

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Steven Eneix

Respondent.

No. 2022-016

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Steven Eneix 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 referral from the Department of Social and Health Services (DSHS) alleging that Steven Eneix (Mr. Eneix), a former Security Guard 2 (SG2) with DSHS at Western State Hospital (WSH), 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 DSHS, Mr. Eneix was originally hired on June 4, 2018. On November 16, 2019, he was appointed to a non-permanent SG3 position and returned to the SG2 position February 1, 2020. According to DSHS, Mr. Eneix resigned from DSHS on March 16, 2022.

3. According to DSHS, an internal investigation was initiated regarding an allegation that Mr. Eneix was observed sending information regarding Security Incident Reports (SIR's) to an outside source via his state email account. Additionally, it was alleged that one or more communications contained a patient's name, ward, or other describing information.

4. According to DSHS, during the investigation it was discovered that Mr. Eneix was sending work related emails from his state email account to his personal email account. The emails contained mostly SIR numbers and names of staff members involved in the incidents and some of the emails included WSH patient names.

5. According to DSHS, the investigation at DSHS was still ongoing at the time that Mr. Eneix resigned from DSHS on March 16, 2022. Also according to DSHS, a continuing review of the matter determined that the patient information included in some of the emails at issue constituted a breach under HIPAA.

6. According to DSHS, the investigation included a HIPAA Breach Risk Assessment Report (Breach Report) and 2,622 pages of emails.

7. Board staff requested and were provided with a copy of the Breach Report but were advised that the 2,622 pages of emails were not available.

8. The Breach Report was completed by Pete Ibongio (Mr. Ibongio), the Interim Director of Health Information Management Services (HIMS) and Privacy Officer as WSH. Mr. Ibongio advised Board staff that he was assigned to conduct the investigation because it was part of the Privacy Officer's job to investigate potential HIPAA violations and prepare risk assessments that are later analyzed by the DSHS Privacy Office for potential breaches.

9. Board staff reviewed the Breach Report and found that the Breach Report is a two-page report divided into five sections. Section One is Investigator and Witness Information.

10. Section Two is titled "Description" and states that it was discovered that Mr. Eneix was sending work related emails to his personal email account. The emails contained mostly SIR numbers and names of staff members involved in the incidents. Among the emails that Mr. Eneix sent to his personal email account were five emails that included patient names. The emails were sent on the following dates:

- One email sent on December 12, 2021 at 2:39 pm
- Two emails sent on September 15, 2021 at 6:55 pm
- One email sent on September 15, 2021 at 6:56 pm
- One email sent on October 10, 2021 at 3:42 pm

11. The Breach Report states that the actions of Mr. Eneix can be viewed as intentional as he is collecting the information with an intent to share either with his lawyer or unknown persons. According to the Breach Report, the other information that Mr. Eneix has been sending to himself involves category three data, which the state defines as confidential.

12. Section Three is titled "Preliminary Questions" and asked the following questions:  
(answers are in bold)

- Was the Information secured? **No**
- Does the confidential information involve records of clients held by a program that is a health care component of the Department of business associate (inside or outside of DSHS) of a health care component as listed in DSHS hybrid entity designation? **Yes**
- Was the information Protected Health Information (PHI)? **Yes**
- Was the disclosure of PHI to an unauthorized person who would not reasonably have been able to retain the information? **Unknown**

13. Section Four is titled "Four Factor Test" and states the following:

- Nature of person who acquired, accessed, used or received the PHI: **High**
- Risk whether PHI was actually accessed or acquired by unauthorized individual: **Moderate**
- Remaining risk to PHI after implementation of mitigation steps: **High**
- Mitigation Steps: **The staff has been reassigned to a different department pending findings of ongoing investigation; Date: March 15, 2022**



- Overall Risk Rating: **High**
- Other Factors Considered:

14. The last section of the Breach Report is titled “Final Determination” and was not completed.

15. Board staff contacted Mr. Ibongia to find out what the final determination was. In a written response to Board staff, Mr. Ibongia stated that “A determination was made on the case and it was determined as a Breach. Notifications were sent out to the patients as soon as the case was declared a breach.” Mr. Ibongia confirmed that he sent out notifications to five patients.

16. Board staff requested a copy of Mr. Eneix’s work email history from the DSHS and were provided with the emails in a PST format for the period of January 17, 2020 through April 27, 2022.<sup>1</sup>

17. Board staff located all five emails referred to in the Breach Report. A review of the emails confirmed that they were sent from Mr. Eneix’s work email to his personal email address.

18. The first email sent on December 12, 2021 was sent at 6:38 am and contained 22 attachments. Most of the attachments were Staff Duty assignments for night shift. There was one attachment titled *GYShift Brief 11.17.19*. The document is a shift overview for a graveyard shift and lists the name of a patient needing a “Staff Assist.” There is no other patient information on the document.

19. There were two emails sent on September 15, 2021 at 11:55 am. One titled *Swing Shift Brief 1.4.2020*. Listed under the section titled SIR it referred to a Patient Injury and a Patient-to-Patient Assault. It also listed the names of two patients with no other details. The second email sent at 11:55 am was titled *Night Shift Brief 01.20.2020*. The report on the email did not mention

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<sup>1</sup> Board staff processed the PST file on a Forensic Recovery of Evidence Device (FRED) using the Magnet Axium Digital Investigation Platform to acquire and analyze the PST file.



any patient's names but under the section titled General, it stated in part that there were patients quarantined in specific sections of the facility with confirmed Influenza.

20. A fourth email was sent on September 15, 2021 at 11:56 am titled *Night Shift Brief 12.30.20*. Listed under the SIR section it refers to a Staff Assist and included the name of one patient. There were no other details.

21. The fifth email sent on October 10, 2021 8:42 am titled "*pt/st assault f5*" and was a copy of an email sent to WSH Staff from the Day Shift supervisor and stated in part: "There was just a Pt to Staff Assault on F-5 PT. MCR<sup>2</sup> struck SG2 Alexander on the left side of the face. He is not seeking medical or LPD form. Let me know if more info is needed." [sic] Board staff did not observe any other patient details on the email.

22. Prior to receiving the Breach Report, Board staff sent notification to Mr. Eneix of the allegations made by DSHS. Board staff received written notification from Peter Hawkins (Mr. Hawkins) on April 25, 2022 that he would be representing Mr. Eneix's in this matter.

23. In a written response to Board staff, Mr. Hawkins stated that due to a well-established and prolonged pattern of harassment, Mr. Eneix was reasonably fearful of further retaliation if he were to use state resources, such as his state email address and state computers, to report his concerns for patient and staff safety or the discrimination and harassment he was subjected to for several years.

24. According to Mr. Hawkins, Mr. Eneix sent approximately 600 emails to his personal email account from his state email account. Many of these emails were duplicates that he sent himself multiple times. There are a number of reasons he sent himself these emails, none of

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<sup>2</sup> PT is the acronym used for patient. Board staff removed the patient's name.

which they maintain constitutes an improper use of state property, an attempt to profit from confidential information, or any ethical or legal violation whatsoever.

25. According to Mr. Hawkins, they were providing all of the emails that Mr. Eneix identified which he sent to himself from his personal email account. Mr. Hawkins said that some of those emails were forwarded to Mr. Hawkins. Mr. Hawkins said they also separately provided sixteen emails that they have identified as at least arguably containing confidential information.

26. According to Mr. Hawkins, Mr. Eneix forwarded email correspondence to his personal email address for the purposes of allowing him to report alleged public workplace wrongdoings in a safe, private, and accurate manner. Mr. Hawkins stated that Mr. Eneix filed numerous complaints with multiple agencies and organizations; such as with his supervisors, DSHS, Internal Administrative Report of Incident (AROI), grievances with his union, the Attorney's General Office, Labor and Industries, the EEOC, the Human Rights Commission, and the Office of Risk Management during the course of his employment. He also filed numerous public records requests.

27. According to Mr. Hawkins, Mr. Eneix has also provided relevant documents and correspondence to his legal counsel for the purposes of reviewing and in anticipation of litigation. Finally, Mr. Eneix's medically documented disabilities and approved reasonable accommodations allowed him to use reports and other documents in order to create templates for his personal use so that he could better perform his job duties.

28. According to Mr. Hawkins, Mr. Eneix sent some emails to assist him with performing his job, and with approval from his employer. He sent others to document apparent violations of the Public Records Act, because his employer had denied records such as the ones he

sent existed. He also sent documents to assist with other legitimate complaints about his employer that are protected by Washington State public policy.

29. Mr. Hawkins said they identified one email containing a SIR. It was an SIR submitted by Mr. Eneix. No number had been assigned to the SIR, so no SIR number was included in the email.

30. According to Mr. Hawkins, they also found an email sent by Mr. Eneix on January 17, 2022, to himself which included a list of 52 SIRs (not the reports themselves), including the SIR number, a brief summary of the subject matter, the reporting party, and the date. Mr. Hawkins said that the number of an SIR and the state employees involved in the SIR would generally be information available to the general public on request. He said that it appears that WSH agrees, because in response to a Public Records Act request by Mr. Eneix, WSH provided several SIRs, including the SIR number and the names of WSH employees involved, as well as a detailed description of the incidents in question although the patient's names were redacted.<sup>3</sup>

31. According to Mr. Hawkins, the large majority of the emails that Mr. Eneix sent to his personal email account were innocuous and contained no private or patient information. For example, Mr. Eneix routinely forwarded emails to himself that addressed or discussed complaints that he had made. He routinely forwarded correspondence regarding AROIs, employee rights complaints, code of conduct complaints, union grievances, or complaints regarding discrimination, or responses by his supervisors. He would also send himself emails containing rules, job announcements, policies, COVID-19 safety procedures, reasonable accommodations information, and procedures from his superiors so that he could take more time to review them.

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<sup>3</sup> Board staff located the email in Mr. Eneix's work email history. The attached document titled Eneix SIR contained a list of approximately 433 SIR's for Mr. Eneix and two other WSH employees. Mr. Hawkins description of the information provided on the document is accurate.



32. According to Mr. Hawkins, they identified sixteen emails that they “at least arguably contained confidential information.” Mr. Hawkins provided the following spread sheet listing the sixteen emails:

<b>Date sent to personal email account</b>	<b>Subject</b>	<b>Confidentiality</b>
10/10/2021	<b>Employee Name Redacted by Board Staff</b>	Email does not contain a Confidentiality Notice. It identifies an employee, explains the employee’s wife has been in labor since the day before, and identifies two days for which the employee requested leave. Mr. Eneix did not share the information or email with anyone other than his attorney.
10/10/2021	<b>Employee Name Redacted by Board Staff</b>	Email does not contain a Confidentiality Notice. It names a DSHS employee who will be temporarily working limited hours until a doctor’s appointment. It does not identify any medical condition or other arguably confidential information. Mr. Eneix did not share the information or email with anyone other than his attorney.
10/10/2021	SG3 Eneix – Restriction	Email does not contain a Confidentiality Notice. It is an email from Director Douglas to Human Resources directing them to remove Mr. Eneix from the work schedule until he receives a full release from his doctor. The only confidential information is about Mr. Eneix’s medical condition.
10/10/2021	text-speech	Email contains a Confidentiality Notice. It is an email chain between Mr. Eneix and Human Resources attempting to identify an appropriate device to record voice to text pursuant to a reasonable accommodation request by Mr. Eneix. The only arguably confidential information is about Mr. Eneix’s medical condition.
10/26/2021	WSH news for Monday October 25, 2021	Email contains a Confidentiality Notice. As the title suggests, it is an internal newsletter covering a variety of topics. No confidential information was identified. Mr. Eneix did not share the information or email with anyone other than his attorney.
10/26/2021	3M Ear Plug Case.	Email contains a Confidentiality Notice. However, the email is from an external source: the Murphy Law Firm, which is Mr. Eneix’s firm in an unrelated matter. The email contains no confidential information.

10/26/2021	My L&I: Activate Your Profile	Email does not contain a Confidentiality Notice. Mr. Eneix flagged this email as containing confidential information. However, the email is from an external source – the Department of Labor and Industries – and the only potentially confidential information identified is Mr. Eneix’s own user ID for his account with the Department of Labor and Industries.
10/26/2021	Day Shift	Email does not contain a Confidentiality Notice. At the very bottom of the email chain, a patient name is included in connection with what appears to be a patient- to-patient assault. Other than the patient’s identity and the fact that an assault occurred, no information about the patient appears in the email. This was one of the emails Mr. Eneix forwarded to himself while other employees were looking over his shoulder, so he was flustered and did not have time to proofread the email. Mr. Eneix did not share the information or email with anyone other than his attorney.
10/26/2021	Breaks and bathroom breaks	Email does not contain a Confidentiality Notice. Mr. Eneix believed it contained confidential information, but none was identified.
10/26/2021	DBT skill of the Week – Emotion Regulation Week 1	Email contains a Confidentiality Notice. However, no confidential information was identified.
10/31/2021	PHS Retirement	Email contains a Confidentiality Notice. However, it is an external email from Mr. Eneix’s investment adviser, and while it does contain confidential information, it is Mr. Eneix’s personal investment information.
1/5/2022	Safety Manager Position	Email contains a Confidentiality Notice. The original email was from DSHS to one of Mr. Eneix’s co-workers, informing them that they had not been selected for a DSHS position they applied for. The co-worker then forwarded the email to Mr. Eneix, complaining about the selection process. The only arguably confidential information is the identity of the co-worker and the fact they were not selected for the position. Mr. Eneix did not share the information or email with anyone other than his attorney.



1/5/2022	Ward Hold Update	Email contains a Confidentiality Notice. It is an internal email for Washington State Hospital security staff identifying which wards have or may have COVID- infected patients. It does not identify any patients. Mr. Eneix did not share the information or email with anyone other than his attorney.
1/10/2022	Discrimination	Email does not contain a Confidentiality Notice. The email consists of a number of AROIs (complaint forms) forwarded to Human Resources, and does include identifying information for a patient. However, it makes no reference to the treatment the patient was admitted for, any medical condition, or any other HIPAA- protected information. JulieBeth Morgan of Human Resources had instructed Mr. Eneix to immediately send all AROIs (a complaint form) to her as she did not have them. Mr. Eneix emailed the reports to her and copied his personal email for his records. This was one of the emails Mr. Eneix forwarded to himself while other employees were looking over his shoulder, so he was flustered and did not have time to proofread the email. Mr. Eneix did not share the information or email with anyone other than his attorney.
1/13/2022	Discrimination complaint against Gretchen Brown	Email does not contain a Confidentiality Notice. It is a request for additional information from a DSHS investigator regarding Mr. Eneix's discrimination complaint against a co-worker. It contains no confidential information, although it does identify the co-worker. Mr. Eneix did not share the information or email with anyone other than the investigator and his attorney.
1/20/2022	Clarification on deduction from payment	Email does not contain a Confidentiality Notice. It does contain arguably confidential information about another employee's dispute regarding deduction of an alleged overpayment from his pay. The employee forwarded the email to Mr. Eneix to show him how to respond in a similar situation. This was one of the emails Mr. Eneix forwarded to himself while other employees were looking over his shoulder, so he was flustered and did not have time to proofread the email. He believed the email contained his own confidential pay information when he sent it. Mr. Eneix did not share the information or email with anyone other than his attorney.



33. Board staff reviewed the sixteen emails described in Mr. Hawkins spread sheet and confirmed that his description of what was in the emails was accurate. Regarding the emails discussing medical issues of employees or their spouses.<sup>4</sup>

34. According to Mr. Hawkins, at the time Mr. Eneix was sending these emails to himself he was being harassed by his co-workers and did not have time to proof read these emails as well as he would have liked, a situation exacerbated by his disabilities. The emails containing patient names were sent inadvertently, and were not shared with anyone else but his counsel. The emails did not contain any information whatsoever about the treatment the patients were receiving, other than the fact that they were patients at WSH. He said that Mr. Eneix did not personally gain or benefit from these emails in any way.

35. According to Mr. Hawkins, Mr. Eneix has been nearly continuously retaliated against by WSH and its employees for several years while he engaged in protected activity. He strongly believes that this investigation is just another example of such retaliation. Mr. Hawkins said that WSH's harassment, discriminatory and retaliatory treatment has caused significant mental and physical challenges for Mr. Eneix, who is a disabled Veteran.

36. Board staff reviewed Mr. Eneix's work email history for the period of January 17, 2020 through April 27, 2022 and found the following emails.

37. Mr. Eneix sent approximately 751 emails to his personal email address from his work email address. As noted by his attorney, many of the emails are resent emails and are adding to a previous thread. The majority of the emails were regarding his working conditions and

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<sup>4</sup> Board staff were advised by the Board's Public Records Officer that they would have redacted the names of the employees and any associated medical information if requested as part of a in a Public Records Request.

reasonable accommodations.<sup>5</sup> Other than the emails mentioned in the Breach Report and by Mr. Hawkins, Board staff found the following emails regarding patient information:

- An email was sent from Mr. Eneix's work email address titled *Night Shift Brief 12.30.19* on May 26, 2020 to his personal email address. Under the SIR section there is a Staff Assist noted with a patient's name. There is no other patient information listed.
- An email was sent from Mr. Eneix's work email address titled *Swing Shift Brief 01.04.2020* on May 26, 2020 to his personal email address. Under the SIR section there is an Assault Patient to Patient noted and list two patient's names. There is no other patient information listed.
- An email was sent from Mr. Eneix's work email address titled *Night Shift Brief 01.06.2020* on September 15, 2021 to his personal email address. Under the SIR section there is an Attempted Assault Patient to Staff noted and list a patient's name. There is no other patient information listed.
- An email was sent from Mr. Eneix's work email address titled *Night Shift Brief* on September 15, 2021 to his personal email address. Under the SIR section there is Property Damage noted and list a patient's name. There is no other patient information listed.

38. Mr. Eneix sent approximately 20 emails to Mr. Hawkins' firm, Seattle Litigation, from his work email address. The majority of those emails were in regards to Mr. Eneix's reasonable accommodation concerns and working conditions. There was no patient information observed in those emails but there were names of WSH staff included in the emails sent by Mr. Eneix.

39. Board staff emailed Mr. Hawkins and advised him about the Breach Report and the emails found by the DSHS investigator and Board staff. In a written response to Board staff, Mr. Hawkins indicated that Mr. Eneix was advised there were "safeguards in place such that the system would not allow Mr. Eneix to send an email that contained confidential information." He also

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<sup>5</sup> Mr. Eneix was having ongoing email conversations with WSH leadership about working conditions including alleged discrimination and harassment by other WSJ staff directed at Mr. Eneix, COVID, promotions and reasonable accommodations.

indicated that Mr. Eneix “relied on that system, and since none of the emails he sent triggered a notification that they contained confidential information, he assumed that they did not.”

40. In regards to the emails with patient information, Mr. Hawkins said they were unable to find three of the emails. Mr. Hawkins provided Board staff with the following explanation regarding the emails they were able to find: (Response is in Italics)

- **December 12, 2021 6:38 am email:** *This was inadvertent. Shift briefs do not normally include patient names, and Mr. Eneix did not notice it when he sent himself the document, or when he reviewed his emails pursuant to this investigation. Mr. Hawkins said they do not believe the disclosure of a patient name alone constitutes a HIPAA violation. With that said, Mr. Eneix would not have sent this email to himself if he had noticed the patient name, and he regrets the error.*
- **September 15, 2021, three emails:** *According to Mr. Hawkins, they were unable to locate these emails. Based on the description of the emails, we believe two of them disclosed only patient names and therefore did not constitute a HIPAA violation. These were among the emails Mr. Eneix sent to himself while his coworkers were standing over his shoulder and mocking him, so he was distracted, and this was further exacerbated by his disabilities. Shift briefs do not normally include patient names, and Mr. Eneix was not aware that patient names were in these briefs when he emailed them. Mr. Eneix would not have sent these email to himself if he had noticed they included patient names, and he regrets the error. Furthermore, one of these emails apparently did not include any patient names, or any way of reasonably identifying patients. Nevertheless, Mr. Eneix regrets the error in sending himself an email that discussed patient medical condition.*
- **October 10, 2021, 8:42 am email titled “pt/st assault f5”:** *This was one of the emails Mr. Eneix sent to himself while his coworkers were standing over his shoulder and mocking him, so he was distracted, and this was further exacerbated by his dyslexia and anxiety. With that said, Mr. Eneix would not have sent this email to himself if he had noticed it included a patient name, and he regrets the error.*

41. Board staff also specifically referred to the first two emails listed in the spreadsheet in their original response. Mr. Eneix forwarded those emails to his personal email address on October 10, 2021. Board staff asked why Mr. Eneix was forwarding emails to himself about the medical conditions of other employees and their spouses. Mr. Hawkins gave the following response:



- **October 10, 2021 email:** *Mr. Eneix sent this email to himself to document a coworker's history of disregarding DSHS WSH policies and laws. Unfortunately, in this case the policy being disregarded was HIPAA as the coworker circulated certain medical information to other employees without permission. Mr. Eneix recognizes that he should not have sent himself this email and he regrets the mistake.*
- **October 10, 2021 email:** *Other staff were granted light duty (less than an eight-hour day) in order to accommodate doctor visits, but Mr. Eneix was not. He sent himself this email to document this fact. As with other emails, it is not clear that this email constitutes a HIPAA violation because it did not identify the doctor or anything else about the treatment. Mr. Eneix nevertheless recognizes that he should not have sent himself this email and he regrets the mistake.*

42. A total of eleven emails containing patient names were identified. No other confidential information was identified. Besides sending them to his personal email account, Mr. Eneix maintains he did not disclose these emails to anyone other than his attorneys.

## 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 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.

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. In the matter at hand, it is a mitigating factor that Mr. Eneix cooperated fully with the Board's investigation, and volunteered several emails that were not identified by DSHS.

#### **D. STIPULATION AND AGREED ORDER**

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Steven Eneix 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. Steven Eneix 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. Steven Eneix 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. Steven Eneix 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. Steven Eneix 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 Steven Eneix 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 Steven Eneix 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 Steven Eneix 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, Steven Eneix 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. Steven Eneix agrees to pay a civil penalty in the amount of three-thousand-five-hundred dollars (\$3,500) associated with violations of RCW 42.52.

12. The civil penalty in the amount of three-thousand-five-hundred dollars (\$3,500) 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, Steven Eneix, 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.

  
Steven Eneix  
Respondent

10/31/2022  
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;

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REJECTED in its entirety;

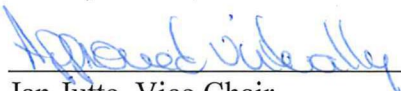
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MODIFIED. This stipulation will become the order of the Board if the Respondent approves\* the following modification(s):


\_\_\_\_\_  
\_\_\_\_\_

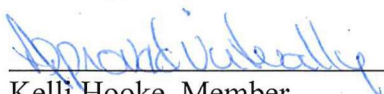
DATED this 13th day of January 2023.

  
Shirley Battan, Chair

  
Jan Jutte, Vice Chair

  
Gerri Davis, Member

  
Earl Key, Member

  
Kelli Hooke, Member

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

\_\_\_\_\_  
Steven Eneix, Respondent

\_\_\_\_\_  
Date