

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Laura Ruge

Respondent.

No. 2020-051

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Laura Ruge 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 August 12, 2020, the Executive Ethics Board (Board) received a referral from the Department of Corrections (DOC) alleging that Laura Ruge (Ms. Ruge), a Psychology Associate (PA) with DOC, may have violated the Ethics in Public Service Act by using state resources for private benefit or gain.

2. According to DOC, Ms. Ruge was hired on July 16, 2010 as a PA, which is the position she presently holds.

3. According to the referral from DOC Investigator Jamie Gallagher (Ms. Gallagher), during an investigation into concerns about Ms. Ruge's work performance, it was discovered that

Ms. Ruge had sent hundreds of emails on her DOC owned computer to her boyfriend, who is also a DOC employee. According to Ms. Gallagher, the emails were personal in nature and often talked about their relationship and contained other personal information.¹

4. Board staff were provided with a copy of the DOC Investigation (DOCI) conducted by Ms. Gallagher regarding the allegations made against Ms. Ruge. According to the DOCI, the DOC received a complaint alleging that on or about November 21, 2019, during a clinical mental health review audit conducted at Coyote Ridge Corrections Center (CRCC), it was discovered that Ms. Ruge failed to document and chart patients' mental health care, treatment, and assessments appropriately for at least a twelve-month period.

5. According to the DOCI, as part of that investigation, Ms. Gallagher was granted access to Ms. Ruge's emails, including the email vault. The DOCI stated that during that review it was discovered that Ms. Ruge used her DOC email to send and receive hundreds of personal emails. The DOCI stated that the emails were obtained only from Ms. Ruge's sent email folder and that most of the emails were between Ms. Ruge and another DOC employee, Sergeant Gregory Judd (Mr. Judd).²

6. According to the DOCI, Ms. Gallagher printed out the emails, attempting to limit duplicate emails and email chains. Ms. Gallagher stated that there were 1,524 pages of emails printed out. Most of the emails consisted of personal conversations between Ms. Ruge and Mr. Judd.

¹ Board staff were provided with copies of the emails in question by DOC.

² According to DOC, Ms. Ruge identified Mr. Judd as her boyfriend.

7. According to the DOCI, during an interview with Ms. Ruge, she was presented with the printed emails. When asked how many emails she believed she and Mr. Judd exchanged, she said, "Oh, a lot." The DOCI said that Ms. Ruge explained that she and Mr. Judd had been dating since December 2019, and many of the emails were just "BS." For example, "I'm leaving at 2:30."

8. The DOCI stated that Ms. Ruge was also asked about emails she had exchanged with her ex-husband. She said that in 2017 her dad was ill, in 2018 her mom was ill, and she got divorced in 2020, so, a lot of that contributed to it. Ms. Ruge said that Marybeth Flygare (Ms. Flygare), the Health Services Manager, knew about a lot of the divorce stuff. The DOCI indicated Ms. Ruge stated she was trying to get as much done as she could. She said that through all the health issues, she did not call in; she said she rescheduled everything for her days off.

9. According to the DOCI, during the review of Ms. Ruge's emails, they found that Ms. Ruge had sent emails to Mr. Judd that did not appear to have a reason for sharing this information. For example, on April 19, 2019, Ms. Ruge sent a Request for Mental Health Assessment to Mr. Judd for Inmate 1.³ The referral was for a Mental Health Evaluation after Inmate 1's father passed away and he was upset.

10. According to the DOCI, on June 26, 2019, Ms. Ruge sent an email to Mr. Judd, which said, "Are all MH freaking referrals." Attached to the email was a Request for a Mental Health Assessment for Inmate 2. The referral was regarding anxiety Inmate 2 was experiencing. According to the DOCI, there did not appear to be a nexus to custody staff, as it was asking for a transfer to another facility.

³ The names of the inmates were redacted by Board staff.

11. According to the DOCI, Ms. Ruge was asked if there was ever a time she would send a Mental Health referral to a custody officer. She said, "Send them a mental health referral? ... I guess it depends on what the topic was because those go back in 13-420 Classification."[sic]

12. The DOCI said Ms. Ruge was asked specifically if there was a reason she sent the two Request for Mental Health Assessments to Mr. Judd. She said, "No. I mean there is no diagnosis - I mean my portion isn't filled out, so it's just the referrals from them..."

13. The DOCI said Ms. Ruge was asked if they were something Mr. Judd needed, and she said, "Well, in theory, if the inmates are in the unit he was working to send them over. But I would indicate that in the e-mail... That I do not give out any diagnoses. I do not give out meds. They are all inmates, maybe sleeping more for the next week, because you got started on a new med or the inmate is not schizophrenic and like holding accountable or sending an e-mail, so I've always been good about that on my job."[sic]

14. The DOC also provided Board staff with a copy of a Notice of Disciplinary Action (NODA) letter dated December 1, 2020. The letter was addressed to Ms. Ruge and was issued by Ronna Cole (Ms. Cole), the DOC Health Services Administrator for Command C. The letter states that the disciplinary action was for the following misconduct:⁴

- Between November 21, 2018, and November 21, 2019, at CRCC, you misused state resources by using your DOC computer for personal use, to include over 1,524 pages of personal e-mail communications.
- Between November 21, 2018, and November 21, 2019, at CRCC, you failed to maintain patient confidentiality by releasing mental health diagnoses information to individuals outside of Health Services.

⁴ Board staff only included the violations that fell with the Board's jurisdiction.

15. In the letter, Ms. Cole referenced the Pre-Disciplinary meeting she had with Ms. Ruge on October 7, 2020. The letter states that representatives from DOC Human Resources and the Teamsters Union were also present. The letter indicated that Ms. Ruge did not disagree with the allegations during the meeting and that, when asked about the volume of emails, she indicated it was unprofessional and apologized. The letter also indicated that Ms. Ruge was presented with samples of the emails containing personal content and that Ms. Ruge “acknowledged that [she] did send the majority of those e-mails; however, some of the e-mails that [she] received were from another party. [She] stated that [she] did not send all of those e-mails and that [she was] simply the recipient of what was sent to [her].”

16. At this meeting, the disclosure of confidential information was also discussed. Ms. Ruge maintained that she “not breached patient or staff member’s confidentiality.” When further asked about a specific email which included information as to an inmate’s mental health and physical health that was forwarded to someone outside of chain of command that needed the information, Ms. Ruge “acknowledged that the e-mail did contain information that [she] should not have shared and [that she] stated that there was confidential medical information contained in the email.”⁵

17. In the NODA letter to Ms. Ruge, Ms. Cole stated that she was imposing a 15-day suspension without pay effective December 7 to December 11, 2020, December 14 to December 18, 2020 and January 4 to January 8, 2021 as well as her removal from the CISM Team.⁶

⁵ Board staff were provided copies of all emails referenced in the NODA.

⁶ Board staff were advised by DOC that the gross amount of lost wages for Mr. Ruge’s 15-day suspension was \$4,924.78. For her work on the CISM team, Ms. Ruge would receive additional compensation in the form of specialty team assignment pay (base salary plus 2 ranges for every hour worked). This equates to roughly a loss of \$2.11 per hour.

18. In a written response to Board staff, Ms. Ruge said she has been under investigation at CRCC since November 22, 2019. She said one of the allegations discussed was excessive emailing with her boyfriend, who is a Sergeant at the facility. Ms. Ruge said she was shown the emails and completely agreed with Ms. Gallagher that it was unprofessional. Ms. Ruge said she emails with her mother, father and at times, her sister. She said she does not recall the emails being excessive. Ms. Ruge said she does not email with any friends outside of DOC.

19. Ms. Ruge said she does not have any information or documentation to counteract the emails. She said the amount and some of the content should not have taken place and she apologized for her behavior.

20. Ms. Ruge said from 7 am to 2 pm, she sent an excessive number of emails and the remainder of her shift and the extra hours she worked were a typical amount of mostly work related. Ms. Ruge said she was not looking for sympathy. It had been a challenging few years with both parents having been ill, scheduling their appointments around her days off and going through a divorce. She said she essentially utilized the email as a text message and that was inappropriate.

21. Ms. Ruge said she takes pride in her work and have given CRCC a lot over the last ten years. She said she does not have any history of any write-ups or a misuse of state resources.

B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from disclosing confidential information. RCW 42.52.050, states in pertinent parts, the following:

.....

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state

employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

RCW 42.52.050(5) defines "confidential information" as:

(a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

2. 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 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.

3. Based on the evidence reviewed, Ms. Ruge used state resources for personal benefit in violation of RCW 42.52.160. Ms. Ruge's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.

4. 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. It is a mitigating factor that Ms. Ruge received a 15-day suspension resulting in lost wages in the amount of \$4,924.78. Ms. Ruge was also removed from the CISM team, resulting in the loss of additional specialty compensation of approximately \$2.11 per hour.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Laura Ruge 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. Laura Ruge 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. Laura Ruge further agrees that the evidence available to the Board is such that the Board may conclude they 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. Laura Ruge waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or their 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. Laura Ruge 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 Laura Ruge 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 Laura Ruge 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 Laura Ruge 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, Laura Ruge 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. Laura Ruge agrees to pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500) associated with violations of RCW 42.52. The Board agrees to suspend one thousand dollars (\$1,000) on the condition that Laura Ruge 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 one-thousand-five hundred dollars (\$1,500) 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, Laura Ruge, 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.



Laura Ruge
Respondent



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

X

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 14th day of May 2021.

approved via virtual meeting
Shirley Battan, Chair

absent
Gerri Davis, Vice Chair

approved via virtual meeting
Jan Jutte, Member

approved via virtual meeting
Earl Key, Member

* I, Laura Ruge, accept/do not accept (circle one) the proposed modification(s).

Laura Ruge, Respondent Date