

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

[REDACTED]

Respondent.

No. 2014-008

STIPULATED FACTS,  
CONCLUSIONS AND ORDER

**I. STIPULATION**

THIS STIPULATION is entered into under WAC 292-100-090(1) between the Respondent, [REDACTED] and Board Staff of the WASHINGTON STATE EXECUTIVE ETHICS BOARD (Board) through Kathryn Wyatt, Acting Executive Director. The following stipulated facts, conclusions, and agreed order will be binding upon the parties if fully executed, and if accepted by the Board without modification(s), and will not be binding if rejected by the Board, or if the Respondent does not accept the Board's proposed modification(s), if any, to the stipulation.

**Section 1: PROCEDURAL FACTS**

1.1. On February 19, 2014, the Executive Ethics Board (Board) received a complaint against [REDACTED] Unit Supervisor for the Washington State Department of Social and Health Services (DSHS) alleging that she may have violated one or more sections of the Ethics in Public Service Act. The Board initiated the investigation on March 14, 2014.

1.2. The Board is authorized under RCW 34.05.060 to establish procedures for attempting and executing informal settlement of matters in lieu of more formal proceedings

under the Administrative Procedures Act, including adjudicative hearings. The Board has established such procedures under WAC 292-100-090.

1.3. [REDACTED] understands that if Board staff proves any or all of the alleged violations at a hearing, the Board may impose sanctions, including a civil penalty under RCW 42.52.480(1)(b) of up to \$5,000, or the greater of three times the economic value of anything received or sought in violation of chapter 42.52 RCW, for each violation found. The Board may also order the payment of costs, including reasonable investigative costs, under RCW 42.52.480(1)(c).

1.1. [REDACTED] recognizes that the evidence available to the Board staff is such that the Board may conclude she violated the Ethics in Public Service Act. Therefore, in the interest of seeking an informal and expeditious resolution of this matter, the parties agree to entry of the stipulated findings of fact, conclusions of law and agreed order set forth below.

1.2. [REDACTED] waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or her acceptance of any modification(s) proposed by the Board, pursuant to the provisions of WAC 292-100-090(2) which provides 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 the respondent, the board shall 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 modifications to the stipulation, the normal process will continue. The proposed stipulation and information obtained during formal settlement discussions shall not be admitted into evidence at a subsequent public hearing.

1.3. If the Board accepts this stipulation, the Board will release and discharge [REDACTED] from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in the complaint in this matter, subject to payment of the full amount of the civil penalty due and owing, any other costs imposed, and compliance with all other terms and conditions of the agreed order. [REDACTED] in turn 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 agreed order.

1.4. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between [REDACTED] and the Washington State Executive Ethics Board, the State of Washington, or other third party, which may be filed in the future.

1.5. If this Stipulation is accepted, this Stipulation and Order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

1.6. If the Board rejects this stipulation, or if [REDACTED] does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing in front of the Board and [REDACTED] waives any objection to participation by any Board member at any subsequent hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, [REDACTED] understands and agrees that this proposed stipulation and information obtained during any formal settlement discussions held between the parties shall not be admitted into evidence at a subsequent public hearing, unless otherwise agreed by the parties.

## Section 2: FINDINGS OF FACT

2.1. [REDACTED] was a unit supervisor in Region 3, DSHS, for all times pertinent to this investigation.

2.2. The complaint alleges that [REDACTED] acted in ways incompatible with her public duties and that she provided a special privilege to a family member in obtaining a position within DSHS, a position in which [REDACTED] was the direct supervisor.

2.3. [REDACTED] became aware that her sister-in-law was applying for an open position within her unit when she received a list of qualified candidates from the Human Resources (HR) Division of DSHS.

2.4. [REDACTED] and her supervisor interviewed the top three candidates identified by HR. [REDACTED] sister-in-law was one of the top three.

2.5. [REDACTED] indicated that she was recently married, which created the sister-in-law relationship. [REDACTED] indicated that she did not know the sister-in-law prior to her marriage.

2.6. [REDACTED] failed to advise her supervisor of the relationship during the course of the interview process or after her sister-in-law was hired and working for her. She further stated that she did not believe that her husband's, brother's wife was her sister-in-law therefore, she did not feel there was a reason to recuse herself from the hiring process or notifying her supervisor.

2.7. The investigation revealed that the sister-in-law went through the normal hiring process and was not afforded any special privilege in that process.

2.8. [REDACTED] failed to notify her supervisor of the relationship during the hiring process and for the time she supervised the sister-in-law. The sister-in-law worked under Ms. [REDACTED] supervision for two weeks, October 1 through October 15, 2013, before she was hired into a new position within DSHS.

### Section 3: CONCLUSIONS OF LAW

3.1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over [REDACTED] and over the subject matter of this complaint.

3.2. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein, subject to Board approval.

3.3. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from conducting activities incompatible with their public duty (Conflict of Interest). RCW 42.52.020 states:

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

3.4. Based on Findings of Fact 2.1 through 2.8 [REDACTED] conducted activities incompatible with her public duty in violation of RCW42.52.020.

3.5. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360. The Board has set forth criteria in WAC 292-120-030 for imposing sanctions and consideration of any mitigating or aggravating factors.

#### **Section 4: AGGRAVATING AND MITIGATING FACTORS**

In determining the appropriateness of the civil penalty, the Board reviewed the criteria in WAC 292-120-030. Aggravating factors are that [REDACTED] was in a supervisory position within the DSHS; these types of violations significantly reduce the public respect and confidence in state government employees. It is a mitigating factor that [REDACTED] recent marriage created the relationship and at the time [REDACTED] did not believe, that her husband brothers wife, was now her sister-in-law, therefore, she did not believe there was a requirement to notify her supervisor making any violation of the ethics act unintentional.

**Section 5: AGREED ORDER**

[REDACTED] concedes that if the case went to a hearing, the Board could find that she did act incompatible to her public duties in the hiring of her sister-in-law. The parties agree that [REDACTED] will accept a letter of instruction from the Board as the appropriate and sole action taken by the Board. Included, as part of the letter of instruction is a requirement that Ms. [REDACTED] completes the On-Line Ethics Challenge with a score of 90 percent or higher. The parties further agree that no civil penalties, damages, costs or other monetary or non-monetary sanctions will be imposed or sought by the Board against [REDACTED] stemming from the complaint for case 2014-008.

**CERTIFICATION**

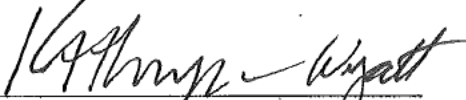
I, [REDACTED] hereby certify that I have read this Stipulation and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. I knowingly and voluntarily waive my right to a hearing in this matter; and if the Board accepts the Stipulation and Agreed Order, I understand that I will receive a signed copy.

[REDACTED]

07-02-2014

Respondent

Stipulated to and presented by:

  
Evelyn Fielding-Lopez Date 7-9-14  
Acting Executive Director  
Kathryn Wyatt

**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

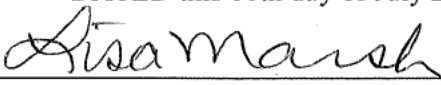
Respondent approves\* the following modification(s):

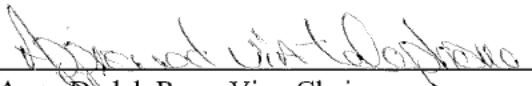
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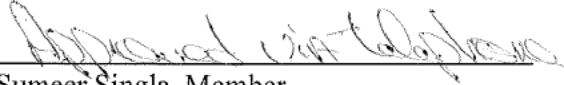
DATED this 11th day of July 2014.


  
\_\_\_\_\_  
Lisa Marsh, Chair

  
\_\_\_\_\_  
Anna Dudek Ross, Vice-Chair

  
\_\_\_\_\_  
Matthew Williams III, Member

  
\_\_\_\_\_  
Samantha Simmons, Member

  
\_\_\_\_\_  
Sumeer Singla, Member

\* I,  accept/do not accept (circle one) the proposed modification(s).

 Respondent                      Date