

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Michael Baskett

Respondent.

No. 2020-018

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, MICHAEL BASKETT, 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 February 11, 2020, the Executive Ethics Board (Board) received a complaint referred by the State Auditor's Office (SAO) alleging that Michael Baskett (Mr. Baskett), Technical Services Manager at University of Washington (UW), may have violated the Ethics in Public Service Act by using state resources for his private benefit and gain by receiving pay for time not worked.

2. The UW Director for Finance, Human Resources (HR) and Administration for the Provost and President's Office, along with HR, received complaints from UW employees alleging that Mr. Baskett was frequently absent without submitting leave.

3. For all times pertinent to this investigation, Mr. Baskett was the UW Classroom Technology and Events Manager. During this period, Mr. Baskett had supervisory responsibilities over five UW employees and 30 student employees. The department operates from 7:00 am to 11:00 pm, Monday through Friday and sometimes on weekends depending on scheduled events.

4. Mr. Baskett was scheduled to work 7:00 am to 3:30 pm on Monday, Thursday, and Friday and 10:00 am through 6:30 pm on Tuesday and Wednesday.

5. Mr. Baskett told UW Internal Audit Division (IAD) investigators that the type of work his unit conducts requires “boots on the ground” meaning that they had to be physically at work. He explained there were some things that he, as the supervisor, could accomplish from working at home, such as employee evaluations. The UW IAD found 41 days from the review period (11/21/14 – 2/9/18) that indicated Mr. Baskett had not worked his reported hours. The UW IAD reviewed the days in question with Mr. Baskett. At that time, the UW IAD believed there was 271.75 hours in question. At the conclusion of the April 17, 2018 meeting, Mr. Baskett agreed that there were some days that he was not at work and did not submit leave.

6. After receiving responses from Mr. Baskett regarding each of the 41 days, UW IAD adjusted the total amount of time to 243 hours.

7. Mr. Baskett agreed to repay the University \$8,663 for the hours he received pay for work he did not perform.

8. Board staff adjusted the data to reflect the period of October 20, 2015 through February 9, 2018, in accordance with the Board’s statute of limitations. This adjustment resulted in a reduction of the 21 days in question to 18, and a reduction of the total hours from 243 to 235.

9. On April 26, 2018, Mr. Baskett and the UW agreed on the following repayment plan:

- Applied his remaining vacation to for a value of \$1,526.76.
- Deducted \$3,797 from his final pay check
- Resigned from his position on April 26, 2018.
- Agreed on a payment plan for the remaining amount of \$3,339.20.

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, Mr. Baskett 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, the violation was continuing in nature, and resulted in a financial gain. In the matter at hand, it is a mitigating factor that Mr. Baskett repaid the University for the time taken without submitting the proper leave and agreed he to resign from state service.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Michael Baskett 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. Michael Baskett 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. Michael Baskett further agrees that the evidence available to the Board is such that the Board may conclude he 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. Michael Baskett waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or his 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 Michael Baskett 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. Michael Baskett 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 Michael Baskett 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 Michael Baskett 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 Michael Baskett 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, Michael Baskett 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, Michael Baskett 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. Michael Baskett agrees to pay a civil penalty in the amount of three-thousand, five hundred dollars (\$3,500.00) associated with violations of RCW 42.52.

12. The civil penalty in the amount of three-thousand, five-hundred dollars (\$3,500.00) 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, Michael Baskett, 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.


MICHAEL BASKETT
Respondent

10/12/20 Date

Presented by:


KATE REYNOLDS
Executive Director

11/11/2020 Date

