

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Brittany Prows

Respondent.

No. 2022-032

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Brittany Prows 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 19, 2022, the Executive Ethics Board received a complaint that Britany Prows, an Administrative Assistant 3 (AA3) at the Coyote Ridge Corrections Center (CRCC) with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and improperly secured confidential information.

2. According to the DOC, Brittany Prows was originally hired on June 20, 2019 as a probationary Secretary Senior. On December 20, 2019, they gained permanent status as a Secretary Senior. On July 1, 2022, Brittany Prows requested a position allocation to AA3, which

was the position they held until they resigned from the DOC on February 11, 2023. Brittany Prows' work hours were 7:30 am to 4 pm and their direct supervisor was Captain Jeremy Long.

3. According to the complainant, Brittany Prows has committed multiple violations of DOC policies and the Ethics Laws.

Improper use of Leave and Teleworking

4. According to the complainant, Brittany Prows works as a Secretary Senior for Captain Jeremy Long at CRCC. The complaint states that Brittany Prows shift is 7:30 am to 4 pm but they do not show up to work until 8:30 or 9 am at the earliest and usually leaves for the day between 2 and 2:30 pm. The complainant alleges that if Jeremy Long is not in Brittany Prows will find a reason to leave early and does not put in for leave when their absence occurs in conjunction with Jeremy Long's absence.

5. According to the complainant, in the last nine months alone, Brittany Prows used at least 80 hours of sick leave and went on a vacation overseas. The complainant alleges that prior to taking their vacation; Brittany Prows said that they did not have enough leave to cover their vacation because of a family member's illness.

6. According to the complaint, prior to the sick leave and overseas vacation, Brittany Prows used 40 to 80 hours of leave at the beginning of 2021 for an out-of-state vacation. In the middle of 2021, they were off approximately six weeks for a medical procedure, only coming into work occasionally for a "graduated return to work." According to the complainant, Brittany Prows was allowed to telework from home until the six weeks were reached. The complaint said that during this period, Brittany Prows shared with staff that they and their husband were hunting and having several family members in town while getting ready for a wedding and reception at the end of the six-week period.

7. According to the complainant, there is approximately 100 plus hours of additional leave that Brittany Prows has used over the past three years. Brittany Prows might submit leave slips for some of their leave, but Brittany Prows doesn't submit leave slips for all the time they take off. The complainant calculated that Brittany Prows used approximately 1160 hours of leave since employment with the DOC, which is at least 500 more hours that Brittany Prows could have accrued since being hired.

8. According to the complainant, over the last couple of months, Brittany Prows has been showing up to work more frequently, however Brittany Prows is still not working a full eight-hour day. On Mondays, Brittany Prows does not show up until around 9:30 am and the rest of the week, they do not show up until almost 8:30 am or later. Brittany Prows leaves work between 15 to 45 minutes early each day.

9. According to the complainant, this still equates to around four hours each week that Brittany Prows is coming in late or leaving early without submitting leave slips. The complaint alleges that Brittany Prows claims to stop by the Minimum Security Unit (MSU), on their way to work or as they are leaving, but they do not always stop there. Additionally, when Brittany Prows takes "coffee" or "lunch breaks" Brittany Prows leaves the facility at times for an hour or more during their work day when they are only authorized to take a thirty-minute lunch break.

10. According to the complainant, while teleworking, Brittany Prows made it very well known that they do not have reliable internet service at their residence. Prior to having a department issued laptop, Brittany Prows would send documents and spreadsheets to their personal email address and save the document and spreadsheet to their home computer. Brittany Prows claims to work on the documents "off line" and then emails the document and spreadsheet from their personal email to their work email. Brittany Prows said that they do it this

way because they do not have reliable internet service and must use their cell phone data plan to send or receive email.

11. According to the complainant, when Brittany Prows was issued a department laptop, Brittany Prows continued to say that they did not have reliable internet service at home and was not able to run all the programs that Brittany Prows could if working from their cubicle.

12. The complainant alleges that Brittany Prows can access their work email on their personal cell phone but did not feel that checking your email on your personal device constitutes teleworking. The complainant said that if you email Brittany Prows when they are teleworking, most of the time, you won't get a response until Brittany Prows returns to the facility.

13. According to the complainant, the last couple of years Brittany Prows' children have been enrolled in the Connell School District, even though Brittany Prows lives in Othello, Washington. On days that Brittany Prows teleworks, if their children are in school, Brittany Prows spends close to two hours of their workday transporting their kids to and from school. The complainant alleges that there were some days that Brittany Prows said they were going to be teleworking, but Brittany Prows didn't even take their laptop home.

14. The complainant alleges that Brittany Prows continuously complains to others in their building about being behind in their work duties and that they can't keep up with their assigned work load. Because Brittany Prows only works partial days, it would only make sense that they are behind in their work. A few times, Brittany Prows has had other staff helping them with their work duties (scanning and uploading documents into folders and updating spreadsheets).

15. In a written response to Board staff, Brittany Prows said that even during their normal workday they could spend an entire month busy and never respond to an email. It is the nature of the data entry associated with their work. Brittany Prows said that they did the best they could while they waited for their laptop to be provided.¹ Brittany Prows said that they were working from their personal mobile hotspot. Brittany Prows kept her supervisor up to date on what they were doing and they were satisfied with the work Brittany Prows was doing.

16. Brittany Prows said that they were unaware that their teleworking schedule was an issue. Brittany Prows said they completed their work, and their supervisor never brought up any concerns about their work product. Brittany Prows said if it was a problem they wish that it had of been addressed a long time ago and they and their supervisor could have come up with a plan that would have worked better. Brittany Prows said they did her best with what they were provided.

17. In regards to them getting others to do their assigned work, Brittany Prows said that since there was no timeframe given, Brittany Prows believes that the complaint is referring to a situation around June 2022 when they were backed up on public disclosure work and another employee asked them if they could do something to help. Brittany Prows said they asked them to scan 10 packets. Brittany Prows said that was it.

18. Brittany Prows said they do not pass their work off. They said people offer to help them all the time and they turn them down. Brittany Prows said that they feel that they have to be accountable for their work, and they do not trust others to do it correctly. Brittany Prows said

¹ According to the DOC, Brittany Prows requested VPN on August 12, 2020 and it was provided to them on October 6, 2020. Brittany Prows laptop was issued on October 21, 2020 so they had a laptop at home along with a VPN all but two months for telecommuting.

that in regards to the help with public disclosure assistance, it was a Secretary Senior helping a Secretary Senior one time.

19. In regards to them verbalizing that they are behind on their work, Brittany Prows said that CRCC took the position of two Captain's secretaries and combined them. Because of this, it took them a very long time to get everything caught up and in a system where they could maintain it.

20. Brittany Prows said that they had a conversation with their supervisor this spring and they came up with a different process. Brittany Prows said to their knowledge there has not been any issues. When they brought up concerns that they had, their supervisor addressed them and they figured things out. Brittany Prows said that most of the work they do at home never needs a computer. Brittany Prows does things to prepare for the next day, such as sorting documents, organizing lists or transcribing notes. They said they have a lot of work that they can do away from their desk without logging into a server. Brittany Prows said that sometimes it's nice to just sit and work quietly.

21. In regards to leaving work early when her supervisor is not there, Brittany Prows said this is not true. Brittany Prows said if they leave work, they let her supervisor know and submits a leave slip. If they forget to submit a slip, they will do it after. Brittany Prows said their job is not solely dependent on their supervisor being here. If they leave, they tell someone else when and where they are going. Not because they need their permission but they feel they need to be accountable to themselves and others.

22. Brittany Prows said that when they go to lunch, which they hardly ever do, they take that opportunity to drop off packets, catch a Sergeant to talk about Peace Officer Cards, run travel for signature, catch up with public disclosures, or even bump into someone that they have

not seen in months. Brittany Prows said that when they go off-site they follow the timeframe allowed.

23. Brittany Prows said that there is a constant misconception that the sign-out sheets are the sole way people track hours when people work, and that is not true. Brittany Prows said that there are times where they have sat down with an officer and ended up talking for over an hour. That doesn't mean they were not at work. Brittany Prows said they have tried to explain this to people that have concerns about where they are and what they is doing.

24. Brittany Prows said that when COVID first happened and they were able to get their kids back into school, they worked with their supervisor on their schedule. Brittany Prows said they worked at home and in office everyday according to the schedule set between them and their supervisor. At the end of this past school year, Brittany Prows and their supervisor had a discussion and decided to move forward in a different direction. Since that conversation, they have not spent anytime teleworking, and they have been at the facility for at least 8 hours every day, unless they have to care for their family at which time they put in a leave slip.

25. Brittany Prows said they took approximately 80 hours of leave when their children had COVID. Brittany Prows said they ended up having to take a number of hours as LWOP, per a conversation with their supervisor, because of their own illness. Brittany Prows said they did the best they could and was always communicating with their supervisor.

26. In regards to them taking several weeks off when the schools were shut down, Brittany Prows said that they submitted the required documents to be gone. Brittany Prows said they changed the policy while they were gone and they ended up taking a dock in pay for it. Brittany Prows said her supervisor was tracking their time off and according to them, everything was ok.

27. Brittany Prows said they do not understand why taking leave is an issue. Brittany Prows communicated with their supervisor when they took a vacation. Brittany Prows said that all of the leave taken was approved by their supervisor.

28. Board staff were provided with the investigation (IR) conducted by DOC regarding Brittany Prows' attendance at work. The IR stated that the investigator used the Check-in and Out Sheets (Time Sheet) utilized by CRCC and Brittany Prows' leave records as part of their review. According to the investigator, the time sheet is a paper sign in sheet that employees use to sign in and out of the facility. The investigator said that the KeyWatcher log used for signing out keys was very confusing and as such was not used as part of the review.²

29. Board staff reviewed the IR with the investigator on the telephone. Board staff were provided with an Excel spreadsheet, time sheets and leave records for Brittany Prows for the period of January 1, 2020 through October 31, 2022. According to the investigator, they subtracted the two days per week that Brittany Prows' telecommuted to work and 30 minute breaks from the total unaccounted for hours.

30. According to the IR, the investigator found the following totals for unaccounted hours:

- January 1 2020 through December 31, 2020: Approximately 490 Hours
- January 1, 2021 through December 31, 2021: Approximately 752 Hours
- January 1, 2022 through October 31, 2022: Approximately 249 Hours
- Total unaccounted for hours: Approximately 1,491 Hours³

² The DOC investigator said that they found that keys were checked out sometimes for weeks. They said that in some cases, there was no time recording for when the keys were signed out or signed back in.

³ According to the US Federal Government, taking into account leap years, the average number of hours worked for a full time employee is 2,087 per year

31. According to DOC, the check-in/out sheets were established in response to the officer being murdered at MCC back in 2011 and those are to ensure if something happens, every individual body is accounted for. Custody staff inside a prison are pretty much a given as most of those posts are 24/7/365 days a year and require relief when someone is not there. In Brittany Prows' case, they are not custody staff and if a disaster/emergency was to occur, people are searched out based on those sign in/out sheets. Entering the secure perimeter of the facility requires sign in/out and CRCC has an officer monitoring those sheets (they are in a binder at the main entrance). Brittany Prows' office is inside the secure perimeter and if they are at work they would need to go through that process.

32. According to DOC, although there may be some variables, in Brittany Prows' case, all documents go through the Captain's office. If the Captain is not there then they need to be there. If Brittany Prows is on site, their office is in the secured area so they have to be signed in.

33. Board staff emailed Brittany Prows the findings for the unaccounted for hours. In an emailed response, Brittany Prows said, "I have nothing left to say. I have already explained the amount of work I did both in and out of the facility while not logged into a computer."

34. In her written response to Board staff, Brittany Prows said that they were genuinely exhausted by everything having to do with DOC. Brittany Prows said they have not lied and the fact that so much of their work has been questioned is beyond them. Brittany Prows said they do not mind answering questions if they are specific, but they just want this to be over with. Brittany Prows would like to finish this so she can move on with her life and close out that wretched chapter.

35. Board staff contacted DOC and requested the total amount of wages that Brittany Prows was paid for the 1,491 hours. As of the date of this report, DOC has not responded.

Confidential Information

36. According to the complainant, Brittany Prows has said that they have taken Use of Force and Incident Management Report System (IMRS) packets home with them. The complainant alleges that it was discovered about a year ago, that several of the packets were missing. The complainant said that Brittany Prows is responsible for filing these packets. The complainant states that it is unknown why Brittany Prows would need to take these packets home where anyone could have access to these documents.

37. According to the complainant, Brittany Prows has a practice of shredding documents that are normally stored in the N building file cabinets or in the archives area. These are documents that they are responsible for maintaining and storing. At one point, Brittany Prows emptied out several drawers in the file cabinets and shredded all of the documents.

38. According to the complainant, Brittany Prows had custody staff at MSU assisting them with removing several boxes from the archives area to be disposed of when the shred truck was at the facility. Earlier this year, after submitting a large volume of documents (at least three weeks or more of copying and scanning) for a public disclosure, Brittany Prows made sure everyone in N building knew that they were going to archives to shred boxes of stuff so that they would not have to produce the documents later if they received another large public disclosure request. According to the complainant, it is suspected that Brittany Prows does request proper authorization from DOC Headquarters prior to disposing of the documents.

39. In a written response to Board staff, Brittany Prows said that during the heat of COVID, they took a lot of their documentation back and forth. Brittany Prows said that they did

not perceive any of it to be an issue, because others around them were doing the same thing, at all levels of staffing. Brittany Prows said they never lost an IMRS packet. Brittany Prows said that those documents are the most important documents they work with and they are vigilant about their protection and proper archival. Brittany Prows said that no IMRS under their possession has ever “disappeared.” Brittany Prows said that on many occasions, other staff got frustrated with them because they had them under such lock and key that no one else could access them.

40. In regards to them handling of public disclosure requests, Brittany Prows said they were taught the process by one of their security specialists, as well as staff from public disclosure. Brittany Prows said that they followed the procedures they were taught.

41. In a written response to Board staff, Jeremy Long said that the IMRS Packet goes to DOC Headquarters. They said the actual IMRS packet and all supporting documentation and video, if available, goes with it. Jeremy Long said that they did have some packets come up missing but it wasn't from a year ago, they were from 2019/2020. Jeremy Long said they created a spreadsheet to account for all of them. Jeremy Long said it could have been the shift lieutenants not completing a packet and not from it being lost.

42. According to Jeremy Long, it could have also have been lost while being handed to a supervisor to review. Jeremy Long said they were out for about a year in 2019/2020 from a vehicle accident so they are not sure who was reviewing the packets while they were gone. Jeremy Long said Brittany Prows helped create a spreadsheet to make sure all IMRS's were being completed. Jeremy Long said they do not think Brittany Prows lost any of them personally. Jeremy Long said there was not an investigation into this, just a new tracking mechanism to make sure they could account for every one of the packets.

43. Jeremy Long said that Brittany Prows was authorized to work from home up to two days a week during COVID. Jeremy Long said that they did not put any restrictions on what they could take home to work on. Jeremy Long said they were not sure why Brittany Prows would need to take them home to file and log them but again hey didn't put any restrictions on what she could or couldn't take home. Jeremy Long said they have no evidence Brittany Prows did take any home.

Use of State Resources

44. According to the complainant, Brittany Prows uses their DOC computer to watch full-length movies on YouTube during their workday. These movies last up to two hours at a time. They are action movies, Harry Potter, and animated movies, etc. Brittany Prows also listens to audio books and music on their state computer. The complainant alleges that Brittany Prows has the volume at a level that everyone working in the cubicles or walking by can hear whatever they are listening too. The complainant alleges that Brittany Prows has used their work computer to browse shopping websites, look for campsites and hotels in violation of DOC policy.

45. In a written response to Board staff, Brittany Prows said that they listen to a variety of things in the background on their computer. Brittany Prows said they are much more efficient when they are listening to something than just sitting in the quiet. Brittany Prows said they do not sit and watch movies. Brittany Prows said they pause the background music when they are speaking to people so they can dedicate their full attention to them. Brittany Prows said if this is a problem, no one has said anything to them. Brittany Prows said if necessary, they could download what they listen to on their personal device and listen to them that way.

46. In regards to shopping online or using their work computer for personal use, Brittany Prows said they have done this on rare occasions, but so has most of the facility and most

likely most people in the state. Brittany Prows said their use has been minimal and is usually done while they are on their lunch break at their desk.

47. Board staff requested a copy of Brittany Prows' work email history and an image of their work computer from DOC. Board staff were provided with the emails in a PST format for Brittany Prows' for the period of January 31, 2020 through October 31, 2022.

48. A review of Brittany Prows email history revealed that between May 13, 2021 and September 7, 2022, Brittany Prows sent or received approximately 17 emails that appeared to be non-work related. Fourteen of those emails were discussing health insurance and family medical issues with family members. Three of the emails were from Hotwire Vacations and included the itinerary and discussions with what appears to be Brittany Prows' husband about a trip to Washington DC from June 11, 2021 through June 15, 2021.

49. Board staff were also provided with a forensic image of Brittany Prows' work computer.⁴ A review of Brittany Prows history on their work computer revealed the following use.

50. Between April 21, 2021 and October 10, 2022 Brittany Prows accessed YouTube.com at least once on 80 different days.

51. In July 2022 she was on YouTube.com at least once on 16 different days. The following are examples of the time Brittany Prows was spending on YouTube.com.

- July 7, 2022 she accessed YouTube at 8:02 am and signed off at 2:22 pm.
- July 8, 2022, she accessed YouTube at 9:31 am and signed off at 2:20 pm.
- July 20, 2022, she accessed YouTube at 8:24 am and signed off at 2:25 pm.

⁴ Board staff processed the PST file and computer hard drive for Brittany Prows on a Forensic Recovery of Evidence Device (FRED) using the Magnet Axiom Digital Investigation Platform to acquire and analyze the PST file and computer hard drive.

52. In August 2022 she was on YouTube at least once on 18 different days. The following are examples of the time Brittany Prows was spending on YouTube.com.

- August 8, 2022, she accessed YouTube at 8:34 am and signed off at 10:40 am.
- August 15, 2022, she accessed YouTube at 8:44 am and signed off at 1:18 pm.
- August 24, 2022, she accessed YouTube at 8:20 am and signed off at 12:35 am.

53. Between November 2, 2021 and September 11, 2022, Brittany Prows visited Facebook.com. on 11 different work days including:

- June 10, 2022 she visited the Facebook page for "Dayana's Beauty Salón."
- July 25, 2022 she visited multiple Facebook pages including her own from 7:44 am until 2:38 pm.
- July 26, 2022 she visited multiple Facebook pages including her own between 9:19 am until 2:15 pm.
- July 29, 2022 she visited multiple Facebook pages including her own from 7:52 am until 8:52 am.
- August 2, 2022, she visited multiple Facebook pages including facebook.com/marketplace from 1:50 pm until 2:12 pm.
- September 8, 2022, she visited multiple Facebook pages between 8:43 am until 3:32 pm.

54. Brittany Prows searched Google.com approximately 6,000 times between February 1, 2021 and October 10, 2022. Some of the searches appeared to be work related. The following searches are examples of searches that did not appear to be work related:

Misc Searches:

- Vintage truck image,
- Once upon a time, book series,
- Yqca login (Youth Quality Care of Animals),
- Make my own diet meal plan,
- Online pilot training,
- Othello sports,
- Gaming Tower PC,
- Minecraft house blueprints,
- Ticket Master (No evidence any tickets were purchased.),
- Grant County Fair 2022,
- Walmart hair salon Moses Lake book appointment,
- Connell Nail Salon,
- Home improvement stores, A/B Grade Plywood, what is Marine Grade plywood, Restore an old Boat, Boating store near 99344.

YouTube.com sites accessed include:

- Multiple Gaming sites including Minecraft, Naked & Scared, Minecraft Speedrunner Spy VS Hunter, Minecraft- Hermit Craft: Thrown into Exile and Dungeons & Dragons.
- Movies, music videos, dance videos, self-help videos, informational videos and audiobooks.⁵

Multiple Google sites for information on what appears to be television shows movies and podcasts including:

- Why did critical role leave geek and sundry,
- Matt and Marisha wedding,
- Taliesin Jaffe,
- Travis Willingham secondhand lions,
- Liam Obrien family.
- When does Vex and Percy get together

Court:

- WA State Custodial an parenting plan, forms,
- Custody decree,
- WA Courts,
- Marriage Records,
- Divorce Decree,
- Look up Divorce Records,

Travel:

- Royal Caribbean Cruise November 2022,
- RV near Entiat,
- Flight from Portland to Lax,
- San Francisco to LA,
- Flights to LAX from Seattle,
- Hotel Murano,
- Silverwood Theme Park,
- Cabin rentals near Silverwood Theme Park,
- Lodging in Spokane WA,
- Vacasaa, Vacation Homes and Rentals,
- Eve Online Las Vegas (Events in Las Vegas)

⁵ A review of Brittany Prows computer history found evidence that Brittany Prows was storing some of the audiobooks in carts to purchase. Board staff were unable to determine if they were purchasing them on their work computer.

55. Between December 1, 2021 and February 18, 2021, Brittany Prows visited the Intuit Turbo Tax site two times.

56. Brittany Prows visited the Amazon.com website at least once on 23 different workdays between November 20, 2020 and October 11, 2022. Board staff were unable to determine if they purchased anything while on the website.

- Four visits occurred in September 2022.
- Four visits occurred in July 2022.

57. Board staff found approximately 10 PDF and Word documents saved on Brittany Prows' computer. Those documents included:

- 127 page tax return for 2020 for Brittany Prows under her former name (Brittany Woolbright)
- Hotel booking confirmation for Brittany Prows at the Wingate by Wyndham Moses Lake for September 9 and 10, 2022. The booking is for one adult and three children.
- Confirmation for an order through Walmart.com using Brittany Prows' personal email address for a contact.
- Soccer information including schedule and directions for what appears to be one of Brittany Prows' children.
- Schedules for childrens' days at school and chores.
- Two documents regarding divorce information for an unknown female, initials of AMB.

58. Board staff provided Brittany Prows with a copy of what was found on their computer history and requested they explain how it was job related. In a written response to Board staff, Brittany Prows said that they had no idea they could not send emails to their family members. Brittany Prows said that if they had known that, they would not have sent them. Brittany Prows said that none of the emails they sent were done with an intent to negatively affect anything.

59. In regards to accessing YouTube, Brittany Prows said they used the websites to cope with the constant struggle of reading about rape, assault, and murder that was such a large part of my job. Brittany Prows said that once they found out using YouTube was wrong, they

stopped using it. Brittany Prows said that was frustrating because everyone used YouTube, and since that was the case, they didn't know it was a problem and was never told it was a problem.

60. Brittany Prows said that as far as the Google searches go, they used Google for work. They said that employees in the N building would use it to decorate their workspace. Brittany Prows said that most of their searches were work related, whether it was for a formula to make Excel more efficient.

61. Brittany Prows said they used Google to search retention tables and news for teamsters, and templates for labels, just to name a few things that were regularly necessary. Brittany Prows said that anything that appears as a health or diet thing usually followed something they did on the smart health website, and they were trying to find ways to take care of themselves.

62. Brittany Prows said they used Turbo Tax to the get the social security numbers of their children for human resources. Brittany Prows used Amazon to order supplies for work. They said their searches regarding travel was used mostly to show their boss where they were going for a trip.

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:

- (1) 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.

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 Brittany Prows 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. Brittany Prows 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. Brittany Prows 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. Brittany Prows 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. Brittany Prows 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 Brittany Prows 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 Brittany Prows 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 Brittany Prows 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, Brittany Prows 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. Brittany Prows agrees to pay a civil penalty in the amount of five-thousand-five-hundred dollars (\$5,500) associated with violations of RCW 42.52.

12. The civil penalty in the amount five-thousand-five-hundred dollars (\$5,500) 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, Brittany Prows, 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.

Brittany Prows 06/14/23
Brittany Prows Date
Respondent

Presented by:

K. Reynolds 7/14/2023
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, Brittany Prows, accept/do not accept (circle one) the proposed modification(s).

Brittany Prows, Respondent

Date