

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of

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NO. 96-015

STIPULATION AND ORDER

I. STIPULATION

The following Stipulation is made and entered into pursuant to WAC 292-100-090 between [REDACTED] chair of the Mathematic and Computer Sciences Division of Clark College ("College"), through his attorney, Margaret Olney, and RICHARD A. McCARTAN, Assistant Attorney General, acting solely as staff to the State of Washington Executive Ethics Board ("Board") and not on behalf of the Washington State Attorney General's Office.

A. STIPULATED FACTS

1. The Board filed this Complaint on April 19, 1996. The Complaint is based on a Report of Whistleblower Investigation by the State Auditor's Office filed with the Board on March 25, 1996.

2. The Complaint alleges that [REDACTED] was "using college equipment to collect sexually explicit digital pictures and movies." It also alleges that "several sexually explicit computer disks and files" were found in [REDACTED] office. It states that the Washington State Patrol is investigating an allegation that Mr. Watson "used college computer equipment to receive a photograph of a naked 14 or 15-year old girl."

3. In response to the Complaint, [REDACTED] admits as follows:

I acknowledge that I acted inappropriately when I used the College computers to download pornography from the Internet sites and to transmit personal electronic messages of a sexual nature. Although the Instructor Computer User's Committee (ICUC) did ask me at one time to determine how to access pornographic websites in order to determine how to limit students' access to those sites, I exceeded that authority when I downloaded, collected, and stored pornography in my computer and in my office. In short, the downloading, collecting, and maintaining of pornography in my faculty office was not related to my official duties, and I should not have done it.

4. The College Board of Trustees is in agreement with this Stipulation as the appropriate penalty for [REDACTED].¹

B. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction to consider this Stipulation, and to enter the Order below pursuant to RCW 42.52.160(1), 42.52.360, and WAC 292-100-090.

2. [REDACTED] admitted conduct violates RCW 42.52.160(1), which states as follows:

No state... employee may... use any... property under the ... employee's official control... for the private benefit or gain of the... employee.

3. Pursuant to WAC 292-100-090, the Board may accept this Stipulation, propose a modification to this Stipulation, or reject

¹ There is no stipulation on the truth of the allegation that [REDACTED] used college equipment to receive a photograph of a naked 14 or 15-year old girl. [REDACTED] denies the allegation. Criminal charges filed against [REDACTED] in Clark County Superior Court for Unlawful Possession of Depiction of Minor Engaged in Sexually Explicit Conduct were dismissed based on a finding that the State Auditor illegally searched [REDACTED] Office.

this Stipulation. If the Board proposes a modification, [REDACTED] must accept the modification for it to become the Order of the Board. If the Board rejects the Stipulation or proposes modification that [REDACTED] does not accept, the case will be heard in accordance with procedures in Chapter 42.52 RCW and Chapter 292-100 RCW, in which case this Stipulation is null and void and is inadmissible in subsequent proceedings.

4. If the Board accepts this Stipulation or modifies this Stipulation in a manner that is acceptable to [REDACTED] he is deemed released and discharged from any and all further proceedings under Chapter 42.52 RCW related to the matters alleged in the Complaint.

C. STIPULATED PENALTY

As a penalty for violating RCW 42.52.160(1), as described above, [REDACTED] shall:

1. Pay to the Board a civil penalty of \$2,500.00 pursuant to RCW 42.52.480(1)(b) within one (1) year of the date of entry of this Order.
2. Accept suspension without pay for the remainder of the 1996-97 academic year, effective retroactively to February 15, 1997 (resulting in lost wages of approximately \$23,000.00);
3. Not serve as Division Chair;
4. Not have access to the Internet through the College during the 1997-98 school year; and
5. Issue a letter of apology to the College President.

DATED this 6 day of March, 1997



RICHARD A. MCCARTAN
Assistant Attorney General

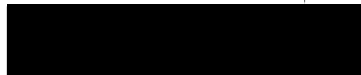

II. ORDER

Having reviewed the Complaint and the Stipulation, WE, THE
STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER That
pursuant to WAC 292-100-090 the above stipulation is:

☒ Accepted in its entirety and becomes the Order of the
Board by incorporation by reference.

☐ Accepted and becomes the Order of the Board by
incorporation by reference with the following modification(s):

I () accept / () do not accept the proposed modification.



☐ Rejected in its entirety.

DATED this 14th day of March, 1997.

Thomas L. Purce, Chair

Paul Gillie

Paul Gillie, Vice Chair

Gwen Foyd

Gwen Foyd, Board Member

Janet Lim

Janet Lim, Board Member

Cheryl L. Rohrer

Rev. Cheryl L. Rohrer