

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Josie Meyer

Respondent.

No. 2020-004

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, JOSIE MEYER, 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 December 18, 2019, the Executive Ethics Board (Board) received a complaint alleging that Josie Meyer (Ms. Meyer), Clinical Placement Coordinator at Clover Park Technical College (CPTC), may have violated the Ethics in Public Service Act by using state resources for her private benefit and gain in supporting her outside business Rhea Lana¹, a consignment business.

2. Ms. Meyer was first hired at CPTC on May 9, 2005 as an Administrative Assistant to the Vice President of Instruction and on February 27, 2012 was appointed into her current position at a Clinical

¹ Rhea Lana is a national franchise in the children's clothing consignment industry located in 24 states.

Placement Coordinator. Ms. Meyer attended a two-hour ethics course presented by Board staff on March 9, 2018.

3. Ms. Hillsland indicated in her response that Ms. Meyer has shared dates and advertisements of upcoming Rhea Lana events. Ms. Hillsland indicated that Ms. Meyer would always ask first, and those events were not posted, but rather the information was handed out to those that asked or showed an interest.

4. Ms. Hillsland indicated that even though Ms. Meyer's time had been reduced to .75 FTE, she was still able to get her work completed.

5. LaRita Montgomery-Mandley (Ms. Montgomery-Mandley) indicated in a response to Board staff that she is a co-worker of Ms. Meyer and only works in the office across from her on Tuesdays. She indicated that she was aware of Ms. Meyer's outside business only through conversations they had while in the office.

6. Ms. Montgomery-Mandley indicated in her response that she has not seen Ms. Meyer use any state resources to conduct work related to Rhea Lana.

7. In the initial phone conversation with Board staff, Ms. Meyer indicated that she had not used any state resources, including computer resources, to conduct or promote her outside business, Rhea Lana of Tacoma.

8. Board staff received a copy of Ms. Meyer's computer hard drive and Outlook emails on January 16, 2020. A forensics copy was created using FTK Imager software and Tableau Read/Write block protection hardware/software on January 21, 2020. The newly created forensic copy was used to conduct an analysis using Magnet Forensics' Axiom 3.8 software.

9. Board staff's examination of Ms. Meyer's state issued desktop computer showed the following data related to her personal use in her support of her outside business Rhea Lana of Tacoma. See details below:

INTERNET

Google Chrome – 10/8/19 through 1/9/20:

- **Browser Activity**
 - Real Properties of America Inc. (RPAI) – <https://www.rpai.com/lease> - 1/9/20 at 3:44 pm. View retail properties.
- **Google Mail**
 - <https://mail.google.com/mail/> - Inbox - rhealanasoftacoma@gmail.com – Gmail – date of visit – 11/26/19 at 9:13 am.
- **LinkedIn** – Logon 12/17/19 at 9:04 am.
 - Key word search – Rhea Lana – 12/17/19 at 9:17 am.
 - Jeanette Maines – Owner Rhea Lana's of Temecula Valley – 12/17/19 at 9:21 am.
 - Nicole Zistler – Owner Rhea Lana's of North Cincinnati and member of the Rhea Lana's of Tacoma Consignor Club (joined 7/8/18) – 12/17/19 at 9:11 am.
 - Edwina Parish-Littlejohn – member of the Rhea Lana's of Tacoma Consignor Club (joined 9/14/18) – 12/17/19 at 9:12 am. Accepted invite at 9:13 am.
 - Lisa Murtha – member of the Rhea Lana's of Tacoma Consignor Club (joined 9/4/18) – 12/17/19 at 9:14 am.

FILES/FOLDERS

➤ **External drive (12/30/19 – 1/9/20)**

Board staff identified 58 instances where Ms. Meyer accessed folders/files related to Rhea Lana using an external drive; Samsung thumb drive, volume serial number – 4C53A92. See examples below:

File path	Accessed date/time
D:\NRL\Sale Management\Quick Reference\Sign Package Checklist FINAL.pdf	1/3/20 at 11:23 am
D:\Spring 20 Status.pdf	1/8/20 at 4:48 pm
D:\S20-8\Location\THL Agreement FE.pdf	1/9/20 at 3:10 pm
D:\NRL\Financial\Daily Stats.xlsx	1/9/20 at 4:04 pm
D:\NRL\Events\2017\S17 - 2\Consignor Reports.pdf	10/29/19 at 4:39 pm
D:\Backup 031918\S18 - 4\Timeline to do list S18.xlsx	10/29/19 at 4:57 pm
D:\S20-8\Consignors\VIP\S20 VIP Processors.xlsx	12/19/19 4:26 pm
D:\S20-8\Consignors\VIP\Brouse Welcome.docx	12/19/19 at 4:35 pm
D:\NRL\Stats.xlsx	12/23/19 at 12:48 pm
D:\F19-7\Finances\F19 Post Sale Financial Report with Ticket Sales.xls	12/23/19 at 12:50 pm
D:\NRL\Values.docx	12/30/19 at 11:18 am

- **Windows Timeline Activity**
Windows Timeline Activity is found at –
Users\jmeyer\AppData\Local\ConnectedDevicesPlatform\Ljmeyer\ActivitiesCache.db.

The timeline activity Cache Database contains information related to the user's activity to open and run certain applications. The database contains the path of the document open, the application used to open the document, and how long in seconds, the application was running. This is a cache folder and only contains on average, 30 days of activity. See some examples of Ms. Meyer's computer use related to Rhea Lana below:

File path	Application	Date	Time/sec
D:\F19-7\Military Ticket Sign up.csv	Excel 2016	12/12/19 @ 2:27 pm	589
D:\S20-8\Consignors\VIP\S20 VIP Processors.xlsx	Excel 2016	12/12/19 @ 4:26 pm	235
D:\S20-8\Location\THL Agreement FE.pdf	Adobe Acrobat DC	12/19/19 @ 4:26 pm	257
D:\NRLAStats.xlsx	Excel 2016	12/23/19 @ 12:48 pm	96
D:\F19-7\Finances\F19 Post Sale Financial Report with Ticket Sales.xls	Excel 2016	12/23/19 @ 12:50 pm	6,250
D:\S20-8\Consignors\VIP\Greenhouse Welcome.docx	Word 2016	1/9/20 @ 3:14 pm	119
D:\S20-8\Consignors\VIP\Agmt.pdf	Adobe Acrobat DC	1/9/20 @ 3:19 pm	1,390

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. Meyer 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.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Josie Meyer 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. Josie Meyer 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. Josie Meyer 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. Josie Meyer 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 Josie Meyer 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. Josie Meyer 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 Josie Meyer 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 Josie Meyer 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 Josie Meyer 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, Josie Meyer 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, Josie Meyer 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. Josie Meyer agrees to pay a civil penalty in the amount of two-thousand, seven-hundred and fifty dollars (\$2,750) associated with violations of RCW 42.52. The Board agrees to suspend five hundred dollars (\$500.00) on the condition that Ms. Meyer 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 two-thousand, two-hundred and fifty dollars (\$2,250) 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

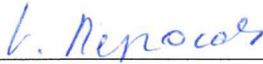
I, Josie Meyer, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my 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.



JOSIE MEYER
Respondent

12/21/20
Date

Presented by:



KATE REYNOLDS
Executive Director

1/8/2020
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 8th day of January, 2021

Approved via Virtual Meeting
Shirley Battan, Chair

Approved via Virtual Meeting
Geri 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, Josie Meyer, accept/do not accept (circle one) the proposed modification(s).

Josie Meyer, Respondent Date