

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Jaye Bahre

Respondent.

No. 2021-055

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, JAYE BAHRE, 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 December 17, 2021, the Executive Ethics Board (Board) received a complaint alleging that Jaye Bahre (Ms. Bahre), a former Psychology Associate (PA) Health Services at the Larch Corrections Center (LCC) with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act by using state resources for an outside business.

2. According to the DOC, Ms. Bahre was originally hired on September 3, 2008. On January 3, 2018, the position title was changed to a Psychology Associate (PA). On August 14, 2021, Ms. Bahre resigned from her position with the DOC.

3. According to the complainant, at the onset of COVID-19, Ms. Bahre requested to work remotely part-time. The complainant said Ms. Bahre's request was approved. Ms. Bahre started working remotely in the spring of 2020 on Mondays and Fridays from 8am to 4:30pm.

4. According to the complainant, after some time Ms. Bahre's clinical supervisor noted that there was no verifiable work product entered by Ms. Bahre on the days she was working remotely and she was often hard to contact. According to the complainant, in August of 2021 facility staff met with Ms. Bahre to discuss their concerns and requested she return to work on-site full-time. The complainant said that Ms. Bahre told them that she was not willing to do that. Ms. Bahre was told on August 7, 2021 that she was going to be required to return to work full-time. The complainant states that Ms. Bahre elected to resign from her position with DOC at that time.

5. The complainant said they believe that Ms. Bahre was not only working a second job without the approval required by DOC policy, but that she was conducting this business during the hours she was scheduled to work remotely for DOC and paid for that time. According to the complainant, they searched their OMNI<sup>1</sup> records for any verifiable work product by Ms. Bahre on the days she was scheduled to work remotely and were unable to find anything.

6. According to the complaint, due to their concerns and Ms. Bahre's negative response, DOC management did an internet search for Ms. Bahre's name and found that Ms. Bahre had set up her own LLC in July of 2020 as a therapist.<sup>2</sup>

7. In a written response to Board staff, Ms. Bahre stated that she feels the complaint is retaliatory in nature. She said the "ethical violation" was filed in retaliation because she did not

---

<sup>1</sup> OMNI (Offender Management Network Information) is a DOC owned application.

<sup>2</sup> The complainant provided a copy of the link to Ms. Bahre's outside business but the link did not work.

"cooperate" with what Kathleen Carlson (Ms. Carlson), the Health Services Manager at the LCC, wanted in terms of returning to the office.

8. Ms. Bahre confirmed that she began working remotely on Mondays and Fridays during the spring of 2020. The work she was doing remotely consisted of doing documentation, writing up assessments for diagnostic work, prepping for in person work she needed to do with clients, such as doing preliminary work on treatment plans. Ms. Bahre said she went over her caseload each week to see who had assessments or treatment plans coming up and got them scheduled. Ms. Bahre said she also spent time answering email, triaging with coworkers, if needed, and many other work tasks.

9. According to Ms. Bahre, it would be easy to see at least some of what she was doing in OMNI. Ms. Bahre said she was never really asked what she was doing in her remote work, and no supervisor ever asked her to keep track of her activities. She said she was never talked to about her work lacking in any manner. According to Ms. Bahre, she never received any manner of progressive discipline at any point during the time she was working remotely.

10. Ms. Bahre said she was unclear as to what is meant by "she was hard to get a hold of." Both her supervisors not only had her work email address but also her private email address and cell phone number. She said she received an occasional email from her supervisors on her work email, which she answered when appropriate. Ms. Bahre said she did not remember ever receiving a phone call on her cell phone from either supervisor the entire time she was working remotely.

11. According to Ms. Bahre, during June 2021, she worked the first week, and she believes a couple other days during the month. She said she worked both remotely and at the facility. She said she was out of the facility for most of the rest of June on vacation, sick leave and

at a conference. Ms. Bahre said that Ms. Carlson was her administrative supervisor, meaning that she was the one receiving the emails about her needs and she was the one who signed the leave slip, which according to Ms. Bahre, was done without question when she submitted paperwork for the vacation and sick leave.

12. Ms. Bahre said she feels like Ms. Carlson used justification that was "faulty" in order to require her to come back full time. Ms. Bahre said the ultimate reason she quit was because she no longer felt supported or safe in her position at LCC.

13. Ms. Bahre said she set up an LLC in July of 2020. According to Ms. Bahre, while originally setting up her LLC she did not have a license to practice where her business was located so she was unable to legally practice. She said as a result, at the time, she was not earning money from counseling at Blue Buddha Counseling.

14. Ms. Bahre confirmed she set up a website for her business as well. She said it was part of an artistic digital project she was working on. She said that like the LLC, she was not licensed when she made the website and so was not earning money from the website.

15. Board staff contacted the DOC to inquire if there was an investigation done regarding Ms. Bahre's alleged use of state resources for an outside business. According to the DOC, after being asked to return to work on site, Ms. Bahre chose to quit. It was after she quit that the facility determined she had started and was running her own business. Since she had already quit her position, no disciplinary action was taken and an investigation was not conducted.<sup>3</sup>

---

<sup>3</sup> According to the DOC, Ms. Bahre had not submitted a request for outside employment as required by DOC policy.

16. DOC provided an email thread recording conversations between DOC staff and Ms. Carlson. The emails were in regards to a request from Board staff for supporting documentation regarding the allegations made about Ms. Bahre.

17. In that thread there was an email from Ms. Carlson to Kristina Glenn (Ms. Glenn), Human Resource Manager (HR), dated august 18, 2021, with the subject line: *RE: Jaye Bahre-former Larch Psych Associate*, Ms. Carlson stated:

...Yes, I have the links to her ad in Psychology today and to her LLC website, would that help? The ad was modified in July of 2021 and her LLC website indicates it was developed in July of 2020. I ran a query of her work and in June she entered a total of 6 encounters, although she only put in leave for three days that month. There has been no verifiable work product for the days she worked remotely. I asked when I initially talked to her about my concerns with her remote work and she was not able to provide anything, which makes me wonder if she was doing State work during those days. Please let me know if there's anything else I can provide. Thank you...

18. In a written response from Ms. Carlson, she stated that "...OMNI would be the best place to find a record of what services Ms. Bahre provided on a daily basis other than the individual patient medical files. Unfortunately, since she is no longer a listed provider on the drop-down list and has been out of DOC for so long I can't do a search now to review or compare her work productivity."

19. Board staff contacted Ms. Bahre's clinical supervisor, Psychologist 4 (P4) Diana Johnson (Ms. Johnson), and asked for any documentation she had regarding Ms. Bahre's work productivity. Ms. Johnson provided Board staff with several email threads between DOC management regarding Ms. Bahre and several email threads in which Ms. Bahre participated. The emails provided several examples of Ms. Bahre not responding to emails regarding diagnosis of inmates and being told she would be returning to working on site full-time.

20. One email thread was initiated by Ms. Johnson on Monday, August 2, 2021 at 3:21 pm with the subject line: *Referrals?* The email was sent to Ms. Bahre and other team members and

indicated that Ms Johnson would like to schedule a call with the psychology associates and wanted Ms. Bahre and two others to attend.

21. On Tuesday, August 3, 2021 at 8:56 am, Ms. Bahre responded “Okee dokee.” Ms. Johnson emailed Ms. Bahre back asking “Where are you?!” According to the email thread there was no response from Ms. Bahre.

22. Another email was dated Friday, August 6, 2021 and was sent by Ms. Carlson to Ms. Bahre and cc’d Ms. Johnson, with the subject line: *Follow up to 8/6/21 meeting*. The email was a summary of Ms. Carlson and Ms. Bahre’s conversation about Ms. Carlson’s concerns and future expectations regarding Ms. Bahre’s work product. The email included an attachment identified as a COVID 19 Remote Work Log for Ms. Bahre to start using. No response from Ms. Bahre was provided.

23. The next email thread provided by Ms. Johnson was initiated that same date at 3:48 pm by Ms. Carlson with the subject line: *Jaye Bahre*. The email was sent to DOC management including Ms. Johnson and was advising them about her conversation with Ms. Bahre the previous day about concerns with Ms. Bahre’s work product. The email stated that Ms. Carlson advised Ms. Bahre that she may be pulled back on site full-time. Ms. Carlson indicated Ms. Bahre stated she was not willing to do so. On Monday, August 9, 2021, 7:52 am Ms. Carlson advised DOC management that Ms. Bahre:

“...had not responded to the e-mail I sent Friday regarding my expectations for her working remotely. I sent those to her before I found out about this other work. I am going to rescind her remote work and give her the 7 day notice today to return to full time on-site work starting next Monday...”

24. An email was sent Monday, August 9, 2021 at 9:27am by Ms. Carlson with the subject line: *AWS*. The email was sent to Ms. Bahre and cc’d DOC management including Ms.

Johnson. The email advised Ms. Bahre that she was not meeting expectations and was given notice that she would be returning to work full-time on-site beginning August 16, 2021.

25. At 2:36 pm that same day, Ms. Johnson emailed Ms. Carlson and asked if she had received a response from Ms. Bahre. Ms. Carlson responded by stating "Crickets. This just confirms that she is not following the policy and being available during work hours....." Ms. Johnson responded later that same day stating "it is super strange to be so unresponsive to your supervisors...I think it is just a sign that she's got one foot out the door."

26. Board staff requested a forensic copy of Ms. Bahre's computer hard drive and her email history while employed with DOC. In a written response to Board staff from David Harper (Mr. Harper), the Chief Digital Forensics Investigator with DOC, he said that there was no hard drive to image because it was "wiped and sent to surplus." Board staff requested that Mr. Harper provide any information that he may be able to find in the DOC server.

27. Mr. Harper said he was able to pull the internet history file for Ms. Bahre from their agency internet content filter server, which is the primary logging device for DOC internet activity. He said he did a quick keyword search in Excel and found the following references to bluebuddhacounseling, which had been referred to in the original ethics complaint, for the period of January 2021 through July 2021.

- January 2021: approximately 170
- February 2021: approximately 174
- March 2021: approximately 501
- April 2021: approximately 183
- May 2021: approximately 34
- June 2021: approximately 80
- July 2021: approximately 1001

28. Mr. Harper was able to provide Board staff with Excel spreadsheets that he reviewed for the months of January<sup>4</sup>, February, March, April, May and June 2021. Board staff reviewed the spreadsheets and were able to confirm that Ms. Bahre accessed websites referencing bluebuddhacounseling at least once on the following dates:

- December 30, 2020
- February 2, 2021, and February 25, 2021
- March 16, 2021, March 17, 2021, March 18, 2021 and March 24, 2021,
- April 1, 2021, April 6, 2021, April 7, 2021, April 22, 2021 and April 27, 2021
- May 4, 2021
- June 3, 2021 and June 30, 2021

29. In addition, Board staff found that during the period of February 1, 2021 through June 30, 2021, Ms. Bahre was visiting the following websites.

- Ms. Bahre visited Zillow.com at least once on approximately 20 different days.
- Ms. Bahre visited Amazon.com at least once on approximately 45 different days.
- Ms. Bahre visited Facebook.com at least once on approximately 53 different days.

30. Mr. Harper said he also pulled the user email from Enterprise Vault using Discovery Accelerator and exported the results to a PST file, which he provided to Board staff. He said he conducted a simple keyword search using the following terms; “buddha” and “bluebuddha” and found emails sent from Ms. Bahre’s DOC account to her personal Gmail account that contained several items related to Blue Buddha Counseling LLC (such as a Proof of Professional Liability Insurance.pdf) as well as emails to a Commercial Insurance Lines Advisor at HPSO/NSO regarding insurance for Blue Buddha.

---

<sup>4</sup> The January spreadsheet included December 20, 2020. There was no other information listed on the spreadsheet for January.



31. Board staff reviewed of Ms. Bahre's email history and found 36 emails sent and received from her personal email to her work email address between January 11, 2021 through April 9, 2021.<sup>5</sup> Those emails included:

- Six emails sent and received from her work email address to Lonnie.knotts@oregon.gov, and lorinc06@live.com and her personal email address on December 29, 2020 between 9:48 am and 10:49 am, with the subject line: *Uploading Final hours regarding your license in Oregon.*<sup>6</sup>
- Two emails sent from Ms. Bahre's work email address at DOC to LonnieKnots@oregon.gov on December 29, 2020 at 12:12 pm and 3:34 pm with the subject line: *Necessary Certification?*
- One email sent from Mr. Bahre's personal email address to her work email address at DOC on February 9, 2021 with the subject line: *OBLPCT Final Steps for licensure.*
- One email on April 9, 2021 sent from Ms. Bahre's work email address at DOC to her personal email address with her proof of Profession Liability Insurance with HPSO for Blue Buddha Counseling attached.

32. Board staff also found the following 4 emails sent from Ms. Bahre's business email address to Ms. Bahre's work email address at the DOC:

- One email on March 17, 2021, with subject line: *Checking in-HPSO Insurance quotes for Mindful Therapy Group LLC.*<sup>7</sup> The email was originally sent to bluebuddhacounseling@gmail.com from samual.aidee@aoncover.com. The email was then forwarded to Ms. Bahre's work email address. The email was in regards to quotes to purchase insurance through HPSO.
- One email on April 7, 2021, with the subject line: *Login Credentials for Samata Health Platform.* The email was originally sent to bluebuddhacounseling@gmail.com by hello@samatahealth.com. The email was then forwarded to Ms. Bahre's work email address. The email contained instructions to reset her password.

---

<sup>5</sup> Board staff processed the PST file on a Forensic Recovery of Evidence Device (FRED) using the Magnet Axiom Digital Investigation Platform to acquire and analyze the PST file.

<sup>6</sup> According to the Blue Buddha Counseling website, the business is located in Portland, Oregon.

<sup>7</sup> Mindful Therapy Group's website gives the following description of the organization. "We are a diverse group of over 500 independent mental health practitioners serving Washington and Oregon. Our mission is to create access to high quality mental health care for our community. Each licensed mental health professional that is a member of Mindful Therapy Group is a separate, independent business. Providers that are members of Mindful Therapy Group receive support with administrative tasks, insurance billing, client placement, and more, so they can focus on providing the best care to their clients."

- One email on April 7, 2021, with the subject line: *Your insurance for Mindful Therapy Group LLC is waiting*. The email was originally sent to bluebuddhacounseling@gmail.com by Samuel.aidee@aideeaoncover.com. The email was regarding insurance quotes for Ms. Bahre's outside business.
- One email on April 7, 2021, with subject line: *Welcome to the Samata Health Platform*. The email was originally sent to bluebuddhacounseling@gmail.com from allison@samatahealth.com. The email included instructions and information about Samata Health's "platform."

33. Board staff contacted Ms. Bahre and reviewed what Board staff had found in her email history and on her hard drive. Ms. Bahre said that she had used her state computer to set up the website but didn't feel that it was a problem. After discussing the use of her work computer with Ms. Bahre, Board staff agreed to provide Ms. Bahre with a list of what Board staff found so that Ms. Bahre could review it and provide a written response.

34. Ms. Bahre indicated that it did not occur to her that she was violating policy by using her computer for her private business since she was not making any money at the time. She made the website a couple years ago and it was really a project of hers. She also indicated that Mindful Therapy Group is a counseling practice she considered joining but she needed to secure insurance and in the end did not contract with them to provide services. Ms. Bahre also indicated that she was emailing Ms. Knotts in Oregon about a license she was working on getting. At the time, her business was not located in Oregon and had not been established yet.

35. Ms. Bahre also added to her response that "[d]espite the email sent to myself (or maybe it was from myself) I did not work with Samata Health either. The email to myself about the liability insurance was probably during the time in which I was considering the contract with Mindful Therapy Group. However, I kept liability insurance for the majority of the time I worked at DOC because of the high level of litigiousness of the population - best to have outside insurance, so I did."

36. In regards to the accessing Zillow, Facebook and Amazon, Ms. Bahre said "Facebook? Not sure as I rarely use Facebook even in my personal life." However, Zillow and Amazon were accessed sometimes during lunch/breaks as "distraction"/relaxation."

## **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. Bahre 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 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 Jaye Bahre 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. Jaye Bahre 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. Jaye Bahre 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. Jaye Bahre 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 Jaye Bahre 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.

Jaye Bahre 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 Jaye Bahre 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 Jaye Bahre 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 Jaye Bahre 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, Jaye Bahre 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, Jaye Bahre 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. Jaye Bahre agrees to pay a civil penalty in the amount of two-thousand-five-hundred dollars (\$2,500) associated with violations of RCW 42.52.

12. The civil penalty in the amount of two-thousand-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, Jaye Bahre, 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.

Jaye Bahre      6/28/22  
JAYE BAHRE      Date  
Respondent

Presented by:

K. Reynolds      6/28/2022  
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 8th day of July , 2022

Approved Virtually  
Shirley Battan, Chair

Approved  
Jan Jutte, Vice-Chair

Approved Virtually  
Gerri Davis, Member

Approved Virtually  
Earl Key, Member

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

        
Jaye Bahre, Respondent                      Date