BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:
Rebekah Felitz,
Respondent

EEB Case No. 2015-078

FINAL ORDER

I. PROCEDURAL HISTORY

On March 24, 2017, the Executive Ethics Board (Board) found reasonable cause to
believe that the Respondent, Rebekah Felitz, violated the Ethics in Public Service Act while
employed as a Forms and Records Analyst with the Department of Social and Health Services
(DSHS). Notice of the Reasonable Cause Determination and the right to request a hearing was
served upon Ms. Felitz by regular mail and certified mail on March 27, 2017. Ms. Felitz 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 July 14, 2017. On July 17, 2017, Board staff
provided Ms. Felitz with notice of the Board's Order of Default by regular and certified mail.

Pursuant to WAC 292-100-060(4) Ms. Felitz was allowed 10 days to request vacation
of the Order of Default. Ms. Felitz has not moved to vacate the order entered on July 14, 2017.

II. FINDINGS OF FACT

1. Ms. Felitz was hired by DSHS as a Forms and Records Analyst on August 1,
2014. On August 7, 2014, Ms. Felitz completed the online Ethics in State Government
training. Prior to being hired by DSHS, Ms. Felitz was employed by the Department of
Licensing (DOL).

2. On September 30, 2014, the SAO received a whistleblower complaint alleging
that Ms. Felitz was using her state computer for purposes other than work, i.e., Facebook.
After receiving the whistleblower complaint, the SAO requested a copy of Ms. Felitz’s work computer hard drive for analysis of the alleged non-work related internet activity. In addition to her personal use of the internet, the whistleblower complaint also alleges that she was taking time off from work without submitting the proper leave and that she was accessing DSHS databases for personal reasons unrelated to her official duties.

3. The SAO reviewed Ms. Felitz’s internet activity for the period of August 1 through December 3, 2014. For that period, there were 38 days that Ms. Felitz used the internet for personal reasons. During that time, Ms. Felitz spent at least 594 minutes browsing non-work related internet sites such as her personal email account, local and professional sporting events, social media, cable and other internet providers. Of the 38 days there were seven days with non-work related browsing times of over 20 minutes. See below for the details:

<table>
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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>August 12, 2014</td>
<td>38 minutes</td>
<td>September 8, 2014</td>
<td>91 minutes</td>
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<td>August 20, 2014</td>
<td>88 minutes</td>
<td>September 11, 2014</td>
<td>54 minutes</td>
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<td>August 25, 2014</td>
<td>29 minutes</td>
<td>October 7, 2014</td>
<td>24 minutes</td>
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<td>September 2, 2014</td>
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4. Ms. Felitz told the SAO investigator that the Department had not trained her for the job yet and once she was given a computer work station she remembered being told to “just play around” until she was trained. She clarified that by “playing around” she meant playing around with some of the programs that she would be getting training on in the upcoming days.

5. The SAO investigator showed Ms. Felitz the non-work related internet activity found on her computer. Ms. Felitz agreed to most of it, indicating that she got the impression
from her supervisor, Alan Stajdar (Mr. Stajdar), that it was okay to spend time on the internet when she wasn’t working or training.

6. Mr. Stajdar told SAO investigators that he would never allow any employee to use the internet for personal use. He further indicated that during the first week of employment he had all of the new employees, including Ms. Felitz read and sign the Internet Policy that states exactly what is acceptable and unacceptable internet use.

7. Mr. Stajdar indicated in his response to the SAO investigator regarding what he told Ms. Felitz in regards to the FamLink program. He indicated that she was told not to look up herself, family, or friends, etc. He further indicated that he recalled that during that first month of her employment she used the Famlink program to obtain information on her boyfriend’s girlfriend or ex-wife. On August 19, 2014, Mr. Stajdar issued a verbal reprimand to Ms. Felitz for her improper use of the FamLink program for non-work related personal reasons.

8. On October 6, 2015, Patrick Lynn (Mr. Lynn), DSHS Manager, as a follow-up to the SAO investigation, requested an internal investigation of her computer to determine if there was further abuse. The internal review showed that Ms. Felitz was still accessing the internet for personal reasons and concluded that her usage was more than allowed by DSHS policy and the ethics laws.

9. On June 16, 2016, Mr. Lynn met with Ms. Felitz to discuss her personal use of her state computer. During that meeting Ms. Felitz told Mr. Lynn that she had read the internet usage policy at DSHS as well as the DOL policy prior to coming over to DSHS. Ms.
Felitz told Mr. Lynn that she had not realized the amount of her personal computer use until she saw the internet use report and that any wrongdoing on her part was unintentional.

10. Ms. Felitz admitted to Mr. Lynn that she used her state computer to visit the following sites:

- Organic Vegetable Farm information;
- Gmail account, checking for her children;
- Hotmail.com, checking for her children;
- Dwayne Wade for her desktop display;
- Property values at assist her parents in a dispute;
- Multiple searches for a 93 Ford Ranger pickup truck, for problems she was having with her truck;
- High School Cross Country, information for her son;
- Sports physical for her son;
- Athletic.net, son’s track schedule;
- Grays Harbor Assessor, personal property information;
- Parcel tax search;
- Tributes to Vernon S. Young, father’s obituary;
- Rochester High School;
- Rising River Farm;
- Ticket Master to check for tickets; and
- Real Estate property search, 403 E. Harris Ave., Oakville WA.

11. On August 30, 2016, Ms. Felitz told HR Manager Ray Hicks (Mr. Hicks) that she had not used her state computer to visit internet sites for personal use following the SAO investigation. She then stated that if she had it was only for a quick minute. At the end of the meeting, Ms. Felitz admitted to Mr. Hicks that a couple of weeks prior to the meeting she visited StubHub to order tickets to a Seahawks game for a co-worker.

12. On October 14, 2016, Ms. Felitz was terminated from her position with DSHS as a result of her continued violations of DSHS ethics and other personnel policies.

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, prior to April 2016, state employees may use state resources for personal use as long as the use is reasonably related to the conduct of the state; 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 met:
   (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
   (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 Ms. Felitz and over the subject matter of this complaint.

4. Based on the evidence, Ms. Felitz used her state issued computer and time for her private benefit or gain in violation of RCW 42.52.160. Ms. Felitz’s activities do not meet the exceptions for the use of state resources as permitted 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 Rebekah Felitz 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 8th day of September, 2017

Anna Dudek Ross, Chair

Lisa Marsh, Member

Samantha Simmons, Vice-Chair

Shirley Battan, Member

John Ladenburg, Member