

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Jessica Wilks

Respondent.

No. 2022-040

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Jessica Wilks 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 November 22, 2022, the Executive Ethics Board (Board) received a referral from Lower Columbia College (LCC) alleging that Jessica Wilks (Ms. Wilks), a Fiscal Specialist 2 (FS2) with LCC, may have violated the Ethics in Public Service Act by conducting activities incompatible with public duties, using state resources for private benefit or gain and that she provided special privileges to herself and family members.

2. According to LCC, Ms. Wilks was originally hired on May 1, 2017 as a Fiscal Technician 2 (FT2) in Finance. On February 1, 2019, she was promoted to FT Lead. On June 8, 2020 she was promoted to FS2 (VA, Loan and Workstudy Coordinator) in Financial Aid which

was the position she held at the time of the allegations. According to LCC, as a result of the LCC investigation, Ms. Wilks was discharged from her position with LCC effective December 26, 2022.

3. According to LCC, Ms. Wilkes disbursed CARES Aid to herself over the past academic year in the amount of \$8,000.<sup>1</sup> Ms. Wilkes signed up for classes, then dropped the classes, without attending, as soon as she received the aid. Additionally, it appears that Ms. Wilkes disbursed CARES Aid to someone that lives at her address and to her sister and brother.

4. During a subsequent interview, LCC advised Board staff that they believed that Ms. Wilks may also have been using her work computer and email for private benefit or gain.

5. At the conclusion of the LCC investigation, Board staff were provided with a copy of the IR. According to the IR, the investigation was conducted by the LCC Director of Human Resources (HR), Samantha Orth (Ms. Orth). Included in the IR was a report from the Customer Support Director at the State Board for Washington Community & Technical Colleges (SBCTC).

6. According to the SBCTC report, Ms. Wilks was “awarded and dispersed” CARES funding in the amount of \$2,000 on January 10, 2022. Ms. Wilks dropped her classes on January 5, 2022. For spring quarter 2022, Ms. Wilks was awarded and disbursed CARES on March 28, 2022 in the amount of \$2,000. Ms. Wilks dropped the class on March 29, 2022. The spring quarter classes didn’t start until April 4, 2022. The funds were awarded and dispersed by the LCC Program Coordinator, Jonathan Jacobs (Mr. Jacobs).

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<sup>1</sup> According to their website, the Coronavirus Aid, Relief, and Economic Security Act or, CARES Act, was passed by Congress on March 27, 2020. This bill allotted \$2.2 trillion to provide fast and direct economic aid to the American people negatively impacted by the COVID-19 pandemic. Of that money, approximately \$14 billion was given to the Office of Postsecondary Education as the Higher Education Emergency Relief Fund, or HEERF.

7. According to the SBCTC, for summer quarter 2022, Adrianna Slape (Ms. Slape), the former Program Assistant in Financial Aid, awarded CARES to Ms. Wilks. Ms. Wilks disbursed \$2,000 of CARES funding to herself on July 6, 2022. Ms. Wilks dropped the class on July 7, 2022. Summer quarter classes began on July 5, 2022.

8. For the fall quarter 2022, Mr. Jacobs awarded Ms. Wilks the \$2,000 CARES funding, and Jessica Harris (Ms. Harris), the Assistant Director of Financial Aid, disbursed the funds on September 12, 2022. Ms. Wilks dropped the class on September 16, 2022. Fall quarter classes began on September 19, 2022.

9. According to the IR, the following LCC employees were interviewed as part of the investigation:

- Jonathan Jacobs (Mr. Jacobs), Program Coordinator
- Jessica Harris (Ms. Harris), Assistant Director of Financial Aid
- Serena Murray (Ms. Murray), Program Specialist 2
- Nichole Seroshek (Ms. Seroshek), ctcLink<sup>2</sup> Project Manager/Business Process Analyst
- Adrianna Slape (Ms. Slape), former Program Assistant in Financial Aid
- April Tovar Villa (Ms. Tovar Villa), Director of Financial Aid
- Dani Trimble (Ms. Trimble), Director of Workforce<sup>3</sup> & Career Services
- Jessica Wilks (Ms. Wilks), a Fiscal Specialist 2

10. According to the IR, Ms. Trimble, Director of Workforce & Career Services, was interviewed over the phone on October 17, 2022. Ms. Trimble was asked to explain the process for students seeking CARES Act funding. Ms. Trimble initially described the CARES Act Explained page on the LCC website. There is one application for emergency aid, which includes

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<sup>2</sup> *ctcLink* is a state-wide administrative system that gives students, staff, and faculty access to their college business and accounts anytime, from anywhere.

<sup>3</sup> According to the LCC website, Workforce helps job seekers improve their skill-sets and training credentials so that they may enter, re-enter, or advance in the workforce as qualified employees.



CARES Act funding. She said that students must submit an application each quarter that they are requesting aid for. Applications are downloaded every day. The Workforce team reviews the application, verifies students are enrolled in the current quarter, makes notes of the program they are enrolled in, and reviews to see if they have submitted a Financial Aid application (FAFSA). They look at students' needs and circumstances individually.

11. Ms. Trimble said that initially, students had to be impacted by COVID for first round of CARES funding (i.e. couldn't work due to COVID, lost job). CARES III requires an exceptional need. Students must demonstrate the need on their applications. Sometimes, students will meet with someone from the Workforce team to talk through their needs and application for emergency funding. Ms. Trimble said that they could not enforce students completing a FAFSA for CARES Act funding specifically although students do typically have a program they are working towards.

12. Ms. Trimble said that the Workforce team reviews for eligibility about 10 days before the quarter starts. They verify that students are enrolled and add them to a tracking Google Sheets that is shared with Financial Aid. The Google Sheets list students eligible for award, student EMP IDs, the amount, and the funding type. Mr. Jacobs is the primary Financial Aid staff member to process awards. Workforce does not go back and check again to make sure they are enrolled before Financial Aid awards and disburses. Ms. Trimble said that Ms. Wilks sometimes helps Mr. Jacobs with disbursements.

13. According to Ms. Trimble, the amount awarded to students is determined through use of a matrix. They prioritize funding by student need. For the CARES Act, they honor what students are requesting up to a certain amount. Students cannot be awarded CARES Act funding totaling more than the Pell grant award, \$6,400 in an academic year. As a result, \$2,000 is the



quarterly max for the CARES Act funding. Funds are distributed directly to the student unless they give consent to not do that. They could consent to have it applied to tuition and fees owed for that quarter. Most students receive the funds directly.

14. Ms. Trimble said eligibility for the CARES Act funding is not based on continued or future enrollment. However, they do need to be a current student enrolled in the current quarter in which they are requesting the funds. Ms. Trimble said the rule about students staying enrolled through the 10<sup>th</sup> day of the quarter is something they cannot enforce. If students drop after receiving the CARES Act funding, they are not required to repay the amount. Other financial aid does require repayment by the student if the student drops the class. She said that there is no follow-up or verifications that students stay enrolled for the required 10 days under CARES.

15. According to the IR, Ms. Trimble provided the emergency grant applications submitted by Ms. Wilks for winter 2022, spring 2022, summer 2022, and fall 2022. No other grant applications were submitted prior to winter 2022. In a review of Ms. Wilks' applications, Ms. Trimble said that Ms. Wilks has not filled out a FAFSA. She said that Ms. Wilks is an Associate of Arts Direct Transfer Agreement (AA-DTA)<sup>4</sup> student but has not made any progress towards that degree.

16. According to the IR, Ms. Trimble was asked about winter 2022 timelines for Ms. Wilks' eligibility review. Ms. Trimble said that for winter 2022, Ms. Wilks submitted the application on January 5, 2022 at 9:52 am. The application was reviewed by Workforce the same day, likely within an hour or so after submission. Ms. Trimble confirmed that Ms. Wilks added a

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<sup>4</sup> According to the website, when you earn a two-year Associate of Arts Direct Transfer Agreement degree, you can transfer to any public university in Washington state as a junior, with virtually all your general education credits fulfilled. Many independent colleges also accept these degrees.

class on January 5, 2022 and dropped the class that same day. She said Workforce listed Ms. Wilks as eligible on the Google Sheets shared with Financial Aid on January 9, 2022. The funding was applied on January 10, 2022 and the check was disbursed on January 11, 2022. Ms. Trimble said that she is not aware of Financial Aid reaching out to verify Ms. Wilks' eligibility before disbursing the funding to Ms. Wilks.

17. According to the IR, Ms. Tovar Villa, Director of Financial Aid and Ms. Wilks' supervisor, was interviewed on October 18, 2022. Ms. Tovar Villa said that Mr. Jacobs does all the Financial Aid awarding for Workforce. Up until September 13, 2022, awarding was all manually processed. She said that Ms. Harris typically does disbursements but sometimes Ms. Wilks will assist Mr. Jacobs when he is backlogged.

18. She said that once Workforce provides the names of eligible students to Financial Aid, Financial Aid staff then disburse the award. They do not double check eligibility and she does not believe there is follow-up if there is a question on eligibility or if an error pops up for a student because Workforce has determined the student is eligible.

19. When asked about any procedures or expectations around staff updating their own record, Ms. Tovar Villa said that it is a verbal policy and best practice that staff do not take any action on their own record. She said that she was unable to find a written procedure.

20. According to the IR, Mr. Jacobs was interviewed on October 19, 2022. He was asked if there is a written procedure, policy, and/or expectation that staff do not take action on their own record. Mr. Jacobs said you do not take action on your own record. He does not know if there is a procedure in writing, but he knows it is an expectation not to do that. Mr. Jacobs said that you would not ever want to mess with your own file because you are dealing with money. He has never heard of an exception to this rule nor is he aware of anyone doing that in Financial Aid.

Mr. Jacobs said that when he was a student, he would go to Ms. Harris or another staff member to have them look at his file.

21. The IR provided the following analysis of the investigation. The investigator sectioned off the major components of the investigation.<sup>5</sup>

22. Winter Quarter 2022:

- Class: English 102 (online, optional meeting time on Wednesdays 10 – 10:50 am).
- CARES grant app submission was on January 5, 2022 at 9:52 am.
- Registered in student self-service on January 5, 2022, dropped by Ms. Murray for non-payment on January 14, 2022 with a retro effective date of January 5, 2022.
- Ms. Wilks followed up about CARES grant app via email on January 7, 2022.
- Funds disbursed for CARES on January 5, 2022 by Mr. Jacobs.
- Check picked up in Finance by Ms. Wilks on January 5, 2022.
- Ms. Wilks emailed Ms. Murray to ask her to drop on January 12, 2022.
- Start date of winter quarter was January 4, 2022.

23. According to the IR, Ms. Wilks said she does not remember applying for or receiving CARES funding for the winter quarter. Ms. Wilks provided text messages where she was out sick on January 7, 2022. She said her daughter tested positive for COVID on January 7, 2022 and she tested positive on January 16, 2022.

24. According to the IR, it is unclear why Ms. Wilks doesn't recall applying for or receiving \$2,000 of CARES funding for winter 2022 as she emailed Workforce to follow-up about her winter 2022 application and Finance confirmed she picked up the check and cashed it. According to emails between Financial Aid staff and Ms. Wilks, Ms. Wilks dropped the class in winter 2022 due to her stepdad's health; however, Ms. Wilks previously said her stepdad's health issues began towards summer 2022.

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<sup>5</sup> All documents including emails referenced in the IR were provided to Board staff by LCC as part of the report.



25. The IR states that there are inconsistencies with Ms. Wilks' statement about winter quarter 2022. Ms. Wilks completed one survey for the class on January 9, 2022 prior to receiving the CARES funding but dropped the class one day after she received the CARES disbursement.

26. Spring Quarter 2022:

- Class: English 102 (online).
- CARES grant app submission was on March 14, 2022 at 2:00 pm.
- Registered in student self-service on March 14, 2022.
- Dropped class using student self-service on March 29, 2022.
- Funds disbursed for CARES on March 28, 2022 by Mr. Jacobs.
- Check date is March 29, 2022 but the pickup date is not listed next to Ms. Wilks' signature.
- Start date of spring quarter was April 4, 2022.

27. According to the IR, when Ms. Wilks reviewed the timeline, she did not believe her stepdad's health issues began until closer to summer 2022. The IR states that in their meeting on October 20, 2022, Ms. Wilks said her stepdad ended up in the hospital, which was why she did not attend. In documentation provided later, Ms. Wilks shared text messages about her working remotely due to being sick on April 5, April 6 and April 8. The text messages do not state that she was sick, they just state that she needed to work remotely. No information was provided for Thursday, April 7. The IR states that Ms. Wilks submitted leave for April 11. Ms. Wilks also shared text messages about working remotely due to having a sick child on April 12 and April 13, 2022.

28. According to the IR, information and documentation provided by Ms. Wilks regarding why she dropped spring quarter is inconsistent. Additionally, Ms. Wilks dropped her class in the student self-service on March 29, 2022, the day following the CARES disbursement, prior to the quarter starting and prior to any of the April dates for the events that occurred within the documentation she provided. The IR states that although the date is not listed for the check pick up, its likely Ms. Wilks picked up the check on March 29, 2022.

29. Summer Quarter 2022:

- Class: Communication Studies (online).
- CARES grant app submission was on June 27, 2022 at 2:30 pm.
- Registered using student self-service on June 27, 2022.
- Dropped class using student self-service on July 7, 2022.
- Funds disbursed for CARES on July 6, 2022 by Ms. Wilks.
- Check picked up in Finance by Ms. Wilks on July 7, 2022
- Start date of summer quarter July 5, 2022.

30. The IR states that Ms. Wilks provided medical documentation showing her stepdad was back in the hospital on July 24, 2022. Ms. Wilks said that she thinks it was summer quarter that she picked up the check from Finance due to staying in the hospital with her stepdad.

31. According to the IR, witness statements corroborate that Ms. Wilks' stepdad has been having health issues and his health has declined. Ms. Harris knew Ms. Wilks was involved in helping them move. Ms. Wilks' initial statement about summer quarter aligned with the documentation she provided. Ms. Wilks picked up the check on July 7, 2022 but information provided does not show that her stepdad was in the hospital during this time. Ms. Wilks dropped the class the day after the CARES disbursement and prior to any of the documented medical issues for her stepdad.

32. Fall Quarter 2022:

- Class: Math 125 (Class times were MTWTh, 2-3 pm).
- CARES grant app submission was on August 22, 2022 at 8:58 pm.
- Registered in student self-service on August 22, 2022.
- Dropped class using student self-service on September 16, 2022.
- Funds disbursed for CARES on September 12, 2022 (sent to Finance on September 13, 2022).
- Start of Fall Quarter: September 19, 2022.

33. According to the IR, Ms. Wilks provided a text message between the Financial Aid team showing that she was helping her mom and stepdad after he fell on September 20, 2022. The IR states that during their interview on October 20, 2022, Ms. Wilks said that part of the reason

she did not attend the fall quarter was due to the progressive nature of her stepdad's health and that she had been helping her parents move. According to the IR, on November 2, 2022 Ms. Wilks told investigators that she planned to take her lunch breaks to attend the class between 2 –3 pm and had arranged that her sitter pick up her daughter from school. She did not talk to her supervisor about her schedule for the fall quarter class.

34. According to the IR, Ms. Wilks knew she would have to help her parents move when she enrolled in classes on August 22, 2022. She dropped the class on September 16, 2022 prior to the start of the quarter and prior to her stepdad falling on September 20, 2022.

35. According to the IR, listed below are the reasons/circumstance(s) indicated by Ms Wilks for needing the CARES funding. The IR states that the reasons noted are taken directly from the CARES grant applications.

- Winter 2022: "struggling with childcare while trying to work. I was out of work temporarily due to COVID and now cannot afford childcare for my two children."
- Spring 2022: "Need childcare while attending class. Lost childcare due to family being high risk. This increased her costs while attending..."
- Summer 2022: "I am needing assistance with childcare while attending school.
- Due to COVID I have lost my normal childcare provider."
- Fall 2022: Childcare. "Without childcare I will not be able to attend."

36. According to the IR, it is possible for students to play the system and intentionally enroll in classes, receive the CARES funds, and then drop the classes. Ms. Orth said that Ms. Wilks was fully aware she would still receive the funds if she dropped her class. Mr. Orth said that it then comes down to whether or not she was intentionally playing the system.

37. According to the IR, witness statements support that Ms. Wilks' stepdad has had health issues and Ms. Harris corroborated that Ms. Wilks' parents moved. However, Ms. Orth states that she concluded that Ms. Wilks' stepdad's health and family issues were not the driver for why she dropped her classes all four quarters. She said the following evidence supports that



it's more likely than not that Ms. Wilks intentionally enrolled in classes to receive the \$2,000 per quarter in CARES funding and had no intention of attending or completing the class:

- Dishonesty for the reason/need noted in the CARES grant applications.
- Ms. Wilks stated to the investigator that her stepdad's health issues impacted her closer to summer quarter 2022.
- There are inconsistencies in the information provided by Ms. Wilks and the respective timelines between her reasoning for why she dropped classes each quarter and the grant submission dates, enrollment dates, drop dates, etc.
- Awarding for summer quarter 2022 was done by someone other than Ms. Slape on Ms. Slape's ctcLink account and Ms. Slape's Google account, including marking Ms. Wilks off on the Google Sheets for summer 2022.<sup>6</sup>
- Ms. Orth states that although she does not have evidence that Ms. Wilks used Ms. Slape's accounts, Ms. Wilks' email to Finance July 6, 2022 showed awareness that her CARES funds had been awarded and showed motive to receive the check as soon as possible.
- Ms. Wilks stated she has been told and was aware of the rule that you do not update your own record. Yet, Ms. Wilks disbursed aid to herself for summer quarter 2022.
- In four consecutive quarters, Ms. Wilks enrolled in a class and dropped the class after receiving the CARES funding.
- Ms. Wilks did not apply for the tuition waiver or financial aid. With knowledge of the rules on the tuition waiver, Ms. Wilks enrolled prior to the quarter starting for spring 2022, summer 2022, and fall 2022 making her ineligible for the waiver.
- For the online classes, eLearning reported no activity in online courses in Canvas except for winter 2022 where Ms. Wilks completed one survey on January 9, 2022, which was prior to receiving CARES on January 10, 2022.
- Ms. Wilks enrolled in the fall quarter for in-person instruction and then dropped the class prior to the quarter starting. The class times occurred when she would have been picking up her daughter.

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<sup>6</sup> According to the IR, in an interview with Ms. Slape, she stated she did not award Ms. Wilks or know how to award someone CARES funding in ctcLink. Ms. Jacobs and Ms. Harris both said they have never asked Ms. Slape to award students CARES. The IR states that in an interview with Ms. Wilks, she confirmed that her workspace was right next to Ms. Slape. Ms. Wilks told the investigator that she has no idea why Ms. Slape might be dishonest about awarding her CARES.

38. Board staff reviewed the email from Ms. Wilks to LCC Finance July 6, 2022. Ms. Wilks stated in part: "...Is there any way that July 6, 2022, I can pick up my check tomorrow after the process has been ran? [sic] I will not cash it tomorrow with it being the same day, but I am really needing it asap... Somebody got my card info to my bank and to my credit card within 3 days of each other during the holiday weekend. They used all my rent \$ and the bank said it will take 10-14 business days. Rent is late as of yesterday. I know I was just awarded today, so it should get sent over with the file that JH runs today...."

39. In regards to Awards/Disbursement of CARES done by Ms. Wilks, the IR states that Mr. Jacobs is the main Financial Aid staff member to award CARES. Ms. Harris is the main one to disburse CARES on Mondays and Wednesdays. The IR states that interviews with Ms. Harris and Mr. Jacobs indicate that they did not ask Ms. Wilks to help with awarding or disbursement of CARES.

40. Evidence shows that Ms. Wilks manually disbursed to a total of 23 students (not including herself) between FY 21-22 and FY 22-23. Seven of the 23 students have a connection to VA benefits and/or have other financial aid in addition to CARES. According to the IR, Ms. Wilks had access to their student accounts and could see that they needed CARES pushed through.

41. According to the IR, during an interview with Ms. Wilks on November 15, 2022 she said that she would disburse CARES any time she saw CARES on a VA student's account. She said that processing it manually helps prevent errors/issues in etcLink.

42. According to the IR, although Ms. Wilks initially claimed that she didn't award/disburse aid to the following students, she did admit that they are family or connected to her:

- Shaun Ballinger, Ms. Wilks' ex-boyfriend (enrolled in Transitional Studies (TS)) with 2 hours of attendance as of the week of November 14, 2022.
  - Spring 2022: Ms. Wilks awarded and disbursed on May 13, 2022
  - Summer 2022: Ms. Wilks disbursed on July 20, 2022
- Andre Farve has Ms. Wilks' address in Campus Solutions and on the CARES grant application and was described as an acquaintance by Ms. Wilks. He is enrolled in Transitional Studies but has no hours of attendance.
  - Spring 2022: Ms. Wilks disbursed CARES on April 19, 2022.
  - Summer 2022: Ms. Wilks awarded and disbursed CARES on August 3, 2022.
- Jennifer Wilks, Ms. Wilks' sister (has attended TS)
  - Spring 2022: Wilks awarded and disbursed CARES on May 13, 2022

43. According to the IR, after reviewing evidence and information obtained throughout the investigation process, Ms. Orth states that she investigated the connection between Ms. Wilks and the following students that she awarded/dispursed CARES to:

- Mauricio Bazan (enrolled but no hours of attendance).
  - Summer 2022: Ms. Wilks awarded and disbursed on July 25, 2022.
- Jeremy Clark (enrolled but no hours of attendance)
  - Spring 2022: Ms. Wilks awarded and disbursed on April 18, 2022.
  - Summer 2022: Ms. Wilks disbursed on July 20, 2022.
- Destinee Dozier (28 hours of attendance in TS)
  - Spring 2022: Ms. Wilks awarded and disbursed on April 18, 2022.
- Brian Roman (enrolled in TS, but no hours of attendance)
  - Spring 2022: Ms. Wilks awarded and disbursed on May 9, 2022.
- Robin Wynn (enrolled but no hours of attendance)
  - Spring 2022: Ms. Wilks awarded and disbursed on May 9, 2022.

44. According to the IR, there are several commonalities between the eight students noted above. All eight of these students are enrolled in Transitional Studies (TS), where they're not dropped due to no attendance, are not VA students, and they requested the max of \$2,000 on their CARES grant applications. Mr. Ballinger, Mr. Bazan, Mr. Clark, Mr. Farve, and Ms. Wynn have no hours of attendance recorded by TS. Furthermore, the following students listed transmission repair for their vehicle as part of their reason for needing CARES funding:



- Mr. Bazan: fall 2022
- Mr. Clark: fall 2022
- Mr. Farve: spring 2022
- Ms. Wynn: summer 2022
- Brandon Wilks also listed transmission as the reason for his fall 2021 CARES grant application.<sup>7</sup>

45. According to the IR, Ms. Wilks repeatedly claimed that she does not know Jeremy Clark (Mr. Clark). However, evidence shows that she does know Mr. Clark. She follows Mr. Clark on Instagram and Ms. Wilks' babysitter and her daughter's aunt follow Mr. Clark. Further, Ms. Wilks used her personal email address to send an email to her work email account pretending to be Mr. Clark, and she then forwarded that email to follow up with Finance about Mr. Clark's check being available for pick up. The IR states that this establishes that she had a vested interest in him receiving his spring 2022 CARES. On September 30, 2022 Ms. Wilks emailed Finance again to check on Mr. Clark's check for fall 2022. Mr. Clark picked up his checks for spring 2022 and fall 2022 in Finance.

46. According to the IR, SBCTC advised them that Ms. Wilks' ctcLink account has been accessed under the IP address of 97.120.37.229, which is the same IP address used to submit Mr. Clark's summer 2022 CARES application.

47. Mr. Clark's fall 2022 application was submitted under the LCC on-campus IP address of 172.16.01 just after midnight on September 22, 2022. According to the IR, to obtain this IP address, someone must be logged into a computer that is connected to the campus network and using an authorized username and password. The IR states that IT's review of Ms. Wilks' work laptop showed that she logged into ctcLink at 11:54 pm on September 21, 2022 and accessed

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<sup>7</sup> According to the IR, Ms. Wilks didn't award/disburse aid to Brandon Wilks, but he is her brother, a TS student, and CARES recipient.

the LCC Forms page at 11:56 pm suggesting that Ms. Wilks' work laptop was used for Mr. Clark's CARES submission on September 22, 2022.

48. According to the IR, Ms. Wilks also stated she does not know Mr. Bazan. The same IP address of 97.120.37.229 that SBCTC said Ms. Wilks' ctcLink account was also used for Mr. Bazan's summer 2022 CARES applications.

49. The IR states that Mr. Bazan and Mr. Farve's applications for fall 2022 were both submitted under IP address 71.36.127.122. Further, Mr. Bazan's fall 2022 CARES grant application was submitted under the LCC remote access IP address of 10.200.40.77.

50. The IR states that there are connections with the dates of application submissions. Mr. Bazan, Mr. Clark, and Mr. Farve all submitted applications for fall on September 22, 2022. Mr. Bazan's was submitted 10 minutes after Mr. Farve's fall 2022 application.

51. According to the IR, Ms. Wilks also stated she helped Mr. Farve with his CARES application by providing the link to him and that Mr. Farve used her work laptop to complete his application. The IR states that the signatures for the three CARES checks provided to Mr. Farve are all vastly different.

52. According to the IR, during the investigation, Ms. Wilks stated that Mr. Farve is an acquaintance from high school, he does not live with her but he uses her address because he has issues with his mail. During the investigation, Ms. Wilks said she also has issues with her mail. Ms. Wilks said she does not have Mr. Farve's phone number and communicates with him via Facebook messenger. The IR states that it was found that Ms. Wilk's emailed his tax documents from her personal email to her work email to print them off and that he used her work laptop to do "tax stuff."

53. According to the IR, IP addresses continue to draw a connection between these students and Ms. Wilks. Mr. Farve's fall 2022 #2 and #3 applications were submitted under the IP address that only employees have access to and one that requires employee login.

54. The IR states that Ms. Wilks logged into the remote desktop server at 3:08 pm on September 21, 2022. Ms. Wilks' work laptop opened Mr. Farve's tax document on October 3, 2022, the same day his fall 2022 CARES application #4 was submitted. The IR states that this reaffirms that Ms. Wilks' work laptop was used for CARES applications for Mr. Farve.

55. The IR states that Ms. Wilks was dishonest in stating that she has someone else make updates to student accounts when there is a connection to her. She also sent emails regarding Mr. Clark and her sister showing interest in getting them CARES money. The IR states that Ms. Wilks' involvement in awarding/disbursing Ms. Ballinger, Mr. Bazan, Mr. Clark, Ms. Dozier, Mr. Farve, Mr. Roman, Jennifer Wilks, and Ms. Wynn in ctcLink is a conflict of interest.

56. According to the IR, because Mr. Jacobs and Ms. Harris did not ask Ms. Wilks to help with CARES, there was no reason for her to be in those student accounts. Ms. Wilks used her position to get CARES funds to those she knew sooner than they would have received it had it been awarded by Mr. Jacobs and disbursed by Ms. Harris under their processes and timeline. The IR gave the following examples of what the investigator felt were examples of special privileges given to subjects by Ms. Wilks:

- Mr. Clark and Ms. Dozier were awarded/disbursed CARES by Ms. Wilks on April 18, 2022, prior to Ms. Harris' batch processing later that same day.
- Mr. Farve was disbursed spring quarter CARES by Ms. Wilks on April 19, 2022, a Tuesday. Mr. Farve was not added to the shared Google Sheets until April 19, 2022. This was the only disbursement of CARES by Ms. Wilks for that day and it was not a day for Ms. Harris to process disbursements.



- On May 9, 2022, Ms. Wilks awarded/disbursed to Mr. Roman and Ms. Wynn. Ms. Harris did not make disbursements that day.
- For spring quarter 2022, Mr. Ballinger and Jennifer Wilks' CARES aid was awarded and disbursed by Ms. Wilks on May 13, 2022, a Friday. Workforce added both to the Google Sheets on May 13, 2022. Ms. Jacobs did not process any CARES awards on May 13, 2022 and it was not a day for Ms. Harris to process disbursements.
- Mr. Ballinger's summer quarter CARES was disbursed by Ms. Wilks on July 20, 2022, a Wednesday. Ms. Harris did not process any CARES disbursements on July 20, 2022.
- Ms. Wilks submitted a full day of personal leave on July 25, 2022, yet this is the day she awarded and disbursed aid to Mr. Bazan.
- For summer 2022, Mr. Farve was awarded and disbursed CARES by Ms. Wilks on August 3, 2022, a Wednesday. Mr. Jacobs was off most of the day and did not enter any CARES awards on August 3, 2022. Ms. Harris did not process any CARES disbursements on August 3, 2022.

57. According to the IR, Ms. Wilks was initially interviewed on October 20, 2022. Also present at the interview was Tracy Stanley (Ms. Stanley), the Chief Shop Steward. Ms. Wilks was asked about the procedures and/or policy about taking action on her own record. Ms. Wilks said ctcLink would not let you do anything on your account. She is not sure if there is a written rule, but she has always been told you cannot update your own account.

58. According to the IR, prior to the investigator telling her that there are security roles that allow her to update her own record, Ms. Wilks appeared to be unaware she even had the security to update her own record. She said that she "wouldn't touch her own record." She said she has asked other Financial Aid staff to make updates for a student if there is someone she knows that comes up. She had Ms. Harris make updates for her former sister-in-law so she was not the one updating her record. Ms. Wilks reiterated that she has never once tried to do anything on her own record.

59. According to the IR, there is insufficient evidence to determine whether or not Ms. Wilks actually completed CARES applications on behalf of the people she knows or if she received a stake in their CARES check, however, the IR concluded that evidence is sufficient to determine that she allowed the use of college property for non-college related business. Also according to the IR, Ms. Wilks admitted to letting Mr. Farve use her work computer for taxes, school stuff, and CARES applications.

60. Board staff were provided a copy of Notification of Discharge from the LCC dated December 26, 2022 and addressed to Ms. Wilks. The letter listed the following reasons for dismissal:

- Fraudulence: Dishonesty in CARES grant applications regarding the need for CARES funding and intentionally enrolling in classes and dropping after CARES was received for winter 2022, spring 2022, summer 2022, and fall 2022 receiving \$2,000 per quarter (\$8,000 total).
- Disbursing CARES funding to her student account for summer quarter 2022.
- Using her position to secure special privileges by awarding/disbursing CARE to eight students that have a personal connection to her.
- Unauthorized use of her college computer to complete CARES applications for three students.
- Using college equipment and email for personal purposes to help a friend (Mr. Farve) by accessing and printing tax documents for them and allowing them to use college property for tax purposes, which is unrelated to college business or her position at LCC.

61. Board staff requested a copy of Ms. Wilks' work email history and an image of Ms. Wilks' work computer from LCC. Board staff were provided with the emails in a PST format

for the period of April 26, 2017 through November 30, 2022 and a forensic image of Ms. Wilks' work computer.<sup>8</sup>

62. A review of Ms. Wilks' computer history found that she had seven PDF documents saved. All of the documents appear to be tax documents:

- Ms. Wilks' 2020 and 2021 Tax Returns
- Mr. Favre's Tax Returns for 2020 and 2021 (2 copies of 2020 Tax Return)
- Chandra Hite 2020 Tax Return.<sup>9</sup>
- Nichol Tennant 2021 Tax Return (Ms. Wilk's childcare)

63. Board staff's review of Ms. Wilks computer history found that she visited tax sites; Free Tax USA and, Intuit Turbo Tax, at least once on July 7, 2022 and September 7, 2022.

64. Board staff were unable to find any evidence of excessive use by Ms. Wilks for browsing on the internet or Google searches for non-work related purposes although Ms. Wilks did visit Facebook on July 30, 2022, August 16, 2022, August 18, 2022 and September 22, 2022. Board staff were unable to determine what she did while on the website.

65. A review of Ms. Wilks' email history found the that she sent and received 48 emails at her work email address from her personal Yahoo email address between August 23, 2017 and September 25, 2022. The majority of those emails appeared to be work related but several included attachments with what appears to be family pictures. Two of the emails contained the confidential information of a LCC student. Those emails included:

- An email sent from Ms. Wilk's work email address to her personal email address on July 7, 2022 with the *Subject Line: Dre Taxes*. Mr. Favre's 2020 Tax Return and Federal Tax Return Work Sheet was attached. The Tax Return contained personal information including Mr. Farve's SSN.

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<sup>8</sup> Board staff processed the PST file and computer hard drive 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.

<sup>9</sup> Ms. Wilks advised Board staff that Ms. Hite was her mother. In a written response to Board staff, LCC stated that Ms. Hite is not a current student but did take a parenting class from 2014-2015.



- An email sent from Ms. Wilk's personal email address to her work personal email address on September 7, 2022 with the *Subject Line: taxes*. Mr. Favre's 2021 Tax Return was attached. The Tax Return contained personal information including Mr. Farve's SSN.

66. Board staff also found the following emails received at Ms. Wilk's work email address that do not appear to be work related.

- 197 emails received at Ms. Wilks' work email address from Safeway.com with advertisements between June 3, 2020 and November 1, 2022. There is no evidence that Ms. Wilks responded to the emails.
- 348 emails received at Ms. Wilks' work email address from shein@usmail.shein.com between November 29, 2021 and November 30, 2022 with order confirmations and advertisements. There is no evidence that Ms. Wilks responded to the emails.
- 36 emails received at Ms. Wilks work email address from walottery.com between January 7, 2022 and November 28, 2022. All advertisements for Lottery games. There is no evidence that Ms. Wilks responded to the emails.
- 26 emails received at Ms. Wilks work email address from offers@privymarketing.com between May 27, 2022 and November 30, 2022 with advertisements. There is no evidence that Ms. Wilks responded to the emails.
- 42 emails received at Ms. Wilks work email address from shop@my.dutchbros.com between May 2, 2022 and November 28, 2022 with advertisements. There is no evidence that Ms. Wilks responded to the emails.

67. In an emailed response to Board staff, Ms. Wilks initially provided the same documentation that she provided to the LCC investigator. Board staff reached out to Ms. Wilks and requested that that she address the specific allegations by LCC including awarding and disbursing CARES funds to friends and family and using state resources for personal benefit or gain.

68. In an emailed response to Board staff, Ms. Wilks said she had been asked for help with awards previously, when things were backed up. She said she was not just going in and awarding students she knew or providing them with any more than what they were allowed to

receive. She said that when she was in cashiering, she was told that as the cashier, it is ok to process refunds on student accounts that she knew because it was an amount given to her via the system and she would not be giving them any more than that amount.

69. Ms. Wilks said that in regards to the CARES funds and dropping courses in winter quarter 2022, she and her oldest child tested positive for COVID which she had no control over. She said she reported it to her supervisor as instructed. Ms. Wilks said that spring quarter 2022; she ended up getting sick as well as her youngest child. Ms. Wilks said she did not want to get behind in classes and then not be able to catch up. She said that summer quarter 2022, her step dad ended up in the hospital and medications that were supposed to work for him did not. Ms. Wilks said fall quarter 2022 was a mix between losing childcare until 6pm, her step dad's health issues, and her parents having to move. She said her new supervisor had no idea what was going on during that time since she did not start until July 2022. Ms. Wilks said she did have accommodations for work, but there were multiple times she stayed full days at work when she had childcare as well as in the evenings.

70. As for disbursing aid to her own account, she denied disbursing aid to herself. She said she knew which days the awards are disbursed so why would she have disbursed hers manually when it would have been picked up with the mass disbursements. Ms. Wilks said that in regards to her disbursing to students that she knows, she admits to disbursing to only three people she knows. She denies knowing the other students.

71. Ms. Wilks said that she allowed Mr. Farve to use her work laptop for his taxes and schoolwork.

72. Board staffed requested that LCC confirm what the total amount of funds that Ms. Wilks is alleged to have improperly disbursed. In a written response from Ms. Orth, she stated that

LCC believes Ms. Wilks improperly received a total of \$8,000 of CARES funding. She said that LCC believes that Ms. Wilks used her position to secure personal financial gain by disbursing \$2,000 (of the \$8,000) to herself.

## B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from Securing Special Privileges for themselves or other persons. RCW 42.52.070 states:

(1) Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

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 Ms. Wilks was terminated from her position with Lower Columbia College.

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

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Jessica Wilks 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. Jessica Wilks 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. Jessica Wilks 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. Jessica Wilks 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. Jessica Wilks 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 Jessica Wilks 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 Jessica Wilks 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 Jessica Wilks 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

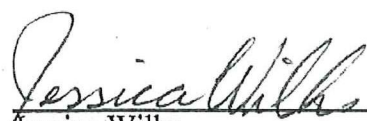
approval under WAC 292-100-090(2). Further, Jessica Wilks understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

11. Jessica Wilks agrees to pay a civil penalty in the amount of eight-thousand dollars (\$8,000) associated with violations of RCW 42.52.

12. The civil penalty in the amount eight-thousand dollars (\$8,000) 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.

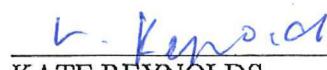
#### I. CERTIFICATION

I, Jessica Wilks, 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.

  
\_\_\_\_\_  
Jessica Wilks  
Respondent

4.18.23  
\_\_\_\_\_  
Date

Presented by:

  
\_\_\_\_\_  
KATE REYNOLDS  
Executive Director

5/12/2023  
\_\_\_\_\_  
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 12th day of May 2023.

Approved Unanimously  
Jan Jutte, Chair

Approved Unanimously  
Kelli Hooke, Vice Chair

Approved Unanimously  
Earl Key, Member

Approved Unanimously  
Shirley Battan, Member

Approved Unanimously  
Megan Abel, Member

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

\_\_\_\_\_  
Jessica Wilks, Respondent

\_\_\_\_\_  
Date