

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

██████████

Respondent.

No. 2016-009

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, ██████████ and Board Staff of the WASHINGTON STATE EXECUTIVE ETHICS BOARD (Board) through Kate Reynolds, Executive Director, pursuant to chapter 42.52 RCW, chapter 34.05 RCW, and WAC 292-100-090(1). The following stipulated facts, conclusions of law, and agreed order will be binding upon the parties if fully executed, and if accepted by the Board without modification(s), and will not be binding if rejected by the Board, or if the Respondent does not accept the Board's proposed modification(s), if any, to the stipulation. This stipulation is based on the following:

**A. STIPULATED FACTS**

1. On January 13, 2016, the Executive Ethics Board (Board) received a complaint from the Department of Enterprise Services alleging that ██████████ an employee in the Enterprise Technology Services (ETS) division of Washington Technology Solutions (WaTech) may have violated the Ethics in Public Service Act by using state resources for personal gain.

2. For all times pertinent to this investigation, ██████████ was employed as an IT Specialist with DES. ETS transitioned to WaTech in July 2015. ██████████ continues to be employed by WaTech as an IT Specialist.

3. In 2015, the office of parking Services conducted a review of parkers accessing the Jefferson Garage located at 1500 Jefferson Building. The review found that in July 2011, the Parking Services Office issued carpool-parking privileges for the Jefferson Garage and registered [REDACTED] as a carpool participant with two other WaTech staff. Carpool parking in the Jefferson Garage is free of charge. As part of the registration process for the carpool, [REDACTED] signed a parking permit application for carpools, acknowledging that a carpool must have three or more people to qualify.

4. In July 2012, the carpool ended when the designated carpool driver left WaTech. Ms. [REDACTED] did not contact the Parking Services Office or surrender her access badge as required in DES parking policy and WAC 200-200-295.

5. From August 2012 until September 2014, [REDACTED] continued to access the Jefferson Garage on a daily basis even though she was not paying any parking fees and did not have privileges to park in any of their campus facilities.

6. In September 2014, Ms. Huston requested to be added to the Jefferson Garage waiting list and continued to park in the Jefferson Garage using her carpool badge and cancelled privileges, without paying any parking fees. At the time she registered for the waiting list, there was approximately 318 DES and WaTech staff on the wait list ahead of her.

7. In October 2014, [REDACTED] registered as an individual parker and was assigned to the Plaza Garage; her first payroll deduction for individual parking began in January 2015. [REDACTED] stayed on the waiting list for the Jefferson Garage, paid parking fees for the Plaza Garage, but continued to park in the Jefferson Garage for an additional eight months until August 2015.

8. In August 2015, Deanna Price (Ms. Price), DES Parking Services Manager spoke with [REDACTED] regarding the review findings. When asked why she was parking in the Jefferson Garage, [REDACTED] replied, "She had been in a carpool for a while". When told the carpool ended in July of

2012, she replied, "That is probably correct". When asked if she had been parking in the Jefferson Garage and not paying she replied, "Well probably".

9. DES weighed the facts found during their review, responses by [REDACTED] and determined [REDACTED] violated DES parking policy, and Washington Administrative Code and that she owed DES \$775 for the 29 months she parked in the Jefferson Garage without paying (\$25 per month).

10. [REDACTED] agreed with the facts presented in the review and declined an offer to provide further information for consideration. She contacted Parking Services within the required 30 days and arranged to pay the fees owed. [REDACTED] paid the \$775 in full on November 12, 2015.

11. In January 2016, [REDACTED] was given a Letter of Reprimand for her misuse of state resources.

## **B. CONCLUSIONS OF LAW**

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from use of state resources for their benefit. RCW 42.52.160(1) states:

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

2. Based on the stipulated facts above, [REDACTED] used state resources for personal benefit in violation of RCW 42.52.160, when she used her state issued carpool parking access badge to access free carpool parking to which she was not entitled.

3. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360. The Board has set forth criteria in WAC 292-120-030 for imposing sanctions and consideration of any mitigating or aggravating factors.

### C. AGGRAVATING AND MITIGATING FACTORS

In determining the appropriateness of the civil penalty, the Board reviewed the criteria in WAC 292-120-030. It is a mitigating factor that [REDACTED] repaid the \$775 in parking fees. It is a mitigating factor that [REDACTED] received a Letter of Reprimand from her employer.

### D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over [REDACTED] and over the subject matter of this complaint.
2. Under RCW 34.05.060, the Board can establish procedures for attempting and executing informal settlement of matters in lieu of more formal proceedings under the Administrative Procedures Act, including adjudicative hearings. The Board has established such procedures under WAC 292-100-090.
3. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein, subject to Board approval.
4. [REDACTED] agrees that if any or all of the alleged violations were proven at a hearing, the Board may impose sanctions, including a civil penalty under RCW 42.52.480(1)(b) of up to \$5,000, or the greater of three times the economic value of anything received or sought in violation of chapter 42.52 RCW, for each violation found. The Board may also order the payment of costs, including reasonable investigative costs, under RCW 42.52.480(1)(c).
5. [REDACTED] further agrees that the evidence available to the Board is such that the Board may conclude she violated the Ethics in Public Service Act. Therefore, in the interest of seeking an informal and expeditious resolution of this matter, the parties agree to entry of the stipulated findings of fact, conclusions of law and agreed order.

6. [REDACTED] waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or his acceptance of any modification(s) proposed by the Board, pursuant to the provisions of WAC 292-100-090(2).

7. If the Board accepts this stipulation, the Board agrees to release and discharge [REDACTED] from all further ethics proceedings under chapter 42.52 RCW for any allegations arising out of the facts in this matter, subject to payment of the full amount of the civil penalty due and owing, any other costs imposed, and compliance with all other terms and conditions of the stipulation. [REDACTED] in turn agrees to release and discharge the Board, its officers, agents and employees from all claims, damages, and causes of action arising out of this complaint and this stipulation.

8. If the Board accepts this stipulation, it does not purport to settle any other claims between [REDACTED] and the Washington State Executive Ethics Board, the State of Washington, or other third party, which may be filed in the future. No other claims of alleged violations are pending against [REDACTED] at this time.

9. If the Board accepts this stipulation, it is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

10. If the Board rejects this stipulation, or if [REDACTED] does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, [REDACTED] waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, [REDACTED] understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

11. [REDACTED] agrees to pay a civil penalty in the amount of fifteen hundred dollars (\$1,500) for the violations associated with RCW 42.52. The Board agrees to suspend seven hundred and fifty dollars (\$750) on the condition that [REDACTED] complies with all terms and conditions of this Stipulation and Order and commits no further violations of RCW 42.52 for a period of two years from the date this agreement is executed.

12. The civil penalty in the amount of seven hundred and fifty dollars (\$750) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

## II. CERTIFICATION

I, [REDACTED], hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my appearance. I knowingly and voluntarily waive my right to a hearing in this matter and if the Board accepts the stipulation, I understand that I will receive a signed copy.

[REDACTED]  
Respondent

12/27/16  
Date

Presented by:

K. Reynolds  
KATE REYNOLDS  
Executive Director

1/4/17  
Date

**II. ORDER**

Having reviewed the proposed stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

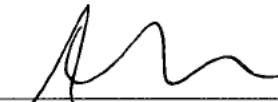
✓ ACCEPTED in its entirety;

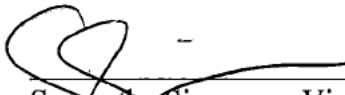
\_\_\_\_\_ REJECTED in its entirety;


\_\_\_\_\_ MODIFIED. This stipulation will become the order of the Board if the Respondent approves\* the following modification(s):

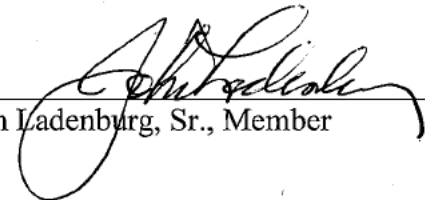
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DATED this 24<sup>th</sup> day of March, 2017

  
\_\_\_\_\_  
Anna Dudek Ross, Chair

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

  
\_\_\_\_\_  
Lisa Marsh, Member

  
\_\_\_\_\_  
John Ladenburg, Sr., Member

\* I, \_\_\_\_\_, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_, Respondent                      Date