

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Jeffrey Weber

Respondent.

No. 2019-019

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Jeffrey Weber 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. In April 17, 2019, the Executive Ethics Board (Board) received a complaint alleging that Jeff Weber (Mr. Weber), 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. Weber was hired by the DOC on August 26, 1991 as a CO2 at MCC TRU and has been in that position for all times pertinent to this investigation. His scheduled work hours are 6 am to 2 pm, with Friday and Saturday off.

3. In his initial written response to Board staff, Mr. Weber said that when the complainant<sup>1</sup> came to the office he never stepped inside where he could even see a computer screen. According to Mr. Weber, the complainant started to argue about not having to take a job, and it was not his responsibility because he was programming full time. This went on for about a minute and he told CO2 Ralph Sequeira (Mr. Sequeira)<sup>2</sup> to just “infract” the complainant for refusing the job.

4. According to Mr. Weber, the complainant was instructed to return to his wing. He said the complainant has a history of trying to intimidate staff with false accusations and lawsuits. According to Mr. Weber, the complainant stated that he returned to the office at approximately 10 am. He said the complainant never came back to the office that morning.

5. Board staff were provided Mr. Weber’s user profile, under his user name “jjweber,” by the DOC for the period of January 22, 2019 through April 22, 2019. According to documentation provided by the DOC, Mr. Weber worked a total of 57 days during the review period of January 22, 2019 through April 22, 2019.

6. A review of Mr. Weber’s user profile by Board staff revealed the following:

- Mr. Weber accessed real estate websites, including redfin.com, and zillow.com, at least once on approximately 6 different work days. When asked by Board staff about those visits, Mr. Weber said this was not work related. He said he was retiring in about 3 ½ years and he was looking at the websites to price possible options for purchasing a home in different

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<sup>1</sup> Mr. Weber assumed he knew who the complainant was, Board staff did not confirm the identity of the complainant in this matter.

<sup>2</sup> There was a separate complaint filed by the same complainant on Mr. Sequeira, EEB 2019-018.

locations such as Arizona and Wyoming. He confirmed that he was not selling real estate.

- Mr. Weber accessed news and sports websites including yahoo.com/news, foxnews.com, sportsyahoo.com and NFL.com, at least once on approximately 57 different workdays. When asked about those visits, he confirmed that it was not work related. He said that he would access the websites and then just leave it on while out doing work related assignments. Mr. Weber said he would just check on it periodically but did not sit on the computer all day. He said that he accessed Yahoo several times looking for ideas for murals and artwork for the facility during a remodel.
- Mr. Weber accessed websites regarding dogs such as puppyspot.com and homewardpet.org at least once on 15 different workdays. When asked by Board staff about these visits, Mr. Weber confirmed that it was not work related. He said that they had lost a family pet and he was looking at sites for a potential new family pet. He said like the other times he would go to these sites, he would access the site and just leave it on that website when he left the office for other assigned duties.

7. Mr. Weber's internet activity varied when accessing these websites. For example:

- January 30, 2019 he accessed news/sports websites at 6:35 am and the session ended at 12:57 pm.
- January 31, 2019 he accessed news/sports websites at 9:14 am and the session ended at 9:18 am.

- April 7, 2019 he assessed news/sports websites at 6:38 am and the session ended at 1:29 pm.
- April 8, 2019 he accessed news/sports websites at 12:42 pm and the session ended at 12:43 pm.

8. During the interview with Board staff, Mr. Weber confirmed that his username was jjweber. Board staff asked Mr. Weber why there were times that he was accessing websites late afternoon, well after his assigned work hours of 6am to 2pm. He said they were working a lot of overtime during the past several years. Mr. Weber said that he was not a computer person. He said he did not have anything to hide and was disappointed that he was being investigated when he barely used the computer.

9. Board staff reviewed Mr. Weber's emails and found no evidence of personal use.

10. Board staff spoke to Mr. Weber's supervisor Sergeant Michael Silva (Mr. Silva) and he confirmed that Mr. Weber 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.

11. Board staff were provided a copy of a Letter of Reprimand issued to Mr. Weber, dated September 10, 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. Weber 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:

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. Weber used state resources for personal benefit in violation of RCW 42.52.160. Mr. Weber'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. Weber receiving a written reprimand.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Jeffrey Weber 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. Jeffrey Weber 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. Jeffrey Weber 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. Jeffrey Weber 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 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. 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 Jeffrey Weber 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 Jeffrey Weber 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 Jeffrey Weber 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, 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, Jeffrey Weber understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties





**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

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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):

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DATED this 10th day of July 2020.

Approved via Virtual Meeting  
Shirley Battan, Chair

Absent  
Gerri Davis, Vice Chair

Approved via Virtual Meeting  
Lisa Marsh, Member

Approved via Virtual Meeting  
Anna Dudek-Ross, Member

Approved via Virtual Meeting  
Jan Jutte, Member

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

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Jeffrey Weber, Respondent                      Date