

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

3 In the Matter of:

EEB Case No. 2020-030

4 Jessica Burris,

FINAL ORDER

5 Respondent
6

7
8 **I. PROCEDURAL HISTORY**

9 On July 10, 2020, the Executive Ethics Board (Board) found reasonable cause to
10 believe that the Respondent, Jessica Burris (Ms. Burris) violated the Ethics in Public Service
11 Act while employed as a Health Services Consultant 2 (HSC2) with Department of Health
12 (DOH). Notice of the Reasonable Cause Determination and the right to request a hearing was
13 served upon Ms. Burris by regular mail and certified mail on July 13, 2020. Ms. Burris failed
14 to respond to the Reasonable Cause Determination within 30 days as required by WAC 292-
15 100-060(2).

16 The Board entered an Order of Default on January 8, 2021. On January 11, 2021, Board
17 staff provided Ms. Burris with notice of the Board's Order of Default by regular and certified
18 mail.

19 Pursuant to WAC 292-100-060(4), Ms. Burris was allowed 10 days to request vacation
20 of the Order of Default. Ms. Burris has not moved to vacate the order entered on January 8,
21 2021.

22 **II. FINDINGS OF FACT**

23 1. According to the DOH investigation (DOHI), Ms. Burris misused state
24 resources by actively engaging in the Massively Multiplayer Online Game (MMORPG) World
25 of Warcraft (WoW) during her scheduled hours of work while teleworking from her home.
26 The investigation was conducted by Human Resource Consultant 4 (HRC4) Ryan Miller (Mr.

1 Miller), HRC4 Adam Calica (Mr. Calica), HRC4 Erin Eychaner (Ms. Eychaner), and HRC3
2 Brianna Keesee (Ms. Keesee).

3 2. According to the DOHI, Ms. Burris was hired by DOH on October 26, 2005.
4 Her last position with DOH was an HSC2 with the Credentialing Office in the Health Services
5 Quality Assurance Division. Ms. Burris resigned from DOH on March 13, 2020.

6 3. According to the DOHI, on October 15, 2019, Roland Wilbur (Mr. Wilbur), an
7 IT System Administrator/Entry with DOH was interviewed by Ms. Eychaner and Mr. Miller.
8 Mr. Wilbur said that during conversations with DOH IT Support Technician 2 (ITS2) Gary
9 Stover (Mr. Stover), Mr. Stover had identified Wreckreational Havoc as his guild in WoW.

10 4. According to the DOHI, Mr. Wilbur said that he had created a character named
11 Clobberbrain in WoW and joined the guild Wreckreational Havoc on the Kil'Jaedan server.
12 Mr. Wilbur provided a number of screenshots before and during the interview that he had
13 collected from inside WoW.

14 5. According to the DOHI, Mr. Wilbur said that he made the decision to create a
15 character and join the guild despite objections by his supervisor, Eric Hartley (Mr. Hartley), IT
16 Customer Support Manager, due to the impact that Mr. Stover's absences was having on him.

17 6. According to the DOHI, Mr. Wilbur said that Mr. Stover had identified Ms.
18 Burris as the guild leader and himself as the raid leader. According to the DOHI, Mr. Wilber
19 said he noticed while reviewing the screenshots, that Ms. Burris' character was logged into the
20 game during work days and brought that information to the attention of Mr. Miller and Ms.
21 Eychaner during the complaint intake.

22 7. According to the DOHI, on November 4, 2019 DOH HSC3 Crissa Hanson
23 (Ms. Hanson), was interviewed by Mr. Miller, and Ms. Keesee. Ms. Hanson said that she
24 previously worked with Ms. Burris as a peer prior to becoming her supervisor. Ms. Hanson
25 said that she has supervised Ms. Burris since 2013.
26

1 8. According to the DOHI, Ms. Hanson said that Ms. Burris' work schedule is 8
2 am to 4:30 pm, Monday through Friday with a thirty-minute lunch and that her lunch period is
3 not at a set time. Ms. Hanson reported that Ms. Burris has not asked to modify her schedule for
4 at least the preceding six (6) months. Mr. Hanson stated she does not believe that Ms. Burris
5 has a Mobile Work Agreement (MWA) in place. She said that she believed the Reasonable
6 Accommodation (RA) process removed the need to complete a MWA for Ms. Burris. Ms.
7 Hanson also stated that the only change to duties by Ms. Burris when teleworking was that she
8 does not perform "counter call" duty.

9 9. According to the DOHI, Ms. Hanson said the measures used to determine Ms.
10 Burris' success is "work and email boxes." Ms. Hanson said final approvals get reports and
11 she can use that document to verify that work is completed. Ms. Hanson also said she can pull
12 reports to see what work has been completed by each employee.

13 10. According to the DOHI, Ms. Hanson said there was no unusual increase or
14 decrease in productivity for Ms. Burris and she does not have any concerns about Ms. Burris'
15 productivity. Ms. Hanson said she is not aware of Ms. Burris playing video games while
16 working and that she has not heard Ms. Burris speak about video games in the work place.
17 Ms. Hanson indicated that the productivity expectation varied based on the workload available.
18 Ms. Burris processed most of the final approvals for the facilities team; issuing 90 credentials
19 in September and 108 for the month of October. Ms. Hanson also indicated that those numbers
20 are on track with all other months during the November 2018 and October 2019 performance
21 period.

22 11. According to the DOHI, Ms. Hanson also provided Ms. Burris' most
23 recent/current work schedule agreement, RA offer letter and most recent MWA. The MWA
24 provided by Ms. Hanson was in effect from September 18, 2017 through March 18, 2018 and
25 did not include any signatures and a signed copy was not included in Ms. Burris' personnel
26 file.

1 12. Board staff contacted DOHI to confirm whether Ms. Burris had a RA in place
2 during the timeframe of their investigation. In a written response from DOH, they stated that
3 the RA for reduced work hours ended mid-2019 and the only remaining component was full-
4 time telework. They said during the period in question, August 2019 through October 2019,
5 she was a full-time employee.

6 13. According to the DOHI, on January 16, 2020, Mr. Stover was interviewed by
7 DOH staff. Also present at the meeting was Mr. Stover's union representative. Mr. Stover was
8 advised at the beginning of the interview that his responses would be used in two
9 investigations. According to the DOHI, in one of those investigations he was identified as a
10 potential witness to this investigation and was the respondent in the other.

11 14. According to the DOHI, Mr. Stover gave a statement. In that statement he said
12 that Ms. Burris is his fiancé and that he and Ms. Burris live together. Mr. Stover said that Ms.
13 Burris worked from home full time until December 2019 and that she now comes into the
14 office on Monday, Wednesday, and Thursday. Mr. Stover said that Ms. Burris' meal period is
15 thirty (30) minutes in length and he is not aware of when she typically takes her breaks. Mr.
16 Stover said that he "believes" Ms. Burris plays WoW and that he does not know what server
17 she plays on, what guild she is in, or what her characters' names are. Mr. Stover also denied
18 having ever played Ms. Burris' WoW characters.

19 15. Mr. Stover stated that he does not believe Ms. Burris plays WoW during work
20 hours. Mr. Stover said later in the interview that he "think[s] we have at least one character in
21 the same guild, Wreckreational Havoc." This statement, according to the DOHI, contradicted
22 his previous answer that he did not know the name of her guild.

1 16. Mr. Stover identified the server that he plays WoW on as Kil'jaedan. Mr.
2 Stover identified his role as "raid leader" within Wreckreational Havoc. Mr. Stover identified
3 the following characters as his own¹:

- 4 • Crondor, Cronacus, Dotcron, Cronsamdi, Smoak, Foartwenty, Runswithcron,
5 and Crondelia.

6 17. According to the DOHI, on January 16, 2020, Ms. Burris was interviewed by
7 DOH staff. Also present at the meeting was Ms. Burris's union representative. According to
8 the DOHI, Ms. Burris gave a statement. In that statement she said her work schedule was 8 am
9 to 4:30 pm, Monday through Friday. Ms. Burris said she that she typically takes lunch from
10 1:00 pm to 1:30 pm and that it may fluctuate based on business needs.

11 18. Ms. Burris said that she typically takes her breaks at 10 am to 10:15 am and at
12 3 pm to 3:15 pm or 3:15 pm to 3:30 pm. Ms. Burris stated she tries to be consistent and that
13 she adjusts her breaks and lunch for business needs. Ms. Burris said that her current telework
14 days are Tuesdays and Fridays and that she previously teleworked full-time until December 3,
15 2019 as part of her RA.

16 19. Ms. Burris identified Mr. Stover as her boyfriend and stated that they live
17 together. Ms. Burris stated that she and Mr. Stover both play WoW and that she plays on
18 Dunemaul and Kil'Jaedan servers. Ms. Burris stated that she and Mr. Stover are both in the
19 guild Wreckreational Havoc and she identified her role as "guild leader" and Mr. Stover's role
20 as "raid leader." Ms. Burris identified the following characters as her own:

- 21 • Runswithcron, Buttertots, Crondelia, Sparrôw, Gwendokush, and Runshavoc.

22 20. Ms. Burris identified the following characters as Mr. Stovers':

- 23 • Crondor, Cronacus, Dotcron, Cronsamdi.

24
25
26 ¹ According to the DOHI, Mr. Stover stated that occasionally his nephew will play these characters and
that he couldn't respond to when, only that "if he's home his nephew is possibly there."

1 21. According to the DOHI, Ms. Burris said that she uses her personal/home
2 computer when teleworking. Ms. Burris reported that she does not play WoW when working,
3 only when she is not working or on break does she engage in the game.

4 22. The following terms were used in the DOHI report. According to the DOHI
5 all terms identified below are taken from the World of Warcraft Gamepedia site Wowpedia
6 located at <https://wow.gamepedia.com/Wowpedia>. Similar definitions can be located at
7 https://wowwiki.fandom.com/wiki/World_of_Warcraft_terminology.

8 *Grinding* is the act of doing something repetitively, such as killing monsters or
9 working up a trade skill. If one is grinding their levels, it usually refers to killing
10 massive amounts of creeps. If one is grinding for reputation, they may be collecting
11 items for repeatable quests for a particular faction.

12 *Daily Quests / Dailies* are repeatable quests that can be acquired and completed once
13 per day. These quests have significantly better rewards than other repeatable quests.
14 Daily quests come in many different flavors, and many are for reputation, professions,
15 seasonal events, and pet battles.

16 *Mythic* is a difficulty of dungeons and raids. Introduced with Warlords of Draenor, it is
17 the new cutting edge difficulty, replacing the position of Heroic raid difficulty.

18 *Mythic Plus* is a dungeon system that provides an endlessly scaling challenge in 5-
19 player Mythic dungeons. This system allows a group of five players to compete against
20 a timer, similar to Challenge Mode, but has much more lenient times so that the
21 emphasis is on solid execution rather than pure speed.

22 *Islands or Island Expeditions* are 3-player scenarios introduced in Battle for Azeroth.
23 Both factions sail across the seas of Azeroth to harvest and steal Azerite from the
24 islands.

25 *Chest/Weekly Chest* is referencing a weekly chest that can be looted and rewards you
26 based on certain accomplishment(s) throughout the preceding week. While there is no
formal definition for this on the identified websites, a description of it can be found
under the Mythic+ Loot section on Wowpedia.

 23. According to the DOHI, Ms. Burris was asked about the following dates and
communications that were taken from the screenshots provided by Mr. Wilbur for her
character Runswithcron in the game chat room. Ms. Burris responses are in bold:

- 1 • August 27, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
2 Runswithcron was chatting in game at 2:23 pm. **Ms. Burris stated that she**
3 **was on a break.**
- 4 • September 12, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
5 Runswithcron was chatting in game at 1:15 pm. **Ms. Burris stated that she**
6 **was on her lunch.**
- 7 • September 13, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
8 Runswithcron was chatting in game at 8:35 am, 9:09 am, 11:42 am, 11:43 am,
9 11:45 am, 11:50 am, 2:29 pm, and 2:55 pm. At 11:43 am Runswithcron states:
10 *“oh man I am 63.5 and I have been grinding all morning.”* **Ms. Burris stated**
11 **that she “may have been chatting” during her break and that she “gets**
12 **her work done on time and wouldn’t have been doing anything other than**
13 **work.” Ms. Burris further noted that there are days she will stay up until**
14 **“5 am playing the game” and that may have been what she was**
15 **referencing when she said she was grinding all morning, but she wouldn’t**
16 **know without a calendar and leave slips.**

12 When asked what she meant by 63.5, Ms. Burris initially denied
13 remembering what she was referencing, however, Ms. Burris corrected
14 herself when asked by Mr. Miller if she was referencing the Azurite
15 necklace, Heart of Azeroth level, which is the focus of the current WoW
16 expansion noting that if that was the case, she wouldn’t have been doing it
17 during work hours. Ms. Burris did not provide new information after
18 being provided a calendar and her Positive Time and Attendance (PTA)
19 forms for October 2018 through October 2019. As of January 22, 2020,
20 Ms. Burris’ character, Runswithcron, Heart of Azeroth level is 72.06.

- 21 • September 16, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
22 Runswithcron was chatting in game at 8:44 am, 10:12 am, 10:15 am, 10:34 am,
23 12:47 pm and 2:48 pm. At 10:15 am Runswithcron states: *“good thanks just*
24 *working and doing dailies.”* **Ms. Burris described dailies as “small things**
25 **that take a minute or two to do” noting that it is something she “does on**
26 **her break.” Ms. Burris noted that she’s not constantly talking, likening**
the activity as similar to an instant messenger that pops up. Ms. Burris
stated that she only plays during her breaks and that “just because she
says she does in the chat, doesn’t necessarily mean she does daily quests at
the same time as working.”
- September 17, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
Runswithcron was chatting in game at 9:02 am, 9:04 am, 9:29 am, 11:29 am,
11:30 am and 12:44 pm. At 9:04 am Runswithcron states: *“no thank you on the*
EP I am working right now and cant.” At 9:29 AM Runswithcron states: *“I am*

1 going to go make some breakfast brb.” Ms. Burris responded that it “sounds
2 like quick messages, that’s probably what it was.”

- 3 • September 18, 2019, Ms. Burris reported working 8 am to 4:30 pm.
4 Runswithcron was chatting in game at 8:27 am and 1:24 pm. **Ms. Burris said**
5 **she was on break and lunch.**
- 6 • September 19, 2019, Ms. Burris reported working 8 am to 4:30 pm.
7 Runswithcron was chatting in game at 3:57 pm. **Ms. Burris said she was on**
8 **break.**
- 9 • September 20, 2019, Ms. Burris reported working 8 am to 11:00 am.
10 Runswithcron was chatting in game at 8:26 and 8:34 am. **Ms. Burris said she**
11 **was on break.**
- 12 • September 24, 2019, Ms. Burris reported working from 8 am to 4:30 pm
13 Buttertots was chatting in game at 10:30 am, 10:32 am, 11:39 am and 11:41
14 am. Runswithcron was chatting in game at 11:43 am, 11:44 am, and 12:15 pm.
15 At 10:30 am Buttertots states: “good morning interested in doing some
16 islands?” At 11:39 am Buttertots states: “are you doing islands now” “I need
17 to switch toons” and at 11:41 am “mythic?” At 11:41 am Runswithcron states:
18 “ready” and later asks “Did you guys get good loots in your chest?” **Ms.**
19 **Burris responded that mythic islands are something you do daily which**
20 **take about three (3) minutes to run an island.**
- 21 • September 25, 2019, Ms. Burris reported working from 8 am to 4:30 pm.
22 Buttertots was chatting in game at 2:27 pm and 3:03 pm. **Ms. Burris said she**
23 **was on break and it was just a quick message.**
- 24 • September 26, 2019, Ms. Burris reported working from 8:00 am to 3:00 pm.
25 Buttertots was chatting in game at 9:45 am, 12:05 pm, 12:06 pm, 12:07 pm,
26 and 12:08 pm. Runswithcron was chatting in game at 12:21 pm, 12:25 pm, and
 1:02 pm. **Ms. Burris stated they were quick messages.**
- October 1, 2019, Ms. Burris reported working from 8 am to 4:30 pm Sparrow
 was chatting in game at 3:21 pm. At 3:22 pm Sparrow states: “going to the
 dentist now bbl” **Ms. Burris contacted her dentist office during the**
 interview and responded that her appointment was at 5 pm which is why
 she did not submit leave, it was after work hours.
- October 2, 2019, Ms. Burris reported working from 8 am to 4:30 pm. Sparrow
 was chatting in game at 8:07 am.

- October 8, 2019, Ms. Burris reported working from 8 am to 9:00 am. Runswithcron was chatting in game at 8:13 am. **Ms. Burris stated it was just a quick message.**
- October 22, 2019, Ms. Burris reported working from 8 am to 4:30 pm. Runswithcron was chatting in game at 8:23 am, 9:26am, and 9:27 am. Runshavoc was chatting in game at 10:04 am and 10:58 am. **Ms. Burris said they were just quick messages, like an instant messenger.**
- October 25, 2019 – Ms. Burris reported working from 8:00 to 4:30. Runshavoc was chatting in game at 9:24am and 9:25 am. Sparrow was chatting in game at 1:29 pm and 2:07 pm. At 9:25 am Runshavoc states: “*just questing*” and at 1:29 pm Sparrow states: “*anyone need a mythic island? I need one more*” and at 2:07 pm states: “*grabbing lunch bbl.*” **Ms. Burris reported that the time periods identified are her breaks. Ms. Burris stated “to be honest, it isn’t real life and I don’t always tell them the truth” when speaking in guild chat. Ms. Burris clarified that she may say “grabbing lunch” as a way to get off of the game, she doesn’t say exactly what she’s doing. Ms. Burris went on to explain that it’s “not as bad as it looks, I pride myself in my work and the job I do.” Ms. Burris explained that she doesn’t “know what else to say other than I’m extremely embarrassed.”**
- October 29, 2019, Ms. Burris reported working from 8:00 am to 4:30 pm. Sparrow was chatting in game at 8:09 am. Crondelia was chatting in game at 9:56 and 10:05 am. At 10:05 am, Crondelia states: “*going to make breakfast bbl.*” **Ms. Burris reported that it’s just quick messages and repeated that she doesn’t play during work.**

24. According to the DOHI, Ms. Burris repeated several times that her messages are just quick instant messages; a popup shows on her screen and she just responds to it and goes back to work. Ms. Burris confirmed that the Facebook account for Gary-Jessica Cronz (Crondor and Runswithcron) is her and Mr. Stover’s Facebook page and states that it is “really old [and] she doesn’t log into that anymore.” Ms. Burris noted that it had “probably been a couple years since it was used.” When confronted with the updated profile picture, which was updated on July 13, 2019, Ms. Burris changed her statement to indicate that it’s been since July 13, 2019 since she last used the Facebook page. According to the DOHI, the Facebook page was deleted or made invisible following the investigatory interview with Ms. Burris and Mr. Stover on January 16, 2020.

1 25. According to the DOHI, a review of raider.io, a website that interfaces with
2 Blizzards publicly available Application Program Interface (API) at <https://develop.battle.net>
3 to log and reference information relating to guild and character performance in WoW
4 produced the following information. Screenshots of the data were provided to Board staff.²

5 26. On August 5, 2019, a scheduled telework day in which Ms. Burris reported
6 working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed the Temple of
7 Sethraliss mythic+ dungeon at 2:21 pm. The dungeon run was completed in 00:48:09.

8 27. On September 5, 2019, a scheduled telework day in which Ms. Burris reported
9 working from 8:00 am to 3:30 pm, Ms. Burris' character, Buttertots, completed the
10 MOTHERLODE!! mythic+ dungeon at 2:03 pm. The dungeon run was completed in 00:18:32.

11 28. On September 9, 2019, a scheduled telework day in which Ms. Burris reported
12 working from 8 am to 3:30 pm, Ms. Burris' character, Buttertots, completed the Kings' Rest
13 mythic+ dungeon at 11:00 am. The dungeon run was completed in 00:42:40.

14 29. On September 10, 2019, a scheduled telework day in which Ms. Burris
15 reported working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed the
16 Temple of Sethraliss mythic+ dungeon at 10:12 am. The dungeon run was completed in
17 00:30:17.

18 30. On September 10, 2019, a scheduled telework day in which Ms. Burris
19 reported working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed the
20 Underrot mythic+ dungeon at 11:39 am. The dungeon run was completed in 00:15:49.

22 ² Board staff has no experience in the gaming world in question, so relied on the DOHI. Board staff
23 contacted the DOH Investigator who did the analysis on Ms. Burris' time on WoW. According to Mr. Miller, he
24 began playing WoW in 2005 while in the US Army. He has played WoW on and off since 2005 with other
25 MMORPG games similar to WoW thrown in the middle. He has played WoW at a casual level and a hardcore
26 level. He said the difference is really a spectrum with the gap being anything from an hour or so a week to 30 or
 more hours a week committed to the game, specifically, the most challenging content in the game. He has held
 numerous roles throughout his time playing the game to include being a member of a guild, an officer in a guild,
 and he has been a raid leader and raid co-leader as well as team leader for Mythic+ dungeon content where he
 placed top 5 in his role and class in the US in August 2018.

1 31. On September 10, 2019, a scheduled telework day in which Ms. Burris reported
2 working 8 am to 4:30 pm, Ms. Burris' character Sparrôw, completed the Underrot mythic+
3 dungeon at 12:39 pm. The dungeon run was completed in 00:26:03.

4 32. On September 10, 2019, a scheduled telework day in which Ms. Burris reported
5 working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed the Atal'dazar
6 mythic+ dungeon at 4:20 pm. The dungeon run was completed in 00:21:34.

7 33. On September 16, 2019, a scheduled telework day in which Ms. Burris reported
8 working 8 am to 4:30 pm, Ms. Burris' character Sparrôw, completed the Atal'dazar mythic+
9 dungeon at 4:37 pm. The dungeon run was completed in 00:19:21.

10 34. On September 17, 2019, a scheduled telework day in which Ms. Burris reported
11 working from 8:00 am to 4:30 pm, Ms. Burris' character, Runswithcron, completed
12 Atal'Dazar mythic+ dungeon at 12:35 am. The dungeon run was completed in 00:48:11.

13 35. On September 18, 2019, a scheduled telework day in which Ms. Burris reported
14 working from 8 am to 4:30 pm, Ms. Burris' character, Runswithcron, completed The Underrot
15 mythic+ dungeon at 10:04 am. The dungeon run was completed in 00:51:19.

16 36. On September 26, 2019, a scheduled telework day in which Ms. Burris reported
17 working from 8 am to 3:00 pm, Ms. Burris' character, Buttertots, completed the Freehold
18 mythic+ dungeon at 12:53 pm. The dungeon run was completed in 00:28:45.

19 37. On October 2, 2019, a scheduled telework day in which Ms. Burris reported
20 working 8 am to 4:30 pm, Ms. Burris' character Sparrôw, completed the MOTHERLODE!!
21 mythic+ dungeon at 9:56 am. The dungeon run was completed in 00:29:02.

22 38. On October 15, 2019, a scheduled telework day in which Ms. Burris reported
23 working from 8 am to 4:30 pm, Ms. Burris' character, Runswithcron, completed the Tol Dagor
24 mythic+ dungeon at 4:39 pm. The dungeon run was completed in 00:42:55.

1 39. On October 22, 2019, a scheduled telework day in which Ms. Burris reported
2 working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed Atal'dazar
3 mythic+ dungeon at 4:40 pm. The dungeon run was completed in 00:26:13.

4 40. On October 28, 2019, a scheduled telework day in which Ms. Burris reported
5 working 8 am to 4:30 pm, Ms. Burris' character, Crondelia, completed the MOTHERLODE!!
6 mythic+ dungeon at 1:30 pm. The dungeon run was completed in 00:23:48.

7 41. On October 29, 2019, a scheduled telework day in which Ms. Burris reported
8 working 8 am to 4:30 pm, Ms. Burris' character, Crondelia, completed the Kings' Rest
9 mythic+ dungeon at 4:23 pm. The dungeon run was completed in 00:37:22.

10 42. On October 30, 2019, a scheduled telework day in which Ms. Burris reported
11 working from 8 am to 4:30 pm, Ms. Burris' character, Buttertots, completed the Waycrest
12 Manor mythic+ dungeon at 11:41 am. The dungeon run was completed in 00:48:52.

13 43. On November 1, 2019, a scheduled telework day in which Ms. Burris reported
14 working from 8 am to 3:00 pm, Ms. Burris' character, Buttertots, completed the Siege of
15 Boralus mythic+ dungeon at 9:32 am. The dungeon run was completed in 00:41:19.

16 44. On December 6, 2019, a scheduled telework day in which Ms. Burris reported
17 working 8 am to 4:30 pm, Ms. Burris' character, Crondelia, completed the Freehold mythic+
18 dungeon at 12:43 pm. The dungeon run was completed in 00:36:07.

19 45. According to the DOHI, on January 23, 2020, it was found that the investigator
20 did not have a screenshot for the December 6, 2019 dungeon completion. When the
21 investigator returned to raider.io, the character Crondelia could no longer be found in the
22 system. The investigator was able to utilize warcraftlogs.com, another website, used to track
23 similar information which does not rely on Blizzard's API and was able to capture a
24 screenshot that reflects the same dungeon, character, and completion time which were included
25 in the investigator notes. The information in warcraftlogs.com does not track when the
26 dungeon was run beyond the date it was completed. A search of Blizzard's character site and

1 review of other records indicates that Crondelia no longer exists due to deletion, transfer, or
2 renaming of the character. According to the investigator, access to delete, transfer, or rename
3 the character can only be performed by someone with the username and password assigned to
4 the player character's account.

5 46. On December 6, 2019, a scheduled telework day in which Ms. Burris reported
6 working from 8 am to 4:30 pm, Ms. Burris' character, Runswithcron, completed Atal'Dazar
7 mythic+ dungeon at 2:11 pm. The dungeon run took 00:39:00.

8 47. According to the DOHI, a debriefing was held with Ms. Burris by the
9 Appointing Authority regarding the investigation at 4 pm on March 11, 2020. Ms. Burris
10 resigned from the DOH on March 13, 2020.

11 III. CONCLUSIONS OF LAW

12 1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
13 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,
14 with respect to employees in the executive branch of state government. The Board has
15 jurisdiction over Jessica Burris, whose actions occurred while she was a state employee.
16 Based on the evidence reviewed, Ms. Burris has used state resources (time) for her private
17 benefit or gain in violation of RCW 42.52.160. Ms. Burris's activities do not meet the
18 exceptions for the use of state resources as permitted in WAC 292-110-010.

19 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states:

20 No state officer or state employee may employ or use any
21 person, money, or property under the officer's or employee's
22 official control or direction, or in his or her official custody, for
the private benefit or gain of the officer, employee, or another.

23 Under WAC 292-110-010 Use of state resources states, in part:

24 (3) **Permitted personal use of state resources.** This subsection applies to any use of
state resources not included in subsection (2) of this section.

25 (a) A state officer or employee's use of state resources is de minimis only if each
of the following conditions are met:

26 (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.

3. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360.

4. In determining the appropriateness of the civil penalty, the criteria in WAC 292-120-030 have been reviewed.

IV. FINAL ORDER

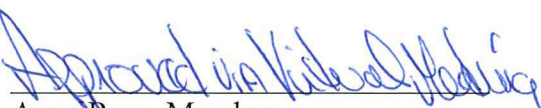
Based on the foregoing:


IT IS HEREBY ORDERED Respondent Jessica Burris is liable for and shall pay a civil penalty of three-thousand dollars (\$3,000). The payment shall be made to the Executive Ethics Board within forty-five (45) days of this Order.

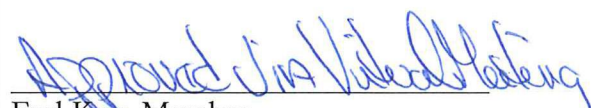
DATED this 12th day of March 2021.


Shirley Battan, Chair


Gerri Davis, Vice Chair


Anna Ross, Member


Jan Jutte, Member


Earl Key, Member

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
5 request 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,
25 summary, or brief description of the agency action;
26

- 1 (5) Identification of persons who were parties in any adjudicative proceedings that led
2 to 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 34.05.545.

7 **ENFORCEMENT OF FINAL ORDERS**

8 If there is no timely request for reconsideration, this is the Final Order of the Board.
9 The 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.