

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Chelsea Arthur
Respondent.

No. 2021-009

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Chelsea Arthur 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 March 2, 2021, the Executive Ethics Board (Board) received an anonymous compliant alleging that Chelsea Arthur (Ms. Arthur), a Social Services Specialist 3 (SSS3) with the Aging & Long-Term Support Administration (AL TSA) Home & Community Services Division (HCS) with the Department of Social and Health Services (DSHS), 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 complainant, in 2018, 2019, and possibly 2020, Ms. Arthur used DSHS databases to access and share the protected health information of the complainant's ex-wife

(MYM) and three children (OMM, AMM and MEM).¹ The complainant states that they were unsure what specific database Ms. Arthur used to get this information.

3. According to the complainant, Ms. Arthur accessed this information and unsolicited, shared it with the complainant. The complainant states that after cautioning Ms. Arthur about accessing and sharing the information, Ms. Arthur again, unsolicited, accessed and shared information a second time. The complainant states that at that point they told Ms. Arthur to stop.

4. The complainant alleges that the information Ms. Arthur disclosed was the pregnancy status, due date, benefit status and income information of household members. The complainant states that it is likely Ms. Arthur has done this several times. The complainant states that their family members are clients of DSHS, and they have a right to privacy.

5. After notifying DSHS of the complaint, Board staff were advised by DSHS that they were presently investigating a complaint alleging that Ms. Arthur used her system access to access and share protected health information that was not within the scope of her official duties. Board staff were provided with a copy of the DSHS Investigative Report (IR).² The investigation was conducted by Region 1 Field Services Administrator Jessie Rangel (Mr. Rangel).

6. According to the IR, Ms. Arthur was hired by DSHS in June 2017 as a Nursing Facility Case Manager. In February 2019, Ms. Arthur transferred to the Kennewick DSHS office and became a residential case manager.

¹ The complainant provided the names of the family members. Board staff provided the names to DSHS so they could search the databases in question, but redacted the names in the investigative report to protect their privacy.

² According to DSHS, this appears to be the same complaint as the Board received except that the complainant revealed their identity to DSHS. According to the IR, the complainant was interviewed by Mr. Rangel.

7. According to the IR, Mr. Rangel conducted an interview with the complainant who stated that they had a relationship with Ms. Arthur that lasted approximately 2.5 years and ended in May 2020. The complainant stated that they were concerned Ms. Arthur might access the DSHS systems information and use it in an attempt to sabotage the complainant's relationship with their new fiancé (CZ) and her son (WV).

8. The IR states that the complainant described two specific times when they believe Ms. Arthur shared DSHS client information with them inappropriately. The complainant said that the first occurrence happened in April 2018, when Ms. Arthur looked up information on the complainant's ex-wife and their three children. The complainant states that Ms. Arthur gave the complainant information regarding their ex-wife's pregnancy status and the programs they were currently accessing.

9. According to the IR, the complainant stated that the second occurrence happened in October or November 2019, when Ms. Arthur accessed information regarding the complainant's ex-wife again, giving the complainant information regarding her pregnancy status and her access/utilization of Medicaid programs.

10. According to the IR, the ALTSA IT Unit was directed to audit Ms. Arthur's computer usage from March 2018 through March 2021. The IT audit confirmed that Ms. Arthur accessed unassigned confidential case information 75 combined times for MYM (complainant's ex-wife), AMM, OMM, (complainant's children), CZ (complainant's fiancé) and SM (complainant's father). According to the IR, ALTSA IT also located two downloaded documents that were unrelated to Ms. Arthur's casework:

- Barcode – The barcode program interfaces with ACES online when reviewing Electronic Case Records. Ms. Arthur accessed the Electronic Case Record 57 times for MYM, four times for AMM, five times for OMM, and four times for CZ.³
- CARE⁴ – Ms. Arthur directly accessed client information for SM five times.⁵
- ACES⁶ – The ALTSA IT Unit did not find any occurrences where Ms. Arthur directly accessed client information in ACES.
- Non-Work Related Documents – IT identified two downloaded documents related to the complainant regarding a restraining and protection order on Mr. Arthur’s work computer.⁷

11. According to the IR, the IT report also identified 401 times where Ms. Arthur accessed non- work related websites from her state-issued computer, including Gesa Bank, STCU Bank, Turbo Tax filing, Hello Fresh, Priceline, and VRBO. Ms. Arthur also conducted Google searches related to hotels, airlines, stimulus checks, and names of CZ and the complainant.⁸

12. According to the IR, Mr. Rangel interviewed Ms. Arthur on March 29, 2021. Present at the interview was Ms. Arthur’s WFSE Council Representative.

13. According to the IR, Ms. Arthur acknowledged that she accessed the clients’ Electronic Case Records as documented by the IT report and admitted to sharing this confidential information with the complainant. Specifically, the IR states that she admitted to sharing

³ A copy of the redacted Information Technology Evidence Acquisition Log recording this information was provided to Board staff.

⁴ The Comprehensive Assessment Reporting Evaluation (*CARE*) is the tool used by case managers to document a client's functional ability, determine eligibility for long-term care services, evaluate what and how much assistance a client will receive, and develop a plan of care.

⁵ A copy of the redacted Information Technology Evidence Acquisition Log for this information was provided to Board staff.

⁶ Automated Client Eligibility System.

⁷ Both documents were provided to Board staff.

⁸ DSHS provided Board staff with a copy of the spreadsheet generated by IT listing the websites visited and searches conducted by Ms. Arthur on her work computer.

information regarding the complainant's ex-wife and their three children to include the complainant's ex-wife's pregnancy status and the enrollment of their children in Medicaid. According to the IR, Ms. Arthur said she did not share the information with anyone else.

14. According to the IR, Ms. Arthur stated that she believed that the complainant filed the complaint in retaliation for a declaration she wrote regarding a Child Protective Services issue in which the complainant is involved.

15. According to the IR, in regards to the 401 times where Ms. Arthur accessed non-work related websites from her state-issued computer, Ms. Arthur said that she did these searches of her own volition and not at the request of the complainant. According to the IR, Ms. Arthur said that performing these non-work related computer searches was "poor judgement" on her part.

16. In a written statement to Board staff, Ms. Arthur said she is a single mother of two. She explained that she had been in a two-year relationship with the complainant, which ended in May 2020. She wrote that, she considered "the relationship to be both emotionally and mentally abusive" and stated that she "felt compelled to do certain things that I normally wouldn't do because I wanted his love." Ms. Arthur also noted that the complainant "specifically asked me to look up his kids and wife" and that he was "looking for material to use in his contested divorce." Ms. Arthur wrote she was "scared at times of what would happen if I didn't do what he asked of me."

17. Ms. Arthur concluded her written response with the following statement:

"I am sorry for my inappropriate behavior. I exercised poor judgement when I looked up information that didn't pertain to my work in order to satisfy the needs of my now ex-boyfriend in his divorce." "My job at DSHS is what I love to do. I love my relationships I have with my clients and their families. In the almost 4 years I have been with DSHS, I have never gotten in trouble. I am sorry for my poor judgement. It will never occur again and I take full responsibility for any decision rendered in this matter."

18. Board staff were provided with a copy of a letter to Ms. Arthur from Tami Rucker (Ms. Rucker) Regional Administrator, Region 1, HCS Division. The letter was dated May 13, 2021 and the subject was, Notice of Suspension without Pay. The letter states that Ms. Arthur would be suspended without pay beginning Monday, May 24, 2021 through Tuesday, May 25, 2021, and that the suspension is a result of accessing confidential information without a business need, failure to maintain confidentiality as a DSHS employee, and misuse of state resources. According to DSHS, the two-day suspension resulted in a total of \$505.12 in lost wages for Ms. Arthur.

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 Securing Special Privileges for themselves. RCW 42.52.070(1) states:

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

3. 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.

4. 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.

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- (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.

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. It is a mitigating factor that Ms. Arthur received a two day suspension resulting in a total of \$505.12 in lost wages..

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Chelsea Arthur 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. Chelsea Arthur 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. Chelsea Arthur 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. Chelsea Arthur 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. Chelsea Arthur 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 Chelsea Arthur 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 Chelsea Arthur 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 Chelsea Arthur 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, Chelsea Arthur 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. Chelsea Arthur 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 seven hundred and fifty dollars (\$750) on the condition that Chelsea Arthur 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 seven hundred and fifty (\$1,750) 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, Chelsea Arthur, 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.

Chelsea Arthur 9/24/21
Chelsea Arthur Date
Respondent

Presented by:

L. Reynolds 11/11/21
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 November 2021.

Shirley Battan / RB
Shirley Battan, Chair

Gerri Davis / RB
Gerri Davis, Vice Chair

Jan Jutte / RB
Jan Jutte, Member

Earl Key
Earl Key, Member

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

Chelsea Arthur, Respondent Date