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**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the matter of:

AMIT SINGH,

Respondent.

OAH NO. 12-2020-AGO-00040
EEB NO. 2020-012

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND FINAL ORDER

I. PROCEDURAL HISTORY

1.1 On February 19, 2020, the Executive Ethics Board (Board) received a complaint alleging that Amit Singh (Mr. Singh), President of Edmonds Community College (EdCC), may have violated the Ethics in Public Service Act (Act). The complaint alleged that Mr. Singh used his position as the college president to obtain a special privilege by requesting the ability to park his private vehicle anywhere on campus without being issued a citation for parking illegally.

1.2 On July 10, 2020, the Board found reasonable cause to believe that a violation of the Ethics Act was committed and that the penalty for the violation may be less than \$500.

1.3 Mr. Singh responded and requested a hearing.

1.4 Based on documentation submitted to the Board, it appeared that the facts of the matter were undisputed. Because the violations were relatively minor in nature, and any penalty assessed for the violations would not exceed \$500, pursuant to RCW 34.05.482 and WAC 292-100-180, the Board set this matter for a Brief Adjudicative Proceeding (BAP).

1 1.5 After due and proper notice, a telephonic BAP was convened on October 30,
2 2020. Board Chair Shirley Battan served as Presiding Officer for the proceeding. No other Board
3 members were present. Also present was Assistant Attorney General Michelle A. Carr, legal
4 advisor to the Board; Amit Singh who represented himself; Stephen Manning, Assistant Attorney
5 General for Board Staff; Executive Director, Kate Reynolds; and other Board Staff members.

6 1.6 The Presiding Officer adjourned the BAP on October 30, 2020, after which the
7 Presiding Officer entered an Initial Order of Brief Adjudicative Proceeding (BAP Order).

8 1.7 Mr. Singh requested an administrative review of the BAP Order.

9 1.8 At the beginning of the administrative review on December 7, 2020, Mr. Singh
10 indicated that he disputed certain relevant facts, which pursuant to RCW 34.05.491 required that
11 the proceeding be converted to a formal adjudicative hearing.

12 1.9 On December 14, 2020, the Board withdrew the BAP Order, indicating that it
13 would set the matter for a formal adjudicative hearing.

14 1.10 After due and proper notice, on July 8, 2021, the Board conducted a hearing on
15 this matter via the electronic platform ZOOM. ALJ Bradley from the Office of Administrative
16 Hearings conducted the proceedings, and Board members Gerri Davis and Jan Jutte were present
17 along with Board Chair Shirley Battan who due to her participation in the BAP recused herself
18 from deliberations and issuance of the Final Order. Also present was Michelle Carr,
19 Assistant Attorney General, legal advisor to the Board.

20 1.11 Stephen Manning, Assistant Attorney General for Board Staff, was present. The
21 Board's Executive Director, Kate Reynolds, and other Board Staff members were also present.

22 1.12 Mr. Singh was present, representing himself and providing testimony.

23 1.13 Also present and providing testimony were David Killeen, Board investigator;
24 Rick Reilley, former EdCC security officer; and Jade Jeter-Hill, EdCC Director of Safety,
25 Security and Emergency Preparedness.

26 1.14 The proceedings were recorded and open to the public.

1 1.15 The Board adjourned the hearing on July 8, 2021.

2 Based on the evidence presented, the Board enters the following Findings of Fact,
3 Conclusions of Law, and Final Order:

4 **II. FINDINGS OF FACT**

5 2.1 Mr. Singh is the President of EdCC.

6 2.2 On February 4, 2020, an EdCC Campus Security Officer (CSO) observed Mr.
7 Singh's private vehicle parked in an area designated as "Student Parking." Mr. Singh did not have a
8 permit to park his vehicle in this area. The CSO issued a \$20 citation for parking the vehicle in the
9 student parking area without the proper parking permit.

10 2.3 At Mr. Singh's request, Ms. Jeter-Hill waived the citation, as it is the usual practice
11 to waive a first citation as a "warning."

12 2.4 Mr. Singh informed Ms. Jeter-Hill that occasionally he would need to park in a hurry
13 to meet potential funders for the new Science Engineering and Technology (SET) building and that
14 he should not be cited for parking illegally.

15 2.5 Ms. Jeter-Hill advised Mr. Singh that on occasions where he needed to meet with
16 SET building donors on short notice that he could park in any legal space on campus.

17 2.6 Ms. Jeter-Hill advised CSOs not to cite Mr. Singh for parking violations and that if
18 they observed his vehicle illegally parked, to contact her for guidance.

19 2.7 About 10 days after Mr. Singh was cited for parking in a student space, a CSO
20 observed Mr. Singh's vehicle parked on one of the campus main arterial roads causing it to become
21 a one-lane roadway. As directed, the security officer contacted Ms. Jeter-Hill for guidance on how
22 to proceed and she advised the officer to leave the vehicle alone, not to cite, not to impound, and to
23 leave the vehicle blocking the roadway.

24 2.8 Ms. Jeter-Hill indicated that Mr. Singh's vehicle had been parked in a fire lane and
25 that, if someone received a parking citation for parking in the fire lane at the location Mr. Singh
26

1 parked at, and they requested an appeal, due to poor signage and markings, the citation would most
2 likely be dismissed.

3 2.9 Mr. Singh argued that the area he parked in on the second occasion was at that time
4 part of the construction zone and not a through road, meaning he had not parked illegally.

5 2.10 Mr. Singh admitted that he did request the ability to park in any open area near the
6 SET building, but because he was meeting potential donors and providing tours of the facility this
7 request did not constitute a special privilege.

8 2.11 Parking permits are free to faculty, staff and students. Visitor parking is free with a
9 permit obtained from the security office. All campus parking is “open” after 2:00 pm.

10 III. CONCLUSIONS OF LAW

11 3.1 The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
12 which authorizes the Board to enforce the Ethics Act with respect to employees in the executive
13 branch of state government. The Board has jurisdiction over Amit Singh, whose actions occurred
14 while he was a state employee. The complaint was filed in accordance with RCW 42.52.410, the
15 Board found reasonable cause pursuant to RCW 42.52.420, and an adjudicative proceeding was
16 conducted pursuant to RCW 42.52.430, .500. All the required procedural notices have been
17 provided.

18 3.2 The Ethics Act governs the conduct of state officers and employees. Under
19 RCW 42.52.430(5), a violation must be established by a preponderance of the evidence.

20 3.3 RCW 42.52.070 states:

21 Except as required to perform duties within the scope of employment, no state
22 officer or state employee may use his or her position to secure special privileges
23 or exemptions for himself or herself, or his or her spouse, child, parents, or other
persons.

24 3.4 Mr. Singh does not dispute the fact that he requested and received a special
25 privilege by being allowed to park in any legal area on the EdCC campus and not be cited for
26 this activity. Mr. Singh asserts that his actions did not violate RCW 42.52.070 because it is within

1 his job description to meet with donors and give tours, which necessarily includes parking in spaces
2 near where he carries out his job. This argument is without merit. Although it may well have been
3 within Mr. Singh's duties to attend facility tours with prospective donors, absent guidance from
4 the EdCC Board of Trustees, parking anywhere on campus without fear of citation is not
5 necessary for Mr. Singh to perform his job functions.

6 3.5 Based on the above stated Findings of Fact, the Board concludes that Mr. Singh,
7 by a preponderance of the evidence, violated RCW 42.52.070 by using his position to secure a
8 special privilege for himself by requesting that he be allowed to park anywhere on the EdCC campus
9 without being cited for parking illegally.

10 3.6 Under RCW 42.52.480, the Board may impose a civil penalty of up to \$5,000 per
11 violation or three times the economic value of anything received or sought in violation of the
12 Ethics Act, whichever is greater. The Board concludes that a \$150.00 penalty is appropriate. The
13 factors discussed below support this penalty.

14 3.7 In determining the appropriate sanction, the Board may review the nature of the
15 violation, as well as the aggravating circumstances and mitigating factors set forth in
16 WAC 292-120-030. Mr. Singh's violation tends to significantly reduce public respect for or in state
17 government or state government officers or employees and involved a special privilege to himself.
18 WAC 292-120-030(2)(e) and (f). It is an aggravating factor that Mr. Singh, as the President Edmonds
19 Community College, had significant official, management, and supervisory responsibility. WAC
20 292-120-030(3)(d).

21 3.8 The Board may also consider any monetary cost of the violation. WAC 292-120-
22 030(1). Here, Ms. Jeter-Hill waived Mr. Singh's first parking citation, as it is the usual practice to
23 waive a first citation as a "warning." Additionally, Ms. Jeter-Hill indicated that if Mr. Singh received
24 a citation for parking in the fire lane, the citation would most likely be dismissed. Consequently, Mr.
25 Singh's request for a special privilege resulted in no cost to the state.

1 **IV. FINAL ORDER**

2 4.1 Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby
3 ordered that Amit Singh is assessed a total monetary civil penalty of \$150.00 based on his violation
4 of RCW 42.52.070. The penalty is suspended on the condition that Mr. Singh commits no further
5 violations of RCW 42.52 for a period of one year from the date of this Final Order.

6 DATED this 27th day of July 2021.

7
8 WASHINGTON STATE EXECUTIVE ETHICS BOARD

9 *Gerri Davis*
10 _____
Gerri Davis, Vice Chair

1 **APPEAL RIGHTS**

2 **RECONSIDERATION OF FINAL ORDER – BOARD**

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

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

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

12 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

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

20 A petition for review must set forth:

- 21 (1) The name and mailing address of the petitioner;
- 22 (2) The name and mailing address of the petitioner’s attorney, if any;
- 23 (3) The name and mailing address of the agency whose action is at issue;
- 24 (4) Identification of the agency action at issue, together with a duplicate copy, summary,
25 or brief description of the agency action;
- 26

- 1 (5) Identification of persons who were parties in any adjudicative proceedings that led to
2 the agency action;
- 3 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- 4 (7) The petitioner's reasons for believing that relief should be granted; and
- 5 (8) A request for relief, specifying the type and extent of relief requested.
6 RCW 34.05.546.

7 **ENFORCEMENT OF FINAL ORDERS**

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

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