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**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the Matter of:

William Larson,

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 William Larson, 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 William Larson 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 William Larson, 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 William
2 Larson, dated June 6, 2007 (11 pages).
- 3 7. Washington State Patrol, DSHS Special Investigation Report of William
4 Larson, 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 William
14 Larson, by various DSHS employees (3 pages).
- 15 13. Letter from Patricia Lashaway to William Larson 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 William Larson on
19 February 1, 2007 (2 pages).
- 20 15. New Employee Checklist for William Larson, various dates in February
21 and March 2007 (13 pages).
- 22 16. Letter from Dan Owens to William Larson regarding Home Assignment,
23 dated April 2, 2008 (2 pages).
- 24 17. List of Accurint search criteria by login ID Larson WW (1 page).
- 25 18. 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 William Larson 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 William Larson, dated March 28, 2008 (9
pages).
22. Letter from the Certified Professional Guardian Board approving Mr.
Larson 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 William Larson, various dates 1996-2004 (4 pages).
- 2
- 3 25. Personal Emails between William Larson and "Bad Fish," various dates (68 pages).
- 4
- 5 26. DSHS Administrative Policies: 5.01 Privacy Policy, 18.18 Employees Holding Outside Employment, 18.60 Employee Relationships with Clients, Vendors, and Outside Organizations (20 pages).
- 6
- 7 27. Letters from William Larson to Sharon Royne, Director of Employee and Labor Relations, St. Joseph's Medical Center, dated March 7, 2007 (2 pages).
- 8
- 9 28. Letter from Eileen Peterson to Andre Ward, regarding William Larson's complaint to the Department of Financial Institutions, dated October 23, 2007 (4 pages).
- 10
- 11 29. Notice of Dismissal from Dan Owens to William Larson, dated November 3, 2009 (11 pages).
- 12
- 13 30. Deposition of Kurt Owens, dated July 21, 2008 (5 pages).
- 14
- 15 31. Letter from Tanya Pemberton dated January 14, 2008, in support of Stephen B. in her position as Guardian ad Litem for W.B. (1 page).
- 16
- 17 32. Washington State Patrol Administrative Investigation No. D08-808 (6 pages).
- 18
- 19 44. Certified copy of Order Appointing Guardian of Person and Estate, Pierce County Superior Court No. 07-4-00958-5, entered December 20, 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. Mr. Larson 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 William Larson was a Social Worker 3 in the Adult Protection Services Unit
17 within the Tacoma Office of Home and Community Services. In this capacity, Mr. Larson was
18 responsible for investigating allegations of abuse, neglect and exploitation of vulnerable adults.
19 Mr. Larson began his employment with the Tacoma APS Unit on February 1, 2007. Mr.
20 Larson had been a social worker since 1994 in various divisions, including Children's
21 Services.

22 2.2 Mr. Larson was placed on paid home assignment starting March 2008.

23 2.3 On June 6, 2007 at 3:32 p.m., WB¹, 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 ¹ For the privacy of the DSHS clients, initials will be used for identification purposes.

1 2.4 On June 7, 2007, Mr. Larson was assigned to investigate the allegations. Mr.
2 Larson 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, Mr. Larson's 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, Mr. Larson's 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 Mr. Larson contacted Mr. Kurt Owen about the WB financial situation and what
10 it took to change the trustee on a trust. Mr. Larson 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 Mr. Larson 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 Mr. Larson attend.

16 2.8 On June 22, 2007, Mr. Larson 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, Mr. Larson was notified of an investigation concerning
22 inappropriate computer use and subsequently placed on an alternative assignment. On August
23 17, 2007, Mr. Larson was relieved of his APS caseload as a result of an investigation for
24 employee misconduct and reassigned to non-case related duties. Mr. Larson 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, Mr. Larson contacted a court appointed psychologist
2 assigned to evaluate WB's capacity for the guardianship proceeding. Mr. Larson 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 Mr. Larson was
5 no longer assigned to do case work on any case, including the subject case. Mr. Larson 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 Mr. Larson related to client WB. Mr. Larson 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 Mr. Larson 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 Mr. Larson was not made the guardian ad litem for Mr. WB.

17 2.14 On April 2, 2008 Mr. Larson 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. JB² 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 Mr. Larson 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 ² There is no evidence that WB and JB are related.

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

3 2.16 On July 26, 2007, Mr. Larson accessed a confidential DSHS database
4 (Accurint) to obtain information about both VR (Ms. JB's spouse) and JB. On July 25, 2007,
5 Mr. Larson sent a letter to Ms. JB of a personal nature on DSHS letterhead. Mr. Larson 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 Mr. Larson 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 Mr. Larson.

19 2.18 The Washington State Patrol investigated the allegations of Mr. Larson's
20 inappropriate interaction with JB and his personal use of the Accurint database system and the
21 state electronic messaging system. Mr. Larson admitted using the DSHS Accurint database to
22 find out JB's current address and using DSHS letterhead to send JB a letter. Mr. Larson 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, Mr. Larson 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 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 William Larson 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 William Larson 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 William Larson 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:

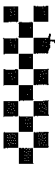
19 (d) Impaired a function of the agency;

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

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

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

26 3.11 Based on the totality of the facts in the record, and utilizing RCW 42.52.480
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 William Larson 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 William Larson violated the Ethics in Public Service Act as outlined in paragraphs
8 3.3 through 3.5 above. Mr. Larson 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. All requests
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.

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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 William Larson 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 William Larson violated the Ethics in Public Service Act as outlined in paragraphs
8 3.3 through 3.5 above. Mr. Larson 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



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 William Larson 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 William Larson violated the Ethics in Public Service Act as outlined in paragraphs
8 | 3.3 through 3.5 above. Mr. Larson 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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