

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Robert Brusseau  
Respondent.

No. 2023-009

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Robert Brusseau 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 February 2, 2023, the Executive Ethics Board (Board) received an anonymous complaint alleging that Robert Brusseau, Transportation Engineer 4 with the Washington State Department of Transportation (WSDOT), may have violated the Ethics in Public Service Act. The complaint alleged that Robert Brusseau used state resources for private benefit or gain, including time, and used their position to provide a special privilege in hiring.

2. In a series of anonymous complaints filed with Board staff, Robert Brusseau was accused of several potential ethics violations, including:

- Robert Brusseau is late “every shift” and “rarely” accurately logs their late clock-ins.
- Robert Brusseau “habitually” clocks off early and does not document or receive manager approval.
- Robert Brusseau has “pulled strings” to have other WA State retired employees hired by DOT, in which they are not “qualified” to be employees of WSDOT, examples provided: Mathew Calderone and Tyler Branch.
- Robert Brusseau “requires” all Washington State Patrol (WSP) video PDR’s go through them.
- Robert Brusseau frequently “sneaks over” to the WSP office and “gossips” with WSP Troopers, rather than doing their job, and has Tyler Branch cover for them.
- On December 16, 2022, Robert Brusseau was gone on lunch for an “extended period of time” and did not accurately note their two hours away.
- On December 21, 2022, Robert Brusseau did not report their time “honestly.” It was alleged that they were in at 6:27am (instead of 6:00) and clocked out at 2:30pm.
- On December 22, 2022, Robert Brusseau did not report their time “honestly.” It was alleged that they were in at 6:42am (instead of 6:00) and clocked out at 2:30pm.
- On January 18, 2023, Robert Brusseau sat in on WSP interviews, from roughly 8am – 2pm, while billing DOT for their hours.
- On January 18, 2023, Robert Brusseau received a \$10 gift card for employee appreciation. It was further alleged that Robert Brusseau was part of the appreciation team, therefore had a hand in the selection process for recipients.
- From January 30, 2023 to February 3, 2023, Robert Brusseau was late “every single morning” and did not correctly input their time.
- On “roughly” February 2, 2023, Robert Brusseau was gone for two hours, at which time they were heard discussing what a nice lunch they had, upon arrival back at WSDOT. They allegedly did not reflect their two hours away on their time card.
- On “roughly” February 6, 2023, Robert Brusseau was gone from WSDOT for over two hours, at which time they allegedly “bragged” about what a nice lunch they just had.
- On February 16, 2023, Robert Brusseau “retaliated” against another WSDOT employee (Tamara Mann) for allegedly being involved in a DOT investigation related to them.
- Michael Southwick (Robert Brusseau’s supervisor) has “covered” for Robert Brusseau “too many times to count,” billed time worked to WSDOT that is “false,” and allowed “falsification of hours in and out,” related to Robert Brusseau.

3. 3. According to WSDOT, Robert Brusseau was hired as a Transportation Engineer

4, on December 16, 2020. Robert Brusseau still holds that position.

4. Regarding the complaints of Robert Brusseau taking extended lunches, being late, and not appropriately documenting their time away from work, WSDOT looked into the complaints internally. Board staff were provided with an email exchange in which it was disclosed the complaints were looked into internally, but there was no merit to them. It was further noted that Robert Brusseau is an overtime-exempt employee who works 40 hours per week and often works several additional hours that are not “visible to other staff,” such as them being on call 24/7.

5. Additionally, Board staff was provided with a copy of a WSDOT internal investigation, dated February 6, 2023. In reviewing the investigation findings, Board staff learned that similar complaints against Robert Brusseau regarding misappropriation of time and attendance were brought up during the course of a hostile work environment investigation. Internal Human Resource (HR) and management found no merit to the complaint. Additionally, due to Robert Brusseau being on call/standby, between the hours of 7pm and 6am, there were times when Robert Brusseau would work outside of normal hours and would claim that time worked as “exchange time,” which they did not enter into WSDOT timesheets. Furthermore, it was discovered that Michael Southwick was aware of this process and approved it.

6. Regarding the specific complaint about Robert Brusseau “sneaking” over to the WSP office to “gossip,” WSDOT advised part of Robert Brusseau’s job is to be in constant contact with WSP Troopers, dispatchers, and command staff. Furthermore, it was noted that Robert Brusseau is “encouraged” to interact with others in the WSP Traffic Office.

7. Board staff contacted Michael Southwick, and asked a series of follow-up questions. Board staff asked about whether Robert Brusseau was involved in the hiring of either Mathew Calderone or Tyler Ranch and Michael Southwick indicated that Robert Brusseau had no involvement in either.

8. Board staff inquired about whether Robert Brusseau required all WSP video public records request go thru them and Michael Southwick stated that all Traffic Management Staff (TMC) are trained to pull videos for WSP and that they had no knowledge of those requests being routed only through Robert Brusseau.

9. Board staff also inquired about Robert Brusseau being “consistently late,” during the time period of January 30<sup>th</sup> to February 3<sup>rd</sup>. Michael Southwick stated they had no knowledge of Robert Brusseau being late during that period.<sup>1</sup>

10. Board staff inquired if Michael Southwick had any knowledge of whether Robert Brusseau retaliated against Tamara Mann. Michael Southwick stated they had no knowledge of that.

11. Board staff inquired if Michael Southwick ever “covered” for Robert Brusseau’s “false hours.” Michael Southwick stated that Robert Brusseau is an exempt employee and they do not track exempt employee’s hours worked; they only track leave hours taken.

12. Board staff inquired if Michael Southwick had knowledge of Robert Brusseau sitting in on the WSP interviews. Michael Southwick stated they were aware of that and it is common practice for them to assist with WSP interview panels, to help promote a diverse/outside perspective when hiring candidates.

13. Board staff further inquired whether Michael Southwick had knowledge of Robert Brusseau being part of the appreciation team that awarded gift cards. Michael Southwick advised

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<sup>1</sup> Michael Southwick provided Robert Brusseau’s time sheet for that week, it showed he worked his full shift each day.

that Robert Brusseau was part of the appreciation team, but not part of the award selection process.<sup>2</sup>

14. Robert Brusseau provided a written response to the allegations made against them. Robert Brusseau provided a response to each separate allegation, individually.

15. Robert Brusseau disputed the allegation of often being late and rarely accurately logging their time in/out. They stated, “It is evident the complainant is comparing my job description to that of a Traffic Safety System Operator (TSSO). TSSO’s are required to be at their workstations at the beginning of their assigned shifts, work a straight shift, and are overtime eligible. My position is salary based, overtime exempt with flexible and compressed work schedule, and has a telework agreement in place.”<sup>3</sup>

16. Robert Brusseau disputed the allegation of habitually clocking off early and not appropriately documenting or receiving managerially approval for leaving early. They stated, “I have never left my office or stopped working early without first seeking approval from my supervisor.”

17. Robert Brusseau disputed the allegation of “pulling strings” to have Mathew Calderone and Tyler Branch hired. They stated, “It is true that I encouraged Matt Calderone to apply for this position because of his first responder background, supervisory experience, leadership style and his knowledge of commercial vehicles. However, we never met to prepare

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<sup>2</sup> Additionally, Michael Southwick provided Board staff with documents showing that Robert Brusseau received votes from other WSDOT employees, they did not nominate themselves.

<sup>3</sup> Robert Brusseau cited several examples, in which they fielded overnight phone calls (102 in total), outside of their 6am – 2:30pm work schedule. Additionally, Robert Brusseau provided Board staff with a copy of their telework agreement. The agreement indicates they are approved for “Less than one day/adhoc” telework frequency.

him for it nor did I have any knowledge of who the other applicants were, interview questions, or how the hiring process was completed. It should be noted that I did not know Tyler Branch prior to my employment with WSDOT. Additionally, Tyler Branch applied for the same position which I obtained; therefore, it's safe to assume I would not have been an advocate for his application or hiring.”

18. Robert Brusseau disputed the allegation that they require all WSP PDR requests go through them. They stated, “[t]his allegation is factually incorrect. Every TMC staff member has been trained and is expected to complete WSP video requests. There have been times when the request is too large or is outside the abilities of the TMC staff. When this occurs, in an effort to lessen their workload, I’ve informed everyone that they can forward the request to me. This way they can free up their time and focus on their current responsibilities.”

19. Robert Brusseau disputed the allegation that they “sneak” over to the WSP office to “gossip.” They stated, “I would first off state that the complainant would not be able to determine what business I am conducting or how long I was there as I am one of a few WSDOT personnel who has unrestricted access to the WSP office space. Therefore, it is safe to assume the complainant has no knowledge of what my actions are. Unlike other TMC positions, I have other responsibilities that require my work to be conducted outside of the TMC workstations and away from my desk.”

20. Regarding the allegation of Robert Brusseau “retaliating” against WSDOT employee Tamara Mann, Board staff reached out to WSDOT HR. According to HR SW Region Manager Merlinda Sain, whom oversees both Robert Brusseau and Tamara Mann, they are unaware of any complaint ever filed by Tamara Mann. Additionally, Merlinda Sain advised they

are unaware of any alleged retaliation by Robert Brusseau or of any complaints made by Tamara Mann that did not result in an official investigation.

21. As part of this investigation, Board staff obtained a forensic image of Robert Brusseau's state issued computer, at which time it was processed and analyzed utilizing Magnet Axiom Software. In reviewing the contents, Board staff located evidence of personal web browsing, between the dates of August 15, 2022 – February 21, 2023, including:

**Ebike**

8/16/22 – customer reviews on Ebikes

**The Olympian**

8/16/22, 1/4/23

Article about electric vehicle incentives, WA state salaries database searched

**TikTok**

*Pages viewed:*

8/18/22: Denzel The Labraseal (a Black lab social media page)

9/2/22: Thomas Stieringer (@usnavelfighterjets) – page dedicated to US navy fighter jets

9/20/22: @Sbrooke322 (Sierra Neal – a 31 yo female “Widowed and on a traumatic grief journey.”)

9/21/22: Alex X @prpl\_boi (page dedicated to cars/racing “@driftthriftco”)

10/19/22: @Roseaye2 (page dedicated to the recent murder/DV victim Gabby Petito)

10/20/22: @jojonosiwa (a male with “no bio yet”, videos of workouts, concert, etc.

10/25/22: @Polish\_99 (a Female with 50.K followers but no publicly viewable posts)

10/28/22: @she\_be\_trippin (account has been deleted)

11/3/22: @nvtvbigfoot (videos of bigfoot/sasquatch)

11/3/22: @Mast\_Wrap\_Italia (page dedicated to auto mechanic/car detailing)

11/7/22: @paranormalhighway (page dedicated to aliens, big foot, supernatural videos/posts)

11/9/22: @Bethansieniawski (deleted account)

11/29/22: @squatchmenow (page dedicated to Sasquatch)  
12/6/22: @nc.squatchwatchers (page dedicated to Sasquatch)  
12/9/22: @a\_howie (“adventure” page related to Bigfoot, paranormal videos, etc.)  
12/23/22: @brookiemiller (female’s page with misc. posts, including a deer attacking deer Christmas decorations)  
1/3/23: @nc.squatchwatchers (page dedicated to Sasquatch)  
1/20/23: @saltlife.jacob1 (“Florida Boy”, misc. videos of FL outdoor life, fishes, snakes, etc.)  
1/23/23: @christinescritters (wildlife videos, “USF&W Licensed Wildlife Rehabilitation Facility in CT)  
1/27/23: @jeromy\_jazper\_henson (deleted account)

### **Oakley**

12/7/22: military bags, stealth black  
8/26/22 (10:19 – 10:52am): Warranty and product support, search replacement parts, Oakley Turbine (replacement lenses), military eyewear accessories, new arrivals, military & government inventory, military bags, etc.

### **Reddit**

9/7/22, 2/3/23

Articles viewed about Sondors Metacycle and Tesla vehicles

### **Columbian**

There is evidence of traffic/road related news, however - also evidence of casual viewing: local news stories, high school sports, Seahawks news, professional sports stories, breaking news (e.g. Police chases and robbery stories), Political news, etc.

### **Google searches**

129 searches flagged, between 2/5/21 – 1/10/23, including:

Ford dealerships  
Music searches  
Mattress searches  
Miter saw searches  
Cancun airport COVID search  
Pretty woman play searched  
Citibank, T-Mobile, restaurant searches, brewery search  
Hike trail search  
Etc.



### **Amazon**

Robert Brusseau stated, "Related to my involvement in the Employee Appreciation Day events. I was responsible for facilitating the pinewood derby. I was responsible for repairing the pinewood derby track, purchasing pinewood car kits for employees." Evidence did show search for "pinewood derby car kit;" however, also showed unrelated searches, to include:

Home pool portable vacuum  
Tesla splashguards  
Tesla stickers  
Tesla floor mats  
Dishwasher pressure sensor  
Holiday gift cards  
Overhead garage storage rack

### **Arizonacharliesdecatour.com (AZ hotel/casino)**

Upcoming events/entertainment listing of concerts, etc.

\*One specific event viewed – 9/20/22: Comedy: Mick Adams and the Stones

### **Lostacoslocos.org (Mexican restaurant)**

9/21/22: Gallery and Menu viewed

### **Seattle Times**

9/23/22: Article about a WSP shooting in Walla Walla viewed

### **Kiro 7**

9/23/22: Article about a WSP shooting in Walla Walla viewed

### **Mattressfirm**

10/5/22

### **Wayfair**

10/5/22: Mattress support frame viewed

### **KPTV (news)**

10/19/22: Article about steelhead fish/WA state fishery

### **Fox News**

6/5/21: Kamala Harris story viewed

7/13/21: NHL/Stanley Cup article

8/4/21: Article about gun related couple pardoned in Missouri

8/4/21: Article related to Pentagon stabbing

## **Tesla**

10/21/22, 1/17/23, 1/20/23, 1/23/23, 1/24/23, 1/25/23, 1/27/23, 2/10/23, 2/13/23, 2/14/23, 2/15/23, 2/16/23: Tesla logins, searches/pages viewed related to vehicles, parts, repair kits, "design your model," etc.

## **Ticketsqueez.com (basketball tickets viewed)**

10/25/22: Portland Trailblazer tickets viewed

## **EBay**

Robert Brusseau stated, "Related to my involvement in the Employee Appreciation Day events. I was responsible for facilitating the pinewood derby. I was responsible for repairing the pinewood derby track, purchasing pinewood car kits for employees."

"Race car party favor stickers" searched  
Pinewood derby car searched  
"Universal mobile miter" search  
Tesla splashguards searched (2/9/23)  
Tesla matchbox (toy) car searched (2/9/23)  
"Tire service kit" air compressor searched (2/9/23)

## **bobswatches.com**

10/25/22: Rolex watches viewed ("Buy used and new") pages

## **Booking.com**

10/27/22: Car rental searches

## **Costcotravel**

10/27/22: Car rental searches

## **Spirit Halloween**

10/28/22: "men wigs" searched

## **Horch4Sheriff.com**

Page no longer active (current Clark County Sheriff)

## **LinkedIn**

10/28/22: Vancouver Police Commander page viewed

## **Tri-cityherald (news)**

10/28/22: "local crime" articles

**Daily-choices.com (trail cam photos)**

8/26/22, 9/12/22, 10/20/22, 10/28/22: “Real Wild life Photos” viewed

**Yourdailysportfix.com:**

12/5/22: Article about Idaho college murders viewed

**Dailymail.co.uk:**

12/22/22: “Navy Seal commander found dead” article viewed

**Walmart**

10/28/22, 2/9/23: Searches for men’s wigs, Sharper Image Heating pad, massage heating pad, & Matchbox Tesla

**Proshop.seakhawks.com**

10/31/22: Jerseys viewed

**NFLshop.com**

10/31/22: Jerseys viewed

**Thecomeback.com (sports news)**

10/31/22: College football article viewed

**Twitter**

9/12/22: US ARMY “WTF” Moments page viewed

9/16/22: Ukraine Defense Forces page viewed

10/11/22: Adam Shefter page viewed (NFL football sports analyst page)

10/26/22: Feher Junior page viewed (Current account page is “suspended”, per X) Page viewed showed “Anti-aircraft guns shot down the second Russian Ka-52 Helicopter.”

10/28/22: Liberty Mutual and Doug/LiMu Emu page viewed

10/31/22: Bradi Galli page viewed: “ESPN captured tunnel video of the Michigan State incident with Michigan after the game on Saturday” – college football news

11/4/22: Pages viewed related to WSP traffic/accident news

11/28/22: MarcusD3 page viewed: NFL football news/info

11/30/22: Greg Beacham page viewed: Football, hockey, MMA news. Page viewed stated “And that woman is Annika Hutsler, a USMC vet turned model/actor who was at her very first NBA game. She’s on Insta @ annikatheamputee.”

1/10/23: Grahworin Dkua page viewed: “Ukraine/Russia was news

**Okumafishing.com**

11/4/22, 11/7/22:

Various fishing rods and reels viewed

**Sharperimage**

12/20/22: Heating pads, heated blanket, and mobile security robots viewed

**Birkenstock 12/20/22 1:00 – 1:28pm**

Various sandals viewed

**Westlieford.com (FORD dealership)**

12/27/22: Service specials viewed

**Craftyboxstore.com**

12/27/22: Mobile miter saw stand, circular saws, power drills, floor fans, tool stands, etc. viewed

**Bigeasymart.com**

12/27/22: Outdoor dual outlet timer, interior paint, mobile miter saw stand viewed.

**Home Depot**

12/27/22: Miter saw stand, candle light bulbs, military discount special deals viewed.

**Buyfordnow.com**

1/23/23: Incentives & Offers on SUVs/crossovers viewed

**Bickfordfords.com**

1/23/23: For sale vehicles viewed

**Gmc.com**

1/23/23: GMC hummer EV viewed

**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 Robert Brusseau 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. Robert Brusseau 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. Robert Brusseau 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. Robert Brusseau 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. Robert

Brusseau 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 Robert Brusseau 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 Robert Brusseau 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 Robert Brusseau 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, Robert Brusseau 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, Robert Brusseau 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. Robert Brusseau agrees to pay a civil penalty in the amount of two-thousand-five-hundred dollars (\$2,500) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand dollars (\$1,000) on the condition that Robert Brusseau 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.





