



Washington State Executive Ethics Board

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Executive Ethics Board News

Anna Dudek Ross, Chair
Samantha Simmons, Vice Chair
Lisa Marsh, Member
Sumeer Singla, Member
John Ladenburg Sr., Member

December 8, 2016

The Executive Ethics Board (Board) met on Friday, November 18, 2016 for their regular business meeting. Board members present were Vice Chair Samantha Simmons and Members Lisa Marsh and John Ladenburg. Others attending included: Kate Reynolds, Executive Director, Bruce Turcott, Senior Assistant Attorney General, Chad Standifer, Assistant Attorney General, David Killeen, Senior Investigator, and Dan Davis, Investigator. Members of the public also attended.

Rule Making

WAC 292-100 Procedural Rules

The Board held a public hearing on proposed changes to WAC 110 Procedural Rules and approved filing of the CR-103 with the Code Reviser.

Request for Advisory Opinion

The Office of the Attorney General requested that the Board consider drafting an Advisory Opinion on the acceptable use of state resources for sharing external information with employees when the information is intended to advance cultural competence in the workplace and the practice of law. The question before them is whether or not it is permissible to use state resources, such as email and electronic bulletin boards, to notify employees of diversity events and trainings sponsored by outside organizations when there may be a fundraising component to the event. The Board will revisit the topic at their January meeting.

Enforcement

In lieu of an enforcement hearing, the Board accepted stipulations from:

- **Erika Fields**, a Community Corrections Officer with the Department of Corrections, may have violated the Ethics in Public Service Act by using state resources for her personal benefit when she visited non-work related websites including sites in which she would be compensated for providing product feedback. The Board levied a civil penalty of \$2,500 with \$1,000 suspended.
- **Nate Marino**, a former Technology Specialist 3 with Western Washington University may have violated RCW 42.52.160 when he used state resources for his personal benefit. Evidence showed that Mr. Marino used his state computer for personal use on approximately 54% of work days covered in the investigation. The Board levied a civil penalty of \$2,000.
- **Carolyn Hundley**, a former employee Residential Care Services Manager with the Department of Social and Health Services may have violated the Ethics in Public Service Act by spending time and computer resources visiting online shopping sites to make personal purchases. The Board levied a civil penalty of \$1,000.

Meeting agendas can be found at www.ethics.wa.gov under "Meetings."

The next meeting of the Executive Ethics Board is scheduled for January 13, 2017.

- **Lawrence Mosqueda**, a faculty member at the Evergreen State College may have violated RCW 42.52.180 when he promoted a fundraising event for a Seattle City Councilmember running for reelection during a commencement ceremony held at the college. The Board levied a civil penalty of \$1,000 with \$500 suspended.
- **Les Ling**, a Management analyst for the Office of Minority and Woman's Business Enterprises may have violated the Ethics in Public Service Act when he used state resources for his personal benefit and gain. This is Mr. Ling's second ethics violation within the last five years. The Board levied a civil penalty of \$3,500.
- The Board found Reasonable Cause in EEB Case No. 2015-029 (Beard), EEB Case No. 2015-031 (Walters), EEB Case No. 2015-039 (Jacobs-Nicholson), EEB Case No. 2015-041 (Harmon), EEB Case No. 2015-056 (Hughes), EEB Case No. 2015-057 (Devora), EEB Case No. 2016-009 (Huston), EEB Case No. 2016-024 (Moriarty), EEB Case No. 2016-027 (Taylor), EEB Case No. 2016-030 (Sleight), EEB Case No. 2016-033 (Mai) and EEB Case No. 2016-034 (Mai).
- The Board issued a Motion for Default in EEB Case No. 2014-088 (Williams).
- The Board also issued Final Orders of Default in EEB Case 2014-064 (Barron) and EEB Case 2014-095 (Carter).
- The Board reviewed twenty Executive Director's Dismissals: 2015-030 (Bird), 2015-036 (Rowland), 2015-037 (Mackewich), 2015-038 (Hanson), 2015-042 (Knight), 2015-051 (Somers), 2015-074 (Thompson), 2015-075 (Thompson), 2016-019 (Sharp), 2016-020 (DeSmet), 2016-021 (Moen), 2016-022 (Fleischer), 2016-023 (White), 2016-025 (Hawkins), 2016-026 (Stacey), 2016-028 (Sinkovic), 2016-029 (Larson), 2016-031 (Davis), 2016-047 (Derain) and 2016-048 (Layman)

Board Action:

A. The Board reviewed and approved the following policies:

- Ethics – Department of Health
- Outside Activities – Department of Health
- Use of State Resources – Office of Administrative Hearings
- Ethics – Office of the Insurance Commissioner
- Using Electronic Communication Systems – Department of Financial Institutions

Approved versions of policies will be uploaded to the Board's website at www.ethics.wa.gov.

B. The Board continued their review of advisory opinions (AO). The Board staff is facilitating this review by grouping like subjects together, so that the Board reviews all of the opinions on that subject at the same time, and completing a pre-review to provide the Board with context and recommendations. During their review the Board will determine if the AO should remain unchanged, be updated or archived. This round of reviews regarded Post-state employment and encompassed the following AOs:

- **Advisory Opinion 97-06:** Assisting in a Transaction
- **Advisory Opinion 97-07:** Employment by a Person Who Contracted with Employee's Agency
- **Advisory Opinion 97-08:** Conflicts of Interest Regarding Post-state Employment
- **Advisory Opinion 98-02:** Transactions Involving the State
- **Advisory Opinion 00-01:** Stock Options and Post-state Employment
- **Advisory Opinion 00-02:** Working on Programs Funded by a Grant the Employee Administers

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- **Advisory Opinion 00-07:** Post-State Employment
- **Advisory Opinion 00-13:** Post-state Employment
- **Advisory Opinion 01-01:** Post-state Employment
- **Advisory Opinion 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
- **Advisory Opinion 08-03:** Post-state Employment
- **Advisory Opinion 10-04:** Former Employee Assisting on State Contract

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