

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

██████████

Respondent.

NO. 99-11

STIPULATION AND ORDER

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between ██████████ 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 March 18, 1999, against ██████████ Clerk, Automotive Technology Program, Shoreline Community College, pursuant to a referral from the State Auditor.
- b. ██████████ acknowledges that she improperly purchased automotive parts with a wholesale value of \$950.47 for personal use, and for the personal use of family members and friends, using the college's account. ██████████ reimbursed the college for the value of her personal purchases at the end of the fiscal year.
- c. Subsequent to the audit finding, ██████████ attended ethics training provided by the Executive Ethics Board.
- d. ██████████ has no previous ethics violations.

2. APPLICABLE LAW

a. RCW 42.52.070 states:

Except as required to perform duties within 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.

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. RESOLUTION

██████████ admits that she violated RCW 42.52.160(1) and RCW 42.52.070 by using a college account to purchase automotive parts for personal use, and for the use of family members and friends, at wholesale prices.

██████████ agrees to pay a civil penalty in the amount of two hundred fifty dollars (\$250.00), to 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 of Washington* and will be remitted to the Executive Ethics Board in five equal monthly payments of \$50.00 each. The first payment shall be due within thirty (30) days of approval of this Stipulation and Order by the Board. Subsequent payments are due on or before the 15th day of each month, beginning in January 2000 and ending in April 2000.

C. CONCLUSIONS OF LAW

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over [REDACTED] 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 [REDACTED] 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. [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. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between [REDACTED] and Shoreline Community College, 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, _____, 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 voluntarily agree to this Stipulation.

Respondent

Date

Stipulated to and presented by:

Maymeth Grimaldi

Executive Secretary

October 29, 1999

Date

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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 16 day of June, 19 2000

[Signature]
JANE LIM, Chair

[Signature]
REV. CHERYL ROHRET, ~~Vice~~ Chair

[Signature]
GWENDOLYN FOYD, Member
JAMES M. VACHE, MEMBER

[Signature]
PAUL CHIE, Member Laquita Fields, Member

[Signature]
SUTAPA BASU, Member

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

Respondent _____

Date _____

Attorney for Respondent _____

Date _____