

# 2021 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	9
Outside employment contracts	10
Policy Reviews	10
Rule-Making	11
Advisory Opinion Review	11
Improve the Complaint Process	14
Enforcement	15
General Information	16
Organizational Chart	18
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.

**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.

**Earl Key** was appointed by Governor Inslee in January 2021 for a term through September 2025. Earl serves as the Director of the Office of Equal Opportunity for the Washington State Department of Transportation where he is responsible for Civil Rights compliance in the areas of Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, and the implementation of the Disadvantage Business Enterprise program (DBE). He received his Bachelor of Science in Criminal Justice and a Juris Doctorate from the University of Nebraska and his Masters of Law from the State University of New York in Buffalo. Earl started his own law firm and was hired by the Mayor of Niagara Falls as Chief Compliance Officer to evaluate, restructure and rebuild the city's equal opportunity policies and to investigate civil rights as legal counsel for the Human Rights Commission. After moving to Washington State in 2014 he worked for the Office of the Attorney General. Earl continues to donate his legal services to immigrants who if not represented would have no voice in their treatment in immigration court. Additionally, Earl gives his time to work with young offenders who are integrating back into the community and are trying to learn of career opportunities.

**Anna Dudek Ross** (1/1/2021-3/22/21) 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.

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:

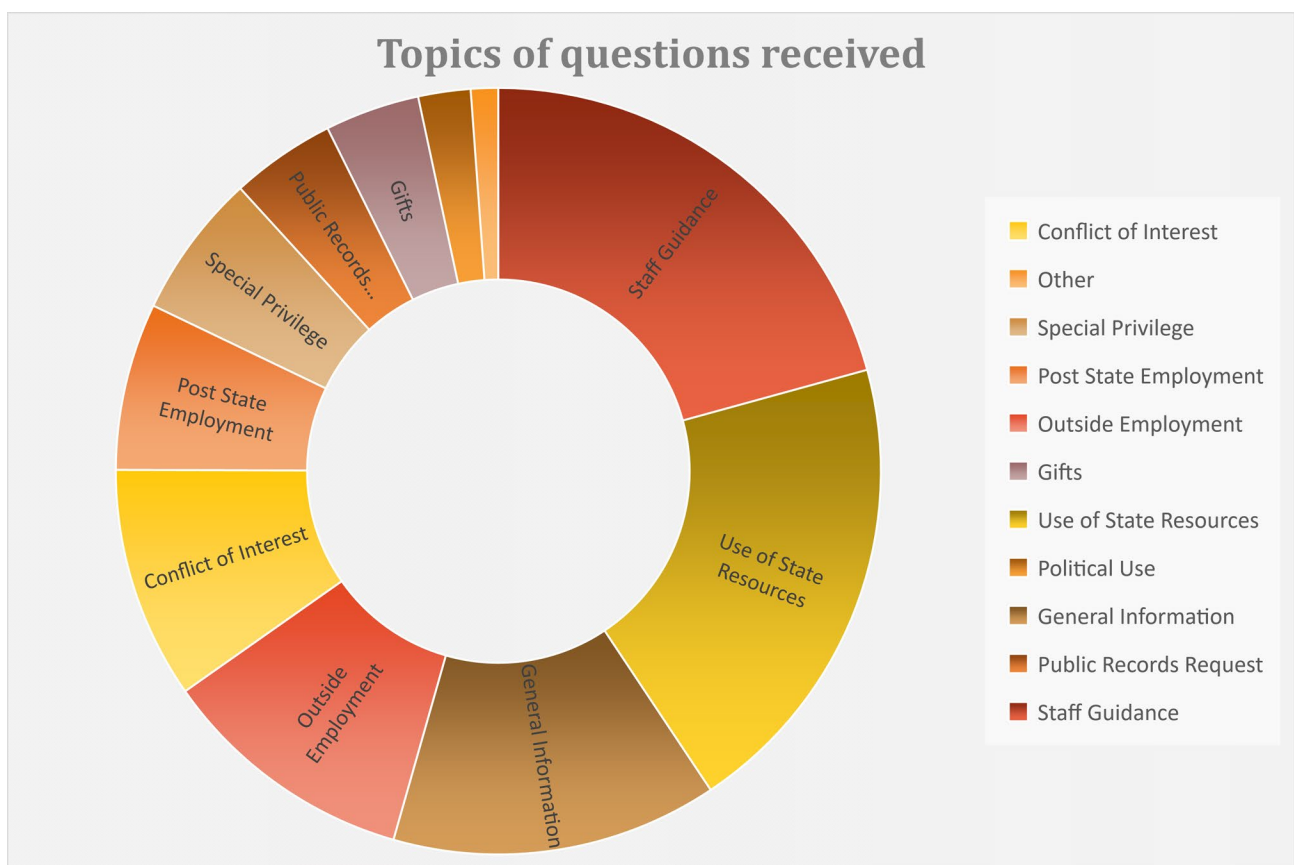
- **Strengthen the ethical culture and promote an ethical workforce within the executive branch of Washington State government, and**
- **Improve the complaint process.**

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 entire year of 2021 due to the COVID-19 pandemic. Even while working remotely, Board staff answered over 950 ethics questions both on the telephone and via email. The use of state resources and staff guidance regarding the Ethics in Public Service Act were our top inquiries followed by questions regarding outside employment, conflict of interest and post-state employment.



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.



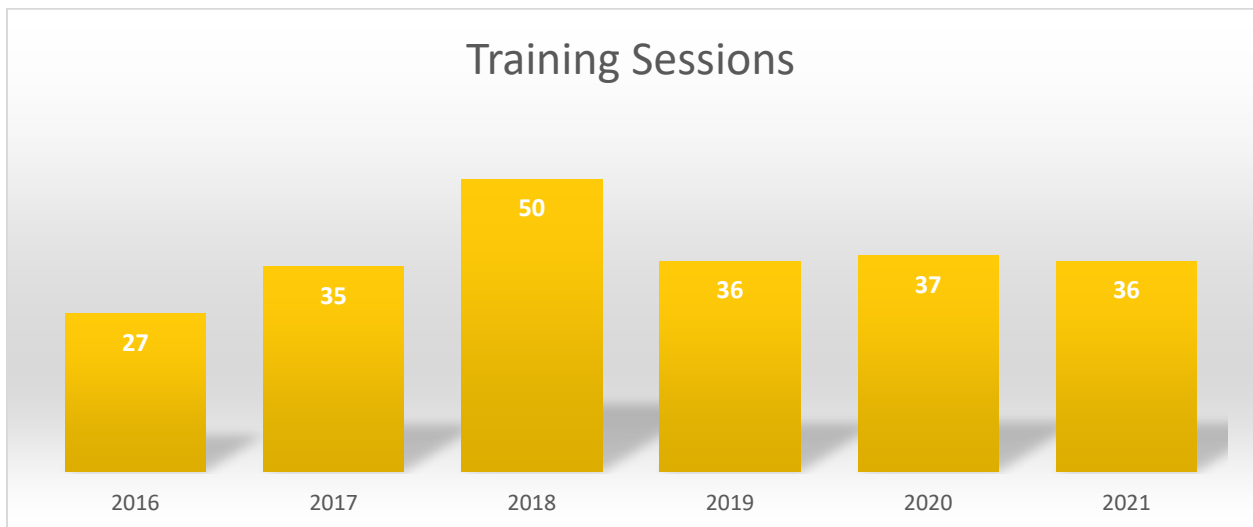
## ***Training***

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 typically offered in person and via webinar and the Board can also provide sessions specifically tailored to the agency's needs.

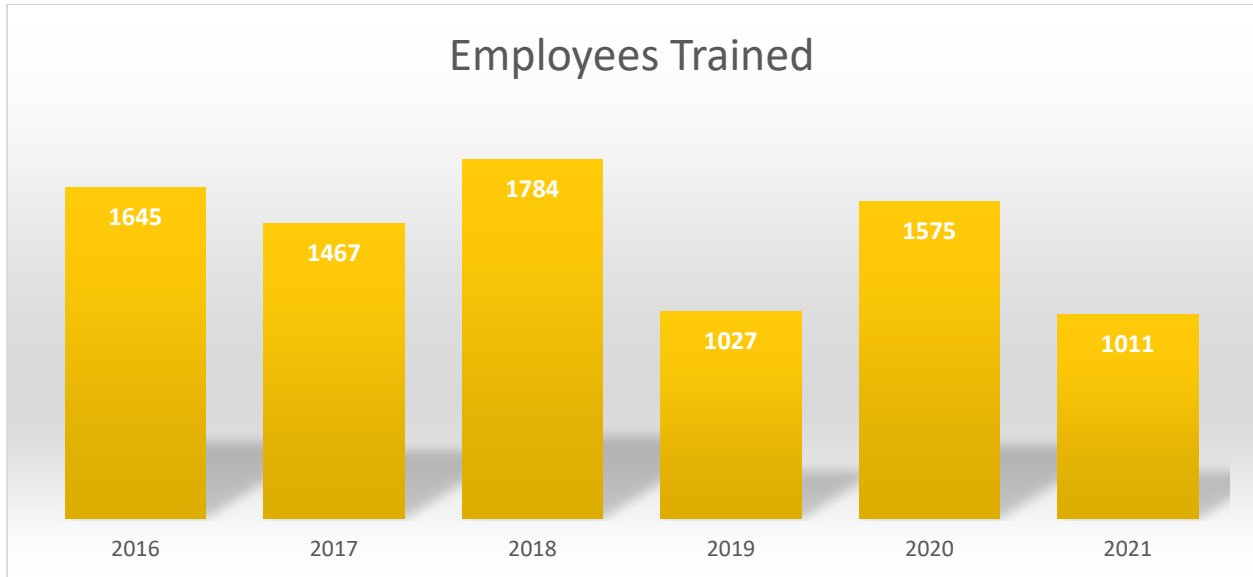
During 2021 Board staff conducted all trainings via webinar and was able to reach state agencies, colleges and universities statewide. Staff plans to continue this option even after in person training becomes an option again. The Board's Executive Director is also conducting webinar training to Executive Level Management.

Over the past year, Board staff conducted 36 webinar training sessions reaching 1,011 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 2021, the Board staff reviewed and approved 136 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 2021, the Board reviewed and approved six agency policies. Board approved policies are posted on the Board’s website for reference.

## ***Rule-making***

In 2021, the Board completed their review of to the entire chapter of WAC 292-100 Procedural Rules and held a public hearing in November allowing public comment by stakeholders and interested parties. The new rules went into effect in December 2021.

## ***Advisory Opinions***

The Board began their scheduled in-depth review of all of its previously issued Advisory Opinions (AO) to determine if the advice was still current and applicable or whether the AO needed to be archived or revised. Throughout 2021 the Board reviewed the following AOs:

### *Use of State Resources:*

99-03	Wellness Program
99-02	Operating a non-profit within an agency
00-09	Combined fund drive activities
00-10	Emails
02-01	Use of state facilities to conduct union business
02-05	Use of state facilities to gamble
03-01	Accessing state retirement account/state provided benefits
03-03	Frequent flyer miles
03-04	Selling complimentary text books
04-02	Participating in creation or review of articles to be used to promote commercial products
08-01	Authorizing wellness organizations to sell products
08-02	Ferry passes
09-05	Gift of employee time
10-01	Use of resources for wellness program
10-02	Wearing uniforms at charitable events

### *Activities Incompatible, Financial Interests, Assisting in Transactions and Confidential Information:*

96-09	Disclosure Requirement for Boards and Commissions
96-09A	Boards and Commissions
97-03	Outside Employment with a Regulated Entity
97-11	Financial Interests/Board Membership
97-12	Stock ownership by State Employee
97-13	Financial Interests/Board Membership
98-04	Elective Office/Confidential Information
98-05	Transactions Involving the State
98-07	Outside Employment/Subcontracting
98-08	Conflict of Interest/Board Membership

98-11	Potential Conflicts of Interest Regarding Prospective Employment
99-04	Conflict of Interest/Spouse's Business Interest
99-07	Conflicts of Interest Regarding Board Membership
00-04	Outside employment with Regulated Entity
00-14	Serving on the Board of a Non-state entity that is Seeking Funds from a State Employees Parent Agency
01-02	Membership in Non-state Organizations that are Affected by State Agency Decisions
01-03	State Employee's Outside Business Relationship with an Agency Vendor
01-04	State Officer's Outside Business Relationship with an Agency that they Oversee
02-03	Conflicts Between the Regulatory and Proprietary Functions of Agency Employees
03-05	Holding an Interest beneficial or Otherwise in a Person Regulated by a Citizen Body Whose Members May be Selected from Identified Groups or Interests
04-03	Conflicts of Interest related to Membership in Groups that are Sponsored by the Department of Natural Resources
09-02	Spouse Contracting with State Agency
09-03	Stock Ownership
10-03	Simulcast Races Wagering

*Gifts:*

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

*Miscellaneous:*

96-08	Employee's Identity
96-10	Use of Employee Mailing List by Agency Elected Officer
97-05	Employee's Beneficial Interest in a Spouse's Contract with their Employing Agency
97-10	Definition of Assisting in a Transaction

97-14	Outside Employment
98-09	Use of Resources for Political Campaigns
99-01	Definition of Legislative Body/Political Activities
99-03	Outside Compensation/Collegiate Athletic Coaches
99-08	Permissible Investments/Reinvestment of Dividends
00-08	Use of State Resources/Political Campaigns/Officer or Employee Title
02-04	Use of State Facilities, Including Electronic Mail, to Distribute Newspaper Articles and Editorial Opinions
03-02	Use of State Resources/Political Campaigns/Voters Pamphlet Statements
04-01	Use of Agency Websites to Provide Links to Private Web Sites that Advocate for or Against Ballot Initiatives or Political Candidates
08-04	Posting Political Signs in State-owned Housing
11-01	Expert Witness/Expert Testimony

*Archived Opinion:*

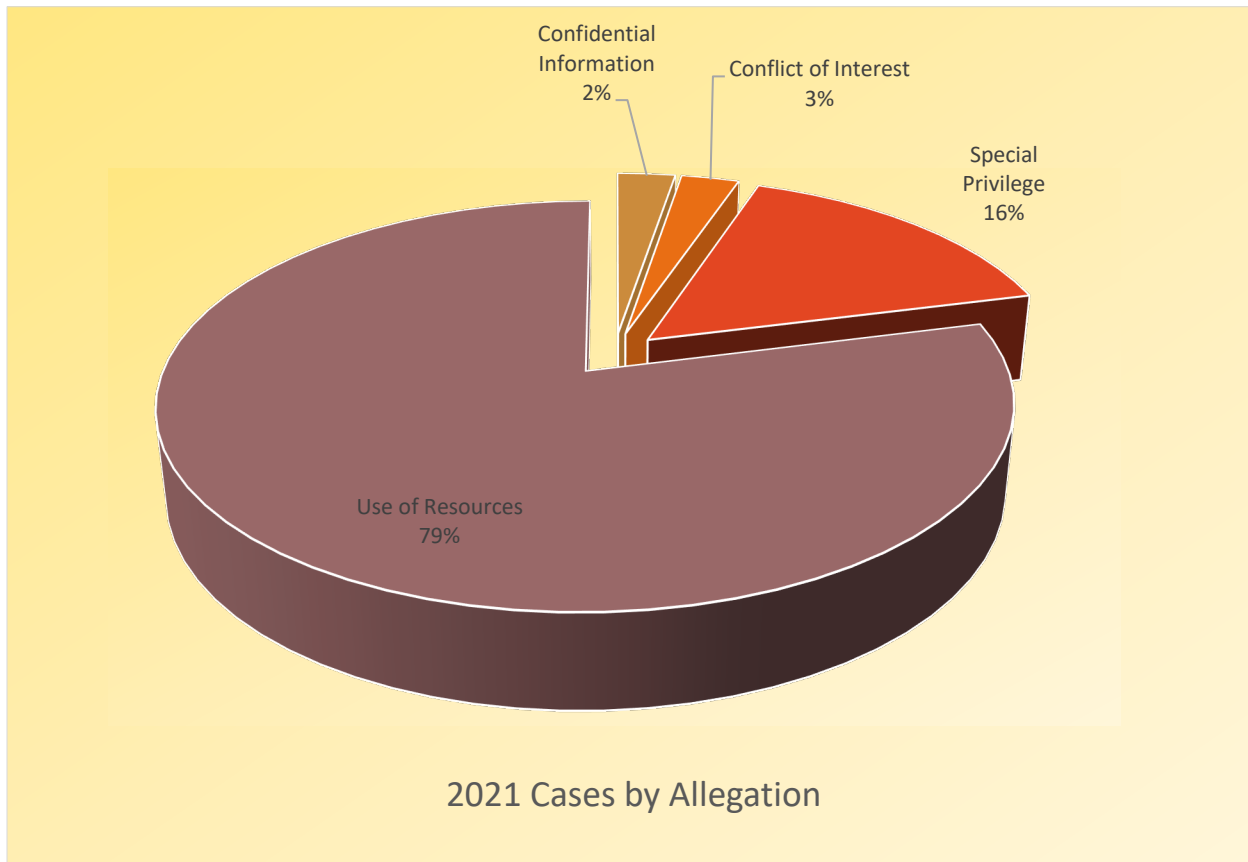
03-06	Application of the Ethics in Public Service Act's Financial Interests Provisions to Non-Federal Grants
-------	--

# **Improve the Complaint Process**

## ***Enforcement***

In 2021, the Board opened 56 new cases and had 11 open cases at the end of the year. The Board found Reasonable Cause in 25 cases, issued 25 Board Dismissals and issued five Orders of Default. Throughout the year, the Board also reviewed 15 Executive Director Dismissals, settled 27 cases with agreed stipulations, heard a motion for summary judgment and held one enforcement hearing. In total, the Board levied \$108,400 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 2021, followed by special privilege and conflict of interest.



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 2021, investigations were completed in an average of 98 days, well within our goal. Our completion rate continues to decrease with two investigators and utilizing two Forensic Recovery Evidence Devices (FRED). These devices 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 \$560,200, four staff members and jurisdiction over approximately 64,370 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:

Leo Roinila, Assistant Attorney General, Counsel to the Board (July-December)  
Michelle Carr, Assistant Attorney General, Counsel to the Board (January -July)  
Chad Standifer, Assistant Attorney General, Counsel to staff and enforcement attorney

### Contact Information

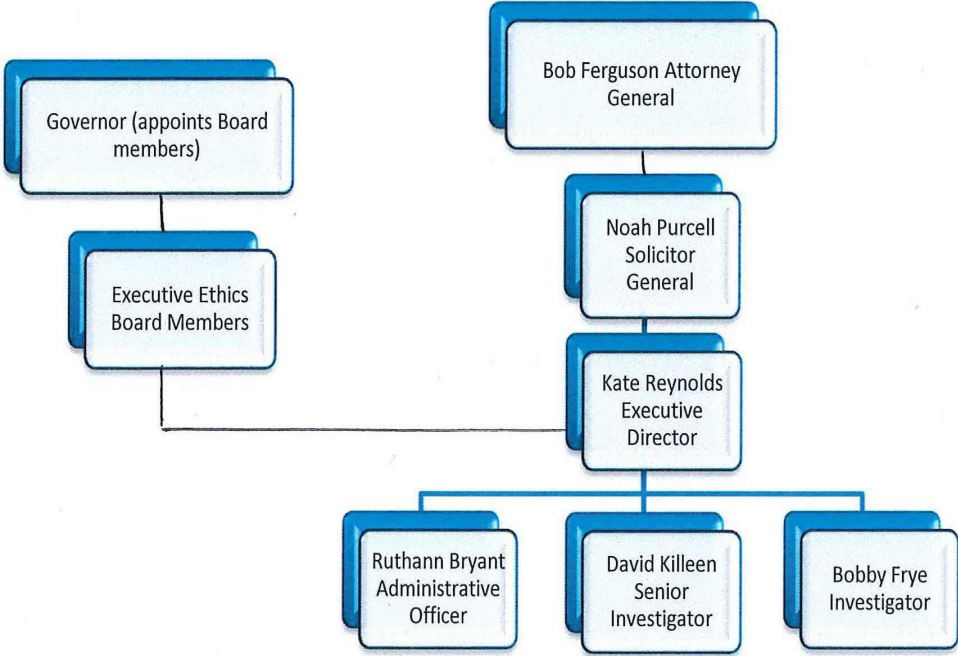
Address: 2425 Bristol Court SW  
PO Box 40149  
Olympia, WA 98504-0149

Telephone: 360-664-0871

Website: [www.ethics.wa.gov](http://www.ethics.wa.gov)

Email: [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov)

# Organizational Chart



## SUMMARY OF 2021 ENFORCMENT ACTIONS

The Board accepted stipulated penalties from or imposed penalties on 33 individual state employees as follows:

	<b>Allegation</b>	<b>Violation</b>	<b>Penalty</b>
<b>Employee 1</b>	Clinical Placement Coordinator at Clover Park Technical College used state resources for an outside business on at least 58 occasions over a 10-day period.	RCW 42.52.160	\$2,750 with \$500 suspended
<b>Employee 2</b>	Community Corrections Officer with the Department of Corrections used state resources for non-work related purposes of over 48 hours during an eight-month period.	RCW 42.52.160	\$3,500 with \$1,000 suspended
<b>Employee 3</b>	Corrections Specialist with the Department of Corrections used state resources for outside employment and personal gain.	RCW 42.52.070 and .160	\$2,500 with \$500 suspended
<b>Employee 4</b>	Secretary Senior with the Department of Corrections used state resources for non-work related browsing, spending 128.2 hours over a four-month period on the internet.	RCW 42.52.160	\$2,500 with \$1,000 suspended
<b>Employee 5</b>	Work Source Specialist with the Employment Security Department used state resources to support an outside business.	RCW 42.52.160	\$3,000 with \$500 suspended
<b>Employee 6</b>	Classifications Counselor with the Department of Corrections accessed confidential information to look up information on non-offenders.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 7</b>	Former Office Assistant 3 with the Department of Health inaccurately reported the number of hours worked and used agency computer for personal use of over 107 hours in a five-month period.	RCW 42.52.160	\$3,000
<b>Employee 8</b>	Former Administrative Assistant 3 with Washington State University used state resources for private benefit when 1,300 non-work related email were found on a state computer.	RCW 42.52.160	\$2,500
<b>Employee 9</b>	Former Health Services Consultant 2 with the Department of Health actively engaged in online gaming during scheduled work hours.	RCW 42.52.160	\$3,000
<b>Employee 10</b>	Former Faculty member with the University of Washington had staff perform personal errands, schedule personal appointments, extensively used state cell phone and computer for personal use, including pornography and had a personal relationship with a subordinate.	RCW 42.52.020, .070 and .160	\$25,000

## SUMMARY OF 2021 ENFORCMENT ACTIONS

<b>Employee 11</b>	Registered Nurse with the Department of Corrections browsed the internet for personal benefit, stored hundreds of non-work related images on her state computer and downloaded copies of novels on a state computer.	RCW 42.52.160	\$2,000 with \$500 suspended
<b>Employee 12</b>	Former IT Specialist 4 with the Department of Fish and Wildlife misappropriated over \$65,000 in funds by using state credit cards to buy fuel for personal vehicles over several years.	RCW 42.52.160	\$4,500
<b>Employee 13</b>	Computer Technology Specialist at Clover Park technical College used state resources for personal benefit and to support a union.	RCW 42.52.160	\$2,500
<b>Employee 14</b>	Faculty member with the University of Washington used state resources by receiving payment for travel expenses not entitled to receive.	RCW 42.52.160	\$2,000
<b>Employee 15</b>	Administrative Assistant 4 with the Department of Social & Health Services used state resources for private benefit and in support of an outside business by using state computer to stream videos, pay bills and to store over 6,000 personal pictures.	RCW 42.52.160	\$3,000 with \$1,500 suspended.
<b>Employee 16</b>	Former Laundry Supervisor with the Department of Corrections failed to submit leave for at least 53 hours during a 12-month period.	RCW 42.52.160	\$2,000
<b>Employee 17</b>	Psychology Associate with the Department of Corrections used state computer for personal use to include 1,524 pages of personal email communications.	RCW 42.52.160	\$2,500 with
<b>Employee 18</b>	Corrections Officer 2 with the Department of Corrections used state resources to access the internet at least once on 93 different days over a five-month period.	RCW 42.52.160	\$2,500 with \$1,000 suspended.
<b>Employee 19</b>	Former Office Manager with the Washington State Beef Commission used a state credit card to charge personal expenses and created fraudulent monthly credit card statements and forged two checks and deposited them into a personal bank account.	RCW 42.52.160	\$4,500
<b>Employee 20</b>	Former Attendant Counselor with the Department of Social and Health Services submitted 24 hours of jury duty leave and did not attend jury duty.	RCW 42.52.160	\$1,000
<b>Employee 21</b>	President of Edmonds College used their position to obtain the ability to park a personal vehicle anywhere on campus without being issued a citation for parking illegally.	RCW 42.52.160	\$150 with \$150 suspended.

**SUMMARY OF 2021 ENFORCMENT ACTIONS**

<b>Employee 22</b>	Former IT Specialist 3 with Western Washington University downloaded and installed unauthorized software to a state laptop, accessed over 83,000 Craigslist resources and browsed the internet for non-work related purposes.	RCW 42.52.160	\$2,000
<b>Employee 23</b>	Director of the Health Care Authority authorized agency leadership to encourage all employees to use 30 minutes of paid time per day for “wellness time” while working at home during the pandemic.	RCW 42.52.160	\$5,000
<b>Employee 24</b>	Contracts Manager with the Department of Social and Health Services synched one or more of her personal devices and personal Google account to a state computer and browsed the internet to include bill pay, shopping, Facebook and personal email.	RCW 42.52.160	\$2,500
<b>Employee 25</b>	A Juvenile Rehabilitation Community Counselor with the Department of Children, Youth and Family used state computer resources and time to conduct university coursework.	RCW 42.52.160	\$2,000 with \$1,000 suspended.
<b>Employee 26</b>	Program Administrator with the Department of Children, Youth, and Family used state email account to promote/support the outside private sale of makeup and coffee products.	RCW 42.52.160	\$3,000
<b>Employee 27</b>	Faculty Member at Bellevue College engaged in the improper hiring and oversight of family members.	RCW 42.52.070	\$500 with \$250 suspended.
<b>Employee 28</b>	Edmonds Community College faculty member used state time and computer resources to support an outside business to include voicemail and state email account to send both outside business and personal emails.	RCW 42.52.160	\$5,500
<b>Employee 29</b>	Maintenance Mechanic 4 with the Department of Social and Health Services provided a coworker the use of a state vehicle to commute into the office	RCW 42.52.070	\$500
<b>Employee 30</b>	Social Services Specialist with the Department of Social and Health Services used state resources for private benefit and accessed confidential information that was shared with someone outside the agency.	RCW 42.52.050, .070, and .160	\$2,500
<b>Employee 31</b>	Classification Counselor 2 with the Department of Corrections spent an excessive amount of time on the internet to access Madden Football, Fantasy Football, music and gaming sites.	RCW 42.52.160	\$3,000
<b>Employee 32</b>	Former Executive Director of the Olympic College Foundation provided a single	RCW 42.52.070	\$3,000

## SUMMARY OF 2021 ENFORCMENT ACTIONS

	candidate with multiple scholarships in an excessive amount.		
<b>Employee 33</b>	Former Quality Control Specialist with the Department of Social and Health Services used state resources in support of an outside real estate business.	RCW 42.52.160	\$2,500