

2022 Annual Report

**WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

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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 Jan-March) 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 (Vice Chair April-December) 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.

Kelli Hooke was appointed by Governor Inslee in August 2022 for a term through September 2026. Kelli is a managing corporate counsel at T-Mobile in Bellevue, WA and is a member of the Network, National Security & Company Commitments team within Legal Compliance, focusing on public sector compliance. She is heavily involved in supply chain security risk management, cyber security for our government customers, and is co-chair of the Legal Affairs Intern Committee. Kelli is also involved in the American Bar Association's Section on Public Contract Law, to include serving as a vice-chair of the Commercial Products and Services Committee. She retired from the Army after twenty years of service.

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:

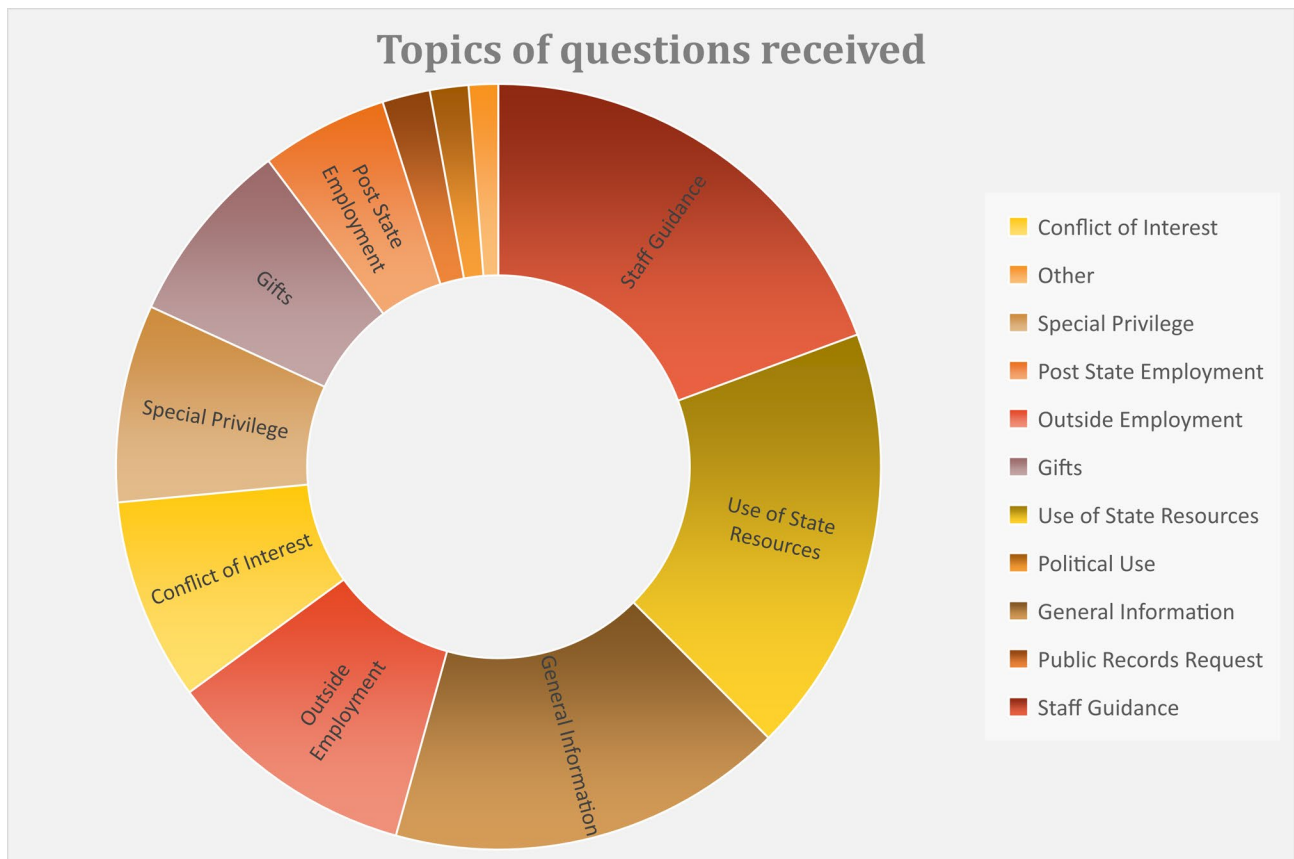
- **Strengthen the ethical culture and promote an ethical workforce within the executive branch of Washington State government, and**
- **Improve the complaint process.**

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.

Following the COVID-19 pandemic, Board staff began a hybrid work schedule in April and seamlessly continued to meet the needs of those we serve. During 2022, Board staff answered over 1,040 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 special privilege.



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.

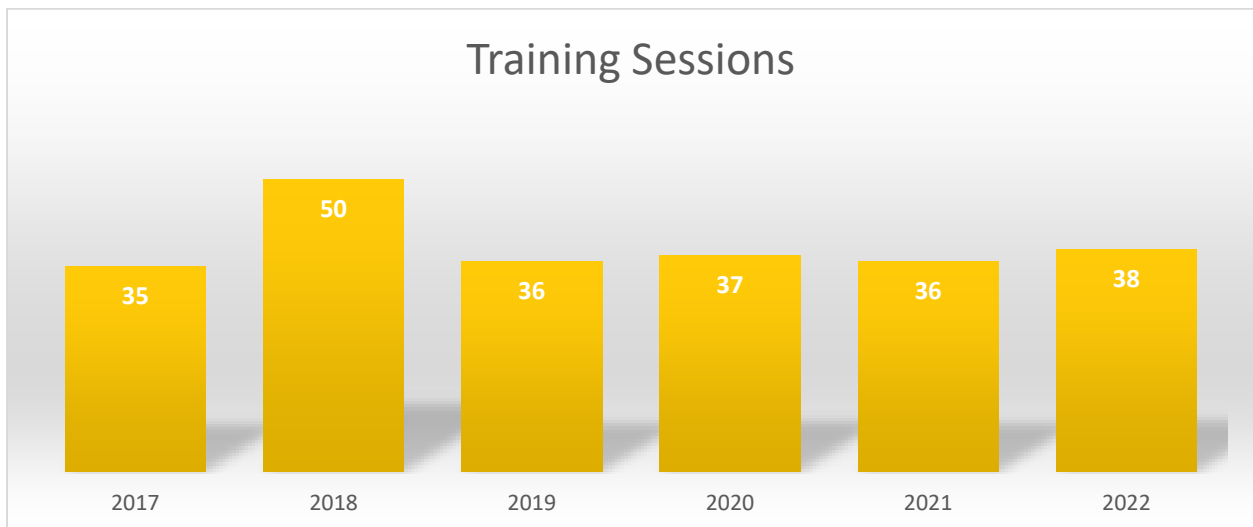
Training

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 and Executive leadership training addressing topics of interest for agency heads and leadership teams. The Board can also provide sessions specifically tailored to the agency's needs.

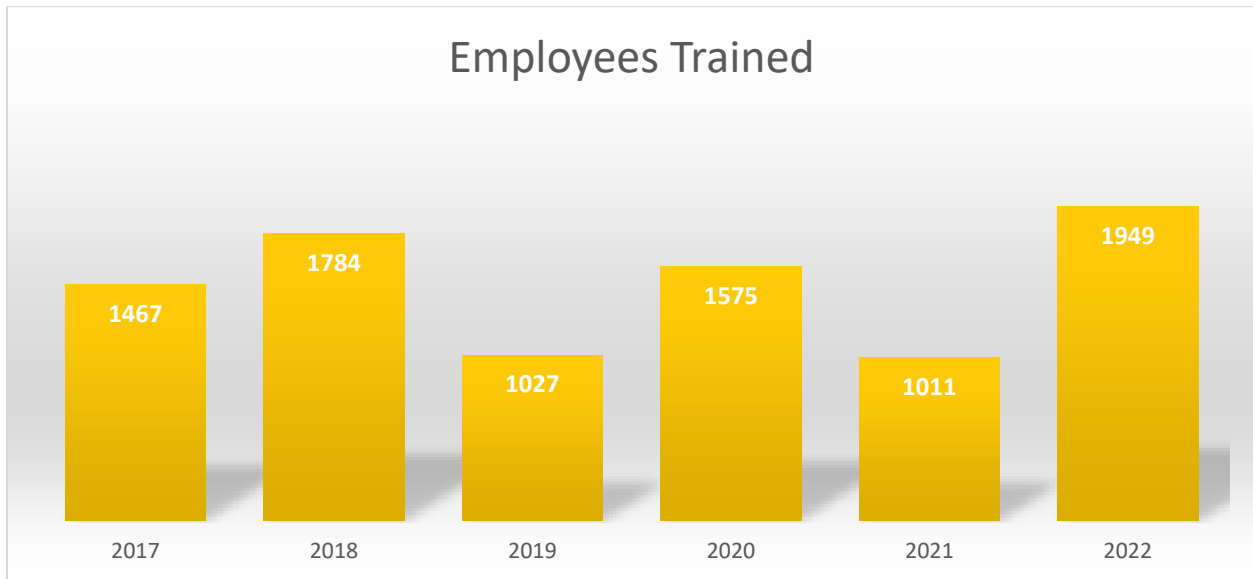
During 2022, Board staff held their first in-person training sessions since 2019 due to the COVID-19 pandemic. Staff also conducted numerous trainings via Zoom and was able to reach state agencies, colleges and universities statewide. The Board's Executive Director continues to conduct webinar training to Executive Level Management.

Over the past year, Board staff conducted 38 webinar training sessions and conducted two live sessions reaching 1,946 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 2022, the Board staff reviewed and approved 162 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 2022, the Board reviewed and approved 16 agency policies. Board approved polices are posted on the Board’s website for reference.

Rule-making

In 2022, the Board filed Expedited Rule-Making regarding WAC 292-100 Procedural Rules, WAC 292-110 Agency Substantive Rules and WAC 292-130 Agency Organization – Public Records.

Advisory Opinions

The Board completed 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 2022 the Board reviewed the following AOs:

Use of State Resources:

02-02A	Use of State Resources Questions and Answers
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Post-State employment:

97-06	Assisting in a Transaction
97-07	Employment by a Person Who Contracted with Employee's Agency
97-08	Conflicts of Interest Regarding Post-state Employment
98-02	Transaction Involving the State
00-01	Stock Options and Post-state Employment
00-02	Working on Programs Funded by a Grant the employee Administers
00-07	Post-state Employment
00-13	Post-state Employment
01-01	Post-state Employment
01-06	Application of Post-employment Provisions to Former Department of Ecology Employees who Worked on the Hanford Federal Facility Dangerous Waste Program Permitting Process
08-03	Post-state Employment
10-04	Former Employee Assisting on State Contract

Campaign Legal Center

In 2022 the Campaign Legal Center (CLC) published their *Top 10 Enforcement Upgrades for Ethics Commissions*. The CLC is a nonpartisan center that advances democracy through the law at the federal, state and local levels.

The purpose of the analysis is to provide state and local ethics commission with innovative enforcement upgrades to improve how the effectively implement their ethics programs. The project focused on upgrades that yielded results yet are relatively simple to administer.

The project highlighted 10 proven enforcement features that ethics commissions used to increase accountability for ethics violations, deter noncompliance and improve the public's trust in government.

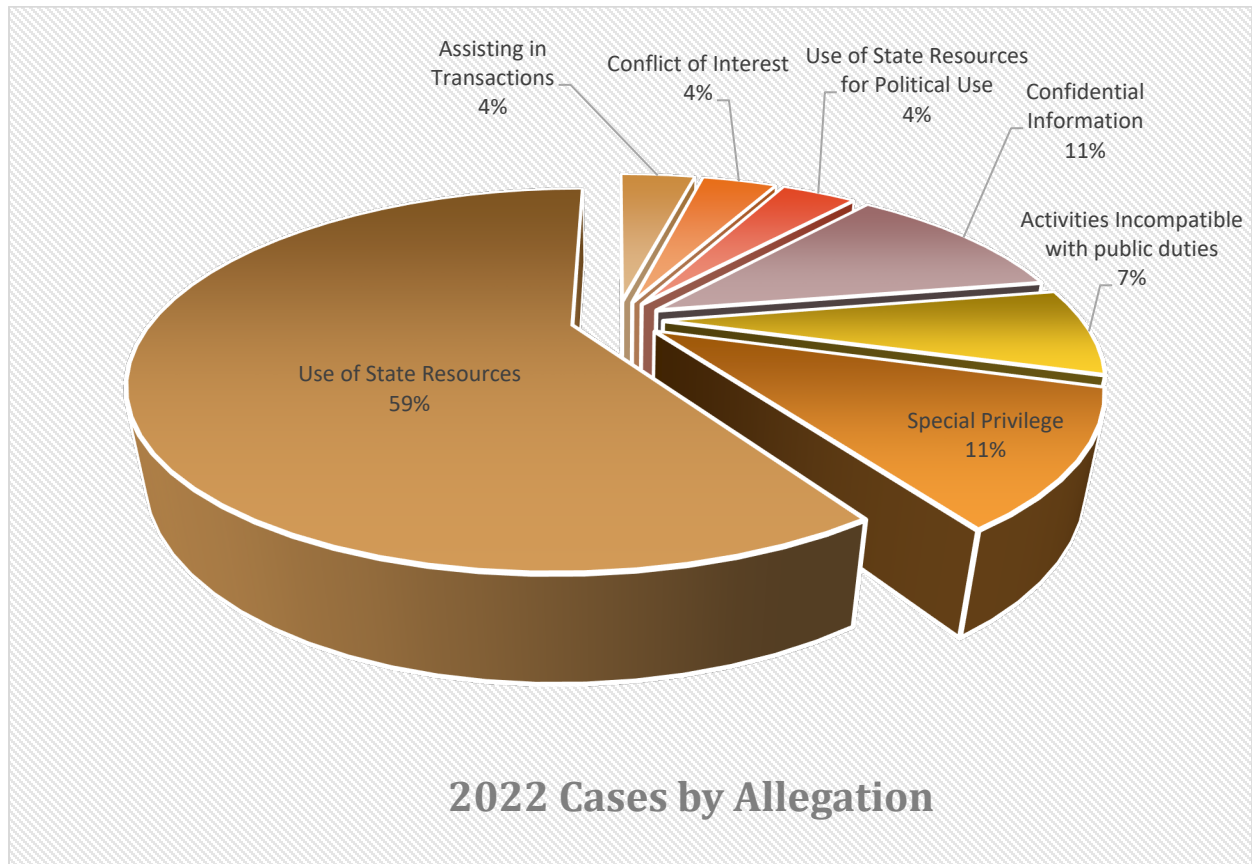
The Washington State Executive Ethics Board was recognized for having a searchable and sortable database of enforcement actions that contains the case resolution, the relevant agency, a summary of the violation, the result of any investigation, any fine assessed and the law(s) at issue in each enforcement case. The cases can be filtered by year, and a keyword search allows users to find specific topics or facts mentioned in the case files. Additionally, the list of enforcement actions can be organized by agency.

Improve the Complaint Process

Enforcement

In 2022, the Board opened 68 new cases and completed 48 cases. The Board found Reasonable Cause in 18 cases and issued 20 Board Dismissals. Throughout the year, the Board also reviewed one Executive Director Dismissal, settled 16 cases with agreed stipulations, heard two motions for summary judgment and two motions to dismiss. In total, the Board levied \$78,986 in monetary penalties. Monies received as payment of these penalties are deposited into the state's general fund.

The use of state resources for personal gain continues to be the leading allegation for cases accepted for filing in 2022, followed by special privilege and confidential information.



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 2022, investigations were completed in an average of 79 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 a biennial operating budget of \$846,903, four staff members and jurisdiction over approximately 67,100 employees in the Executive branch of state government and over 38,000 higher education employees.

Staff:

Kate Reynolds, Executive Director
Ruthann Bryant, Administrative Officer
Bobby Frye, Investigator
Justin Cotte, Investigator

Legal Counsel:

Leo Roinila, Assistant Attorney General, Counsel to the Board (July-December)
Chad Standifer, Assistant Attorney General, Counsel to staff and enforcement attorney (Jan-May)
Julia Eisentrout, Assistant Attorney General, Counsel to staff and enforcement attorney (June-December)

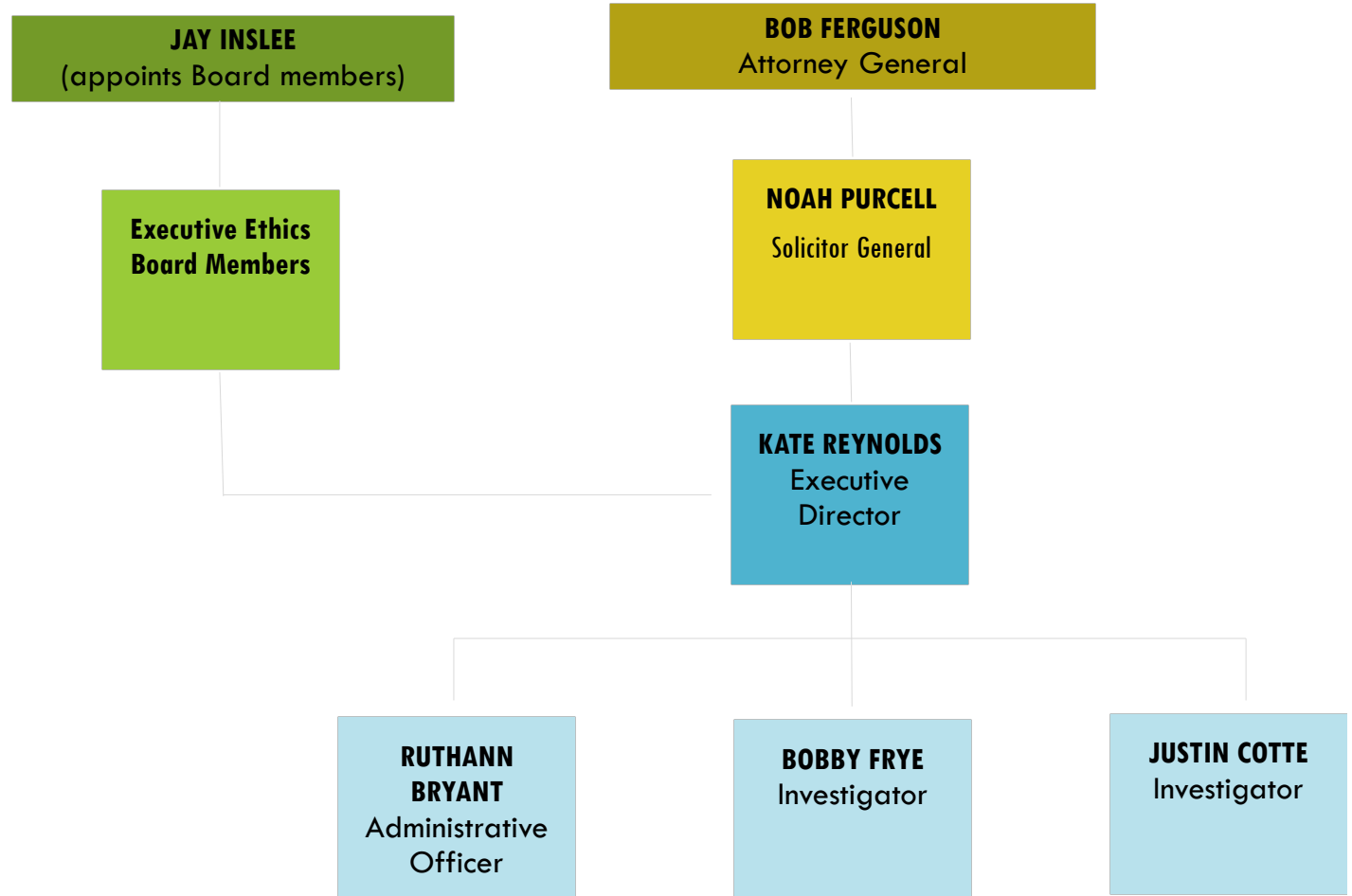
Contact Information

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PO Box 40149
Olympia, WA 98504-0149

Telephone: 360-664-0871

Website: www.ethics.wa.gov
Email: ethics@atg.wa.gov

EXECUTIVE ETHICS BOARD ORGANIZATIONAL CHART



SUMMARY OF 2022 ENFORCMENT ACTIONS

The Board accepted stipulated penalties from or imposed penalties on 18 individual state employees as follows:

	Allegation	Violation	Penalty
Employee 1	Vice President for Diversity with Eastern Washington University used state resources for both an outside business and an outside community organization.	RCW 42.52.160	\$3,000 with \$1,000 suspended
Employee 2	Faculty Member at Central Washington University required students to purchase a book they authored and influenced colleagues to require the textbook in their classes as well.	RCW 42.52.020, .030 and .070	\$2,000 with \$500 suspended
Employee 3	Faculty Member with Edmonds Community College used state resources to promote and support their outside business and secured a special privilege by taking advantage of their position with the College.	RCW 42.52.070 and .160	\$5,000
Employee 4	Maintenance Technician with the Washington State Department of Transportation used state resources by being present at a rally in Shelton while in on-call status in the Olympia region and attached a Blue Lives Matter flag to their state vehicle.	RCW 42.52.160	\$1,750
Employee 5	Former Executive Director with the Office of the Lieutenant Governor was involved with negotiations of a contract while employed with the state and then accepted a position with the same entity after leaving state service.	RCW 42.52.080	\$750
Employee 6	Policy analyst with the Human Rights Commission connected two external hard drives containing personal data to their assigned work computer resulting in personal information being downloaded to agency servers including documents related to an outside business.	RCW 42.52.160	\$3,500
Employee 7	Former Cashier at Seattle Central College misappropriated cash deposits over a one-month period.	RCW 42.52.160	\$3,500
Employee 8	Correctional Industries Supervisor Accessed the Offender Management Network information database to obtain information regarding an ex-offender and shared that information with an outside party.	RCW 42.52.050 and .160	\$2,500 with \$1,000 suspended
Employee 9	Professor with the School of Educational Studies at the University of Washington included a link to a book they authored in their official University of Washington signature block	RCW 42.52.160	\$2,000 with \$1,000 suspended

SUMMARY OF 2022 ENFORCMENT ACTIONS

Employee 10	Correctional Sergeant at the Monroe Correctional Complex used their state email for personal use and browsed the internet for an average of just over two hours per shift over a 17-day period.	RCW 42.52.160	\$2,500
Employee 11	Former Director of the Fears Clinic with the School of Dentistry at the University of Washington by being paid directly for services performed at the School of Dentistry and did not turn the money over to the University.	RCW 42.52.160	\$33,236
Employee 12	Former IT Application Developer for the Department of Labor and Industries used their state computer to email information about a strike for Walkout Wednesday regarding the Governor's vaccine mandate	RCW 42.52.160	\$750
Employee 13	Former Corrections and Custody Officer with the Department of Corrections accessed confidential information and sent over 30 emails containing well over 500 attachments to their personal email address, many of which contained private information	RCW 42.52.050 and .160	\$6,500
Employee 14	Executive Director and Secretary for the Utilities and Transportation Commission authorized an all staff email containing links to donate to the American Civil Liberties Union.	RCW 42.52.160	\$1,000
Employee 15	Former Case Manager with the Department of Social and Health Services provided a special privilege to a client and used state resources to promote a candidate.	RCW 42.52.020, .070, .160 and .180	\$5,000
Employee 16	Former Psychology Associate Health Services at the Larch Corrections Center used state resources for an outside business.	RCW 42.52.160	\$2,500
Employee 17	Former Social and Health Program Consultant at the Department of Social and Health Services used their state email for personal use and state time to apply for hundreds of jobs, both within and outside the state system, and included an attachment to an application that contained confidential information.	RCW 42.52.050 and .160	\$3,250
Employee 18	A Data Support Unity Manager with the Department of Health required all staff to participate in team meetings where they played games using unauthorized software.	RCW 42.52.160	\$250