

2017

Executive  
Ethics Board

**[ANNUAL REPORT]**

Washington State Executive Ethics Board

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# **The Board Members and Background**

## ***Mission Statement***

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

## ***Leadership***

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.

**Anna Dudek Ross (Chair)** 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.

**Samantha Simmons (Vice Chair, term ended September 30, 2017)** was appointed by Governor Gregoire in October, 2012 for a term of service that extended until September 2017. Ms. Simmons has been working in the public sector in Human Resources since 2003. Ms. Simmons started her career with the Department of Transportation and then promoted to a position with the Attorney General's Office. Ms. Simmons currently works for the Department of Social and Health Services as the Layoff and Policy Administrator in the Policy and Strategy Unit of Human Resources.

**John Ladenburg Sr.** was appointed by Governor Inslee in October 2015 for a term through September 2019. Mr. Ladenburg has represented Pierce County as a Tacoma City Council member, a Prosecuting Attorney and as Pierce County Executive where he served for eight years. He is currently in private practice with his two sons at the law firm Sadler Ladenburg in Tacoma.

**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.

**Shirley Battan** was appointed by Governor Inslee in March, 2017 to fill the remainder of a term extending through September, 2018. 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 Kempsey Award for Outstanding Management.

**Sumeer Singla (resigned February 16, 2017)** was appointed by Governor Jay Inslee in January 2014. Sumeer is a partner with Impact Law Group with over 12 years of public sector and in-house experience. He is a trial lawyer, general counsel and policy analyst. Sumeer has served as municipal and government counsel, serving state legislators and city agencies. He has worked on complex municipal, state, and federal regulations such as liquor and marijuana license regulations, building and planning regulations, and general land use regulations. Sumeer also serves as Judge Pro Tem in numerous jurisdictions in King and Snohomish Counties. He adjudicates both civil and criminal cases.

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.

## ***Background***

The Executive Ethics Board is an independent group made up of five individuals who are appointed by the Governor. The Office of the Attorney General provides staff for the Board. 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.

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

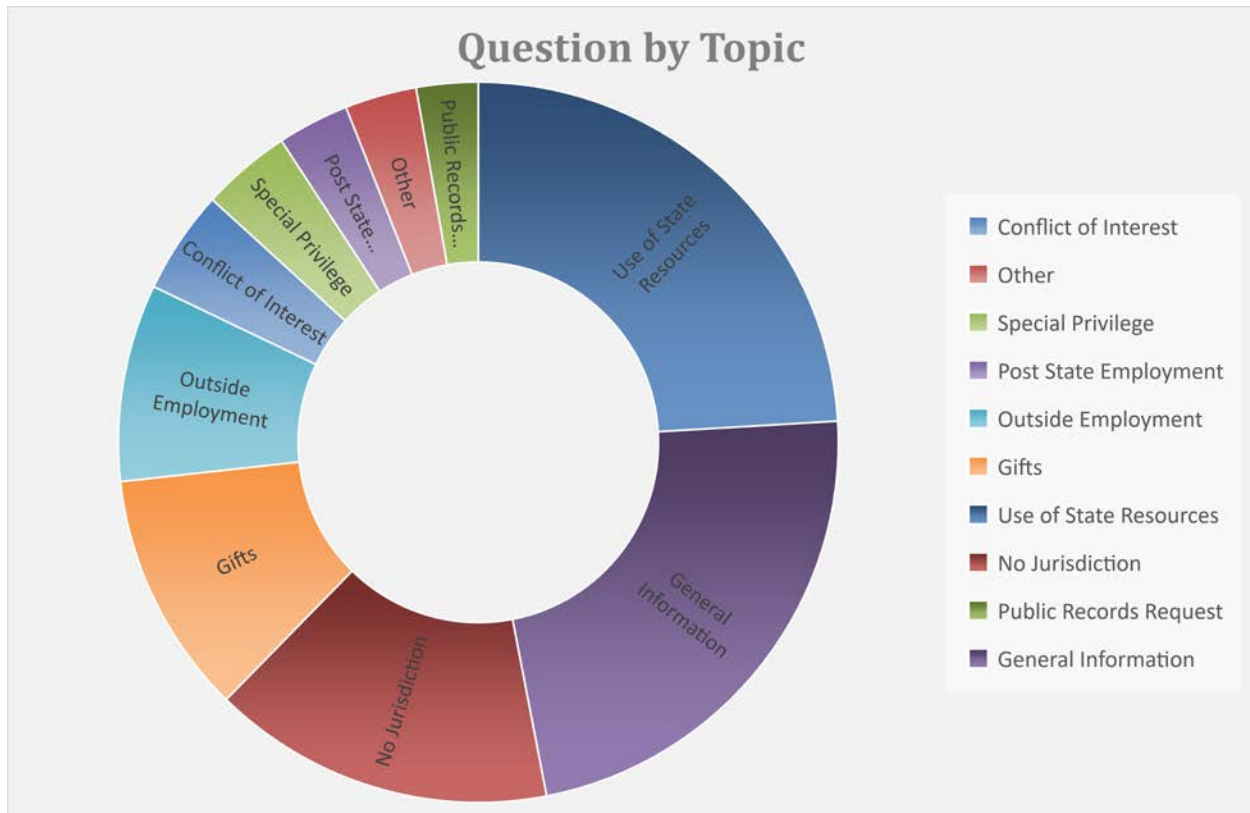
- **Strengthen the ethical culture and promote an ethical workforce within the executive branch of Washington State government, and**
- **Improve the complaint process.**

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. The Board released an electronic complaint form and has been working on a reviewing all of their rules and advisory opinions to make both the process and rules more user friendly and transparent. Additionally in 2017, the Board released a new website providing up to the minute news and events.

# **Strengthen the Ethical Culture and Promote an Ethical Workforce**

The Board assists customers—including agency advisors, state employees, elected officials 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.

In the spring of 2017, Board staff began tracking questions received from our constituents. Between March and December, staff answered over 1,100 ethics questions both on the telephone and via email. Use of state resources and gifts were among the top inquiries.



The Board’s website continues to be the main source of information for state agencies and the public at large. In 2017, Board staff worked in collaboration with WaTech and the AGO Information Services Division to redesign their website. The result is a more user-friendly site that 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.

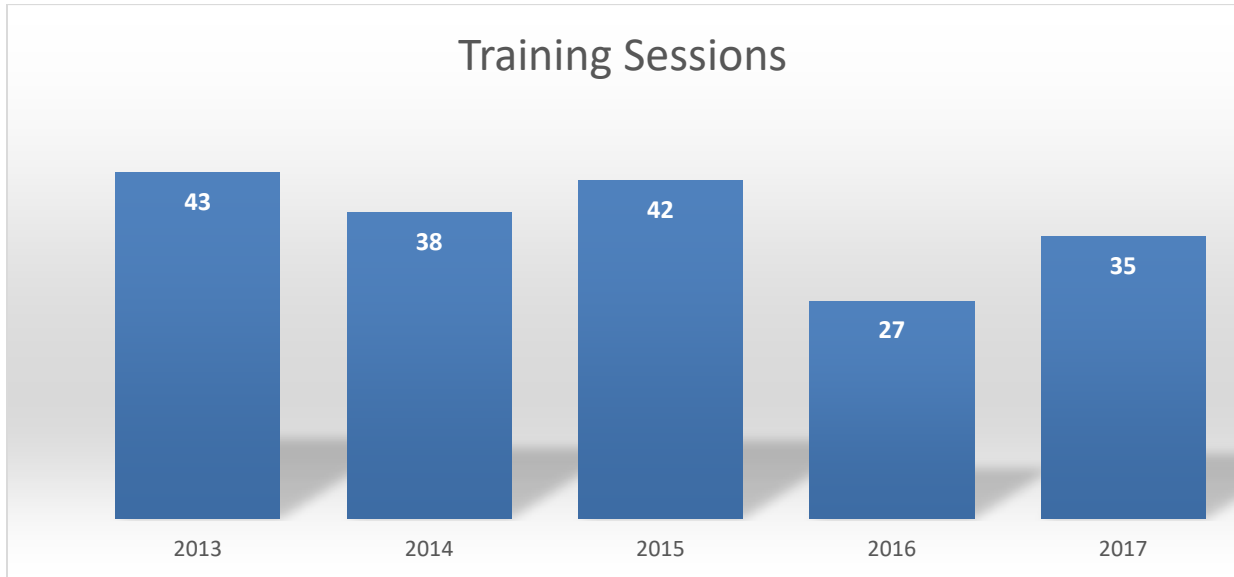
### ***Training***

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. Board staff provides the training and will travel to agency locations across the state to ensure all agencies have equal access to the training.

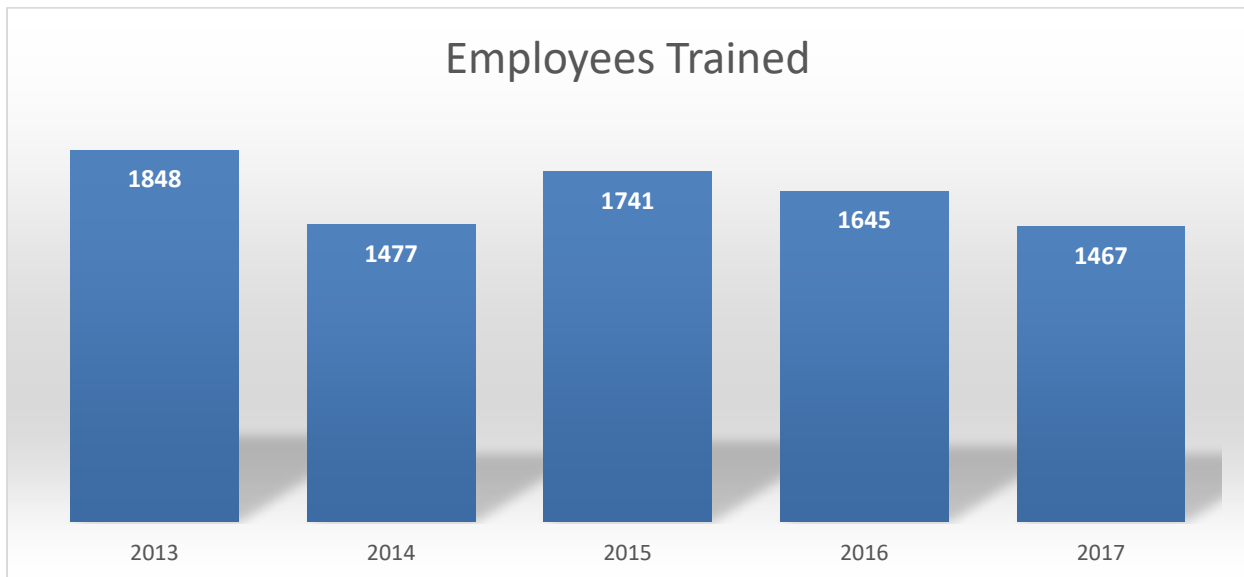


In 2017, Board staff conducted 35 live classroom sessions for 1,467 state employees. In addition to classroom training, the Board offers an online ethics quiz on their website and has an online 90-minute Ethics in State Government training available through the Washington State Learning Management System.

Sessions held:



Number of state employees trained:



### ***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 2017, the Board staff reviewed and approved 114 contracts.

### ***Policy Reviews***

Under RCW 42.52.360(4) and 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 will not impose sanctions for conduct that would violate the Act if the conduct at issue was permitted under a board-approved agency policy. In 2017, the Board reviewed and approved 14 agency policies. Approved policies are posted on the Board’s website for reference.

### ***Rule-making***

In 2017, the Board completed their review of the entire chapter of WAC 292-110 Agency Substantive Rules and held a public hearing in November allowing public comment by stakeholders and interested parties.

The Board also began their review of the entire chapter of WAC 292-130 Public Records and Agency Organization Rules.

### ***Advisory Opinions***

The Board began an 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 2017 the Board reviewed the following AOs:

*Gifts:*

96-01	Payments for Educational Programs
96-02	Unsolicited Refreshments
96-05	Limitations on Gifts to Employees of Regulatory 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
98-03	Community Colleges/Acceptance of Gifts
98-06	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 Donation Made by Non-State Entities

*Definitions, Investments and other Miscellaneous topics:*

96-08	Employee's Identity
97-10	Definition of Assisting in a Transaction
99-08	Permissible Investments/Reinvestment of Dividends
08-01	Authorizing Wellness Organizations to Sell Products
08-02	Ferry Passes
08-04	Posting Political Signs in State Owned Housing
09-02	Spouse Contracting with State Agency
09-03	Stock Ownership
09-05	Gift of Employee Time
10-03	Simulcast Races Wagering
05-01	Use of State Resources/Cell Phones
09-01	Web links on Agency Website
09-04	Use of State Resources for Union Mailings
10-01	Use of Resources for Wellness Program
02-02A	Use of state resources – general board advice

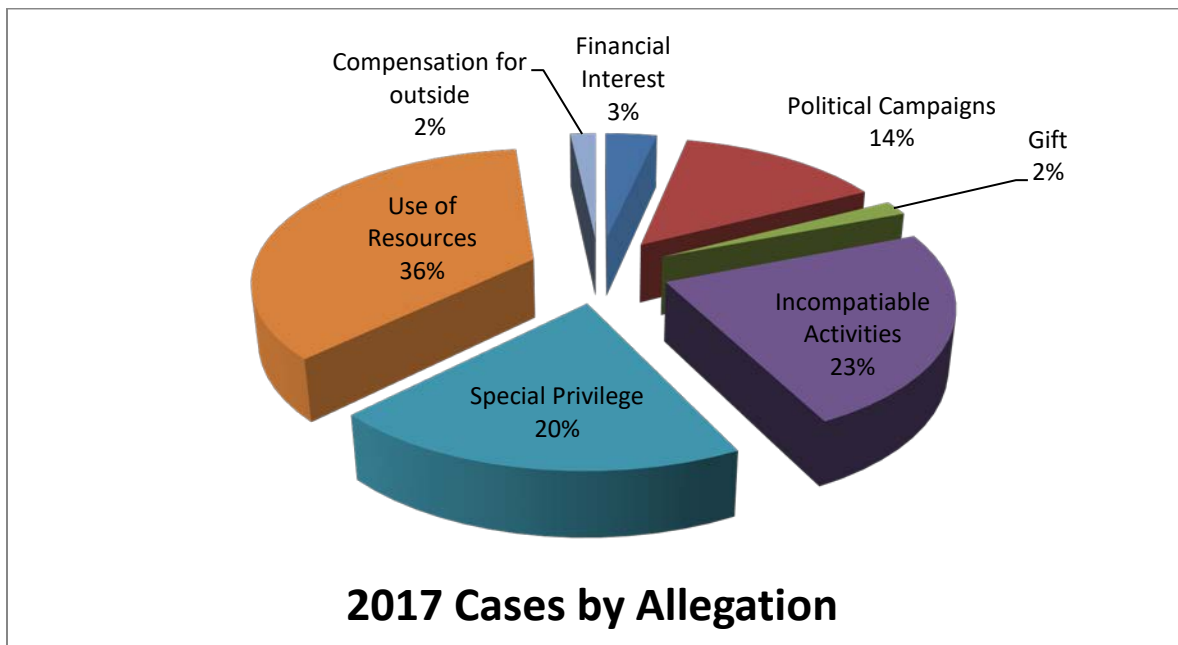
# **Improve the Complaint Process**

## ***Enforcement***

In order to simplify the process for the public to file complaints with the Board, staff added an electronic complaint form to the website. The public can easily complete a complaint form, attach evidence and file it with the Board electronically. The public can also print and mail the complaint into our office.

In 2017, the Board opened 76 new cases and currently has 22 open cases. The Board found Reasonable Cause in 34 cases and no Reasonable Cause in one case, issued 22 Board Dismissals and issued 6 Orders of Default. In 2017, the Board reviewed 59 Executive Director Dismissals, settled 36 cases with agreed stipulations and held one enforcement hearing. In total, the Board levied \$150,650 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 was once again the leading allegation for cases accepted for filing in 2017, followed by activities incompatible with public duties 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 2017, investigations were completed in an average of 112 days, well within our goal. Much of the decrease in the completion rate is due to the addition of a second investigator. Overall, the complexity of cases received has increased and Board staff is now conducting forensic analysis on nearly all use of state resource cases.

# General Information

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## ***Budget***

Washington's Executive Ethics Board has an annual operating budget of \$481,192 four staff members and jurisdiction of approximately 62,425 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  
Daniel Davis, Investigator

### Legal Counsel:

Bruce Turcott, Assistant Attorney General, Counsel to the Board  
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

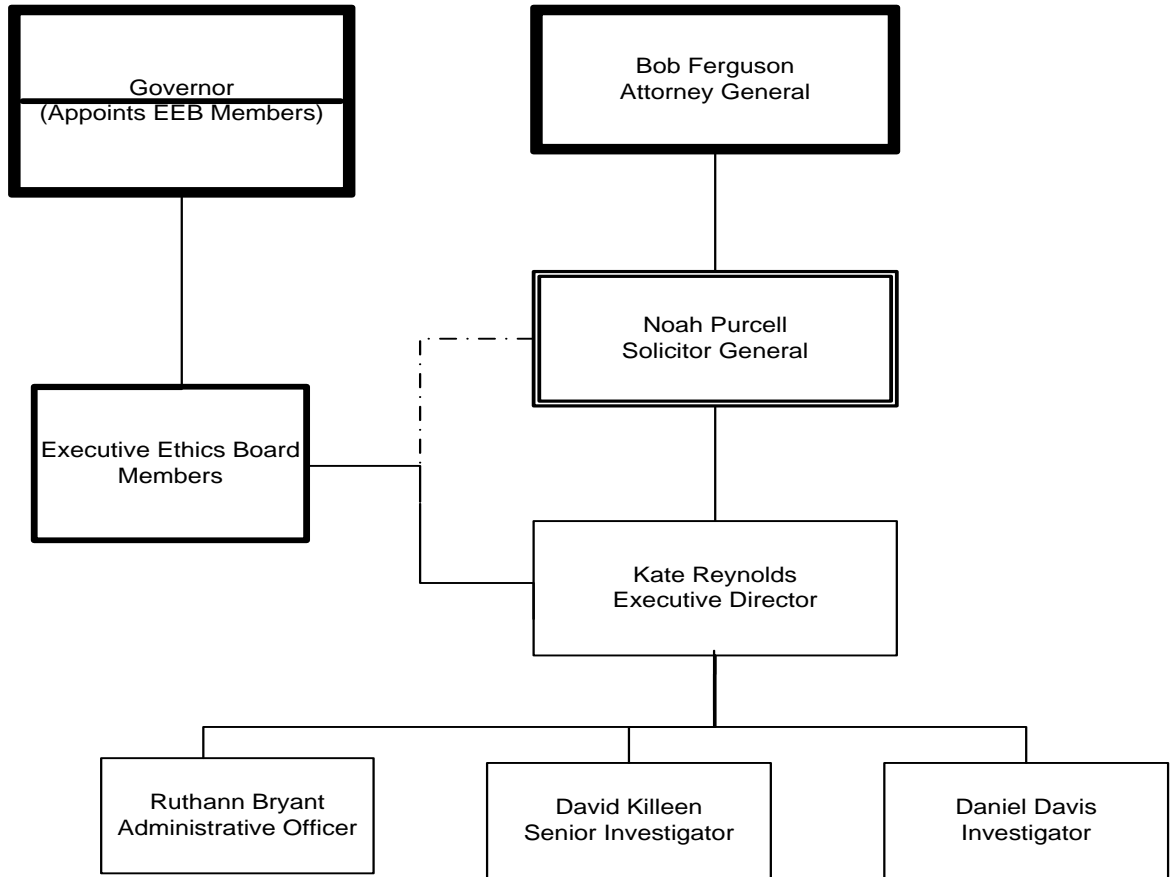
Telephone: 360-664-0871

Facsimile: 360-586-3955

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

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

**Organizational Chart**





The Board accepted stipulated penalties from or imposed penalties on 41 individual state employees as follows:

	<b>Allegation</b>	<b>Violation</b>	<b>Penalty</b>
<b>Employee 1</b>	Regional Director for the Eastern Regional Office of the Department of Ecology provided a special privilege and created a conflict of interest when he participated in the hiring process that ultimately resulted in the hiring of two of his friends.	RCW 42.52.020, .070	\$2,000 with \$1,000 suspended
<b>Employee 2</b>	Vice President of Human Resources at Bellevue College entered into a contract between Bellevue College and his brother for consulting services.	RCW 42.52.020, .070	\$2,500 with \$1,250 suspended
<b>Employee 3</b>	Department of Corrections Chaplin used state resources to browse the internet for personal benefit and gain.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 4</b>	A former Health Care Authority employee created and stored personal documents and sent and received emails of a personal nature.	RCW 42.52.160	\$250
<b>Employee 5</b>	A lecturer at Central Washington University used state resources for his private benefit when he used his state email for both personal and campaign related purposes.	RCW 42.52.160, .180	\$2,500 with \$1,000 suspended
<b>Employee 6</b>	A Department of Corrections employee provided a special privilege to inmates by allowing them to use his office telephone to make personal calls.	RCW 42.52.070	\$1,500
<b>Employee 7</b>	Department of Corrections employee accepted a gift of Mariner's tickets from an agency contracted vendor.	RCW 42.52.070, .150	\$1,500 with \$750 suspended
<b>Employee 8</b>	Department of Enterprise Services employee continued to use carpool parking privileges for two years after her carpool ended.	RCW 42.52.160	\$1,500 with \$750 suspended
<b>Employee 9</b>	Department of Social and Health Services employee used state resources to work on outside club activities and to browse the internet.	RCW 42.52.160	\$3,000 with \$1,500 suspended
<b>Employee 10</b>	A former Department of Corrections employee took time off without submitting the proper leave slips.	RCW 42.52.160	\$1,000
<b>Employee 11</b>	An IT specialist with the Department of Health consistently arrived late for work and left early without submitting leave.	RCW 42.52.160	\$1,200
<b>Employee 12</b>	An employee with the Department of Social and Health Services used state resources to browse the internet, view Facebook and watch YouTube videos.	RCW 42.52.160	\$1,000

<b>Employee 13</b>	A former Parks and Recreation employee purchased state equipment for his outside business prior to it going to surplus.	RCW 42.52.070	\$1,000
<b>Employee 14</b>	A Bridge Engineer with the Department of Transportation used state resources to support her two outside business activities.	RCW 42.52.160	\$4,000 with \$1,000 suspended
<b>Employee 15</b>	A former Program Manager with Grays Harbor College took personal time away from the office without submitting leave slips and allowed a subordinate to do the same.	RCW 42.52.070 and .160	\$1,000
<b>Employee 16</b>	A Warehouse Supervisor with the Department of Corrections accepted free tickets to a Mariner's game from a contracted vendor, including space in a suite and free parking for the event.	RCW 42.52.150	\$2,000 with \$1,000 suspended
<b>Employee 17</b>	A Facility Planner with the Department of Health used state resources to conduct work in support of her outside business and to conduct personal outside business activities with a contracted vendor.	RCW 42.52.160	\$3,500 with \$1,000 suspended
<b>Employee 18</b>	An employee with the Employment Security Department used her state email account to send and receive personal email.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 19</b>	A Faculty member at Big Bend Community College used her state email in support of her political campaign for Moses Lake City Council.	RCW 42.52.180	\$2,000 with \$1,000 suspended
<b>Employee 20</b>	An employee with the Department of Ecology used state time and resources for her personal benefit.	RCW 42.52.160	\$1,500 with \$750 suspended
<b>Employee 21</b>	President of Bellevue College engaged in activities incompatible with public duties and received a special privilege when his spouse acted as an agent, and received a sales commission, in a real estate transaction involving one of his direct reports.	RCW 42.52.020 and .070	\$1,500
<b>Employee 22</b>	A Contract Specialist with the Department of Enterprise Services continued to use parking privileges after stopping payroll deduction	RCW 42.52.160	\$1,500 with \$750 suspended
<b>Employee 23</b>	A former Transportation Engineer with the Department of Transportation used his agency's ORCA card for his daily commute trips to and from work and for personal trips on his days off.	RCW 42.52.160	\$750
<b>Employee 24</b>	An Occupational Nurse Consultant at the Department of Labor and Industries used state resources in support of his outside business and a charitable organization he founded.	RCW 42.52.160	\$4,500 with \$2,000 suspended
<b>Employee 25</b>	An employee with the Department of Corrections took personal time away from work without submitting the proper leave.	RCW 42.52.160	\$4,000 with \$1,000 suspended

<b>Employee 26</b>	A former Physician's Assistant with the Department of Corrections took time off work without submitting the proper leave.	RCW 42.52.160	\$2,500
<b>Employee 27</b>	An employee with the Department of Social and Health Services used her position to obtain travel expenses from one of the residential treatment providers to visit several of their treatment facilities after she was advised by management that she could not visit as a DSHS representative.	RCW 42.52.070 and .160	\$3,500 with \$1,750 suspended
<b>Employee 28</b>	An employee with Employment Security Department spent an excessive amount of time on the internet for non-work related use.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 29</b>	A PREA Compliance Manager with the Department of Corrections used a state vehicle for personal use on two occasions.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 30</b>	A Bridge Design Engineer with the Department of Transportation used state resources in support of his outside employment as an adjunct faculty member of St. Martin's University.	RCW 42.52.160	\$4,500 with \$2,500 suspended
<b>Employee 31</b>	A Supervisor with the Department of Corrections took time off work without submitting leave slips and allowed a subordinate to do the same.	RCW 42.52.070 and .160	\$6,000 with \$1,000 suspended
<b>Employee 32</b>	An employee with Washington State University Pacific County Extension Office used state resources to conduct research for his personal benefit.	RCW 42.52.160	\$450
<b>Employee 33</b>	Former Dean and Professor of Pediatric Dentistry at the University of Washington School of Dentistry used state resources for his outside business and had a private interest in vendors and potential vendors used by the School of Dentistry.	RCW 42.52.020, .070 and .160	\$6,000 with \$2,000 suspended
<b>Employee 34</b>	A Department of Social and Health Services employee used state resources for her personal benefit.	RCW 42.52.160	\$2,000 with \$1,000 suspended
<b>Employee 35</b>	A former Department of Social and Health Services employee provided a special privilege to a client and used state resources for the private benefit of himself and another.	RCW 42.52.020, .070 and .160	\$8,000
<b>Employee 36</b>	A former Health Care Authority employee sent confidential information to an unauthorized recipient on at least ten occasions and accessed a confidential DSHS computer system to obtain information regarding relatives and shared that information with others without authorization.	RCW 42.52.050	\$50,000

<b>Employee 37</b>	A Department of Social and Health Services employee used state resources for his personal benefit.	RCW 42.52.160	\$2,500 with \$1,250 suspended
<b>Employee 38</b>	A former University of Washington Medical Center employee used state resources for his personal outside business.	RCW 42.52.160	\$3,000
<b>Employee 39</b>	A former Custodial Supervisor at Wenatchee Valley College used his state computer to listen to music and watch videos for many hours during his workday.	RCW 42.52.160	\$2,000
<b>Employee 40</b>	A former Department of Social and Health Services employee used her state computer for purposes other than work and to browse the internet for personal purposes.	RCW 42.52.160	\$3,000
<b>Employee 41</b>	A former Department of Natural Resources employee used state resources for his personal benefit and outside business.	RCW 42.52.160	\$4,000