

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Travis Minor
Respondent.

No. 2020-061

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Travis Minor 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 November 2, 2020, the Executive Ethics Board (Board) received a referral from the State Auditor's Office (SAO) alleging that Travis Minor (Mr. Minor), a Classification Counselor 2 (CC2) with the Department of Corrections (DOC) may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and accessing confidential information for non-work related purposes.

2. According to the SAO, Mr. Minor had access to the DOC's Offender Management Network Information (OMNI) system and the Judicial Access Browser System (JABS).¹ The SAO said that between October 2018 and September 2019, Mr. Minor conducted 236 searches, 154 of which were on non-offenders, including three searches throughout the year for his own record.²

3. According to the SAO, Mr. Minor said he was looking up friends, family, and co-workers to "explore" the program. He said that when they began using JABS, he received a user name and password but did not receive any training. He said he was told to use JABS to look up no-contact orders. He said he was not told until October 2019, during a meeting with the correctional program manager that they could not look up family. However, he said he was sure that using it other than to look up offenders has never been in the Department's IT policy.

4. According to the DOC, Mr. Minor was originally hired as a Corrections Officer 2 (CO2) on April 26, 2012. On November 1, 2017, he was promoted to CC2, which is the position he presently holds at the Walla Walla State Penitentiary (WSP).

5. According to the DOC, they conducted an investigation into the allegations made by the SAO. They provided Board staff with a copy of the investigative report (DOCI). The investigation was conducted by Robert Jackson (Mr. Jackson) Associate Superintendent at WSP.

¹ According to the SAO, OMNI is used to track all aspects of an offender's incarceration, including sentencing information from the state courts, such as no-contact orders, outstanding warrants, and background information. JABS includes some information similar to OMNI, but unlike OMNI, JABS is not offender exclusive, and has records on everyone who has been involved in the court system for both criminal and civil cases. The DOC began using JABS in Fall 2018.

² Board staff were provided with a copy of an Excel spreadsheet listing the 256 searches conducted by Mr. Minor. The spreadsheet includes Mr. Minor's response as to whether the search conducted was on a friend, family or inmate and in some cases he provided a brief explanation for the search.

6. According to the DOCI, in his interview Mr. Minor stated that he did use JABS for purposes other than the scope of his employment for non-job related uses. He stated that he, "got a little outside his scope".[sic]

7. According to the DOCI, Mr. Minor admitted that he used JABS to search 154 non-incarcerated individuals for non-official reasons and that Minor stated that, "curiosity killed the cat." [sic] According to the DOCI, when asked, Mr. Minor said he kept the information for himself and did not share it. The DOCI said that Mr. Minor later recalled that he did look up a co-worker and another individual as part of a, "nasty divorce." The DOCI said Mr. Minor recalled that he did share the results of that search with the co-worker.

8. The DOC also provided Board staff with a copy of a Notice of Disciplinary Action (NODA) letter dated January 5, 2021. The letter was addressed to Mr. Minor and was issued by Donald Holbrook (Mr. Holbrook) Superintendent at WSP. The letter states that the disciplinary action was for the following misconduct:

- “Between October 2018 and September 2019, you used the Judicial Access Browser System (JABS) for purposes other than the scope of your employment for non-job related purposes. Specifically, to look up records on family, friends, and co-workers. The investigation concluded that you also shared this information with a co-worker.” [sic]

9. In the letter, Mr. Holbrook referenced the Pre-Disciplinary meeting he had with Mr. Minor on November 24, 2020. The letter states that representatives from DOC Human Resources and the Teamsters Union were also present. The letter states that Mr. Minor began the meeting by saying “That is what happened. It is what it is.” [sic] The letter states that Mr. Minor admitted to the allegations presented, taking responsibility for his actions and that he has stopped the behavior.

10. The letter also stated that Mr. Minor said that his Correctional Program Manager (CPM) addressed this kind of behavior with a group of staff, not specifically with Mr. Minor, but Mr. Minor said he saw “the writing on the wall.”[sic] The letter said, with that, Mr. Minor said, “I fixed it.”[sic]

11. The letter said that the investigator asked Mr. Minor if he looked up a non-incarcerated person that was allegedly dating and/or in some kind of relationship with a soon-to-be ex-wife of a friend/co-worker, and if so, who and why. The letter said that in response Mr. Minor said 'Yes, I did,' and explained that a co-worker who knew he had access was going through a divorce and wanted to make sure the guy around his kids wasn't a criminal. The letter said that the investigator asked Mr. Minor if he shared information from JABS to that friend/co-worker and that Mr. Minor said, “I guess I did.”

12. The letter states that based on his actions, Mr. Minor received a reduction in pay of two steps for three months in his position as a CC2, effective February 1, 2021 through April 30, 2021.³

13. In a written response to Board staff, Mr. Minor said he did not have anything further to add in response to the allegations. He said the SAO and DOC investigations should be pretty clear and helpful. Mr. Minor said, “I would like to settle this and get it done, so that we can all move on to some degree.”

³ According to the DOC, as a result in the reduction in pay, Mr. Minor will lose \$262 per month for three months for a total of \$786.

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, Mr. Minor used state resources for personal benefit in violation of RCW 42.52.160. Mr. Minor'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 Mr. Minor received a reduction in pay of two steps for three months for a total of \$786 in lost wages.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Travis Minor 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. Travis Minor 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. Travis Minor 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. Travis Minor 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. Travis Minor 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 Travis Minor 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 Travis Minor 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 Travis Minor 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, Travis Minor 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. Travis Minor agrees to pay a civil penalty in the amount of two-thousand dollars (\$2,000) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand dollars (\$1,000) on the condition that Travis Minor 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 dollars (\$1,000) 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

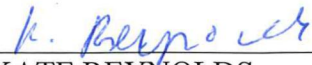
I, Travis Minor, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further

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.

  01/27/21

Travis Minor Date
Respondent

Presented by:

 3/12/21

KATE REYNOLDS Date
Executive Director

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 12th day of March 2021.

Approved via Video Meeting
Shirley Battan, Chair

Approved via Video Meeting
Gerri Davis, Vice Chair

Approved via Video Meeting
Earl Key, Member

Approved via Video Meeting
Anna Dudek-Ross, Member

Approved via Video Meeting
Jan Jutte, Member

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

Travis Minor, Respondent Date