

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

William Fletcher
Respondent.

No. 2022-067

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, William Fletcher 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 William Fletcher, an employee with the Department of Corrections (DOC). Evidence suggested that William Fletcher may have used state resources for private benefit or gain.

2. Board staff located personal web browsing by several DOC usernames, in addition to the respondent, while reviewing records on a specifically assigned computer. Board staff reached out to DOC and inquired as to why other users were using a computer issued to a specific DOC staff member, and DOC looked into it internally.

3. According to DOC, William Fletcher was hired on May 1, 2011. William Fletcher's current position with DOC is a Correctional Lieutenant.

4. As part of this investigation, Board staff requested a copy of William Fletcher's user profile, to review for additional evidence of potential personal usage.

5. Board staff located the following web browsing, between the dates of March 25, 2022 to September 25, 2022 associated with William Fletcher's username:

- Multiple visits to Fox News, Komo News, AP news, NY times, The National Desk, Aljazeera, BBC news, Cnet, Q13, and Seattle Times
 - April 30
 - May 28
 - July 1 5:00pm – 5:57pm
 - July 2 12:35pm – 6:36pm
 - July 8 3:29pm – 7:02pm
 - July 9 12:12pm – 7:28pm
 - July 15 4:20pm – 5:34pm
 - July 16 2:10pm – 6:58pm
 - July 17 8:34am – 11:25am
 - July 29 3:55pm – 6:43pm
 - August 5
 - August 8
 - August 9
 - August 12 3:26pm – 7:06pm
 - August 13
 - September 9
 - September 10 1:55pm – 3:39pm
 - September 17
 - September 23
 - September 24
 - September 25 8:23am – 10:19am,
- Powersports.honda.com (July 2)
- Multiple Wikipedia visits for personal searches
- September 17 – ethics.wa.gov visited for approximately 15 minutes
- Animal adoption websites visited (September 9)

- Kfgmotorsports.com (motorcycles for sale) **August 6**
- Mountainhouseestate.com (tips on how to write wedding vows) **July 16**
- Brides.com (funny wedding vows) **July 16**
- Several visits to Express.co.uk, Eurosport.com/Formulal.com (racing tickets, apparel, news) **July 29, September 23**
- Wmra.com (WA motorcycle road racing association) **July 2**
- 511tactical.com (law enforcement tactical gear site) **July 30**
- Amalgamcollection.com (model car website) **July 30**
- Amazon (**July 30**)
- Hawaiiilife.com (HI real estate) (**September 9**)
- Home Depot (**July 29**)
- Ohlinusa.com (motorcycle parts) (**August 6**)
- Realtor.com (**September 9**)
- Redfin (**September 24**)
- Tesla (**July 9, July 17**)
- Zillow (**September 9, September 24**)
- YouTube visits (**July 2, August 6, August 12, September 9**)
- Twitter, 9gag (memes), LinkedIn visited
- Reddit visits
- Instagram visits
- Several Google searches, personal in nature

6. In William Fletcher's written response to Board staff, they stated: "Wish to refute: 511tactical.com (law enforcement tactical gear site) - I am the current team leader for our facilities

Emergency Response Team. Part of my responsibilities is purchasing gear for the team. I use this website to get the product information and costs so I can submit a purchase request for the items.”

7. William Fletcher additionally stated, “As for the rest of the internet sites they were for personal use. There are a few listed that I cannot recall going too and puzzled by some others, but they all have no relation to my job duties.”

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



William Fletcher
Respondent

6/10/23

Date

Presented by:



KATE REYNOLDS
Executive Director

7/14/2023

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

Absent

Earl Key, Member

Approved via Zoom

Megan Abel, Member

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

William Fletcher
Respondent

Date