

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

3 In the Matter of:

EEB Case No. 2018-060

4 Eric Johnson,

FINAL ORDER

5 Respondent
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8 **I. PROCEDURAL HISTORY**

9 On May 10, 2019, the Executive Ethics Board (Board) found reasonable cause to
10 believe that the Respondent, Eric Johnson (Mr. Johnson), violated the Ethics in Public Service
11 Act while employed as a Maintenance Mechanic 1 (MM1) with the Washington State Parks
12 and Recreation Commission (PARKS). Notice of the Reasonable Cause Determination and the
13 right to request a hearing was served upon Mr. Johnson by regular mail and certified mail on
14 May 10, 2019. Mr. Johnson failed to respond to the Reasonable Cause Determination within
15 30 days as required by WAC 292-100-060(2).

16 The Board entered an Order of Default on September 13, 2019. On September 17,
17 2019, Board staff provided Mr. Johnson with notice of the Board's Order of Default by regular
18 and certified mail.

19 Pursuant to WAC 292-100-060(4) Mr. Johnson was allowed 10 days to request
20 vacation of the Order of Default. Mr. Johnson has not moved to vacate the order entered on
21 September 13, 2019.

22 **II. FINDINGS OF FACT**

23 1. Mr. Johnson was hired by PARKS as a non-permanent Park Aide on May 16,
24 2012 and was rehired as a Seasonal Senior Park Aide on March 8, 2013. On June 1, 2015, Mr.
25 Johnson was promoted to a Seasonal MM1. On November 1, 2015, he was transferred to the
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1 position of MM1 at Maryhill State Park, which was the position he held until he resigned from
2 PARKS on August 30, 2017.

3 2. According to the SAO, they were notified by PARKS that they had conducted
4 an investigation and determined a misappropriation of funds occurred between May 2016 and
5 August 2017 involving a purchase card (P-card) loss totaling \$15,315 and a fuel card loss of
6 \$764. The reported misappropriation occurred in the Goldendale Park area by Mr. Johnson
7 who was issued a government P-card to make purchases for state park operation. According to
8 PARKS, Mr. Johnson used it to purchase personal items and services and then falsified
9 supporting documentation.

10 3. According to the SAO, they reviewed the PARKS investigation and agreed
11 with its scope, methodology and conclusions and would be forwarding the report to the
12 Klickitat County Prosecuting Attorney's Office¹.

13 4. Board staff were provided with a copy of the PARKS Internal Audit Loss
14 Review Report (Internal Audit), dated October 4, 2017, and supporting documentation. The
15 investigator, David Tuckett (Mr. Tuckett), is an Internal Audit Manager with PARKS.
16 According to the Internal Audit, on September 6, 2017, PARKS regional management
17 informed the Internal Audit Manager of suspected losses from unauthorized purchases made
18 with a charge card (P-card) issued to Mr. Johnson. The Internal Audit Manager conducted a
19 review of all charges made with the P-card between August 2015 and August 2017; regional
20 fuel card purchases made between December 2014 and August 2017; and travel
21 reimbursements made to Mr. Johnson between July 2015 and September 2017. On January 23,
22 2018, PARKS reported the suspected loss to the SAO.

23 5. According to PARKS, an internal review of P-card transactions on August 30,
24 2017, showed that the P-card reconciliation form submitted by Mr. Johnson did not include all

25 ¹ According to PARKS, the prosecutor has declined the case.
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1 transactions from the July 2017 P-card statement. The reconciliation form is required as
2 support for the P-card transactions. Only the first of the two-page P-card statement was
3 submitted. A contract specialist then requested an additional reconciliation form for the
4 missing transactions, including the receipts or invoices to support the charges. A Park Ranger
5 pulled a copy of the P-card statement and reviewed the second page of the statement. He
6 noticed the purchases were not for state park operations. When the Park Ranger questioned
7 Mr. Johnson about the purchases and reminded him that he received a letter in October 2016
8 regarding personal purchases made on his government P-card, he resigned the same day,
9 stating some mistakes were made and apologizing for issues he caused.

10 6. Board staff were provided a copy of a letter titled Memorandum of Concern
11 (MOC), dated October 5, 2016, from Lem Pratt (Mr. Pratt), Area Manager and Park Ranger
12 which was addressed to Mr. Johnson. The subject line of the MOC was *Purchasing*
13 *Violation; Personal Use of Credit Card*, and was regarding Mr. Johnson's personal use of
14 a Parks Visa P-card used for purchases of non-approved items in the amount of \$890.28.

15 7. The MOC states, in part, that on September 12, 2016, the agency became
16 aware through the receipt of Mr. Johnson's P-card card log for his August 2016 purchases
17 that he used his PARKS Visa P-card for personal use. According to the MOC, during Mr.
18 Pratt's review of the information Mr. Johnson submitted on his August 2016 Visa P-card
19 log, he saw the notes Mr. Johnson wrote on the log noting an "accidental purchase." In
20 addition, Mr. Johnson attached money orders to his statement to reimburse PARKS for the
21 charges.²

22 8. Mr. Pratt stated in the MOC that he was concerned about the frequency of
23 Mr. Johnson's personal purchases, which have occurred seven times since July 2015,
24 when the card was originally issued to him. Mr. Pratt said that Mr. Johnson signed an
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26 ² Copies of the logs and money orders were provided to Board staff.

1 acknowledgement form when he received the P-card, which states the card shall be used
2 for official state business only, and that personal use of an agency P-card is strictly
3 prohibited. In addition, the MOC stated that Mr. Johnson was to adhere to the following
4 expectations:

- 5 • Ensure all purchase transactions are in compliance with the agency's
6 Purchasing Manual, the DES Purchasing guidelines, Washington State Law,
7 and agency policies and procedures.
- 8 • No further violations occur by making personal purchases with your agency
9 issued purchase card with future purchase transactions.
- 10 • Read and understand Policy #70-15 Employee Conduct and Ethics, sign and
11 date the policy and provide the original to him, keeping a copy in Mr.
12 Johnson's file.

13 9. Board staff contacted Mr. Pratt, who retired from PARKS and is now an
14 investigator for the Klickitat Prosecutor's Office. Mr. Pratt confirmed that he had been Mr.
15 Johnson's supervisor. He confirmed that he issued the MOC to Mr. Johnson in October 2016.
16 He said that he again spoke with Mr. Johnson in August 2017 about Mr. Johnson's personal
17 use of his agency P-card. Mr. Pratt said Mr. Johnson subsequently resigned from PARKS later
18 that same day in August 2017. Mr. Pratt said he submitted an Incident Report in regards to Mr.
19 Johnson's use of his agency P-card.

20 10. On June 28, 2018, the Board received an SAO referral alleging Mr. Johnson
21 may have violated the Ethics in Public Service Act by using state resources for private benefit
22 or gain.

23 11. Board staff contacted PARKS and obtained a copy of Mr. Pratt's Incident
24 Report. The report states, in part, that on August 8, 2017, Mr. Johnson contacted Mr.
25 Pratt at the Goldendale Area office concerning an email he received from Contracts
26 Specialist Regan Givens (Ms. Givens). Mr. Johnson stated that he was missing the

1 second page of his July 2017 Visa credit card statement. Mr. Johnson stated that
2 Office Assistant Sophia Casimiro (Ms. Casimiro) did not email him the second page.
3 Mr. Johnson went on to say that he would take care of it.

4 12. Mr. Pratt said he pulled a copy of the credit card log and the hard copy of
5 the credit card statement from Ms. Casimiro's file desk. Mr. Pratt said he started to
6 look at the statement and Mr. Johnson stated "don't worry, I'll handle it". Mr. Pratt
7 said as he handed the statement to Mr. Johnson, he noticed the word Camas on the
8 first entry and asked to look at the document.

9 13. Mr. Pratt said while reviewing the statement he realized there were
10 several personal purchases on the statement. He said when he asked Mr. Johnson why
11 he withheld the second page of the credit card statement, he stated "I didn't, Sophia
12 didn't send me the second page."

13 14. According to Mr. Pratt, he stated, "Eric, you received a letter the last
14 time you did this, there is nothing you can say that would justify those personal
15 purchases". Mr. Pratt said he gave Mr. Johnson the second page of the statement to
16 review. That page had a total of \$7,121.44 in what appeared to be personal purchases.

17 15. According to Mr. Pratt, he suspended Mr. Johnson's access to the
18 agency P-card and notified Mr. Givens about what he found. He said he requested Mr.
19 Johnson's credit card be discontinued.

20 16. According to Mr. Pratt, later that day he went to the Columbia Hills State
21 Park office, located at Horsethief Lake, and noticed Mr. Johnson's work truck was
22 parked there. Mr. Pratt said he found Mr. Johnson's truck and building keys in the
23 office. Mr. Pratt said about that time he observed an email on his agency smartphone
24 from Mr. Johnson stating, "Since I am most likely going to be loosing [sic] my job
25 due to my actions, and I will not be able to work in the area with the label that will be
26 posted to me, I have decided to put a letter of resignation, which is effective

1 immediately along with my keys and my phone underneath your area office door. My
2 truck keys and Main area key will be on the Horsethief counter top."

3 17. Mr. Pratt stated that he forwarded the email to Ms. Givens and HR. He
4 said he then drove to Maryhill State Park and found the letter of resignation, phone
5 and three sets of park aide keys on the floor behind the office door. The letter from
6 Mr. Johnson stated, "To whom it may concern. Effective Immediately, I am resigning
7 from my position as Maintenance Mechanic 1 in the Goldendale Area State Parks. I
8 have made some mistakes which can not be forgiven, and I apologize for the issues
9 that I have caused. Regards, Eric Johnson"³.

10 18. According to PARKS Internal Audit, an internal investigation reviewed other
11 purchases made by Mr. Johnson on his P-card, which led to a review of all P-card purchases
12 dating to the issuance of the P-card in August 2015. The following purchases were listed on
13 monthly Purchase Card Reconciliation Forms and paid with money orders from Mr. Johnson.

<u>Date</u>	<u>Amount</u>	<u>Merchan t</u>
9/26/2015	\$401.02	Sportsman Cannery
12/24/2015	\$324.12	Fred Meyer
04/17/2016	\$960.00	Oregon Horse Center
5/28/2016	\$109.65	Walmart
5/28/2016	\$63.90	Wilco
7/16/2016	\$67.00	Coastal
7/19/2016	\$552.79	Reddi Towing
7/26/2016	\$536.20	C&C Smart
8/11/2016	\$243.78	Steve Veterinary
8/19/2016	\$67.06	Walmart
8/20/2016	\$43.24	VF Outlet
Total	\$3,368.76	

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26 ³ Mr. Pratt provided potential fraudulent charges on the P-card and fuel card. In the interest of consistency, Board staff used the fraudulent charges alleged in the PARKS Internal Audit.

1 19. According to the PARKS Internal Audit, the internal investigation concluded
2 that \$16,306.57 was misappropriated through personal use of the agency P-card and fuel card.
3 Twenty purchases worth \$15,543.07 were identified as personal items, including a \$500
4 payment to a collections agency and two payments totaling \$6,516 to a dental office. Further,
5 the fuel card was used to buy \$763.50 worth of diesel while the two vehicles assigned to the
6 state park area were gasoline vehicles. Board staff contacted Mr. Tuckett and he confirmed
7 that these totals are in addition to the personal charges paid back by Mr. Johnson.

8 20. According to the PARKS Internal Audit, they used the following data and
9 information sources to conduct this review:

- 10 • For the charge card issued to Mr. Johnson, all monthly P-Card Reconciliation
11 Forms and corresponding receipts between August 2015 and August 2017 were
12 reviewed;
- 13 • The US Bank Online Access system was used to compare actual charges with
14 documentation submitted to Accounts Payable;
- 15 • The US Bank online Voyager system was used to review fuel card purchases
16 made between December 2014 and August 2017 for vehicles in the Eastern
17 Region South inventory;
- 18 • Travel reimbursements made to Mr. Johnson from July 2015 to September
19 2017 were reviewed; and
- 20 • Accounts Payable staff were interviewed concerning processes and procedures.

21 21. According to the PARKS Internal Audit, they found the following P-card
22 purchases totaling \$15,543.07 and provided Board staff with supporting documentation.

23 22. The Purchasing Card Reconciliation Form for May 2016 presented to Accounts
24 Payable staff was misleading because it does not include the 12v battery purchase. A \$95.10
25 (\$88.47+tax) 12v battery was purchased on the same receipt as the golf cart battery.
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1 23. The Purchasing Card Reconciliation Form for September 2016 presented to
2 Accounts Payable staff was falsified to show an incorrect vendor name and description of
3 purchase. A \$500 purchase was made to Conserve, a collections and skip-tracing company on
4 August 26, 2016, and no receipt was submitted. After being asked for backup documentation
5 for the \$500 purchase shown on the bank statement, Mr. Johnson emailed a forged invoice to
6 accounting staff.

7 24. The Purchasing Card Reconciliation Form for September 2016 presented to
8 Accounts Payable staff indicates that an alternator costing \$189.65 was purchased for a Ford
9 Ranger, license #014601E. However, the alternator was a part for a 1999 Nissan Frontier⁴. The
10 make and model of the vehicle was removed from the receipt for the alternator.

11 25. The Purchasing Card Reconciliation Form for February 2017 presented to
12 Accounts Payable staff was falsified to show an incorrect vendor name and description of
13 purchase. An invoice dated January 5, 2017 was altered to show a purchase of \$3,081.09 for
14 shower components. The actual purchase for \$3,081.09 was from an auto repair shop named
15 Electronic Injection Services. No receipt was submitted. The Purchasing Card Reconciliation
16 Form for April 2017 presented to Accounts Payable staff was falsified to show an incorrect
17 vendor name and description of purchase. Additionally, the sum of the items listed does not
18 match the total. The difference of \$172.45 is equal to the two purchases listed on the second
19 page of the bank statement, which was not included in the reconciliation packet.

- 20 • On April 18, 2017, there was a purchase from State Line Tack for \$29.73
21 and no receipt was submitted.
- 22 • On April 19, 2017, there was a purchase from State Line Tack for \$675.76
23 and no receipt was provided. A forged invoice for \$675 was submitted.

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26 ⁴ According to PARKS, there is not a 1999 Nissan Frontier assigned to that area.

- 1 • On April 24, 2017, a purchase was made from WW Grainger for \$21.34. No
2 receipt was submitted. The WW Grainger purchase appeared on the second
3 page of the bank statement next to an unauthorized purchase for \$151.11
4 from Best Western Hotels on April 21, 2017. No receipt was submitted.

5 26. The Purchasing Card Reconciliation Form for May 2017 presented to Accounts
6 Payable staff was falsified to show incorrect vendor names and descriptions of purchases.

- 7 • On April 26, 2017, a purchase of \$2,055.36 was made from an auto repair shop
8 named Electronic Injection Services and no receipt was submitted. A forged
9 invoice for \$2,055.36 was submitted.
- 10 • On May 6, 2017, a purchase of \$56 was made from Skyway Bar & Grill and a
11 receipt was not submitted. A forged invoice for \$56 was submitted.
- 12 • On May 22, 2017, a purchase of \$98.50 was made from LJC Feed for personal
13 products unrelated to agency business.

14 27. The Purchasing Card Reconciliation Form for June 2017 presented to Accounts
15 Payable staff itemizes only \$5,271.31 in purchases. Monthly purchases actually totaled
16 \$7,386.18. The bank statement was not submitted with the form.

- 17 • On June 4, 2017, a \$56.80 purchase was made from the Chinese Café and a
18 receipt was not provided. A forged invoice for \$56.80 was submitted. On June
19 7, 2017, a purchase of \$547.52 from the United States Eventing Association
20 was made and a receipt was not provided. A forged invoice for \$547.52 was
21 submitted.
- 22 • On June 16, 2017, a \$416.02 purchase was made from Camas Washougal
23 Animal without providing a receipt. A forged invoice for \$416.02 for CW
24 Animal Supply for “60 inch T-Posts” was submitted. On July 20, 2017, Mr.
25 Johnson was asked by Accounts Payable staff why the items for the \$416.02
26 purchase listed on the reconciliation form were not purchased off of the state

1 contract. Mr. Johnson replied by email that the items were needed for urgent
2 repairs.

- 3 • On June 16, 2017, a \$40.99 purchase was made from A&J Select without
4 providing a receipt. A forged invoice for \$40.99 was submitted. PARKS states
5 that Internal Audit confirmed with the merchant that this business is a grocer
6 and does not carry the products listed on the forged invoice.

7 28. The Purchasing Card Reconciliation Form for July 2017 presented to Accounts
8 Payable staff was falsified to not include all purchases for the period, and incorrect purchase
9 descriptions. The total activity amount on the US Bank statement was altered from the original
10 amount of \$10,669.21 to \$3,267.77.

- 11 • On July 9, 2017, a \$179 purchase was made from the Dalles NAPA store. The
12 receipt was turned in as repair part for the agency Ford Ranger truck. According
13 to the Internal Audit, they confirmed with the merchant that part #4N-9301 on
14 the receipt is for a full-size diesel Ford truck and will not fit a Ford Ranger (part
15 #4N-9251 is for the Ranger).
- 16 • On July 14, 2017, a \$69.24 purchase was made from LJC Feed & Pet Farm
17 Supply. A receipt was not submitted.
- 18 • On July 16, 2017, a \$536.20 purchase from a Cash & Carry. A receipt was not
19 submitted.⁵
- 20 • On July 17, 2017, a \$6,156 purchase was made from Gentle Dental and a
21 receipt was not submitted. The purchase involved two simultaneous
22 transactions because the card had a \$5,000 single purchase limit.

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26 ⁵ Mr. Johnson made an identical purchase on July 26, 2016. At that time, the purchase was repaid with a money order.

- (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.

Under WAC 292-110-010 Use of state resources, after April 2016, states, in part:

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

(a) A state officer or employee's use of state resources is de minimis only if each of 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 state officer's or employee's official duties;
- (v) The use does not compromise the security or integrity of state property, information systems, or software;
- (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.

3. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Mr. Johnson and over the subject matter of this complaint.

4. Based on the evidence, Mr. Johnson used his state issued credit cards for his private benefit or gain in violation of RCW 42.52.160. Mr. Johnson'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.

1 **IV. FINAL ORDER**

2 Based on the foregoing:

3 IT IS HEREBY ORDERED Respondent Eric Johnson is liable for and shall pay a civil
4 penalty of sixteen-thousand-three-hundred-six-dollars-fifty-seven-cents (\$16,306.57). The
5 payment shall be made to the Executive Ethics Board within forty-five (45) days of this Order.

6 **V. AUTHORITY AND PROCEDURE**

7 Pursuant to RCW 34.05.470, Respondent has the right to file a Petition for
8 Reconsideration stating the specific grounds upon which relief is requested. The Petition must
9 be filed with the Executive Ethics Board at 2425 Bristol Court SW, Olympia, Washington
10 98504, or by U.S. Mail at P.O. Box 40149, Olympia, Washington 98504-0149, within ten (10)
11 days of service of the Final Order upon Respondent.

12 The Petition for Reconsideration shall not stay the effectiveness of this order nor is a
13 Petition for Reconsideration a prerequisite for seeking judicial review in this matter. A timely
14 Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
15 petition is filed, the Board does not (a) dispose of the petition or (b) serve the parties with a
16 written notice specifying the date by which it will act on a petition.

17 Respondent has the right to petition the superior court for judicial review of the Board's
18 action under the provisions of chapter 34.05 RCW. For the requirements for filing a Petition
19 for Judicial Review, see RCW 34.05.510 and sections following.
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DATED this 8th day of November, 2019.


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Shirley Battan, Chair



Gerri Davis, Vice Chair



Lisa Marsh, Member



Anna Dudek-Ross, Member