

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Mike Stanford

Respondent.

No. 2022-044

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Mike Stanford 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 16, 2022, the Executive Ethics Board (Board) received a complaint alleging that Mike Stanford (Mr. Stanford), an employee with the Washington State Department of Transportation (WSDOT), may have violated the Ethics in Public Service Act. The complaint alleged that Mr. Stanford violated sections of RCW Chapter 42.52, by using his state issued computer and email for personal use.

2. According to the complaint, Mr. Stanford is President of the Board of the Chiwawa River Pines Homeowners Association (HOA). Mr. Stanford has allegedly been "harassing" the

complainant and at one point sent them an email from his WSDOT email account, regarding personal issues that arose from his position with the community board.

3. A copy of the email in question was provided to Board staff:

Email time stamped Wed, May 1, 2019 at 6:00PM sent from Stanford, Mike
StanfoM@wsdot.wa.gov

To: Joanne Stanford¹

Cc: Complainant's email address

If I see them on my land, I may just shoot them. This is bullshit. There is no reason in the world you are allowed to have chickens wondering [sic] off your land.

Mike Stanford

4. According to WSDOT, Mr. Stanford was hired on February 14, 1990, as a Temporary Avalanche Control Trainee. On October 29, 1990, Mr. Stanford's position became permanent. On October 1, 1992, Mr. Stanford was promoted to Avalanche Control Technician. On January 1, 2006, Mr. Stanford was promoted to Avalanche Forecast and Control Specialist 2. On August 1, 2009, Mr. Stanford was promoted to Avalanche Forecast and Control Specialist 4 - Supervisor and still holds that position.

5. In Mr. Stanford's written response to Board staff, he stated: "I looked on my laptop at the dates noted, May 1, 2019, but I do not show any email." Mr. Stanford additionally stated, "I do agree that I should not be using state resources for personal use as a general rule. That being said, I very well may have inadvertently sent an email to the complainant from my work computer." Lastly, Mr. Stanford stated, "I do take full responsibility for the email" and "I take my public service very seriously and if I have broken that trust, I do apologize, and I can assure you it is not a common occurrence."

¹ Board staff learned that Joanne Stanford is Mr. Stanford's wife.

6. As part of this investigation, Board staff requested a copy of Mr. Stanford's state issued computer and Outlook emails. Board staff obtained a forensic image of his hard drive, at which time Magnet Axion was utilized to process the contents.

7. In reviewing the contents, Board staff located 148 Outlook emails pertaining to Mr. Stanford's involvement with Chiwawa HOA, such as: **March 16, 2019**: Email sent from Mr. Stanford's state email account to several recipients, including Chiwawa Communities Association, regarding Board member and community issues.

- **March 19, 2019**: Three emails sent from Mr. Stanford's state email account to the Chiwawa Communities Association, regarding Board meeting issues.
- **March 20, 2019**: Email sent from Galvin Realty Law Group to Mr. Stanford's state email account, regarding the complainant and Board issues.
- **March 21, 2019**: Two emails sent from Mr. Stanford's state email account to Galvin Realty Law, Chiwawa Communities Association, and several other accounts, regarding Board issues.
- **March 22, 2019**: Two emails sent from Mr. Stanford's state email account to Galvin Realty Law, regarding Board issues.
- **March 23, 2019**: Email sent from Mr. Stanford's state email account to Galvin Realty Law, regarding Board issues.
- **March 24, 2019**: Three emails sent from Mr. Stanford's state email account to his personal email account, regarding Board issues.
- **February 26, 2021**: Email sent from Mr. Stanford's personal email account to his state email account, regarding an upcoming Zoom meeting with the complainant.
- **April 21, 2021**: Email forwarded from Mr. Stanford's personal email account to his state email account. In the forwarded email, there was an exchange between Mr. Stanford's wife and the complainant, advising that Mr. Stanford was currently working.
- **November 19, 2021**: Email sent from Mr. Stanford's personal email account to his state account, as well as several other recipients, including Chiwawa Communities Association – regarding Board issues and upcoming Zoom Board meeting.
- **February 27, 2022**: Email forwarded from Mr. Stanford's personal email account to his state account. The email was addressed to the complainant, from Mr. Stanford's wife, regarding the complainant's dog being loose.
- **August 9, 2022**: Email sent to Mr. Stanford's state account from a law firm, regarding Board issues with the complainant.
- **August 9, 2022**: Above noted email forwarded from Mr. Stanford's state account to his personal account.

- **October 17, 2022:** Email sent from Mr. Stanford's personal email account to his state account, regarding Board issues.
- **November 4, 2022:** Email sent from Mr. Stanford's wife's personal email account to his state email account, regarding a loose neighborhood dog.
- **November 23, 2022:** Email sent from Mr. Stanford's personal email account to his state account, regarding Board issues.²

8. In addition to emails, multiple saved documents were located. Documents pertaining to Chiwawa HOA, including:

- **4CV1381-Letter to Adrea Walheim:** In reviewing the file, it was a letter drafted from the law firm Jeffers, Danielson, Sonn & Aylward, P.S. In summary, the document was addressed to Andrea Walheim (Ms. Walheim) and stated Re: Notice of Covenant Violation. The letter was drafted on behalf of the "Board of Trustees for the Chiwawa Communities Association," which Mr. Stanford sits on. It was essentially a formal complaint of Ms. Walheim's egg farm.
- **2019_3_20_Iam_becker:** A letter drafted on behalf of the Chiwawa Communities Association, from Galvin Realty Law Group, regarding a covenant violation against a different community member.
- **2019_3_20_Iam_walheim:** A letter drafted on behalf of the Chiwawa Communities Association, from Galvin Realty Law Group, regarding a covenant violation against Ms. Walheim.
- **2019_3_22_Iam_carney:** : A letter drafted on behalf of the Chiwawa Communities Association, from Galvin Realty Law Group, regarding a covenant violation against a different community member.
- **Draft response re Arthurs:** A letter draft regarding "The Board" – Chiwawa Communities Association.
- **Walheim_airbnb_listing.pdf:** A copy, including photographs and description, of an airbnb listing in Leavenworth, noting "Andrea" (Ms. Walheim) as the Superhost.
- **My name is Mike Stanford:** Board staff noted this file was dated September 26, 2009. It read: "My name is Mike Stanford. I have lived in District 9 for 27 years. I have been employed with the Department of Transportation for the last 19 years. I am running for fire commissioner to continue the work done by previous commissioners. Our area is growing rapidly and I feel our emergency services need to grow at the same rate to maintain the best level of service to the taxpayers of District 9 Recruitment, training, communication and cooperation with neighboring departments and agencies are a few of my interests."

² Regarding the initial complaint of the May 1, 2019 email provided by the complainant, that specific email was not located. Additionally, it should be noted that emails were located (multiple per day) from the dates of: January 2, 2019 – December 12, 2022. For the date of May 1, 2019 – only one singular email was located on the hard drive (not the one in question).

9. Board staff additionally located evidence of personal internet usage, including:

- **November 30, 2022:** Mr. Stanford searched the complainants Facebook profile, by name.
- **August 1, 2020 – December 12, 2022:** Hundreds of Amazon visits
- **Chrome passwords saved for:** Facebook, Twitter, personal Gmail account, Wafdbank, Fedex, PayPal, Amazon, and Microsoft online
- **November 24, 2021 – December 8, 2022:** Hundreds of Facebook visits
- **November 9, 2021 – December 12, 2022:** Several Google searches, personal in nature
- **Multiple Social Media visits, including:** Twitter, LinkedIn, Facebook, YouTube, Instagram
- **June 9, 2022 – December 12, 2022:** Multiple Chrome web visits, personal in nature –including:
 - Mtbakerhotel.com
 - Nancyspartyrentals.com
 - RV and Boat storage
 - Dunk Tank rentals
 - Amazon
 - Hyundai of Kirkland
 - Facebook/Google account logins
 - Bearbottomclothing.com, Charmingcustoms, Cuddleclones (clothing websites)
 - Bellevue Healthcare
 - Greta Van Fleet (Rock band tour dates/website)
 - Clowns unlimited.com (party rental website)
 - WaFd Online banking
 - Nwi.net (LocalTel personal email provider)
 - Medmartonline
 - Stubhub, Vividseats.com, Ticketwest.com (online concert ticket sales)
 - Autonation.com (online car sales), Carvana, Ford.com
 - Noom.com (health and diet website)
 - The-sun.com, TMZ, Top5.com, Zegnet.com (News/Celebrity gossip websites)
 - Wayfair.com
 - Walmart
 - Seattletimes.com
 - Rottentomatoes.com
 - Rvtrader.com

10. Board staff reached out to WSDOT, to inquire about Mr. Stanford's work on his HOA Board during state work hours, specifically if he was given permission to do so, or if it had anything to do with his WSDOT job description. According to Cristopher de la Peña (Mr. de la

Peña), WSDOT Special Investigations Manager (Internal Audit Office), “Mr. Stanford’s position is responsible for coordinating with external groups on avalanche operations, permits, licenses, purchasing, etc.”

11. Board staff asked Mr. Stanford directly, about his duties on the HOA and if they were related to his DOT job. Mr. Stanford replied, “Nothing to do with my DOT job. HOA where I live.”

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 Mike Stanford 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. Mike Stanford 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. Mike Stanford 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. Mike Stanford 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. Mike Stanford 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 Mike Stanford 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 Mike Stanford 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 Mike Stanford 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, Mike Stanford 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. Mike Stanford agrees to pay a civil penalty in the amount of four-thousand dollars (\$4,000) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand-dollars (\$1,000) on the condition that Mike Stanford 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 three-thousand- dollars (\$3,000) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

I. CERTIFICATION

I, Mike Stanford, 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.

 4-14-23
Mike Stanford Date
Respondent

Presented by:
 5/12/2023
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 12th day of May 2023.

Approved Vebally
Jan Jutte, Chair

Approved Vebally
Kelli Hooke, Vice Chair

Approved Vebally
Shirley Battan, Member

Recused
Earl Key, Member

Approved Vebally
Megan Abel, Member

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

Mike Stanford, Respondent

Date