

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

3 In the Matter of:

EEB Case No. 2018-044

4 Cathy Petrie,

FINAL ORDER

5 Respondent
6

7
8 **I. PROCEDURAL HISTORY**

9 On March 8, 2019, the Executive Ethics Board (Board) found reasonable cause to believe
10 that the Respondent, Cathy Petrie (Ms. Petrie), violated the Ethics in Public Service Act while
11 employed as a Tax Specialist 4, with the Department of Employment Security (ESD). Notice of
12 the Reasonable Cause Determination and the right to request a hearing was served upon Ms.
13 Petrie by regular mail and certified mail on March 11, 2019. On April 3, 2019, Board staff
14 received Ms. Petrie's response to the Reasonable Cause Determination. Ms. Petrie checked the
15 box that states that she waived her right to participate in a hearing and that she understands that
16 this case will be resolved without further notice to her.

17 Board staff made an effort to resolve the matter even though she had indicated that she
18 did not want to further participate in the proceedings. On April 16, 2019, Board staff mailed Ms.
19 Petrie a proposed stipulation to pay a civil penalty in the amount of two thousand dollars (\$2,000)
20 associated with violations of RCW 42.52. On May 31, 2019, Board staff received a written
21 response to the proposed stipulation from Ms. Petrie. She stated, "I will not sign the stipulation.
22 It is an unreasonable offer considering the situation and the fact I have no money and battling
23 cancer. There is no way I can agree to pay an amount I am incapable of paying. This is another
24 attempt of retaliation following my reporting of the ESD Commissioner and his inappropriate
25 behavior toward me and many others."

1 **II. FINDINGS OF FACT**

2 1. On October 19, 2018, the Executive Ethics Board (Board) received a complaint
3 from the Department of Enterprise Services (DES), which alleged that Ms. Petrie, a former
4 employee with the Department of Employment Security (ESD) may have violated the Ethics in
5 Public Service Act by using state resources for private benefit or gain.

6 2. According to ESD, Ms. Petrie was originally hired on March 3, 1978. The
7 following is a time line of Ms. Petrie's employment history with ESD:

8

Date	Position
03/03/1978	Clerk Steno
01/01/1979	Tax Service Rep
04/11/1980	Employer Auditor
01/13/1987	Unemployment Insurance Tax Administrator
11/05/1994	Job Service Area Administrator (WMS)
06/01/2006	Deputy Assistant Commissioner (EMS)
01/01/2007	Bellevue District Tax Office Manager (WMS)
06/16/2011	Bellevue District Tax Office Administrator (WMS)
06/01/2013	Unemployment DESR Manager (WMS) – located on Capitol Campus
09/18/2017	Tax Specialist 4 (demotion in lieu of layoff)
06/19/2018	Separation from state service

9
10
11
12
13
14

15 3. According to the DES complaint, on May 23, 2018, Ms. Petrie contacted the
16 Office of Parking Services (Parking Services), in regards to receiving either a warning or a
17 parking citation in the Plaza Garage and that her dog had eaten her parking sticker.

18 4. DES states that they were not able to confirm in their records that Ms. Petrie was
19 a registered parker. The also did not have a record of her paying for parking on Capitol Campus.
20 Ms. Petrie advised them that she had been on the Capitol Campus since 2013. DES advised that
21 they had their IT staff run a scan on their database to see if they could find any record of an
22 application for parking and did not find any records for Ms. Petrie. ¹

23
24 _____
25 ¹ DES provided Board staff with an email from Ms. Petrie dated December 19, 2016 in which
26 Ms. Petrie reported a hit and run involving her vehicle that occurred in the Parking Garage, Level A,
Visitor Parking on December 16, 2016.

1 5. DES provided Board staff with an email thread for May 23, 2018, documenting
2 DES contacting ESD payroll looking for evidence that Ms. Petrie had paid parking on Capitol
3 Campus. ESD payroll confirmed that they found no parking deductions for Ms. Petrie and
4 confirmed that her appointment on Capitol Campus started on June 1, 2013.

5 6. DES provided Board staff with an email thread dated May 24, 2018, sent to
6 Ms. Petrie from Deanna Price (Ms. Price), Parking Manager with DES. The email confirmed a
7 telephone conversation with Ms. Petrie discussing the warning or parking citation she received,
8 that her dog had eaten her parking sticker and that Ms. Petrie stated she has been parking on
9 Capitol Campus since 2013. Ms. Price referred to their discussion about ESD payroll and DES
10 not having any record of her having applied for parking or having a payroll deduction on file.
11 The email ended with instructions on how Ms. Petrie could register immediately and begin a
12 payroll deduction for parking.

13 7. In an email later that day, Ms. Petrie responded that she actually came down to
14 work in Olympia as the Deputy Assistant Commissioner (DAC) in 2006 and that's when she
15 would have registered for parking. DES states that they found no parking registration during that
16 time. Ms. Price contacted ESD about Ms. Petrie's response and asked that they confirm Ms.
17 Petrie's statement and if Ms. Petrie's parking was ever paid for by an agency. In an email
18 response from Mari McGill, (Ms. McGill), Executive Operations Manager to Acting
19 Commissioner Cami Feek, she stated that ESD only paid for the Executive Leadership (ELT)
20 member's parking, not the Deputy Assistant Commissioner's parking.

21 8. Board staff contacted ESD to confirm when Ms. Petrie started working on
22 Capitol Campus and if she was ever eligible for parking paid for by an agency. In an emailed
23 response to Board staff's inquiry, Ms. McGill stated, "*Paid ESD parking stalls are for Executive*
24 *Leadership team members of their agency. Since I have held my current posting from November*
25 *2016 – current and manager parking, Cathy Petrie was not eligible for paid parking.*"

1 9. In an emailed response to Board staff from Lori Seaunier (Ms. Seaunier), Payroll
2 Manager with ESD, she stated, “*Regarding parking deductions for Cathy L Petrie – payment*
3 *for parking has never been deducted from her paycheck. I looked in the payroll file, and I also*
4 *checked in the HRMS Recurring Deduction tab, and I also checked the last earnings statement*
5 *of every year since 2013 to make sure.*”

6 10. DES provided Board staff with a copy of a letter to Ms. Petrie dated June 26,
7 2018, in which DES notified Ms. Petrie of Campus Parking fees owed dating back to her
8 assignment on the Capitol Campus in 2013. The letter outlined DES’s contacts with Ms. Petrie
9 and ESD leading to their determination of back fees owed.

10 11. DES provided Board staff with a second letter mailed to Ms. Petrie dated July
11 13, 2018 again notifying her of Campus Parking fees owed and outlining their investigation. The
12 letter requested any emails or evidence showing she requested a deduction for parking on the
13 Capitol Campus. They gave her options to present them with any facts that they should take into
14 consideration and directed her to contact the Parking Office no later than August 13, 2018.

15 12. DES provided Board staff with a copy of a letter from Ms. Petrie to Parking
16 Services in response to the DES letter dated July 13, 2018. Ms. Petrie advised DES that the
17 reason they did not receive any further contact from her regarding the parking permit is
18 because she retired from her position effective June 2018. In the letter Ms. Petrie gave the
19 following statements:

- 20 • She initiated the contact with the Parking Office on May 24, 2018, upon
21 receipt of a parking notice for not having a sticker in her vehicle.
- 22 • She advised the Parking Office that she had taped the sticker to her window
23 because she didn’t want the adhesive sticker glued to her window. She said
24 her dog found it and destroyed it.
- 25 • She contacted the Parking Office to get another sticker. She does not know
26 what her parking sticker number was.
- She does not check her earnings statement to see if the deductions are being
 taken.

- It is not her fault that there was an oversight or lost paperwork on the part of someone and that she was not in the system.
- Never during the entire time she used the Parking Garage when she had to travel to Olympia did she ever receive a parking notice.
- Being that she is now retired she is unable to pay the “exurbanite [sic] parking fees calculated.” She said she has no plans on ever using the Capitol Campus parking faculties again.

13. DES provided Board staff with a letter mailed to Ms. Petrie dated July 26, 2018, thanking Ms. Petrie for responding to the July 13, 2018 letter. In the letter DES advised Ms. Petrie that she did not provide sufficient data that supports not paying parking fees owed. Ms. Petrie was advised that if she could provide sufficient information that showed she was paying parking fees they would take that information into consideration. Ms. Petrie was advised that even though she had retired from state service it remained her obligation to pay parking fees owed for the time she worked on Capitol Campus. She was advised to contact the Parking Office no later than August 15, 2018.

14. DES provided Board staff with a copy of a letter dated August 3, 2018, restating the information in the letter sent to Ms. Petrie on July 26, 2018. The letter advised Ms. Petrie to contact the Parking Office no later than August 17, 2018 or the case would be referred to the Washington State Executive Ethics Board for further review.

15. After not receiving a response from Ms. Petrie, DES referred the investigation to the Board. DES alleges that Ms. Petrie may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and owed a total of \$1,770 in parking fees:

2013 Parking Fees	\$300
2014 Parking Fees	\$300
2015 Parking Fees	\$300
2016 Parking Fees	\$300
2017 Parking Fees (Jan Jun)	\$150
2017 Parking Fees (Jul-Dec)	\$210
2018 Parking Fees (Jan-May)	\$175

2018 Parking Fees (June)	\$ 35
Total Fees Owed	\$1770

17. In a written response to Board staff dated October 29, 2018, Ms. Petrie stated that she wrote letters to DES in July 2018 and August 2018. She said on September 17, 2018 she spoke to George Carter (Mr. Carter), the Parking Manager with DES, on the telephone.²

18. In Ms. Petrie's written response to Board staff, she stated that in 2013 she accepted a position in Olympia. She said she completed the Parking Pass paperwork and shortly thereafter received a window sticker, which she taped to the inside of her rear window. She never thought to verify if deductions were being taken from her paycheck and assumed that upon receiving a parking sticker, all documentation had been processed and deductions were being made. She did not know it was her responsibility to verify deductions were being made.

19. Ms. Petrie stated that in June 2018, she retired. Since then she has had a significant decline in her health and cannot worry about a situation resulting from "DES failures in record keeping." She said, "I am hereby asking your kindness in dismissing this case as this oversight is the responsibility of DES and cannot be assigned to me."

20. According to DES, Ms. Petrie has not paid the past due parking fees to DES.

21. On April 11, 2018, Board staff received a complaint from ESD alleging that Ms. Petrie was using state resources for personal use, (EEB Case 2018-020). Based on the investigation conducted by Board staff, the Board found reasonable cause that Ms. Petrie used state resources for personal use including using her computer to conduct business for outside organization. At the November 9, 2018 meeting, the Board accepted the proposed Stipulation and Order which imposed a civil penalty in the amount of two-thousand five-hundred and dollars

² According to Ms. Petrie, Mr. Carter requested she send him a letter explaining all that had transpired. DES provided Board staff with a copy of the letter dated September 27, 2018. Information provided in that letter was included in the response by Ms. Petrie to Board staff.

1 (\$2,500) with none suspended to be paid by January 2, 2019. To date, no payment has been
2 received.

3 III. CONCLUSIONS OF LAW

4 1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
5 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,
6 with respect to employees in the executive branch of state government. The Board has
7 jurisdiction over Cathy Petrie, whose actions occurred while she was a state employee.

8 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, in
9 pertinent part:

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

14 WAC 292-110-010 Use of state resources, states in part:

15 (3) **Permitted personal use of state resources.** This subsection applies to any
16 use of state resources not included in subsection (2) of this section.

17 (a) A state officer or employee's use of state resources is de minimis
18 only if each of the following conditions are met:

19 (i) There is little or no cost to the state;

20 (ii) Any use is brief;

21 (iii) Any use occurs infrequently;

22 (iv) The use does not interfere with the performance of any state
23 officer's or employee's official duties;

24 (v) The use does not compromise the security or integrity of state
25 property, information systems, or software;

26 (vi) The use is not for the purpose of conducting an outside
business, in furtherance of private employment, or to realize a
private financial gain; and

(vii) The use is not for supporting, promoting the interests of, or
soliciting for an outside organization or group.

Ms. Petrie as a Tax Specialist 4, with ESD used state resources for her private benefit or gain by
failing to pay for parking on the Capital Campus in violation of RCW 42.52.160. Ms. Petrie's

1 activities do not meet the exceptions for the use of state resources as permitted in WAC 292-
2 110-010.


3 **IV. FINAL ORDER**

4 1. Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby
5 ordered that Cathy Petrie is assessed a total monetary civil penalty of two thousand dollars
6 (\$2,000) based on her violations of RCW 42.52.160).

7 2. The total amount of two thousand dollars (\$2,000) is payable in full within 90
8 days of the effective date of this order.


9 DATED this 13th day of September 2019.

10
11
12 
13 _____
Shirley Battan, Chair



Lisa Marsh, Member

14 
15 _____
Gerri Davis, Vice-Chair



Anna Dudek Ross, Member

1
2 **APPEAL RIGHTS**

3 **RECONSIDERATION OF FINAL ORDER – BOARD**

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

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

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

13 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

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

21 A petition for review must set forth:

- 22 (1) The name and mailing address of the petitioner;
23 (2) The name and mailing address of the petitioner’s attorney, if any;
24 (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.