

**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the Matter of:

[REDACTED]

Respondent.

NO. 97-19

STIPULATION AND ORDER

STIPULATION

Pursuant to WAC 292-100-090, this Stipulation is entered into between [REDACTED]

[REDACTED] a former employee of Olympic College, and the EXECUTIVE ETHICS BOARD ("the Board"), by and through PETER H. DYKSTRA, Assistant Attorney General.

I. STIPULATED FACTS

1. The Board filed a complaint against [REDACTED] on May 13, 1997 alleging violations of RCW 42.52. The Board filed the complaint pursuant to RCW 42.52.410(2) based on an audit report issued by the Washington State Auditor's Office.

2. On February 13, 1998, the Board found reasonable cause existed to believe that [REDACTED] had committed the following violations of RCW 42.52:

- a) That [REDACTED] did not properly use and record annual and sick leave, in violation of RCW 42.52.020 and/or RCW 42.52.070;
- b) That [REDACTED] was frequently absent from work without authorization and that she instructed her staff to "cover" for her during these absences, in violation of RCW 42.52.020 and/or RCW 42.52.070;

- c) That [REDACTED] daughter received child care assistance for [REDACTED] granddaughter through grants administered by [REDACTED] in violation of RCW 42.52.070, RCW 42.52.160(1) and/or WAC 292-110-010(1);
- d) That [REDACTED] kept a state-purchased art print at her home for a significant amount of time, in violation of RCW 42.52.160(1) and WAC 292-110-010(1);
- e) That [REDACTED] used the state SCAN telephone system to make personal long-distance phone calls, in violation of RCW 42.52.160(1) and WAC 292-110-010(1);
and
- f) That [REDACTED] used grant funds under her control to pay for her personal education expenses, in violation of RCW 42.52.030(2) and/or RCW 42.52.070 and/or RCW 42.52.160(1) and WAC 292-110-010(1).

3. RCW 42.52.020 provides that:

No state officer or 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.

4. RCW 42.52.030(2) provides, in pertinent part, that:

No officer or employee of an institution of higher education...except as provided in subsection (3) of this section, may be beneficially interested, directly or indirectly, in a contract or grant that may be made by, through, or is under the supervision of the officer or employee..."

5. RCW 42.52.070 provides that:

Except as required to perform duties within the scope of employment, no state officer or 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.

6. RCW 42.52.160(1) 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.

7. WAC 292-110-010(1) provides that:

No state officer or employee may use state resources including any person, money, or property under the officer's or employee's official control or direction or in his or her custody for private benefit or gain of the officer or employee or other any other person; PROVIDED, that this prohibition does not apply to the use of public resources to benefit another person as part of the officer's or employee's official duties.

8. A hearing on the allegations described in paragraph 2 (a)-(f) is scheduled for November 3 and 4, 1998. The parties agree to this Stipulation in order to avoid the necessity of an administrative hearing on these issues.

9. The following mitigating factors exist:

- a) [REDACTED] was terminated from her position at Olympic College for the allegations which led to Executive Ethics Board Complaint #97-19 and is no longer employed by the State of Washington.
- b) [REDACTED] has no prior violations of RCW 42.52.
- c) [REDACTED] fully cooperated in the investigation of this complaint.

II. STIPULATED CONCLUSIONS OF LAW

1. The Executive Ethics Board has jurisdiction over [REDACTED] and the subject matter of this complaint.

2. [REDACTED] acknowledges that the actions alleged in paragraph 2(a)-(f) constitute violations of RCW 42.52.020, RCW 42.52.030(2), RCW 42.52.070, RCW 42.52.160(1) and WAC 292-110-010(1).

III. STIPULATED SETTLEMENT

1. Based on the foregoing stipulated facts and conclusions of law, [REDACTED] agrees to pay restitution in the amount of \$2000.00 (two thousand dollars) to Olympic College. [REDACTED] further agrees to repay the state of Washington \$21.55 for the use of the SCAN system for her personal telephone calls in the form of a separate check *payable to the State of Washington*.

Both payments are due within 90 days of acceptance of this Stipulation by the Board.

2. [REDACTED] understands that this Stipulation is not final and binding on her or the Board unless and until the Executive Ethics Board enters an Order accepting it. [REDACTED] understands that the Board is free to approve, reject or modify this Stipulation.

3. If the Board accepts this Stipulation and Order, then the Board agrees to release and discharge [REDACTED] from any and all ethics proceedings under the Board's jurisdiction arising out of Executive Ethics Board Complaint #97-19.

4. [REDACTED] understands that this agreement is between [REDACTED] and the Board and does not purport to settle any other claims between [REDACTED] and the state of Washington, Olympic College, or any other third party, including but not limited to any claims involving or related to the allegations in Executive Ethics Board Complaint #97-19.

5. If the Board accepts this Stipulation, [REDACTED] knowingly and voluntarily waives her right to a hearing in this matter.

6. If the Board accepts this Stipulation, [REDACTED] agrees to release and discharge the Board, its officers, agents, and employees from all claims, damages and causes of action arising out of Executive Ethics Board Complaint #97-19 and this Stipulation.

7. If the Board proposes to modify this Stipulation, [REDACTED] has the right to approve or reject the modification.

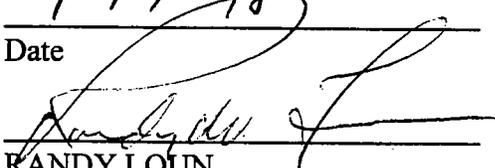
8. If the Board rejects this Stipulation, or proposes to modify this Stipulation and [REDACTED] rejects the modification, then the normal administrative process will continue and this Stipulation will be void and inadmissible for any purpose in this proceeding or any other proceeding involving [REDACTED] the state, and/or third parties aligned with the state.

9. If this Stipulation is accepted, the Stipulation and Order will be inadmissible for any purpose in any other proceeding involving [REDACTED] the state, and/or third parties aligned with the state, except to the extent its admission into evidence would be required by the applicable rules of evidence in any other proceeding.

I, [REDACTED] hereby certify that I have read this Stipulation and Order in its entirety; that my counsel of record has fully explained its legal significance and consequence; that I fully understand and agree to all of it; and that I have signed it voluntarily.

[REDACTED]

9-17-98
Date


KANDY LOUN
Attorney for Respondent

9-17-98
Date

ORDER

Having reviewed the proposed Stipulation, WE, THE STATE OF WASHINGTON
EXECUTIVE ETHICS BOARD, HEREBY:

_____ ACCEPT this Stipulation in its entirety;

_____ REJECT this Stipulation in its entirety;

X *MODIFY this Stipulation. This Stipulation will become the Order of the Board
if the following modifications are approved by _____

(p. 4, lines 1-2) changed to read "agrees to pay restitution in the amount of \$2000 (two thousand
dollars payable to Olympic College."

(p. 5, Number 9) changed to read, "If this Stipulation is accepted, the Stipulation and Order will
be inadmissible in any other proceeding involving _____ the state, and/or third parties
aligned with the state, except to the extent its admission into evidence would be required by the
applicable rules of evidence in any other proceeding."

DATED this 14th day of September, 1998.

PAUL GILLIE, Chair

Janet Lim

JANET LIM, Vice Chair

Cheryl L. Rohret

REV. CHERYL ROHRET, Member

Gwendolyn Ford

GWENDOLYN FORD, Member

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

9-17-98

Date