

**STATE OF WASHINGTON
EXECUTIVE ETHICS BOARD**

In the Matter of the Ethics
Complaint Against

[REDACTED]

) Case #97-02
)
) ORDER OF DEFAULT
)
)

On January 10, 1997, after receiving a State Auditor's Office report that [REDACTED] may have misappropriated state funds for personal use while employed as the Yakima District Tax Office Administrator for the Department of Employment Security, the Washington State Executive Ethics Board issued a complaint against [REDACTED] pursuant to RCW 42.52.360(2). An investigation by the Board's staff revealed that [REDACTED] may have used up to \$2,503.00 in state money and/or property from January 1, 1995 to October 31, 1995 for his private benefit or gain. Despite a certified letter mailed to and received at [REDACTED] last known address in Missoula, Montana asking him to respond, [REDACTED] did not reply to the allegations.

On April 11, 1997, the Board determined that reasonable cause existed to believe that [REDACTED] violated RCW 42.52.160(1), which provides that:

No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

The Secretary of the Board sent to [REDACTED] by certified mail the Board's Reasonable Cause Determination and the staff's

Investigative Report. Accompanying these documents was a letter notifying [REDACTED] that the matter would be scheduled for a public hearing in which he would have a right to fully participate; instructing him that he was required to file an answer to the Board within 30 days; and warning him that failure to respond could result in the matter being resolved without his involvement. [REDACTED] [REDACTED] again failed to respond to the allegations.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Washington State Executive Ethics Board that:

1. Under RCW 34.05.440(1), [REDACTED] failure to reply or request a hearing despite adequate notice and an opportunity to be heard constitutes a default and results in the loss of his right to an adjudicative proceeding;
2. The allegations contained in the complaint, Reasonable Cause Determination, and Investigative Report are deemed true;
3. Under RCW 42.52.480(1), [REDACTED] must pay the Executive Ethics Board \$3,003.00. This amount includes:
 - a) reimbursing the State of Washington \$2,503.00 for using state monies and/or property for his private benefit or gain in violation of RCW 42.52.160(1), and
 - b) paying a civil penalty of \$500.00 for violating RCW 42.52.160(1).

Payment for the total amount due of \$3,003.00 is to be made to the Washington State Executive Ethics Board, 1125 Washington St. SE,

P.O. Box 40100, Olympia, Washington 98504-0100.

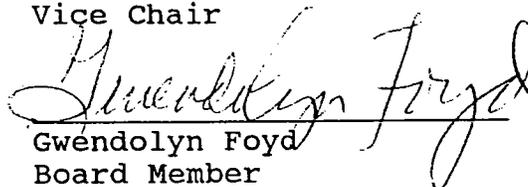
PLEASE NOTE: Under RCW 34.05.440(3), you have seven (7) days after the service of this Order of Default to request in writing that the Order be vacated and stating the grounds relied upon. This request must be mailed to Barbara Cook, the Secretary of the Washington State Executive Ethics Board, 1125 Washington St. SE, P.O. Box 40100, Olympia, Washington 98504.

Entered this 18th day of July, 1997.

Thomas L. Purce
Chair



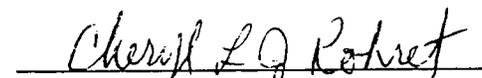
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Gwendolyn Foyd
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Board Member



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