



# Washington State Executive Ethics Board

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## Executive Ethics Board News

Anna Dudek Ross, Chair  
Samantha Simmons, Vice Chair  
Lisa Marsh, Member  
John Ladenburg Sr., Member

March 24, 2017

The Executive Ethics Board (Board) met on Friday, March 24, 2017 for a special business meeting. Board members present were Chair Anna Dudek Ross, Vice Chair Samantha Simmons and Member John Ladenburg. Others attending included: Kate Reynolds, Executive Director, Bruce Turcott, Senior Counsel, David Killeen, Senior Investigator, Dan Davis, Investigator, and Ruthann Bryant, Administrative Officer. Members of the public also attended.

### Request for Advisory Opinion

The Board again discussed a request from the Office of the Attorney General to consider drafting an Advisory Opinion on the acceptable use of state resources for sharing external information with employees when the information is intended to advance cultural competence in the workplace and the practice of law. The question before them is whether or not it is permissible to use state resources, such as email and electronic bulletin boards, to notify employees of diversity events and trainings sponsored by outside organizations when there may be a fundraising component to the event.

The Board voted to amend Advisory Opinion 02-02A Use of State Resources Questions and Answers to add questions that address the issues presented by the Office of the Attorney General.

### Enforcement

In lieu of an enforcement hearing, the Board accepted stipulations from:

- **Grant Pfeifer**, the Regional Director for the Eastern Regional Office of the Department of Ecology, may have provided a special privilege and created a conflict of interest when he participated in the hiring process that ultimately resulted in the hiring of two of his friends. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.
- **Russ Beard**, Vice President of Information Resources at Bellevue College, may have violated the Ethics in Public Service Act by entering into a contract between Bellevue College and his brother for consulting services. The Board levied a civil penalty of \$2,500 with \$1,250 suspended.
- **Emmett Larry Davis**, Chaplain for the Washington Corrections Center for Women, may have violated RCW 42.52.160 when he used state resources to browse the internet for personal benefit and gain. Evidence indicated that over the course of 26 days, approximately 800 minutes of internet browsing appeared to be non-work related. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.
- **Kim Jacobs-Nicholson**, a former employee with the Washington State Health Care Authority, may have violated RCW 42.52.160 by using state resources for her private benefit and gain. Evidence collected showed that Ms. Jacobs-Nicholson created and stored personal documents and sent and received emails of a personal nature. While the total number of personal emails

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considered during the investigation was minimal, the amount did not meet the requirements of de minimis use. The Board levied a civil penalty of \$250.

- **David Douglas**, a lecturer at Central Washington University, may have violated RCW 42.52.180 when his campaign sent an email to some Central Washington University staff and faculty and RCW 42.52.160 by using state resources for his private benefit. The Board levied a city penalty of \$2,500 with \$1,000 suspended.
- **Thomas Harmon**, an employee with the Department of Corrections at the Coyote Ridge Correctional Center, may have provided a special privilege to inmates by allowing them to use his office phone to make personal calls. An investigation revealed that during a 5 month period the total number of calls made for offenders totaled 360. The Board levied a civil penalty of \$1,500.
- **Tracy Devora**, an employee with the Department of Corrections may have violated RCW 42.52.070 and 150 when she accepted a gift of Mariner's tickets from an agency contracted vendor. The Board levied a civil penalty of \$1,500 with \$750 suspended.
- **Billie Huston**, a Department of Enterprise Services employee may have violated the Ethics in Public Service Act when she continued to use carpool parking privileges for two years after her carpool ended. The Board levied a civil penalty of \$1,500 with \$750 suspended.
- **Nancy Moriarty**, a Developmental Disability Administrator for the Department of Social and Health Services may have violated RCW 42.52.160 when she used state resources to work on outside club activities and to browse the internet for shopping, banking, entertainment and to access her personal email account. The Board levied a civil penalty of \$3,000 with \$1,500 suspended.
- The Board found Reasonable Cause in EEB Case 2015-049 (Vu), EEB Case 2015-052 (McRae), EEB Case 2015-055 (Payne), EEB Case 2015-061 (Barnes), EEB Case 2015-076 (Perry), EEB Case 2015-078 (Felitz), EEB Case 2015-081 (Popwell), EEB Case 2016-010 (Connell), EEB Case 2016-015 (Leonard), EEB Case 2016-044 (Farley), EEB Case 2016-049 (Firouzi), EEB Case 2016-053 (Rogers), EEB Case 2016-065 (Barrantes) and EEB Case 2016-076 (Avery).
- The Board Dismissed EEB Case 2016-082 (Fielding Lopez) and EEB Case 2016-089 (McCall).
- The Board issued a Final Order of Default in EEB Case 2014-088 (Williams).
- The Board reviewed 24 Executive Director's Dismissals: 2015-021 (Joplin), 2015-053 (Boerner), 2015-054 (Crandall), 2015-058 (Adler), 2015-059 (Roberts), 2015-077 (Kinholt), 2015-079 (Shepherd), 2015-080 (Pederson), 2016-002 & 078 (Sawyer), 2016-003 & 032 (Glenn), 2016-004 (Usea), 2016-005 (Bloomfield), 2016-011 (Doyle), 2016-012 (Blanchett), 2016-013 (Ahlquist), 2016-035 (French), 2016-036 (Overturf), 2016-052 (Mullins), 2016-060 (Harrison), 2016-080 (Reykdal), 2016-086 (Michener), 2016-088 (Brodsky), 2016-091 (Alben), 2017-001 (Schrum).

#### **Board Action:**

- A. The Board reviewed proposed revisions to WAC 292-110: Agency Substantive Rules and approved the filing of the CR-101 with the Code Reviser.
- B. The Board reviewed and approved the following policies:
  - Ethical Conduct – Clover Park Technical College
  - Ethics in the Workplace – Department of Commerce
  - Standards for Using University Resources – Western Washington University
  - Organizational Effectiveness – Washington Military Department

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Approved versions of policies will be uploaded to the Board's website at [www.ethics.wa.gov](http://www.ethics.wa.gov).

C. The Board continued their review of advisory opinions (AO). The Board staff is facilitating this review by grouping like subjects together, so that the Board reviews all of the opinions on that subject at the same time, and completing a pre-review to provide the Board with context and recommendations. During their review the Board will determine if the AO should remain unchanged, be updated or archived. This round of reviews regarded Gifts and encompassed the following AOs:

- **Advisory Opinion 96-01:** Payments for Educational Programs
- **Advisory Opinion 96-02:** Unsolicited Refreshments
- **Advisory Opinion 96-05:** Limitations on Gifts to Employees of Regulatory Agencies
- **Advisory Opinion 96-06:** Hosted Reception-Acceptance of Food and Beverages
- **Advisory Opinion 96-12:** Accepting Food and Beverages at a Community or Civic Event
- **Advisory Opinion 97-02:** Accepting Food and Beverages at Government-Sponsored Events
- **Advisory Opinion 98-01:** Acceptance of Meals by a Regulatory Employee
- **Advisory Opinion 98-03:** Community Colleges/Acceptance of Gifts
- **Advisory Opinion 98-06:** Acceptance of Meals by a Regulatory Employee
- **Advisory Opinion 98-10:** Door Prizes
- **Advisory Opinion 99-05:** Cash Awards
- **Advisory Opinion 00-05:** Cash Awards from Non-profit
- **Advisory Opinion 00-06:** Cash Awards for Scientific Achievement
- **Advisory Opinion 01-05:** Receipt of Gifts by State Officers, Repayment at Face Value of Gifts from Agency Vendors
- **Advisory Opinion 01-07A:** Gift Restrictions on Donation Made by Non-State Entities

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