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**BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD**

In the Matter of:

[REDACTED]

Respondent.

Docket No. 2011-EEB-0001

Complaint No. 08-103

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER

**I. PROCEDURAL HISTORY**

1.1 This case was commenced by a complaint issued by the Board on March 8, 2008, after receipt of a referral from the Department of Social and Health Services (DSHS) alleging that [REDACTED] an employee with DSHS Adult Protective Services (APS), attempted to become a guardian for a DSHS client on his caseload, provided confidential information to an individual, did not disclose an alleged 10-year relationship with another client on his caseload, used state resources to send an inappropriate letter on DSHS letterhead to this client, and used his state computer to send and receive personal e-mail. The Board reviewed the referral and issued a complaint on March 8, 2008.

1.2 On June 12, 2009, the Board found reasonable cause to believe that a violation of Chapter 42.52 RCW occurred. A hearing was scheduled, with an Administrative Law Judge (ALJ) presiding pursuant to RCW 42.52.500.

1.3 On November 18, 2011 and January 12, 2012, after due and proper notice, a hearing was held in the above-entitled matter before the Executive Ethics Board (Board). The

1 case had been set for hearing pursuant to a telephonic prehearing conference held on March 1,  
2 2011, in which all parties participated. A subsequent order of continuance was entered June  
3 30, 2011, pursuant to a request from the Attorney General's Office after they were informed  
4 that Respondent would be filing for bankruptcy and an automatic stay might preclude the  
5 Board from moving forward with the hearing.

6 1.4 The hearing was held at the Board offices at Bristol Court in Olympia,  
7 Washington on November 18, 2011, convening at 9:00 AM. Administrative Law Judge  
8 Thomas Rack from the Office of Administrative Hearings conducted the proceedings, and  
9 Board Chair Matthew Williams III, Vice Chair Lisa Marsh, members Linnea Jablonski and  
10 Nancy Biery were present. Also present was Bruce L. Turcott, Assistant Attorney General,  
11 legal advisor to the Board.

12 1.5 Board staff was represented by Jennifer Elias, Assistant Attorney General, and  
13 the Board's Executive Director Melanie DeLeon. Other Board staff were also present.  
14 Respondent [REDACTED] appeared and was represented by counsel Joan Mell.

15 1.6 Respondent's counsel made an oral motion to dismiss based on the evidence,  
16 and counsel for the Board responded. The ALJ took the matter under advisement, because no  
17 evidence had yet been admitted.

18 1.7 The Board staff offered Exhibits 1 through 32 and 44. All were admitted into  
19 evidence except Exhibit 17. The Board was provided copies of documents which were  
20 admitted as exhibits:

- 21 1. Executive Ethics Board Complaint No. 08-103, dated March 20, 2008 (2  
22 pages).
- 23 2. Preliminary Investigation and Board Determination in Case No. 08-103,  
24 [REDACTED] dated June 12, 2009 (7 pages).
- 25 3. Case comparison information regarding penalties (1 page).
- 26 4. Letter from Dan Owens to Terry Marker, regarding an incident report,  
undated (4 pages).
5. Memorandum from Dan Owens to Terry Marker, regarding an incident  
report, undated (4 pages).

- 1 6. HCS Adult Protective Services Intake Report of W.B., taken by [REDACTED]  
2 [REDACTED] dated June 6, 2007 (11 pages).
- 3 7. Washington State Patrol, DSHS Special Investigation Report of [REDACTED]  
4 [REDACTED] dated February 18, 2009 (33 pages).
- 5 8. Letter from Attorney Eileen Peterson to Andre King of DSHS, regarding  
6 W.B., dated October 23, 2007 (4 pages).
- 7 9. Memorandum from Investigator Regina Hook to Dan Owens, Regional  
8 Manager of HCS Region 5, dated October 26, 2007 (1 page).
- 9 10. Letter from Cliff Johnston to attorney Jeffrey Larson, fax stamped  
10 October 8, 2007 (1 page).
- 11 11. Letter from Jeffrey Larson to Cliff Johnston of DSHS regarding V.R.  
12 and J.B. (3 pages).
- 13 12. Statements regarding receipt of September 25, 2007 letter from [REDACTED]  
14 [REDACTED] by various DSHS employees (3 pages).
- 15 13. Letter from Patricia Lashaway to [REDACTED] regarding an alternate  
16 assignment, dated August 20, 2007 (2 pages).
- 17 14. DSHS Nondisclosure of Confidential Information and Employee  
18 Assurance of Confidentiality forms signed by [REDACTED] on  
19 February 1, 2007 (2 pages).
- 20 15. New Employee Checklist for [REDACTED] various dates in February  
21 and March 2007 (13 pages).
- 22 16. Letter from Dan Owens to [REDACTED] regarding Home Assignment,  
23 dated April 2, 2008 (2 pages).
- 24 18. List of Accurint search criteria by login ID Larson WW (1 page).
- 25 19. HRC Management Bulletin regarding Adult Protective Services  
26 Program Account with Accurint and APS Tacoma Unit with minutes  
from a June 7, 2007 meeting (6 pages).
20. Email exchange between Cliff Johnston and [REDACTED] regarding  
case reassignment, dated August 16-17, 2007 (3 pages).
21. Letter from Harold Kawakami of DSHS, to Dan Owens, regarding Mr.  
Kawakami's interview of [REDACTED] dated March 28, 2008 (9  
pages).
22. Letter from the Certified Professional Guardian Board approving [REDACTED]  
[REDACTED] as a Certified Professional Guardian, dated November 6, 2007 (1  
page).
23. Alleged Incapacitated Person W.B.'s Response to Petition for  
Guardianship and Motion for Jury Trial, dated December 18, 2007 (21  
pages).

- 1 24. Report of Outside Employment by [REDACTED] various dates 1996-  
2 2004 (4 pages).  
3 25. Personal Emails between [REDACTED] and "Bad Fish," various dates  
4 (68 pages).  
5 26. DSHS Administrative Policies: 5.01 Privacy Policy, 18.18 Employees  
6 Holding Outside Employment, 18.60 Employee Relationships with  
7 Clients, Vendors, and Outside Organizations (20 pages).  
8 27. Letters from [REDACTED] to Sharon Royne, Director of Employee  
9 and Labor Relations, St. Joseph's Medical Center, dated March 7, 2007  
10 (2 pages).  
11 28. Letter from Eileen Peterson to Andre Ward, regarding [REDACTED]  
12 complaint to the Department of Financial Institutions, dated October 23,  
13 2007 (4 pages).  
14 29. Notice of Dismissal from Dan Owens to [REDACTED] dated  
15 November 3, 2009 (11 pages).  
16 30. Deposition of Kurt Owens, dated July 21, 2008 (5 pages).  
17 31. Letter from Tanya Pemberton dated January 14, 2008, in support of  
18 Stephen B. in her position as Guardian ad Litem for W.B. (1 page).  
19 32. Washington State Patrol Administrative Investigation No. D08-808 (6  
20 pages).  
21 44. Certified copy of Order Appointing Guardian of Person and Estate,  
22 Pierce County Superior Court No. 07-4-00958-5, entered December 20,  
23 2007 (22 pages).

17 1.8 Respondent offered Exhibit 33, which was admitted into evidence. The Board  
18 was provided a copy:

- 19 33. W.B. Release of Information, dated August 10, 2007 (1 page).

20 1.9 The proceedings were recorded and open to the public.

21 1.10 The Board heard the testimony of Dan Owens and Cliff Johnston.

22 1.11 The hearing was recessed at 3:08 PM.

23 1.12 The hearing was reconvened at the Board offices at Bristol Court in Olympia,  
24 Washington on January 12, 2012 at 9:00 AM. Administrative Law Judge Thomas Rack from  
25 the Office of Administrative Hearings conducted the proceedings, and Board Chair Matthew  
26

1 Williams III, Vice Chair Lisa Marsh, and member Nancy Biery were present. Also present  
2 was Bruce L. Turcott, Assistant Attorney General, legal advisor to the Board.

3 1.13 Board staff was represented by Jennifer Elias, Assistant Attorney General, and  
4 the Board's Executive Director Melanie DeLeon. Other Board staff were also present.  
5 Respondent did not appear, and no one representing the respondent appeared. [REDACTED] sent  
6 a letter by facsimile to the ALJ the afternoon of January 11, 2012 that stated in part, "I will no  
7 longer be able to participate in the proceedings involving the Executive Ethics Board. I simply  
8 have no funds left to pay my attorney and have asked her to resign from the case."

9 1.14 The proceedings were recorded and open to the public.

10 1.15 The Board heard the testimony of Cliff Johnston, Tanya Pemberton, who  
11 testified by telephone, Clint Thompson, and Melanie DeLeon.

12 1.16 The hearing was adjourned at 10:45 AM.

13 Based on the evidence presented, the Board enters the following Findings of Fact,  
14 Conclusions of Law, and Final Order:

15 **II. FINDINGS OF FACT**

16 2.1 [REDACTED] was a Social Worker 3 in the Adult Protection Services Unit  
17 within the Tacoma Office of Home and Community Services. In this capacity, [REDACTED] was  
18 responsible for investigating allegations of abuse, neglect and exploitation of vulnerable adults.  
19 [REDACTED] began his employment with the Tacoma APS Unit on February 1, 2007. [REDACTED]  
20 [REDACTED] had been a social worker since 1994 in various divisions, including Children's  
21 Services.

22 2.2 [REDACTED] was placed on paid home assignment starting March 2008.

23 2.3 On June 6, 2007 at 3:32 p.m., WB<sup>1</sup>, Adult Victim (AV), came to the Home and  
24 Community Services Office and alleged that his estranged spouse and sons were attempting to  
25 exploit him financially. Mr. WB has a reported net worth of 6.5 million dollars.

26 <sup>1</sup> For the privacy of the DSHS clients, initials will be used for identification purposes.

1           2.4     On June 7, 2007, ██████████ was assigned to investigate the allegations. ██████████  
2 ██████████ met with Mr. WB and a woman identified as his girlfriend, Jeri. Mr. WB stated that he  
3 was separated from his wife.

4           2.5     On June 11, 2007, ██████████ case notes state, "I also told Jeri that I have  
5 placed a call to their attorney but have not had a call back. The attorney has a number of key  
6 documents in his possession. If he is not going to follow through with his matter, AV [Mr.  
7 WB] needs to get another attorney." On June 21, 2007, ██████████ notes reflect that: "AV  
8 has decided to retain David T. Lyons of the Lyons Law Firm to represent him in this matter."

9           2.6     ██████████ contacted Mr. Kurt Owen about the WB financial situation and what  
10 it took to change the trustee on a trust. ██████████ is Mr. Owen's father-in-law. Mr. Owen  
11 indicated that he provided the referral for Mr. Lyons to represent Mr. WB. He also stated that  
12 ██████████ was in attendance along with Mr. Lyons at a meeting with the client to discuss  
13 WB's portfolio.

14           2.7     On June 21, 2007, Mr. WB retains David Lyons of the Lyons Law Firm to  
15 represent him. Mr. Lyons scheduled a meeting with Mr. WB and asked that ██████████ attend.

16           2.8     On June 22, 2007, ██████████ attended a meeting with David Lyons and Mr.  
17 WB. On July 24, 2007, Mr. Lyons forwards a copy of an email from Mrs. WB's attorney  
18 directed to the DSHS Assistant Attorney General questioning whether APS should continue  
19 with its investigation because a guardianship proceeding regarding Mr. WB was before the  
20 court.

21           2.9     On August 6, 2007, ██████████ was notified of an investigation concerning  
22 inappropriate computer use and subsequently placed on an alternative assignment. On August  
23 17, 2007, ██████████ was relieved of his APS caseload as a result of an investigation for  
24 employee misconduct and reassigned to non-case related duties. ██████████ was out of the  
25 office sporadically for disability related issues and on September 13, 2007, he went on  
26 extended leave related to a work related injury.

1           2.10   On August 20, 2007, ██████████ contacted a court appointed psychologist  
2 assigned to evaluate WB's capacity for the guardianship proceeding. ██████████ represented  
3 himself as an APS investigator and provided confidential information to the psychologist about  
4 Mr. WB without obtaining a release or court order. This contact occurred after ██████████ was  
5 no longer assigned to do case work on any case, including the subject case. ██████████ was on  
6 sick leave from the office at the time this contact was made.

7           2.11   On October 23, 2007, Andre King, Adult Protection Services Program Manager,  
8 received a complaint from Eileen Peterson, the attorney for Mr. WB's son, concerning  
9 questionable actions on the part of ██████████ related to client WB. ██████████ had filed a  
10 complaint with the Department of Financial Institutions related to client WB's financial  
11 matters.

12           2.12   On November 28, 2007 ██████████ sent an email to David Lyons, the attorney  
13 for Mr. WB, indicating that Mr. WB had asked him on a number of occasions to be his  
14 guardian in the event the court found him to be in the need of one. He also attached his resume  
15 stating he had qualifications as a Certified Professional Guardian.

16           2.13   ██████████ was not made the guardian ad litem for Mr. WB.

17           2.14   On April 2, 2008 ██████████ was reassigned to his residence with full pay and  
18 entitlements in accordance with the Collective Bargaining Agreement between the State of  
19 Washington and the Washington Federation of State Employees. This action was a result of  
20 allegations received concerning misuse of state resources and inappropriate client interactions.

21           2.15   Ms. JB<sup>2</sup> is a DSHS client with the Division of Children and Family Services and  
22 Division of Employment and Assistance Programs, Pierce North Community Services Office.  
23 ██████████ was the assigned Social Worker on the JB case with the Division of Family  
24 Services, Child Protective Services (CPS) unit, and has claimed to know her for approximately  
25

26 \_\_\_\_\_  
<sup>2</sup> There is no evidence that WB and JB are related.

1 10 years. In his capacity as a CPS social worker, [REDACTED] investigated allegations of abuse  
2 and neglect related to Ms. JB's children.

3 2.16 On July 26, 2007, [REDACTED] accessed a confidential DSHS database  
4 (Accurint) to obtain information about both VR (Ms. JB's spouse) and JB. On July 25, 2007,  
5 [REDACTED] sent a letter to Ms. JB of a personal nature on DSHS letterhead. [REDACTED] no  
6 longer had any responsibility for CPS cases and would have no business reason to contact Ms.  
7 JB related to his position at that time. The letter [REDACTED] sent to Ms. JB stated in part:

8 Hi [JB]:

9 I've been thinking about you lately and wondering how life is treating  
10 you. ... I was out of work for more than a year. I had to leave CPS  
11 because I couldn't stand working in that system anymore. It is the most  
12 dysfunctional agency I've ever seen. There are supposed to be caring for  
13 kids and families; instead they have become expert at destroying both ...  
14 Give me a call sometime so that we can catch-up. ... Better yet, let me  
15 buy you lunch sometime.

16 2.17 On September 27, 2007, Cliff Johnson, Adult Protective Services Supervisor,  
17 received a complaint from Mr. JB's husband's attorney related to an inappropriate relationship  
18 between Ms. JB and [REDACTED]

19 2.18 The Washington State Patrol investigated the allegations of [REDACTED]  
20 inappropriate interaction with JB and his personal use of the Accurint database system and the  
21 state electronic messaging system. [REDACTED] admitted using the DSHS Accurint database to  
22 find out JB's current address and using DSHS letterhead to send JB a letter. [REDACTED] stated  
23 he used the database to also look up JB's spouse to see if they were still together.

24 2.19 Between April 16 and July 30, 2007, [REDACTED] sent and received multiple e-  
25 mails to a person identified as "Bad Fish" that were of a personal nature. At least one of the e-  
26 mails contained an attachment.



1 2.20 Several word documents were found on [REDACTED] computer related to  
2 personal business. Some of these documents include:

- 3 • A complaint [REDACTED] filed with the Department of Health (DOH) related  
4 to a personal matter regarding his previous employment at St. Joseph  
5 Medical Center Campus. [REDACTED] represented himself as an APS worker  
6 and provided his work phone number as a contact number in this complaint.  
7 The complaint was not related to his position with DSHS. [REDACTED] used  
8 the state fax machine to send the complaint to DOH.
- 9 • A letter dated March 7, 2007 to the Human Resource Director for St. Joseph  
10 Medical Center Campus located in Tacoma, Washington, that [REDACTED]  
11 stored on his computer asking to have restrictions to his access to the facility  
12 removed.

13 2.21 [REDACTED] signed a DSHS New Employee Checklist dated February 2, 2007  
14 acknowledging that he read and understood DSHS Administrative Policy 18.64, "Standard of  
15 Ethical Conduct for Employees," DSHS Administrative Policy 18.60, "Employee  
16 Relationships with DSHS Clients and Vendors," and DSHS Administrative Policy 18.18,  
17 "Employees Holding Outside Employment." He also signed an Employee Assurance of  
18 Confidentiality dated February 1, 2007. In addition [REDACTED] signed an Employee Annual  
19 Review Checklist acknowledging that he read and understood DSHS policies.

### 17 III. CONCLUSIONS OF LAW

18 3.1 The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),  
19 which authorizes the Board to enforce the Ethics in Public Service Act with respect to  
20 employees in the executive branch of state government. The complaint was filed in  
21 accordance with RCW 42.52.410, the Board found reasonable cause pursuant to RCW  
22 42.52.420, and the public hearing was conducted pursuant to RCW 42.52.430 and .500. All  
23 the required procedural notices have been provided.

24 3.2 The Ethics in Public Service Act, chapter 42.52 RCW, governs the conduct of  
25 state officers and employees. A state employee is restricted from having an interest in or  
26 engaging in an activity or transaction that is in conflict with the performance of his official

1 duties, is prohibited from disclosing confidential information to anyone not authorized to  
2 receive it, and is prohibited from using state resources for the private benefit of himself or  
3 others.

4 RCW 42.52.020 states:

5 No state officer or state employee may have an interest, financial or otherwise,  
6 direct or indirect, or engage in a business or transaction or professional activity, or  
7 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.

8 RCW 42.52.040(1) states:

9 Except in the course of official duties or incident to official duties, no state officer  
10 or state employee may assist another person, directly or indirectly, whether or not  
11 for compensation, in a transaction involving the state:

- 12 (a) In which the state officer or state employee has at any time participated; or  
13 (b) If the transaction involving the state is or has been under the official  
14 responsibility of the state officer or state employee within a period of two years  
preceding such assistance.

15 RCW 42.52.070 states:

16 Except as required to perform duties within the scope of employment, no state  
17 officer or state employee may use his or her position to secure special privileges  
18 or exemptions for himself or herself, or his or her spouse, child, parents, or other  
persons.

19 RCW 42.52.160 states:

20 No state officer or state employee may employ or use any person, money, or  
21 property under the officer's or employee's official control or direction, or in his or  
22 her official custody, for the private benefit or gain of the officer, employee or  
another.

23 3.3 [REDACTED] violated RCW 42.52.020 and 42.52.040 when he attempted to  
24 be appointed the guardian for a DSHS client on his caseload or former caseload.  
25  
26

1 3.4 [REDACTED] violated RCW 42.52.070 and 42.52.160 when he  
2 inappropriately shared information with another person regarding an Adult Protective Services  
3 case that had been removed from his caseload.

4 3.5 [REDACTED] violated RCW 42.52.160 when he sent a personal letter to an  
5 individual on DSHS letterhead and used a state fax machine to send a complaint to the  
6 Department of Health regarding his previous employer, neither of which were related to  
7 official business.

8 3.6 Under RCW 34.05.440(2), a party who fails to attend or participate in a hearing  
9 or other stage of an adjudicative proceeding is in default.

10 3.7 Under RCW 42.52.480, the Board may impose a civil penalty of up to \$5,000  
11 per violation or three times the economic value of anything received or sought in violation of  
12 the Ethics in Public Service Act, whichever is greater. The Board may also impose the cost of  
13 investigating the complaint and order restitution for any damages sustained by the state.

14 3.8 In determining the appropriate sanction, including the amount of any civil  
15 penalty, the Board considered the extent or magnitude or severity of the violations, including  
16 the potential liability to the state, under WAC 292-120-030(1)(a). See Exs. 10 and 11.

17 3.9 In determining the appropriate sanction, including the amount of any civil  
18 penalty, the Board determined, under WAC 292-120-030(2), that the nature of the violations:

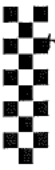
19 (d) Impaired a function of the agency;

20 (e) Tended to significantly reduce public respect for or confidence in state  
government or state government officers or employees; and

21 (f) Involved personal gain or special privilege to the violator.

22 3.10 In determining the appropriate sanction, including the amount of any civil  
23 penalty, the Board considered as a mitigating factor, under WAC 292-120-030(4)(e), that  
24 Respondent was terminated from his employment with DSHS.

25 3.11 Based on the totality of the facts in the record, and utilizing RCW 42.52.480  
26 and WAC 292-120-030 as a guide, the Board finds that an appropriate monetary penalty is



1 \$12,500. This penalty is calculated based on five violations of the Ethics in Public Service  
2 Act, times \$2,500 per violation.

3 **IV. ORDER**

4 4.1 [redacted] is in default for failure to appear at the January 12, 2012  
5 hearing.

6 4.2 Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby  
7 ordered that [redacted] violated the Ethics in Public Service Act as outlined in paragraphs  
8 3.3 through 3.5 above. [redacted] is assessed a monetary civil penalty in the amount of  
9 \$12,500. Payment in full is due within 180 days of the date of this Order.

10 DATED this \_\_\_\_ day of April, 2012.

11  
12 *M. Williams III*  
13 Matthew Williams III, Chair

Lisa Marsh, Vice Chair

14  
15 Nancy Biery, Member

16  
17 **APPEAL RIGHTS**  
18 **RECONSIDERATION OF FINAL ORDER - BOARD**

19  
20 Any party may ask the Executive Ethics Board to reconsider a final order. The  
21 request must be in writing and must include the grounds for reconsideration. The request  
22 must be delivered to Board office within 20 days after the payment date of this  
23 order.

24 The Board is deemed to have denied the request for reconsideration if, within 20 days

25 from the date the request is filed, the Board does not either dispose of the petition for reconsideration.

26

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND FINAL ORDER.

*E A E*

1 \$12,500. This penalty is calculated based on five violations of the Ethics in Public Service  
2 Act, times \$2,500 per violation.

3 **IV. ORDER**

4 4.1 [REDACTED] is in default for failure to appear at the January 12, 2012  
5 hearing.

6 4.2 Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby  
7 ordered that [REDACTED] violated the Ethics in Public Service Act as outlined in paragraphs  
8 3.3 through 3.5 above. [REDACTED] is assessed a monetary civil penalty in the amount of  
9 \$12,500. Payment in full is due within 180 days of the date of this Order.

10 DATED this 9<sup>th</sup> day of April, 2012.

11  
12 Matthew Williams III, Chair



13 Lisa Marsh, Vice Chair

14  
15 Nancy Biery, Member

16  
17 **APPEAL RIGHTS**

18 **RECONSIDERATION OF FINAL ORDER – BOARD**

19  
20 Any party may ask the Executive Ethics Board to reconsider a Final Order. The  
21 request must be in writing and must include the specific grounds or reasons for the request.  
22 The request must be delivered to Board office within 20 days after the postmark date of this  
23 order.

24 The Board is deemed to have denied the request for reconsideration if, within 20 days  
25 from the date the request is filed, the Board does not either dispose of the petition or serve the  
26

1 \$12,500. This penalty is calculated based on violations of five sections of the Ethics in Public  
2 Service Act, times \$2,500 per violation.

3 **IV. ORDER**

4 4.1 [REDACTED] is in default for failure to appear at the January 12, 2012  
5 hearing.

6 4.2 Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby  
7 ordered that [REDACTED] violated the Ethics in Public Service Act as outlined in paragraphs  
8 3.3 through 3.5 above. [REDACTED] is assessed a monetary civil penalty in the amount of  
9 \$12,500. Payment in full is due within 180 days of the date of this Order.

10 DATED this 9th day of April, 2012.

11  
12 Matthew Williams III, Chair

Lisa Marsh, Vice Chair

13  
14   
15 Nancy Biery, Member

16  
17 **APPEAL RIGHTS**

18 **RECONSIDERATION OF FINAL ORDER – BOARD**

19  
20 Any party may ask the Executive Ethics Board to reconsider a Final Order. The  
21 request must be in writing and must include the specific grounds or reasons for the request.  
22 The request must be delivered to Board office within 20 days after the postmark date of this  
23 order.

24 The Board is deemed to have denied the request for reconsideration if, within 20 days  
25 from the date the request is filed, the Board does not either dispose of the petition or serve the  
26

1 parties with written notice specifying the date by which it will act on the petition. (RCW  
2 34.05.470).

3 The Respondent is not required to ask the Board to reconsider the Final Order before seeking  
4 judicial review by a superior court. (RCW 34.05.470).

### 5 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

6 A Final Order issued by the Executive Ethics Board is subject to judicial review under  
7 the Administrative Procedure Act, chapter 34.05 RCW. See RCW 42.52.440. The procedures  
8 are provided in RCW 34.05.510 - .598.

9 The petition for judicial review must be filed with the superior court and served on the  
10 Board and any other parties within 30 days of the date that the Board serves this Final Order  
11 on the parties. (RCW 34.05.542(2)). A petition for review must set forth:

- 12 (1) The name and mailing address of the petitioner;
- 13 (2) The name and mailing address of the petitioner's attorney, if any;
- 14 (3) The name and mailing address of the agency whose action is at issue;
- 15 (4) Identification of the agency action at issue, together with a duplicate copy,  
16 summary, or brief description of the agency action;
- 17 (5) Identification of persons who were parties in any adjudicative proceedings that  
18 led to the agency action;
- 19 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- 20 (7) The petitioner's reasons for believing that relief should be granted; and
- 21 (8) A request for relief, specifying the type and extent of relief requested.

22 Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

### 23 **ENFORCEMENT OF FINAL ORDERS**

24 If there is no timely request for reconsideration, this is the Final Order of the Board.  
25 The Respondent is legally obligated to pay any penalty assessed.

26

1           The Board will seek to enforce a Final Order in superior court and recover legal costs  
2 and attorney's fees if the penalty remains unpaid and no petition for judicial review has been  
3 timely filed under chapter 34.05 RCW. This action will be taken without further order by the  
4 Board.

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