

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Brian Wolk

Respondent.

No. 2022-014

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Brian Wolk 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 April 20, 2022, the Executive Ethics Board (Board) received a complaint alleging that Brian Wolk (Mr. Wolk), a former IT Application Developer with the Employment Security Department (ESD), may have violated the Ethics in Public Service Act. The complaint alleged that Mr. Wolk violated the Ethics in Public Service Act by using state resources for non-work related activities. According to the complaint, Mr. Wolk was allegedly using his state issued work computer for non-work related activities while employed with ESD.

2. According to ESD, Mr. Wolk was hired on December 3, 2018 as an Information Technology Specialist 1, eventually working his way to a Specialist 3. On July 1, 2019, Mr. Wolk's

position was reclassified to an IT Application Development – Entry Level. Mr. Wolk resigned from ESD on April 15, 2022.

3. In Mr. Wolk's written response to Board staff, he cited four court appearances that he believed this allegation was referring to:

- July 9, 2021– “Hearing on a Friday afternoon. I used my lunch hour to attend through zoom.” (Superior Court case # 21-2-01711-0)
- March 4, 2022– “I requested and took time off to attend a court hearing in the morning.” (Superior Court case # 22-2-04318-6)
- March 16, 2022– “A court hearing in morning lasted less than 15 minutes – I took one of my state – granted on-time rest breaks to attend. I believe this constitutes de minimus use, as it also lasted only a few minutes and did not disrupt my work or the work of others.” (District Court case # 2A627350A)
- April 1, 2022– “A court hearing held around 4:30 PM. No testimony from me was required and attendance lasted less than 5 minutes. I believe this constitutes de minimus use, as it lasted only a few minutes and did not disrupt my work or the work of others.”

4. Mr. Wolk additionally stated, “I believe this ethics complaint is retaliation from the other parties in the aforementioned court proceedings for an ethics complaint I previously made at Tacoma Public Schools, and a series of public records requests I made over the past year.”

5. Lastly, Mr. Wolk stated, “In all cases I used personal devices to attend, and never used work equipment. Any remote court attendance during work hours was passive, brief, infrequent, and did not disrupt my work or the work of others. I believe my conduct falls under de minimus use.”

6. Regarding the March 4, 2022 court hearing, Mr. Wolk provided Board staff with a copy of his paystub from the March 1, 2022 to March 15, 2022 pay period. Mr. Wolk highlighted “.50 hours” vacation leave taken. However, there was no documentation with the vacation time that showed what the time was taken for.

7. Board staff researched the above noted court cases, involving Mr. Wolk, via Pierce County's online LINX system. The dates provided appeared consistent with what was reported on the county website. However, additional cases (involving Mr. Wolk) were also located, to include:

- Superior Court case # 21-2-05974-2
- Superior Court case # 21-2-05822-3
- Superior Court case # 21-3-01792-0

8. Board staff secured Mr. Wolk's laptop from ESD, at which time a forensic image was created. Magnet Forensics Axiom software was then utilized to process and search the contents.

9. Mr. Wolk's computer content contained multiple items of interest, to include:

- Website <https://boards.4chan.org/pol/>
This site was accessed over 100 times, between August 2021 and January 2022. Board staff researched the website, it appeared to be a message board/forum with memes, pornography, and miscellaneous information, including "how to fake vaccine cards."
- In reviewing Mr. Wolk's Google search history, it showed over 900 searches – all of which appeared personal in nature, including¹:
 - **When prosecutor declines charges is there any option**
 - **when prosecutor declines charges is there any option**
 - **ufc audio stream 271**
 - **revealing someones email address in court**
 - **rules of evidence washington pierce county superior**
 - **do federal rule of evidence 401 apply to civil cases county**
 - **airport parking reserve seatac**
 - **parent wont allow me to see my sibling**
 - **reveal someone email address**
 - **ben wolk connections**
 - **ben wolk michelle marcoe wedding**
 - **ben wolk (multiple searches related to Ben Wolk). **It should be noted that Ben Wolk is Mr. Wolk's father and is the other party mentioned in several of Mr. Wolk's ongoing court cases.***
 - **tell court you are complying**

¹ It should be noted that not all searches indicated a time stamp. However, all searches that did were between the dates of May 2021 and April 2022.

- what to file in lawsuit response pierce county
- how to get over someone after a breakup
- recover from a scandal
- do children die of covid
- can you object to what a judge says
- tacoma school board meeting
- get texts off of old iphone
- can child molester be indicted on testimony alone
- how to set boundaries with someone who ignores them
- why arent tacoma school board meetings available online
- Initiative Measure No. 1501
- evidence based treatment center
- Cyberstalking rcw analysis
- is it illegal to expose someone online
- declaration in response to protection order
- how to get massive exposure in Tacoma
- how to get mob connections
- making a timeline
- rules of evidence
- stop sending assassins to kill me
- how to not violate a restraining order
- tell court you are complying with a restraining order
- washington free speech constitution

- Multiple web browsers were installed and utilized on Mr. Wolk's computer, including : Chrome, Edge, Firefox, Internet Explorer, and Opera.

10. Mr. Wolk's most frequently utilized browser was Google Chrome. The Chrome "autofill" feature was enabled for several personal accounts, including:

- Mr. Wolk's personal Gmail account
- wolkdevelopmentllc@gmail.com
- 1st Security Bank
- Harborstone Credit Union
- Mr. Wolk's personal Outlook account
- Umpqua Bank
- Wolk Development LLC

11. In addition to the personal accounts saved, five personal credit cards were also stored - all belonging to Mr. Wolk.

12. Mr. Wolk utilized Chrome to save over 250 bookmarked pages, all personal in nature, including:

- **LinkedIn**
- **Learn Italian**
- **BECU**
- **Chase.com**
- **Bank of America**
- **Macy's**
- **Wells Fargo**
- **Citi Bank**
- **My AT&T**

13. In addition to the above noted saved websites - multiple other websites were visited, on several occasions, including :

- *August 12, 2021:* Multiple searches and websites visited looking for homes for sale on Zillow.com, Redfin.com, and Bing.com. Additionally, there were multiple visits to Forbes.com
- *August 19, 2021:* Multiple visits and logins to VuDu.com (Board staff researched, the site is utilized to stream/watch movies).
- *August 24, 2021:* Multiple visits and logins to Netflix.com
- *November 4, 2021:* Multiple web searches related to World War II images
- *January 6, 2022:* Several websites visited related to Seattle Seahawks news
- *February 12, 2022:* Ultimate Fighting Championship (UFC) was searched, via Yandex, (a Russian search engine) to watch live streams (between 7pm – 11pm). Additionally, the website Wargaming.net was visited and an online game, “World of Tanks,” was downloaded.
- *March 14, 2022:* Searches conducted on how to “uninstall discord,” a personal chat application
- *April 15, 2022:*
 - Google (multiple visits/logins to a personal Gmail account)**
 - Citibank.com**
 - City of Tacoma (court records accessed)**
 - Wells Fargo**
 - BECU online banking**
 - Bank of America**
 - Chase.com**
 - TFW Olympia (Board staff researched, it's a gym/dojo in Lacey)**
 - AT&T.com**
 - Linkedin**
 - Macys.com**
 - O Bee credit union**
 - Youtube**

14. Microsoft Edge and Internet Explorer appeared to be utilized solely for work purposes, as minimal programs were accessed - such as Outlook, ESD, and TEAMS.

15. Firefox was utilized to access the University of Washington (UW) online Canvas site (for online schooling); evidence suggested that Mr. Wolk was using his work computer to conduct online classes as well. Further evidence showed correspondence between Mr. Wolk and what appeared to be fellow UW students, utilizing the chat app Discord. There were over 300 marked incidents of both Discord and Google hangout being visited (both personal chat websites/forums). The discord app was primarily used to discuss various school related matters. More specifically, on February 27, 2022 (from 4:01pm – 5:06pm) there were 43 messages. Between the dates of March 2, 2022 and March 10, 2022, there were over 100 additional messages.

16. In total, between the dates of December 14, 2021 and April 12, 2022, over 1,000 social media sites were visited, including:

- **Reddit (an American social news aggregation, content rating, and discussion website)**
- **Twitter**
- **UFC**
- **LinkedIn**
- **VK.com (a Russian social media website)**
- **Instagram**
- **Youtube**
- **Zoom**
- **WhatsApp**

17. In addition to web browsing, Board staff located hundreds of saved photographs, consisting of memes, women, and online gaming images, which were not work related. Additionally, there were several personal photographs of what appeared to be Mr. Wolk and his family. There were several saved photographs of Ben, Mr. Wolk's father, as well as evidence that Mr. Wolk was using photographs of Ben to create "wanted/pedophile" posters.

18. Board staff additionally located multiple “locally accessed files and folders” Although the contents were no longer accessible (possibly deleted, uploaded to the cloud, or moved to an external storage device), the file path names given to the files and folders indicate the contents were personal in nature and related to Mr. Wolk’s ongoing legal cases, including:

- C:\Users\bwork\Downloads\NewCaseDocs\Exhibits\sort\DVpetitionforprotectionBenVs Mom.pdf
- C:\Users\bwork\Downloads\NewCaseDocs\Exhibits\sort\Gmail - DISTINGUISHED ALUMNI BEN WOLK IS A SEX OFFENDER_.pdf (access count = 4 times)
- C:\Users\bwork\Downloads\NewCaseDocs\Exhibits\sort\Gmail - I want to talk to my half brother ASAP.pdf (access count = 2 times)
- C:\Users\bwork\Downloads\NewCaseDocs\brian response declaration.docx (access count = 82 times)
- C:\Users\bwork\Downloads\New docs\Responsive Declaration of Ben Wolk.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\New docs\declartion of counsel.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\New docs\temporary protection order.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\New docs\Gmail - Regarding Ben Wolk.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\nominationforworldsbestfather.docx (access count = 4 times)
- C:\Users\bwork\Downloads\fudad.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\petitionforvisitation\FL Visits 476 Petition for Visits_2018 07.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\New docs\DVpetitionforprotection.pdf (access count = 2 times)
- C:\Users\bwork\Downloads\New docs\Ex Parte Restraining order Mom.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\emailswithdetective.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\Installment I, Released records\Installment I, Released records\RE DISTINGUISHED ALUMNI BEN WOLK IS A SEX OFFENDER 2.msg (access count = 1 time)
- C:\Users\bwork\Downloads\rodas21-3-03898-6\RE LINX Notification - Screening BENROY GEORGE WOLK Incident 1702601518.msg (access count = 1 time)

- C:\Users\bwork\Downloads\installment 2-R\Det._Hoschouer_Emails-R\RE_Police_Report_R.pdf (access count = 1 time)
- C:\Users\bwork\Downloads\Amended Response of Brian Wolk 56636011.pdf (access count = 1 time)
- C:\Users\bwork\OneDrive - Washington State Executive Branch Agencies\Documents\Zoom\2021-05-17 17.14.32 Brian Wolk's Personal Meeting Room 3871318894\zoom_0.mp4 (access count = 1 time)
- C:\Users\bwork\Downloads\emergencyguardianship\GDN M 202 Emergency Minor Guardianship Petition_2021 01 01.pdf (access count = 1 time)

19. In regard to the initial complaint of Mr. Wolk utilizing his work time and computer to attend court appearances via Zoom, Board staff located web browser evidence of Zoom. However, there were no time and date stamps on those occurrences. Based on the above noted file “C:\Users\bwork\OneDrive-WashingtonStateExecutiveBranchAgencies\Documents\Zoom\2021-05-1717.14.32Brian Wolk's Personal Meeting Room 3871318894\zoom_0.mp4”, it appears that Mr. Wolk had recorded a Zoom session and at least temporarily stored it on his work computer.

20. Mr. Wolk maintains these actions were due to personal circumstances that were affecting his judgement at the time.

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, the violation was continuing in nature. 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 Brian Wolk 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. Brian Wolk 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. Brian Wolk further agrees that the evidence available to the Board is such that the Board may conclude he 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. Brian Wolk 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. Brian Wolk 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 Brian Wolk 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 Brian Wolk 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 Brian Wolk 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, Brian Wolk 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. Brian Wolk agrees to pay a civil penalty in the amount of five-thousand dollars (\$5,000) associated with violations of RCW 42.52.

12. The civil penalty in the amount of five-thousand dollars (\$5,000) 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, Brian Wolk, 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.



05/08/2023

Brian Wolk
Respondent

Date

Presented by:



5/12/2023

KATE REYNOLDS
Executive Director

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

✓

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 May 2023.

Approved Virtually
Jan Jutte, Chair

Approved Virtually
Kelli Hooke, Vice Chair

Approved Virtually
Shirley Battan, Member

Approved Virtually
Earl Key, Member

Approved Virtually
Megan Abel, Member

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

Brian Wolk
Respondent

Date