



Washington State Executive Ethics Board

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Executive Ethics Board News

John Ladenburg Sr., Chair
Shirley Battan, Vice Chair
Lisa Marsh, Member
Anna Dudek Ross, Member
Gerri Davis, Member

May 22, 2018

The Executive Ethics Board (Board) met on Friday, May 11, 2018 for their regular meeting. Board members present were Chair John Ladenburg, Vice Chair Shirley Battan, and Members Lisa Marsh and Gerri Davis. Others attending included: Kate Reynolds, Executive Director, Bruce Turcott, Senior Assistant Attorney General, Chad Standifer, Assistant Attorney General, David Killeen, Senior Investigator, and Ruthann Bryant, Administrative Officer. Members of the public also attended.

Enforcement

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

- **Vickie Kuchan**, a former Employment Security Department employee, may have violated the Ethics in Public Service Act when she used state resources for her private benefit and gain. The Board levied a civil penalty of \$1,000.
- **Michelle Owen**, a Department of Health employee may have violated the Ethics in Public Service Act by taking time off from work without submitting the proper leave slips. Evidence indicated that on 204 days of 221 days reviewed, Ms. Owen arrived late for work a total of 9,599 minutes, totaling almost 20 eight-hour workdays, and she failed to submit leave for 17 days she was not at work. The Board levied a civil penalty of \$3,500 with \$1,000 suspended.
- **Valerie Smith**, a former Department of Social and Health Services employee, may have violated several sections of the Ethics in Public Service Act by using state computer resources for her private benefit and gain. Evidence showed 93.5 hours of personal interest internet browsing over a ten-week period as well as extensive personal email use. The Board levied a civil penalty of \$3,000.
- **Robert Ensley**, Manager of Federal Funding for the Department of Social and Health Services Children's Administration, may have violated the Ethics in Public Service Act when he used state time and resources to conduct out of state peer reviews for a federal contractor and received compensation by the contractor in addition to his state salary. The Board levied a civil penalty of \$4,000 with \$2,000 suspended.
- **Sarah Scherer**, Director of the Seattle Maritime Academy at Seattle Central College, may have violated the Ethics in Public Service Act when she allowed an employee to store and dock his personal boat on Seattle Maritime Academy property on a regular basis. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.

Meeting agendas can be found at www.ethics.wa.gov under "Meetings."

The next meeting of the Executive Ethics Board is scheduled for July 13, 2018.

- **Ernie Sims**, a Maintenance Superintendent with Washington State Department of Transportation, may have violated the Ethics in Public Service Act by receiving a special privilege from another employee when that employee issued a Commercial Driver Training Employer Certification to Mr. Sims' son. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.
- **Heather Dalberg**, an Administrative Services Manager with the College of Fine and Performing Arts at Western Washington University, may have violated the Ethics in Public Service Act when she ordered personal items using the Western Washington University Amazon Prime Account. Evidence also indicated that she used state resources in support of her private business and used state owned equipment for personal use. The Board levied a civil penalty of \$4,000 with \$2,000 suspended.
- The Board found Reasonable Cause in EEB Case 2016-042 (Adams), EEB Case 2016-059 (Baker), EEB Case 2017-019 (Batdorf), EEB Case 2017-025 (Brimmer), EEB Case 2017-044 (Katze), EEB Case 2017-048 (Baldeschwiler), EEB Case 2017-069 (Lerych), EEB Case 2017-070 (Criswell) and EEB Case 2017-076 (Babich).
- The Board found No Reasonable Cause in EEB Case 2017-064 (Brown) and EEB Case 2018-007 (Sharp).
- The Board issued a Final Order of Default in EEB Case 2015-049 (Vu).
- The Board reviewed five Executive Director's Dismissals: EEB Case 2017-052 (Narayan), EEB Case 2017-066 (Kendall), EEB Case 2017-072 (Dixon), EEB Case 2017-073 (Scourey) and EEB Case 2017-074 (Croyle).

Board Action:

- A. The Board finalized amendments to WAC 292-110: Agency Substantive Rules and approved the filing of a CR-103p. The Board also reviewed amendments to WAC 292-130: Public Records.
- B. The Board reviewed and approved revisions to **Advisory Opinion 10-02** Wearing Uniform at Charitable Events.
- C. The Board reviewed and approved the following policies:
 - Use of State Resources – Department of Corrections
 - Ethics – Complying with Ethics Requirements – Department of Licensing
 - Ethics – Soliciting and Receiving Charitable Contributions in the Workplace – Department of Licensing
 - Code of Ethics – Lottery
 - Ethics and Use of State Resources – Department of Natural Resources
 - Ethics – Washington State Historical Society

Approved versions of policies will be uploaded to the Board's website at www.ethics.wa.gov.

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