

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Sandra Bigelow

Respondent.

No. 2020-059

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, SANDRA BIGELOW, 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. In November 2012, Board staff initiated an investigation into allegations that Sandra Bigelow (Ms. Bigelow) may have violated state ethics laws for using state computer resources for her private benefit and gain while employed as an Emergency Management Specialist with the Emergency Management Department for the Washington Military Department.¹

2. The investigation revealed evidence to support the allegation and on January 16, 2013, Ms. Bigelow entered into a settlement agreement with the Board, which imposed a \$2,500 penalty. The Board agreed to suspend \$1,000 of the \$2,500 penalty on the condition the Ms. Bigelow committed no further

¹ 2012-042

violations of RCW 42.52 for a period of two years from the date the agreement was executed, March 8, 2013.

3. On October 23, 2020, the Board received an agency referral from the Department of Social and Health Services/ Behavioral Health Administration (DSHS/BHA), alleging that Sandra Bigelow (Ms. Bigelow), Contracts Manager with DSHS/DVR, may have violated the Ethics in Public Service Act by using state resources for her private benefit and gain.

4. Ms. Bigelow was a Contracts Manager for the Department of Social and Health Services / Facilities Finance Administration (DSHS/FFA) located at Western State Hospital. On July 1, 2019, the position was moved from DSHS/FFA to Department of Social and Health Services /Behavioral Health Administration (DSHS/BHA) located in Olympia. Essentially the same position but moved from FFA to the BHA.

5. DSHS Investigator Phil Wilson (Mr. Wilson) requested authorization for Data Forensic Acquisition of the electronic devices that Ms. Bigelow had regular access. On July 26, 2020, Senior Director of Human Resources (HR) Wendy Long granted that authorization.

6. Mr. Wilson assigned Computer Forensics Manager Jeff Madsen (Mr. Madsen) to conduct the acquisition and computer forensic analysis of the electronic devices Ms. Bigelow had regular access to.

7. Ms. Bigelow informed DSHS investigators that there were two computers assigned to her but that she would use any open computer in room G9-16 located at Western State Hospital where her staff worked.

8. Mr. Madsen's computer forensic investigation and analysis of one of two laptop computers assigned to Ms. Bigelow, state tag Z144383, showed that it had been synched to one or more of her personal devices through her Google Chrome account.

9. Ms. Bigelow indicated in a response to Board staff that she could remember when she may have done this, indicating that she was at home using her work computer and a pop up appeared asking her if she wanted to sync her computer with her contacts. At the time, she was writing an email and her computer was working very slow, she thought synchronizing the computer to her contacts would make her computer run faster. Ms. Bigelow provided a similar response to Mr. Madsen.

10. Mr. Madsen indicated in his investigative report that based on his analysis of the hard drive from state computer Z144383, Ms. Bigelow synchronized her personal Google Chrome account to state computer Z144383. This could only have occurred if Ms. Bigelow requested this action during a period when she was logged into her personal Google account.

11. Mr. Madsen indicated that by the actions of Ms. Bigelow synchronizing her Google account with state computer Z144383, she was able to access her personal Gmail and AOL accounts outside of the state's firewall security structure.

12. The DSHS internal investigation concluded that by synchronizing her personal Google Chrome account to computer Z144383, Ms. Bigelow violated DSHS Administrative Policy 15.15, C.3 (h) which states, in part: *Employees are prohibited from using state-owned electronic messaging systems and the internet in any of the following ways.....*

h. *Employees must not establish an internet connection (e.g. AOL, MSN, Etc.) to or from a computer connected to the departments network that bypasses the Washington State Consolidated Technology Services (WATECH) firewall.*

i. *Checking personal and/or outside non-DSHS email accounts using the department computers, and/or the State Government Network is prohibited. Employees must not use email products other than those provided by the department.*

j. *Using instant messaging solution offered by other vendors is prohibited. This includes instant messaging solutions offered by vendors such as Microsoft, AOL, and Yahoo.*

13. Ms. Bigelow acknowledged to DSHS investigators that she was aware of and had taken the required training related to DSHS Administrative Policy 15.15.

14. DSHS investigators asked Ms. Bigelow whether she believed she violated Administrative Policy 15.15 by establishing a connection that bypassed the WATech firewall and/or by synchronizing a personal device with a state issued computer. Ms. Bigelow submitted a written response which stated, *“I do not know what a firewall is, and do not know how to bypass it. I did not know what a “sync” does. When Google Chrome prompted me to sync, I thought doing so would just increase my computer performance. I did not intend to share information between computers or to bypass the firewall.”*

15. DSHS investigators concluded that because this particular computer was synced to Ms. Bigelow’s personal Google Chrome account, it would make it impossible to ascertain which specific artifacts were created on the computer versus synced to the computer from Ms. Bigelow’s personal Google Chrome account.

16. DSHS investigators examined the computer hard drive of the second computer assigned to Ms. Bigelow, a Dell Laptop Latitude 7400, state tag Z183437. DSHS investigators did not find evidence to indicate this computer had been synced to any of Ms. Bigelow’s personal accounts, i.e., Google Chrome, Facebook, etc.

17. DSHS investigators’ examination revealed evidence that Ms. Bigelow had used her state issued computer for a personal benefit in violation of DSHS Administrative Policy 15.15 – Use of Electronic Messaging Systems and the Internet and DSHS policy 18.64 – Standards of Ethical Conduct for Employees. See examples below:

- Online shopping for items she would purchase at a later time
- Online bill pay
- Job Search – non-state employment
- Facebook
- AOL account

18. On February 26, 2021. Board staff obtained a copy of computer hard drive from the Dell laptop computer Z183437 assigned to Ms. Bigelow.

19. Board staff's examination of Z183437 revealed that Ms. Bigelow first signed on to this computer on October 25, 2018. Board staff reviewed the period of October 25, 2018 through July 15, 2019. See details below:

INTERNET

Edge – Internet Explorer – 10/25/18 through 7/15/25/19

Ms. Bigelow explained to the DSHS investigators that some of her Facebook activity was for a personal use but there was some Facebook activity related to her job such as, looking at the Facebook profiles for coworkers, supervisors, jobs applicants, and for individuals seeking contract with the State of Washington. The DSHS investigator obtained a list of job applicants referred to Ms. Bigelow for three recruitments that occurred during the period of October 26, 2018 through September 11, 2019. The list was compared with her Facebook activity to eliminate any potential work related Facebook activity. Board staff identified 33 Facebook pages for individuals, including herself, not on the job recruitment referral list.

➤ **Personal Facebook (99 URL's²)** see some examples below:

- <https://www.facebook.com/steven.pigman.3> – 6/3/19 at 10:17 am.
- <https://www.facebook.com/sydney.ford.9> – 5/14/19 at 3:45 pm.
- <https://www.facebook.com/susan.w.ford> – 5/14/19 at 6:51 am.
- <http://www.facebook.com/rodney.croston.96> – 4/26/19 at 8:36 am.

➤ **AOL**

- <https://login.aol.com/account/challenge/password>– 11/26/18 at 6:40 am.
- <https://login.aol.com> – 2/14/19 at 6:42 am
- <https://login.aol.com> – 3/4/19 at 7:07 am
- <https://login.aol.com> – 3/12/19 at 5:56 am
- Google Search – AOL Mail – 3/27/19 at 7:57 am
- <https://login.aol.com/account/challenge/password>– 3/27/19 at 7:58 am.
- Google Search – AOL Mail – 4/12/19 at
- <https://mail.aol.com> – 4/12/19 at 11:04 am
- <https://www.aol.com>– 5/21/19 at 7:52 am.
- Bing Search – AOL Mail – 11/28/18 at 11:47 am.

Ms. Bigelow acknowledged to the DSHS investigator that she used her state computer to access her personal AOL and Gmail accounts but that she believed her use to be “brief and infrequent.”

² URL – Uniform Resource Locator – web address to a specific webpage.

20. Board staff's review of Ms. Bigelow's computer hard drive Z183437 found additional personal use. See some of the results below:

Non-State Job Search Browsing Activity

- www.courts.wa.gov/emply/doc/13770/Annoucement.pdf - 11/15/18 at 9:36 am
- [www.co.pierce.wa.us/104/emergency Management](http://www.co.pierce.wa.us/104/emergency%20Management) - 11/19/18 at 8:13 am
- <https://agency.governmentjobs.com/piercecountywa> - 11/26/18 8:07 am
- www.governmentjobs.com/careers/bonneylake - 11/27/18 at 10:41 am
- <https://jobs.multicare.org/job/emergency-preparedness-program-manager-trades-facilities-engineering> - 11/28/18 at 11:49 am.
- www.piercetransit.org/careers-1-1 - 12/10/18 at 11:38 am.
- www.cityoflakewood.us/human-resources/jobs - 1/29/19 at 6:18 am
- www.usajobs.gov/GetJob/ViewDetails/526824700/ - 3/12/19 at 6:21 am.
- www.governmentjobs.com/Inbox (requires log in) - 5/24/19 – 6:42 am.
- www.governmentjobs.com/careers/piercecountywa/applications/submitted (requires login) - 7/1/19 at 1:40 pm.
- <https://az.gov/work/employment> - 7/2/19 at 6:56 am.
- www.phoenix.gov/emergency - 7/2/19 at 7:05 am.

ONLINE BILL PAY

- <https://billpay-ui.bankofamerica.com> – 11/13/18 at 6:01 am
- www.labcorp.com/bill-pay - 6/7/19 at 6:47 am
- <https://billpay-ui.bankofamerica.com/imm/PaymentCenter/PaymentComplete> - 7/1/19 at 1:57 pm.

Ms. Bigelow told DSHS investigators that she would access her Bank of America account twice a month to ensure that her state paycheck had been deposited. She further indicated that she would pay her medical bills because they were related to her health care benefits.

ONLINE BANKING

- Capitalone.com – 2-21-19 at 6:31 am
- Bankofamerica.com 7-1-19 at 1:57 pm

21. Ms. Bigelow was terminated from state service for violation of DSHS policies related to ethical conduct and other administration policy violations on August 19, 2020.

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, Ms. Bigelow 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, they were continuous in nature and Ms. Bigelow had been found to have violated the ethics act in 2013, for using state resources for a personal benefit. In the matter at hand, it is a mitigating factor that Ms. Bigelow was terminated from her position at DSHS and is no longer a state employee

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Sandra Bigelow 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. Sandra Bigelow 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. Sandra Bigelow 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. Sandra Bigelow 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 Sandra Bigelow 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. Sandra Bigelow 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 Sandra Bigelow 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 Sandra Bigelow 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 Sandra Bigelow 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, Sandra Bigelow 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, Sandra Bigelow 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. Sandra Bigelow agrees to pay a civil penalty in the amount of two-thousand, five hundred dollars (\$2,500) associated with violations of RCW 42.52.

12. The civil penalty in the amount of two-thousand, five hundred dollars (\$2,500) 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, Sandra Bigelow, 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.



SANDRA BIGELOW
Respondent

06/28/2021
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

✓ 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 10th day of September, 2021

Shirley Battan
Shirley Battan, Chair

Gerri Davis
Gerri Davis, Vice-Chair

Jan Jutte
Jan Jutte, Member

not voting
Earl Key, Member

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

Sandra Bigelow, Respondent Date