

2023 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 January-March) was appointed by Governor Inslee in March, 2017 to fill the remainder of a term and was reappointed for a full term by Governor Inslee ending in September 2023. 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 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 the Conference of Western Attorneys General Kempsey Award for Outstanding Management.

Jan Jutte (Vice Chair January-February, Chair March-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.

Kelli Hooke (Vice Chair March-December) was appointed by Governor Inslee in August 2022 for a term through September 2026. Kelli is a senior legal counsel, Public Sector Compliance at Cloudflare. She received a bachelor’s from the University of Washington, Seattle, a masters from University of Oklahoma, and a JD from Regent University School of Law in Virginia Beach, VA. She is heavily involved in supply chain security risk management, cyber security for government customers, and legal support for the Public Sector Sales team. 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.

Megan Abel was appointed by Governor Inslee in February 2023 for a term of service through September 2027. Megan is a graduate of Washington State University with a bachelor’s degree in psychology and currently serves as a Human Resource Manager at the Employment Security Department. Megan has over 20 years of Human Resource experience to include both the private and the public sector. Agencies that Megan has worked for in her career with the State of Washington include Administrative Office of the Courts, General Administration (now Department of Enterprise Services), Department of Fish and Wildlife, Recreation Conservation Office, Office of Administrative Hearings, and the Employment Security Department. Megan received her Professional in Human Resources (PHR) certification from the Society for Human Resource Management (SHRM) in 2005 and has maintained that certification through her extensive state career, both with continued education/training as well as knowledge and learned experiences.

Cameron Comfort was appointed by Governor Inslee in December 2023 for a term of service through September 2028. Cam is a graduate of the University of Washington and the University of Notre Dame Law School. Cam retired from the Office of the Attorney General in May 2023 as a Senior Assistant Attorney General, having served as the Chief of the Revenue and Finance Division for more than 20 years. In that role, his responsibilities included overseeing the division’s provision of legal services to its clients, including the Department of Revenue, the Department of Retirement Systems, the Office of the State Treasurer, the Office of Financial Management, the Washington State Investment Board, and the Office of Administrative Hearings. In addition to being a member of the AGO’s leadership team, Cam handled numerous office-wide assignments including serving as the lead attorney coordinator on the agency’s Fiscal Note Team, and serving on the Attorney Exit Interview Team and the Performance Management Committee.

Earl Key (January-July) 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.

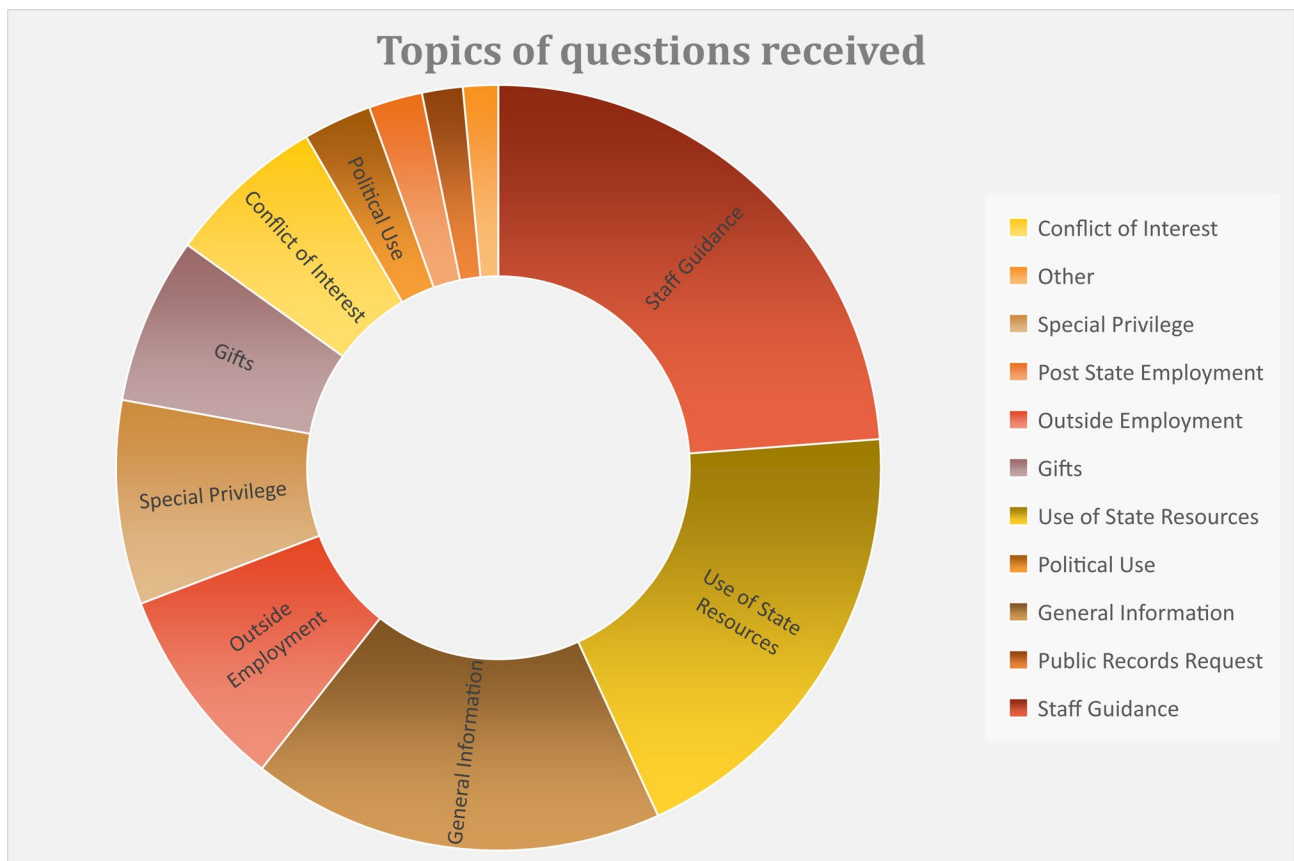
Board staff includes an Executive Director, Administrative Officer and two Investigators. The Board is an independent agency, but the Board's staff is funded and supported through the Attorney General's Office (AGO).

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.

Promote Good Government

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.

During 2023, Board staff answered approximately 1,277 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 special privilege, outside employment, and gifts.



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 complaint forms and 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.

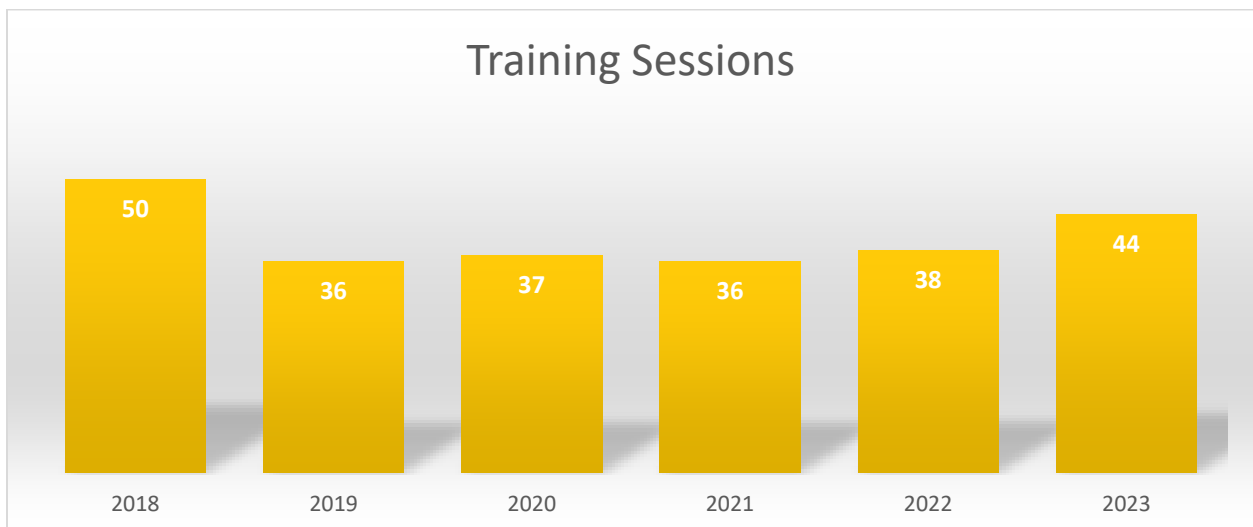
Training

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.

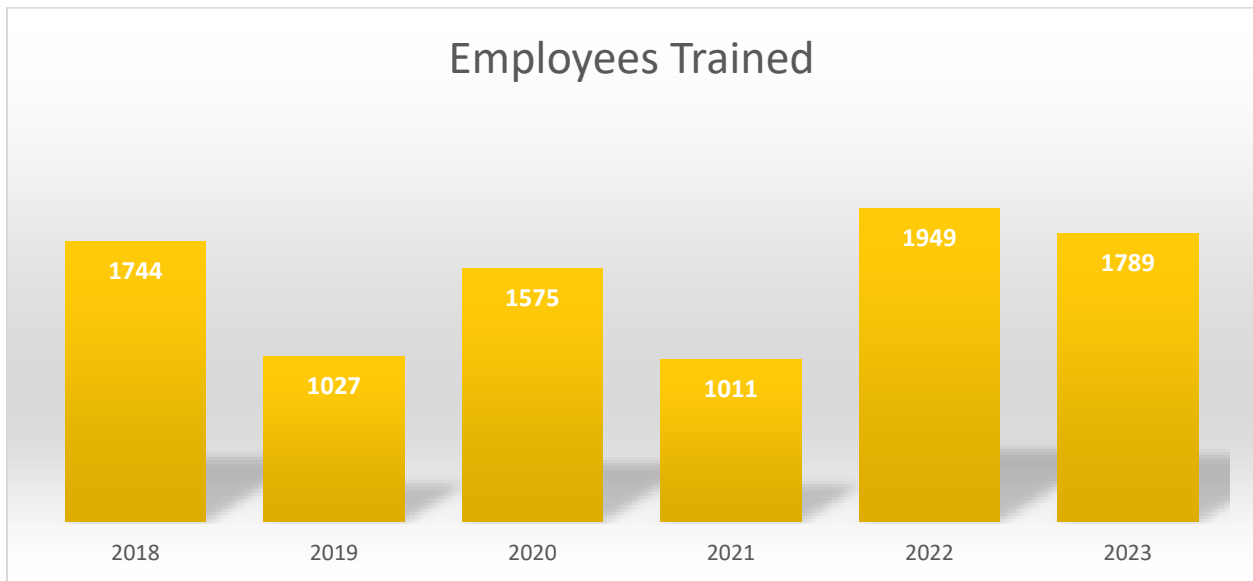
During 2023, Board staff conducted trainings in person and via Zoom, enabling them to reach state agencies, colleges, and universities statewide. The Board's Executive Director conducts in person and webinar training to Executive Level Management.

Over the past year, Board staff conducted 38 webinar training sessions and conducted five live sessions reaching 1,789 state employees.

Sessions held:



Number of state employees trained:



Ethics Advisor Seminars

In 2023, Board staff began monthly 30-minute seminars specifically for agency ethics advisors. These short seminars focused on a different section of the Ethics in Public Service Act each month and included question and answer time for advisors to share issues and questions they were facing within their own agency.

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 2023, the Board staff reviewed and approved 149 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 2023, the Board reviewed and approved 14 agency policies. Board approved polices are posted on the Board’s website for reference.

Advisory Opinions

In 2023, the Board issued a new Advisory Opinion and amended one Advisory Opinion:

NEW - Use of State Resources:

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|-------|-----------------------|
| 23-01 | Paid Time to Exercise |
|-------|-----------------------|

Use of State Resources:

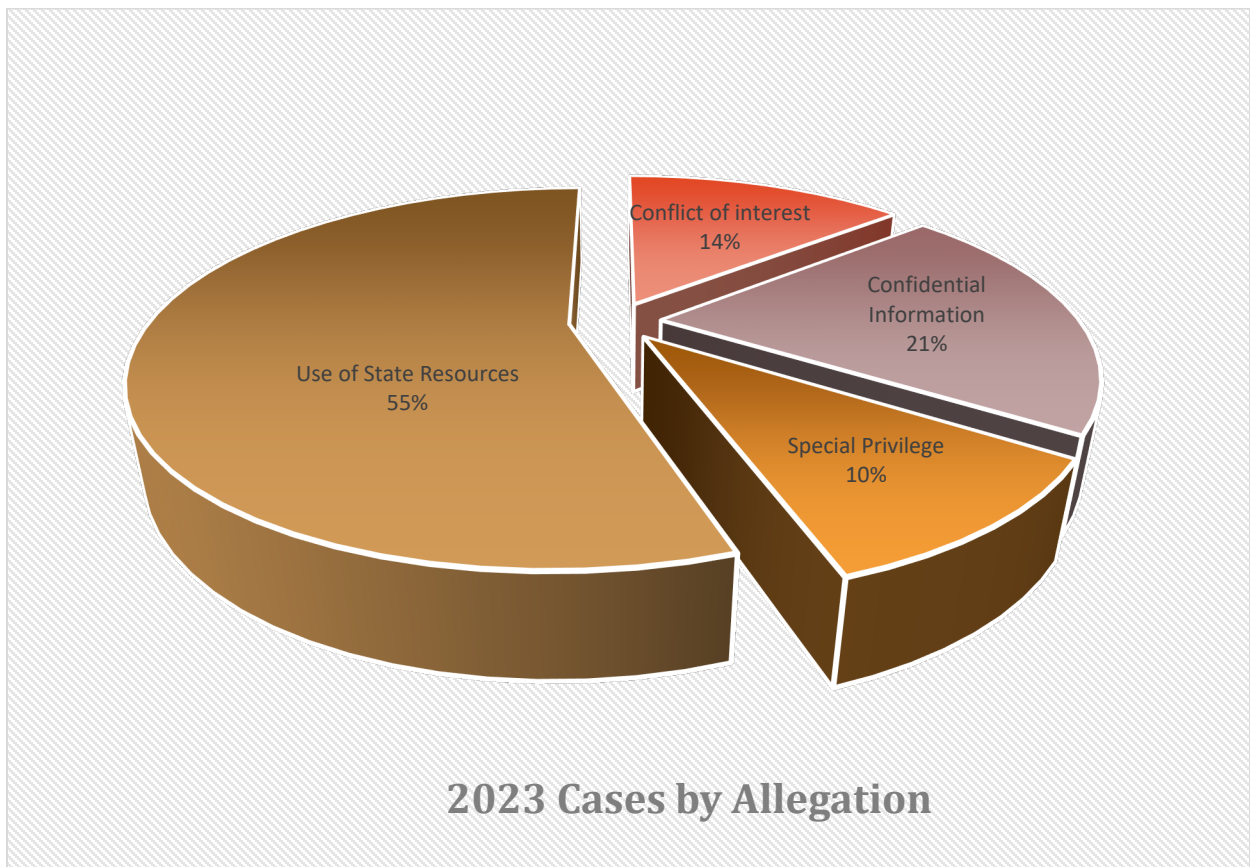
| | |
|-------|-----------------------------------|
| 02-05 | Use of State Facilities to Gamble |
|-------|-----------------------------------|

Enforcement

Investigations

In 2023, the Board opened 95 new cases and completed 68 cases. The Board found Reasonable Cause in 53 cases and issued 22 Board Dismissals. Throughout the year, the Board also reviewed eight Executive Director Dismissals, heard one request for reconsideration, settled 44 cases with agreed stipulations, heard three motions for summary judgment, and issued three final orders of Default. In total, the Board levied \$201,350 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 2023, followed by confidential information, conflict of interest and special privilege.



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 2023, investigations were completed in an average of 124 days, well within our goal. Our completion rate remains within desired timeframes 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 \$1,368,173 four staff members and jurisdiction over 71,823 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 (January-August)
Justin Cotte, Investigator

Legal Counsel:

Leo Roinila, Assistant Attorney General, Counsel to the Board (January-August)
Eric Allen, Assistant Attorney General, Counsel to the Board (September-December)
Julia Eisentrout, Assistant Attorney General, Counsel to staff and enforcement attorney

Contact Information

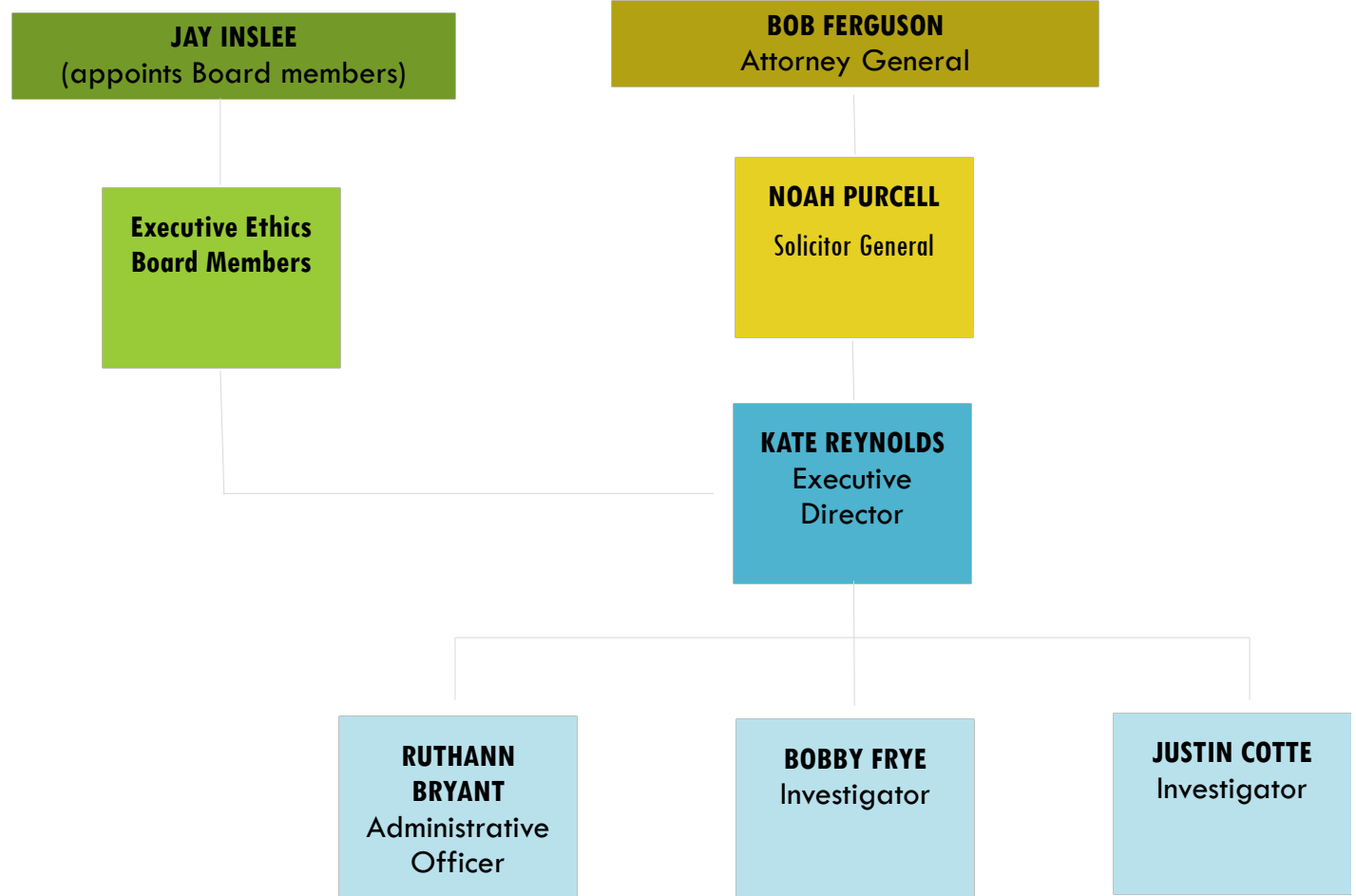
Address: 2425 Bristol Court SW
PO Box 40149
Olympia, WA 98504-0149

Telephone: 360-664-0871

Website: www.ethics.wa.gov

Email: ethics@atg.wa.gov

EXECUTIVE ETHICS BOARD ORGANIZATIONAL CHART



SUMMARY OF 2023 ENFORCMENT ACTIONS

The Board accepted stipulated penalties from or imposed penalties on 51 individual state employees as follows:

| | Allegation | Violation | Penalty |
|--------------------|--|-------------------------|--------------------------------|
| Employee 1 | Health Services Consultant at the Department of Health used state resources to browse the internet and to store personal documents and photographs | RCW 42.52.160 | \$3,750 with \$1,250 suspended |
| Employee 2 | Former Security Guard with the Department of Social and Health Services used state resources for private benefit and accessed confidential information for non-work related purposes. | RCW 42.52.050 and .160 | \$3,500 |
| Employee 3 | Corrections/Custody Officer with the Department of Corrections used state resources for personal benefit by not submitting leave for all absences from work. | RCW 42.52.160 | \$2,250 |
| Employee 4 | Revenue Agent at the Department of Labor and Industries accessed confidential information in order file a complaint on a coworker. | RCW 42.52.050 | \$3,750 |
| Employee 5 | Social Services Specialist with the Department of Children, Youth and Families used state resources for private benefit and conducted activities incompatible with public duties. | RCW 42.52.020, and 160 | \$350 |
| Employee 6 | Provider Network Capacity Program Manager with the Department of Social and Health Services used state resources for private gain. | RCW 42.52.160 | \$2,500 with \$1,000 suspended |
| Employee 7 | WorkSource Specialist at the Employment Security Department used state resources for private benefit and accessed confidential information for non-work related purposes. | RCW 42.52.050, and .160 | \$3,500 with \$1,000 suspended |
| Employee 8 | A Correctional Unit Supervisor used state resources for private benefit and gain by failing to submit leave for time taken off work. | RCW 42.52.160 | \$2,000 |
| Employee 9 | Former IT Application Developer with the Employment Security Department used their state computer for court appearances during work time, accessed the internet for personal use including shopping and storing hundreds of photographs and court documents on their state computer. | RCW 42.52.160 | \$5,000 |
| Employee 10 | A Captain at the Washington State Penitentiary with the Department of Corrections used their state computer to search the internet and to access personal social media accounts. | RCW 42.52.160 | \$500 |

SUMMARY OF 2023 ENFORCMENT ACTIONS

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| Employee 11 | A Correctional Unit Supervisor with the Department of Corrections used their state issued cell phone to store personal photographs, to send and receive personal text messages and used their state computer to browse the Internet. | RCW 42.52.160 | \$5,000 with \$1,000 suspended |
| Employee 12 | A retired Professor with the University of Washington School of Medicine used university computers and email to perform non-work related activities, had a staff member perform personal tasks for them and had the staff member assist with their outside work activities. | RCW 42.52.020, and .160 | \$7,500 |
| Employee 13 | A Brand Inspector 2 with the Department of Agriculture connected multiple personal devices to their agency hotspot, used their agency iPad to stream movies and used a state issued cell phone for personal use. | RCW 42.52.160 | \$5,000 with \$1,250 suspended |
| Employee 14 | Former Fiscal Technician in Financial Aid with Lower Columbia College applied for, and received, CARES Act funds and then dropped classes. They also assisted several others by filling out and submitting CARES Act paperwork for them to enable them to receive the funding. | RCW 42.52.070, .160 | \$8,000 |
| Employee 15 | An Avalanche Forecast and Control Specialist 4 – supervisor with the Department of Transportation used their state email account for their outside homeowner’s association work, saved several HOA related documents on their state computer and browsed the internet for personal reasons. | RCW 42.52.160 | \$4,000 with \$1,000 suspended |
| Employee 16 | A former Unemployment Insurance Specialist 2 with the Employment Security Department used their state computer to store several hundred photographs, personal documents and emails. They also browsed the internet and accessed social media platforms. | RCW 42.52.160 | \$4,000 |
| Employee 17 | An adjunct faculty member of Pierce College used their state laptop to store personal and inappropriate documents, memes, photographs and files. | RCW 42.52.160 | \$3,000 |
| Employee 18 | A part-time faculty member at Bellevue College used their state computer to send emails promoting the sale of a book they had written. | RCW 42.52.160 | \$2,000 with \$1,000 suspended |
| Employee 19 | Former Administrative Assistant 3 at the Coyote Ridge Corrections Center with the Department of Corrections had approximately 1,500 hours of paid time that was | RCW 42.52.160 | \$5,500 |

SUMMARY OF 2023 ENFORCMENT ACTIONS

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| | unaccounted for and used their state computer to browse the internet. | | |
| Employee 20 | Former Therapy Supervisor at Western State Hospital with the Department of Social and Health Services used their state issued computer to create and store documents and manuals used for non-work related purposes and may have shared confidential information outside of their work unit. | RCW 42.52.050, .070 and .160 | \$2,750 |
| Employee 21 | Former Therapy Supervisor at Western State Hospital with the Department of Social and Health Services provided a special privilege and used their state computer to store documents used for non-work related purposes. | RCW 42.52.070 and .160 | \$500 |
| Employee 22 | A Small Business & Community Support Managing Director at the Department of Commerce sat on a Board that may be a conflict of interest and stored documents and emails related to the Board. | RCW 42.52.020 and .160 | \$500 with \$100 suspended |
| Employee 23 | A Dental Hygienist 2 at the Washington State Penitentiary with the Department of Corrections used online streaming services and browsed the internet for non-work related purposes. | RCW 42.52.160 | \$1,500 with \$750 suspended |
| Employee 24 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections used state resources for private benefit or gain. | RCW 42.52.160 | \$500 with \$100 suspended |
| Employee 25 | Correctional Sergeant at the Washington State Penitentiary with the Department of Corrections used online streaming services and browsed the internet for non-work related purposes. | RCW 42.52.160 | \$2,500 with \$1,000 suspended |
| Employee 26 | Correctional Unit Supervisor at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including social media, online college, personal searches and YouTube. | RCW 42.52.160 | \$5,500 with \$1,000 suspended |
| Employee 27 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including Amazon, social media and news sites. | RCW 42.52.160 | \$5,000 with \$1,000 suspended |
| Employee 28 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections had several Google searches and YouTube visits over a six-month period. | RCW 42.52.160 | \$1,500 with \$750 suspended |

SUMMARY OF 2023 ENFORCMENT ACTIONS

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| Employee 29 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including multiple Google and YouTube visits, social media and shopping sites. | RCW 42.52.160 | \$2,500 with \$1,000 suspended |
| Employee 30 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including several hundred Google searches, thousands of YouTube visits and several hundred Zillow visits over a two-year period. | RCW 42.52.160 | \$5,000 with \$1,000 suspended |
| Employee 31 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including over a thousand Google searches and several Amazon, ESPN and other news sites. | RCW 42.52.160 | \$5,000 with \$1,000 suspended |
| Employee 32 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including several hundred Google searches, YouTube, Craigslist, ESPN and other news site visits. | RCW 42.52.160 | \$5,500 with \$1,500 suspended |
| Employee 33 | Correctional Sergeant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including several Goggle searches, YouTube and social media sites on two different state computers. | RCW 42.52.160 | \$3,000 with \$1,000 suspended |
| Employee 34 | Correctional Sergeant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including hundreds of Google searches, YouTube and travel sites on two different state computers. | RCW 42.52.160 | \$5,500 with \$1,000 suspended. |
| Employee 35 | Correction Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including YouTube, TV streaming services, CNN and food sites. | RCW 42.52.160 | \$5,000 with \$1,000 suspended. |
| Employee 36 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposed including YouTube, Yahoo and social media sites. | RCW 42.52.160 | \$2,500 with \$1,000 suspended |
| Employee 37 | Correctional Lieutenant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work | RCW 42.52.160 | \$5,000 with \$1,000 suspended |

SUMMARY OF 2023 ENFORCMENT ACTIONS

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| | related purposes including multiple visits to news sites, several Google searches and YouTube visits. | | |
| Employee 38 | Office Assistant 2 with the Department of Agriculture used their state issued smart phone for personal use and allowed a family member to use the phone while out-of-state for several months. | RCW 42.52.160 | \$2,500 |
| Employee 39 | Correctional Sergeant at the Washington State Penitentiary with the Department of Corrections browsed the internet for non-work related purposes including multiple visits to YouTube, Instagram and CNN over a 5-month period and stored several personal photographs on their state computer. | RCW 42.52.160 | \$5,000 with \$1,000 suspended |
| Employee 40 | An employee with the Employment Security Department used their state computer to access their outside business website, to browse the internet including hundreds of personal Google searches and shopping. | RCW 42.52.160 | \$3,000 |
| Employee 41 | Dental Assistant 2 at the Washington State Penitentiary with the Department of Corrections used their state computer for online streaming and personal web browsing to include accessing YouTube over 200 times on 20 different workdays. | RCW 42.52.160 | \$1,500 with \$750 suspended |
| Employee 42 | Dental Assistant at the Washington State Penitentiary with the Department of Corrections used their state computer to conduct personal Google searches and to stream YouTube. | RCW 42.52.160 | \$1,500 with \$750 suspended |
| Employee 43 | Medical Assistant at the Washington State Penitentiary with the Department of Corrections failed to submit leave on four days, accessed YouTube on approximately 37 different workdays and browsed the internet for travel and shopping searches. | RCW 42.52.160 | \$5,000 with \$2,000 suspended |
| Employee 44 | Economic Analyst 3 with the Employment Security Department used their state computer for personal web browsing, including accessing a foreign bank account. | RCW 42.52.160 | \$2,500 with \$1,250 suspended |
| Employee 45 | Corrections Officer 2 at the Washington State Penitentiary with the Department of Corrections used their state computer for personal searches including YouTube visits, travel searches, Amazon shopping as well as Google searches and real estate websites. | RCW 42.52.160 | \$4,000 with \$1,000 suspended |
| Employee 46 | Economic Analyst 3 with the Employment Security Department used their state computer | RCW 42.52.160 | \$2,500 with \$1,250 suspended |

SUMMARY OF 2023 ENFORCMENT ACTIONS

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| | for personal web browsing, including accessing a foreign bank account. | | |
| Employee 47 | Corrections Officer 2 at the Washington State Penitentiary with the Department of Corrections used their state computer for personal searches including YouTube visits, travel searches, Amazon shopping, as well as personal Google searches and real estate websites. | RCW 42.52.160 | \$4,000 with \$1,000 suspended |
| Employee 48 | Former Chief Information Officer for the Department of Commerce contracted out information services with a company that they were part owner of and did not disclose the relationship to the Department of Commerce. | RCW 42.52.020, .070 and .160 | \$30,000 |
| Employee 49 | Administrative Office Assistant 3 with the Employment Security Department used their state issued cell phone and computer for online streaming, Facebook and YouTube and sent over 1,000 text messages that were personal in nature from their state cell phone. | RCW 42.52.160 | \$5,000 with \$2,500 suspended |
| Employee 50 | Corrections Officer at the Monroe Corrections Center with the Department of Corrections conducted a background check on an individual without permission and then emailed the information, including classified documents to themselves regarding the individual and browsed the internet for personal benefit. | RCW 42.52.050 and .160 | \$4,000 with \$1,500 suspended |
| Employee 51 | Advisor/Recruiter with Central Washington University stored several documents related to their outside business, as well as personal 4-H activities on their state computer. | RCW 42.52.160 | \$500 with \$200 suspended |