

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

██████████

Respondent.

No. 2016-054

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 June 7, 2016, the Executive Ethics Board (Board) initiated a complaint referred by the Department of Social and Health Services (DSHS) alleging that ██████████, Social Services Specialist 4 (SSS4) with the Children's Administration (CA) Division of Children & Family Services (DCFS), may have violated the Ethics in Public Service Act. The complaint alleges that Ms. ██████████ used state resources and her position to obtain travel expenses from one of the DCFS residential treatment providers to visit several of their treatment facilities after being advised by DSHS Management that she could not visit these facilities as a representative of DSHS.

2. ██████████ has worked as a social worker for DSHS since 2008. On February 1, 2014, she was promoted to Social Service Specialist 4 and was in that position for all times pertinent to this investigation.

3. At 11:25 am on December 2, 2014, Jarret Shoemaker (Mr. Shoemaker), Regional Director for Marketing for Sequel Youth and Family Services, a DSHS residential treatment provider, sent an email to Crystal Hill (Ms. Hill), asking if she would be interested in coming out to take a tour of the Forest Ridge Youth Services facility located in Estherville, Iowa. Forest Ridge is a Sequel Youth and Family Services facility. In the email, Mr. Shoemaker indicated that Sequel Youth and Family Services would pay all travel expenses.

4. At 12:00 pm, on December 2, 2014, Ms. Hill forwarded the email from Mr. Shoemaker to her supervisor, [REDACTED]. Ms. Hill subsequently declined the invitation for personal reasons.

5. At 1:38 pm, on December 2, 2014, [REDACTED] sent an email to Mr. Shoemaker stating that she wanted to know more. [REDACTED] inquired about the dates, indicating that she would see if she could go.

6. Mr. Shoemaker responded that he would be thrilled if [REDACTED] could go. He indicated he was making an effort to get social workers out to any of their programs and that he relies on the visits for feedback on the referral process. Mr. Shoemaker further indicated that he would make it worthwhile for [REDACTED] and that he would get her out to a few programs including Forest Ridge.

7. Mr. Shoemaker offered the free trip to [REDACTED] only because she was a social worker for the State of Washington.

8. On December 3, 2014, [REDACTED] submitted an out-of-state travel request for the trip to her supervisor, Sandra Jewell (Ms. Jewell). In the request, [REDACTED] indicated that she had been invited to go look at different out-of-state programs for foster youth by the DSHS contracted vendor, Sequel Youth and Family Services.

9. The out-of-state travel request went to the Regional Administrator, Natalie Green (Ms. Green). Ms. Green denied the request. Ms. Jewell verbally informed [REDACTED] that her request for out-

of-state travel to visit Sequel Youth and Family Services facilities as a DSHS representative had been denied.

10. Ms. Jewell further advised [REDACTED] that Sequel Youth and Family Services could not pay for the trip and that if she went on her own time she could not represent herself as a representative of DSHS.

11. On February 13, 2015, [REDACTED] received an email confirmation on her state email of the purchase of airline tickets by Mr. Shoemaker for [REDACTED] to depart the Seattle/Tacoma Airport on February 16, 2015, arriving in Detroit.

12. Mr. Shoemaker told WSP detectives that Sequel Youth and Family Services paid for all of the travel expenses of [REDACTED] because he believed she was acting as an agent of DSHS. Mr. Shoemaker further stated that at no time during the visit did [REDACTED] indicate that her supervisor had denied her request to visit the Sequel Youth and Family Services facilities as an agent of DSHS.

13. As of August 31, 2016, [REDACTED] no longer works for the Children's Administration Division of DSHS.

## **B. CONCLUSIONS OF LAW**

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from securing Special Privileges. RCW 42.52.070 states:

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

2. Based on the stipulated facts above, [REDACTED] secured special privileges in violation of RCW 42.52.070.

3. The Ethics in Public Service Act, Chapter 42.52 RCW, limits state officers and employees from receiving gifts. RCW 42.52.150 – Limitations on Gifts states, in relevant part:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars...

.....  
(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangement.

4. Based on the stipulated facts above, [REDACTED] accepted a gift from a state contracted vendor in violation of RCW 42.52.150.

5. 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. In the matter at hand, it is an aggravating factor these types of violations significantly reduce the public respect and confidence in state government employees, they were continuous in nature, and Ms. Moses was in a supervisory position at the time.

### 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 three-thousand five hundred dollars (\$3,500) for the violations associated with RCW 42.52. The Board agrees to suspend one-thousand, seven-hundred and fifty dollars (\$1,750) 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 one-thousand, seven-hundred and fifty dollars (\$1,750) 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] \_\_\_\_\_ 7/27/17  
Date  
Respondent

Presented by:

 \_\_\_\_\_ 8/7/14  
Date  
KATE REYNOLDS  
Executive Director

**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

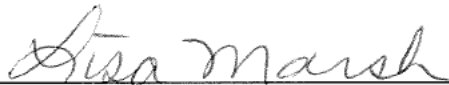
ACCEPTED in its entirety;  
 REJECTED in its entirety;  
 MODIFIED. This stipulation will become the order of the Board if the Respondent approves\* the following modification(s):

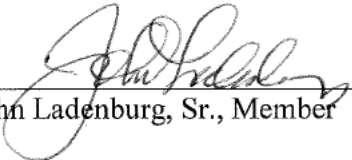
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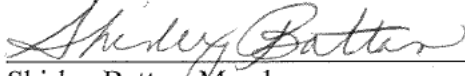
DATED this 8<sup>th</sup> day of September, 2017

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

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

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

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

  
\_\_\_\_\_  
Shirley Battan, Member

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

[REDACTED], Respondent \_\_\_\_\_ Date