

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Curt Wilson

Respondent.

No. 2022-023

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Curt Wilson 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 August 2, 2022, the Executive Ethics Board (Board) received a complaint alleging that Curt Wilson (Mr. Wilson), an employee of the Employment Security Department (ESD), may have violated the Ethics in Public Service Act. The complaint alleged that Mr. Wilson violated a section of RCW Chapter 42.52.

2. According to the complaint, Mr. Wilson allegedly used his state computer to conduct work related to a potential outside business.

3. According to ESD, Mr. Wilson was hired on July 1, 2009 as a project Communications Consultant 4. On October 16, 2011, Mr. Wilson was appointed as a Communications Consultant 5 (CC5).

4. ESD provided Board staff with the CC5 position description. In summary, a CC5 serves as the agency's Brand and Creative Manager, responsible for overseeing the agency's brand(s) and managing centralized graphics and publications operations, including supervising a senior graphic designer. The incumbent also assists with developing and executing strategic marketing plans to increase customer awareness and use of Employment Security and WorkSource programs and services.

5. ESD provided Board staff with documents related to an internal investigation, including: a brief overview of Mr. Wilson's internet usage, an interview conducted with Mr. Wilson, and agency policies related to use of state equipment and internet usage.

6. In reviewing the provided documents, Board staff reviewed ESD policy #2016 Acceptable Use of Computing and Communications Resources, which stated, in part: "ESD data, documents, and emails will not be stored on personal iCloud, Google Drive, Drop Box, or similar cloud service accounts."

7. In reviewing the provided internet usage, it showed several thousand visits to DropBox.com, an online cloud storage site. In a fact-finding interview with Mr. Wilson, ESD asked about the DropBox usage, to which Mr. Wilson replied that he and "other ESD staff" use DropBox to "drop video in and other large files too big to send via email or to upload to SharePoint." Additionally, Mr. Wilson stated, "The fact there is almost 3,000 entries in here is a bit baffling to me."

8. In the fact-finding interview, conducted by ESD, Mr. Wilson admitted to accessing his Google email but stated, "I look at my Google from time to time. I have a hard time getting around firewalls. I had to email something to my work laptop. I sometimes email myself from work email to personal email or vice versa. I thought that falls under de minimis use. You can do some stuff email wise. I thought we could use our work computers for emails here and there but it had to be de minimis."

9. Additionally, ESD asked Mr. Wilson if he used his state computer to access an iCloud account for personal use. Mr. Wilson stated, "I think so. I might have had a hard time working on it on my MAC PC so its work related so I am trying to move it to my iCloud MAC. Whether I have had issues connecting to the web so I am just trying to get work done."

10. ESD asked Mr. Wilson if he had approval to upload to his iCloud account, he stated, "I don't think I have approval to upload to iCloud." ESD asked Mr. Wilson if he has uploaded personal work to the iCloud, he stated, "maybe." ESD asked Mr. Wilson if he would be willing to provide them access to his iCloud account, he stated, "Um, I don't know if I would be willing to give access to that."

11. ESD also questioned Mr. Wilson as to internet usage they had located which was believed to be personal in nature. In regard to searching for images related to "Illumeably – most beautiful women" Mr. Wilson stated, "Marketing research. But I am a dude. Looking for specific diversity image I believe. Click bate."

12. Regarding visits to Amazon, Mr. Wilson stated, "Could be some personal, could be related to ESD and give away items or employee appreciation items?"

13. Regarding a visit to Build.com, Mr. Wilson stated, "Personal search/research for home project."

14. Regarding over a thousand visits to Facebook, Mr. Wilson stated, "I have access to Facebook and other social media accounts as a communications, marketing, professional, it's my job to know how Social is being used to market to reach audiences. That said, I'm not going to say that I have not been drawn in on a personal level and then realized I'm on a work computer."

15. Based on the ESD investigation findings, Board staff requested Mr. Wilson's state issued laptop. A forensic image was then acquired and reviewed, utilizing Magnet Axium software. Upon review of Mr. Wilson's computer contents, a wide variety of personal files and internet usage were located. In total, Board staff tagged over 20,000 items as evidence of personal use, including:

Web Activity:

- Over 1,000 visits to Amazon.com with evidence showing personal shopping.
- eBay, Craigslist, and Alibaba also visited several times. Board staff researched Alibaba, it is a shopping website similar to Amazon and eBay.
- A credit card saved to Google Chrome.
- Several personal email accounts were accessed, on multiple occasions (seven separate accounts in total).
- In addition to DropBox usage, evidence of Google Drive, OneDrive, and Sync.com cloud usage.
- A visit to Zoosk.com (an online dating website).
- OnlyFans web visits (an online adult content website).
- Over 2,000 social media sites visited, such as: LinkedIn, Nextdoor, Twitter, Instagram, and Flickr.
- Several visits to curtwilsoncreative.com (Board staff researched, it is a personal webpage/business of Mr. Wilson).

- Over 9,000 visits to Facebook, between the dates of August 2020 and July 2022. Board staff searched through several of the Facebook pages accessed which were personal in nature. Additionally, several Facebook photos had been saved in the temporary cache file system. In reviewing the photographs, several were of women in various poses, family photos, photos out at bars and social events, etc.
- Over 7,500 Google searches, between the dates of January 2021 and July 2022, most personal in nature, including:
 - Pet care/supply searches
 - TV/Movie searches
 - “How to defer a ticket”
 - Multiple news website searches
 - Flight/Travel searches
 - Game searches
 - Restaurant/Winery/Brewery searches
 - Music searches
 - Several sports related searches
 - Several personal YouTube video searches
 - Multiple real estate and Air bnb searches
 - Hiking searches
 - Tattoo searches
 - Home improvement searches
 - Fitness searches
- Multiple websites accessed related to current events/news.
- Several hundred visits viewing various Air BnB homes.
- Several web visits related to landscaping and general home improvements.
- Several web visits with evidence of personal online shopping.
- Several visits to Pandora and “CherryFM,” online music streaming sites.
- Game websites visited, including Xbox live and “girlsgogames.com”
- Job searches conducted (not all state employment jobs). Several visits to indeed.com and multiple searches related to teaching jobs.
- Multiple visits/logins to Chase Bank, Xfinity, Verizon, Ticketmaster, online school websites, etc.
- Dozens of sporting news websites visited along with dozens of sports related searches.

- Visits to Adult-chat.nut.cc
- Multiple websites visited/searches conducted related to celebrity news/gossip.
- Multiple websites visited related to online music/song/lyric searches.
- Several visits to online messaging services, including: WhatsApp, Google Hangout, and Discord. Board staff inquired with ESD if any of those were utilized for state business. ESD stated, "Discord, Google Hangout, and WhatsApp have not been approved to use on employee's work computers."

Photographs:

Over 800 photographs, personal in nature, were located on Mr. Wilson's computer. Many appeared related to his online Facebook activity and online shopping/browsing activity. Several other saved photographs were clearly personal in nature including:

- Multiple "selfie" type photographs of Mr. Wilson.
- Apparent family photographs.
- Multiple volleyball sporting event photographs. Evidence would indicate that Mr. Wilson is either a volleyball coach, and/or has a child that plays organized sports.

Emails:

- December 14, 2021: Email of drawings (personal in nature, or potentially for an outside business) sent from Mr. Wilson's ESD email account to one of his personal Gmail accounts that was accessed online.
- March 11, 2022: Mr. Wilson emailed a job posting from his ESD email to a personal Gmail account.
- March 28, 2022: Mr. Wilson emailed himself an ESD work project to a personal Gmail account, from his ESD account.
- May 12, 2022: There was an email exchange between Mr. Wilson's ESD account and an outside of agency email. Mr. Wilson stated, "I think you meant to send this to my personal email", in one portion of the exchange, indicating outside business correspondence.
- May 16, 2022: Mr. Wilson forwarded an ESD email to one of his personal Gmail accounts.

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 Curt Wilson 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. Curt Wilson 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. Curt Wilson 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. Curt Wilson 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. Curt Wilson 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 Curt Wilson 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 Curt Wilson 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 Curt Wilson 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, Curt Wilson 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. Curt Wilson agrees to pay a civil penalty in the amount of three-thousand dollars (\$3,000) associated with violations of RCW 42.52.

12. The civil penalty in the amount of three-thousand dollars (\$3,000) 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.

A handwritten signature in black ink, appearing to read 'C. Wilson', followed by a long horizontal line extending to the right.

I. CERTIFICATION

I, Curt Wilson, 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.


Curt Wilson
Respondent

08/03/2023
Date

Presented by:


KATE REYNOLDS
Executive Director

9/8/2023
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

✓

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 September 2023.

Jan M Jutte
Jan Jutte, Chair

Approved via Zoom
Kelli Hooke, Vice Chair

Approved via Zoom
Shirley Battan, Member

Received
Megan Abel, Member

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

Curt Wilson, Respondent

Date