

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Ralph Sequeira

Respondent.

No. 2019-018

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Ralph Sequeira 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 April 17, 2019, the Board received a complaint alleging that Ralph Sequeira (Mr. Sequeira) a Corrections & Custody Officer 2 (CO2) at the Monroe Correctional Complex (MCC) Twin Rivers Unit (TRU) with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act by using state resources for private benefit or gain.

2. Mr. Sequeira was hired by DOC on September 11, 2014. On September 11, 2015, he was promoted to the permanent position of CO2. On October 5, 2016, he transferred to the MCC TRU where he is presently assigned. Mr. Sequeira's work hours are 6 am to 2 pm with Thursday and Friday off.

3. According to the complainant, on March 11, 2019, he/she observed Mr. Sequeira “accessing the internet,” and uploading tattoo-type art images as a screen saver.

4. In his initial written response to Board staff, Mr. Sequeira stated that on March 11, 2019, at around 9 am, he called the complainant to the office to speak to them about a custodian job. During their conversation, the complainant refused this job offer so they were told that Mr. Sequeira would be “infracting” them for refusing the job assignment.¹

5. Mr. Sequeira said that during their conversation, the complainant did not look at his computer screen. It was impossible for the complainant to look at his screen because they were standing outside the office. Mr. Sequeira said he believes the allegations are a direct retaliation to the infractions he wrote on the complainant.

6. Board staff were provided Mr. Sequeira’s user profile by the DOC for the period of November 4, 2018 through April 22, 2019 under his user name, “rrsequeira.” According to documents provided to Board staff by the DOC, Mr. Sequeira worked a total of 110 days during the review period of November 4, 2018 through April 22, 2019.

7. A review of Mr. Sequeira’s user profile by Board staff showed that Mr. Sequeira viewed real estate websites, including redfin.com, CNBC realty.com and zillow.com, at least once on approximately 60 different workdays. When asked by Board staff about those visits, he stated this was not work related and he was looking at the websites for economic reasons. He said he was just pricing homes. He confirmed that he was not selling real estate.

8. Mr. Sequeira also viewed websites including walmart.com, amazon.com and google.com, to shop for items such as weightlifting equipment and electronics at least once on 48

¹ Mr. Sequeira assumed he knew who the complainant was, Board staff did not confirm the identity of the complainant in this matter.

different workdays. When asked by Board staff about those visits, he stated that it was not work related. Mr. Sequeira said he was looking for equipment for his home. He confirmed that he never purchased any equipment from his work computer.²

9. Mr. Sequeira viewed news related websites including news.google.com, foxnews.com and CNBC.com, at least once on approximately 74 different workdays. Specifically, during the month of March 2019, Mr. Sequeira accessed news related websites on approximately 23 different workdays. Two of those days were viewed for less than five minutes on each day. On the other 21 workdays, Mr. Sequeira's user name accessed news related websites on average at 6:58 am and the sessions ended on average at 1:20 pm. When asked about those visits, he stated that it was not work related and that he was just keeping up on the "breaking news."

10. Mr. Sequeira said that he would access the websites and lock the computer when he would go do other job related duties. He said he would check back on it periodically throughout his shift. He said he did not remain at the computer the entire time. He said he was the only one using that particular computer until his shift ended at roughly 1:30 pm or 2 pm, so he would just lock it when he was not using it. He said his partner, CO Jeff Weber (Mr. Weber)³, used the other computer in the office.

11. Mr. Sequeira also viewed websites regarding dogs, puppies and pet equipment such as puppyfind.com at least once on 21 different workdays. Mr. Sequeira told Board staff that this was not work related. He said that originally he was looking for an agency to donate to for charity, but found links to dog websites while doing so. He said he was browsing those sites for his sister who was planning on buying a puppy.

² Board staff found no evidence that Mr. Sequeira purchased anything on his work computer.

³ A separate complaint was filed by the same complainant on Mr. Weber EEB Case 2019-019.

12. Board staff found that Mr. Sequeira was also regularly visiting websites with desktop wallpapers. Mr. Sequeira confirmed that he was doing so for wallpaper on his work computer.⁴

13. Board staff reviewed Mr. Sequeira's emails and found no evidence of personal use.

14. Mr. Sequeira told Board staff that at that time, he did not think what he was doing was a big issue. He said he no longer used his work computer for personal use at all.

15. Board staff spoke to Mr. Sequeira's supervisor, Sergeant Michael Silva (Mr. Silva), and he confirmed that Mr. Sequeira had access to the two computers in their office. He said that he periodically saw correction officers using the computer to look at the news but always felt it was infrequent or de minimis. He said the officers frequently have to be out doing other duties so they would not be able to just sit at the computer and look at the internet.

16. Board staff were provided a copy of a Letter of Reprimand issued to Mr. Sequeira, dated September 16, 2019. According to the letter, the disciplinary action was for the following misconduct, "Between May 2018 and April 2019 you inappropriately and excessively used the Department's internet while on shift." The letter was addressed to Mr. Sequeira and was issued by Eric Jackson, Superintendent, Twin Rivers Unit – Monroe Correctional Complex.

B. CONCLUSIONS EOF LAW

1. 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:

⁴ Board staff found that on March 13, 2019, Mr. Sequeira was visiting zedge.net looking at "Skull wallpaper" which was part of the original complaint filed with the Board.

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.

2. Based on the evidence reviewed, Mr. Sequeira used state resources for personal benefit in violation of RCW 42.52.160. Mr. Sequeira's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.

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. It is a mitigating factor that disciplinary action taken by DOC resulted in Mr. Sequeira receiving a written reprimand.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Ralph Sequeira 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. Ralph Sequeira 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. Ralph Sequeira further agrees that the evidence available to the Board is such that the Board may conclude he 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. Ralph Sequeira waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or his 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 Ralph Sequeira 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. Ralph Sequeira 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 Ralph Sequeira 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 Ralph Sequeira 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 Ralph Sequeira 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, Ralph Sequeira 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, Ralph Sequeira 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. Ralph Sequeira agrees to pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) associated with violations of RCW 42.52. The Board agrees to suspend

five hundred dollars (\$500) on the condition that Ralph Sequeira 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 one thousand dollars (\$1,000) 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, Ralph Sequeira, 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.



RALPH SEQUEIRA
Respondent

12/20/19
Date

Presented by:



KATE REYNOLDS
Executive Director

7/10/2020
Date

