

1 **BEFORE THE WASHINGTON STATE**  
2 **EXECUTIVE ETHICS BOARD**

3 In the Matter of:

EEB Case No. 2019-035

4 Anthony Parnell,

FINAL ORDER

5  
6 Respondent  
7

8 **I. PROCEDURAL HISTORY**

9 On November 8, 2019, the Executive Ethics Board (Board) found reasonable cause to  
10 believe that the Respondent, Anthony Parnell (Mr. Parnell), violated the Ethics in Public Service  
11 Act while employed as a Job Training Counselor, Employment Security Department (ESD).  
12 Notice of the Reasonable Cause Determination and the right to request a hearing was served  
13 upon Mr. Parnell by regular mail and certified mail on November 12, 2019. Mr. Parnell failed  
14 to respond to the Reasonable Cause Determination within 30 days as required by WAC 292-100-  
15 060(2).  
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17 The Board entered an Order of Default on July 10, 2020. On July 13, 2020, Board staff  
18 provided Mr. Parnell with notice of the Board's Order of Default by regular and certified mail.  
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20 Pursuant to WAC 292-100-060(4) Mr. Parnell was allowed 10 days to request  
21 vacation of the Order of Default. Mr. Parnell has not moved to vacate the order entered on July  
22 10, 2020.

23 **II. FINDINGS OF FACT**

24 1. On July 29, 2019, the Executive Ethics Board (Board) received an Agency  
25 referral from the Washington State Employment Security Department (ESD) alleging that  
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1 Anthony Parnell, former Job Training Counselor with ESD, may have violated the Ethics in  
2 Public Service Act. The complaint alleged that on July 17, 2019, he used a state fuel card to put  
3 fuel in his personal vehicle.

4           2.       Mr. Parnell was employed by ESD on December 3, 2018 as a Job Training  
5 Counselor, as an 80% full-time employee.  
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7           3.       On July 3, 2019, Mr. Parnell submitted his resignation indicating that he had  
8 accepted a position with the Washington State Historical Society in Tacoma. The resignation  
9 letter indicated his last day of employment would be July 26, 2019.

10           4.       On July 17, 2019, Department of Health and Social Services (DSHS) employees  
11 Yvonne Bussler-White (Ms. Bussler-White) and Samantha Hinger observed Mr. Parnell at the  
12 Okanogan WSDOT fuel pumps at about 2:00 pm. Ms. Bussler-White indicated in her report of  
13 the incident that when she pulled up to the fuel pumps, Mr. Parnell was standing next to a black  
14 Saturn vehicle. Ms. Bussler-White indicated that she went inside the fuel station booth to enter  
15 her fuel card information and when she came out of the booth, she observed Mr. Parnell pumping  
16 fuel into the black Saturn. She observed that Mr. Parnell had pumped 14 gallons of fuel into  
17 the Saturn.  
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19           5.       Ms. Bussler-White, indicated in her response to Board staff that she knows Mr.  
20 Parnell by sight as they work in the same building.  
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22           6.       On July 17, 2019, Ms. Bussler-White and Samantha Hinger contacted Mr.  
23 Parnell's supervisor, Mary Hinger in person to report the incident. Ms. Bussler-White sent Mary  
24 Hinger an email at 3:16 pm documenting the incident.  
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1           7.       As a result of the report by Ms. Bussler-White, Mary Hinger checked to see  
2 what, if any, ESD vehicles were checked out for the day. She observed that one set of keys and  
3 the corresponding gas card was missing. She checked the vehicle log to determine if any ESD  
4 vehicles were checked out, none were. Mary Hinger noticed that Mr. Parnell was not in the  
5 office at that time. Before she left the office for the day at 5:30 pm she checked to see if the  
6 keys and the gas card had been returned, they had not.

8           8.       Heidi Ott (Ms. Ott), ESD Administrative Assistant, indicated in a response to  
9 Board staff that she was asked by Mary Hinger to assist her in determining if there were any  
10 keys or fuel cards missing from any of their state vehicles. She determined that one of the  
11 vehicle checkout boards was missing. It was associated with a Silver Ford Escape, Washington  
12 License number 08642M. She then went to the filing cabinet where the keys and fuel cards are  
13 kept and saw that the keys and fuel card for 08642M were missing.

15          9.       Ms. Ott indicated that she then went out into the parking lot to see if the Silver  
16 Ford Escape, Washington License number 08642M was there, it was.

17          10.       On July 18, 2019, Craig Carroll (Mr. Carroll), ESD Administrator, asked Ms.  
18 Ott, to check to see if the keys had been returned. Ms. Ott advised Mr. Carroll when she arrived  
19 at the office at approximately 7:00 am that the keys had been returned.

21          11.       At that time, Mr. Carroll directed Ms. Ott to request a report of everyone who  
22 entered the office between 5:30 pm on July 17 through 7:00 am on July 18. That report showed  
23 that Mr. Parnell had entered the office at 6:03 am, even though he had the day off.

24          12.       On July 19, 2019, Mr. Carroll contacted Mr. Parnell to talk to him regarding the  
25 allegation reported by Ms. Bussler-White and Samantha Hinger. According to Mr. Carroll, Mr.  
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1 Parnell confirmed to him that the allegations were accurate, that he needed the gas to travel to  
2 Tacoma and he was short on cash.

3 13. The WSDOT fuel log for the Okanogan Fuel site indicates that on July 17, 2019,  
4 at 1:57 pm, a fuel card assigned to vehicle license number 08642M was swiped and that the  
5 correct PIN number for that card was entered. At 2:00 pm, 14.8 gallons of unleaded fuel was  
6 dispensed. Per WSDOT, on July 17, 2019, the cost was 2.79 per gallon, for a total cost of \$41.30.

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8 14. An image of Mr. Parnell's user profile "aparnell" located on his work computer  
9 hard drive was created using FTK imager software. The created image was used for the analysis.

10 15. The forensic image of Mr. Parnell's user profile and Mr. Parnell's emails files  
11 were analyzed using Magnet Forensic, Axiom 3.1 software. See results below:

12  
13 **Emails** – For the period of December 3, 2018 through July 23, 2019, Mr. Parnell  
exchanged 93 personal emails using his state email account with Hilda Parnell.

14 **Internet** – Chrome Visits – April 22, 2019 through July 19, 2019.

15 On June 25, 2019, Mr. Parnell signed into his PayPal account from his work computer.  
16 See details below:

- 17 • Signed into his PayPal on at 11:39 am.
- 18 • Changed his password at 11:40 am.
- 19 • Signed into his account with new password at 11:41 am
- 20 • Send money request at 11:46 am
- 21 • Send money request at 12:07 pm
- 22 • Send money success at 12:08 pm
- 23 • Signed back in to PayPal at 12:22 pm, account review
- 24 • Last entry at 12:37 pm.

25 Total time approximately 58 minutes.

26 On July 5, 2019, Mr. Parnell accessed Youtube.com from 9:56 am to 3:26 pm, for a total  
of 193 minutes. See details below:

- 27 • Mr. Parnell conducted a search using the YouTube search engine for  
28 Larry June (music artist) at 9:56 am. From 9:57 am to 10:25 am Mr.  
29 Parnell accessed 10 Larry June music videos. **(28 minutes)**

- 1 • Mr. Parnell conducted a search using the YouTube search engine for  
2 “Mike Epps only one Mike” at 11:01 am. From 11:03 am to 11:46 am  
3 Mr. Parnell accessed nine Mike Epps YouTube videos. **(43 minutes)**
- 4 • Mr. Parnell accessed YouTube video, “Tommy Davidson on “Arsenio  
5 Hall Show” Oct. 30, 2013”, at 11:55 am. From 11:55 am to 12:36 pm,  
6 Mr. Parnell accessed seven Tommy Davidson (standup comedian)  
7 videos. **(41 minutes)**.
- 8 • Mr. Parnell accessed YouTube video, “Mandy Moore Claps Back” video  
9 at 12:46 pm. The complete video is 22 minutes. **(22 minutes)**
- 10 • Mr. Parnell accessed YouTube video, Larry June, Mr. Midnight Full  
11 mixtape at 1:19 pm. The complete video is 28 minutes. **(28 minutes)**
- 12 • Mr. Parnell accessed YouTube video, Larry June, The Port of San  
13 Francisco mixtape at 1:48 pm. The complete video is 24 minutes. **(24**  
14 **minutes)**
- 15 • Mr. Parnell conducted a search using the YouTube search engine for Dom  
16 Kennedy at 3:19 pm. From 3:19 pm to 3:26 pm, Mr. Parnell accessed  
17 eight Dom Kennedy music videos. **(7 minutes)**

18 On July 11, 2019, Mr. Parnell accessed Youtube.com from 2:22 pm to 3:18 pm, for a  
19 total of 56 minutes. See details below:

- 20 • Mr. Parnell accessed YouTube video, “A Different World: The Tupac  
21 Shakur episode – part 1/6, Homie Don’t you know me” at 2:23 pm.
- 22 • Between 2:23 pm and 3:18 pm, Mr. Parnell accessed 19 music videos.  
23 **(56 minutes)**

24 16. Board staff contacted the Washington State Historical Society (WSHS) to  
25 confirm Mr. Parnell was working for them. Board staff was advised that Mr. Parnell started  
26 working for WSHS on August 1, but on September 27, 2019, he was terminated from his position  
for personnel issues.

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### III. CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1), which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW, with respect to employees in the executive branch of state government. The Board has jurisdiction over Anthony Parnell, whose actions occurred while he was a state employee.

2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, in pertinent part:

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.

WAC 292-110-010 Use of state resources, 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.

1 Mr. Parnell, was a Job Training Counselor for the Employment Security Department (ESD),  
2 when he used state resources for his private benefit or gain in violation of RCW 42.52.160. Mr.  
3 Parnell's activities do not meet the exceptions for the use of state resources as permitted in WAC  
4 292-110-010.  
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6 **IV. FINAL ORDER**

7 1. Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby  
8 ordered that Anthony Parnell is assessed a total monetary civil penalty of one thousand dollars  
9 (\$1,000) based on his violations of RCW 42.52.160.

10 2. The total amount of one thousand dollars (\$1,000) is payable in full within 90  
11 days of the effective date of this order.  
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13 DATED this 13<sup>th</sup> day of November 2020.

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16 Shirley Battan, Chair

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16 Gerri Davis, Vice-Chair

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19 Lisa Marsh, Member

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19 Anna Dudek Ross, Member

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21 Jan Jutte, Member

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**APPEAL RIGHTS**

**RECONSIDERATION OF FINAL ORDER – BOARD**

Any party may ask the Executive Ethics Board to reconsider a Final Order. The request must be in writing and must include the specific grounds or reasons for the request. The request must be delivered to Board office within 10 days after the postmark date of this order.

The Board is deemed to have denied the request for reconsideration if, within 20 days from the date the request is filed, the Board does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. RCW 34.05.470.

The Respondent is not required to ask the Board to reconsider the Final Order before seeking judicial review by a superior court. RCW 34.05.470.

**FURTHER APPEAL RIGHTS – SUPERIOR COURT**

A Final Order issued by the Executive Ethics Board is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. See RCW 42.52.440. The procedures are provided in RCW 34.05.510 - .598.

The petition for judicial review must be filed with the superior court and served on the Board and any other parties within 30 days of the date that the Board serves this Final Order on the parties. RCW 34.05.542(2). Service is defined in RCW 34.05.542(4) as the date of mailing or personal service.

A petition for review must set forth:

- (1) The name and mailing address of the petitioner;

- 1 (2) The name and mailing address of the petitioner's attorney, if any;  
2 (3) The name and mailing address of the agency whose action is at issue;  
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4 (4) Identification of the agency action at issue, together with a duplicate copy, summary,  
5 or brief description of the agency action;  
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7 (5) Identification of persons who were parties in any adjudicative proceedings that led to  
8 the agency action;  
9 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;  
10 (7) The petitioner's reasons for believing that relief should be granted; and  
11 (8) A request for relief, specifying the type and extent of relief requested.  
12 RCW 34.05.545.  
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#### 14 **ENFORCEMENT OF FINAL ORDERS**

15 If there is no timely request for reconsideration, this is the Final Order of the Board. The  
16 Respondent is legally obligated to pay any penalty assessed.

17 The Board will seek to enforce a Final Order in superior court and recover legal costs  
18 and attorney's fees if the penalty remains unpaid and no petition for judicial review has been  
19 timely filed under chapter 34.05 RCW. This action will be taken without further order by the  
20 Board.  
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