

Executive Ethics Board News

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

September 17, 2021

The Executive Ethics Board (Board) met virtually on Friday, September 10, 2021 for their regular meeting. Board members present were Chair Shirley Battan, Vice Chair Gerri Davis and Members Jan Jutte and Earl Key. Others attending included: Kate Reynolds, Executive Director, Chad Standifer, Assistant Attorney General, Bruce Turcott, Assistant Attorney General, Ruthann Bryant, Administrative Officer, David Killeen, Senior Investigator, and Bobby Frye, Investigator. Members of the public also attended.

Enforcement

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

- **Jennifer Mott**, former IT Specialist 3 with Western Washington University, may have violated the Ethics in Public Service Act by using state resources for her private benefit and gain. Evidence indicated that she downloaded and installed unauthorized software to her state laptop, accessed approximately 83,000 Craigslist resources and browsed the internet for non-work related purposes. The Board levied a civil penalty of \$2,000.
- **Susan Birch**, Director of the Health Care Authority, may have violated the Ethics in Public Service Act by authorizing agency leadership to encourage all employees to use 30 minutes of paid time per day for “wellness time” while they are working at home during the COVID-19 pandemic. The Board levied a civil penalty of \$5,000 with \$2,500 suspended.
- **Sandra Bigelow**, Contracts Manager with the Department of Social and Health Services Behavioral Health Administration, may have violated the Ethics in Public Service Act by using her state resources for her private benefit and gain. Evidence indicated that she synched one or more of her personal devices and her personal Google account to her work computer and browsed the internet for private benefit to include bill pay, shopping, Facebook and personal email. The Board levied a civil penalty of \$2,500.
- **Dorina Fithen**, Juvenile Rehabilitation Community Counselor with the Department of Children, Youth, and Family, may have violated the Ethics in Public Service Act by using state computer resources for her personal benefit and gain. Evidence indicated that Ms. Fithen was using state computer resources and time to conduct university coursework. The Board levied a civil penalty of \$2,000 with \$1,000 suspended.
- **Lauresa Hart**, Program Administrator with the Department of Children, Youth, and Family, may have violated the Ethics in Public Service Act by using state computer

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

The next meeting of the Executive Ethics Board is scheduled for November 12, 2021.

resources for her personal benefit or gain in support of her private outside business. Evidence indicated that Ms. Hart was using her state Outlook email account to promote/support the outside private sale of makeup and coffee products. The Board levied a civil penalty of \$3,000 with \$1,500 suspended.

- **Tammis Doyle**, tenured Faculty Member in the Drama Department at Bellevue College, may have violated the Ethics in Public Service Act by engaging in the improper hiring and oversight of family members. The Board levied a civil penalty of \$500 with \$250 suspended.

The Board found Reasonable Cause in EEB Case 2021-008 (Davis), EEB Case 2021-009 (Arthur), EEB Case 2021-010 (Robertson), EEB Case 2021-012 (Britain), EEB Case 2021-013 (Emmons), EEB Case 2021-015 (Au) and 2021-024 (Stoyan).

The Board dismissed EEB Case 2021-001 (Jeter-Hill), EEB Case 2021-004 (Miller), EEB Case 2021-005 (Farnsworth), EEB Case 2021-006 (Castor), EEB Case 2021-011 (Jackson), and EEB Case 2021-020 (Paterson).

The Board reviewed seven Executive Director Dismissals: EEB Case 2021-014 (Samsill), EEB Case 2021-016 (Johnson), EEB Case 2021-017 (Fields), EEB Case 2021-018 (Beausoleil), EEB Case 2021-019 (Welfelt), EEB Case 2021-021 (Cornwall) and EEB Case 2021-036 (Siuda).

Board Action:

- A. The Board further discussed proposed amendments to WAC 292-100: Procedural Rules and approved the filing of a CR 102.
- B. The Board continued 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 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

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- **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 Donations Made by Non-State Entities

The Board also approved an additional advisory opinion in the Activities Incompatible, Financial Interest and Assisting in Transactions category:

- **Advisory Opinion 98-05:** Transactions Involving the State

C. The Board reviewed and approved the following agency policies:

- Ethics and Employee Conduct – Department of Children, Youth & Families
- Employee Participation in Political Activities – Department of Social and Health Services
- Employee Wellness – Department of Transportation
- Ethics – Office of Superintendent of Public Instruction

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