

1 **BEFORE THE WASHINGTON STATE**
2 **EXECUTIVE ETHICS BOARD**

3 In the Matter of:

EEB Case No. 2014-064

4 Sarah Barron,

FINAL ORDER

5 Respondent
6

7 **I. PROCEDURAL HISTORY**

8
9 On March 18, 2016, the Executive Ethics Board (Board) found reasonable cause to
10 believe that the Respondent, Sarah Barron, violated the Ethics in Public Service Act while
11 employed with the Employment Security Department (ESD). Notice of the Reasonable Cause
12 Determination and the right to request a hearing was served upon Ms. Barron by regular mail
13 and certified mail on March 18, 2016. Ms. Bates failed to respond to the Reasonable Cause
14 Determination within 30 days as required by WAC 292-100-060(2).

15 The Board entered an Order of Default on September 9, 2016. On September 12, 2016,
16 Board staff provided Ms. Bates with notice of the Board's Order of Default by regular and
17 certified mail.

18 Pursuant to WAC 292-100-060(4) Ms. Bates was allowed 10 days to request vacation
19 of the Order of Default. Ms. Bates has not moved to vacate the order entered on September 9,
20 2016.

21 **II. FINDINGS OF FACT**

22 1. Ms. Barron was hired by ESD in 2008. In June of 2014 she was working as an
23 Unemployment Specialist 4.

24 2. On June 13, 2014, Ms. Barron was terminated from state service for failing to
25 meet her trial service performance expectations.
26

1 3. On June 27, 2014, she requested personal pictures stored on her work computer
2 be retrieved and given to her. Upon review by ESD it was revealed that Ms. Barron had an
3 excessive amount of personal data stored on her state computer. On July 9, 2014, Ms.
4 Barron's internet history was reviewed by ESD. The internet history revealed that Ms. Barron
5 had frequently visited non-work related internet sites.

6 4. The ESD internal investigation revealed the following non-work related internet
7 history and data activities found on Ms. Barron's work computer hard drive:

- 8 • Ms. Barron used agency time and resources to for non-work related activities
9 via the internet on topics such as news, society and culture, shopping, streaming
10 videos, real estate, social networking, dining and drinking, health and
11 nutrition, courts and inmates, hobbies, and entertainment.
- 12 • Ms. Barron stored personal photographs (approximately 64.9 MB) on her
13 agency assigned computer and network.
- 14 • Ms. Barron stored a movie, "Dodge Ball," (approximately 4.4 MB) on her
15 agency assigned computer and network.
- 16 • Ms. Barron stored music files (682.9 MB) on her agency assigned computer
17 and network that appeared to have been ripped from the original compact disc
18 (CD) or from a peer-to-peer file sharing.
- 19 • Ms. Barron stored personal documents (approximately 2.1 MB) on her agency
20 assigned computer and network, including:
 - 21 ○ personal rental assistance and payment arrangement;
 - 22 ○ bridal shower invitations for her daughter;
 - 23 ○ a letter to a prosecuting attorney regarding her son;
 - 24 ○ returning an item to the store for a refund;
 - 25 ○ recipe request cards for her daughter;
 - 26 ○ a letter requesting to use "Friends" theme and names when opening a

1 business;

- 2 ○ burial concerns for her parents;
- 3 ○ an employment application and cover letter for her husband;
- 4 ○ information regarding her son's football league;
- 5 ○ letter inquiring about a money order that was stolen/cashed;
- 6 ○ a religious document;
- 7 ○ songs and poems; and
- 8 ○ t-shirt order form for a team named "sister wives."

9 5. Board staff was unable to verify the actual content of the documents found on
10 Ms. Barron's computer by ESD. Several of the document appeared to have been last modified
11 in 2009.

12 6. Based on the documents provided by ESD it appears that for the period of April
13 15 through June 11, 2014, Ms. Barron frequently accessed the internet to view the sites
14 mentioned above.

15 7. There are 55 work days in the period of April 15 through June 11, 2014. On 26
16 of those days Ms. Barron accessed the internet for a minimum combined time of 8 hours and
17 15 minutes. On ten of those days she spent over 15 minutes per day on the internet. On five
18 of the ten days she spent over 30 minutes per day on the internet. On May 19, 2014 she spent
19 over two hours visiting internet site such as diamondlinedelivery.com, US Bank locations,
20 highline.edu, onetonline.org and Virtualearth.com.

21 III. CONCLUSIONS OF LAW

22 1. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states:

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

1 **V. AUTHORITY AND PROCEDURE**

2 Pursuant to RCW 34.05.470, Respondent has the right to file a Petition for
3 Reconsideration stating the specific grounds upon which relief is requested. The Petition must
4 be filed with the Executive Ethics Board at 2425 Bristol Court SW, Olympia, Washington
5 98504, or by U.S. Mail at P.O. Box 40149, Olympia, Washington 98504-0149, within ten (10)
6 days of service of the Final Order upon Respondent.

7 The Petition for Reconsideration shall not stay the effectiveness of this order nor is a
8 Petition for Reconsideration a prerequisite for seeking judicial review in this matter. A timely
9 Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
10 petition is filed, the Board does not (a) dispose of the petition or (b) serve the parties with a
11 written notice specifying the date by which it will act on a petition.

12 Respondent has the right to petition the superior court for judicial review of the Board's
13 action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition
14 for Judicial Review, see RCW 34.05.510 and sections following.

15 DATED this 18th day of November, 2016

16
17
18 absent
19 Anna Dudek Ross, Chair

Lisa Marsh
Lisa Marsh, Member

20
21 SJ
22 Samantha Simmons, Vice-Chair

absent
Sumeer Singla, Member

23
24
25 _____
John Ladenburg, Member