9/30/09)  
Neil Gorrell (11/1/05 – 9/30/10)  
Kyle Usrey (10/1/06 – 9/30/11)  
Linnaea Jablonski (09/01/07-09/01/12)

### Staff:

Susan Harris, Executive Director  
Ruthann Bryant, Administrative Officer  
Sue Jones, Investigator  
Nancy Lewin, Investigator  
(Vacant---.5 FTE) Office Assistant

### Legal Counsel:

Linda Moran, Senior Assistant Attorney General, Counsel to the  
Board  
Michael Tribble, Assistant Attorney General, Counsel to Staff  
and Chief Prosecutor

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## BACKGROUND

The Executive Ethics Board (EEB) 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 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 strategic plan continues to emphasize three areas in which resources are to be devoted:

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

The Board Members work aggressively to fulfill these goals.

The Board usually meets the second Friday of each month, with the exception of August and December when no meetings are held.

### Raise Ethical Awareness and Communication

#### ***Training/Advice***

Through a partnership with the Department of Personnel (DOP), ethics training is provided to state employees in a classroom setting. In FY 2006, 430 state employees were trained through DOP. This year that number rose to over 2,600.

In addition to the DOP training, EEB staff conducted training of agency managers and supervisors. In all, over 400 state employees took part.

Staff continually updates its brochures and handouts to ensure the latest Board opinions are reflected. All training materials are available electronically as well as in hard copy.

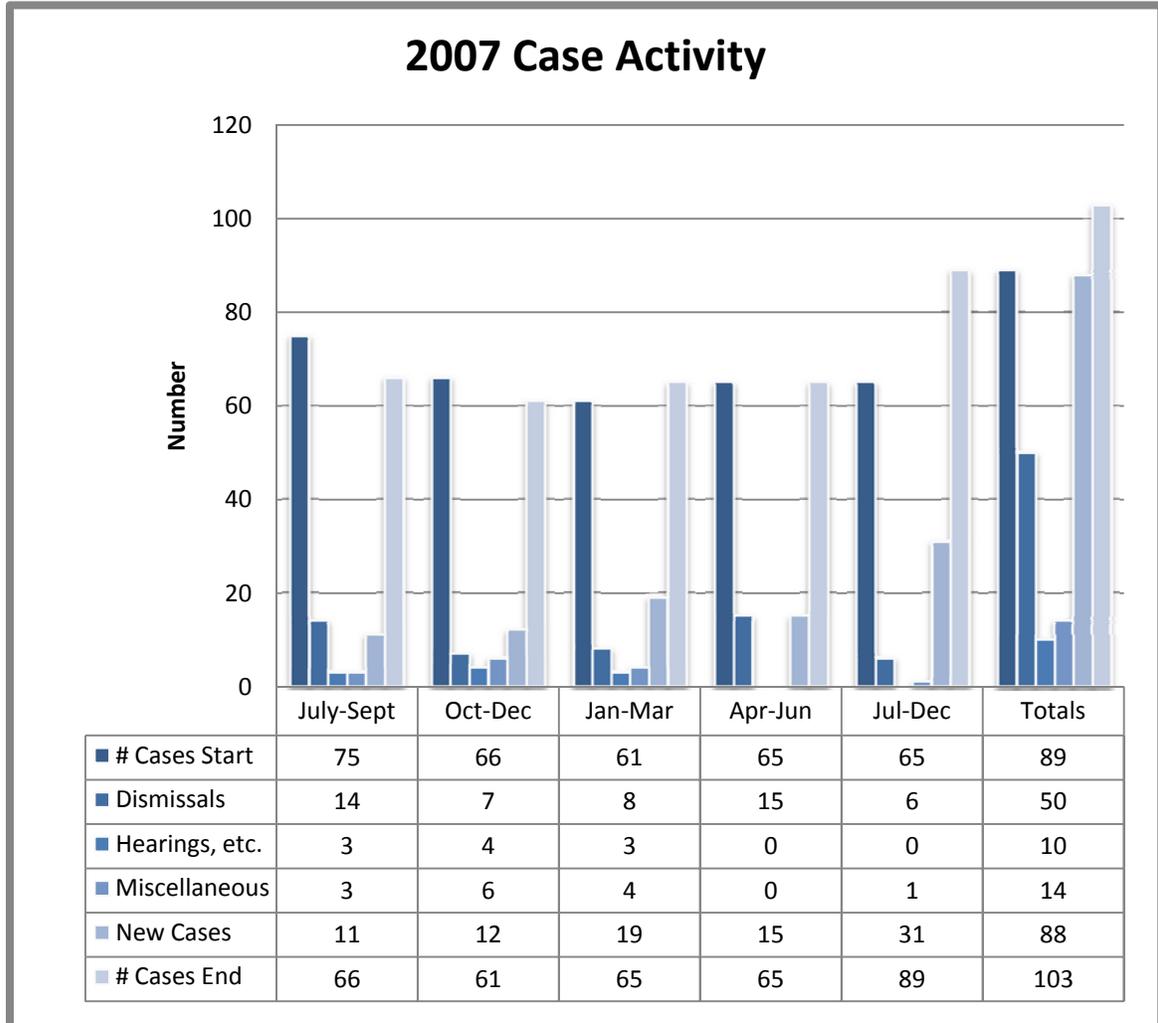
#### ***Ethics Advisors Group***

Once a month, usually in the week following the Board meeting, staff meets with ethics advisors from different agencies to discuss Board actions during the past Board meeting. These meetings also give the advisors a chance to seek input from others on issues that arise within their own agencies. Agencies are encouraged to appoint an ethics advisor if they do not already have one.

## Fulfill Legislatively Mandated Responsibilities

### ***Enforcement Activities***

Between July 2006 and December 31, 2007, we received 88 new complaints.



The majority of cases brought to the Board resulted in dismissals because the complaint was outside the EEB's jurisdiction, inadvertent and minor, frivolous or unfounded, or was cured by the actions of the agency. Typically, the Executive Director dismisses complaints, but if the matter is complex or the Board has not dealt with the issue before (a matter of first impression), staff will ask the Board to review and dismiss the complaint.

If an agency found that the allegations in the complaint were true and took disciplinary action against the employee, the Board takes that action into consideration when determining whether to go forward with the complaint or when deciding on the amount of a penalty to impose on the employee.

As was in the past, the use of public resources for personal gain was the leading complaint driver for EEB staff. We spent most of our time investigating allegations that state employees or officers improperly used the Internet, email system or computer. The most common misuses that our investigations revealed were that employees were:

- using the email system as an “instant messenger” and emailing back and forth all day;
- using the email system to send a series of jokes, chain letters;
- storing personal documents (diaries, home mortgage documents, auto details, pictures, bank account information);
- visiting inappropriate internet sites.

We also received numerous complaints on the misuse of the SCAN system and cell phones.

The Board accepted stipulated penalties from or imposed penalties on 10 individual state employees. In all but one case, the employee was found in violation and assessed a civil penalty. Those penalties ranged from \$750 to \$6,630:

	Allegation	Violation	Penalty
Employee 1	Kept personal diary, business documents, sports journal, food diary and weight chart, financial planning documents, personal letters, real estate log.	RCW 42.52.160	\$2,000
Employee 2	Visited inappropriate websites for personal use-- -online dating service, ordination sites, radio, travel, florists, songs, etc.	RCW 42.52.160	\$750
Employee 3	Installed and used instant messenger service, fundraising documents, real estate documents, blogs	RCW 42.52.160	\$1,150
Employee 4	Viewed nudist sites	RCW 42.52.160	\$2,000
Employee 5	Kept personal travel journal, business documents, emails	RCW 42.52.160	\$1,000
Employee 6	Authorized OJT for three agency clients to a business in which he was	RCW 42.52.030 RCW 42.52.070 RCW 42.52.160	\$6,630

	part owner, authorized car repairs for agency client for car in which employee was registered owner		
Employee 7	Sent email to hundreds of coworkers encouraging them to send letter to legislators regarding pay increase (not done on behalf of agency---not within official duties)	RCW 42.52.160	\$1,000
Employee 8	Used state resources (paper, machinery, email, internet site) to support spouse's business	RCW 42.52.160	\$1,000
Employee 9	Engaged in extensive email conversations (used like instant messenger system), visited many websites	RCW 42.52.160	\$1,150

***Advisory Opinions***

The Board did not issue any new Advisory Opinions during this time. They did amend two opinions: Advisory Opinion 02-02A to reflect the fact that these were official questions asked of the Board, and not frequently asked questions received by staff. Advisory Opinion 98-10 was amended to clarify the disposition of a door prize won by a state employee who attended a conference at agency expense.

***Legislation/Rule Making***

During the 2007 Legislative Session, one bill passed that had an affect on the Ethics in Public Service Act. That bill allows for state employees, under very limited circumstances, to sponsor and participate in raffles.

The Board amended WAC 292-100-045 to allow for Board dismissals (resulting from a statutory change); WAC 292-100-050 for housekeeping purposes; WAC 292-100-150 to provide for the submission of documents so that the documents can be provided to the Board prior to the Board meeting; and WAC 292-100-160 which clarifies the role of an Administrative Law Judge.

***Other***

The Executive Director spent much of her time answering hundreds of telephone and email inquires, as well as approving contracts.

## **Improve Internal Processes to Bring About Greater Efficiencies and Effectiveness**

The Board Members, as well as staff, are always searching for ways to conduct business more efficiently and effectively. They will frequently call upon an ethics advisor at one of the Board meetings to ask his/her opinion on any given subject matter. The Board **listens** and, if possible, acts upon suggestions and ideas.

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

