

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Terry Scott

Respondent.

No. 2022-029

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Dr. Terry Scott 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 September 6, 2022, the Executive Ethics Board (Board) received a complaint alleging that Dr. Terry Scott, part-time faculty at Bellevue College, may have violated the Ethics in Public Service Act. The complaint alleged that Terry Scott violated sections of RCW Chapter 42.52, by using state resources for her private benefit and gain and by using public resources for political campaigns.

2. According to the complaint, Terry Scott allegedly used the Bellevue College email system to email information about various events and lectures, which constitute political speech, to large numbers of employees and students at Bellevue College. Additionally, the complaint

alleged that Terry Scott was using her Bellevue College email to promote the sale of a book that she has written.

3. Terry Scott was initially hired in 2010 as a part-time faculty instructor of history. Terry Scott has continued working, on occasion, in part time assignments (typically on a quarterly basis) for Bellevue College as both an instructor and in curriculum development for history. Terry Scott is presently on leave status, but still has access to her Bellevue College email account.

4. As part of this investigation, Board staff requested a copy of Terry Scott's computer, TEAMS messages, and emails for the past twelve months. Bellevue College provided the requested messages and emails, but informed Board staff they did not issue Terry Scott a computer, she utilizes a personal device.

5. Board staff reviewed the provided TEAMS messages and emails. There was nothing of evidentiary value noted in the TEAMS messages related to this complaint.

6. Based on the complaint that Terry Scott was the sender of alleged political emails, Board staff reviewed all emails sent by her. In an email sent from Terry Scott on July 4, 2022 to the Black Employee BC, Black Students Affinity Coordinator, Faculty/Part time, and Faculty/Full Time - Terry Scott had an email signature at the bottom of the email which stated, "My latest book is now available: Lynching and Leisure: Race and the Transformation of Mob Violence in Texas" with a clickable link. Board staff clicked the link, which went directly to an "add to cart" option of Terry Scott's mentioned book, \$24.95 on sale for \$18.71.

7. In an additional email sent from Terry Scott on, July 4, 2022 to Black Employee BC, Black Students Affinity Coordinator, Faculty/Part time, Faculty/Full time, Terry Scott again noted in her email signature, "My latest book is now available: Lynching and Leisure: Race and

the Transformation of Mob Violence in Texas” with a clickable link. Additionally, it listed “Also available: Seattle Sports: Play, Identity, and Pursuit in the Emerald City” with a clickable link. That also directly went to an “add to cart” option of that book on Amazon, also written by Terry Scott for \$26.83.

8. In an email sent from Terry Scott on July 12, 2022 to Megan Watson, Terry Scott again noted in her email signature, “My latest book is now available: Lynching and Leisure: Race and the Transformation of Mob Violence in Texas” with a clickable link. Additionally, it listed “Also available: Seattle Sports: Play, Identity, and Pursuit in the Emerald City” with a clickable link.

9. In an email sent from Terry Scott on August 9, 2022 to unknown recipient(s); it stated: “Hello! Please join us for an important conversation about the assault on truth in Florida’s educational system and what we can do to stop it. Monday, August 15 at 5:00 pm PST. This lecture is free!” A clickable link was provided as well. Board staff researched the Eventbrite link. The information provided in the “about this event” section stated:

“The attack by political conservatives on accurate education about American history, especially on matters of race and voting, is at DefCon 1. Educators are being intimidated, muzzled, discouraged, and fired, and students are being provided incomplete, inaccurate, and damaging information. Florida, led by Governor and leading Republican 2024 candidate Ron DeSantis, is ground zero for this assault on truth. There’s textbook censorship, School Board meetings disrupted, the “Don’t Say Gay” law, Civil Rights history cancelled, and a Orwellian state “Civics Literacy Excellence Initiative.” Join Dr. J. Michael Butler, the Kenan Distinguished Professor of History at Flagler College (in St. Augustine FL), for a discussion from the front lines of a war on History and Civics educators in Florida. Dr. Terry Anne Scott, Director of the Institute for Common Power, and former University of Washington professor Dr. David Domke will co-host.”

10. No other sent emails from Terry Scott were located, related to her book(s) or political campaigns, as mentioned in the complaint. Furthermore, it should be noted that Board staff located several emails sent from Terry Scott that did not have links to her books in the email

signature. Moreover, Board staff concluded that that Dr. Scott did not use state resources to assist a campaign for election of a person or to promote or oppose a ballot opposition as prohibited in RCW 42.52.180.

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 Terry Scott 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. Terry Scott 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. Terry Scott further agrees that the evidence available to the Board is such that the Board may conclude she 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. Terry Scott waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or her 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. Terry Scott 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 Terry Scott 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 Terry Scott 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.

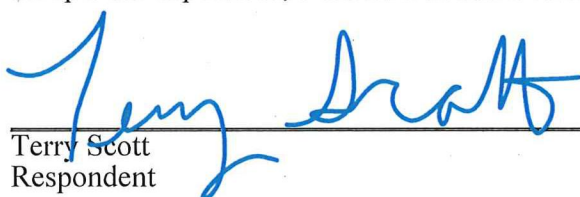
10. If the Board rejects this stipulation, or if Terry Scott does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, Terry Scott 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. Terry Scott agrees to pay a civil penalty in the amount of two-thousand dollars (\$2,000) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand dollars (\$1,000) on the condition that Terry Scott 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 one-thousand dollars (\$1,000) 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, Terry Scott, 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.

 6/29/2023
Terry Scott Date
Respondent

Presented by:

 7/12/2023
KATE REYNOLDS Date
Executive Director

II. ORDER

Having reviewed the proposed stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

✓

ACCEPTED in its entirety;

REJECTED in its entirety;

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

DATED this 14th day of July 2023.

Approved via Zoom
Jan Jutte, Chair

Approved via Zoom
Kelli Hooke, Vice Chair

Absent
Earl Key, Member

Shirley Battan
Shirley Battan, Member

Approved via Zoom
Megan Abel, Member

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

Terry Scott,
Respondent

Date