

## Executive Ethics Board News

**Shirley Battan, Chair**  
**Gerri Davis, Vice Chair**  
**Jan Jutte, Member**  
**Earl Key, Member**

May 17, 2022

The Executive Ethics Board (Board) met virtually on Friday, May 13, 2022 for their regular meeting. Board members present were Chair Shirley Battan, Vice Chair Jan Jutte and Member Earl Key. Others attending included: Kate Reynolds, Executive Director, Leo Roinila, Assistant Attorney General, Chad Standifer, Senior Assistant Attorney General, Julia Eisentrout, Assistant Attorney General, Ruthann Bryant, Administrative Officer, and Bobby Frye and Justin Cotte, Investigators. Members of the public also attended.

### **Enforcement**

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

- **Wayne Au**, Professor with the School of Educational Studies at the University of Washington, may have violated the Ethics in Public Service Act by including a link to a book he authored in his official University of Washington signature block. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.
- **Christopher Marr**, Correctional Sergeant at the Monroe Correctional Complex with the Department of Corrections, may have violated the Ethics in Public Service Act by using state resources for his private benefit. Evidence indicated that he used his state email for personal use and browsed the internet for an average of just over two hours per shift over a 17 day period. The Board levied a civil penalty of \$2,500.
- **Tar-Chee Aw**, former Director of the Fears Clinic within the School of Dentistry at the University of Washington, may have violated the Ethics in Public Service Act by using state resources for personal benefit and gain by using University resources to perform outside work. Evidence indicated that he was paid directly for services performed at the School of Dentistry and did not turn the money over to the school. The Board levied a civil penalty of \$33,236.
- **Pamela Derrick**, former IT Application Developer for the Department of Labor and Industries, may have violated the Ethics in Public Service Act by using state resources to email information about a strike for Walkout Wednesday regarding the Governor's vaccine mandate. The Board levied a civil penalty of \$750.
- **Sean Bertsch**, former Corrections and Custody Officer with the Department of Corrections, may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and accessing confidential information for non-work related purposes. Evidence indicated that he sent over 30 emails containing well over 500

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Meeting agendas can be found at [www.ethics.wa.gov](http://www.ethics.wa.gov) under "Meetings."

*The next meeting of the Executive Ethics Board is scheduled for July 8, 2022.*

attachments to his personal email address, many of which contained private information. The Board levied a civil penalty of \$6,500.

- **Amanda Maxwell**, Executive Director and Secretary for the Utilities and Transportation Commission, may have violated the Ethics in Public Service Act by authorizing an all staff email containing links to donate to the American Civil Liberties Union. The Board levied a civil penalty of \$1,000 with \$250 suspended.

The Board found Reasonable Cause in EEB Case 2021-055 (Bahre), EEB Case 2021-056 (Harvey) and EEB Case 2022-004 (Bacharach).

The Board dismissed EEB Case 2021-052 (Mayer), EEB Case 2021-053 (Varela), EEB Case 2022-002 (Lynch), EEB Case 2022-003 (Coleman), EEB Case 2022-005 (Engelund), EEB Case 2022-006 (Roloff) and EEB Case 2022-007 (Olson).

### **Board Action:**

- A. The Board approved the filing of Expedited Rule-Making (CR-105) regarding WAC 292-100 Procedural Rules, WAC 292-110 Agency Substantive Rules and WAC 292-130 Agency Organization – Public Records.
- B. The Board completed their scheduled 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 review regarded one final AO:
  - Advisory Opinion 00-12: Compensation for Performing Official Duties/Tips
- C. The Board reviewed and approved the following policies:
  - Ethical Conduct – Clover Park Technical College
  - Fundraising – Department of Revenue
  - Outside Activities – Department of Revenue
  - Political Activity – Department of Revenue
  - Code of Ethics (as amended) – Washington’s Lottery

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