

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Georgette Brooks  
Respondent.

No. 2018-066

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Georgette Brooks, 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 19, 2018, the Board received a referral from the Department of Employment Security (ESD) alleging Georgette Brooks (Ms. Brooks) a former Work Source Administrator (WSA), may have violated the Ethics in Public Service Act by using state resources for her private benefit or gain.

2. According to ESD, Ms. Brooks was originally hired on January 19, 1999, as a Job Service Specialist 2 part-time. On October 16, 2016, she was promoted to WSA Rainier. She was in that position for all times pertinent to this investigation. Ms. Brooks was terminated on December 18, 2018, at the conclusion of the ESD investigation.

3. Board staff were provided with the ESD Investigative Report (ESD Report) dated November 19, 2018. The ESD report was addressed to Tim McGann (Mr. McGann), Central Sound Regional Director, Employment Connections. Jason Johnson (Mr. Johnson) a Senior Human Resource Consultant with ESD, was assigned to investigate allegations that Ms. Brooks used a vehicle assigned to WorkSource (WS) Rainier for her own personal use. The ESD Report stated that during the course of the investigation the use of other state resources was also reviewed. This included a rental car, ESD iPhone, internet history, and email. The ESD Report addressed each allegation separately.

4. The first allegation was that the state owned vehicle assigned to WS Rainier was driven by an unauthorized driver, pulled over, and impounded. According to the ESD report, on August 23, 2018, ESD Risk Manager Carole Mathews (Ms. Mathews) informed Mr. McGann that an employee had reported that they believed Ms. Brooks may be using the ESD vehicle assigned to the WS Rainier office for personal use by taking it home at night and on weekends.

5. On August 24, 2018, ESD was informed by the Washington State Department of Enterprise Services (DES) that the Toyota Prius assigned to WS Rainier (Rainier Prius) in Seattle, Washington, license plate 04519M had been impounded while a man who said he was Ms. Brooks' husband had been driving. Mr. McGann was informed via an email from Kimberly Green (Ms. Green) the ESD Financial Services Director, that the vehicle had been impounded and Ms. Brooks had gone to pick it up from the impound lot.

6. According to the ESD Report, later that same day, Mr. Johnson spoke to Mr. McGann multiple times over the phone and via email to find out if he was able to talk to Ms. Brooks about the incident where the Rainier Prius was impounded. Mr. McGann said that he had emailed and left messages on Ms. Brooks' phone but she never responded to him. Mr. McGann said she had apparently received his messages because she dropped the car off at WS Auburn and turned in the keys after he sent Ms.

Brooks an email advising her that she should not be driving any state vehicles until further notice. Ms. Brooks also reported to work in Tacoma as a temporary location reassignment on Wednesday, August 29, 2018, after having two days off, as Mr. McGann had asked her to in one of his emails. When Ms. Brooks reported to work in Tacoma, Mr. McGann asked Ms. Brooks for an incident report regarding the car, which she then provided.

7. According to the ESD Report, on August 28, 2018, Ms. Mathews requested a copy of the police report from the Edgewood Police Department.

8. On August 29, 2018, Ms. Brooks provided an incident report about the Rainier Prius being impounded. Ms. Brooks wrote that the vehicle was taken by Ian Pearson (Mr. Pearson) without her authorization. She explained that she and Mr. Pearson have a special needs daughter together and he stays with them during the week to care for the daughter while Ms. Brooks is at work. She explained, "This is why he was at my residence and had access to the state vehicle keys as I had them hanging up so I would not lose them or set off the alarm, which I have done many times." She said Mr. Pearson called her at approximately 12:10 a.m. on August 23, 2018, while she was sleeping to apologize for having been pulled over while driving the WS Rainier vehicle. She wrote that she, "...was shocked and immediately became upset because I had not given him my permission to drive the state vehicle." Ms. Brooks reports that on August 24, 2018 at 9:00 a.m. she went to Gene's Towing in Puyallup to pay the impound fee and pick up the car which she then dropped off at WS Auburn. She left the keys with Kimberly Tickner (Ms. Tickner), the WS Supervisor in Auburn.

9. According to the ESD Report, in an interview on September 20, 2018, Ms. Brooks was asked the following questions:

- Is Mr. Pearson a State of Washington employee? Ms. Brooks said, "No he's not."

- Ms. Brooks was asked if Mr. Pearson had driven or rode as a passenger at any other time. She said “no.”
- In the incident report Ms. Brooks said Mr. Pearson took the vehicle without her authorization. During the interview, she was asked if she had informed the police the car had been stolen or taken without her permission. She responded that never came up in the conversation. Ms. Brooks was asked if the police took a statement from her. She said “no.”

10. On October 5, 2018, Ms. Mathews received the police report she had requested on August 28, 2018. The report stated the Rainier Prius was pulled over at 12:05 a.m. on Friday, August 24, 2018, for driving 12 miles per hour over the speed limit. The officer identified the driver as Mr. Pearson, whose license had been suspended. Mr. Pearson told the officer he was driving his wife’s work car to the bank to get her lunch money. The officer noted the vehicle was registered to ESD and, since he could not release it to the registered owner, he had it impounded.

11. The second allegation involved inaccurate mileage logs for an ESD vehicle assigned to WS Rainier. According to the ESD Report on August 27, 2018, Christine Balcom (Ms. Balcom), Administrative Assistant at WS Auburn, sent copies of the mileage logs from the Rainier Prius to Ms. Mathews. The mileage logs covered December 20, 2017 through August 23, 2018. Each log states, “INSTRUCTIONS: Use this form to LOG EACH VEHICLE TRIP. On the 2nd sheet of this form, RECORD EACH GASOLINE PURCHASE AND MAINTENANCE EXPENSE as they occur.”

12. A review of the logs revealed that Ms. Brooks only provided one entry summarizing all use over the course of each month. The only exception was in March 2018 where she made two entries for the month and another employee made one entry. The logs show that Ms. Brooks drove the vehicle

over 2,000 miles per month on average during these months. Ms. Brooks never logged the destinations, specific dates of travel, or starting and ending mileage for each trip as required.

13. According to the ESD Report, in an interview on September 20, 2018, Ms. Brooks was asked the following questions:

- She was asked if she filled out the mileage logs and, if so, why they didn't have details of each trip. Ms. Brooks said yes she did fill out the logs but that her Administrative Assistant, Brendalee Suga (Ms. Suga), preferred that the logs were just a "roll up" of the month rather than details of each trip.
- As the logs appeared incomplete, Ms. Brooks was asked if there was any record of the trip details that were missing from the logs. Ms. Brooks stated that she had been maintaining a SharePoint site for the staff at WS Rainier to view the Rainier Prius availability. Ms. Brooks explained she would indicate when she was using the Rainier Prius on the SharePoint calendar and other staff could also reserve it that way. However, she said she stopped using the calendar because she believed there were incidents where the car had been vandalized intentionally and provided examples (construction staples being found in the tires and one of the wheels not being secured tightly). Ms. Brooks said she believed she was being targeted by some of her staff based on when she was going to be using the car so she stopped putting her trips on the calendar.
- Ms. Brooks was asked if other staff had been using the Rainier Prius. She said they did use it to attend hiring events and trainings.
- Ms. Brooks was asked if others had also been using the car and not logging it. She said, "Absolutely, it was open for staff to use but I would say I used it mostly."

14. According to the ESD report, on September 21, 2018, Ms. Brooks was emailed and asked if she had anything from the SharePoint site she mentioned that would help explain the missing details from the mileage logs.

15. On October 29, 2018, Ms. Brooks responded to the September 21, 2018, email. She provided some scanned printouts of the SharePoint calendar for the Rainier Prius. However, the print outs did not have any trip details other than dates. The printouts indicated that, during the December 20, 2017 through August 23, 2018, timeframe, only one other person was listed on the calendar. This corresponded with the one time someone else entered their name on the mileage log.

16. According to the ESD Report, on November 2, 2018, Ms. Suga was interviewed and asked about the mileage logs.

- Ms. Suga was asked why the mileage logs did not detail each trip. She said Ms. Brooks just didn't provide detailed information for all her trips.
- Ms. Suga was asked if she had indicated to Ms. Brooks that she (Ms. Suga) preferred the logs reflect a monthly summary rather than each trip detail. Ms. Suga denied that was her preference. Ms. Suga further explained that Ms. Brooks used to provide more detail in the past but over time the details became fewer and lately she just provided the total monthly mileage. Ms. Suga later provided additional mileage logs from 2017 that showed Ms. Brooks had previously been logging each trip correctly.<sup>1</sup>

17. The third allegation involved the ESD Vehicle assigned to WS Rainier and fuel card use. According to the ESD Report, on September 5, 2018, Ms. Brooks responded via email to questions from

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<sup>1</sup> Board staff reviewed the Vehicle Mileage logs. The highest total miles logged was 1,975 from October through November with an average for 2017 of approximately 1,500 miles per month. From January 2018 through June 2018, the monthly totals were 2,516, 2,022, 2,211, 2,466, 2,336 and 2,428 respectively with only one other employee using the vehicle March 2018.

Ms. Mathews about the Rainier Prius. In the email, Ms. Mathews asked why, according to the mileage logs from December 20, 2017 through August 23, 2018, the Rainier Prius had been driven an average of more than 2,000 miles per month.

18. Ms. Brooks responded that around December 2016, "...I was informed that our site was not driving the car enough and that in order to keep the vehicle assigned to the site that we need to put a minimum of 1,000 miles per month on the car. I was never informed that there was a maximum amount that the car should be driven in order to avoid initiating a red flag..." and, "I felt that the vehicle was safer being away from the WS Rainier office because of two possible dangerous events that occurred..." The two events she was referring to were the tires being punctured by construction staples and one of the wheels had been loosened which both required Motor Pool fix the vehicle.

19. Ms. Brooks also stated the reason she took the car home the night it was impounded was to go work at the local library on items she had not had time to finish at work. She said she left the office on Thursday, August 23, 2018 at 5:30 p.m. when the security guard left, because she doesn't feel safe in the office after security is gone. She said she still had work to do so she took the state car to a library to continue working.

20. Ms. Mathews asked how frequently Ms. Brooks took the Rainier Prius home. Ms. Brooks responded, "...I rarely got any work done in the office and I found that I was working more off site than on site. It is difficult to give an average but I would say 2 to 3 days per week and that it was typically towards the end of the week as that is when I spent additional hours at a local library working in the evenings and on Saturdays."

21. According to the ESD Report, on September 20, 2018, Ms. Brooks was asked about her September 5, 2018 email to Ms. Mathews where she stated the Rainier Prius would be taken away from the Rainier office if it wasn't driven at least 1,000 miles per month. She was asked if she started driving

the vehicle more often in order to put at least 1,000 miles per month on it. Ms. Brooks answered yes and shared she had many meetings in the region with ESD, the Workforce Development Council, and did relationship building within the community. She also stated she had staff at off-site locations that she would use the state car to visit. She said, "I didn't think about the mileage, I was using it for official business."

22. Ms. Brooks was asked about her statement to Ms. Mathews that she drove the Rainier Prius to a local library two to three days per week to work after office hours and on Saturdays. She was asked which library or libraries. Ms. Brooks said, "Federal Way Public Library or Milton Edgewood Library."

23. A review of Google Maps directions shows Federal Way Library is 24.4 miles from WS Rainier and 3.0 miles from Ms. Brooks' residence. The Edgewood library is 26.3 miles from WS Rainier and 2.7 miles from Ms. Brooks' residence.

24. Since the mileage log showed at least 2,000 miles a month, with only one other employee checking out the vehicle, Ms. Brooks was asked if she regularly drove the car anywhere else, that would account for so many miles. Ms. Brooks stated that her peer was in WS Auburn so she went there a lot. She said she has also taken it to trainings and meetings she had which have, at times, been in Wenatchee, Yakima, and Everett.

25. Ms. Brooks was asked if the above trips would correspond to items on her calendar since they are not on the mileage logs. Ms. Brooks said some things would be on her calendar but not everything such as after hours when she was working at the library.

26. A review of Ms. Brooks' calendar by the ESD investigator from January 1, 2018, through August 24, 2018, (the day the Rainier Prius was impounded) revealed several calendar items each month that occurred at WS Rainier where Ms. Brooks' may have traveled to attend. However, without more



specific trip information it cannot be determined if Ms. Brooks went to all of these off-site meetings, used the Rainier Prius every time, called into some of them, or if there are more off-site activities not on her calendar that account for the mileage as she said.

27. According to the ESD Report, on September 21, 2018, Ms. Brooks was emailed follow up questions to the conversation the day prior regarding the Rainier Prius mileage and fuel credit card use. A log of all the fuel purchase transactions from January 2018 through August 2018 posted to the credit card for the Rainier Prius was attached to the email. The fuel purchase transaction log was provided by Benjamin Hainline (Mr. Hainline), Internal Audit Director at ESD, who had highlighted and commented on transactions that took place on weekends, holidays, and on Ms. Brooks' days off.

28. In the email, Ms. Brooks was asked to clarify if and how the travel on these days was work related. On October 29, 2018, Ms. Brooks replied, "...I also want to state that when I had completed working on Saturdays, I would bring the vehicle back to WSA Rainier and did not keep the vehicle at my residence. This too could be why the mileage is higher..." and, "I only used the state car for work related meetings, trainings and when I needed to work offsite. I have never used the state vehicle for personal reasons."

29. From January 2018 to August 2018, the fuel purchase transaction log showed there were fifteen fuel purchases occurring on weekends and one on Memorial Day. There were also four fuel purchases on dates Ms. Brooks had a rental car and was not using the Rainier Prius. When Ms. Brooks was asked about this on September 20, 2018, she said she frequently worked on weekends and had used the Rainier Prius fuel credit card to put gas in the rental car. Ms. Brooks reviewed the log and added her comments to the spreadsheet explaining her reason for driving the Rainier Prius and using the fuel card on those dates.

- According to the ESD Report, attempts were made to verify whether Ms. Brooks was working on the weekends and holidays. Josh Scott (Mr. Scott), Chief Information Security Officer at ESD, was contacted to get a report of Ms. Brooks' log on activity from her ESD laptop. Mr. Scott was able to provide dates and times Ms. Brooks logged into her ESD laptop from May 1, 2018 through July 31, 2018. Ms. Brooks did not logon to her laptop on June 16, 2018, which was a Saturday she made a fuel purchase, and stated that she picked up her laptop to work on the weekend. Her next logon was not until Monday, June 18, 2018, at 11:47 a.m.
- None of the weekends highlighted on the fuel purchase transaction log correspond with a date Ms. Brooks logged into her ESD laptop.
- Ms. Brooks also attached to her email response from October 29, 2018, screenshots of documents saved on her ESD laptop including timestamps of when the documents were saved. Those dates did not correspond with any of the weekends that fuel purchases were made with the Rainier Prius credit card and Ms. Brooks said she was working. Ms. Brooks said she "could not show all tasks as some of the tasks included reading, researching etc."

30. A fourth allegation included the weekend use of a rental car. According to the ESD Report, on September 4, 2018, Cassandra Kiosef (Ms. Kiosef), who at the time worked the ESD Travel Desk, was contacted and asked for any information related to rental car use by Ms. Brooks for the prior 12 months. Ms. Kiosef discovered Ms. Brooks had a rental car from June 11, 2018 to June 18, 2018, which included a weekend. Ms. Kiosef said the travel reimbursement information from Ms. Brooks stated her travel ended on the prior Friday and did not include the weekend. Ms. Kiosef determined the additional weekend days were not reimbursable because there was no longer a need for a rental car to

travel. Ms. Kiosef determined the round trip mileage should have been approximately 370 miles but Ms. Brooks returned the rental car with 654 miles driven; 284 miles over Ms. Kiosef's estimate.

31. Ms. Kiosef emailed Ms. Brooks with the above information and asked Ms. Brooks to pay the agency for the extra rental car use, totaling \$197.19. This amount accounted for the added weekend days as well as additional mileage. Ms. Brooks sent in a payment, which was received on September 18, 2018.

32. According to the ESD Report, on September 7, 2018, Mr. McGann was asked if he knew anything about a rental car Ms. Brooks was using in June. He said they were both at a conference in Chelan, Washington but he thought, if she had a rental car, she would have returned it by Friday, June 15, 2018, as the conference ended at noon on that Friday and everyone left. Mr. McGann said it only took him a few hours to get back to the Central Sound area and he thought it should have been about the same for Ms. Brooks. Mr. McGann was asked if he was aware of why she kept the rental car over the weekend and did not return it until Monday. He said he had no explanation and was not aware she had kept the car over the weekend.

33. On September 20, 2018, Ms. Brooks was asked why the rental car had been kept through the weekend and returned with 284 additional miles than estimated for the trip when it could have been dropped off Friday when she returned, or the following day. Ms. Brooks said, "I wasn't sure, I was told to bring it back by Monday, there wasn't clear direction to bring it back by a certain date," and, "I was told by Brendalee (Ms. Suga) the reservation was through Monday. Live and learn." She said her GPS led her home the scenic route instead of the fastest route.

34. Ms. Brooks said she parked the rental car at her home on Friday, June 15, 2018, and it remained there until she returned it on Monday, June 18, 2018. However, Ms. Brooks was asked about four transactions on the fuel purchase transaction log that showed odometer readings inconsistent with

the Rainier Prius. These odometer readings were from 26,876 to 27,482 miles and the Rainier Prius had over 115,000 miles at the time according to the other odometer entries before and after the rental car use. Ms. Brooks explained she used the Rainier Prius fuel credit card to put gas into the rental car four times and said she did not know she was not supposed to do that. One of those times was on Saturday, June 16, 2018, which indicated she had been driving the rental car on the weekend. Ms. Brooks put fuel into the rental car again on Monday, June 18, 2018, the day it was returned, but the odometer reading she reported was 104 miles greater than it had been on Saturday.

35. In her October 29, 2018, email, Ms. Brooks clarified that she had taken the rental car to WS Rainier on Saturday, June 16, 2018 to check on the Rainier Prius that had been in the shop, pick up her laptop, and then work at the library. As previously noted, Ms. Brooks did not log into her laptop over this weekend.

36. According to the ESD Report, on November 2, 2018, Ms. Suga was interviewed and was asked if she remembered reserving a rental car in June for Ms. Brooks. Ms. Suga immediately recalled and said she remembered reserving it so Ms. Brooks could go to Chelan, Washington for a conference. She said she reserved a rental car because there was a mechanical problem with the Rainier Prius at the time.

37. Ms. Suga was asked why the return date for the car had been changed from Friday, June 15, 2018, to Monday, June 18, 2018, which then included the weekend. Ms. Suga responded that Ms. Brooks requested the date be changed and provided an email from Ms. Brooks stating she would be unable to return the rental until she picked up the Rainier Prius on Monday.

38. There were also allegations of personal use of email, internet, and an ESD iPhone. According to the ESD Report, on October 12, 2018, Ms. Brooks' work email and recent internet history

was requested. The request was approved by Brad McGarvie (Mr. McGarvie), Deputy Assistant Commissioner, and sent to Mr. Scott in IT. The information was received on October 17, 2018.

39. Ms. Brooks' emails between August 1, 2018, and October 7, 2018, were reviewed. Several emails appeared to be non-work related. Examples of emails reviewed are:

- Emails with attachments that appeared to be related to Ms. Brooks' housing, including a Liberty Mutual insurance policy she sent and a scanned copy of her rental agreement that was scanned to her, and information about maintenance requests;
- Twenty-eight emails from Bank of America including ATM receipts, statement notices, and balance notifications;
- Ms. Brooks emailed herself a receipt for the purchase of tickets to Las Vegas, Nevada;
- Emails with attachments of a scanned Department of Social and Health Services mail and a court order that had been addressed to Ms. Brooks' residence;
- Emails between Ms. Brooks and a storage unit company, and between Ms. Brooks and Jaeleesa Smith about a storage unit that included an attached receipt;
- Ms. Brooks sent from her iPhone to her work email several pictures of herself, pictures of other people, pictures of school informational flyers, and pictures of TVs with ads displayed on them; and
- Email from Ms. Brooks' iPhone to a Yahoo Mail account in her name with a link to [renttoownenterprise.com](http://renttoownenterprise.com).

40. According to the ESD Report, the internet history report contained all websites Ms. Brooks accessed on her ESD laptop between August 1, 2018, and October 8, 2018. The report was filtered down to only websites that appeared possibly non-work related, including, Bank of America, Yahoo Mail, Priceline, JustFly, ClickTripz, Facebook, YouTube, and LinkedIn.

41. According to the ESD Report, on October 4, 2018, Mr. Hainline was asked about agency iPhone data. In response to the Rainier Prius being impounded he was reviewing what ESD has in place to stop and detect possible misuse of state resources. He was asked to provide Verizon Wireless phone bills he had for Ms. Brooks' ESD iPhone. These bills covered six months, from April 2018 through September 2018, and listed every phone call and the number the call was made to or received from.

42. The PivotTable<sup>2</sup> feature of Excel was used to produce a list of phone numbers that Ms. Brooks' called or received calls from more than 10 times; 22 phone numbers were called 10 or more times. ESD's Microsoft Outlook global address book was reviewed for numbers. In addition, phone numbers were called to try and determine if they were ESD phone numbers. It was verified that one of the phone numbers belonged to ESD, one to Bank of America, one to Sherwood Forest Elementary School, and one to Enchanted Woods Apartments. Eighteen phone numbers could not be identified as to who the number belonged to.

43. On October 29, 2018, Ms. Brooks responded to the October 23, 2018 email about internet use, email use, and iPhone use. Ms. Brooks identified some of the emails as not work related but noted they were sent to her and said she did not respond to them, such as the Bank of America emails. She stated that she has contacted the companies to remove her work email from their distribution lists. Ms. Brooks identified some of the emails containing pictures as work related. In one case, she had sent pictures of herself as a child to her work email because she was documenting pictures her sister had on Facebook that an employee in WS Rainier had commented about sarcastically. In another case, she stated a photo containing a TV advertisement she sent to her work email was work related because she has customers inquire about health insurance and services. Other pictures she stated she sent to herself to be

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<sup>2</sup> A data summarization tool found in data visualization programs such as spreadsheets or business intelligence software.

used as her desktop background. Ms. Brooks identified some of the emails as being personal matters. She stated she has had a stressful year and, “the only consistent email that I can always remember over the course of being an employee for 20 years, is my ESD email address.” Ms. Brooks stated she thought her use was de minimis.

44. Ms. Brooks stated in an attachment to her October 29, 2018 email, “re: Internet History Documentation: I looked at the attached documentation and I was very concerned regarding what I saw. The information you provided to me is some of the web history information obtained from my personal Apple Ipad and that is very concerning as I never authorized the state to do this. The information is listed as if I did this using state resources and that is incorrect. I have ONLY utilized [sic] yahoo mail, Facebook, banking online transaction and personal travel searches using my own personal tool (Apple Ipad).” Ms. Brooks stated there were only two websites on the report that she used her ESD laptop or iPhone to access: LinkedIn and YouTube. She said she has accessed these websites as part of her job function to assist with business networking and to find TED Talk videos related to managing stress, time management, and other work topics.

45. Ms. Brooks also attached a list of the phone numbers she was asked about. She identified some of them as being work related and some as personal, 10 of them she listed as “Unknown-possible ESD staff person, customer calling about UI, WorkSource, community resources/partner or wrong phone number.” Ms. Brooks identified her most frequently called number as, “My personal cell phone (Georgette Brooks),” which accounted for 412 calls during the six-month period.<sup>3</sup>

46. On November 14, 2018, Mr. Scott was interviewed and asked whether it was possible for Ms. Brooks’ personal iPad to somehow connect to the ESD iPhone issued to her and the internet traffic

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<sup>3</sup> Board staff attempted to contact Ms. Brooks at this number but it is no longer a working number.

from Ms. Brooks' personal iPad to show up on ESD's internet history reports as she claimed. Mr. Scott said that is not possible because the report is generated based on the internet traffic that goes through ESD's network firewall. Mr. Scott added that the ESD issued iPhone internet history is also not on the internet history log because it goes through Verizon's network. During the investigation, ESD's Technology Services Division was asked to provide access to the iPhone issued to Ms. Brooks so the internet history could be reviewed. ESD's software for resetting the password was unsuccessful and, as a result, the device could not be unlocked so the data could be reviewed.

47. Board staff was provided a copy of a document titled Discharge Letter, dated December 18, 2018. The letter was addressed to Ms. Brooks and was signed by Mr. McGann. The letter was an official notification of Ms. Brooks' dismissal from her employment as a WSA with ESD effective immediately, for violating the following ESD policies:

- ESD Policy 1016 – Employee Conduct
- ESD Policy 2016 – Acceptable Use of Computing and Communications Resources
- ESD Policy 2008 – Motor Vehicles for Official Businesses

48. Board staff were provided a copy of the ESD, Office of Internal Audit's final report, dated February 6, 2019. The report states that they estimate the financial loss to ESD due to Ms. Brooks using a state vehicle for personal use was \$9,412.51. This amount included four fuel transactions worth \$109.73, not associated with the assigned DES vehicle but were charged to the DES fuel card.

## **B. CONCLUSIONS OF LAW**

The complaint alleges violations of the following sections of the Ethics in Public Service Act: RCW 42.52.160- Use of persons, money or property for private gain 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.

Based on the evidence reviewed, Ms. Brooks used state time and resources for her private benefit or gain in violation of RCW 42.52.160. Ms. Brooks' activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.

### **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 ESD investigation, Ms. Brooks employment was terminated with ESD.

### **D. STIPULATION AND AGREED ORDER**

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Georgette Brooks 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. Georgette Brooks 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. Georgette Brooks 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. Georgette Brooks 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 Georgette Brooks 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. Georgette Brooks 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 Georgette Brooks and the Washington State Executive Ethics Board, the State of Washington, Georgette Brooks' former employer, or other third party, which may be filed in the future. No other claims of alleged violations are pending against Georgette Brooks 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 Georgette Brooks 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, Georgette Brooks 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, Georgette Brooks 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. Georgette Brooks agrees to pay a civil penalty in the amount of four-thousand dollars (\$4,000) associated with violations of RCW 42.52.

12. The civil penalty in the amount of four-thousand dollars (\$4,000) 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, Georgette Brooks, 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.

Georgette E. Brooks      2/2/20  
GEORGETTE BROOKS      Date  
Respondent

Presented by:

K. Reynolds      2/10/2020  
KATE REYNOLDS      Date  
Executive Director

