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**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the Matter of:

[REDACTED]

Respondent.

OAH Docket No. 2012-EEB-0003
EEB No. 2010-018

REVISED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER

I. PROCEDURAL HISTORY

1.1 The Executive Ethics Board (Board) staff received an agency referral from the Office of Minority and Women's Business Enterprises (OMWBE) dated March 16, 2010 alleging that [REDACTED] Management Analyst 4, violated the Ethics in Public Service Act, chapter 42.52 RCW, by using state resources (agency time, computer, and email) during work hours to conduct unauthorized and non-agency related activities from June 2008 to March 2, 2010. The Board reviewed the referral and issued a complaint on May 28, 2010.

1.2 On November 12, 2010, the Board found reasonable cause to believe that a violation of the Ethics in Public Service Act occurred.

1.3 A prehearing conference, with all parties participating, was held on May 21, 2012 with an Administrative Law Judge (ALJ) presiding pursuant to RCW 42.52.500.

1.4 After due and proper notice, a hearing was held before the Board. The hearing was held at the Board offices at Bristol Court in Olympia, Washington, convening on March 7, 2013 at 9:00 AM. ALJ Alice L. Haenle from the Office of Administrative Hearings conducted

REVISED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND FINAL
ORDER

1 the proceedings, and Board Chair Lisa Marsh, Vice Chair Anna Dudek Ross, and members
2 Matthew Williams III and Samantha Simmons were present. Also present was Bruce L.
3 Turcott, Assistant Attorney General, legal advisor to the Board.

4 1.5 Board staff was represented by Chad Standifer, Assistant Attorney General.
5 The Board's Executive Director Melanie de Leon and other Board staff members were present.

6 1.6 Respondent [REDACTED] was present and represented by Larry King, attorney at
7 law.

8 1.7 Board Staff offered Exhibits 1-23. All were admitted into evidence. The Board
9 was provided copies of documents that were admitted as exhibits.

- 10 1. Executive Ethics Board Complaint dated March 16, 2010 (5 pages);
- 11 2. Personal documents of [REDACTED] (19 pages);
- 12 3. Personal documents of [REDACTED] (8 pages);
- 13 4. Documents relating to the Hispanic Roundtable (26 pages);
- 14 5. Documents relating to the Hispanic Roundtable Youth Summit - 2009
(568 pages);
- 15 6. Documents relating to the Hispanic Roundtable Youth Summit – 2008
(313 pages);
- 16 7. [REDACTED] Position Description dated September 26, 2008 (5 pages);
- 17 8. [REDACTED] PDP Expectations signed September 26, 2008 (4 pages);
- 18 9. [REDACTED] PDP Evaluation signed December 3, 2008 (3 pages);
- 19 10. [REDACTED] PDP Expectations signed December 3, 2008 (2 pages);
- 20 11. [REDACTED] Outside Employment Form dated June 3, 2008 (2 pages);
- 21 12. [REDACTED] Outside Employment Form dated July 13, 2010 (2 pages);
- 22 13. OMWBE Internet Usage, Computer Software Usage and Electronic E-
Mail Usage Policies signed by [REDACTED] on June 11, 2008 and May 11,
2009 (8 pages);
- 23 14. OMWBE Standards of Ethical Conduct for all OMWBE Employees
24 Policy signed by [REDACTED] on May 11, 2009 (9 pages);
- 25 15. OMWBE Summary of [REDACTED] Computer Files (2 pages);
- 26 16. Executive Ethics Board Preliminary Investigation and Board
Determination dated November 12, 2010 (5 pages);

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- 17. EEB Advisory Opinion 99-02 – Use of State Resources/Non-Profit Entities (4 pages);
- 18. EEB Advisory Opinion 02-01 – Use of State Resources to Conduct Union Business (4 pages);
- 19. Deposition Transcripts of ██████ taken on January 24, 2013 and January 31, 2013 (95 pages);
- 20. ██████ emails relating to Union Business/Activities (8 pages);
- 21. Hispanic Roundtable website documents (38 pages);
- 22. OMWBE Outreach Policies dated October 26, 2009 and January 7, 1992 (2 pages); and
- 23. Letter from Jean Wheat to Cynthia Cooper dated March 11, 2010 (1 page).

1.8 ██████ offered no exhibits.

1.9 The parties did not submit prehearing briefs.

1.10 The proceedings were recorded and open to the public.

1.11 The Board heard the testimony of Melanie de Leon, Cathy Canorro, Les Ling, Jose Diaz, Tom Zviridys, and Jenaro Castaneda.

1.12 The hearing was adjourned on March 7, 2013, and the Board issued its decision on April 16, 2013.

1.13 ██████ subsequently filed a petition for judicial review in Thurston County Superior Court, Case No. 13-2-01086-8. The Court entered Findings of Fact, Conclusions of Law, and Order on February 25, 2014, remanding this matter for the Board to issue a new order in compliance with RCW 34.05.461(3), based on the currently existing administrative record, or to conduct a new hearing.

1.14 Notice was given to the parties of an opportunity to address the Board regarding the remand. Mr. Standifer addressed the Board at its regular meeting on March 14, 2014. Frederick H. Gautschi, III, attorney at law, addressed the Board, representing ██████ at the Board's regular meeting on May 9, 2014.

1 Based on the evidence presented in the currently existing administrative record, the
2 Board enters the following Revised Findings of Fact, Conclusions of Law and Final Order:

3 **II. FINDINGS OF FACT**

4 2.1 [REDACTED] has been employed as a Management Analyst 4 in the OMWBE's
5 Agency Support Unit since June 1, 2008. The objective of this position is to provide technical
6 assistance to state agencies to facilitate development, compliance, and execution of their
7 supplier diversity programs, as well as training and technical assistance to firms to increase their
8 access to opportunities and competitiveness. The position also analyzes agency expenditures
9 and prepares statistical reports to facilitate the agency's mission to "help create and sustain an
10 equitable business environment by promoting the participation, in public contracting and
11 procurement, of all qualified and available businesses owned and controlled by minorities,
12 women and all others who may be socially and economically disadvantaged." Exhibit 7.

13 2.2 The Hispanic Roundtable is a private nonprofit corporation. Its
14 purposes are to improve access to education, community resources and services,
15 economic development, and employment opportunities for the Hispanic population
16 in the South Sound. (Articles of Incorporation, Ex. 21, p.1). The Latino Youth
17 Summit is an annual career, lifestyle, and college conference organized by the
18 Hispanic Roundtable. (Article from The Olympian, Oct. 30, 2008, Ex. 6, p.41)

19 [REDACTED] used agency time and resources, including up to five percent of his work time,
20 agency email, storage of documents on agency computers, and use of the OMWBE logo on
21 fundraising letters, from June 2008 to March 2, 2010, to support, promote, and solicit for outside
22 organizations, the Hispanic Roundtable and its Latino Youth Summits of 2008 and
23 2009. Exhibit 5 contains 568 pages of documents related to planning, organizing,
24 and fundraising for the Latino Youth Summit of 2009 that were stored on [REDACTED]
25 [REDACTED] computer. Exhibit 6 contains 313 pages of documents related to the similar
26 activities for the Latino Youth Summit of 2008. The OMWBE logo was used on

1 correspondence at Exhibit 5, pages 356-58 and 362 and at Exhibit 6, pages 33, 56, 75,
2 108-09, 271, 280-82, and 295. Exhibit 4 contains 26 additional pages of email
3 relating to the Hispanic Roundtable and Latino Youth Summit. [REDACTED] testified
4 regarding his participation in Hispanic Roundtable affairs before and after he was
5 hired by OMWBE, and his deposition was also taken and admitted as an exhibit.
6 (Trans. 86-117 and Ex. 19).

7 Supporting, promoting, and soliciting for outside organizations was not part of
8 [REDACTED] official duties as a state employee, and it would have been outside the
9 authority of his employing agency to authorize the use of state resources in violation
10 of state law. Supporting, promoting, and soliciting for outside organizations is of a
11 different nature than the general "outreach" to the Hispanic community, on behalf of
12 OMWBE, that was reflected as one of the work activities in [REDACTED] position
13 description. (Ex. 7, p.2)

14 2.3 [REDACTED] used agency time and resources, including a state-assigned computer, to
15 store personal and/or private information that was not agency-related on his state computer such as
16 photographs, recipes, personal emails and jokes, and various personal letters. (Exs. 2 and 3).

17 2.4 [REDACTED] used agency time and resources, including a state-assigned computer, to
18 engage in union activities during work hours without permission. Unauthorized union activities
19 include emails to and from [REDACTED] and Joan Gallager of WFSE regarding:

- 20 a. Downgrading a represented position (Ex. 20, p.1);
21 b. All-staff meetings (Ex. 20, p.5); and
22 c. Forwarding the director's email regarding conducting union business without
23 permission during working hours (Ex. 20, pp. 2-4).

24 2.5 On June 11, 2008, [REDACTED] signed the OMWBE Policy regarding
25 Internet Usage, Computer Software Usage and Electronic E-Mail Usage (effective
26 January 30, 2006. On May 11, 2009, [REDACTED] signed the OMWBE Internet Usage,

1 Computer Software Usage and Electronic E-Mail Usage policy (effective January 29,
2 2009) indicating that he read and understood the policy. This policy establishes
3 procedures for authorized use of OMWBE computer systems to communicate outside the
4 agency via the Internet, computer software to perform job duties within the agency and
5 communication outside the office using electronic e-mail, and defines limitations on such
6 usage. This policy notes that state property may not be used:

- 7 a. For the purpose of conducting an outside business, whether or not for profit;
- 8 b. For the purpose of assisting the campaign of any candidate for election to any
9 office, or to oppose or promote a ballot proposition;
- 10 c. For commercial purposes such as advertising or selling; or,
- 11 d. For illegal activities or activities which are incompatible with a professional
12 workplace, such as, but not limited to, accessing adult-oriented websites, gambling on
13 the Internet, or other inappropriate use.

14 2.7 OMWBE's Policy on Standards of Ethical Conduct For All OMWBE
15 Employees (Jan. 29, 2009) states at Section II.E.1.c.ii, "Supporting, promoting the interest of,
16 or soliciting for an outside organization or group" is a violation of the Ethical Conduct Policy.
17 (Ex. 14, p.6) All OMWBE employees are required to review and acknowledge receipt of this
18 Policy.

19 2.8 On May 11, 2009, [REDACTED] signed the OMWBE policy regarding
20 Standards of Ethical Conduct for All OMWBE Employees (effective January 29, 2009).
21 This policy contains a section entitled "Using State Resources" and states in part that the
22 following private uses of state resources are explicitly prohibited by state law or rules:

- 23 a. Conducting an outside business or private employment;
- 24 b. Supporting, promoting the interest of, or soliciting for an outside
25 organization or group except as allowed by law, rule, or OMWBE policy; and
26

1 c. Desk-to-desk or office-to-office solicitations for profit and/or non-profit
2 organizations.

3 **III. CONCLUSIONS OF LAW**

4 3.1 The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
5 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.56 RCW,
6 with respect to employees in the executive branch of state government. The complaint was
7 filed in accordance with RCW 42.52.410, the Board found reasonable cause pursuant to
8 RCW 42.52.420, and an adjudicative proceeding was conducted pursuant to RCW 42.52.430
9 and .500. All the required procedural notices have been provided.

10 3.2 The Ethics in Public Service Act governs the conduct of state officers and
11 employees.

12 3.3 A state employee may not use state resources for the private benefit or gain of
13 another under RCW 42.52.160, which states:

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

17 3.4 The Executive Ethics Board rule relating to use of state resources provides in
18 WAC 292-110-010(5):

19 Prohibited uses.

20 ...
21 (b) Any use for the purpose of supporting, promoting the interests
22 of, or soliciting for an outside organization or group, including, but
not limited to, a private business, or a political party, or supporting,
23 promoting the interests of, or soliciting for a nonprofit organization
unless provided for by law or authorized by an agency head or
designee;

24 ...
25 (e) Any use related to conduct that is prohibited by a federal or
state law or rule, or a state agency policy;

26 3.5 Under RCW 42.52.480, the Board may impose a civil penalty of up to
\$5,000 per violation or three times the economic value of anything received or sought in

1 violation of the Ethics in Public Service Act, whichever is greater. The Board may also
2 impose the cost of investigating the complaint and order restitution for any damages
3 sustained by the state.

4 3.6 RCW 42.52.160 provides that a state employee may not use state resources for
5 the private benefit or gain of himself or another. WAC 292-110-010(5)(b) prohibits the use of
6 state resources to support, promote, or solicit for an outside organization, including a nonprofit.
7 Finally, WAC 292-110-010(5)(e) prohibits any use of state resources in violation of OMWBE
8 policy.

9 As to Finding of Fact 2.2, regarding support of outside organizations, [REDACTED] argues
10 that he was hired to do the same work he was doing before he was hired, his job description
11 provided for outreach to the Hispanic community, and he had his supervisor's approval for
12 XYZ. (Respondent's Opening and Closing Statements, Trans. 16-17 and 140)

13 [REDACTED] was a state employee, a Management Analyst at OMWBE, while he was
14 engaged in planning, organizing, and fundraising activities on behalf of the Hispanic
15 Roundtable and Latino Youth Summits of 2008 and 2009. These activities included significant
16 amounts of [REDACTED] work time, use of agency email, storage of documents on agency
17 computers, and use of the OMWBE logo on fundraising letters, as detailed in Finding of Fact
18 2.2.

19 Although [REDACTED] had been engaged in promotion of the Hispanic Roundtable before
20 he was hired, his role and responsibilities as a state employee during work time were distinct.
21 [REDACTED] position description provides that his position "meets customer requirements by
22 providing professional level technical assistance to state agencies to facilitate development,
23 compliance, and execution of their supplier diversity programs; as well as training and
24 technical assistance to firms to increase their access to opportunities and competitiveness."
25 (Ex. 7, p.2) His supervisor Cathy Canorro also testified to these responsibilities at OMWBE.
26 (Test. of Canorro at 56-57)

1 The position description provided as one of his responsibilities "Hispanic Outreach"
2 (on behalf of OMWBE), but it did not provide for him to use state resources and state time to
3 plan, organize, promote, and support the Hispanic Roundtable and Latino Youth Summits.
4 (Ex. 7, p.2) [REDACTED] Performance and Development Plan Expectations and Evaluation did
5 not reference the Hispanic Outreach component of his work duties. (Exs. 8-10) [REDACTED]
6 submitted outside employment forms noting that he was a Hispanic Roundtable volunteer and
7 they were approved (the 2008 form stated he did not have outside business activity, and the
8 2010 form stated he did have outside business activity), but the agency approval was for
9 activity outside of work time. (Exs. 11 and 12). In summary, OMWBE did not authorize [REDACTED]
10 [REDACTED] to use state resources to support the Hispanic Roundtable, nor could the agency or his
11 supervisors have authorized him to violate the Ethics in Public Service Act or this Board's
12 rules.

13 Based on these facts, the Board finds that [REDACTED] used state resources for the private
14 benefit or gain of outside organizations by supporting, promoting, and soliciting for the
15 Hispanic Roundtable, including the Latino Youth Summits of 2008 and 2009. These actions
16 violated RCW 42.52.160, WAC 292-110-010(5)(b) and (e), and the OMWBE Policies on
17 Internet Usage, Computer Software Usage, and Electronic E-Mail Usage (Jan. 30, 2006 and
18 Jan. 29, 2009) (Ex. 13) and Standards for Ethical Conduct for All OMWBE Employees (Jan.
19 29, 2009) (Ex. 14).

20 As to Finding of Fact 2.4, regarding union activities, [REDACTED] did not address the
21 alleged use of agency time, resources, and computer to engage in unauthorized union activities.
22 (See Respondent's Opening and Closing Statements, Trans. 15-17 and 139-41)

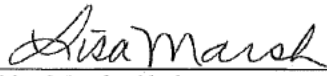
23 It is undisputed that [REDACTED] sent emails to Joan Gallager of Washington Federation of
24 State Employees regarding downgrading a represented position (Ex. 20, p.1), the director's
25 email regarding conducting union business without permission during working hours (Ex. 20,
26 pp. 2-4), and all-staff meetings (Ex. 20, p.5).

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4.2 The amount was calculated as follows: \$5,000 civil penalty for violations of WAC 292-110-010(5)(b) and (e) plus \$4,884 for use of at least five percent of [REDACTED] time on Hispanic Roundtable and related matters. His annual salary during the relevant time period was \$53,285, therefore the monthly salary was \$4,440, and five percent of monthly salary was \$222. The relevant time period covered twenty-two months (June 2008 through March 2010). Therefore, \$222 x 22 months = \$4,884.

DATED this 15th day of June, 2014.

WASHINGTON STATE EXECUTIVE ETHICS BOARD



Lisa Marsh, Chair

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APPEAL RIGHTS

RECONSIDERATION OF FINAL ORDER – BOARD

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

The Board is deemed to have denied the request for reconsideration if, within 20 days from the date the request is filed, the Board does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).

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

FURTHER APPEAL RIGHTS – SUPERIOR COURT

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

Judicial review must be sought with the superior court under Thurston County Case No. 13-2-01086-8, in accordance with the February 25, 2014 Findings of Fact, Conclusions of Law, and Order in that case, and served on the Board and any other parties within 30 days of the date that the Board serves this Final Order on the parties. (RCW 34.05.542(2)). Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

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ENFORCEMENT OF FINAL ORDERS

If there is no timely request for reconsideration, this is the Final Order of the Board.

The Respondent is legally obligated to pay any penalty assessed.

The Board will seek to enforce a Final Order in superior court and recover legal costs and attorney's fees if the penalty remains unpaid and judicial review has not been timely sought under chapter 34.05 RCW. This action will be taken without further order by the Board.

5

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2016 JAN 29 AM 9:23

Linda Myhre Enlow
Thurston County Clerk

- 1 EXPEDITE
- 2 No Hearing Set
- 3 Hearing is Set:
- 4 Date:
- 5 Time:

The Honorable ~~Anne Hirsch~~
Erk Price

EX PARTE

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

[REDACTED]

NO. 13-2-01086-8

Petitioner,

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER ON JUDICIAL REVIEW

v.

WASHINGTON STATE EXECUTIVE
ETHICS BOARD,

~~[PROPOSED]~~

Respondent.

13 This matter came before the Court for trial on August 28, 2015 and December 18, 2015,
 14 on the Second Petition for Judicial Review filed by counsel for Petitioner [REDACTED]
 15 ("Petitioner"), who sought review of the Revised Findings of Fact, Conclusions of Law and
 16 Final Order issued by the Washington State Executive Ethics Board ("Respondent"). The
 17 Respondent was represented by Chad C. Standifer, Assistant Attorney General, and the
 18 Petitioner was represented by Frederick H. Gautschi, III, of Gautschi Law Firm, LLC.

19 The Court, having considered the pleadings filed in this matter, the supporting papers,
 20 and the administrative record on file in this matter, and the argument of counsel, hereby makes
 21 the following:

22 ///

ORIGINAL

1 I. FINDINGS OF FACT

2 1.1 Respondent Washington State Executive Ethics Board entered a final
3 administrative order on April 16, 2013, against Petitioner titled Findings of Fact, Conclusions
4 of Law and Final Order, EEB No. 2010-018 ("Final Order").

5 1.2 The Final Order concluded that the Petitioner violated RCW 42.52.160 and
6 WAC 292-110-010(5)(b) and (e) with respect to his use of state resources. The Board assessed
7 a penalty of \$9,884.

8 1.3 The Petitioner filed a petition seeking judicial review of the Final Order.
9 Following a hearing on that petition for review, the Court concluded that the appropriate
10 remedy was vacate the Final Order and remand the case to the Executive Ethics Board. Upon
11 remand, the Board was ordered to determine whether: 1) it may issue a new Final Order in
12 compliance with RCW 34.05.461(3) based on the administrative record; or 2) a new hearing is
13 required because it deemed issuing a Final Order based on the administrative record not to be
14 possible. The Court retained jurisdiction in the event that the Board decided to issue a new
15 Final Order without holding a new hearing in the matter. The Court concluded that the
16 Petitioner had not prevailed with respect to his request for a declaration that Board staff did not
17 meet its burden of proving he violated the Ethics in Public Service Act, RCW 42.52, and
18 related agency policies.

19 1.4 Following the remand of his matter by the Court, Respondent Washington State
20 Executive Ethics Board entered a final administrative order on June 14, 2015, against
21 Petitioner titled Revised Findings of Fact, Conclusions of Law and Final Order, EEB
22 No. 2010-018 ("Revised Final Order").

23

1 1.5 The Revised Final Order again concluded that the Petitioner violated RCW
2 42.52.160 and WAC 292-110-010(5)(b) and (e) with respect to his use of state resources. The
3 Final Order assessed a penalty of \$9,884.

4 1.6 Following the issuance of the Revised Final Order, the Petitioner then filed a
5 Second Petition for Judicial Review seeking the dismissal of the Board's action. The
6 Petitioner also requested \$25,000 in attorney's fees and expenses in relation to both of his
7 petitions for judicial review in this case.

8 II. CONCLUSIONS OF LAW

9 2.1 The Court has jurisdiction, pursuant to Chapter 34.05 RCW, over the parties
10 and subject matter.

11 2.2 Petitioner has not established he is entitled to relief pursuant to
12 RCW 34.05.570(3) with respect to the Findings of Fact and Conclusions of Law contained in
13 the Final Order, which relate to [REDACTED] violations of RCW 42.52.160 and WAC 292-110-
14 010(5)(b) and (e). The Findings of Fact and the Conclusions of Law are supported by
15 substantial evidence and contain no error of law.

16 2.3 Petitioner has established that he is entitled to relief pursuant to
17 RCW 34.05.570(3) with regard to sections 4.1 and 4.2 of the Final Order. The Respondent
18 erred in concluding that the penalty amount should include \$4,884 based on the calculation
19 contained in the Revised Final Order, which did not have an adequate supporting factual basis.

20 2.4 With the exception noted above, sections 4.1 and 4.2 of the Final Order are
21 otherwise affirmed, such that a penalty of \$5,000 is imposed upon [REDACTED] for his violation of
22 RCW 42.52.160 and RCW 42.52.160 and WAC 292-110-010(5)(b) and (e). RCW 42.52.480
23 authorizes Respondent Washington State Executive Ethics Board to order a payment of a civil

1 penalty of up to five thousand dollars per violation. The Respondent's assessment of a \$5,000
2 penalty in this matter is neither arbitrary nor capricious.

3 2.5 With respect to the Petitioner's first petition for judicial review, he is entitled to
4 attorney's fees pursuant to RCW 4.84.350(1). By virtue of this Court's remand of the matter to
5 the Board, he is a prevailing party within the meaning of RCW 4.84.350(1). In addition, the
6 Board's action in this matter was not substantially justified. The Petitioner is awarded a total
7 \$15,000 in attorney's fees. The Petitioner is also awarded costs of \$378.50, which includes the
8 \$240 filing fee in relation to his first petition for judicial review, and \$138.50 for the
9 transmittal of the agency record in this case.

10 2.6 With respect to the Petitioner's second petition for judicial review, he is not
11 entitled to attorney's fees. The Board's action in this matter was substantially justified, making
12 attorney's fees unavailable to him pursuant to RCW 4.84.350(1). Although he obtained relief
13 in the form of a reduction in the amount of \$4,884 in the penalty levied by the Board, the
14 Board was substantially justified in levying that amount.

15 **III. ORDER**

16 IT IS ORDERED, ADJUDGED AND DECREED that the final decision as set forth in
17 the Revised Final Order of the Washington State Executive Ethics Board, EEB No. 2010-018,
18 made in the above-entitled matter is affirmed with the above stated amendments, and the
19 Petitioner's Second Petition for Judicial Review is hereby dismissed. The Petitioner shall pay

20 ///

21 ///

22 ///


1 the Respondent a civil penalty of \$5,000. The Respondent shall pay attorney's fees and costs
2 to the Petitioner of \$15,378.50.

3 DATED this 29 day of January, 2016.

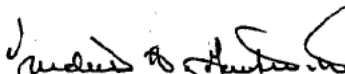
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6 JUDGE
Erik D. Pore

7 Presented by:

8 ROBERT W. FERGUSON
Attorney General

9 
10 CHAD C. STANDIFER, WSBA #29724
11 Assistant Attorney General
Attorneys for Respondent

12 Approved as to form; notice of presentation waived:

13 
14 Frederick H. Gautschi, WSBA #20489
15 Attorney for Petitioner, [REDACTED]

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