

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Eduardo Meza-Diaz
Respondent.

No. 2020-067

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Eduardo Meza-Diaz 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 19, 2020, the Board received a complaint alleging that Eduardo Meza-Diaz (Mr. Meza), a Corrections Officer 2 (CO2) with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act by using state resources for private benefit or gain.

2. According to DOC, Mr. Meza was hired on September 16, 2010 as a Non-Permanent, On-Call Corrections Officer 1. On March 13, 2013, he gained permanent status as a CO2. Mr. Meza presently works at the Walla Walla State Penitentiary (WSP). According to DOC, Mr. Meza's work hours are 6 am to 2 pm.

3. According to the complainant, from approximately 2018 to September 2020, Mr. Meza was visiting websites on his work computer during his shift. The complainant alleges he observed Mr. Meza visiting websites for different products, personal videos, dating sites and chat rooms. The complainant states that he cannot remember a day that Mr. Meza was not on his computer for hours on end. The complainant also provided a list of inmates that “had knowledge” of Mr. Meza inappropriately using his work computer for personal use.

4. In an email from DOC, they advised Board staff that they had obtained the internet history for Mr. Meza’s user name and were providing it to Board staff. DOC noted that in their initial review of Mr. Meza’s computer use, they found the following examples of web searches under Mr. Meza’s user name, “emezadiaz”:

- Outside garage light
- Armstrong Laminate Flooring
- Houses for sale in Milton
- Houses for sale in Milton Freewater
- Northwest Motorsports
- Wine Barrel Bar
- 2011 Polaris Outlaw 90 for sale
- Houses for sale in Walla Walla
- Milton Freewater country houses for sale
- Hardhopper bike specialist
- Forearm tattoos for men wild animals
- How much it will cost me to change the water pump in a 2014 ford sport
- Hotel for rent in Cheney/Spokane WA

5. Board staff reviewed the spreadsheets provided by DOC for Mr. Meza’s user name and found that Mr. Meza was accessing the following websites between June 1, 2020 and November 28, 2020 on his work computer:¹

- Amazon.com: Mr. Meza accessed this website at least once on 93 different days.

¹ In a written response to Board staff, DOC said that from June 1, 2020 through November 28, 2020, Mr. Meza worked a total of 104 days. DOC said this included overtime shifts worked by Mr. Meza.

- Home Depot.com: Mr. Meza accessed this website at least once on 25 different days.
- Craigslist.com: Mr. Meza accessed this website at least once on 17 different days.
- Paypal.com: Mr. Meza accessed this website at least once on 11 different days.
- Walmart.com: Mr. Meza accessed this website at least once on seven different days.
- VRBO.com: Mr. Meza accessed this website at least once on five different days.

6. Board staff also noted that between August 22, 2020 and November 28, 2020, Mr. Meza accessed the website, cdacasino.com,² at least once on 15 different days on his work computer. Eight of those days were in November 2020.

7. Board staff also noted that between June 1, 2020 and November 28, 2020, Mr. Meza visited news websites such as cnn.com, foxnews.com and washingtonpost.com at least once on 11 different days on his work computer.

8. Board staff were provided with Mr. Meza's email history for the period of October 4, 2018 through October 6, 2020. Board staff reviewed Mr. Meza's email history and found seven emails that appeared personal in nature. The emails were sent to and received at Mr. Meza's work email address. The emails all had attachments that included non-job related documents, photographs and videos. The photographs included what appeared to be Mr. Meza and friends, photographs of a home and a video of people lifting weights.

9. In a written statement from Mr. Meza, he said that he is currently assigned to the Rainier Unit at WSP. He said besides his regular duties as a CO2, he is the property officer responsible for dealing with the inmate's property to include, rerouting any property from the inmates to the property room as well as issuing all incoming property

² The website cdacasino.com is the website for the Coeur D'Alene Casino Resort and Hotel in Coeur D'Alene, Idaho.

to the inmates. He said the property officer extra duty is one of the busiest extra duties in a unit due to the fact that everyday there is something to work on pertaining to the inmate's property.

10. Mr. Meza said that since the outbreak of Covid-19, DOC has been encouraging its employees to be extra cautious not to get the virus and unknowingly transmitting the virus to the inmates or fellow co-workers. Mr. Meza said a safe way of achieving that goal for everyone's safety is to plan ahead on how to attain specific items needed to avoid going into local stores and possibly get the virus. Mr. Meza said that by looking those items up online during down time within his shifts, he felt this a way of achieving DOC's goal of keeping all inmates safe from the virus.

11. Mr. Meza states that he is currently working many overtime shifts due to the pandemic, helping to ensure normal operations.³ Mr. Meza said that during his overtime shifts, which usually occur on first shift between 10 pm through 6 am, he visited the web sites at his workstation during his down time. Mr. Meza said he found browsing the web sites helped him to stay alert when he works overtime or has previously worked an overtime shift.

12. Mr. Meza said that in response to the allegation by the complainant that he visited chat rooms or dating sites, Mr. Meza said that the complainant was "a blatant liar." Mr. Meza said that at no time did he attempt to visit or visit any inappropriate web sites.⁴

³ Board staff confirmed with DOC that they have been working with skeleton shifts at times due to periodic outbreaks of the virus.

⁴ Board staff found no evidence that Mr. Meza was accessing any chat rooms or dating websites.

13. Mr. Meza also provided Board staff with copies of 11 statements provided by the inmates listed by the complainant as witnesses. All of the statements describe Mr. Meza as being highly professional, respectful to inmates, and attentive to the inmate's needs.

14. Board staff spoke with Mr. Meza's supervisor, Sergeant David Lesser (Mr. Lesser). Mr. Lesser said he has known and worked with Mr. Meza for over four years and supervised him approximately one and a half years. When asked about Mr. Meza's computer use, Mr. Lesser said he did not know why Mr. Meza would be on the internet. He said he trusts his employees to do their jobs. He said some of the employees do get on the computers during their down time. Mr. Lesser said that Mr. Meza is one of the best officers at WSP. He said Mr. Meza is professional and always gets the job done.

B. CONCLUSIONS OF LAW

1. 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.

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

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 and they were continuous in nature.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Eduardo Meza 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. Eduardo Meza 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. Eduardo Meza 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. Eduardo Meza 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. Eduardo Meza 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 Eduardo Meza 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 Eduardo Meza 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 Eduardo Meza 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, Eduardo Meza 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.

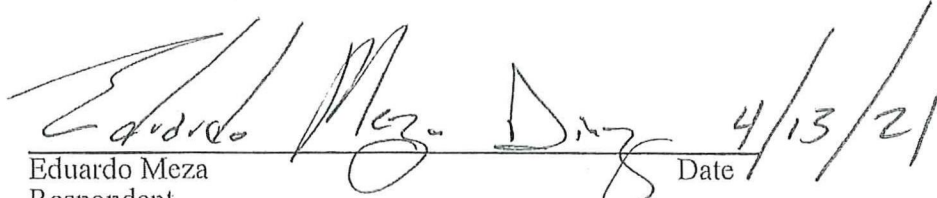
11. Eduardo Meza agrees to pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500) associated with violations of RCW 42.52. The Board agrees to suspend one thousand dollars (\$1,000) on the condition that Eduardo Meza complies with all terms and conditions of this Stipulation 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, Eduardo Meza, 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.


Eduardo Meza
Respondent

Date

4/13/21

Presented by:


KATE REYNOLDS
Executive Director


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, Eduardo Meza, accept/do not accept (circle one) the proposed modification(s).

Eduardo Meza, Respondent Date