

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Jennifer Mott

Respondent.

No. 2019-009

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, JENNIFER MOTT, 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 February 28, 2019, the Executive Ethics Board (Board) received a complaint referred by Western Washington University (WWU) alleging that Jennifer Mott (Ms. Mott), Information Technology (IT) Specialist for WWU, may have violated the Ethics in Public Service Act by using state resources for her private benefit and gain.

2. Ms. Mott was first hired by WWU as a Program Coordinator on July 31, 2006. Ms. Mott was promoted to Communications Consultant 2 on May 1, 2013. Ms. Mott was promoted to IT Specialist 3 on March 16, 2015, and was in that position until her termination on November 14, 2018.

3. Tanya Alexander (Ms. Alexander) CSE Operations Manager and Ms. Mott's direct supervisor indicated in a disciplinary recommendation letter to WWU Assistant VP for Human Resources Cheryl Wolfe-Lee (Ms. Wolfe-Lee) that in November 2017 she became aware that Ms. Mott had taken possession of a CSE laptop computer for her personal use for a period of at least four months. Ms. Alexander further indicated that Ms. Mott was responsible for the IT equipment in the CSE office. Because Ms. Mott had the laptop for her personal use, other employees were unable to use the laptop to assist them in performing their official duties.

4. Ms. Alexander indicated in the letter that there were several occasions during the period of July through November when she asked Ms. Mott about the location or accessibility of the laptop to which Ms. Mott would provide different responses like; it wasn't working right, it was in her car, or it was in for repairs with the CSE IT group.

5. Ms. Alexander indicated in the letter that she contacted the CSE IT group and they had no knowledge nor were they in possession of the laptop. Ms. Alexander further indicated that Ms. Mott was not allowed to work from home so there would be no work related reason to take the laptop home.

6. On November 29, 2017, Brad Johnson (Mr. Johnson), Dean of CSE, and Ms. Alexander had a discussion with Ms. Mott about the whereabouts of the laptop. During that discussion, Ms. Mott told them that she had initially lied to Ms. Alexander about the location of the laptop and had been using the laptop for her personal use during that time (July through November 2017) and that the laptop was located at her parent's home. At that time, Ms. Alexander requested that Ms. Mott return the laptop immediately. Ms. Mott did not return it until December 4, 2017.

7. Upon learning of the missing laptop and potential misuse of state resources, Ms. Alexander requested an internal independent review of all of Ms. Mott's electronic devices.

8. On January 28, 2018, WWU hired Digital Forensics LLC (DFLCC) a private computer forensic company, to examine Ms. Mott's electronic devices including her Outlook emails going back to 2007.

9. Board staff received a copy of Ms. Mott's WWU emails examined by the DFLCC investigator on March 18, 2018. Board staff received forensic images from DFLCC of all computer devices examined on June 10, 2019.

10. On June 11, 2019, Board staff analyzed the forensic images and emails files received from DFLCC using Magnetic Forensic Axiom (3.1.0) software to verify DFLCC findings. DFLCC analysis covered a period of June 2011 through November 2017.

11. Board staff conducted an examination of Ms. Mott's internet, and emails for the period of July 15, 2014 through November 24, 2017, pursuant to RCW 42.52.540 – Limitations Period. Examples of Board staff's findings are below:

**Non-Work Related Internet:** In addition to the installed Microsoft internet browsers, Internet Explorer and Edge, Ms. Mott installed and used Google and Mozilla browsers to visit internet sites.

➤ **Facebook**

- Between July 15, 2014 through November 15, 2017, 140,643 Facebook resources were accessed on her WWU primary (Device A) and secondary (Device B) computers. Some appear to be work related however; the majority appears to be non-work related. Facebook activity include looking at personal Facebook pages, following links, and conducting searches.
- Types of searches conducted include persons, events, gofundme pages, and others. Some specific examples include, grow tent, Skagit jobs, britlist/Whatcom County, puppies for sale, Skagit County side jobs, cards against humanity, gofundme, rally4rally, Double U Casino, Sturgis motorcycle rally, and haircuts.

➤ **Craigslist/Classified Activity:**

- Between July 22, 2014 and November 9, 2017, approximately 83,000 Craigslist resources were accessed. Craigslist activity include searches for houses, personal items, people and jobs.

- Approximately 180 craigslist related emails were found in Ms. Motts WWU email account. The emails related to rental property for rent, free firewood, found cat, and the purchase of a Arcosonic Piano.
- **Fund Raising sites visited:**
  - GoFundMe.com
  - Youcare.com
- **Job Search Sites visited:**
  - Mv.k12.wa.us/jobs – Mt. Vernon School District
  - Swsd.k12.wa.us – Sedro Woolley School District
  - Skagit.edu/files – Skagit Valley College
  - Fabjobs.com
  - Cob.org – City of Bellingham
- **Shopping:**
  - Colman and Company
  - Amazon
  - Audible
  - Company casuals
- **Mystery Shopping: (outside employment)**
  - Bestmark.com
  - Shopper.marketforce.com
  - Sinclarecustomer matrices.com

12. Board staff examined the Download Folder on Device B, secondary computer for personal files and software downloads. See some examples below:

- File (2) – downloaded on 10/3/17, Excel spreadsheet containing over 3,500 Facebook contacts.
- Lincoln Casino – installation software – downloaded on 7/21/17 – installed 7/21/17 at 11:09 am. .
- VegasStrip Installer – installation software – downloaded on 7/20/17 – installed 7/20/17 at 12:40 pm.
- AudibleDM\_iTuneSetup – installation software – downloaded on 2/28/17 – installed 2/28/17 at 1:12 pm.
- uTorrent – installation software – downloaded on 11/8/16 – installed on 11/8/16 at 2:47 pm.
- CyberChost\_6.0.3.2124 – installation software – 11/8/16 – installed on 11/8/16 at 2:32 pm.
- Philip Pullman – The Collectors (Unabridged) MP3 (audio file) – 10/10/16
- 2015-2016 free\_and\_reduced\_meals\_application – downloaded 6/3/16
- Luke,Eric – Interference (24 MP3 audiofiles) – downloaded 7/6/16
- P2016-17 ENGLetter to households-PublicScool – downloaded 8/29/16

- 2015 TurboTaxReturn – downloaded 4/15/16
- Hummer h3 repair manual – downloaded 2/19/16
- Statement\_201410 (PayPal Statement) – downloaded 11/17/14
- Avast – installation software – Browser cleanup – 7/16/15 – installed on 7/16/15 at 2:11 pm.

13. Ms. Mott was terminated from her position at WWU on November 14, 2018.

## **B. CONCLUSIONS OF LAW**

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from using state resources for their benefit. RCW 42.52.160(1) states:

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

2. Based on the stipulated facts above, Ms. Mott used state resources for a personal benefit in violation of RCW 42.52.160.

3. 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 Ms. Mott was terminated from her position.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Jennifer Mott 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. Jennifer Mott 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. Jennifer Mott 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. Jennifer Mott 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 Jennifer Mott 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. Jennifer Mott 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 Jennifer Mott 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 Jennifer Mott 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 Jennifer Mott 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, Jennifer Mott 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, Jennifer Mott 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. Jennifer Mott agrees to pay a civil penalty in the amount of two-thousand dollars (\$2,000) associated with violations of, RCW 42.52

12. The civil penalty in the amount of two-thousand dollars (\$2,000) 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.





**III. 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;

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REJECTED in its entirety;

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MODIFIED. This stipulation will become the order of the Board if the

Respondent approves\* the following modification(s):

\_\_\_\_\_  
\_\_\_\_\_

DATED this 10<sup>th</sup> day of September 2021

Shirley Battan  
Shirley Battan, Chair

Gerri Davis  
Gerri Davis, Vice-Chair

Jan Jutte  
Jan Jutte, Member

not voting  
Earl Key, Member

\* I, Jennifer Mott, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Jennifer Mott, Respondent                      Date