

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

3 In the Matter of:

EEB Case No. 2015-078

4 [REDACTED]

FINAL ORDER

5 Respondent

6  
7 **I. PROCEDURAL HISTORY**

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9 On March 24, 2017, 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 as a Forms and Records Analyst with the Department of Social and Health Services  
12 (DSHS). Notice of the Reasonable Cause Determination and the right to request a hearing was  
13 served upon [REDACTED] by regular mail and certified mail on March 27, 2017. [REDACTED] failed  
14 to respond to the Reasonable Cause Determination within 30 days as required by WAC 292-  
15 100-060(2).

16 The Board entered an Order of Default on July 14, 2017. On July 17, 2017, Board staff  
17 provided [REDACTED] with notice of the Board's Order of Default by regular and 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 July 14, 2017.

20 **II. FINDINGS OF FACT**

21 1. Ms. Felitz was hired by DSHS as a Forms and Records Analyst on August 1,  
22 2014. On August 7, 2014, Ms. Felitz completed the online Ethics in State Government  
23 training. Prior to being hired by DSHS, Ms. Felitz was employed by the Department of  
24 Licensing (DOL).

25 2. On September 30, 2014, the SAO received a whistleblower complaint alleging  
26 that Ms. Felitz was using her state computer for purposes other than work, i.e., Facebook.

1 After receiving the whistleblower complaint, the SAO requested a copy of [REDACTED] work  
2 computer hard drive for analysis of the alleged non-work related internet activity. In addition  
3 to her personal use of the internet, the whistleblower complaint also alleges that she was taking  
4 time off from work without submitting the proper leave and that she was accessing DSHS  
5 databases for personal reasons unrelated to her official duties.

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

13

Date	Minutes		Date	Minutes
August 12, 2014	38 minutes		September 8, 2014	91 minutes
August 20, 2014	88 minutes		September 11, 2014	54 minutes
August 25, 2014	29 minutes		October 7, 2014	24 minutes
September 2, 2014	111 minutes			

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18 4. [REDACTED] told the SAO investigator that the Department had not trained her  
19 for the job yet and once she was given a computer work station she remembered being told to  
20 “just play around” until she was trained. She clarified that by “playing around” she meant  
21 playing around with some of the programs that she would be getting training on in the  
22 upcoming days.

23 5. The SAO investigator showed [REDACTED] the non-work related internet activity  
24 found on her computer. [REDACTED] z agreed to most of it, indicating that she got the impression  
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1 from her supervisor, Alan Stajdar (Mr. Stajdar), that it was okay to spend time on the internet  
2 when she wasn't working or training.

3 6. Mr. Stajdar told SAO investigators that he would never allow any employee to  
4 use the internet for personal use. He further indicated that during the first week of  
5 employment he had all of the new employees, including [REDACTED] read and sign the Internet  
6 Policy that states exactly what is acceptable and unacceptable internet use.  
7

8 7. Mr. Stajdar indicated in his response to the SAO investigator regarding what he  
9 told [REDACTED] in regards to the FamLink program. He indicated that she was told not to look  
10 up herself, family, or friends, etc. He further indicated that he recalled that during that first  
11 month of her employment she used the Famlink program to obtain information on her  
12 boyfriend's girlfriend or ex-wife. On August 19, 2014, Mr. Stajdar issued a verbal reprimand  
13 to [REDACTED] for her improper use of the FamLink program for non-work related personal  
14 reasons.  
15

16 8. On October 6, 2015, Patrick Lynn (Mr. Lynn), DSHS Manager, as a follow-up  
17 to the SAO investigation, requested an internal investigation of her computer to determine if  
18 there was further abuse. The internal review showed that [REDACTED] was still accessing the  
19 internet for personal reasons and concluded that her usage was more than allowed by DSHS  
20 policy and the ethics laws.  
21

22 9. On June 16, 2016, Mr. Lynn met with [REDACTED] to discuss her personal use of  
23 her state computer. During that meeting [REDACTED] told Mr. Lynn that she had read the  
24 internet usage policy at DSHS as well as the DOL policy prior to coming over to DSHS. Ms.  
25  
26

1 [REDACTED] told Mr. Lynn that she had not realized the amount of her personal computer use until  
2 she saw the internet use report and that any wrongdoing on her part was unintentional.

3 10. [REDACTED] admitted to Mr. Lynn that she used her state computer to visit the  
4 following sites:

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

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

12. On October 14, 2016, [REDACTED] 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:

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

4 2. Under WAC 292-110-010 Use of state resources, prior to April 2016, state  
5 employees may use state resources for personal use as long as the use is reasonably related to  
6 the conduct of the state; authorized by an agency head or designee as related to an official state  
7 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:

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

13 3. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction  
14 over [REDACTED] and over the subject matter of this complaint.

15 4. Based on the evidence, [REDACTED] used her state issued computer and time for  
16 her private benefit or gain in violation of RCW 42.52.160. [REDACTED] activities do not meet  
17 the exceptions for the use of state resources as permitted in WAC 292-110-010.

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

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

#### 21 IV. FINAL ORDER

22 Based on the foregoing:

23 IT IS HEREBY ORDERED Respondent [REDACTED] is liable for and shall pay a  
24 civil penalty of three-thousand dollars (\$3,000). The payment shall be made to the Executive  
25 Ethics Board within forty-five (45) days of this Order.  
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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.  
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8 The Petition for Reconsideration shall not stay the effectiveness of this order nor is a  
9 Petition for Reconsideration a prerequisite for seeking judicial review in this matter. A timely  
10 Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the  
11 petition is filed, the Board does not (a) dispose of the petition or (b) serve the parties with a  
12 written notice specifying the date by which it will act on a petition.


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


16 DATED this 8<sup>th</sup> day of September, 2017  
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19 \_\_\_\_\_  
20 Anna Dudek Ross, Chair

  
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Lisa Marsh, Member

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22 \_\_\_\_\_  
23 Samantha Simmons, Vice-Chair

  
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Shirley Battan, Member

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25 \_\_\_\_\_  
26 John Ladenburg, Member