

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Janet Watkins

Respondent.

No. 2018-064

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Janet Watkins, 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 December 18, 2018, the Executive Ethics Board (Board) received a referral from the State Auditor's Office (SAO) alleging that Janet Watkins (Ms. Watkins), a Social Service Specialist 3 (SSS3) at the Department of Children, Youth, and Families (DCYF), Child Protective Services (CPS), may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and used her personal email to transmit confidential information.

2. Ms. Watkins was hired by DSHS in 2008 as a part-time Social Worker 2 and progressed into a part-time Social Worker 3 position. Ms. Watkins became a permanent SSS3 on March 15, 2010, which was the position she held at the time of the complaint filed with the SAO. Ms. Watkins works

from 7:30 am to 5 pm. Her work week is Monday through Friday working four nine hours shifts and one four hour shift.

3. Board staff were provided a copy of Ms. Watkins most recent Annual Review Checklist signed on August 17, 2017. There were four DSHS Notification of Outside Employment form(s) signed by Ms. Watkins between 2013 and 2018; the most recent form was signed on August 17, 2017. Ms. Watkins indicated each time that her outside employment at Heritage University (University) teaching classes and advising practicum students would not pose a potential conflict with her responsibilities in her position with DSHS as a SSS3. Additionally, she noted that the outside employment would not involve activities that are normally a part of her responsibilities within her job at DSHS.

4. According to the SAO investigative report, they reviewed Ms. Watkins internet history during their timeframe of November 1, 2016 through November 30, 2017. The report stated that Ms. Watkins did not spend a significant amount of time on the University's website; however, they found that she visited the University's Panopto¹ site frequently. She went to the heritage hosted.panopto.com or a related Panopto site 474 times during the 142-day review period. The SAO report stated that because they did not have a University login, they were unable to view the content on the Panopto-related sites, therefore they counted each URL visit as a "hit" to track how many times the site was visited. They found a majority of the Panopto hits, 413, fell on April 19, 2017 and April 20, 2017.

5. The spreadsheet below provides a brief example of Ms. Watkins browsing history on April 19, 2017:²

¹ Panopto is an online tool used by organizations to manage, stream and record videos for their users to access with an individual log-in.

² Excerpt taken from the SAO spreadsheet.

04/19/17	10:27:27 AM	http://hunow.heritage.edu/Resources/Shared/scripts/widgets.js?_=1492536876459
04/19/17	10:27:45 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=b7b99463-2339-4147-87f0-43898e7e6bc7&mode=Delivery&random=0.802915235423909
04/19/17	10:27:45 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=b7b99463-2339-4147-87f0-43898e7e6bc7&mode=Delivery&random=0.189699545590998
04/19/17	10:29:46 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=f7f78e35-a080-4d78-a9e0-506f21d766e9&mode=Delivery&random=0.189699545590998
04/19/17	10:29:47 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=b02aa223-3f8c-44c3-8a29-399644f03b18&mode=Delivery&random=0.590930937133232
04/19/17	10:29:47 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=b0d45996-3a45-4523-8707-8e4a6c345d31&mode=Delivery&random=0.590930937133232
04/19/17	10:29:47 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=f6d27c7a-4327-4a99-9e90-2fc963c25c89&mode=Delivery&random=0.876027875987826
04/19/17	10:29:47 AM	https://heritage.hosted.panopto.com/Panopto/Cache/5.3.0.35226/Styles/Less/Application/Images/RecorderDownload/icon_create_session.png
04/19/17	10:29:48 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=f7f78e35-a080-4d78-a9e0-506f21d766e9&mode=Delivery&random=0.483751590123284
04/19/17	10:29:48 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=b0d45996-3a45-4523-8707-8e4a6c345d31&mode=Delivery&random=0.483751590123284
04/19/17	10:29:48 AM	https://heritage.hosted.panopto.com/Panopto/Services/FrameGrabber.svc/FrameRedirect?objectId=f6d27c7a-4327-4a99-9e90-2fc963c25c89&mode=Delivery&random=0.483751590123284
04/19/17	10:29:49 AM	https://heritage.hosted.panopto.com/Panopto/Cache/5.3.0.35226/Styles/Less/Application/Images/Upload/uploader_dropTarget_border_press.png

6. The SAO stated that because they were unable to log in to this program, they could not determine the amount of time spent on this site. However, they were able to calculate that Ms. Watkins

spent an additional 81 to 100 minutes to conduct other University business, such as planning speaking engagements, reviewing upcoming semester schedules and applying for faculty positions.

7. Board staff reviewed the SAO spreadsheet for the period of November 1, 2016 through November 28, 2017 and Ms. Watkins' hard drive and were able to determine that she visited the University website on 32 different days. Most of those days was for a very brief period of time except for April 19, 2017 through April 21, 2017. On April 19, 2017, she visited the University website at 10:27 am and her last activity on the website for that day was at 1:27 pm. On April 20, 2017, she visited the University website at 8:18 am and her last activity on the website for that day was at 8:50 am. On April 21, 2017, she visited the University website at 8:57 am and her last activity on the website for that day was at 1:06 pm.

8. According to the SAO, they found that Ms. Watkins sent detailed case notes from her University email account to her DSHS email account and her personal email address on at least five separate occasions.³ This action exposed confidential information to the University's servers.

9. According to the SAO, during an interview, Ms. Watkins said she does not do University work on state time. However, when they showed her the internet browsing history, she recalled a time when she had problems with the University program on her home computer and a University technician called her while she was at DSHS, necessitating that she log into her University account on a state computer to trouble shoot.

10. According to DSHS, Ms. Watkins was part of the transition of Children's Administration staff that officially came to DCYF from DSHS on July 1, 2018. The investigation

³ Board staff reviewed the emails in question and Ms. Watkins' email history and determined that the two of those emails sent to Ms. Watkins were sent by a former DSHS Intern and University student at that time that went with Ms. Watkins on several interviews with clients.

into the allegations made against Ms. Watkins occurred prior to DCYF becoming an agency, so the investigation was conducted by the DSHS Workplace Investigation Unit (WIU).

11. According to the DSHS investigative report, their investigation was initiated as a result of a referral by the SAO alleging that Ms. Watkins used state resources for outside employment and transmitted confidential client information outside of DSHS secure electronic messaging system via her work and personal email account(s). The investigation was conducted by WIU Investigator Beverly Payne (Ms. Payne).

12. The DSHS report stated that according to the Learning Management System (LMS) record, Ms. Watkins has attended the following trainings: Ethics in Washington State Government; 2011, 2014, 2017; DSHS/CA- WSP Security Awareness 2014 and DSHS Information Security Awareness 2013, 2015, 2017, 2018.⁴

13. According to Ms. Payne, she contacted the SAO investigator and reviewed the SAO investigation with her. DSHS also obtained supporting documentation from the SAO including emails, and an Excel report summary of Ms. Watkins browsing history done by the SAO investigator. Those documents were also provided to Board staff by the SAO and DSHS.

14. According to Ms. Payne, she conducted an interview with Ms. Watkins regarding the allegations made by the SAO. Present at the interview was Union Representative Gus Gonzalez (Mr. Gonzalez) and WIU Investigator Susan Danielson (Ms. Danielson).

15. Ms. Payne said she referred Ms. Watkins to the SAO's review of her hard drive, network files and emails from November 1, 2016 through November 30, 2017. The SAO found that Ms. Watkins went to heritage.hosted.panopto.com or a related site 474 times during the 142-day review period. 413

⁴ According the DSHS investigator, there was no discipline noted in Ms. Watkins personnel file.

of these times occurred on April 19 and 20, 2017. The program is used to manage, stream, and record instructional videos.

16. According to Ms. Payne, Ms. Watkins confirmed that she had received her internet browsing summary from the SAO. Ms. Payne asked Ms. Watkins to explain the purpose for visiting the website, if she had a business need to access the website and how long she thought she spent on the website.

17. According to the DSHS report, Ms. Watkins stated, “You know, I don’t know what I did on that website. My understanding is that there were 413 clicks.” When asked if she knew what she was doing on the website, she replied, “No. It showed I was just clicking.” When asked what she uses Panopto for she stated, “I don’t know what I visited it for. It would be videos that students would have done. I don’t know what I was looking for. It looks like I went there maybe 30 days. One time I did trouble shooting with the IT person” (from Heritage University). She said she was not watching videos “My calculation was I was on for maybe 60 minutes total, clicking through them.” Mr. Gonzalez clarified the purpose of the question (what is the function of Panopto) and Ms. Watkins stated, “So I’d go to Panopto to look at completed students’ work.” She explained that “the students would do an assignment like a Power Point and they would submit it.” Ms. Watkins confirmed that she was referring to the students who were in her classes (at Heritage University) and she was reviewing their work. Ms. Watkins stated “no” that she did not have a business need to visit the website. She estimated that she spent “60 minutes in that total year period from the spreadsheet. I counted the minutes.” When it was explained that, according to the SAO investigator, there is no way to calculate the actual time visiting the website, only the minimum amount of time, Ms. Watkins did not respond.

18. Ms. Watkins was asked if these activities were related to her outside employment with the University and a violation of DSHS policy. According to the DSHS report Ms. Watkins

stated, "I did apply for a faculty position (at Heritage University). I sent the paperwork." She continued, "I don't do speaking engagements on behalf of the University, but I do Mandatory Reporter training on behalf of DSHS." Ms. Watkins also indicated that she was sent an email with a course schedule, which she opened and printed out. Ms. Watkins mentioned a Mandatory Reporter training and Human Trafficking training that she did for Kennewick School District (KSD). She said, "I did this on my own. I was not paid. Murphy (a colleague who does not work for DSHS) and I were going to charge \$200 for the trafficking part, but the bill was not sent and there was no payment.

19. Board staff contacted KSD and were advised by KSD Human Resource Specialist Levi Martin (Mr. Martin) that he could confirm that Ms. Watkins participated in presenting a class for KSD on November 14, 2017 and was offered \$200 dollars by one of their members at some point, because he earmarked that amount on the tentative budget. He looked through the final expenses for the Paraeducator Staff Development budget for the 2017-18 year and was unable to find any payout to her for speaking. Additionally, he worked with their accounting staff to check to see if she ever registered as either a casual employee or vendor with KSD, which is a pre-requisite step to being paid by their organization. He said he can confirm that at no point has she even registered with KSD.

20. According to the DSHS report, Ms. Watkins was asked if she believes her internet use was in line with DSHS policy. Ms. Watkins replied that she thought it was "de minimis" use. She stated, "We were told that we could check our kids' school and our personal emails." When asked who gave that guidance she replied, "Everyone says that. Someone would say that because we've been told that." Ms. Watkins did not recall who gave that instruction, but believes it is a common understanding among staff.

21. According to the DSHS report, Ms. Watkins was handed copies of the following emails and asked to explain the purpose of sending the emails and did it fulfill a business need for her job with

DSHS. In regards to an email dated April 24, 2017 with the subject line *BSW Intern from Heritage*, Ms. Watkins said, "I contacted somebody by phone and I responded to their email. It was not work related." She indicated that the email dated March 29, 2017 was also not work related. Ms. Watkins stated that with regard to whether these emails violated the identified policies, "I was under the impression it was de minimis use; short and infrequent. However, I now have a different take because this does not fall into that policy. I will never do that again."

22. Board staff reviewed the March 29, 2017 email from Ms. Watkins DSHS email address with the subject line *Internships*. The email was addressed to dmccary@co.franklin.wa.us and stated, "*Do you have an internship program at Franklin County?*"

23. Board staff reviewed the email thread with the subject line *BSW Intern from Heritage*. The first email, dated April 19, 2017 was from Teresa Pofahl (Ms. Pofahl), an Adult Protective Services Supervisor at DSHS, and was sent to Patrick Stickely (Mr. Stickely), an APS Field Services Administrator with DSHS, with Ms. Watkins copied. It stated, in part:

....I was contacted by Janet Watkins, a past co-worker of mine from Children's. She is a part time teacher with Heritage University and has a student who is in their senior year who is interested in doing an internship with APS. Is this a possibility and if so I have included her in this email so more information can be exchanged.

24. The final email in the thread, dated April 24, 2017, was a response from Ms. Watkins to Mr. Stickely and Ms. Pofahl regarding Mr. Stickely's email expressing an interest in the intern but requesting more information. The April 24, 2017, email from Ms. Watkin's DSHS email address was copied to Juarez_m@heritage.edu and stated "*Miguel, Could you please.*"

25. In regards to an email from Ms. Watkins dated April 28, 2017, containing the attachment, *Heritage University/Application for Employment*, Ms. Watkins stated that the sole purpose of the email was to apply for employment at Heritage University. She indicated that it did not meet a business need

for her job at DSHS. According to the DSHS report, when asked if she benefited financially she replied, “I get paid, yes. It led to more hours. I was trying to move from adjunct to assistant professor.”

26. Board staff reviewed the email dated April 28, 2017, from Ms. Watkins’ DSHS email address to Juarez-m@heritage.edu with the subject *FW: Scanned Document from Ricoh printer*, and contained an attachment. The attachment was a six-page application for employment with Heritage University for Ms. Watkins. The email stated, “*Miguel, The fax went through but wanted to send you the information anyway. Best Janet.*”

27. In regards to an email sent from Ms. Watkins on July 5, 2017 with the subject line *Cover letter adjunct faculty position*, Ms. Watkins told the DSHS investigator that she forwarded her resume to someone that wanted to apply for an adjunct faculty position. She acknowledged that it was not business related and did not think it was a policy violation at the time.

28. Board staff reviewed the email dated July 5, 2017 from Ms. Watkins’ DSHS email addressed to kathyg@gigbend.edu. The subject was *Cover letter adjunct faculty position* and included an attached two-page cover letter for the position of Social Work Faculty position at the Heritage University.

29. In regards to an email sent by Ms. Watkins on October 9, 2017, with the subject line *KSD paras and cashiers workshop* with an email string regarding Human Trafficking training at KSD, Ms. Watkins told the DSHS investigator that providing mandatory reporter training is part of her job as a SSS3. She explained that someone from the KSD reached out to her and asked her to provide mandatory reporter training and to combine it with training in human trafficking. She stated that she is on the “CAT team”⁵ as a representative of DSHS and her role is to help with outreach. She explained that the CAT

⁵ Convention against Torture.

team addresses human trafficking. Ms. Watkins stated that she was very clear with the contact person at KSD that she was not charging a fee for the mandatory reporter training, however, she was going to charge \$200 for the human trafficking portion of the training. She explained that the person who was going to help her with the human trafficking topic could not make it, so she ended up not charging a fee.

30. When asked by the DSHS investigator if she thought it was a conflict or might appear to be a conflict to “wear two hats” in the same training, she said “No. I made it very clear that I would not get paid for the Mandatory Reporter part of the training and it was separate from the Human Trafficking.” When asked if she talked to her supervisor about the training, she said “No.” adding, “Looking back, I should have cleared it with my supervisor.”

31. Ms. Watkins said she provided training on both topics on November 14, 2017, which was supposed to begin at 4:00 p.m. however, because she was running late working on one of her DSHS cases, it began at about 4:30 p.m. She indicated that she did not request overtime or flex time⁶.

32. Board staff reviewed an email thread between Ms. Watkins using her DSHS email address and Marcy Overturf (Ms. Overturf) at KSD beginning June 20, 2017, with Ms. Overturf identifying herself being part of the KSD Staff Development Committee. The emails were in regards to doing a workshop on human trafficking and how much Ms. Watkins would charge to speak at their workshop. The last email was from Ms. Watkins on November 14, 2017, confirming how many people would be attending the training and that she will have internet access.

33. In regards to an email sent from Ms. Watkins on August 28, 2017 to Stephen Smith (Mr. Smith) regarding Heritage University, Ms. Watkins explained that she sent the email because Mr. Smith was a new adjunct faculty member.

⁶ Board staff reviewed Ms. Watkins time card for November 14, 2017 and noted she did not take overtime for that day.

34. Board staff reviewed two emails between Ms. Watkins at her DSHS email address and Stephen Smith (Mr. Smith), an SSS3 at DSHS on August 28, 2017. The first email was from Ms. Watkins to Mr. Smith and had no subject line but stated, “*This is your logon info. Smith-S@Heritage.edu Fall 2017.*” The second email was from Mr. Smith thanking Ms. Watkins.

35. In regards to an email sent from Ms. Watkins on February 8, 2017 with a Power Point attachment, Ms. Watkins confirmed with the DSHS investigator that it was not work related and she sent it to a student at the University.

36. Board staff reviewed an email from Ms. Watkins’ DSHS email address to ines-herrera-11@hotmail.com with a subject line of *power point #4*. The email contained an attached 12-page Power Point presentation on “Understanding the Sociopolitical Implications of Oppression in Social Work Practice.”

37. Board staff reviewed an email sent from Ms. Watkins DSHS email address to nash_K@heritage.edu on June 27, 2017, with the subject line, *Offer Letter-Janet Watkins*. Attached to the email was a two-page letter, dated June 21, 2017, offering Ms. Watkins a faculty position with Heritage University as an Assistant Professor with an annual salary of \$52,593. Ms. Watkins confirmed it was not work related.

38. According to the DSHS report, they asked Ms. Watkins to review several of what appeared to be non-work related emails with miscellaneous dates and times. Ms. Watkins acknowledged that none of the additional emails were work related, stating, “they were Heritage.”

39. Board staff reviewed the miscellaneous emails. There were approximately 11 emails sent and received by Ms. Watkins’ DSHS email address to and from University employee email addresses and DSHS employee email addresses regarding University business, including training and University social events.

40. According to the DSHS report, the DSHS investigator interviewed Ms. Watkins about the allegation that she had transmitted confidential client information outside of the DSHS' secure electronic messaging system via work and personal email accounts. Ms. Watkins provided the following explanation in regards to those emails.

41. In regards to an email sent from Ms. Watkins' University email address to her personal email address and then to her work email address on October 5, 2017 regarding a DSHS case, Ms. Watkins stated she did not know why she sent the email and confirmed that it contained confidential client information. She said, "I should not have sent any client information over personal email."

42. Board staff reviewed an email dated October 4, 2017, sent from Ms. Watkins' University email address to her personal email address with the subject line, *Document 2*. On October 5, 2017, Ms. Watkins sent an email from her personal email address to her DSHS email address with the subject line, *FW: Document2*, with an attachment identified as *Document2.docx*. The attached document was in regards to what appears to be an interview with subjects that are part of a DSHS Case and states, in part:

..... Ms. Last Name Redacted (LNR) reports she is a single parent and loves her children. She reports she has a good relationship with the two other fathers, Moses 308-XXX-XXXX who is the father of Child #1, and Child # 2 LNR 509-XXX-XXXX who is the father of Child #3. She appears protective of the children and loves them....

43. Board staff reviewed an email sent from Ms. Watkins' University email address to her DCYF work address on August 23, 2017, with an attachment identified as *work docx*. The attachment appears to be a case log and states, in part:

..... The mother, Alexis answered the door. She said she knows why SW was at the home today. Alexis said that Child #1 wasn't home when the police arrived and is normally with her

grandmother, Karen LNR XXX-XXXX. Alexis reports she is waiting to get into treatment in about a 1 ½ weeks at Ideal Options. She said Child #1 will remain with her grandmother.

44. In regards to this email, Ms. Watkins told Ms. Payne she did not know why she sent this information from her personal email, “I don’t know what I was thinking.” According to the DSHS report, she acknowledged that she should not have sent the emails with confidential client information.

45. Board staff reviewed an email sent from Ms. Watkins’ University email address to her DSHS email address dated September 30, 2017 with the subject line, *work1*, with attachments identified as *work1.docx*. The two page attachment appears to be a case log and states, in part:

....SW completed initial face to face with Child #1at Rosalyn Stem School. Also, in the room was the school counselor, Imelda LNR. SW introduced self to Child #1, asked permission to record him which he gave, and went over truth and lie. Child#1 is in 6th grade. His teacher is Ms. LNR. He likes math and science. Child #1 resides with his grandparents, mother, Uncle Eric, brother, Child #2, and sister Child #3. SW asked him about his father and he said he doesn't want to talk about him because his parents are divorced.⁷

46. In regards to this email, Ms. Watkins could not recall why she sent this information via her University email. According to the DSHS report, Ms. Watkins acknowledged that it contained confidential client information and she should not have sent it from her non-work email.

47. According to the DSHS report, Ms. Watkins was asked if there was anything she would like for the Appointing Authority to know. Ms. Watkins responded, she was “under the assumption” that sending personal emails was *de minimis*, “[n]ow I know that it isn’t *de minimis*. It won’t happen again.”

⁷ Board staff redacted the last names, the last seven digits of telephone numbers and changed the names of children to Child #1, #2 and #3 regarding the case notes in paragraphs 41, 43 and 45.

She also said that she should not have sent emails with client information and “[i]t won’t ever happen again.”

48. According to the DSHS report, Ronda Haun (Ms. Haun) DCYF, Risk Management Administrator, explained to the investigator that when identification of client information is shared outside of the agency (e.g. case documentation) it is her responsibility to determine if there was a “breach of confidentiality” that would necessitate notification to the agency’s clients.

49. Ms. Haun stated that she received notice regarding the SAO investigation of Ms. Watkins from Andrew Colvin (Mr. Colvin), Discovery and Ethics Administrator, Services and Enterprise Support Administration (ESA). Ms. Haun reviewed the documentation which contained client information in the form of case notes. The case notes, which were discovered in Ms. Watkins’ Children’s Administration (CA) email account, contained client information regarding two cases assigned to Ms. Watkins. Ms. Haun explained that, although she believed Ms. Watkins violated policy by sending case information outside the CA email secure system, she did not provide the degree of personal information in the emails (such as dates of birth, social security numbers, etc.) that would prompt client notification.

50. Board staff contacted Ms. Haun and she provided Board staff with copies of the policies she believes that Ms. Watkins violated in regards to sending case information outside the CA email secure system; DSHS-AP-05-01, DSHS-AP-15-10 and DSHS-AP-15-15.

51. According to the DSHS report, Ms. Watkins supervisor, Kevin Sharp-Smith (Mr. Sharp-Smith), was interviewed by Ms. Payne on the telephone. Mr. Sharp-Smith is a CPS supervisor in the Richland office and he has supervised Ms. Watkins since he began in that role three years ago. Mr. Sharp-Smith indicated that he did not know anything about Ms. Watkins using the computer for her outside employment until the SAO investigation was initiated. He said he had also not been aware that she had sent client information from her personal email accounts.

52. Mr. Sharp-Smith explained that after Ms. Watkins received the SAO investigative report, she came to him and discussed the concerns from the investigation with him; although he told her she didn't have to talk to him about it. During that conversation, Ms. Watkins "admitted periodically checking university email." He said he told her she shouldn't be doing that, which she acknowledged. Furthermore, Ms. Watkins told him that she thought she could periodically do things such as check personal emails or go online and do things such as check her bank statement or make a payment. She said she thought this was considered "de minimis" use. Mr. Sharp-Smith said she seemed to "minimize her use of emails." He further recalled that Ms. Watkins said she wrote case notes on her personal cell phone and sent them to her state email account. He said he held up his work cell phone and said, "[t]hat's what this is for." He said he did not recall what her response was.

53. Mr. Sharp-Smith stated he was aware that Ms. Watkins had outside employment with Heritage University; however, he had no knowledge that she was doing any of that work on state time. When asked what the protocol is when a training is requested by a community member (such as mandated reporter training) he responded that those requests are generally filtered through him and then he will send the request to one of the workers. He said staff are expected to let him know if they receive a request for training, especially if the training has to be conducted after hours. He indicated he would need to know this so he can ensure staff flex their time for the week. He stated that he became aware of the human trafficking training provided by Ms. Watkins from the SAO investigator. He said Ms. Watkins did not discuss the human trafficking training with him.

54. Board staff were provided a copy of a Written Reprimand issued to Ms. Watkins by Theresa Malley (Ms. Malley), Area Administrator for DCYF. The Reprimand was dated September 25, 2018 and stated, in part, "this is to notify you that I am reprimanding you within your position as a Social Service Specialist 3 in Region 2 of Child Welfare Field Operations with the Department

of Children, Youth, and Families (DCYF). This action is a result of your using state time and resources in connection with your outside employment with Heritage University. I am also reprimanding you for transmitting confidential client information outside of the Department's secure electronic messaging system.”

55. Board staff were provided a written response by Ms. Watkins’ attorney, Janelle Carman (Ms. Carmen). In the letter, Ms. Watkins maintains that she has a long and distinguished career as a social worker working for the State of Washington and is personally committed to working with integrity in her field and sharing her skills with others. She also maintains that throughout her career, she has attempted to abide in good faith with the rules and regulations of her profession. Ms. Watkins also indicated that she thought her use was permitted and that at the time she was undergoing an extremely difficult and stressful period in her personal life, which required taking an extended leave of absence from both of her jobs. Ms. Watkins also emphasized that she accepted the [agency] disciplinary action meted out to her, and was honest and cooperative throughout the process.

B. CONCLUSIONS EOF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from disclosing confidential information. RCW 42.52.050, states in pertinent parts, the following:

.....

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer’s or employee’s official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer’s or state employee’s agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

RCW 42.52.050(5) defines “confidential information” as:

(a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

2. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from Use of persons, money or property for private gain. RCW 42.52.160 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.

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. Based on the evidence reviewed, Ms. Watkins disclosed confidential information in violation of RCW 42.52.050 and used state resources for personal benefit in violation of RCW 42.52.160. Ms. Watkins' activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.

4. 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 and they were continuous in nature. In the matter at hand, it is a mitigating factor that as a result of the DSHS investigation, Ms. Watkins received a written reprimand.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Janet Watkins 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. Janet Watkins 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. Janet Watkins 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. Janet Watkins waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or her 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 Janet Watkins 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. Janet Watkins 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 Janet Watkins 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 Janet Watkins 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 Janet Watkins 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, Janet Watkins 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, Janet Watkins 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. Janet Watkins agrees to pay a civil penalty in the amount of three thousand (\$3,000) associated with violations of RCW 42.52. The Board agrees to suspend five-hundred dollars (\$500) on the condition that Janet Watkins 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 two thousand five hundred dollars (\$2,500) 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, Janet Watkins, 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.



JANET WATKINS
Respondent

9/24/19
Date

Presented by:



KATE REYNOLDS
Executive Director

9/25/19
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):


DATED this 8th day of November, 2019.



Shirley Battan, Chair



Gerri Davis, Vice Chair



Lisa Marsh, Member



Anna Dudek-Ross, Member

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

Janet Watkins, Respondent Date