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**BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD**

In the matter of:

TERRENCE RENWICK,

Respondent.

OAH NO. 07-2021-AGO-00043

EEB NO. 2020-057

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND FINAL ORDER

**I. PROCEDURAL HISTORY**

1.1 On or about October 16, 2020, Board Staff received a complaint alleging that Terrence Renwick (Mr. Renwick), Maintenance Technician with the Washington State Department of Transportation (WSDOT), may have violated RCW 42.52, the Ethics in Public Service Act, by being present at a political rally in support of Donald Trump and Trump’s 2020 presidential campaign at West Railroad Avenue, Shelton, WA with his WSDOT Incident Response Team (IRT) vehicle.

1.2 On March 12, 2021, the Board found reasonable cause to believe that a violation of RCW 42.52 was committed, as set forth in the Investigative Report and Board Reasonable Cause Determination (Reasonable Cause Determination).

1.3 After due and proper notice, a hearing was held on Board Staff’s motion for summary judgment, convening on March 11, 2022, and conducted via Zoom. ALJ Jason Kinn from the Office of Administrative Hearings conducted the proceedings, and Board Chair

1 Shirley Battan, and members Gerri Davis, Jan Jutte, and Earl Key were present. Also present  
2 was Leo Roinila, Assistant Attorney General, legal advisor to the Board.

3 1.4 Chad C. Standifer, Assistant Attorney General for Board Staff, was present. The  
4 Board's Executive Director, Kate Reynolds, and other Board Staff members were present.

5 1.5 Mr. Renwick appeared pro se.

6 1.6 Board Staff filed the following documents:

- 7
- Board Staff's Motion for Summary Judgment; and
  - Declaration of Bobby Frye in Support of Motion for Summary Judgment, with  
8 attached Exhibits 1-10.

9 1.7 Mr. Renwick did not file a response to Board Staff's Motion for Summary  
10 Judgment.

11 1.8 The proceedings were recorded and open to the public.

12 1.9 The hearing was adjourned on March 11, 2022.

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

15 **II. FINDINGS OF FACT**

16 2.1 Mr. Renwick was first hired by WSDOT on May 16, 2015, as a non-permanent  
17 Maintenance Trainee. Declaration of Bobby Frye (Decl. of Frye), ¶ 4. For all times pertinent to  
18 staff's investigation Mr. Renwick was a member of the IRT as a Highway Maintenance worker  
19 assigned to the Olympic Region. *Id.* Mr. Renwick's work schedule during the same period was  
20 ten-hour shifts on Monday, Tuesday, Thursday, and Friday, with rotating on-call weekend shifts.  
21 *Id.* WSDOT confirmed Mr. Renwick was on on-call status on September 6, 2020, the date of the  
22 alleged action. *Id.* ¶ 5. Mr. Renwick's WSDOT timesheet from September 4, 2020 to  
23 September 7, 2020 further illustrates Mr. Renwick was on on-call status on September 6, 2020.  
24 *Id.* ¶ 5. In correspondence with Board Staff, Mr. Renwick confirmed he was on call for the  
25 weekend of September 5th and 6th. *Id.* ¶ 9.

1           2.2     The complainant was in downtown Shelton, WA at about 2:00 p.m. on Sunday,  
2 September 6, 2020. Decl. of Frye, ¶ 7. At that time, a Blue Lives Matter demonstration was  
3 taking place. *Id.* The complainant observed a WSDOT IRT vehicle parked on the side of West  
4 Railroad Avenue, and photographed Mr. Renwick and his IRT vehicle. *Id.* A white and black  
5 American flag with a blue strip commonly recognized as a Blue Lives Matter flag was attached  
6 to the IRT vehicle. *Id.* When the complainant returned to the location around 3:23 p.m., the IRT  
7 vehicle was still parked at West Railroad Avenue.

8           2.3     Mr. Renwick confirmed that he drove the WSDOT IRT vehicle into Shelton from  
9 his home in Olympia to meet a friend for lunch. Decl. of Frye, ¶ 9. Pursuant to a MapQuest  
10 search, Mr. Renwick’s home in Olympia is 33 miles from downtown Shelton. *Id.* ¶ 6.  
11 Mr. Renwick also indicated that he was on call and was required to drive the IRT vehicle  
12 wherever he went during the time he was on call. *Id.* ¶ 9. Mr. Renwick indicated that when he  
13 arrived his friend told him a Back the Blue<sup>1</sup> parade was taking place in support of the local  
14 police. *Id.*

15           2.4     On September 6th, a Vietnam Veteran was taking donations for black and white  
16 American flags with a blue strip in the center. Decl. of Frye, ¶ 10. Mr. Renwick confirmed  
17 purchasing one of the flags. *Id.* He then placed the plastic pole it was attached to into the ladder  
18 rack on the top of the IRT vehicle, to show support to the local police. *Id.* Mr. Renwick indicated  
19 that when he returned to the truck he removed the flag and returned to his residence in Olympia.  
20 *Id.* Mr. Renwick indicated in his response that he now realizes his “decision to hang this flag  
21 from my truck was not a smart idea since everyone doesn’t agree with supporting police.” *Id.*

22           2.5     WSDOT provides a Use of State Provided Motor Vehicles (USPMV) policy  
23 manual. The October 2019 iteration, Chapter 6 – Vehicle Operating Rules and Requirement  
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25           <sup>1</sup> Back the Blue is an activism campaign sponsored by an organization called “ACT for America”, which  
26 focuses on building support for local police officers. See <https://masonchamber.com/two-rallies-planned-for-holiday-weekend-in-shelton/> (last visited on March 17, 2022), and <https://www.actforamerica.org/activism/back-the-blue> (last visited on March 17, 2022).

1 states in part:

2 Use of a state-owned vehicle is for *official state business or authorized*  
3 *commuting only. Personal use is not allowed* except for de minimis personal use.  
(Emphasis added.)

4 Decl. of Frye, ¶ 11.

5 2.6 The WSDOT Incident Response Program authors Standard Operating Guidelines  
6 (SOG). Decl. of Frye, ¶ 12. The SOG is specific to the operations of the IRT and does not provide  
7 the expectation that an IRT employee in stand-by status is required to, or allowed to, use the IRT  
8 vehicle to conduct personal errands. *Id.* The version currently in use was revised  
9 October 15, 2013. *Id.*

10 2.7 Vince Fairhurst (Mr. Fairhurst), WSDOT Incident Response Manager, stated that  
11 employees in a stand-by status are to be aware of public perception while using the state vehicle  
12 for personal errands, and stay within 15 minutes of the IRT response zone. *Id.* ¶ 13. Tim McCall  
13 (Mr. McCall), WSDOT Freeway Operations Manager for the Olympic Region, stated that the  
14 expectation is for on-call IRT employees to keep “the vehicle on their person for rapid response  
15 should the employee get called out to an incident or event.” *Id.* ¶ 14.

### 16 III. CONCLUSIONS OF LAW

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

24 3.2 WAC 10-08-135<sup>2</sup> provides that a motion for summary judgment may be granted  
25 and an order issued if the written record shows that there is no genuine issue as to any material

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26 <sup>2</sup> The Board has adopted the model rules of procedures, chapter 10-08 WAC. WAC 292-100-006.

1 fact and that the moving party is entitled to judgment as a matter of law. The object and function  
2 of a summary judgment is to avoid a useless trial. *Hudesman v. Foley*, 73 Wn.2d 880, 886,  
3 441 P.2d 532 (1968). Summary judgment is proper if (1) there is no genuine issue of material  
4 fact, (2) reasonable persons could reach but one conclusion, and (3) the moving party is entitled  
5 to judgment as a matter of law. *Ellis v. City of Seattle*, 142 Wn.2d 450, 458, 13 P.3d 1065 (2000);  
6 CR 56(c). The facts of this matter are not in dispute, rendering summary judgment appropriate.  
7 There is no factual dispute that Mr. Renwick traveled from his home in a WSDOT vehicle while  
8 on-call. Nor is there a dispute that he attached a flag associated with an outside organization to  
9 his WSDOT vehicle. **As discussed below, summary judgment is granted in favor of Board**  
10 **Staff based on Respondent’s violations of the Ethics Act.**

11 3.3 The Ethics Act governs the conduct of state officers and employees. Under  
12 RCW 42.52.430(5), a violation must be established by a preponderance of the evidence.

13 3.4 RCW 42.52.160(1) provides the following:

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

17 3.5 Based on the Findings of Fact, the Board concludes that Terrence Renwick, by a  
18 preponderance of the evidence, violated RCW 42.52.160(1) traveling more than 30 miles from  
19 his home in a WSDOT IRT vehicle for personal use, while on-call. Due to the distance from  
20 Mr. Renwick’s residence in Olympia to the lunch location in Shelton, and the time spent at that  
21 lunch, the *de minimis* exception is not applicable. *See* WAC 292-110-010(3)(a)(i)  
22 (the *de minimis* rule is applicable only if “[t]here is little to no cost to the state”);  
23 WAC 292-110-010(3)(a)(ii) (“[a]ny use is brief”), and WAC 292-110-010(3)(a)(iv) (“[t]he use  
24 does not interfere with the performance of any state officer’s or employee’s official duties.”).  
25 Mr. Renwick’s use of the WSDOT vehicle does not meet the *de minimis* criteria set forth in rule.  
26 His use of state resources was not “brief” and did interfere with the performance of his official

1 duties, as the facts of this case demonstrate. The WSDOT vehicle was driven a distance over 30  
2 miles from Mr. Renwick’s home. WSDOT’s applicable manual provides that personal use of a  
3 state-owned vehicle is generally not allowed. Decl. of Frye, ¶ 11. Further, WSDOT personnel  
4 confirmed that when an employee is on-call, he or she must be ready to “rapidly” respond to an  
5 incident, and stay within 15 minutes of the particular IRT response zone. *Id.* ¶ 13. WSDOT’s  
6 Incident Response Manager confirmed that Mr. Renwick drove outside the zone by driving to  
7 Shelton. *Id.* Finally, based on the uncontroverted observations of the complainant, the WSDOT  
8 IRT vehicle was parked for well over one hour during his lunch. Decl. of Frye. ¶ 7. For these  
9 reasons, Mr. Renwick’s personal use of a state vehicle was not *de minimis* in nature.

10 3.7 Based on the Findings of Fact, the Board also concludes that Terrence Renwick,  
11 by a preponderance of the evidence, violated RCW 42.52.160(1) by attaching a Blue Lives  
12 Matter flag to the WSDOT IRT vehicle. This misuse of state resources inured to the private  
13 benefit of an outside organization, Back the Blue (Blue Lives Matter). However, the particular  
14 organization is irrelevant to this conclusion. The *de minimis* exception is not applicable with  
15 regard to “supporting, promoting the interests of, or soliciting for an outside organization or  
16 group.” WAC 292-110-010(3)(a)(vii). By placing the flag on his state vehicle, Mr. Renwick was  
17 supporting or promoting an outside organization/group using state property, which is strictly  
18 prohibited. State employees such as Mr. Renwick are allowed to support outside organizations,  
19 but must do so on their own personal time and using their own property.

20 3.8 Under RCW 42.52.480, the Board may impose a civil penalty of up to \$5,000 per  
21 violation or three times the economic value of anything received or sought in violation of the  
22 Ethics Act, whichever is greater. The Board concludes that a \$1,750 penalty is appropriate, as  
23 follows:

- 24 • \$500 for his misuse of a WSDOT IRT vehicle to drive to a location for his own  
25 personal benefit; and
- 26 • \$1,250 for placing a flag on that vehicle in support of an outside organization.



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.

1 **PROOF OF SERVICE**

2 I certify that a true and correct copy of this document was served on all parties or their  
3 counsel of record on the date below as follows:

4 TERRENCE RENWICK  
5 8218 BAIRD ROAD NE  
6 OLYMPIA WA 98516  
7 skybluewaters87@gmail.com

U.S. Mail via state Consolidated Mail  
Service (with proper postage affixed)

Facsimile

Courtesy copy via electronic mail

ABC/Legal Messenger

8 I declare under penalty of perjury under the laws of the state of Washington that the  
9 foregoing is true and correct.

10 cc: Chad Standifer, [chad.standifer@atg.wa.gov](mailto:chad.standifer@atg.wa.gov)  
11 Leo Roinila, [leo.roinila@atg.wa.gov](mailto:leo.roinila@atg.wa.gov)

12 DATED this 21st day of March 2022, at Olympia, Washington.

13 *Ruthann Bryant*  
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15 RUTHANN BRYANT  
16 Administrative Officer  
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