

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Laura Lindstrand
Respondent.

No. 2021-031

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, LAURA LINDSTRAND, 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 July 8, 2021, the Executive Ethics Board (Board) received an agency referral from the Washington State Human Rights Commission (HRC) alleging that their employee, Laura Lindstrand, Policy Analyst, may have violated state ethics laws by using state computer resources for her personal benefit and gain.

2. In late May 2021, HRC Director Sharon Ortiz (Ms. Ortiz) received a verbal complaint that Ms. Lindstrand may have violated HRC polices related to Computer and Internet Use, Telecommuting, and Outside Employment. The complaint alleges that Ms. Lindstrand connected two external hard drives containing her personal data to her assigned office computer, which resulted in her personal information being downloaded to the agency servers during a

normally scheduled back up period. The complaint also alleges that Ms. Lindstrand was not engaged with her agency or colleagues as she would regularly miss or was late to meetings and not available during the workday.

3. HRC hired an outside law firm¹ to conduct the internal investigation. The investigation was completed on June 30, 2021.

4. Ms. Lindstrand began her employment with the HRC as a Civil Rights Investigator in 2001. For all time pertinent to this investigation, Ms. Lindstrand was a Policy Analyst at the HRC.

5. Ms. Lindstrand told the internal investigator (investigator) that she starts her work each day at 8:00 or 9:00 am and works until 5:00 p.m., although her job often requires her to work into the late evening hours. Ms. Lindstrand further indicated that she regularly works 40 to 45 hours per week, she would occasionally work 50 hours per week.

6. Ms. Lindstrand told the investigator that before the COVID pandemic, she would telecommute two days a week and worked in the Olympia HRC office three days per week. Since the COVID pandemic, she has worked almost entirely remotely. However, she would occasionally (once every two weeks) come into the office for a few hours between 5:00 pm and 8:00 pm.

7. HRC IT Administrator, Jed VanKrieken (Mr. VanKrieken) told the investigator that sometime between September 2020 and April 2021 he discovered a large amount of Ms. Lindstrand's personal data had been download or backed up to the agency server.

8. Mr. VanKrieken told the investigator that it appeared to him that Ms. Lindstrand's personal data came from two external hard drives, one contained approximately 3,544 personal

¹ Law office of Sebris, Busto and James – 15375 SE 30th Pl., Suite 310, Bellevue, Washington 98007 – (425) 454-4233.

photos and videos dated between 2003 and 2011. Mr. VanKrieken further stated that the volume of data downloaded or backed up to the agency's server indicated that the external drives were attached to Ms. Lindstrand's work computer for several hours. The second external drive contained personal information regarding Ms. Lindstrand and her husband, such as wills, photos, her husband's personal and work information, Ms. Lindstrand's job search materials, including resumes, transcripts, and writing samples as well as information related to the Lindstrand's outside business, Finally Farm Paints. Mr. VanKrieken stated that the second external drive contained Word and PDF documents and may have only taken a few minutes for the download of backup to be completed.

9. Mr. VanKrieken told the investigator that the HRC servers are backed up at 7:00 pm each night and that the backup would include any external drives connected to the agency's computers. The backup would not extend to agency laptops being used remotely.

10. Mr. VanKrieken told the investigator that there is no way to determine the exact date Ms. Lindstrand's personal data was downloaded or backed up, but he believes it would have occurred in 2019 or 2020. Mr. VanKrieken reported his discovery of Ms. Lindstrand's personal data on the agency server to Ms. Ortiz in mid-May 2021.

11. Mr. VanKrieken told the investigator that he has repeatedly directed HRC employees not to put personal data on any agency computer, not to download anything on the computer, not to use agency computers or equipment for personal use and not to use external hard drives.

12. Mr. VanKrieken told the investigator that Ms. Lindstrand has repeatedly ignored his request and direction regarding the agency's computer use policy.

13. Ms. Lindstrand told the investigator that she denies she intentionally downloaded her personal data to the agency server and she does not have an explanation for how her personal data was transferred to the server. She indicated that she did not recall bringing the external drive containing personal data into the office but acknowledged that she may have “grabbed the wrong stick.”

14. Ms. Lindstrand told the investigator that she does not recall ever opening an external hard drive on her work computer and seeing her personal data on it.

15. In her final report, the HRC investigator wrote regarding her assessment of Ms. Lindstrand’s credibility, “*Ms. Lindstrand’s denial of any recollection of attaching an external hard drive with her personal data to her Agency office computer also calls her credibility into question. The two drives containing Ms. Lindstrand’s personal data do not contain any Agency-related data. It seems too much of a coincidence that Ms. Lindstrand attached two external hard drives to her Agency office computer and left them attached long enough for her personal data to be backed up to the server without her knowledge that she had ever connected the external drives to her computer. As the external hard drives only contain personal data, she presumably would have recognized this upon viewing the contents of the external hard drive and would have closed and detached them immediately if her action had been accidental. As the personal external hard drives were attached to her office computer long enough for the data to be backed up to the Agency’s server, it seems likely that she had a reason for attaching the external drives, such as printing personal photos or documents related to Finally Farm Paints.*”

16. Ms. Lindstrand told the investigator that she was unaware that the agency’s computer system is backed up every evening at 7:00 pm and acknowledged that since she would

only come into the office occasionally in the evening during the pandemic, her personal data was most likely backed up to the server during one of those visits.

17. Ms. Lindstrand indicated in a response made through her attorney that the accidental upload of her personal data came at a time when, like most state employees, she was working from home. Ms. Lindstrand further indicated in her response that the agency had a server she could log into from home but her home internet connection was unreliable and she would be repeatedly disconnected.

18. Ms. Lindstrand also indicated in her response that the agency didn't provide her with a printer for at-home printing, so when printing files were necessary she would need to go into the office to print. In those cases, Ms. Lindstrand would save the file to a jump drive (external storage device) from her laptop and then take that into the office to print.

19. Ms. Lindstrand indicated in her response that she had multiple jump drives at her home office that look similar and when she went into work she took a personal one in instead of her work jump drive.

20. External Hard Drives." The text of the email stated, "*Data storage & sharing should be occurring through the file server. If you have an external hard drive, please discontinue usage & turn it in. Thank you!*"

21. Ms. Lindstrand described Finally Farm Paints to the investigator as a family-owned and operated horse breeding business that she and her husband started in 2005. Ms. Lindstrand is the president and her husband is the secretary. They manage the business themselves and do not have any employees. Ms. Lindstrand indicated that she and her husband are equally responsible for overseeing the operation. They have several retired horses, four broodmares, two foals, and one breeding stallion. She indicated that they have very few customers for her stallion, and her

interactions with them are limited. She indicated that she spends about three hours per day feeding her animals and cleaning stalls and that those tasks do not interfere with her agency duties.

22. In addition to the breeding, Finally Farm Paints advertises that they are available for “public rides” from 10:00 am to 7:00 pm daily. Ms. Lindstrand told the investigator that the public rides are for other riders to bring their horses to Finally Farm Paints to use the arena for riding. She further stated that the public rides are contactless and that she does not interact with the riders.

23. Ms. Lindstrand told the investigator that she manages the business’ website and Facebook site and that she and her husband are jointly responsible for posting information, photos, and videos, and responding to others posts, which are few.

24. Finally Farm Paints also advertises a guesthouse for overnight visitors, including a private apartment for up to four guest, with breakfast included. Ms. Lindstrand told the investigator that the guesthouse is reserved through Airbnb and is mainly used on the weekends. Ms. Lindstrand indicated in her response to the investigator that the guesthouse does not take up much of her time, she would spend approximately one hour cleaning it after each use.

25. Board staff received a copy of Ms. Lindstrand’s backup files, desktop, and laptop computers on August 9, 2021.

26. A forensic copy of Ms. Lindstrand’s backup files, desktop and laptop hard drives were created using FTK Imager software and Tableau Read/Write block protection hardware/software. The newly created forensic copies were used to conduct an analysis using Magnet Forensics Axiom 4.2 software.

27. Board staff's examination of backup file received from the Agency revealed the following:

Documents related to Outside Business February 2017 through September 2018 (6):

| File Name | Last Author | Last Printed | Last Modified |
|-----------------------------------|-------------------------|--------------------|--------------------|
| reiners in WA.docx | Laura Lindstrand | 2/18/2017 2:04 PM | 4/25/2018 11:55 PM |
| In case of emergency call 911.doc | Lindstrand, Laura (HUM) | 4/26/2017 4:15 PM | 4/26/2017 4:15 PM |
| Horse binder cover.doc | Laura Lindstrand | 8/14/2018 4:54 PM | 8/14/2018 5:18 PM |
| Victor Pedigree.doc | Laura Lindstrand | 8/14/2018 5:50 PM | 8/14/2018 7:43 PM |
| Receipt to Denise Harvey.docx | Lindstrand, Laura (HUM) | 8/15/2018 11:44 AM | 8/15/2018 11:47 AM |
| Farmsitter instructions.docx | Lindstrand, Laura (HUM) | 9/17/2018 5:20 PM | 9/17/2018 5:20 PM |

NOTE: all dates pre-date covid.

LNK Files²: 119 - (4/10/17 through 3/8/21) See some examples below:

| Linked Path | Target file Created | Target file Last Modified | Volume Name | Volume Serial Number |
|---|-----------------------|---------------------------|-------------|----------------------|
| D:\Finally Farm Paints\Addie Folder\Addie pedigree.doc | 3/8/21 5:39 PM | 3/8/21 5:39 PM | KINGSTON | F2847815 |
| D:\Finally Farm Paints\haul in and clinic docs\Barn Rules.doc | 12/9/19 3:16 PM | 12/9/19 3:17 PM | USB DISK | 478B5942 |
| G:\Finally Farm Paints\Receipt to Denise Harvey.docx | 8/14/18 9:58 PM | 8/15/20 11:47 AM | KINGSTON | 7A1BD52D |
| D:\Finally Farm Paints\Pedigrees\Cub Pedigree.doc | 4/22/19 7:55 PM | 4/22/19 2:57 PM | USB DISK | 478B5942 |
| G:\Finally Farm Paints\pictures to print | 9/16/2018 11:12:58 AM | 9/16/2018 11:13:00 AM | KINGSTON | 7A1BD52D |
| G:\Pet Care 2018.doc | 6/28/18 3:57 PM | 3/25/19 10:11 PM | KINGSTON | 7A1BD52D |

Jump List³ : 150 – (7/23/19 through 3/8/21) See some examples below:

| Linked path | Application | Last Access | Volume Name | Volume Serial Number |
|---|---------------------|-----------------|-------------|----------------------|
| D:\Finally Farm Paints\Addie Folder\Addie pedigree.doc | Microsoft Word 2016 | 3/8/21 5:39 PM | KINGSTON | F2847815 |
| D:\Finally Farm Paints\haul in and clinic docs\Barn Rules.doc | Microsoft Word 2016 | 12/9/19 3:17 PM | USB DISK | 478B5942 |

² LNK file artifacts are generated when a user opens a local or remote file or document.

³ Jump List artifacts are generated when a user opens a file or document with a particular program creating a path for quicker access. Jump list artifacts most likely would not be generated from inadvertently attaching a USB device. The user would have to open a file contained on the device with a particular program.

| | | | | |
|---|-------------------------------|-----------------|----------|----------|
| D:\Finally Farm Paints\Pedigrees\Cub Pedigree.doc | Microsoft Word 2016 | 4/24/19 5:15 PM | USB DISK | 478B5942 |
| G:\Pet Care 2018.doc | Microsoft Word 2016 | 3/27/19 2:18 PM | KINGSTON | 7A1BD52D |
| G:\Victor\Gunner.jpg | Photos Microsoft (Windows 10) | 6/27/18 4:19 PM | KINGSTON | 7A1BD52D |
| G:\Victor\breeze.jpg | Photos Microsoft (Windows 10) | 6/28/18 3:23 PM | KINGSTON | 7A1BD52D |

The presences of LNK Files and Jump List artifacts found on the back up copy of Ms. Lindstrand’s desktop computer would indicate a deliberate attempt by Ms. Lindstrand to access certain files and photos related to her outside business located on at least three different external drives (Kingston/7A1BD52D, Kingston/ F2847815, USB Disk/478B5942).

28. In addition the internal complaint alleging a violation of the Computer and Internet Use policy, the complaint also alleged violations of the agency’s policies regarding Telecommuting, and Outside Employment.

29. The internal investigation concluded that there was insufficient evidence to conclude that Ms. Lindstrand engages in outside activities that would interfere with her agency-related work or that she does not work her entire workday.

30. The internal investigation concluded that Ms. Lindstrand violated the agency Computer Use Policy resulting in her suspension for one week without pay.

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. Lindstrand 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, the violation was continuing in nature.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Laura Lindstrand 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. Laura Lindstrand 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. Laura Lindstrand 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. Laura Lindstrand 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 Laura Lindstrand 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. Laura Lindstrand 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 Laura Lindstrand 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 Laura Lindstrand 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 Laura Lindstrand 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, Laura Lindstrand 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, Laura Lindstrand 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. Laura Lindstrand agrees to pay a civil penalty in the amount of three-thousand, five-hundred dollars (\$3,500) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand dollars (\$1,000) on the condition that Ms. Lindstrand 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 two-thousand, five-five hundred dollars (\$2,500) 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, Laura Lindstrand, 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

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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.

 11/3/22

LAURA LINDSTRAND Date
Respondent

Presented by:

 3/11/22

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

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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 January 2022

Approved Virtually
Shirley Battan, Chair

Approved Virtually
Gerri Davis, Vice-Chair

Approved Virtually
Jan Jutte, Member

Approved Virtually
Earl Key, Member

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

Laura Lindstrand, Respondent Date