BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of: Jeremy Williams
Respondent

EEB Case No. 2014-088
FINAL ORDER

I. PROCEDURAL HISTORY

On July 8, 2016, the Executive Ethics Board (Board) found reasonable cause to believe that the Respondent, Jeremy Williams, violated the Ethics in Public Service Act while employed with the University of Washington Medical Center. Notice of the Reasonable Cause Determination and the right to request a hearing was served upon Mr. Williams by regular mail and certified mail on July 11, 2016. Mr. Williams failed to respond to the Reasonable Cause Determination within 30 days as required by WAC 292-100-060(2).

The Board entered an Order of Default on November 18, 2016. On November 22, 2016, Board staff provided Mr. Williams with notice of the Board’s Order of Default by regular and certified mail. On December 6, 2016, Board staff received the certified mail receipt showing that Mr. Williams took possession of the Board’s Order of Default on December 2, 2016. Pursuant to WAC 292-100-060(4), Mr. Williams was allowed 10 days to request vacation of the Order of Default. Mr. Williams has not moved to vacate the order entered on November 18, 2016.

II. FINDINGS OF FACT

1. On November 22, 2014, the Executive Ethics Board (Board) received a complaint referred by the State Auditor’s Office (SAO) alleging that Jeremy Williams (Mr. Williams), former Anesthesia Technician at the University of Washington Medical Center
(UWMC), may have violated the Ethics in Public Service Act by using state resources for his personal outside business.

2. Mr. Williams was hired by UWMC on July 14, 2008. For all times pertinent to this investigation Mr. Williams worked at UWMC as an Anesthesia Technician.

3. The SAO whistleblower complaint alleged that Mr. Williams was using state computer resources and time to support and promote his outside business in bodybuilding; Williams Productions and NW Fitness magazine.

4. Upon receiving the whistleblower complaint the SAO obtained three work computer hard drives, reviewed emails, and interviewed co-workers. Two of the three computer hard drives were from computers available to all UWMC Anesthesiology staff located within UWMC. The third computer hard drive was from the work computer of Erica Ingbretsen (Ms. Ingbretsen), Anesthesia Manager at UWMC, and Mr. Williams’ direct supervisor. Anesthesiology staff members are not assigned individual computer workstations.

5. Because of the shared use of computer log-ins, the SAO limited their search to internet activities where Mr. Williams’ business sites were accessed through a site administrator log in. The SAO limited the search period to January 1 through December 31, 2013. The search revealed the following evidence:

- A web building site, “sitebuilders.com,” accessed using a site administrator log-in on three days for a total of 68 minutes.
- Mr. Williams’ business magazine, “NWFitnessMagazine,” accessed using a site administrator log-in on one day for 20 minutes.
- Washington State Bodybuilders website accessed on one day for 20 minutes.
- Photo and Blog site, “dlsnapshot.wordpress.com,” accessed using an administrator log-in to upload photos and make edits to the site. Most of the upload and edits were regarding “NPC- Washington-State-Bodybuilding” for a total amount of 24 minutes.
6. Mr. Williams informed the SAO investigators that his former business partner, Thomas Griffin (Mr. Griffin), who also works in the UWMC Anesthesiology Department, had administrative right to these websites and that it was his former partner who accessed the sites referenced above.

7. Mr. Williams’ work schedule was Monday, Tuesday, and Wednesday, 6:00 am to 6:30 pm. Mr. Griffin’s work schedule was Thursday and Friday, 6:00 am to 6:30 pm. The site visits documented above occurred on days Mr. Williams was working, not when Mr. Griffin was scheduled to work.

8. Mr. Griffin told SAO investigators that he was a former business partner of Mr. Williams and that he assisted Mr. Williams in creation of his first website, but that Mr. Williams has a new website that he did not help with. As far as Mr. Griffin knew, Mr. Williams used his personal devices (laptop, cell phone) to conduct work on the website during work hours. Mr. Griffin acknowledged that Mr. Williams was using the UWMC internet network to conduct work on his business website during the hours of work at UWMC.

9. In addition to the internet history, the SAO reviewed emails from Mr. Williams’ UW email folder from 2009 through November 18, 2013. The following is a summary of the number of emails found related to Mr. Williams’ outside businesses:

- 37 emails related Mr. Williams’ business in 2013.
- 66 emails related Mr. Williams’ business in 2012.
- 65 emails related Mr. Williams’ business in 2011.
- 24 emails related Mr. Williams’ business in 2010.

10. In addition to using his UW email account for his personal business, Mr. Williams also used the UW email system for other personal use such as sending and receiving personal photos, videos, contacting sellers on Craigslist, receiving purchase confirmations for purchases made on eBay, and sending divorce and loan documentation.
11. Board staff reviewed Mr. Williams’ emails for the period of January 2, 2010 through December 2, 2013. The following is a summary of the number of emails that were determined to be personal or business related:

- Craigslist — 15
- NW Fitness Magazine — 83
- Williams Productions — 144
- Tonia Williams (personal) — 61
- Personal loan — 111
- Other personal — 22
- Stock market alerts — 95

12. Co-workers of Mr. Williams told SAO investigators that Mr. Williams spent a lot of time working on his outside business but that he would use his personal phone and laptop. They knew he was working on his outside business because it was all he talked about.

III. CONCLUSIONS OF LAW

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

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

2. Under WAC 292-110-010 (use of state resources) state employees may use state resources for personal use as long as the use is reasonably related to the conduct of the state employees; authorized by an agency head or designee as related to an official state purpose; or for a specific use that promotes organizational effectiveness or enhances job-related skills. Additionally, state employees are allowed occasional but limited use of state resources as long as the following conditions are met¹:

   (i) There is little or no cost to the state;
   (ii) Any use is brief;
   (iii) Any use occurs infrequently;
   (iv) The use does not interfere with the performance of any officer’s or employee’s official duties; and

¹ The rule was amended effective April 1, 2016. This language reflects the rule as in effect during the time of the allegations above.
(v) The use does not compromise the security or integrity of state property, information, or software.

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

4. Based on the evidence included in the SAO investigation, Mr. Williams used state computer resources for his private benefit or gain in violation of RCW 42.52.160. Mr. Williams' activities do not meet the permitted uses or exception for the use of state resources as provided for in WAC 292-110-010.

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

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

IV. FINAL ORDER

Based on the foregoing:

IT IS HEREBY ORDERED Respondent Jeremy Williams is liable for and shall pay a civil penalty of three thousand dollars ($3,000). The payment shall be made to the Executive Ethics Board within forty-five (45) days of this Order.

V. AUTHORITY AND PROCEDURE

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

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

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

DATED this 24th day of March, 2017

Anna Dudek Ross, Chair
Lisa Marsh, Member

Samantha Simmons, Vice-Chair
John Ladenburg Sr., Member

FINAL ORDER
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