

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

3 In the Matter of:

EEB Case No. 2014-064

4 **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 [REDACTED], 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 [REDACTED] by regular mail  
13 and certified mail on March 18, 2016. [REDACTED] 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 [REDACTED] with notice of the Board's Order of Default by regular and  
17 certified mail.

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

21 **II. FINDINGS OF FACT**

22 1. [REDACTED] 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, [REDACTED] was terminated from state service for failing to  
25 meet her trial service performance expectations.

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 [REDACTED] had an  
3 excessive amount of personal data stored on her state computer. On July 9, 2014, Ms.  
4 [REDACTED] 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 [REDACTED] work computer hard drive:

- 8           •       [REDACTED] 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, dinning and drinking, health and  
11 nutrition, courts and inmates, hobbies, and entertainment.
- 12           •       [REDACTED] stored personal photographs (approximately 64.9 MB) on her  
13 agency assigned computer and network.
- 14           •       [REDACTED] stored a movie, "Dodge Ball," (approximately 4.4 MB) on her  
15 agency assigned computer and network.
- 16           •       [REDACTED] 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           •       [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 2. Under WAC 292-110-010 (use of state resources) state employees may use state  
2 resources for personal use as long as the use is reasonably related to the conduct of the state  
3 employees; authorized by an agency head or designee as related to an official state purpose; or  
4 for a specific use that promotes organizational effectiveness or enhances job-related skills.  
5 Additionally, state employees are allowed occasional but limited use of state resources as long  
6 as the following conditions are met:

- 7 (i) There is little or no cost to the state;  
8 (ii) Any use is brief;  
9 (iii) Any use occurs infrequently;  
10 (iv) The use does not interfere with the performance of any officer's or  
11 employee's official duties; and  
12 (v) The use does not compromise the security or integrity of state  
13 property, information, or software.

14 3. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction  
15 over ██████████ and over the subject matter of this complaint.

16 4. Based on the evidence included in the SAO investigation, ██████████ used state  
17 computer resources for her private benefit or gain in violation of RCW 42.52.160. Ms.  
18 ██████████ activities do not meet the permitted uses or exception for the use of state resources as  
19 provided for in WAC 292-110-010.

20 5. The Board is authorized to impose sanctions for violations to the Ethics Act  
21 pursuant to RCW 42.52.360.

22 6. In determining the appropriateness of the civil penalty, the criteria in WAC 292-  
23 120-030 have been reviewed.

#### 24 **IV. FINAL ORDER**

25 Based on the foregoing:

26 IT IS HEREBY ORDERED Respondent ██████████ is liable for and shall pay a civil  
penalty of one thousand five hundred dollars (\$1,500). The payment shall be made to the  
Executive Ethics Board within forty-five (45) days of this Order.

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 18<sup>th</sup> 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