

**ORIGINAL**

**BEFORE THE WASHINGTON STATE EXECUTIVE ETHICS BOARD**

In the Matter of )  
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No. 99-02

STIPULATION AND ORDER

Pursuant to WAC 292-100-090 this Stipulation is entered into between [REDACTED] a former employee of Everett Community College, and the State of Washington Executive Ethics Board ("Board") by and through MARGARET A. GRIMALDI, Executive Secretary.

**I. STIPULATED FACTS**

A. The Board filed the above referenced complaint on January 14, 1999, against [REDACTED] former Program Coordinator for Everett Community College ("College"). The complaint was issued pursuant to a whistleblower report by the State Auditor.

B. [REDACTED] made personal calls using the SCAN system during working hours and reimbursed the college for the cost of these calls.

C. [REDACTED] used his assigned college computer to send and receive personal e-mail communications relating to the conduct of an outside business, and accessed the Internet on numerous occasions for purposes unrelated to his official duties, in violation of college policy and WAC 292-110-010.

D. [REDACTED] conduct 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.

E. The following factors mitigate in [REDACTED] favor in setting the appropriate penalty in this case:

(1) [REDACTED] accepted discipline from the college in the form of a two-week suspension amounting to a loss of \$1100 in pay;

(2) [REDACTED] was cooperative in the Board's investigation of this complaint; and,

(3) [REDACTED] had no previous ethics violations.

## II. RESOLUTION

As a consequence of agreeing his conduct violated RCW 42.52.160(1) and WAC 292-110-010, [REDACTED] will pay the Board a civil penalty in the amount of five hundred dollars (\$500.00) pursuant to RCW 42.52.480(1)(b). The civil penalty is payable to the State of Washington and shall be forwarded to the Board in ten equal payments of \$50 each. The first payment shall be due within thirty (30) days of approval of the Stipulation and Order by the Board. Subsequent payments are payable on or before the 15<sup>th</sup> of each month, beginning in August 1999 and ending in April 2000. Failure to make payments within the agreed terms of this Stipulation and Order will cause the entire balance owing to be due in full within thirty (30) days of the date a payment is missed.

## III. CONCLUSIONS OF LAW

1. The Washington State Executive Ethics Board has jurisdiction over [REDACTED] and over the subject matter of the complaint.
2. Pursuant to WAC 292-100-090(1), [REDACTED] to resolve this matter, may agree to pay the Board a civil penalty in the amount of \$500.00.
3. Settlement of this matter on the terms herein is subject to WAC 292-100-090(2) which gives the Board the option of accepting, rejecting, or modifying the proposed Stipulation. If the Board accepts the Stipulation or modifies it with the agreement of the respondent, the Board will enter an order in conformity with the terms of the Stipulation. If the Board rejects the Stipulation or the respondent does not agree to the Board's proposed modification, the normal process continues. The proposed stipulation and information obtain during formal settlement discussion shall not be admitted into evidence at a subsequent public hearing.

## IV. RELEASE/EFFECT OF ORDER

1. If the Board accepts this Stipulation, the Board releases and discharges [REDACTED] from all further ethics proceedings under chapter 42.52 RCW 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.
2. This Stipulation and Order is not binding unless and until accepted by the Board, which may reject or propose modifying it. If accepted, this order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

V. 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; that I fully understand and agree to it; and that I do so voluntarily.

[REDACTED]

June 10, 1999  
Date

Stipulated to and presented by:

Margaret A. Grimaldi  
MARGARET A. GRIMALDI  
Executive Secretary

June 3, 1999  
Date

**VI. ORDER**

Having reviewed Complaint No. 99-02, the Stipulation, and the Agreement, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER, that pursuant to WAC 292-100-090, 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:

Add to end of first sentence under IV 1. "subject to payment in full of the civil penalty owed in the amount of \$500.00."

Rejected in its entirety.

DATED this 11<sup>th</sup> day of June, 1999.

[Signature]  
JANET LIM, Chair

[Signature]  
CHERYL ROHRET, Vice Chair

[Signature]  
GWENDOLYN FOYD, Member

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SUTAPA BASU, Member

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PAUL GILLIE, Member

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

6/22/99  
[REDACTED]

[REDACTED]