

2020 Annual Report

**WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

Table of Contents

| | |
|-----------------------------------|--------------|
| Background and Leadership | 3 |
| Mission | 4 |
| Background | 4 |
| Leadership | 4 |
| Goals | 6 |
| Strengthen the Ethical Culture | 7 |
| Training | 8 |
| Outside employment contracts | 10 |
| Policy Reviews | 10 |
| Coalition for Integrity | 10 |
| 2020 S.W.A.M.P. Index Scoring Map | 11 |
| Improve the Complaint Process | 12 |
| Enforcement | 13 |
| General Information | 15 |
| Org Chart | 17 |
| Summary of Final Orders | Attachment 1 |

Background and Leadership

Mission Statement

To promote integrity, confidence and public trust in state government through education, interpretation and enforcement of the Ethics in Public Service Act.

Background

Established in 1995 via statute, the Washington State Executive Ethics Board (the Board) is comprised of five members appointed by the Governor for five-year terms. Two of the five members must be current state employees; one an exempt employee and one a classified employee. One of the remaining three members of the Board is selected from names provided by the State Auditor's Office, one from names provided by the Attorney General's Office and one is a citizen-at-large. Except for initial members and those completing partial terms, members serve a single five-year term. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Board members as well as staff are dedicated to 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.

Leadership

Shirley Battan (Chair) was appointed by Governor Inslee in March, 2017 to fill the remainder of a term extending through September, 2018 and was reappointed for a full term by Governor Inslee. Shirley is a graduate of Western Washington University and the University of Puget Sound School of Law (now Seattle University). Shirley retired from the Office of the Attorney General in June 2014 as a Deputy Attorney General, having served at the executive level for Attorneys General Gregoire, McKenna and Ferguson. In that role she had administrative oversight for several legal divisions and was also responsible for attorney hiring, attorney training, internal policy development and the Office's Diversity Advisory Committee. She is a recipient of the National Association of Attorneys General Executive Manager of the Year Award and also the Conference of Western Attorneys General Kempsky Award for Outstanding Management.

Gerri Davis (Vice Chair) was appointed by Governor Inslee in December 2017 for a term of service through September 2022. Gerri serves as the Human Resources Director with the State of Washington Department of Financial Institutions, and has been employed with the State of Washington Department of Financial Institutions (DFI) since March of 1997. She served as Ethics Advisor to DFI's Agency Management and Staff since 2000, including providing Ethics Training to agency management and staff. Since Gerri's appointment to the Executive Ethics Board she no longer serves as the agency's Ethics Advisor, but does to continue to provide Ethics Training to agency management and staff, as well as managing the annual Ethics Package completion required by all agency staff. Gerri has extensive experience and training in all aspects of Human Resources work, has been engaged in managing agency ethical standards during her tenure with DFI, and holds a certificate in Human Resources Management from Seattle Pacific University.

Lisa Marsh, was originally appointed by Governor Gregoire in March 2011 and was reappointed for a full term by Governor Inslee in November 2015. Lisa earned her J.D. from the University of Puget Sound School of Law in 1994 and an LL.M. in tax from the University of Washington, from which she also earned a green belt in Lean/Six Sigma. Lisa has been in public service for 30 years, including serving as a Chief Operations Officer, Chief Information Officer, Chief Strategy Officer, Administrative Law Judge, Assistant Attorney General, and Change Agent. Lisa has been recognized with the Governor’s Award for Leadership in Management and the Excellence in Leadership Award; and her units have received multiple state, national and international topical and team awards.

Anna Dudek Ross was appointed by Governor Gregoire in May 2012 for a term of service extending through September 2016 and was reappointed for a full term by Governor Inslee. Anna is a graduate of Macalester College and Vanderbilt University Law School. Anna is an environmental attorney focusing on regulation and government contracting. She previously served as Deputy Counsel to a presidential campaign, as Managing Director of the Alaska office of a Seattle-based consulting firm, and as an Associate Director of the Seattle University School of Law Center for Professional Development. Anna lives in Seattle with her husband Jeremy and daughter Sabina.

Jan Jutte was appointed by Governor Inslee in November 2019 for a term through September 2024. Jan is a graduate of Saint Martin’s College (now Saint Martin’s University). Jan retired from the State Auditor’s Office in January 2017. She began as a field auditor during Robert Graham’s tenure. In addition to working for Robert Graham, she worked for Auditor Brian Sonntag, Auditor Troy Kelley and a few weeks for Auditor Pat McCarthy before retiring. She held many positions in the Office including Acting State Auditor. In her various roles, she was very involved in legal issues in the compliance audits as well as in whistleblower investigations the Office conducted. She has been awarded a lifetime membership in Washington Finance Officers’ Association for her contributions to the WFOA, National Performance Review Award from Vice President Al Gore, Special Recognition Award for her commitment to state government transparency and accountability by the National Association of State Auditors, Comptrollers and Treasurers, and 2017 Governor’s Award for Leadership in Management.

Board staff includes an Executive Director, Administrative Officer and two Investigators. The Board is an independent agency, but the Board’s staff is funded and supported through the Attorney General’s Office (AGO).

The Executive Director reports to the AGO’s Solicitor General. Board staff complies with all of the AGO’s policies and procedures and follows the AGO’s Performance Management System in which each staff member’s work performance is evaluated on an annual basis against mutually agreed upon performance goals. Board staff is housed in an AGO-leased facility.

Goals

The Board's strategic plan emphasizes two areas in which most resources are to be devoted:

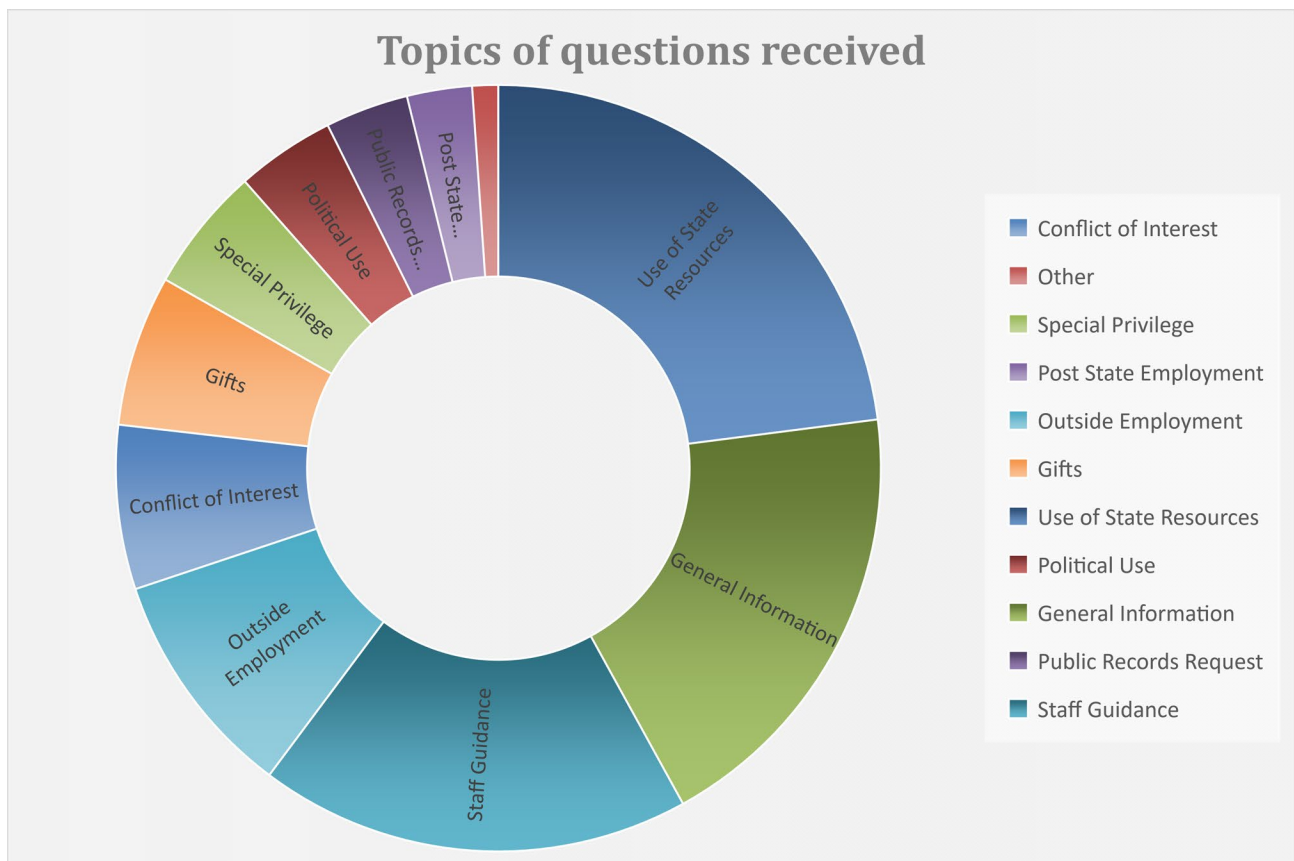
- **Strengthen the ethical culture and promote an ethical workforce within the executive branch of Washington State government, and**
- **Improve the complaint process.**

The Board Members believe that conducting training, developing educational materials, and issuing advisory opinions or non-binding staff opinions are ways to accomplish these goals.

Strengthen the Ethical Culture and Promote an Ethical Workforce

The Board assists customers—including agency ethics advisors, state employees, elected officials, state college and university employees and the public at large—via e-mail, the phone, or face-to-face meetings. Board staff routinely answer hundreds of queries a year from customers regarding ethical situations and assist them in effectively handling these situations with the goal of educating and assisting rather than enforcement.

Beginning in March of 2020 Board staff seamlessly transitioned to working remotely due to the pandemic and continued teleworking through the end of the year. Even while working remotely, Board staff answered nearly 1,000 ethics questions both on the telephone and via email. The use of state resources and general information about the Board were our top inquiries followed by questions regarding outside employment and conflict of interest.



The Board’s website continues to be the main source of information for state agencies and the public at large. The site adapts to screens of all sizes and provides Board customers with real-time information, a calendar of events, electronic forms as well as contact us and public records request forms. The website also contains an active list of agency ethics advisors and policies approved by the Board, which has been helpful for state employees in locating agency specific information.

Training

The Ethics in Public Service Act does not currently mandate ethics training but does encourage

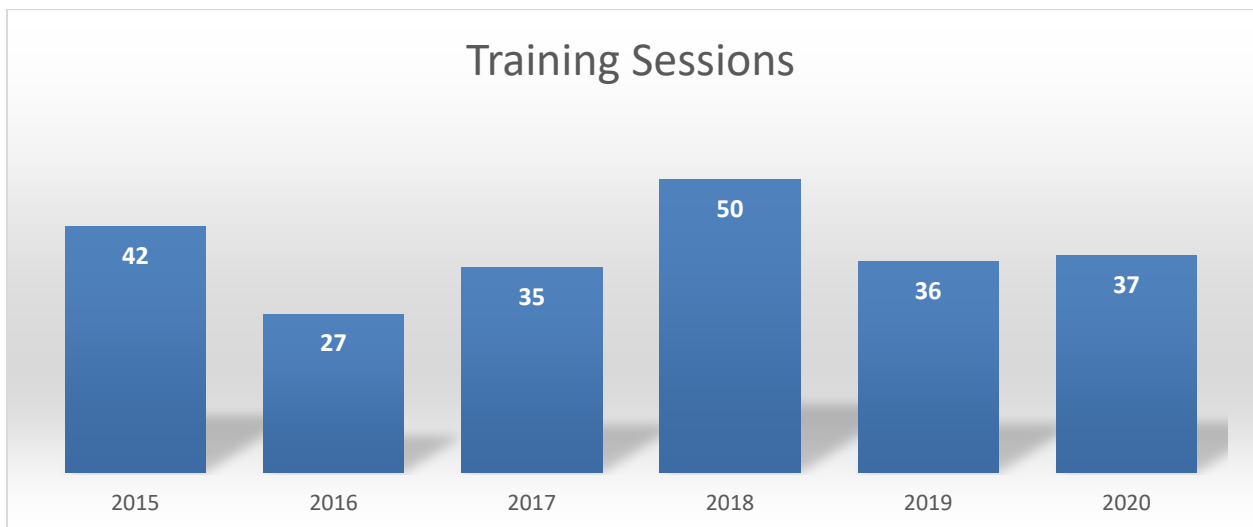
training of all state employees every thirty-six months and requires all state agencies to designate an ethics advisor. The Board offers free training to any state agency in a variety of ways: a 4-hour in-depth look at the Ethics in Public Service Act, RCW 42.52; a 90-minute refresher course for those employees who already have a good working knowledge of the Act. Our trainings are offered in person and via webinar and the Board can also provide sessions specifically tailored to the agency's needs.

During 2020, Board staff worked in partnership with the Department of Enterprise Services as the Subject Matter Expert to develop an updated Ethics in Public Service online training for the state's e-Learning System. We are very excited to see this new training launch in February of 2021.

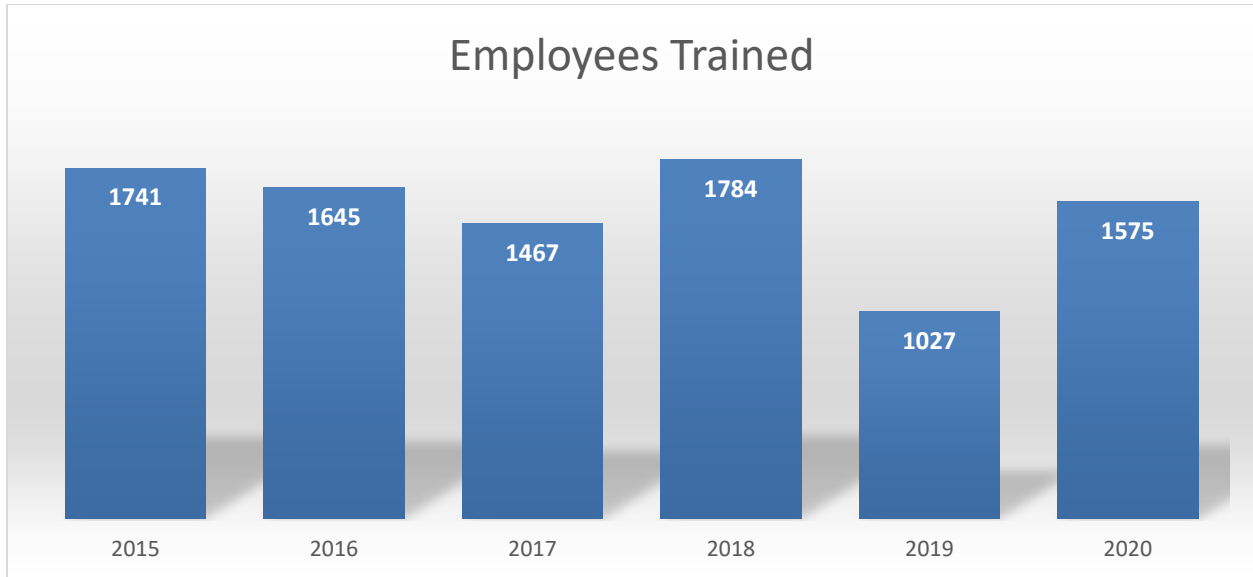
Board staff transitioned to conducting all trainings via webinar and was able to reach state agencies, colleges and universities statewide. Staff plans to continue this option even after in person training becomes an option again. The Board's Executive Director is also conducting webinar training to Executive Level Management.

Over the past year, Board staff conducted eight live classroom training sessions and 29 webinar training sessions reaching 1,575 state employees.

Sessions held:



Number of state employees trained:



EEB Newsletter

Board staff published an EEB Newsletter immediately following each Board meeting to inform state agencies, colleges/universities, state employees, and the public of recent Board opinions and enforcement actions. These newsletters are also posted on the ethics website and shared via email with our agency ethics advisors and our listserv.

Outside Employment Contracts

Under WAC 292-110-060, a state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. In 2020, the Board staff reviewed and approved 59 contracts.

Policy Reviews

Under RCW 42.52.360(4) and WAC 292-120-035, the Board may review and approve agency policies. When determining an appropriate sanction for violations of the Act, the Board may consider agency policies in effect at the time of the conduct and would likely not impose sanctions for conduct that would violate the Act if the conduct at issue was permitted under a board-approved agency policy, providing “safe harbor” for employees. In 2020, the Board reviewed and approved nine agency policies. Board approved policies are posted on the Board’s website for reference.

Coalition for Integrity

In 2020, the Coalition for Integrity published their *States with Anti-Corruption Measures for Public Officials [S.W.A.M.P] Index Report 2020*. The Coalition for Integrity is non-profit, non-

partisan 501(c)(3) organization, working in coalition with a wide range of individuals and organizations to combat corruption and promote integrity in the public and private sectors.

The S.W.A.M.P. report analyzes the laws of all 50 states and the District of Columbia relating to the scope, independence and powers of ethics agencies, whether ethics agencies accept and act on anonymous complaints, acceptance and disclosure of gifts by public officials, among other factors.

Washington State took the top score in 2020. We received high rankings for having both an Executive Ethics Board and a Legislative Ethics Board, both of which have the authority to independently investigate, hold public hearings, issue reprimands and impose fines. Washington also has strong gift rules, which prohibit elected and appointed executive branch officials from accepting more than \$50 worth of gifts, in aggregate, in a calendar year or in a single gift from multiple sources. Additionally, Washington State law provides an avenue to protect the anonymity of an ethics complaint.

2020 S.W.A.M.P. Index Scoring Map ¹

The States With Anti-Corruption Measures for Public Officials Index is a comparative scorecard which rates all 50 states and the District of Columbia based on the laws and regulations governing ethics and transparency in the executive and legislative branches.

2020 State Scores

| Rank | State | Score | Rank | State | Score | Rank | State | Score |
|------|----------------------|-------|------|---------------|-------|------|----------------|-------|
| 1 | Washington | 80 | 13 | Alaska | 64 | 26 | Maryland | 54 |
| 2 | Rhode Island | 78 | 14 | New York | 63 | 27 | Montana | 53 |
| 3 | District of Columbia | 76 | 15 | Massachusetts | 61 | 28 | Colorado | 51 |
| 4 | California | 75 | 16 | Florida | 61 | 29 | Minnesota | 50 |
| 5 | Kansas | 74 | 17 | Missouri | 60 | 30 | Maine | 49 |
| 6 | Ohio | 71 | 18 | Nebraska | 59 | 31 | Tennessee | 48 |
| 7 | Kentucky | 70 | 19 | Pennsylvania | 59 | 32 | Oklahoma | 47 |
| 8 | New Hampshire | 67 | 20 | West Virginia | 59 | 33 | Iowa | 47 |
| 9 | Hawaii | 67 | 21 | Nevada | 58 | 33 | Louisiana | 47 |
| 10 | Wisconsin | 67 | 22 | Connecticut | 58 | 35 | Alabama | 46 |
| 11 | Texas | 66 | 23 | Arkansas | 56 | 36 | New Mexico | 46 |
| 12 | South Carolina | 65 | 24 | Illinois | 55 | 37 | Delaware | 44 |
| | | | 25 | New Jersey | 55 | 38 | North Dakota | 43 |
| | | | | | | 39 | Mississippi | 42 |
| | | | | | | 40 | South Dakota | 41 |
| | | | | | | 41 | Vermont | 40 |
| | | | | | | 42 | Oregon | 39 |
| | | | | | | 43 | North Carolina | 39 |
| | | | | | | 44 | Indiana | 37 |
| | | | | | | 45 | Georgia | 36 |
| | | | | | | 46 | Virginia | 33 |
| | | | | | | 47 | Utah | 32 |
| | | | | | | 48 | Michigan | 29 |
| | | | | | | 49 | Arizona | 29 |
| | | | | | | 50 | Idaho | 21 |
| | | | | | | 51 | Wyoming | 20 |

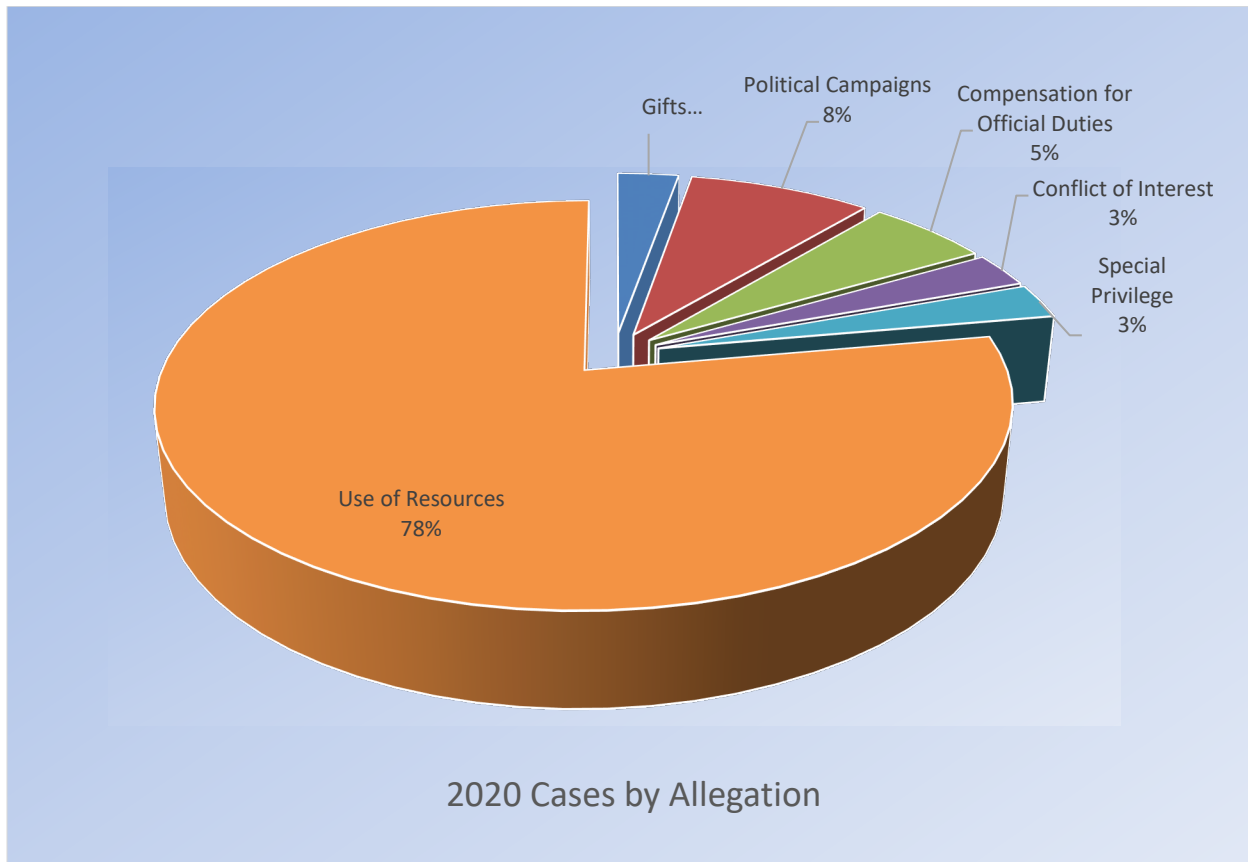
¹ Source: *States with Anti-Corruption Measures for Public Officials [S.W.A.M.P.] Index Report 2020*.

Improve the Complaint Process

Enforcement

In 2020, the Board opened 71 new cases and had 21 open cases at the end of the year. The Board found Reasonable Cause in 34 cases and no Reasonable Cause in one case, issued seven Board Dismissals and issued three Orders of Default. In 2020, the Board also reviewed nine Executive Director Dismissals, heard two requests for reconsideration, settled 25 cases with agreed stipulations, heard a motion for summary judgment and an oral argument on the penalty portion of a case. In total, the Board levied \$78,250 in monetary penalties. Monies received as payment of these penalties are deposited into the state's general fund.

The use of public resources for personal gain continues to be the leading allegation for cases accepted for filing in 2020, followed by use of state resources for political campaigns and compensation for official duties.



Details on the enforcement actions resulting in civil penalties can be found in Attachment 1.

The goal is to complete routine investigations within 180 days. In 2020, investigations were completed in an average of 89 days, well within our goal. Our completion rate continues to decrease with two investigators and having invested in two additional Forensic Recovery Evidence Devices (FRED) units. These units allow the investigators to process hard drive information at a faster pace resulting in less time to bring the case to conclusion.

General Information

Budget

Washington's Executive Ethics Board has an annual operating budget of \$539,212, four staff members and jurisdiction over approximately 65,992 employees in the Executive branch of state government, not including over 38,000 higher education employees.

Staff:

Kate Reynolds, Executive Director
Ruthann Bryant, Administrative Officer
David Killeen, Senior Investigator
Bobby Frye, Investigator

Legal Counsel:

Michelle Carr, Assistant Attorney General, Counsel to the Board
Chad Standifer, Assistant Attorney General, Counsel to staff and enforcement attorney

Contact Information

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Organizational Chart

