

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Maria McBride

Respondent.

No. 2020-046

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, MARIA MCBRIDE, 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 August 6, 2020, the Executive Ethics Board (Board) received a complaint referred by the State Auditor's Office (SAO) Whistleblower Program alleging that Maria McBride (Ms. McBride), Correctional Industries Supervisor 2, Laundry Supervisor with the Department of Corrections (DOC), may have violated state ethics laws by receiving pay for time not worked.
2. Ms. McBride was a Laundry Supervisor at the Coyote Ridge Correctional Center (CRCC) with the DOC for all times pertinent to this investigation.
3. During the period of November 1, 2018 through October 31, 2019, Ms. McBride's work schedule was Monday through Friday, 6:00 am to 2:00 pm. The position is overtime eligible.

4. The CRCC facility requires employees to pick up keys from a system (Key Watcher) that records the pickup and drop-off times of keys and to sign in and out on a paper accountability log before entering the part of the facility where the subject works.

5. Monica Miller (Ms. Miler), Correctional Industries Manager, was Ms. McBride's direct supervisor at the times pertinent to this investigation. On March 3, 2020, Ms. Miller told the SAO investigator that Ms. McBride's workday would start when she picks up her work keys from the Key Watcher kiosk. Ms. Miller further stated that she recently had a conversation with everyone telling them that the last thing during the day is to return their key back to the Key Watcher kiosk. She indicated that sometimes her employees would return their key but would continue to work in rooms that do not need keys, some rooms just need badge cards to gain access.

6. The SAO investigators calculated the approximate time Ms. McBride was at work each day by reviewing Key Watcher data showing the time she retrieved her keys in the morning and the time they were returned in the afternoon. The SAO investigators supplemented the Key Watcher data with training transcripts including training that was held away from CRCC, mandatory daily tool inventory logs and emails.

7. The SAO investigator compiled a spreadsheet with the data above to show hours of work. That spreadsheet was presented to Ms. McBride to give her the opportunity to provide information that could reduce the number of hours the SAO showed her not to have worked.

8. Ms. McBride told SAO investigators that she would sometimes work in areas of CRCC that do not require her to have keys or to sign an accountability log. Ms. McBride could not provide dates or times this may have occurred. The SAO did find a couple of emails Ms. McBride sent to Ms. Miller letting her know that she would be working in one of these areas. The SAO took those dates and times in to account when they calculated time not worked.

9. To explain other absences, Ms. McBride told the SAO investigator that she would sometimes sign-out, drop off her key, and then conduct safety inspections or that sometimes she would go to the minimum-security unit. She further explained that she is responsible for the maintenance of a van used by her shop, so she would sometimes leave the facility to get the van serviced and she would occasionally leave to pick up parts for equipment used by her unit.

10. The SAO's review of Ms. McBride's work time was for the period of November 5, 2018 through October 25, 2019, a 51-week period. Of the 51 weeks, Ms. McBride took four weeks of leave. Of the remaining 46 weeks, the SAO determined that Ms. McBride failed to submit leave for at least 53 hours at a minimum and 147 hours maximum.

11. Board staff reviewed the documents and Ms. McBride's responses used by the SAO to create the spreadsheet used to determine the hours of work not performed per week.

12. Board staff believes that the SAO's investigation was complete and accurate in its findings that at least 53 hours of work was not performed by Ms. McBride over the 51-week period reviewed.

13. Ms. McBride resigned from her position with DOC on August 26, 2020 and is no longer employed by the state. Ms. McBride left state service prior to the completion of the DOC internal investigation therefore she was not required to reduce her leave balance and all remaining leave balances were paid to her upon separation.

## **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. McBride 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 and they were continuous in nature. In the matter at hand, it is a mitigating factor that Ms. McBride is no longer employed by the state.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Maria McBride 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. Maria McBride 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. Maria McBride 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. Maria McBride 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 Maria McBride 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. Maria McBride 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 Maria McBride 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 Maria McBride 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 Maria McBride 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, Maria McBride 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, Maria McBride 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. Maria McBride agrees to pay a civil penalty in the amount of two-thousand dollars (\$2,000) associated with violations of RCW 42.52.

12. The civil penalty in the amount of two-thousand dollars (\$2,000) 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, Maria McBride, 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.

  
\_\_\_\_\_  
MARTA MCBRIDE Date 4/30/21  
Respondent

Presented by:

  
\_\_\_\_\_  
KATE REYNOLDS Date 5/14/2021  
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

  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 14<sup>th</sup> day of May, 2021

  approved via virtual meeting    
Shirley Battan, Chair

  absent    
Gerri Davis, Vice-Chair

  approved via virtual meeting    
Earl Key, Member

  approved via virtual meeting    
Jan Jutte, Member

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

\_\_\_\_\_  
Maria McBride, Respondent                      Date