

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

3 In the Matter of:

EEB Case No. 2015-049

4 Tommy Vu,

FINAL ORDER

5 Respondent  
6

7 **I. PROCEDURAL HISTORY**  
8

9 On March 24 2017, the Executive Ethics Board (Board) found reasonable cause to  
10 believe that the Respondent, Tommy Vu (Mr. Vu), violated the Ethics in Public Service Act  
11 while employed as the Director of Public Safety at Bellevue College. Notice of the Reasonable  
12 Cause Determination and the right to request a hearing was served upon Mr. Vu by regular mail  
13 and certified mail on March 24, 2017. Board staff and Mr. Vu were unable to come to a  
14 settlement agreement and on January 23, 2018 Mr. Vu's case was transferred to AAG Chad  
15 Standifer to set the case for hearing.

16 The Office of Administrative Hearing (OAH) mailed proper notice to Mr. Vu on  
17 February 15, 2018, for a prehearing conference scheduled for Wednesday, February 28, 2018.  
18 The notice containing the following instructions:

19 **You must call in to the conference. If you fail to call in, the administrative**  
20 **law judge may hold you in default and dismiss your appeal. RCW**  
21 **34.05.440(2).**

22 As per the Notice of Prehearing Conference, Administrative Law Judge TJ Martin convened  
23 the prehearing conference on Wednesday, February 28, 2018 at 10:00 a.m. The Respondent,  
24 Tommy Vu, did not appear. At 10:15 a.m., when no one appeared on behalf of Tommy Vu, the  
25 Executive Ethics Board Staff, represented by Chad Standifer, Assistant Attorney General,  
26 moved for a default order.

1 Administrative Law Judge TJ Martin granted the Board staff's motion for default for  
2 the Respondent Tommy Vu's failure to appear for the prehearing conference, under RCW  
3 34.05.440(2). The written order confirms that verbal ruling.

4 On Monday March 5, 2018, OAH provided Mr. Vu with notice of the OAH's Order of  
5 Default by regular and certified mail.

6 Pursuant to RCW 34.05.440 (3), Mr. Vu had seven (7) days to request vacation of the  
7 Order of Default. Mr. Vu has not moved to vacate the order entered on March 5, 2018.

## 8 II. FINDINGS OF FACT

9 1. The Executive Ethics Board (Board) received two separate complaints from  
10 different complainants. Complaint #1, submitted on September 13, 2015, involves a single  
11 incident where it is alleged that Mr. Vu used his position as Director of Public Safety to have  
12 one of his subordinates provide personal transportation for him.

13 2. Complaint #2, filed June 10, 2015, alleges that during a two to three year period,  
14 while serving as the Director of Public Safety, Mr. Vu engaged in activities that were  
15 incompatible with public duties and that he used state resources for private gain. It also alleges  
16 that he provided himself special privileges when he used the complainant, who was under his  
17 supervision, to sell his personal property as well as state property that belonged to Bellevue  
18 College.

19 3. Mr. Vu worked for Bellevue College Public Safety since 2003. He formerly held  
20 the positions of Officer, Assistant Director and Interim Director of Public Safety. He was hired  
21 as the full-time Director of Public Safety in February 2012. For all times pertinent to this  
22 investigation, Mr. Vu was employed as either the Interim Director or Director of the Public  
23 Safety Department.

24 4. Mr. Vu resigned his position as Public Safety Director at Bellevue College in  
25 November 2016 and is no longer employed in state service.

1           5.       Complaint #1 involves an incident that occurred during a weekend in October  
2 2013. The complainant alleged that while employed as a public safety officer and working a  
3 weekend graveyard shift at Bellevue College, they received a phone call from Mr. Vu who told  
4 them he was at Overlake Hospital and requested them to pick him up from the hospital and drive  
5 him to his home. The complainant said they were the only officer working campus security at  
6 the time of the call. They said they were hesitant about leaving campus but felt they could not  
7 refuse the request from Mr. Vu.

8           6.       They said they left campus and drove their personal vehicle to Overlake  
9 Hospital, picked up Mr. Vu and drove him to his residence. They said when Mr. Vu saw they  
10 were driving their personal vehicle he asked them why they had not driven one of the Public  
11 Safety vehicles. They reminded him that an earlier email had been disseminated to officers/staff  
12 advising them that the two security vehicles had been "dead lined" and were not to be driven  
13 until further notice. The complainant said Mr. Vu did not seem to know what they were referring  
14 to in regards to the campus vehicles being dead lined.

15           7.       The complainant told Board staff they do not live in Bellevue and other than  
16 their commute to Bellevue College; they were not very familiar with the surrounding area. They  
17 said the only route they knew to get to Overlake Hospital was via the freeway rather than surface  
18 streets, so it took them approximately 20 minutes to drive to the hospital. Google maps indicate  
19 the distance to the hospital from campus is approximately 5.2 miles with an average drive time  
20 of 12-14 minutes.

21           8.       After picking up Mr. Vu at the hospital, he directed them how to drive from the  
22 hospital to his home without taking the freeway. They said Mr. Vu lived approximately 5-6  
23 blocks from the Bellevue College campus. They described Mr. Vu's residence as a condo or  
24 townhome, light colored, possibly light blue, tan or white.

1           9.       The complainant provided Board staff with a copy of an internal email dated  
2 October 1, 2013 from a Sergeant with Bellevue Public Safety Department. The subject line  
3 reads: VEHICLES DEADLINED IMPORTANT!! The email directs officers not to drive the  
4 campus security vehicles until further notice and advises them to patrol on foot or use the utility  
5 vehicle.

6           10.      Board staff reviewed the complainant's work schedule for October 2013, which  
7 indicated they had worked three weekend graveyard shifts during that month; October 5-6,  
8 October 12-13 and October 19-20. The complainant felt that the incident occurred on either the  
9 first or the second weekend of October 2013. They were not sure why Mr. Vu had been at the  
10 hospital.

11          11.      In an interview with Board staff, Mr. Vu denied the allegation that he had used  
12 one of his on-duty officers to drive him home. He said he thought there was one occasion in the  
13 past when he was at Overlake Hospital and had to review some reports that he could not access  
14 on his portable tablet. He asked an on-duty officer to print and bring him hard copies of the  
15 needed report. Mr. Vu confirmed he has been at Overlake Hospital on several occasions over  
16 the years for a family member who was ill, but he could not recall seeking treatment for himself  
17 or an incident described by the complainant where he had asked one of his on-duty officers to  
18 transport him home.

19          12.      In Complaint #2, the complainant was hired as a part-time Public Safety Officer  
20 in October 2010. In January 2011, they were approached by Mr. Vu, who at the time was the  
21 Interim Director. Mr. Vu inquired about them selling some of his (Mr. Vu's) personal property  
22 online, either through EBay or Craigslist. They told Board staff since they were relatively new  
23 and only a part-time employee, and hoping for full-time work, they did not feel they could turn  
24 down Mr. Vu's request.

1 13. The complainant told Board staff Mr. Vu was aware they sold items part-time  
2 online, because Mr. Vu had been part of their hiring panel and it had been mentioned during the  
3 interview they had a small business selling used items online. They said they usually received  
4 a 30% commission when they sold items for friends, but Mr. Vu negotiated them into accepting  
5 a 15% commission. Mr. Vu suggested the complainant have a yard sale to sell more items, but  
6 they declined to do so.

7 14. The complainant provided Board staff with a written record of some of the items  
8 sold for Mr. Vu. The documentation includes; item sold, date of sale, the sale price, and any fees  
9 associated with the sale. Below is a partial list of some of the items they said they sold online  
10 for Mr. Vu:

- 11 • Casio Piano \$160.00
- 12 • Fender guitar/amp \$130.00
- 13 • Dewalt Drill \$110.00
- 14 • Gucci Purse \$140.00
- 15 • Burberry Purse \$180.00
- 16 • 8gb and 16gb iPod \$120.00/\$80.00
- 17 • Samsung Netbook \$150.00
- 18 • Flashlights (2) \$50.00
- 19 • Flashlights/charger (4) \$150.00
- 20 • Flashlights (2) \$150.00

21 15. During the Board staff's interview with Mr. Vu, he was shown this record of  
22 items sold by the complainant. Mr. Vu acknowledged that the complainant had sold a number  
23 of his personal items for him. He recognized a number of items on the list as his property that he  
24 had asked the complainant to sell for him. He identified the Casio piano and Fender guitar and  
25 amp as items that belonged to his daughter. He also recognized the purses and iPods as his  
26 property. He acknowledged the complainant had sold a number of tools for him but was unsure  
about the Dewalt drill.

16 16. Mr. Vu told Board staff there have been many times during his tenure as both  
17 Interim Director and Director when he has gone out of his way to help his employees. He gave

1 examples of buying meals for employees and paying for office celebrations out of his own  
2 pocket. He acknowledged he has used employees to help him move but said he is always willing  
3 to assist his employees with their moves and has volunteered on weekends in the past to do so.  
4

5 17. The complainant said he regretted agreeing to sell Mr. Vu's property and had  
6 hinted on a number of occasions to Mr. Vu that he did not want to continue. At one point, Mr.  
7 Vu seemed to agree and told them to keep many of the unsold items he had as payment for  
8 services, but he asked him to return the power tools back to him at Bellevue College. The  
9 complainant returned several power sanders, a radial saw and some drills. Later they observed  
10 the returned tools in the maintenance building storage area on campus. The complainant also  
11 saw the tools had been moved to the metal storage cage inside the parking garage on campus  
12 where an officer was inventorying items. He heard the officer ask Mr. Vu by radio if the tools  
13 should be included in the Bellevue College inventory. Mr. Vu told him that they should, and to  
14 tag the tools as Bellevue College property. Board staff was unable to speak with the officer to  
15 confirm this.  
16

17 18. The complainant told Board staff online sales are a lot of work and the volume of  
18 Mr. Vu's property was demanding too much of his time. When ads and photos are placed, they  
19 must be updated if the item does not sell and there is usually a small fee involved to update.  
20 Transactions may involve a number of emails and phone calls back and forth to the potential  
21 buyer to negotiate or arrange a time and location to show the item. They said it got to the point  
22 where they were spending a large part of their weekends dealing with sales of items for Mr. Vu.  
23 They did not want to continue but were reluctant to refuse him. They essentially tried to avoid  
24  
25  
26

1 discussing the subject with Mr. Vu or receiving any additional property from him. Eventually  
2 they "put their foot down" and told him they did not want to continue selling his items any longer.

3 19. The complainant told Board staff that Mr. Vu did not want to be paid in small  
4 amounts after every transaction, so he told them to keep the money from sales until the amount  
5 reached approximately \$1,000. The complainant thought they made three separate payments to  
6 Mr. Vu for sold items totaling approximately \$2,700.

7  
8 20. In March 2013, Mr. Vu approached the complainant and requested they sell his  
9 1991 Dodge Caravan online for him. They said the conversation occurred during work hours, on  
10 the Bellevue College campus near the "K" Building. They told him they did not want to sell his  
11 van. Mr. Vu said he "could take a hint" and walked away. However in April 2013, during a  
12 Public Safety staff meeting where several officers were present, Mr. Vu announced, "I need you  
13 (complainant) to sell my van." They felt "put on the spot" in front of coworkers and reluctantly  
14 agreed to sell it for him. Although the complainant identified some officers he thought were  
15 present at the meeting when Mr. Vu made this request, it could not be confirmed by other officers  
16 that he made this request during the Public Safety meeting.

17  
18 21. The complainant provided Board staff with photos of the van which they had  
19 taken to list it for sale. They provided Board staff with emails and documentation from Craigslist  
20 showing the van listed for sale for \$1,200, as well as inquiries from interested parties. The  
21 complainant's documentation shows a response to the ad on April 25, 2013. On May 7, 2013,  
22 another ad placed by complainant indicates the sale price had been lowered to \$1,100 and the  
23 complainant was still attempting to sell the van for Mr. Vu.

1           22.     The complainant was contacted by a potential buyer in mid-May and Mr. Vu told  
2 them to set up a time for him to meet with the buyer. The complainant emailed the potential  
3 buyer during his work shift and the buyer came to Bellevue College and met directly with Mr.  
4 Vu to make the sale. Several months after the sale was completed, the complainant had not been  
5 paid their agreed commission by Mr. Vu. They complained about this to another officer and  
6 eventually Mr. Vu wrote them a check for \$150. They provided a copy of the check dated August  
7 1, 2013.  
8

9           23.     Mr. Vu acknowledged he had asked the complainant to sell his personal van for  
10 him. He did not think the complainant expressed any reluctance to do it and denied that he had  
11 pressured him into it.  
12

13           24.     The complainant also told Board staff that before they had listed the van for sale,  
14 they had listed Mr. Vu's Ford Mustang for sale at his request. They prepared an ad with photos,  
15 but after they had placed the ad, Mr. Vu told them to remove the ad because he had sold the car  
16 to another Public Safety employee. They provided Board staff with documentation of the  
17 Craigslist ad they had placed for Mr. Vu's 1998 Ford Mustang.  
18

19           25.     Board staff spoke with the Sgt. Mark Knight, Bellevue Public Safety, who  
20 confirmed he had purchased Mr. Vu's Ford mustang. He told Board staff his vehicle was disabled  
21 and he was taking the bus to work. Mr. Vu wanted him to be able to get to work and offered to  
22 sell the Mustang to him. He believed he paid \$2,000-3,000 for the vehicle. Mr. Vu's work emails  
23 indicate that he had emailed Sgt. Knight at his Bellevue College email address on January 14,  
24 2013, asking him if he had the vehicle registration for the Mustang with his (Mr. Vu's) name on  
25 it because he needed it to file his taxes.  
26

1           26.     The complainant also told Board staff that in addition to selling Mr. Vu's personal  
2 property for him, he believed a number of items provided by Mr. Vu for him to sell were actually  
3 property belonging to Bellevue College. When Mr. Vu discussed selling these items with the  
4 complainant he gave him conflicting statements about the ownership of the items. Mr. Vu told  
5 them they could not charge a commission on the sale of certain items because the items were  
6 Bellevue College property and he (Mr. Vu) would need to return any proceeds to the Public  
7 Safety account. The items included:

- 9           • Worn/outdated public safety ballistic vests.
- 10          • Several iPhone's that complainant believed had been assigned and used by  
11           Public Safety officers.
- A Whelan brand police siren and speaker.

12           27.     The complainant said in 2013, Mr. Vu instructed him to try to sell eight or nine  
13 worn ballistic vests that had expired past their service date. The vests had been stored in the  
14 storage area above the Public Safety office where police gear/uniforms were kept. The  
15 complainant recognized the vests because they had seen them on numerous occasions when they  
16 had been in the storage area. After Mr. Vu gave them the vests they questioned the legality of  
17 selling them and inquired if they should be sent back to the state through surplus or disposed of  
18 in some other manner. Mr. Vu told them the Public Safety Department would not be able to  
19 retain the funds if the items were surplus.

20           28.     The complainant provided Board staff with photos of the listed vests they had  
21 taken for the Craigslist ads. They listed the vests for sale on Craigslist for \$50 each. They  
22 provided copies of several email exchanges with an interested buyer. The Craigslist emails  
23 indicate the vests were listed for sale in June 2013. Two of the vests were sold. After advising  
24 Mr. Vu of the sale and the proceeds, he was not satisfied with the sale price.

25           29.     The complainant told Board staff after Mr. Vu expressed frustration about the

1 sale price he asked for the vests back. The complainant returned four of the vests back to him.  
2 After returning them to Bellevue College, the complainant saw the vests in a cardboard box in  
3 the dispatch room. The box had a post-it note attached indicating that Officer #146 was to  
4 inventory them. The complainant had kept two of the vests and provided Board staff with the  
5 panel serial numbers. Due to the age of the vests, Bellevue College could not provide any  
6 purchase information regarding them.

7 30. During the interview with Mr. Vu, Board staff showed him photos of the vests  
8 that had been provided by the complainant. Mr. Vu agreed that he recognized the vests as  
9 outdated vests that were the property of Bellevue College. He said they had been previously been  
10 in storage. He denied providing them to the complainant to sell. Mr. Vu remarked that he thought  
11 he "might be getting set up" and speculated that the complainant may have removed the vests  
12 from storage on their own to sell. Mr. Vu said many of the officers have keys and routine access  
13 to the storage facility where uniforms and other police equipment is stored.

14 31. Mr. Vu further added that the Public Safety storage facility located in the parking  
15 garage had been burglarized on three separate occasions and a number of items, including  
16 expensive paint striping equipment, had been stolen. Based on the nature of the complaint and  
17 the small size of the Public Safety department, Mr. Vu speculated who the complainant was. He  
18 told Board staff that this particular officer had been the responding officer that took all three of  
19 the investigative reports. Mr. Vu seemed to imply that the complainant may have been  
20 responsible for those thefts. Board staff reviewed Bellevue College Public Safety reports # 2014-  
21 211, 2014-275 and 2015-045 regarding the three reported burglaries to their storage facility. The  
22 complainant had responded to only one of the burglaries reported by another Bellevue College  
23 maintenance employee after discovering the lock to the storage facility had been cut.

24 32. During the interview with Board staff, Mr. Vu indicated he had a number of work  
25 related/supervisory issues with the complainant prior to them leaving employment with the

1 Public Safety Department. He said he had many emails documenting the complainant's  
2 insubordinate and disrespectful behavior toward him.

3 33. On September 30, 2016, Board staff received an email from Mr. Vu regarding the  
4 ballistic vests. He stated he had "more time to process" the allegations. He "clearly remembered"  
5 the Department had only four outdated vests in their inventory and he had requested they be  
6 disposed of properly. He provided correspondence between Officer Corona (#146) and  
7 Fiberbrokers International. The correspondence indicates that four ballistic vests were shipped  
8 to Fiberbrokers for destruction on November 18, 2014.

9 34. The complainant also stated Mr. Vu provided him with four iPhones to sell in  
10 2012. Mr. Vu made conflicting statements to them about the phones, first telling them the phones  
11 were his personal property. However, prior to them being listed for sale, he told them the phones  
12 were property of Bellevue College, so the complainant would not be able to receive a sales  
13 commission, as the proceeds would be returned to the Public Safety Department budget.

14 35. The complainant provided documentation from Craigslist postings indicating  
15 they had placed an ad in November 2012, to sell a 16 GB and 32 GB iPhone 4. They believed  
16 the other two phones were 8 GB each but did not have any documentation regarding the sale.  
17 The complainant believed that the four phones were property of the Public Safety Department  
18 and had been used as duty phones by officers and also by Mr. Vu. P-card records indicate that  
19 Mr. Vu ordered an 16GB iPhone 5 on December 1, 2012 for departmental use.(PC-130115)

20 36. The complainant provided Board staff with a copy of a post-it note that they  
21 recalled was attached to the 16GB iPhone sold on Craigslist. The note read: "per 102, please sell  
22 (iPhone 4 16GB) it is jailbroken and carrier unlocked." Mr. Vu's identification number is 102.  
23 Jailbroken is a term that indicates the phone is free from limitations imposed by the carrier. The  
24 complainant said the phone was handed to him during work hours by Jason Foster (Mr. Foster)  
25 with the post-it note on it. Mr. Foster was also a member of the Public Safety Department. He

1 no longer works for Bellevue College.

2 37. Board staff spoke with Jennifer Strother (Ms. Strother), Executive Director of  
3 Finance (Finance) for Bellevue College. Ms. Strother advised that Public Safety was one of the  
4 few departments within the College that purchased cell phones. Board staff could not provide  
5 any additional identifying information regarding the four cell phones sold by the complainant in  
6 2012 and because their purchase was more than five years prior, it could not be determined if  
7 the phones were property of Bellevue College.

8 38. A small asset audit done by Bellevue College showed several phone purchases in  
9 2012/2013 by the Public Safety Department using the P-card. Items included a Samsung Galaxy  
10 phone purchased in December 2012 from Amazon at a cost of \$633.99 and two Samsung Galaxy  
11 phones purchased in March 2013 at a cost of \$986.80. The phones could not be located during  
12 the small asset audit conducted by Bellevue College. Mr. Vu indicated in his  
13 response/explanation to audit staff, that the phones had been "donated after upgrade" or "broken  
14 and threw away." Ms. Strother indicated there is no system in place to "donate" items such as  
15 tablets and phones. Additionally, these purchases for electronic items such as phones, tablets and  
16 computers should have been authorized and purchased through the IT department to ensure  
17 compatibility.

18 39. The complainant told Board staff that Mr. Vu also gave him a police siren/  
19 speaker to sell that was property of Bellevue College. Mr. Vu again told them that any proceeds  
20 from the sale would be returned to the Public Safety Department funds. They had possession of  
21 the siren for several weeks, but did not have time to list it for sale. Mr. Vu inquired about it, and  
22 expressed concern about selling police equipment that could possibly be tracked as property of  
23 Bellevue College. He instructed the complainant not to list the item for sale but to keep  
24 possession of it. The complainant has retained the item and provided Board staff with  
25 photographs of it. The siren is a Whelan brand police siren, serial # N222896.

1           40.     Board staff provided Ms. Strother with the model and serial number of the  
2 siren/speaker and she was able to locate an invoice for the purchase. The invoice indicated it was  
3 a P-card purchase made on January 25, 2012 by Officer Dean Sanborn (Mr. Sanborn). It had  
4 been purchased from Chief Law Enforcement Supply at a cost of \$408.97.

5           41.     Ms. Strother told Board staff that there had been a number of concerns raised  
6 during an internal audit of inventory and small asset purchases made by the Public Safety  
7 Department. Many items that had been purchased and authorized by Mr. Vu could not be  
8 accounted for. A large number of electronics purchases including phones, laptops and tablets  
9 could not be located. Additionally these purchases should have been made through the College's  
10 IT department to ensure compatibility. Ms. Strother provided documentation that showed Mr.  
11 Vu was provided training in proper use of P-card after being hired as Director. No one at  
12 Bellevue College could provide an explanation as to why the Public Safety Department would  
13 need the number of power tool they had purchased.

14           42.     A number of attempts over several months were made by Finance to work with  
15 Mr. Vu to complete the audit and locate numerous missing small asset purchases. These efforts  
16 were hampered because Mr. Vu took an extended leave from his position. After he returned,  
17 additional attempts were made to schedule with him to complete the audit but he was not  
18 cooperative, telling them he was "too busy" with other things or not responding to their requests.

19           43.     Board staff learned that in 2013 and the first half of 2014, Mr. Vu was reviewing  
20 and approving his own P-card purchases. Ray White (Mr. White), Vice President for  
21 Administrative Services, began reviewing/approving P-card purchases for the Public Safety  
22 Department in the latter half of 2014 and into 2015. Board staff reviewed documentation  
23 showing purchases for this time frame. After audit inquiries by Finance and Mr. White reviewing  
24 the P-card activity, purchases by the Public Safety Department were significantly reduced.

25           44.     Mr. White acknowledged to Board staff in addition to reviewing P-card purchases

1 he had had been working with Mr. Vu to resolve a number of issues that he felt were training  
2 related. He felt that Mr. Vu was well intentioned but may not have always understood the detailed  
3 processes involving purchasing and inventory controls that needed to be followed. He  
4 acknowledged that the Public Safety Department electronics purchases should have been made  
5 through the IT Department and he had counseled Mr. Vu about this.

### 6 III. CONCLUSIONS OF LAW

7 1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),  
8 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,  
9 with respect to employees in the executive branch of state government. The Board has  
10 jurisdiction over Tommy Vu, whose actions occurred while he was a state employee.

11 2. RCW 42.52.020 states:

12 No state officer or state employee may have an interest, financial, or otherwise,  
13 direct or indirect, or engage in a business, or transaction, or professional activity, or  
14 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.

15 Mr. Vu's activities were in conflict with the discharge of his official duties in violation of RCW  
16 42.52.020.

17 3. RCW 42.52.160(1) states:

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

21 Mr. Vu used state resources for a private benefit or gain in violation of RCW 42.52.160.

22 4. RCW 42.52.070 states:

23 Except as required to perform duties within the scope of employment, no  
24 state officer or state employee may use his or her position to secure special  
25 privileges or exemptions for himself or herself, or his or her spouse, child,  
parents or other persons.

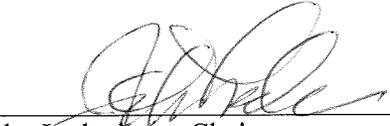
1 Mr. Vu violated RCW 42.52.070 by securing special privileges for himself by using his position  
2 as Director to access property and resources of Bellevue College, as well as by using employee  
3 time.

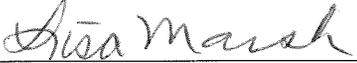
4 **III. FINAL ORDER**

5 1. Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby  
6 ordered that Tommy Vu is assessed a total monetary civil penalty of \$10,000 based on his  
7 violations of RCW 42.52.020, RCW 42.52.160(1), and RCW 42.52.070.

8 2. The total amount of \$10,000 is payable in full within 90 days of the effective date  
9 of this order.

10 DATED this 11<sup>th</sup> day of May, 2018.

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12   
13 \_\_\_\_\_  
14 John Ladenburg, Chair

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13 \_\_\_\_\_  
14 Lisa Marsh, Member

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16 \_\_\_\_\_  
17 Shirley Battan, Vice-Chair

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16 \_\_\_\_\_  
17 Gerri Davis, Member

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19 \_\_\_\_\_  
20 Anna Dudek Ross, Member

1 **APPEAL RIGHTS**

2 **RECONSIDERATION OF FINAL ORDER – BOARD**

3 Any party may ask the Executive Ethics Board to reconsider a Final Order. The request  
4 must be in writing and must include the specific grounds or reasons for the request. The request  
5 must be delivered to Board office within 10 days after the postmark date of this order.

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

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

12 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

16 The petition for judicial review must be filed with the superior court and served on the  
17 Board and any other parties within 30 days of the date that the Board serves this Final Order on  
18 the parties. RCW 34.05.542(2). Service is defined in RCW 34.05.542(4) as the date of mailing  
19 or personal service.

20 A petition for review must set forth:

- 21 (1) The name and mailing address of the petitioner;  
22 (2) The name and mailing address of the petitioner’s attorney, if any;  
23 (3) The name and mailing address of the agency whose action is at issue;

1 (4) Identification of the agency action at issue, together with a duplicate copy, summary,  
2 or brief description of the agency action;

3 (5) Identification of persons who were parties in any adjudicative proceedings that led to  
4 the agency action;

5 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;

6 (7) The petitioner's reasons for believing that relief should be granted; and

7 (8) A request for relief, specifying the type and extent of relief requested.  
8 RCW 34.05.545.

9 **ENFORCEMENT OF FINAL ORDERS**

10 If there is no timely request for reconsideration, this is the Final Order of the Board. The  
11 Respondent is legally obligated to pay any penalty assessed.

12 The Board will seek to enforce a Final Order in superior court and recover legal costs  
13 and attorney's fees if the penalty remains unpaid and no petition for judicial review has been  
14 timely filed under chapter 34.05 RCW. This action will be taken without further order by the  
15 Board.