BEFORE THE WASHINGTON STATE EXECUTIVE ETHICS BOARD

In the Matter of:  

[Redacted]  

Respondent.  

No. 97-14  

STIPULATION AND ORDER  

THIS STIPULATION is entered into under WAC 292-100-090 between [Redacted] through his attorney, Shawn T. Newman, and the Executive Ethics Board, through Richard A. McCartan, Assistant Attorney General.

I. FACTS

A. The Executive Ethics Board issued this complaint against [Redacted], a former state employee, on March 14, 1997, pursuant to a referral from the State Auditor.

B. During 1995 and 1996, [Redacted] served as a part-time instructor of a U.S. citizenship class at Bellevue Community College, Edmonds Community College, and Highline Community College. During that period, [Redacted] also taught private citizenship classes through an outside business.

C. [Redacted] was responsible for determining which students met criteria for enrollment in the college courses, and used his position at the college to refer ineligible students to his private citizenship classes. In doing so, [Redacted] violated:

1. RCW 42.52.020 which states:

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer’s or state employee’s official duties.

2. RCW 42.52.070 which states:
Except as required to perform duties during the scope of employment, no state officer or
state employee may use his or her position to secure special privileges or exemptions for
himself or herself, or his or her spouse, child, parents, or other persons.

D. [Redacted] used college facilities and resources, including college offices,
classrooms, and copying machines to aid his private classes. In doing so, [Redacted] violated
RCW 42.52.160(1) which states:

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.

II. CONCLUSIONS OF LAW

A. Pursuant to Chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over
and the subject matter of this complaint.

B. Pursuant to RCW 42.52.480 and WAC 292-100-090(1), [Redacted] may agree to
settle this case on the terms herein.

C. Settlement of this matter on the terms herein is subject to WAC 292-100-090(2)
which states in part:

The board has the option of accepting, rejecting, or modifying the proposed
stipulation or asking for additional facts to be presented. If the board accepts the
stipulation or modifies the stipulation with the agreement of respondent, the board
shall enter an order in conformity with the terms of the stipulation. If the board
rejects the stipulation or respondent does not agree to the board’s proposed
modification to the stipulation, the normal process will continue. The proposed
stipulation and information obtained during formal settlement discussion shall not
be admitted into evidence at a subsequent public hearing.

III. PENALTY

A. As a consequence of having violated RCW 42.52.020, 42.52.070, and 42.52.160(1),
[Redacted] agrees to the following payments, terms, and conditions:

1. As a civil penalty, pay the amount of two thousand dollars ($2000) to the Executive
Ethics Board in a cashier’s check made payable to the State of Washington.
2. As damages, pay the amount of one thousand five hundred ($1500) dollars to Bellevue Community College in a cashier’s check made payable to Bellevue Community College.

3. As damages, pay the amount of five hundred ($500) dollars to Highline Community College in a cashier’s check made payable to Highline Community College.

4. As damages, pay the amount of five hundred ($500) dollars to Edmonds Community College in a cashier’s check made payable to Edmonds Community College.

B. Attend a Board-approved ethics training class upon the resumption of any employment with the State of Washington and will refrain from future violations of chapter 42.52 RCW.

All payments under this agreement shall be received by the Executive Ethics Board no later than thirty (30) days from the date the Stipulation is accepted by the Board. Failure to make timely payment will render the Stipulation and Order null and void.

V. RELEASE

A. If the Board accepts this Stipulation, the Board releases and discharges [redacted] from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint. [redacted] agrees to release and discharge the Board, its officers, agents, and employees from all claims, damages, and causes of action arising out of this Complaint and this Stipulation and Order.

B. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between [redacted] the State of Washington, or other third party, which are now in existence or may be filed in the future.

C. If this Stipulation is accepted, this Stipulation and Order will be inadmissible for any purpose in any other proceeding involving [redacted] the state, and/or third party aligned with the state.

VI. CERTIFICATION

I. [redacted] hereby certify that I have read this Stipulation and Order in its entirety; that my counsel has fully explained its legal significance; that I knowingly and
voluntarily waive my right to a hearing in this matter; that I fully understand it and agree to it; and that I do so voluntarily.

[Redacted]  DATE
VII. ORDER

Having reviewed Complaint No. 97-14, the Stipulation, and the Agreement, WE, THE
STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER, that pursuant
to WAC 292-100-080, the above is:

_____

Accepted in its entirety and becomes the Order of the Board.

_____

*Accepted and, if approved by [redacted] becomes the Order of the
Board with the following modifications:

_____

Rejected in its entirety.

DATED this _______ day of ______________________, 1999.

________________________________________
JANET LIM, Chair

________________________________________
CHERYL ROHRET, Vice Chair

________________________________________
GWENDOLYN FOYD, Member

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SUTAPA BASU, Member

________________________________________
PAUL GILLIE, Member

*I accept or do not accept (circle option) the proposed modification.

________________________________________
Date [redacted] Respondent