

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Samantha Ice
Respondent.

No. 2022-011

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Samantha Ice, 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 14, 2022, the Executive Ethics Board (Board) received a complaint alleging that Samantha Ice (Ms. Ice), a Health Services Consultant 2 with the Department of Health (DOH), may have violated the Ethics in Public Service Act. The complainant alleged that Ms. Ice used persons, money, or property for private gain.

2. According to the complaint, Ms. Ice allegedly used her DOH issued computer to send personal e-mails on at least one occasion.

3. According to DOH, Ms. Ice was initially hired on December 7, 2020 as a non-permanent Health Services Consultant 2 – Division of Disease Control and Health Services, Office

of Public Health Outbreak Coordination, Informatics, and Surveillance (PHOCIS). On December 1, 2021, Ms. Ice's position became permanent.

4. DOH initially provided Board staff with a "snapshot" of Ms. Ice's computer contents. During initial review, utilizing the provided DOH software, Board staff located several dozen documents. Upon review, several of the following files stored on Ms. Ice's work computer appeared to not be related to Ms. Ice's duties with DOH, including:

- RECREATION SCHEDULE 2-9-2022.pdf: a daily/weekly schedule of Department of Corrections (DOC) prisoner activities. (Ms. Ice's spouse is currently incarcerated in DOC).
- 2022-01-01-document.pdf: A bank statement, in Ms. Ice's name, from OneMain Financial.
- 13858-WAW-CC-036227723.pdf: A certificate of counseling, in Ms. Ice's name, from MoneySharp Credit Counseling Inc.
- 420340.pdf: A DOC policy - "Searching and Detaining Facility Visitors."
- 420380.pdf: A DOC policy - "Drug/Alcohol Testing," pertaining to Prison Work Release.
- 420380a1.pdf: A letter from DOC, dated December 27, 2021, regarding operational changes in response to COVID-19.
- 460050.pdf: A DOC policy - "Disciplinary Sanctions."
- 470300.pdf: A DOC policy - "Intelligence and Investigations."
- 540150.pdf: A DOC policy - "Nature Imagery Program" – regarding inmate restrictive housing.
- 580655.pdf: A DOC policy - "Drug Sentencing Alternative."
- 590100.pdf: A DOC policy - "Extended Family Visiting."
- 590100a3.pdf: A letter from DOC, dated April 12, 2021, referring to "changes in policy regarding sanctions and loss of visit privileges."
- 20210528_121222 (1).jpg: A photograph of a wire transfer receipt, via Ms. Ice's credit union (BECU), in the amount of \$4,990.00
- BECU-Statement-1-Oct-2021 (1).PDF: A copy of Ms. Ice's BECU bank statement, for the month of September 2021.
- BECU-Statement-2-Jul-2021.PDF: A copy of Ms. Ice's BECU bank statement, for the month of June 2021.
- BECU-Statement-3-Dec-2021.PDF: A copy of Ms. Ice's BECU bank statement, for the month of November 2021.
- BECU-Statement-3-Sep-2021.PDF: A copy of Ms. Ice's BECU bank statement, for the month of August 2021.
- BECU-Statement-5-Nov-2021.PDF: A copy of Ms. Ice's BECU bank statement, for the month of October 2021.

- BECU-Statement-5-Aug-2021.PDF: A copy of Ms. Ice's BECU bank statement, for the month of July 2021.
- A total of fourteen "Certificate of Completion" awards, from the social media website LinkedIn:
 - Communicating with Confidence
 - Confidence: How to Overcome Self-Doubt, Insecurity, and Fears
 - Efficient Time Management
 - Harnessing Change to Unleash Your Potential
 - How to Crush Self-Doubt and Build Self-Confidence
 - How to Have a Happier Workweek
 - How to Motivate Yourself to Do What's Most Important
 - How to Organize Your Time and Your Life
 - How to Slash Anxiety and Keep Positivity Flowing
 - Improving Your Thinking
 - One-Minute Habits for Hybrid and Remote Working Success
 - Staying Positive in the Face of Negativity
 - The Mindful Workday
 - The Step-By-Step Guide to Reinventing Yourself
- eStatement_8_23_2021.pdf: A copy of Ms. Ice's Wells Fargo Auto statement, dated August 23 2021.
- eStatement_9_22_2021.pdf: A copy of Ms. Ice's Wells Fargo Auto statement, dated September 22 2021.
- eStatement_10_23_2021.pdf: A copy of Ms. Ice's Wells Fargo Auto statement, dated October 23 2021.
- eStatement_11_22_2021.pdf: A copy of Ms. Ice's Wells Fargo Auto statement, dated November 22 2021.
- eStatement_12_23_2021.pdf: A copy of Ms. Ice's Wells Fargo Auto statement, dated December 23, 2021.
- Samantha Ice.pdf: A letter to Ms. Ice from BECU dated March 1, 2022.
- Samantha Ice Itinerary.pdf: A letter to Ms. Ice from Health & Wellness Bazaar (regarding an upcoming medical appointment) scheduled for January 21, 2022 – January 26, 2022.
- Samantha_L_Ice_ch_7.pdf: A letter to Ms. Ice from Majors Law Group regarding bankruptcy petition.
- Samantha_L-Ice_CH_7_WA.pdf: A follow up letter to Ms. Ice from Majors Law Group regarding bankruptcy dated December 27, 2021.
- Social-security-statement.pdf: Ms. Ice's social security statement dated November 17, 2021.

5. In addition to obtaining the snapshot of Ms. Ice's computer contents, DOH provided Board staff with a series of emails. The emails provided were sent and received from Ms. Ice's DOH email account. In reviewing the emails, it appears Ms. Ice was utilizing her work

computer to send personal emails to the Department of Corrections (DOC). The emails were personal in nature, referencing visitation with her incarcerated husband. The initial email was sent from Ms. Ice's work email, on October 20, 2021. The email was sent to the DOC correspondence unit, with the subject "Appeal/Denial of EFV." Board Staff learned that "EFV" stands for "Extended Family Visit." In the body of the email, Ms. Ice referred to her husband being "infracted" and that she did not think it was fair. Ms. Ice inquired as to whom she should contact, in order to appeal her husband's infraction.

6. Ms. Ice sent an additional email, on October 20, 2021. In the follow-up email, Ms. Ice provided DOC with more information as to why she believed her husband's infraction was unjust.

7. Ms. Ice sent an additional email, on October 20, 2021 to Scott Russell (Mr. Russell) with DOC. Ms. Ice informed Mr. Russell of her appeal of her husband's infraction, and further noted that she believed it was unfair that she was being denied EFV, based on what she felt was an unjust infraction against her husband.

8. On October 22, 2022, Ms. Ice received a response from Mr. Russell. Ms. Ice then forwarded Mr. Russell's response to the DOC correspondence address. In the forwarded email, Ms. Ice indicated that Mr. Russell was helping her with the appeal of DOC's denial of EFVs and stated her husband should not be found guilty of his infraction. In each of the emails sent by Ms. Ice, her email signature at the bottom of the email was:

*Samantha Ice
Health Services Consultant 2
Public Health Outbreak Coordination, Informatics, Surveillance and Testing Support Team
Disease Control and Health Statistics
Washington State Department of Health.*

9. Based on the above noted series of emails, Board staff requested all of Ms. Ice's email correspondence, in addition to a copy of her full computer hard drive.

10. Upon receipt of Ms. Ice's hard drive, Board staff created a forensic image. The image was then processed and reviewed, utilizing Magnet Axiom software. Board staff reviewed the contents of Ms. Ice's hard drive. Multiple items of interest were located, including: photographs, documents, emails, and web browsing history.

- **Photographs:** Board staff located several hundred photographs, all of which appeared personal in nature. The photographs ranged from "selfie" type images of adult females, several hundred "meme" type images of miscellaneous celebrities and others, as well as what appeared to be several family/home life personal photographs. Lastly, Board staff located over a hundred photographs of various female models in underwear/lingerie.
- **Documents:** Board staff reviewed several documents, some of which appeared personal in nature, including:
 - 100100.pdf: Department of Corrections (DOC) policy on policy development and implementation
 - 460050.pdf: DOC policy on disciplinary sanctions
 - 460130.pdf: DOC policy on response to violations
 - 590100a4.pdf: A letter to DOC staff, regarding Policy 590.100 Extended Family Visiting
 - PSLF Application for Forgiveness.pdf: A letter from US Federal Student loan, about a repayment plan for Ms. Ice
 - Samantha Ice becu.pdf: A letter to Ms. Ice, from BECU, about closing her personal account
 - Sir-thomas-more-and-an-utopia_example_doc.pdf: A college essay, generated from PapersOwl (a professional writers company).
- **Emails:** Board staff reviewed several hundred emails, some of which appeared personal in nature, including:
 - January 20, 2022: Ms. Ice sent an email to Rachel Stenberg (Ms. Stenberg), a Legal Intern with Office of the Corrections Ombuds. The email was a follow-up to a complaint that Ms. Ice and her incarcerated husband had sent to staff at Stafford Creek Corrections Center (SCCC).
 - February 8, 2022: Ms. Ice sent additional emails to Ms. Stenberg, regarding her incarcerated husband.
 - February 9, 2022: Ms. Ice sent an email to the DOC correspondence unit, regarding her husband.

- February 18, 2022: Ms. Ice sent an email to Kara Withers (DOC), regarding her husband and prison policy issues.
 - March 3, 2022: Ms. Ice sent an email to DOCHQVisitUnit@doc.wa.gov, regarding prison visitation with her husband.
 - March 4, 2022: Ms. Ice sent an email to Daniel White (Mr. White) with DOC, regarding her stepson and incarcerated husband having correspondence.
 - March 10, 2022: Ms. Ice sent an email to DOC headquarters, regarding visitation with her husband.
 - March 11, 2022: Ms. Ice sent an email to the DOC Correspondence Unit, regarding her husband and a DOC violation.
 - May 18, 2022: Ms. Ice sent an email to WA State University (WSU), regarding an online class: Removing Barriers to Successful Reentry following incarceration through an Equity Lens.
 - June 1, 2022: Ms. Ice received a photograph of her and her husband, from a cell phone number (presumably her own).
- **Web browsing history:** Board staff reviewed Ms. Ice's online browsing activity. Evidence showed Ms. Ice was utilizing her DOH laptop for personal web browsing, including:
 - **Sample of internet search history:** "Foods to avoid if trying to raise hemoglobin," "tummy tuck information," "healthy food recipes," "Wenatchee WA jail roster"
 - Several social media websites visited, including: Twitter, LinkedIn, Facebook, YouTube, Instagram
 - Chelan County website visited, specifically their online jail roster
 - Wellsfargo.com (online banking) visited
 - Mygreatlakes.com visited (Board staff researched, it's a federal student loan website)
 - www.fake.com visited (Board staff researched, it's a Ukrainian website dedicated to artificial indoor/outdoor plants, trees, and other floral items)
 - Courthousenews.com visited (Board staff researched, it's an online news platform)
 - Familyeducation.com visited (Board staff researched, it's an online parenting forum/blog)
 - Moneysavingexpert.com visited (Board staff researched, it's an online forum/blog related to personal financial wellness)
 - Nationalgeographic.com visited
 - Msn news website visited several times
 - Krem.com visited (Board staff researched, it's an Eastern WA news website)
 - Republicworld.com visited (Board staff researched, it's an online news website ran out of India)
 - PayPal visited several times

- Priceline.com visited (an online travel booking website)
- Alaskaair.com visited
- Sciencedirect.com visited (Board staff researched, it's an online scholar website where you can access peer reviewed journals and articles)
- Techlearning.com visited (an online news page)
- Spotify website visited (an online streaming music website)
- Vatican news website visited
- Wakefieldpaymentsolutions.com visited (Board staff researched, it's a law firm)
- Peacock website visited (an online television streaming website)
- Westernunion.com and Moneygram.com visited (both websites dedicated to transferring money)
- Groupon.com visited (an online website dedicated to coupons and "deals")
- Hundreds of visits to Microsoft.com (including several logins to a personal account) as well as large amounts of Xbox live account activity (an online gaming website)
- Dozens of logins to Mixer.com (Board staff researched, it's an online video game live streaming platform)
- Several visits to a BECU online account (personal banking)
- Multiple visits to Amazon.com (evidence of personal items being shopped/searched, including clothing)
- Dozens of logins to a personal Yahoo email account
- Jpay.com visited (Board staff has knowledge of this site – it's where family/friends of incarcerated individuals can send money and/or messages to inmates)
- Wainmatepackage.com (Board staff researched, it's an online shopping website where you can choose and send care packages to incarcerated individuals)

11. In Ms. Ice's written response to Board staff, she stated, "I did write DOC and Ombudsman regarding personal matters on my work DOH email. I did NOT email for money or personal gain when writing email to DOC regarding this matter. I did NOT know that this was against any ethical law as I was just asking a question regarding a policy change. Once she had wrote me back stating this was an ethical violation I immediately stopped all forms of communications through work email as I was not aware of it being a violation and switched to my personal email. It was NEVER my intention to violate any law or use of DOH for personal gain in this matter." Ms. Ice further stated, "I do admit using my work email but feel it was an honest mistake that immediately came to a halt once I was aware this was a violation."

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. 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. In the matter at hand, there are no mitigating factors.

D. STIPULATION AND AGREED ORDER

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Samantha Ice 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. Samantha Ice 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. Samantha Ice 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. Samantha Ice 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. Samantha Ice 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 Samantha Ice 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 Samantha Ice 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 Samantha Ice 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, Samantha Ice 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.

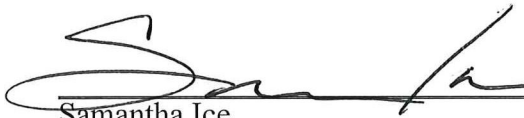
11. Samantha Ice agrees to pay a civil penalty in the amount of three-thousand-seven-hundred-fifty dollars (\$3,750) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand-two-hundred-fifty hundred dollars (\$1,250) on the condition that Samantha

Ice 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-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, Samantha Ice, 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.


Samantha Ice
Respondent

10-11-2022
Date

Presented by:


KATE REYNOLDS
Executive Director

1/13/2023
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

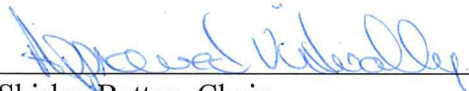
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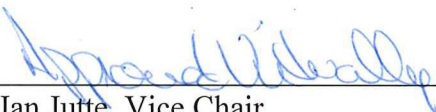
ACCEPTED in its entirety;


REJECTED in its entirety;


MODIFIED. This stipulation will become the order of the Board if the Respondent approves* the following modification(s):


DATED this 13th day of January 2023.


Shirley Battan, Chair


Jan Jutte, Vice Chair


Gerri Davis, Member


Earl Key, Member


Kelli Hooke, Member

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

Samantha Ice,
Respondent

Date