

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Hahli Rogers

Respondent.

No. 2019-043

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Hahli Rogers 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 November 6, 2019, the Executive Ethics Board (Board) received a referral from Lower Columbia College (LCC) alleging that Hahli Rogers (Ms. Rogers), Executive Director of Corporate & Continuing Education at LCC, may have violated the Ethics in Public Service Act by using her position to secure special privileges and using state resources for private benefit or gain.

2. According to LCC, Ms. Rogers was hired by LCC as a Program Manager for Career Pathways on October 3, 2011 and was promoted to Executive Director of Corporate Partnerships & Training on January 6, 2014, which is the position she held until she resigned on October 4, 2019.

3. According to the LCC RI, on Thursday, September 18, 2019, Kendra Sprague (Ms. Sprague) Vice President of Foundation, Human Resources (HR) & Legal Affairs<sup>1</sup>, received a briefing from Samantha Orth (Ms. Orth) HR Director at LCC, regarding an email she received from Cliff Hicks (Mr. Hicks), Director of Enterprise Services at LCC. The email described an incident that Mr. Hicks witnessed in the bookstore where Ms. Rogers is alleged to have used college grant funds to purchase five \$100 gifts cards and then two days later accompanied her son EA to the bookstore where he used these gift cards to purchase his books for fall quarter.

4. LCC alleges that Ms. Rogers' conduct violated state ethics rules, college ethics rules, and violated the terms of the Workforce Southwest's Career Success grant terms.

### **Gift Cards**

5. According to the LCC RI<sup>2</sup>, there was funding left in the 2018-2019 Career Success Grant and Ms. Rogers and Heidi Hamer (Ms. Hamer), Program Coordinator for Corporate and Continuing Education, discussed ways to spend it down. Ms. Hamer suggested purchasing gift cards to use as incentives for students.

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<sup>1</sup> Author of the LCC RI and LCC Ethics Advisor.

<sup>2</sup> Based on interviews of LCC employees Cliff Hicks (Mr. Hicks) Director of Enterprise Services, Heidi Hamer (Ms. Hamer) Program Coordinator for Corporate and Continuing Education, Ms. Rogers and footage from security cameras located in the LCC bookstore.

6. According to the LCC RI, on Monday, September 16, 2019, Ms. Rogers telephoned Mr. Hicks about picking up some gift cards to be charged to the Career Success Grant for the 2018-2019 budget since there were funds left that needed to be used. There were conversations with Claudia Slabu (Ms. Slabu), the Purchasing Manager in the finance office, to ensure the correct budget number was located in the system.

7. According to the LCC RI, at approximately 1:30 pm on September 16, 2019, Ms. Rogers came into the bookstore with Ms. Hamer. Ms. Hamer walked around the bookstore looking at a variety of things. Ms. Hamer was standing at the counter when Ms. Rogers purchased some gifts cards. Ms. Rogers had to work with Mr. Hicks to make sure the correct budget was used for the purchase of five \$100 gifts cards charged to the Career Success Grant #161-5110 for the 2018-2019 grant year. The account was not readily coming up in the system. Mr. Hicks told Ms. Rogers he would work it out and bring the gift cards to her later that afternoon. Mr. Hicks delivered the gifts cards to Ms. Rogers later that afternoon.

8. According to the LCC RI, on September 18, 2019 at approximately 1pm EA came to the bookstore with a voided receipt that had the total for his books. He was going to use gift cards for most of the purchase amount and was going to use his credit card for the rest. A student employee in the bookstore asked EA how much was on each gift card and he said that he did not know. The student employee said that she needed to know and EA said, "Don't worry about it, I'll just use my credit card." EA purchased everything with a credit card. The bookstore system stores the names of people who use credit cards and the name on the card for that purchase was Ms. Rogers.

9. According to the LCC RI, several minutes later, Ms. Rogers came into the bookstore with the books purchased by EA and said she needed to have the money refunded to her card. Ms. Rogers said that the bookstore needed to charge the gift cards that EA had in his hands, and that she would pay the difference.

10. At that time, Mr. Hicks came up to help the student employee who was helping Ms. Rogers. According to the LCC RI, Ms. Rogers was using the same five \$100 gift cards she purchased two days prior under the Career Success grant budget. Mr. Hicks helped Ms. Rogers process the returns and charges to the gift cards. At the time, Mr. Hicks was not certain if EA was Ms. Rogers' son; however, he had suspicions because of the way she was talking to him. Ms. Hamer was in the bookstore with Ms. Rogers and was wandering around while Ms. Rogers was at the counter. Ms. Hamer stood at the counter and watched them ring up the books on the gifts cards<sup>3</sup>.

11. According to the LCC RI, in an interview conducted by Ms. Sprague, Ms. Hamer said she knew these were the cards Ms. Rogers had purchased two days prior and was in disbelief. She did not know what to do and could not believe that Ms. Rogers would do that. The students have to be part of the Opportunity Grant the past two quarters in order to qualify for the Career Success grant funds. They do not typically spend more than \$350 on a student through this grant. Ms. Rogers monitors all of the budgets for the grant. Ms. Hamer knew that EA was not part of the program. In fact, he was a Running Start student who was just starting fall quarter.

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<sup>3</sup> Board staff reviewed footage provided by LCC from the security cameras at the bookstore for the date of September 16, 2019, and observed Ms. Rogers and Ms. Hamer purchase the gifts cards, EA attempting to use the gift cards, Ms. Rogers and EA refunding the credit card and Ms. Hamer joining them at the bookstore counter for part of the transaction.

12. According to the LCC RI, Ms. Hamer said she did not know that Ms. Rogers had given the cards to EA until she saw him using them at the counter. Ms. Hamer said she fretted about how to handle the situation that she had witnessed. She was off work on Thursday and Friday that week. Ms. Hamer said when she returned to work on Monday, September 22, 2019; Ms. Rogers informed her that she had been taken into HR and that she was resigning.

13. According to the LCC RI, Ms. Sprague conducted an interview with Ms. Rogers. Ms. Rogers said that she noticed that there was \$542 in the Career Success Grant that needed to be spent. She decided to purchase five \$100 gifts cards with the funds to help support students in the Career Technical Education (CTE) programs.

14. Ms. Rogers said her son, EA, was enrolling in Running Start and Ms. Rogers gave EA the five \$100 gifts cards purchased from the Career Success Grant to purchase his books. There was some confusion with the person at the bookstore counter and EA instead charged the books to Ms. Roger's credit card. Ms. Rogers said she had to go to the bookstore front counter so that her credit card could be refunded, and instead, use the gifts cards.

15. According to the LLC RI, typically, the Career Success Grant is for \$350-\$600 per student to purchase things like books. The students have to be enrolled in the specific programs to qualify. Ms. Rogers claimed that as long as a student is enrolled in the Opportunity Grant within three quarters they qualify. EA is not part of the Opportunity Grant. Ms. Rogers says that it was "no big deal" because if it turns out that the student is not part of the Opportunity Grant, then, they would later refund the money and use career connected learning grant dollars instead. Ms. Rogers stated, "I should have just used the career connected learning funds then we would not be having this conversation." According to Ms. Sprague,

Ms. Rogers paused and saw the look on Ms. Sprague's face and said, "Oh, I guess we would be."

16. According to the LCC RI, Ms. Rogers admitted to knowing the ethics rules about a conflict of interest. However, she did not think about it at the time because other LCC staff member's kids get to participate in grant programs. Ms. Sprague asked if the parents administer those grants and Ms. Rogers said, "No." Ms. Sprague asked if Ms. Rogers understood the difference. She said she did. Ms. Rogers claimed that her son did not get a special privilege or special privilege knowledge of the availability of those funds just because of her. She thought she was helping the program because she was helping one more student. Ms. Rogers admitted that she should have known that she could not give the gift cards to her son.

17. On Tuesday, September 24, 2019, Ms. Rogers submitted her resignation effective October 4, 2019. Ms. Rogers was removed from all signing authority and taken off access to grant dollars pending her last day on campus. According to the LCC RI, Ms. Rogers paid back the \$500.

18. In a telephone interview with Board staff, Ms. Rogers stated that her son did qualify for the funds (gift cards) because he had completed the internship hosted by the LCC as part of the Career Connected Learning Program (CCL) program. She said that because EA was her son it appeared to be a special privilege given to him. Mr. Rogers said that she should have contacted the funding agent, Workforce Southwest Washington (WSW), and the President of the University to get permission before issuing the gift cards to her son. Ms. Rogers confirmed that she paid the \$500 back.

19. Board staff provided Ms. Rogers' statement to LCC. In a written response, Ms. Sprague said that they disagreed with Ms. Rogers. The gifts cards were purchased with the Career Success Grant (CSG) not the CCL. EA was not part of the CSG program and could not have been because he had not yet started his program and would not have qualified anyway. To qualify for the CSG you have to be part of the Opportunity Grant. According to LLC, EA would not qualify for the Opportunity Grant.

**Failure to Submit Leave for Absences from Work**

20. According to the LCC RI, LCC HR conducted an audit of Ms. Rogers' leave slips and confirmed that Ms. Rogers failed to submit leave slips for many of her absences during the past year. Board staff were advised that the audit of Ms. Rogers leave history was conducted by Samantha Orth (Ms. Orth) Director of HR at LCC. Board staff contacted Ms. Orth and asked for details on her audit.

21. In an email response to Board staff, Ms. Orth stated that she reviewed Ms. Rogers' Outlook calendar and audited the days that she was marked as out of office, vacation, sick, conferences, etc. against leave slips she had submitted to HR/Payroll for absences from January 2019 through October 2019. Ms. Orth said that she met with Ms. Rogers on October 2, 2019 to review the dates in question back to January 2019. She said she made handwritten notes based on Ms. Rogers's calendar and talked to her about each one<sup>4</sup>. Some of the dates were confirmed by Ms. Rogers by looking at the calendar on her phone that showed she was off campus

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<sup>4</sup> Ms. Orth states that her handwritten notes have been shredded so she doesn't know how many days that Ms. Rogers was given credit for but estimates it was around 4 or 5.

for college business or was working. The dates that Ms. Rogers admitted she didn't submit leave for are listed below.

- February 11, 2019 8am-5pm 8 hours sick leave
- February 13, 2019 12pm-5pm 5 hours sick leave
- February 14, 2019 8am-5pm 8 hours sick leave
- March 22, 2019 8am-5pm 8 hours vacation leave
- April 3, 2019 11am-5pm 6 hours vacation leave
- April 5, 2019 8am-12pm 4 hours vacation leave
- June 19, 2019 8am-5pm 8 hours vacation leave
- June 20, 2019 8am-5pm 8 hours vacation leave
- June 21, 2019 8am-5pm 8 hours vacation leave
- July 18, 2019 1pm-5pm 4 hours vacation leave
- July 31, 2019 8am-5pm 8 hours vacation leave
- August 1, 2019 8am-12pm 4 hours vacation leave
- September 11, 2019 8am-5pm 8 hours vacation leave <sup>5</sup>

Total Sick Leave Not Submitted: 21 Hours

Total Vacation Leave Not Submitted: 66 Hours

22. According to Ms. Orth, Ms. Rogers has submitted leave slips for all the dates listed above except for September 11, 2019.

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<sup>5</sup> Absent from work without taking leave after the audit.



23. In a written response to Board staff, Ms. Rogers said she did not admit to not turning in leave slips. She said she was unable to confirm her attendance on certain days based on the information gathered by HR through her office calendar. She said there was no way to prove she was in the office or have someone vouch for her on days that were more than three months prior. She said at that point she gave up trying to explain that there are weeks when she worked 50-60 hours to meet client needs and that she flexed her schedule accordingly. She said it was her own fault for verbally agreeing to that process with her supervisor rather than turning slips in for comp time.

#### **Credit Card Purchases**

24. According to the LCC, as a result of the LCC RI, in early November 2019 Accounting Manager Cindy Prato (Ms. Prato) and Vice President of Administration Nolan Wheeler (Mr. Wheeler), began an internal review (IR) of reimbursements to now former employee Ms. Rogers<sup>6</sup>, as well as procurement card purchases made by Ms. Rogers. Part of this review required contacting students who were on the roster as Career Success Grant participants regarding credit card purchases by Ms. Rogers.

25. According to the LCC IR, Holli Schray (Ms. Schray), a student, was contacted by telephone by Ms. Prato regarding a February 12, 2019 clothing purchase for \$67.20 from Kyrakiss.com. In Ms. Schray's file is a Student Support Service Voucher for a new coat. The

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<sup>6</sup> Board staff were provided a copy of the Internal Review as well as supporting documents on December 19, 2019. It is important to note that Board staff did not include specific reviews that resulted in findings that no misappropriation of funds were suspected.

voucher was approved by Ms. Rogers and signed by Ms. Hamer<sup>7</sup> as having been given to Ms. Schray. The voucher also includes a signature in the received by line of Ms. Schray. Ms. Schray told Ms. Prato during their conversation that she never received any clothing from LCC.

26. After reviewing Ms. Schray's signature on file in the LCC Financial Aid Office, Mr. Wheeler states in the LCC IR that he believes the signature on this voucher is a forgery of Ms. Schray's signature. Mr. Wheeler said he sat in on the investigative interview of Ms. Hamer by Ms. Sprague and when questioned about this voucher, Ms. Hamer recalled signing the voucher "after the fact." Ms. Hamer said that Ms. Rogers brought it to her and asked her to sign it stating that "she already gave the student the clothing."

27. After informing Ms. Hamer that Ms. Schray never received the clothing, Ms. Sprague asked Ms. Hamer who she thought had signed the voucher for the student, Ms. Hamer said that she thought it was Ms. Rogers. Ms. Hamer recalled that Ms. Rogers was really good at changing her writing to look different. Ms. Hamer said that Ms. Rogers would often write thank you notes with a variety of handwriting styles to make it look like someone else had written them. Mr. Wheeler stated that he concluded that more likely than not, Ms. Rogers used her LCC procurement card to purchase this coat for herself and forged Ms. Schray's signature on the voucher.<sup>8</sup>

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<sup>7</sup> Board staff were provided a copy of the CSP Support Services Voucher Process. Under Disburse CSP Student Support Service Gift Cards procedure it states in part, "This voucher will be approved and signed by the Executive Director, Corporate Partnerships & Training (Ms. Rogers) or established designee (Ms. Hamer)."

<sup>8</sup> A copy of the voucher was provided to Board staff.

28. According to the LCC IR, Kaitlyn Gerhardt (Ms. Gerhardt), a student, was contacted via telephone by Ms. Prato regarding a clothing purchase for \$156.66 from Ross on March 13, 2019, and a gas card purchase of \$50.00 on April 16, 2019 from Safeway. Ms. Gerhardt stated that she received the \$50.00 gas card. However, she stated that she did not receive any clothing from LCC. In Ms. Gerhardt's file are Student Support Service Vouchers for both purchases. After comparing the signatures on the vouchers with Ms. Gerhardt's signature on file in the LCC Financial Aid Office, Mr. Wheeler said that more likely than not the student signature on the Ross clothing purchase voucher is a forgery.

29. During Ms. Hamer's interview by Ms. Sprague, Ms. Hamer recalled that this was another voucher that Ms. Rogers asked her to sign after saying that she had already given the student the clothing. Ms. Hamer recalled that this only occurred a couple of times last spring. After informing Ms. Hamer that Ms. Gerhardt said that she never received the clothing, Ms. Sprague asked Ms. Hamer who she thought had signed the voucher for the student, Ms. Hamer said that she thought it was Ms. Rogers. Again, Ms. Hamer stated that Ms. Rogers was really good at changing her writing to look different. Mr. Wheeler states that he believes that more likely than not, Ms. Rogers used her LCC procurement card to purchase clothing from Ross for herself and forged Ms. Gerhardt's signature on the voucher resulting in a loss of \$156.66.<sup>9</sup>

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<sup>9</sup> A copy of the vouchers were provided to Board staff. According to Mr. Wheeler, Ms. Hamer did not follow the LCC Career Success Program Student Support Services Voucher Process by signing the voucher for Ms. Gerhardt and Ms. Schray without verifying the goods were actually received by the students.

30. According to the LCC IR, Tabatha Brock (Ms. Brock), a student, was contacted via telephone by Ms. Prato, regarding a clothing purchase of \$183.98 on March 18, 2019, from JC Penney. Ms. Brock stated that she did not receive any clothing from LCC. There is a Student Support Services Voucher on file for this purchase signed for approval by Ms. Rogers. Additionally, the voucher has a signature for Ms. Brock. The signature for Ms. Brock on the voucher and on the credit card receipt appear to be forgeries. The other signature line on the voucher is blank. Mr. Wheeler states that he believes that more likely than not, Ms. Rogers used her LCC procurement card to purchase clothing from JC Penney for herself and forged Ms. Brock's signature on the voucher resulting in a loss of \$183.98.<sup>10</sup>

31. According to the LCC IR, there were additional expenses charged to the Career Success Program (CSP) Grant Contract #18-26 from Workforce Southwest Washington (WSW) for the Fiscal Year 2019 that Mr. Wheeler and WSW identified as questionable. Mr. Wheeler reviewed the receipts with Ms. Hamer and Ms. Hamer's WFSE Rep, Tracey Stanley (Ms. Stanley).

32. According to Mr. Wheeler, on December 6, 2018, there was a charge of \$1,175.32 for 25 Myers Brigg Personality Tests (MBPT) from the Myers-Briggs Company<sup>11</sup>. According to Mr. Wheeler, Ms. Hamer stated that eight CSP students participating in the leadership program participated in Myers-Briggs testing. The remainder of the Myers-Briggs tests were probably administered in unrelated continuing education courses. Mr. Wheeler said that

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<sup>10</sup> A copy of the voucher was provided to Board staff.

<sup>11</sup> MBPT is a personality test typically based on psychological attributes and is used to determine differing strengths and types of personalities in a workplace or other setting. -Briggs Personality Test.

taking the total invoice and dividing it by the twenty five (25) tests purchased, he determined that the CSP Grant should have only been charged \$376.10 for the 8 students tested.

33. According to Mr. Wheeler, on April 30, 2019, there was a purchase of \$132.92 at the Office Depot Luggage and "other misc." Ms. Hamer did not recall anything about this purchase. Mr. Wheeler said he did not find any mention of these items in the student files and therefore was unable to verify that this was an appropriate expense to be charged to the CSP Grant.

34. According to Mr. Wheeler, on May 30, 2019, there was a purchase of \$116.74 at Bob's Sporting Goods for men's hiking boots. Ms. Hamer was unaware of this purchase from Bob's Sporting Goods. Mr. Wheeler said he was unable to verify that any CSP participating student was provided these boots. He concluded that it is more likely than not that Ms. Rogers purchased these boots for herself or a family member.

35. According to Mr. Wheeler, on May 30, 2019, there a purchase of \$48.61 at Ross clothing. Ms. Hamer was unaware of this purchase from Ross. Mr. Wheeler said he was also unable to verify that any CSP participating student received this clothing. He concluded that it is more likely than not that Ms. Rogers purchased this clothing for her own use.

36. According to Mr. Wheeler, on June 2, 2019, there was a purchase of \$175.26 at Zappos.com. Ms. Hamer was unaware of this purchase from Zappos.com for two pair of women's shoes. However, Ms. Hamer recalled that around this timeframe, Ms. Rogers attempted to gift Ms. Hamer a pair of women's shoes. Ms. Hamer thought that it was odd and didn't accept the shoes. However, Ms. Hamer thought that the shoes were still located in Ms. Rogers' former office. Mr. Wheeler said he sent an LCC Security Officer to retrieve the shoes and was able to verify that this pair of shoes was one of the pairs from this purchase. Since one pair of the shoes is in the College's

possession, Mr. Wheeler concluded that more likely than not, Ms. Rogers kept the other pair for her own use. The value of the missing shoes plus taxes was \$113.51.

#### **FY19 and FY20 Travel and Other Reimbursements**

37. According to the LCC IR, on Friday, October 25, 2019 Janel Skreen (Ms. Skreen), LCC Environmental Health & Safety Director, texted Mr. Wheeler a screenshot of a post that Ms. Rogers had posted on LinkedIn. Ms. Skreen was concerned that Ms. Rogers was posting stuff as though Ms. Rogers was still an LCC employee. A little later, Mr. Wheeler received information from Ms. Sprague that Ms. Rogers was at a conference in Washington D.C., and she was concerned that LCC had prepaid for the conference registration & airline tickets.

38. Mr. Wheeler said he did not find any documentation that LCC had prepaid any expenditures for this conference. He conducted a web search of the conference information from Ms. Rogers' LinkedIn post and discovered that the organization, the Association for Career and Technical Education (ACTE), offered a Postsecondary Leadership Success Program, which has several benefits including paid conference registrations plus travel expenses and a \$4,000 stipend for completing the program. Mr. Wheeler was concerned that Ms. Rogers was a member of this program because, although he found travel reimbursements to Ms. Rogers for prior ACTE conferences, He did not find any conference registration fee payments or airline ticket purchase records in their accounts payable files.

39. According to the LCC IR, on Tuesday, October 29, 2019, Mr. Wheeler sent an email to Michael Connett (Mr. Connett), the Associate Deputy Executive Director-Outreach and Partnerships with the ACTE, requesting all reimbursement records from their organization to Ms. Rogers. On November 7, 2019, Mr. Wheeler received an email from Mr.

Connett with a list of reimbursements from their organization to Ms. Rogers.<sup>12</sup> Ms. Wheeler said that based on this information and LCC travel reimbursements to Ms. Rogers, he found that Ms. Rogers submitted travel vouchers to LCC for travel that she was also reimbursed for by ACTE totaling \$1,050.09, the Finance Manager called in to assist the SOM, for reports through June 2017.

40. On March 21, 2019 through March 27, 2019, Ms. Rogers travelled to the National Policy Seminar in Arlington, Virginia. She submitted lodging reimbursement for March 21, 2019 through March 22, 2019 (\$377.12) and meal reimbursements for March 21, 2019 (\$71.00). According to the conference agenda, the conference didn't begin until March 24, 2019. Ms. Rogers was also reimbursed \$96.10 for Misc. Expenses from ACTE, likely for parking and mileage, which LCC also reimbursed. According to Mr. Wheeler there was no business reason for Ms. Rogers to arrive in Washington D.C. two days prior to the start of this conference. He concludes that it is more likely than not that the primary purpose of travel from March 21, 2019 through March 23, 2019 was not official state business as required in the State Administrative and Accounting Manual (SAMM) 10.20.40.d. Total amount reimbursed by LCC was \$544.22.

41. In a written response from Ms. Rogers, she said ACTE did not pay per diem but only covered specific meals, others were not billable. If the charges overlapped, that was her mistake, but was not intentional. She said the Policy Seminar started on March 24, 2019 but the Post-Secondary Leadership Program wanted them there early which is why they scheduled her flight March 21, 2019.

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<sup>12</sup> A copy of the list of reimbursements were provided to Board staff.

42. Board staff provided LCC with Ms. Rogers' response. In a written response from Mr. Wheeler, he said that as Ms. Rogers was receiving a \$4,000 stipend for participating in the ACTE Postsecondary Leadership Success Program, she should not have submitted any reimbursements for travel to this conference and should have submitted leave for her time away from campus. Additionally, he found zero evidence to support Ms. Rogers' above claim. The conference agenda lists March 24, 2019 at 1pm as the start of the seminar. If the ACTE program had wanted Ms. Rogers there earlier, they would have paid for her lodging for the early arrival. He referred Board staff to the Hilton Garden Inn invoice, which showed this trip as two separate arrivals, the first arrival was for March 21, 2019 through March 23, 2019 and the second arrival was for March 23, 2019 through March 27, 2019, which corresponds to the dates of the conference and appears to be the dates that ACTE paid directly to Hilton for Ms. Rogers' lodging.

43. Board Staff were provided a copy of the National Policy Seminar Agenda, Post Overview of the Seminar by ACTE by Ms. Chrisman. Board staff found no mention of a pre-seminar meeting. The first item on the agenda was at 1pm on March 24, 2019.

44. In a written response to Board staff, Mr. Connet confirmed that the Postsecondary Leadership Success Program ran from the afternoon of March 24, 2019 through March 27, 2019. The dates of March 21, 2019 through March 23, 2019 were not a part of their program. He confirmed that they paid for Ms. Rogers' travel to and from Washington DC and that ACTE covered all of her expenses from March 24, 2019 through March 27, 2019.

45. On June 12 through June 16, 2019, Ms. Rogers travelled to Gateway Technical College, in Kenosha, Wisconsin, and was reimbursed by both LCC and ACTE for lodging (\$359.11), three meals (per diem \$57.00), and Misc. Expenses (\$89.76). Total amount reimbursed by LCC was \$505.87.



46. In a written response from Ms. Rogers, she said ACTE did not reimburse her based on per diem. They only provided specific meals that were not included in the LCC travel reimbursement including day of travel expenses, i.e. parking. She did agree that the lodging was double charged.

47. Board staff provided LCC with Ms. Rogers's written statement. In a written response, Mr. Wheeler reiterated that as Ms. Rogers was receiving a \$4,000 stipend for participating in the ACTE Postsecondary Leadership Success Program, Ms. Rogers should not have submitted any reimbursements for travel to this conference. He provided Board staff with the link to the program information, which includes information that participants will "have all travel and lodging expenses paid to for in-person workshops." Mr. Connet stated in an email to LCC, that ACTE had reimbursed Ms. Rogers's hotel \$359.11, other expenses \$89.76 and paid directly for Ms. Rogers a meal at Panera \$13.00, a meal at Ashling on the Lough of \$49.00, and a Gateway luncheon of \$26.00. Ms. Rogers did not submit for per diem reimbursement from LCC for the meal on the evening of June 13th at Ashling on the Lough.

48. Mr. Wheeler reviewed a travel reimbursement to Ms. Rogers dated November 6, 2018 through November 7, 2018 for a conference at the Great Wolf Lodge in Grand Mound, Washington on November 7, 2019 through November 8, 2019. The Great Wolf Lodge is 52 miles from Ms. Rogers' official station. The lodging reimbursement is for lodging for two adults and three children. It appears that Ms. Rogers took her family to Great Wolf Lodge a day prior to the conference in order to access the water park and left the conference a day early. Mr. Wheeler said he concluded that it is more likely than not that the primary purpose of this trip was not official state business as required in the State Administrative and Accounting Manual (SAMM) 10.20.40.d. Total amount reimbursed by LCC was \$277.48.

49. In a written response to Board staff, Ms. Rogers stated that the WA-ACTE hosts the Fall Conference at Great Wolf Lodge every year. The price of the stay is the same per room no matter how many guests are in the room (as long as it is below the maximum capacity). The agenda even sets aside time for families of attendees. Ms. Rogers said she arrived the day prior to the official start of the conference to attend a work group dinner that was not part of the conference. She thought someone from AJAC <sup>13</sup> was there and provided two possible names of participants. She said she missed the half-day to deliver contracted training for LCC.

50. Board staff spoke to Franciene Chrisman (Ms. Chrisman), Executive Assistant at the WA-ACTE, who said that there was nothing recorded on her calendar about a pre-meeting on November 6, 2018. She said if there was one it would have been recorded on the calendar.

51. Board staff spoke to Rachel Morales (Ms. Morales), Business Administration Coordinator with AJAC. Ms. Morales said there were no meetings recorded on their calendar for November 6, 2018 at the Great Wolf Lodge.

52. According to the LCC IR, while reviewing Ms. Rogers' travel reimbursements, Mr. Wheeler noticed a reimbursement made to Ms. Rogers on April 9, 2019 for a television and mounting frame in the amount of \$972.90. This purchase was made from an eBay seller "briksnbots" by employee and Program Coordinator Brian DelMar's (Mr. DelMar's) eBay (brdel-76) account<sup>14</sup>. The reimbursement indicates that Ms. Rogers' credit card was used to make this purchase. Mr. Wheeler states that he questioned Mr. DelMar and he admitted that

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<sup>13</sup> Aerospace Joint Apprenticeship Program

<sup>14</sup> Ms. Rogers was Mr. DelMar's supervisor.

he had given Ms. Rogers his eBay login password and she purchased the television and mounting frame from herself. The television and mounting frame had been listed by Ms. Rogers on eBay from a seller account that she has access to and purchased by Ms. Rogers from herself via Mr. DelMar's eBay account. A search by Mr. Wheeler on Best Buy's website found a 55" Samsung television listed for \$329.99 and a slim wall mount listed for \$69.99.

53. Mr. Wheeler said that while he was able to find the television and mounting frame located in their LCC automotive lab being used by the program, the total cost with tax for a brand new television and mount totals to \$432.38. Mr. Wheeler said that he has concluded that the employee reimbursement process was not followed regarding the television reimbursement to Ms. Rogers. It is the practice of LCC to not procure goods from eBay. Additionally, Ms. Rogers was assigned an LCC Procurement Card and should have followed the procurement card purchase process for any television purchase. Mr. Wheeler concluded that LCC was defrauded out of the difference of \$540.52.

54. An investigation was conducted by Ms. Sprague of Mr. DelMar's participation in this purchase. According to Ms. Sprague, Mr. DelMar said he did not question why Ms. Rogers would want to use his login. He said he was busy trying to get ready for the Try a Trade event and did not question it. Mr. DelMar found out after the fact that the TV had belonged to Ms. Rogers. He said that he is too trusting of people and Mr. Rogers was his boss. He did not think she would do anything wrong. According to Ms. Sprague, Mr. DelMar also disclosed that he gave his LCC computer login information to Ms. Rogers on occasion. He does not recall exactly why she needed it.

55. In a telephone interview with Board staff, Mr. Sprague said that they had a staff meeting after the Try a Trade event to go over the costs and logistics of the event. He said during

the discussions, Ms. Rogers mentioned in passing that she needed to get a new TV. He said when he asked about that, she mentioned that the TV purchased for the Automotive Lab was her TV. He said he never gave it another thought until he was interviewed by Ms. Sprague regarding the investigation of Ms. Rogers. He said he received a coaching letter from LLC on what he could have done better in this situation and has since updated his ethics training through LLC.

56. In a written response to Board staff, Ms. Rogers stated the purchase that happened off of eBay was for two TV's and two wall mounts. One set for the Automotive Department and the other for the Continuing Education Department (CE). She said those two TVs are still at LCC. She said she used Mr. DelMar's eBay account to purchase the TVs as her LCC account had been hacked. She said she purchased the TVs with her own credit card as the "LCC cards do not work on eBay or PayPal any longer". Ms. Rogers said there are specific requirements that were necessary to use with the Auto Departments equipment and a base model TV would not be sufficient for their needs, as well as a slim mount.

57. Board staff reviewed the eBay order in question for April 3, 2019. The items ordered was one Samsung heavy duty mounting frame for \$200 and one Samsung HDMI TV for \$700. With tax, the total was \$972.90. Board staff reviewed and confirmed that on April 3, 2019, Ms. Rogers submitted a State of Washington Invoice Voucher to LCC for the same two items with the same total cost of \$972.90. The Invoice was approved on April 9, 2019.

58. On December 24, 2019, Board staff received a letter from the Workforce Training and Education Coordinating Board stating that as a result of the inappropriate use of the Opportunity Partnership Program funds at LCC, their contract with Workforce Southwest was cancelled and the program terminated for fiscal year 2020, resulting in a projected 30 eligible students being denied the ability to experience the employment readiness skills training, a critical

component of the program. According to the letter, there is also potential for collateral damage to employer participation and community support as the credibility of the program may be at risk. Both are critical to the success of the OPP program.

## **B. CONCLUSIONS OF 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, Ms. Rogers used state resources for personal benefit in violation of RCW 42.52.160. Ms. Rogers' 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 Ms. Rogers was terminated from her position at the Lower Columbia College.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Hahli Rogers 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. Hahli Rogers 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. Hahli Rogers 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. Hahli Rogers 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 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. Hahli Rogers 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 Hahli Rogers 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 Hahli Rogers 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 Hahli Rogers 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, Hahli Rogers 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. Hahli Rogers agrees to pay a civil penalty in the amount of four thousand five hundred dollars (\$4,500) associated with violations of RCW 42.52.

12. The civil penalty in the amount of four thousand five hundred dollars (\$4,500) 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.



## I. CERTIFICATION

I, Hahli Rogers, 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.

Hahli L. Rogers 9/15/2020

Hahli Rogers

Date

Respondent

Presented by:

K. Reynolds 11/13/2020

KATE REYNOLDS

Date

Executive Director

## 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 13th day of November 2020.

Approved via Video Conferencing  
Shirley Battan, Chair

Approved via Video Conferencing  
Gerri Davis, Vice Chair

Approved via Video Conferencing  
Lisa Marsh, Member

Absent  
Anna Dudek-Ross, Member

Approved via Video Conferencing  
Jan Jutte, Member

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

\_\_\_\_\_  
Hahli Rogers, Respondent

\_\_\_\_\_  
Date