BEFORE THE WASHINGTON STATE EXECUTIVE ETHICS BOARD

In the Matter of:  

[Redacted]  

Respondent.  

NO. 98-07

STIPULATION AND ORDER

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between [Redacted] Ph.D., and the EXECUTIVE ETHICS BOARD ("Board") through Margaret A. Grimaldi, Executive Secretary.

A. FACTS AND LAW

1. FACTS
   a. The above-referenced complaint was filed on July 1, 1998, against [Redacted] Ph.D., Professor of Pathobiology, University of Washington.
   b. [Redacted] agrees that she performed private consulting work for the Kiket Bay Organization, a non-profit organization and member of the Marine Environmental Consortium during 1997 and 1998, and also provided expert testimony in an appeal hearing relating to the issue of permits to the Atlantic salmon net pen industry. [Redacted] received compensation from Kiket Bay in the amount of $4300 for her consulting work.
   c. [Redacted] acknowledges that she used university resources to support her outside consulting work for Kiket Bay. She is without tenure and during this time only received 25% of her salary from the state for teaching. The remaining salary, which did not equal 100%, was provided by outside contracts and grants. The use of university resources consisted of two e-mails and use of her University of Washington Address on outside business-related correspondence using her own paper. [Redacted] also failed, by accident, to seek advanced approval for this outside work pursuant to university policy. Her outside work was subsequently
approved by the University after notification of her involvement in outside work by representatives of Kiket Bay.

d. [Redacted] acknowledges that she is a state employee for the purposes of chapter 42.52 RCW.

e. [Redacted] has no previous ethics violations.

2. APPLICABLE LAW

a. RCW 42.52.160(1) 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.

b. WAC 292-110-010(4) provides that the occasional and limited use of state resources does not include:

   (a) Any use for the purpose of conducting an outside business;

   ...

c. RCW 42.52.120(1) prohibits state officers and state employees from receiving any thing of economic value under a contract or grant outside of official duties unless certain conditions are met. One of these conditions is RCW 42.52.120(1)(c):

   The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee.

B. RESOLUTION

[Redacted] admits that she violated provisions of chapter 42.52 RCW by using state resources in support of private consulting work, and for failing to obtain approval for this consulting work as required by university policy.
will pay a civil penalty in the amount of two hundred and fifty dollars ($250.00), comply with all terms and conditions of this Stipulation and Order, and commit no further violations of RCW 42.52.

The amount is payable to the state Executive Ethics Board within thirty (30) days of approval of this Stipulation and Order by the Board.

C. CONCLUSIONS OF LAW

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

2. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein.

3. 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.

D. RELEASE/EFFECT OF ORDER

1. If the Board accepts this Stipulation, the Board releases and discharges from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint upon payment of the civil penalty in the amount of $250.00. 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.
2. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between [redacted] and the University of Washington, the State of Washington, or other third party, which are now in existence or may be filed in the future.

3. 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 parties aligned with the state.

4. If this Stipulation is accepted, this Stipulation and Order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

E. CERTIFICATION

I, [redacted], hereby certify that I have read this Stipulation and Order in its entirety; that I have had an opportunity to consult with legal counsel; that I knowingly and voluntarily waive my right to a hearing in this matter; and that I fully understand and voluntary agree to this Stipulation.

______________________
Date 7/1/99

Stipulated to and presented by:

______________________
Margaret A. Girlandi
Executive Secretary

______________________
Date 5/28, 1999
II. ORDER

Having reviewed the proposed Stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

[ ] ACCEPTED in its entirety;

[ ] REJECTED in its entirety;

[ ] *MODIFIED. This Stipulation will become the Order of the Board if the following modifications are approved by ________________________________.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

DATED this _____ 30th day of ________, 1999.

JANET LIM, Chair

REV. CHERYL ROHRET, Vice Chair

GWENDOLYN FOYD, Member

PAUL GILLIE, Member

SUTAPA BASU, Member

I, _______________________________, accept/do not accept (circle one) the proposed modification.

Respondent _______________________________ Date _______________________________

Attorney for Respondent (if applicable) _______________________________ Date _______________________________