

1 **BEFORE THE WASHINGTON STATE**
2 **EXECUTIVE ETHICS BOARD**

3 In the Matter of:

EEB Case No. 2023-014

4 Jacqueline McHale,

FINAL ORDER

5 Respondent
6

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8 **I. PROCEDURAL HISTORY**

9 On February 17, 2023, the Executive Ethics Board (Board) received a complaint from
10 the Department of Corrections (DOC) alleging that Jacqueline McHale, a Corrections Officer 2
11 (CO2) with the DOC at the Washington Corrections Center for Women (WCCW), may have
12 violated the Ethics in Public Service Act by using state resources for private benefit or gain.

13 The Board entered an Order of Default on March 8, 2024. On March 11, 2024, Board
14 staff provided Jacqueline McHale with notice of the Board's Order of Default by regular and
15 certified mail. According to USPS, Jacqueline McHale received and signed for the certified mail
16 on March 13, 2024.

17 Pursuant to WAC 292-100-060(4) Jacqueline McHale was allowed 10 days to request
18 vacation of the Order of Default. Jacqueline McHale has not moved to vacate the order entered
19 on March 8, 2024.

20 **II. FINDINGS OF FACT**

21 1. According to DOC, Jacqueline McHale was originally hired on June 24, 2019 as
22 a CO1. On June 24, 2020, Jacqueline McHale was promoted to CO2, which is the position they
23 presently hold.
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1 2. According to DOC, between January 17, 2020 and May 31, 2021, Jacqueline
2 McHale utilized their state email and user name, jacqueline.skipwo310,¹ for personal use,
3 sending more than 1,300 emails to BM at BM's personal Gmail address.² According to the DOC,
4 Jacqueline McHale used a state computer and her state email account to logon to her personal
5 email alias jacqueline.skipwo310 to author and share a letter addressed to Jo Wofford, who was
6 the WCCW Superintendent at that time. According to the DOC, the letter contained
7 inappropriate and unprofessional comments.
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9 3. DOC advised Board staff that an investigation was conducted on Jacqueline
10 McHale. They provided Board staff with the emails in question and a copy of the Investigative
11 Report (IR), which included supporting documents. According to the IR, Investigator 3 Sheri
12 Hadwiger, at DOC Workplace Investigation Services (WIS), conducted the investigation.
13

14 4. According to the IR, during a review of Jacqueline McHale's work email history,
15 they found what appeared to be a number of personal emails sent through Jacqueline McHale's
16 DOC email account. The IR states that an additional allegation for using their work email for
17 personal use was added to the investigation.
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19 5. According to the IR, the investigation focused on two allegations:

- 20 • Between January 17, 2020 and May 31, 2021, Jacqueline McHale utilized their
21 state email account and logon for personal use when sending over 1,300 emails
22 to their future spouse at their Gmail address.³
- 23 • Between December 10, 2020 and April 28, 2021, Jacqueline McHale utilized a
24 state issued computer and their state email account to author and share a letter

25 ¹ Jacqueline McHale's previous last name was Skipworth, which at times appears on their work and
26 personal email history. For the purposes of this report, they will be referred to as Jacqueline McHale.

² Board staff are using BM's initials in an effort to protect their privacy.

³ Board staff were provided with copies of the emails by DOC. The emails were personal in nature and
not related to Jacqueline McHale's work at DOC.

1 addressed to Jo Wofford that contained inappropriate and unprofessional
2 comments.⁴

3 6. A review of Jacqueline McHale's emails showed a large number of emails sent
4 to Jacqueline McHale's spouse, BM. According to the IR, from January 17, 2020 through May
5 31, 2020, over 1,340 emails were sent from Jacqueline McHale's state email address to BM's
6 email address.

7 7. According to the IR, in an interview with Jacqueline McHale, they admitted to
8 sending the emails although they were not aware of the exact number. Jacqueline McHale said
9 that their wife suffered from anxiety and during that time-period Jacqueline McHale was
10 working the graveyard shift and extreme amounts of overtime. They said that issues came up
11 with their children, among other things. Jacqueline McHale said that they had no other way to
12 contact their spouse since they did not really get a chance to take breaks and leave the facility to
13 use their cell phone on the majority of their shifts.

14 8. According to the IR, Jacqueline McHale was asked if they were familiar with
15 DOC's IT policy and use of state resources and Jacqueline McHale stated that they were. The
16 IR stated that Jacqueline McHale agreed that the activity did not fall under the definition of "de
17 minimis" use.
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19 9. Board staff were provided with a letter addressed to Jacqueline McHale dated
20 September 8, 2022 from the WCCW Superintendent, Charlotte Headley. The letter stated in part:

21 *This is official notification of a written reprimand where I determined that you*
22 *engaged in misconduct...*

23 *...between January 17, 2020 and May 31, 2021 you sent over one thousand three*
24 *hundred forty (1340) emails to your spouse from a State owned computer.*

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26 ⁴ Board staff will only be addressing the first issue as the second is a personnel matter outside of the Board's jurisdiction.

1 ...you admitted to sending excessive emails to your spouse and agreed that you
2 exceeded what would be considered acceptable use of State resources...

3 10. Board staff requested a copy of Jacqueline McHale's work email history from
4 DOC.⁵

5 11. Board staff were provided with Jacqueline McHale's email history for the period
6 of September 12, 2020 through April 26, 2021. A review of Jacqueline McHale's email history
7 found that during that time period, Jacqueline McHale sent or received approximately 1,400
8 emails at their work email address from BM's personal Gmail address. The majority of those
9 emails appeared to be personal in nature and not work related.

10 12. In a written response to Board staff, Jacqueline McHale said that since the
11 investigation began in 2021, there have been accusations attacking their character leading to
12 defamation and slander. Jacqueline McHale said that they have addressed both allegations
13 through the DOC investigation.

14 13. According to Jacqueline McHale, their wife had been diagnosed with severe
15 medical issues. Also according to Jacqueline McHale, the times that they were misusing state
16 resources was mainly due to that.

17 14. According to Jacqueline McHale, they have since drastically changed their use
18 of state resources and their wife is getting help. Jacqueline McHale said that they have worked
19 tirelessly to change their ways and learn more about the ethics laws and policies regarding use
20 of state resources. Jacqueline McHale said this was a huge learning curve for them and they
21 are constantly trying to do better and be better.
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25 ⁵ Board staff processed Jacqueline McHale's work email history on a Forensic Recovery of Evidence Device
26 (FRED) using the Magnet Axion Digital Investigation Platform.

1 **CONCLUSIONS OF LAW**

2 1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
3 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,
4 with respect to employees in the executive branch of state government. The Board has
5 jurisdiction over Jacqueline McHale, whose actions occurred while they were a state employee.
6 Based on the evidence reviewed, Jacqueline McHale has used state resources for their private
7 benefit or gain in violation of RCW 42.52.160. Jacqueline McHale’s activities do not meet the
8 exceptions for the use of state resources as permitted in WAC 292-110-010.

9 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states:

10 No state officer or state employee may employ or use any
11 person, money, or property under the officer’s or employee’s
12 official control or direction, or in his or her official custody, for
the private benefit or gain of the officer, employee, or another.

13 Under WAC 292-110-010 Use of state resources states, in part:

14 **(3) Permitted personal use of state resources.** This subsection applies to any use of
state resources not included in subsection (2) of this section.

15 (a) A state officer or employee's use of state resources is de minimis only if each
of the following conditions are met:

- 16 (i) There is little or no cost to the state;
- 17 (ii) Any use is brief;
- 18 (iii) Any use occurs infrequently;
- 19 (iv) The use does not interfere with the performance of any state officer’s
or employee’s official duties;
- 20 (v) The use does not compromise the security or integrity of state
property, information systems, or software;
- 21 (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
- 22 (vii) The use is not for supporting, promoting the interests of, or soliciting
for an outside organization or group.

23 3. The Board is authorized to impose sanctions for violations to the Ethics Act
pursuant to RCW 42.52.360.

24 4. In determining the appropriateness of the civil penalty, the criteria in WAC 292-
25 120-030 have been reviewed.
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1 **III. FINAL ORDER**

2 Based on the foregoing:

3 IT IS HEREBY ORDERED Respondent Jacqueline McHale is liable for and shall pay a
4 civil penalty of three thousand hundred dollars (\$3,000). The payment shall be made to the
5 Executive Ethics Board within forty-five (45) days of this Order.

6 DATED this 10th day of May 2024.

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9 Jan Jutte, Chair


Megan Abel, Member

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Kelli Hooke, Vice Chair


Cam Comfort, Member

12 **APPEAL RIGHTS**

13 **RECONSIDERATION OF FINAL ORDER – BOARD**

14 Any party may ask the Executive Ethics Board to reconsider a Final Order. The request
15 must be in writing and must include the specific grounds or reasons for the request. The request
16 must be delivered to Board office within 10 days after the postmark date of this order.

17 The Board is deemed to have denied the request for reconsideration if, within 20 days
18 from the date the request is filed, the Board does not either dispose of the petition or serve the
19 parties with written notice specifying the date by which it will act on the petition.
20 RCW 34.05.470.

21 The Respondent is not required to ask the Board to reconsider the Final Order before
22 seeking judicial review by a superior court. RCW 34.05.470.

1 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

2 A Final Order issued by the Executive Ethics Board is subject to judicial review under
3 the Administrative Procedure Act, chapter 34.05 RCW. See RCW 42.52.440. The procedures
4 are provided in RCW 34.05.510 - .598.

5 The petition for judicial review must be filed with the superior court and served on the
6 Board and any other parties within 30 days of the date that the Board serves this Final Order on
7 the parties. RCW 34.05.542(2). Service is defined in RCW 34.05.542(4) as the date of mailing
8 or personal service.

9 A petition for review must set forth:

- 10 (1) The name and mailing address of the petitioner;
11 (2) The name and mailing address of the petitioner’s attorney, if any;
12 (3) The name and mailing address of the agency whose action is at issue;
13 (4) Identification of the agency action at issue, together with a duplicate copy, summary,
14 or brief description of the agency action;
15 (5) Identification of persons who were parties in any adjudicative proceedings that led to
16 the agency action;
17 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
18 (7) The petitioner’s reasons for believing that relief should be granted; and
19 (8) A request for relief, specifying the type and extent of relief requested.
20 RCW 34.05.545.

21 **ENFORCEMENT OF FINAL ORDERS**

22 If there is no timely request for reconsideration, this is the Final Order of the Board. The
23 Respondent is legally obligated to pay any penalty assessed.

24 The Board will seek to enforce a Final Order in superior court and recover legal costs
25 and attorney’s fees if the penalty remains unpaid and no petition for judicial review has been
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1 | timely filed under chapter 34.05 RCW. This action will be taken without further order by the
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