

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Charlotte Joplin

Respondent.

No. 2019-027

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, CHARLOTTE JOPLIN, 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 June 16, 2019, the Board received an anonymous complaint alleging that Charlotte Joplin (Ms. Joplin), former Administrative Assistant 3 with the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that she used state resources in support of her outside business, RCM Construction, LLC (RCM).

2. DOC first hired Ms. Joplin on March 3, 2014. For all times pertinent to this investigation Ms. Joplin was an Administrative Assistant 3 in the Special Offenders Unit (SOU) at the Monroe Correctional Facility with the DOC.

3. RCM Construction LLC is a licensed Washington State business with Rachael Joplin listed as the Governing Person.

4. Ms. Joplin told Board staff that as of May 2019 her daughter, Rachael, owns the business. Ms. Joplin told Board staff that Rachael took over the business from her other daughter, Molly.

5. Board staff reviewed Ms. Joplin's Outlook emails for the period of April 17, 2014, through June 5, 2019. The Board staff found approximately 393 emails that were related to RCM. Many of the emails contained attachments related to the business of RCM, for example, invoices, business proposals, insurance documentation, and Labor and Industry audits. Of the 393 emails, 199 of the emails were sent by Ms. Joplin from her state email account. After January 1, 2015, Ms. Joplin sent 159 emails.

6. Many of the invoices and proposals attached to the emails identifies Jay Joplin as the RCM Project Manager. Ms. Joplin told Board staff that Jay Joplin is her husband. She further indicated that he is retired from the construction trade and he helps when needed.

7. In addition to the emails related to RCM, Board staff found approximately 127 emails for the period of May 17, 2018, through May 12, 2019, believed to be personal. Many were sent and received to and from Rachael Joplin and Molly Joplin (McGraw).

8. Ms. Joplin told Board staff in a phone conversation that she has, on occasion, used the state email system for RCM. Ms. Joplin further stated that she might have stored some documents related to RCM on the "H" drive.

9. A review of Ms. Joplin's work computer showed two instances where Ms. Joplin accessed documents related to RCM located in the "H" drive on the DOC server. See details below:

- file:///H:/Liberty Audit.pdf – Access date/time – 5/17/19 at 11:20 am.
- file:///H:/RCM Construction COI - Meng-Hannan Construction.pdf – Access date/time – 5/24/19 at 1:27 pm.

10. Ms. Joplin resigned from state service on June 5, 2019.

## **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. Joplin 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. Joplin is no longer employed by the state.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Charlotte Joplin 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. Charlotte Joplin 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. Charlotte Joplin 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. Charlotte Joplin 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 Charlotte Joplin 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. Charlotte Joplin 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 Charlotte Joplin 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 Charlotte Joplin 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.

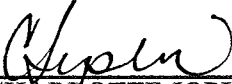
10. If the Board rejects this stipulation, or if Charlotte Joplin does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, Charlotte Joplin waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, Charlotte Joplin 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. Charlotte Joplin 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.

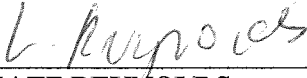
## II. CERTIFICATION

I, Charlotte Joplin, 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.

  
\_\_\_\_\_  
CHARLOTTE JOPLIN  
Respondent

1/23/2020  
\_\_\_\_\_  
Date

Presented by:

  
\_\_\_\_\_  
KATE REYNOLDS  
Executive Director

2/10/2020  
\_\_\_\_\_  
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 10th day of July, 2020

Approved via Virtual Meeting  
Shirley Battan, Chair

Approved  
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, Charlotte Joplin, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Charlotte Joplin, Respondent                      Date