

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Lauresa Hart

Respondent.

No. 2020-066

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, LAURESA HART, 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 12, 2020, the Board received a complaint referred by the State Auditor's Office (SAO) Whistleblower Program alleging that Lauresa Hart (Ms. Hart), Program Administrator with the Department of Children, Youth, and Family (DCYF), may have violated state ethics laws by using state computer resources for her personal benefit and gain in support of her private outside business.
2. Ms. Hart has been in her current position as a Functional Family Parole Quality Assurance Program Manager since 2007 and was in that position for all time pertinent to this investigation.
3. In February 2020, the SAO received a Whistleblower complaint alleging that Ms. Hart was using state resources to sell jewelry to coworkers. As a part of the SAO investigation, they reviewed Ms.

Hart's work computer hard drive. The SAO's examination of Ms. Hart's hard drive revealed no evidence related to any outside business.

4. The SAO's review of Ms. Hart's Outlook email revealed no evidence that Ms. Hart was using her state Outlook email account to support private sales of jewelry. However, the SAO did find evidence that Ms. Hart was using the Outlook email account to promote/support her outside private sale of makeup and coffee products.

5. The SAO's examination of Ms. Hart's email found 21 emails to coworkers referencing her products and purchases made by coworkers.

- Three emails initiated by Ms. Hart referencing her delivering the products to her staff members during work meetings.
- Five of the emails initiated by Ms. Hart were sent to staff whose work she is responsible for reviewing and providing clinical oversight.
- In three of the emails initiated by Ms. Hart, she wrote that she was aware that conducting private business through the state emails system was not permissible.

6. Ms. Hart told SAO investigators that she made sure she sent emails during her breaks and lunch period. She stated that she forgot there was no de minimis use allowed as it relates to outside business. She further indicated that she did not think of this activity as an outside business.

7. On September 21, 2020, based on the SAO's investigation, DCYF initiated an internal investigation into the allegations identified in the SAO's final report.

8. Ms. Hart told DCYF internal investigators that she never had an outside jewelry business but that she did have outside business selling makeup and coffee. She identified her makeup business as Younique<sup>1</sup> and her coffee business as Revital U<sup>2</sup>.

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<sup>1</sup> Younique is an American multi-level marketing company that markets beauty products.

<sup>2</sup> Revital U is an online company selling what is identified by the company as Smart Coffee, Cocoa and Tea to strengthen your immune system, manage weight and energy, and to help in getting a good night's sleep.

9. Ms. Hart told DCYF investigators that she terminated the Younique business when her father passed away in March of 2020. She further indicated that Revital U coffee business fizzed out in December 2019 or January 2020.

10. Board staff obtained Ms. Hart's emails for the period of November 1, 2018 through October 2, 2020. A review of Ms. Hart's emails revealed that she sent/received 31 emails related to either Younique or Revital U.

11. Five of the emails sent/received were to/from DCYF staff that Ms. Hart is responsible for reviewing and providing clinical oversight.

12. Three of the 31 emails were related to a 2018 tax document (1099 MISC), related to miscellaneous income earned by Ms. Hart through Younique. The 1099-MISC document shows that for the year 2018 Ms. Hart claimed \$3,090.50 of income to the Internal Revenue Service.

13. Ms. Hart received a Memo of Understanding from her agency related to her use of state computer resources and state time to promote.

## **B. CONCLUSIONS OF LAW**

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from conducting activities incompatible with their public duty (Conflict of Interest). RCW 42.52.020 states:

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

2. Based on the stipulated facts above, Ms. Hart conducted activities incompatible with her public duty in violation of RCW42.52.020

3. 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.

4. Based on the stipulated facts above, Ms. Hart used state resources for a personal benefit in violation of RCW 42.52.160.

5. 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, and they were continuous in nature. In the matter at hand, it is a mitigating factor that Ms. Hart received a memo of understanding from her agency.

### **D. STIPULATION AND AGREED ORDER**

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Lauresa Hart 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. Lauresa Hart 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. Lauresa Hart 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. Lauresa Hart 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 Lauresa Hart 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. Lauresa Hart 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 Lauresa Hart 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 Lauresa Hart 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 Lauresa Hart 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, Lauresa Hart 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, Lauresa Hart 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. Lauresa Hart agrees to pay a civil penalty in the amount of three-thousand dollars (\$3,000) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand, five-hundred dollars (\$1,500) on the condition that Ms. Hart 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, Lauresa Hart, 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.

Lauresa Qui Hart 6/25/2021  
LAURESA HART Date  
Respondent

Presented by:

L. Reynolds 9/10/2021  
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 10<sup>th</sup> 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, Lauresa Hart, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Lauresa Hart, 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

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DATED this 10<sup>th</sup> day of September, 2021

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Shirley Battan, Chair

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Gerri Davis, Vice-Chair

\_\_\_\_\_  
Jan Jutte, Member

\_\_\_\_\_  
Earl Key, Member

\* I, Lauresa Hart, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Lauresa Hart, Respondent                      Date