

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Christopher Carlile

Respondent

No. 2022-054

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Christopher Carlile 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 December 22, 2022, the Executive Ethics Board (Board) initiated a complaint. Board staff located evidence of personal web browsing by Christopher Carlile, an employee with the Department of Corrections (DOC). Evidence suggested that Christopher Carlile may have used state resources for private benefit or gain.
2. According to DOC, Christopher Carlile was hired on October 30, 2013. Christopher Carlile's current position with DOC is a Correctional Unit Supervisor.
3. As part of this investigation, Board staff requested a copy of Christopher Carlile's user profile, to review for additional evidence of potential personal usage.

4. Board staff located the following web browsing, during the dates of February 17, 2021 to March 28, 2021 associated with Christopher Carlile's username:

- Dozens of Google searches, personal in nature (**February 2021 – March 2021**)
- 14 websites with saved login/password, including: Phoenix.edu and Dishnetwork
- Twitter, Reddit, and LinkedIn visits (**February 20, March 20, March 28**)
- Citationmachine web visits (a website that cites articles for college papers) (**February 27, March 6-7, March 20-21**)
- Grammarly website visits (a spellcheck website often used for writing college papers) (**March 20**)
- MSN web visits (**March 6-7, March 14, March 19-21, March 26-27**)
- Several visits to YouTube (**February 20-21, February 27-28, March 5-7, March 13-14, March 20-21, March 26-28**)
- Multiple visits/logins to Phoenix.edu website and the online bookstore accessed (**February 17, February 20-21, February 26-27, March 5-March 7, March 13, March 20-22, March 26-28**)
- Yahoo sports visits (**February 19-21**)
- Amazon visits (**February 19-20, March 28**)
- CBS news and CBS sports visits (**March 7, March 20-21, March 26-27**)
- ESPN visits (**February 17, February 19-20, February 26-28, March 5, March 7, March 13, March 19-21, March 26-28**)
- Discovery.com (online TV) (**February 21, February 28, March 7, March 13-14, March 21**)
- Zillow visits (**February 27**)

5. During this investigation, DOC determined Christopher Carlile had additional access to another DOC computer, at which time they provided Board staff with an image of that user profile. Board staff found additional evidence of personal use, between the dates of October 31, 2022 – February 27, 2023, including:

- Multiple visits to Phoenix.edu eCampus (online college) – Examples of usage:
 - October 31 10:18am – 11:17am
 - November 1 9:01am – 3:55pm
 - November 2 8:23am – 2:05pm
 - November 3 8:11am – 10:48am
 - November 4 9:12am – 10:58am
 - November 7 7:35am – 2:05pm
 - November 8 7:42am – 3:31pm
 - November 9 7:22am – 3:23pm
 - November 10 6:06am – 10:28am
 - November 14 8:33am – 1:16pm
 - **Evidence of continuous usage occurred up to February 24, 2023**
- Multiple visits to BibliU (online textbook store) (November 22, 2022 – February 23, 2023)
- Multiple visits to Yahoo Sports and Fantasy Football website (2022: October 10, November 9, November 17-18, November 21, November 29, December 2, December 8, December 13-14, December 21-22; 2023: January 3, January 5, February 2)
- Multiple Twitter visits (2022: November 14, November 21-23, November 28, December 2, December 5, December 8-9, December 13-14, December 16, December 19-22; 2023: January 4, January 6, January 9, January 18, January 25, February 2, February 8, February 15, February 17, February 23-24, February 28)
- Multiple visits to Fox news (2022: October 14, October 31, November 1, November 3-4, November 7-10, November 14-17, November 21-23, November 28, December 2, December 5-9, December 12-16, December 19-22; 2023: January 3-6, January 9, January 11, January 13, January 17-January 20, January 25-26, January 30, February 1-3, February 6-8, February 13-17, February 23)
- Multiple Amazon visits with evidence of personal shopping (2022: October 28, October 31, November 1, November 8, November 10, November 15-17, November 21, November 23, November 30, December 1, December 9, December 12-14, December 19-21; 2023: January 6, January 9, January 11-12, January 17, January 20, January 25-27, February 7-8, February 10, February 17)
- Multiple Visits to Britannica.com and citationmachine.net (both websites for researching/citing college papers) (2022: November 4, November 7, November 9, November 14, November 18, November 28-29, December 2, December 12;

2023: January 3, January 5, January 11, January 17, January 20, February 1-3, February 10, February 15, February 23)

- **Multiple visits to Dailywire (news) (2022: November 29-30, December 2, December 5-6, December 8-9, December 13-14, December 16, December 19-20; 2023: January 6, January 9, January 30)**
- **Multiple visits to ESPN (2022: October 31, November 1, November 4, November 7-8, November 10, November 15-16, November 22-23, November 28, November 30, December 2, December 7, December 8-9, December 12-14, December 16, December 19-22; 2023: January 4-6, January 9, January 11, January 13, January 17-18, January 20, January 25, January 27, January 30, February 1-2, February 8, February 13-15, February 17)**
- **Visits to Fubo.tv (online TV) (November 29, 2022 11:08am – 1:03pm)**
- **Multiple visits to Gamestop (video game store) (November 1, November 22, November 29)**
- **Multiple visits to Arbitersports.com (2022: November 1, November 14, November 17, November 23, November 29-30, December 13, December 19; 2023: January 25, January 26, February 3)**
- **Multiple visits to Zillow (November 10, 2022 7:16am – 7:40am)**
- **Multiple visits to YouTube (2022: October 31, November 1, November 4, November 7- November 10, November 14-15, November 17-18, November 21-23, November 28-30, December 1-2, December 5-9, December 12-16, December 19-22; 2023: January 3-4, January 6, January 9, January 11-12, January 17-20, January 24-27)**
- **Several hundred Google searches, personal in nature (October 31, 2022 – February 27th, 2023)**

6. In Christopher Carlile's written response to Board staff, they stated, "If the accusation is that I used the state computer for personal web browsing, I will not dispute this."

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 Christopher Carlile 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. Christopher Carlile 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. Christopher Carlile 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. Christopher Carlile 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. Christopher Carlile 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 Christopher Carlile 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 Christopher Carlile 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 Christopher Carlile 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, Christopher Carlile 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. Christopher Carlile agrees to pay a civil penalty in the amount of five thousand five hundred dollars (\$5,500) associated with violations of RCW 42.52. The Board agrees to suspend one thousand dollars (\$1,000) on the condition that Christopher Carlile 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 four thousand five hundred dollars (\$4,500) 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, Christopher Carlile, 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.

Chris Carlile
Christopher Carlile
Respondent

6-21-23
Date

Presented by:

Kate Reynolds
KATE REYNOLDS
Executive Director

7/17/2023
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 14th day of July 2023.

Approved via Zoom
Jan Jutte, Chair

Approved via Zoom
Kelli Hooke, Vice Chair

Shirley Battan
Shirley Battan, Member

AB-set
Earl Key, Member

Approved via Zoom
Megan Abel, Member

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

Christopher Carlile
Respondent

Date