

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

3 In the Matter of:

EEB Case No. 2023-023

4 Jennifer McMillan,

FINAL ORDER

5 Respondent
6

7 **I. PROCEDURAL HISTORY**

8
9 On February 28, 2023, the Executive Ethics Board (Board) received a complaint alleging
10 that Jennifer McMillan, the Finance Manager in the Bellevue College (BC) Finance Department
11 may have violated the Ethics in Public Service Act by providing special privileges to a family
12 member by hiring that family member in the BC Finance Department.

13 On November 17, 2023, The Board found reasonable cause that violation(s) of RCW
14 42.52 had been committed and the penalty may be \$500 or less. The Board entered an Order of
15 Default on March 8, 2024. On March 11, 2024, Board staff provided Jennifer McMillan with
16 notice of the Board's Order of Default by regular and certified mail. According to USPS, the
17 certified letter was delivered on March 12, 2024 and the regular mail notice was not returned.

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

21 **II. FINDINGS OF FACT**

22 1. According to BC, Jennifer McMillan was originally hired as a Supervisor on July
23 1, 2017. Jennifer McMillan's job title was changed to Finance Manager on February 1, 2022,
24 which is the position Jennifer McMillan presently holds at BC.
25
26

1 2. According to the complainant, Jennifer McMillan hired her child, KM,¹ to work
2 in the Finance Department (FD) as a part-time hourly worker since 2022. The complainant states
3 that KM currently works in reconciling the bank transactions for the FD and BC and thus works
4 for their mother. The complainant alleges that Jennifer McMillan is responsible for control of the
5 bank account and its reconciliation. The complainant alleges that to cover up hiring KM, the
6 paperwork that was completed indicated that KM would work for the other Manager in the FD,
7 Accounting Manager Roselle Hay. According to the complainant, when Roselle Hay was asked
8 what KM does for them, Roselle Hay said that KM works for Jennifer McMillan in the bank
9 reconciliation function.
10

11 3. According to the complainant, they do not believe that KM has a finance degree
12 or the experience to do a complex job of reconciling the bank. The complainant also alleges that
13 Jennifer McMillan does not have a bachelor's degree, which they believe is necessary to do the
14 FD Manager's job.
15

16 4. In a written response to Board staff, Jennifer McMillan said that they did not hire
17 KM. Jennifer McMillan said that Roselle Hay supervises the position and conducted a
18 competitive hiring process in May 2022 on their own. Jennifer McMillan said they do not
19 supervise Roselle Hay nor are they able to influence Roselle Hay's decisions. According to
20 Jennifer McMillan, Roselle Hay acted on their own, making their own decisions.
21

22 5. Jennifer McMillan said that KM does not reconcile bank transactions and never
23 has. According to Jennifer McMillan, since fall of 2021, only Sharon Liang and Jennifer
24
25

26 ¹ Board staff used Jennifer McMillan's child's initials instead of their name.

1 | McMillan engage in activities related to reconciling the bank transactions and performing book-
2 | to-bank reconciliation duties. Jennifer McMillan said that KM does not work for them.

3 | 6. Jennifer McMillan is responsible for control of the bank account and its
4 | reconciliation. The reconciliation function of this area includes in-system, bank-to-system
5 | reconciliation performed by Sharon Liang, as well as off-system book-to-bank reconciliation
6 | that is performed by Jennifer McMillan. This area also includes cash management processes,
7 | which were conducted by Barbara Santee until their retirement in August 2022. These activities
8 | have been performed by Jennifer McMillan since.

9 | 7. Jennifer McMillan said they did not conspire to hire KM with Roselle Hay and
10 | Dennis Curran. They did not “cover up” improper hiring of a family member. Jennifer McMillan
11 | said that they did not discuss, as a group or in pairs, the hiring of KM. Roselle Hay was fully
12 | responsible for the hiring process. Roselle Hay kept the process confidential and did not inform
13 | them who they had selected until after the employment offer was made and accepted.

14 | 8. Jennifer McMillan said that only Roselle Hay has supervised/overseen KM’s
15 | work. Jennifer McMillan said that they do not, and have never, overseen KM’s work in any way.
16 | The reporting manager for KM is Roselle Hay and always has been. Jennifer McMillan does not
17 | receive additional compensation for KM’s work, nor would they need to. KM is an adult and
18 | retained her own earnings.

19 | 9. According to Jennifer McMillan, KM previously entered external transactions,
20 | which is not associated with bank reconciliation any more than accounts receivable (AR) or
21 | accounts payable (AP). External transactions are a transaction data entered into PeopleSoft in
22 | order to represent student financial cash transactions (and other cash transactions not already
23 |
24 |
25 |
26 |

1 represented by AR, AP or Payroll) in the Finance module, as automatic entry is not currently a
2 function. The work of external transactions, a simple data entry process, like AR Direct Journal,
3 was transferred to Roselle Hay's team last summer, since it is an easy task and can be done with
4 an entry-level employee. Since then, this work is no longer assigned to Jennifer McMillan's
5 team, which is comprised of higher-level employees.
6

7 10. Jennifer McMillan said even so, KM was removed from external transactions
8 duties in late 2022 and the duties were reassigned to another member of Roselle Hay's team.
9 KM currently enters accounts receivable payments, and assists with other duties assigned by
10 Roselle Hay. Jennifer McMillan said that they have never assigned duties to KM and KM has
11 never conducted any of Jennifer McMillan's duties.
12

13 11. Jennifer McMillan confirmed that KM does not have a finance degree. KM
14 earned their Bachelor's Degree in Psychology from Washington State University. Jennifer
15 McMillan said that it is also true that KM does not have the experience to do a "complex job of
16 reconciling the bank," which is why KM was never involved in reconciling the bank.
17

18 12. In regards to the allegation that members of the bank reconciliation group
19 witnessed KM working in the reconciliation function, which is chaired by Jennifer McMillan,
20 Jennifer McMillan said that no one has witnessed KM working on bank reconciliation, since this
21 alleged action has never occurred. Jennifer McMillan said that bank reconciliation is comprised
22 of duties only performed by Sharon Liang and themselves. External transactions are a data entry
23 duty in order to represent student financials and other miscellaneous cash transactions in the
24 finance module; it is not a bank reconciliation duty and is similar to accounts receivable data
25 entry.
26

1 13. According to BC, they conducted an investigation into the allegations made by
2 the complainant. Board staff were provided with a copy of the investigation report (IR) that was
3 conducted by BC Human Resources (HR) Business Partner Mevhibe Gursoy.

4 14. According to the IR, after being notified of the allegations by Board staff, BC
5 initiated an investigation. According to the IR, the following interviews were conducted.
6

7 **Jennifer McMillan Interview**

8 15. According to the IR, Jennifer McMillan denied talking with Roselle Hay about a
9 job posting and denied recommending KM for a job to Roselle Hay or the former Executive
10 Director of Finance, Jim Craswell. Jennifer McMillan said that they did not participate in the
11 hiring process and did not review KM's resume or cover letter. Jennifer McMillan said that KM
12 had helped with financial statements a couple of years ago (2 years) while KM was a BC student
13 but was not paid by BC and was just assisting them.
14

15 16. Jennifer McMillan said that KM did not have access to the BC system, and just
16 worked with paper. According to the IR, Jennifer McMillan provided information about KM's
17 background and KM's relationship with BC staff since the age of 12. Jennifer McMillan
18 confirmed that KM had heard about the position from a college employee, and KM knew Roselle
19 Hay, who hired her.
20

21 17. According to the IR, Jennifer McMillan clarified that they were not involved in
22 the hiring process and were careful to stay out of it. Jennifer McMillan said that they were happy
23 when KM got their first job out of college and briefly described the tasks KM has been working
24 on, including accounts receivable, purchasing cards, and external transactions. Jennifer
25
26

1 | McMillan said that external transactions are a way to represent cash in or out of the college that
2 | did not make it into accounts payable or accounts receivable transactions.

3 | 18. Jennifer McMillan said that KM was responsible for external transactions but
4 | was removed from this job duty and the duty was reassigned to another employee, Phat Nguyen
5 | in December 2022. Jennifer McMillan said the former Executive Director of Finance, Terry
6 | Mansour, directed the change. According to the IR, Tony’s Mansour's email stated that KM
7 | should not work with Jennifer McMillan to avoid any conflict of interest.
8 |

9 | 19. According to the IR, when asked about KM’s statement in KM’s resume about
10 | working for Jennifer McMillan for one month in December 2021, Jennifer McMillan stated:

11 | “This is very informal. It was more just to give KM² experience. It was not conciliation.
12 | Obviously, this is more than giving her a chance to have eyes on this type of work. I'm
13 | not to do the reconciliation so, I print out the report, print out the pages, highlight the
14 | numbers, put the notes and highlights tying information give it to her, just to make sure
15 | that the number I put on the report. The actual report matches the numbers in the backup.”
16 | [sic]

17 | 20. According to the IR, Jennifer McMillan reaffirmed that KM did not have access
18 | to the BC system, was not a BC employee, and neither BC nor Jennifer McMillan paid KM but
19 | Jennifer McMillan said they bought KM a gift. Jennifer McMillan said currently KM is
20 | responsible for tasks other than external transactions, and she is helping the Budget Director,
21 | Sharon Kussy, with reconciliation of some payroll data.

22 | 21. According to Jennifer McMillan, bank reconciliation has two aspects: comparing
23 | system transactions to the bank and book to bank reconciliation. Fiscal Analyst Sharon Liang
24 | reports to Jennifer McMillan and is responsible for reconciling system transactions to the bank.
25 |

26 | ² Name changed to initials by Board staff.

1 Jennifer McMillan confirmed that they officially provided two weeks of training to KM for
2 external transactions after KM was hired. According to Jennifer McMillan, the cheat sheet KM
3 was provided had guidance for various types of external transactions, including codes,
4 accounting templates, and notes. Finally, the finance team (including KM) meets once a week
5 (Wednesdays) to go through the bank statement to identify any issues that need to be addressed.
6

7 **Roselle Hay Interview**

8 22. According to the IR, Roselle Hay has been an Accounting Manager at BC since
9 July 1, 2017. Roselle Hay told the BC investigator that due to the ctcLink implementation,
10 Roselle Hay opened a part-time hourly Accounting Technician position after discussing it with
11 Jim Craswell. Two candidates applied, KM and MC.³ Both were interviewed by Roselle Hay on
12 June 17, 2022. Roselle Hay said KM was hired for the position.
13

14 23. According to the IR, Roselle Hay said that although they had worked with
15 Jennifer McMillan, “I did not know KM⁴ personally. I knew Jennifer had a [child] when she was
16 taking courses at BC,” and did not initially recognize KM. Jennifer McMillan had mentioned to
17 Roselle Hay the need for someone to help with external transfers after Barbara Santee left on
18 August 4, 2022. However, Roselle Hay commented, “Honestly, I don't even remember how we
19 got to the point of KM doing it,” and was, “just trying to help Jennifer with her workload.”
20

21 24. Roselle Hay said KM was taken out of that task and replaced by Phat Nguyen
22 after former Executive Director of Finance, Terry Mansour, said KM shouldn't be doing external
23
24

25 ³ Name changed to initials by Board staff.

26 ⁴ Name changed to initials by Board staff.

1 transfers for the banking since KM's mother, Jennifer McMillan, handles it. As a result, Roselle
2 Hay said that the task was reassigned to Phat Nguyen in the beginning of December 2022.

3 25. According to the IR, Roselle Hay said that KM is working 12 hours a week,
4 remotely, with flexible hours mostly in the morning and Roselle Hay is approving KM's
5 timesheet. Roselle Hay said that KM is currently responsible for recording bank mobile, expired
6 and returned disbursements, returned refunds, logging travel airfare and chart strings into an
7 Excel spreadsheet, plugging the chart string into the procurement card module, handling daily
8 parking, and recording Early Learning Center deposits in ctcLink.

9
10 **KM Interview**

11 26. According to the IR, KM said that they met Jim Craswell, ex-Executive Director
12 of Finance, and Roselle Hay, Accounting Manager, while visiting their mother, Jennifer
13 McMillan in the FD sometime before KM was hired; however, KM didn't interact with Roselle
14 Hay at that time other than saying "Hi."

15
16 27. According to the IR, KM said that they learned about the job posting from their
17 mother in May/June of 2022. According to the IR, KM mentioned in their cover letter that KM
18 had heard about the position from Roselle Hay, who emailed KM about the position.

19 28. KM said that after receiving the email from Roselle Hay, KM went to the BC
20 website to look at the posting. In KM's resume, KM mentioned that they worked for Jennifer
21 McMillan in November or December 2021, remotely, by assisting with cross-referencing
22 paperwork. KM stated they were, "trying to find any discrepancies, so [] was just doing some
23 basic assistance with that" for less than a month and earned \$60 in total.
24
25
26

1 29. KM said that they were invited to the interview by Roselle Hay and had the
2 interview on June 16, 2022, via a Teams meeting. KM said they did not bring up their
3 relationship with their mother during the interview because they wanted to keep it separate from
4 their possible employment. KM said they told their mother about the interview and KM's
5 mother's reaction was minimal.
6

7 30. KM said that Roselle Hay offered KM the position by phone on June 28, 2022.
8 KM said they were hired on July 28, 2022. KM described their job as "a finance technician in
9 the finance department."
10

11 31. KM said that they used to complete external transactions, a task that was later
12 assigned to Phat Nguyen. KM said they are currently doing some AR deposits, maintaining
13 Excel sheets for bank returns, reconciling travel p-cards, and helping the Budget Office with
14 finding discrepancies between Excel sheets. KM said they have been working on a project with
15 the Budget Director, Sharon Kussy, since December 2022 and is still helping with that project.
16

17 32. According to the IR, KM said they are currently working remotely for an average
18 of 13 hours per week, Monday through Friday, and Roselle Hay approves KM's timesheets. KM
19 said they communicate with Roselle Hay mainly through email. KM said they know their own
20 responsibilities, so KM does not have regular meetings with Roselle Hay. KM said they do not
21 remember how long they have done external transactions, but was officially trained by KM's
22 mother, Jennifer McMillan, for two weeks following their start in the position. KM said that the
23 external transaction process involves making a digital representation of a transaction in ctcLink.
24 KM said that the Fiscal Analyst, Sharon Liang, is responsible for the bank reconciliation and
25 KM only communicates with Sharon Liang if there are errors with their work.
26

1 **Sharon Liang Interview**

2 33. According to the IR, Sharon Liang has been working as a Fiscal Analyst 5 at
3 Bellevue College for 10 years. Sharon Liang said that KM is working part-time in the FD and
4 was responsible for doing external postings for banking transactions. Sharon Liang said they are
5 doing bank reconciliation and they needed KM's posting to reconcile actual banking
6 transactions. Sharon Liang does not know who gave KM access to the system or what level of
7 access KM has.
8

9 34. According to Sharon Liang, both Finance and Accounting have a weekly meeting
10 every Wednesday to discuss banking and treasury and KM used to attend the meeting. Sharon
11 Liang said they are not sure if KM still does. Sharon Liang said that Accounting and Finance
12 are separate departments with different functionalities, but the meeting is an interaction between
13 both departments.
14

15 **Phat Ngyen Interview**

16 35. According to the IR, Phat Nguyen has been working as a Fiscal Analyst 3 at FD
17 at BC since April 16, 2019. Phat Nguyen said that they took over KM's responsibilities for
18 posting external transactions for banking on ctcLink to make bank reconciliation in February
19 2023 and received training from KM, who taught Phat Nguyen through spreadsheets and
20 electronic documents.
21

22 36. According to Phat Nguyen their direct supervisor is Roselle Hay, and they attend
23 meetings every Wednesday with Roselle Hay, Jennifer McMillan and everyone in the Finance
24 Office to discuss external transactions. Phat Nguyen said that KM also attends these meetings.
25
26

1 The external transactions are reviewed by Roselle Hay, Jennifer McMillan, and Sharon Liang
2 based on guidelines. Phat Nguyen said that the guidelines were shared in a Teams meeting.

3 **Dennis Curran Interview**

4 37. According to the IR, Dennis Curran has been working as a Vice President of
5 Administrative Services at BC since January 16, 2019. Dennis Curran said they met with KM
6 while KM was taking a class on campus a couple of years ago. Dennis Curran does not know
7 when KM was hired by Roselle Hay and does not know what KM is working on. The issue was
8 brought to Dennis Curran's attention by Terry Mansour in an email in on November 4, 2022 that
9 while KM was working for Roselle Hay, KM was also working for Jennifer McMillan, and
10 questioned whether this was a conflict of interest.

11 38. According to Dennis Curran, they sent an email to Terry Mansour on November
12 30, 2022 directing Terry Mansour to ensure that KM is taking direction from Roselle Hay.
13 Dennis Curran stated that there was no update provided to them on this issue following that
14 communication. Dennis Curran said they also discussed the issue regarding the organization's
15 policy with Suzanne Moreau (former Director of Employee and Labor Relations). Dennis Curran
16 said that Suzanne Moreau said they thought that it was organizationally fine.

17 39. The IR provided the following summary of facts:⁵

- 18
- 19 • KM wrote all duties they performed for their mother (Jennifer McMillan) in their
20 resume when they applied for the "Job Opening (11508), Part-Time Accounting
21 Technician" position. In addition, KM wrote that they were informed about the
22 position by Roselle Hay in their cover letter.
 - 23 • Before the position was officially posted, Roselle Hay contacted KM by email
24 (*subject: Hourly work*) on May 9, 2022, regarding the position and mentioned that
25 they received their email address from their mother (Jennifer McMillan).

26 ⁵ BC provided copies of the documents referred to in the IR to Board staff.

- 1 • Jennifer McMillan confirmed that they provided printed BC finance documents to
- 2 KM to find the discrepancies from November to December 2021 while KM was
- 3 working for Jennifer McMillan.
- 4 • Both Jennifer McMillan and KM confirmed that there was payment (either money or
- 5 a gift) after the completion of KM's work.
- 6 • Roselle Hay interviewed KM and MC separately on the same day, June 17, 2022, and
- 7 selected KM over MC. MC's resume shows that they had significantly more relevant
- 8 experience than KM and MC met the minimum qualifications while KM's resume
- 9 did not reflect experience meeting the minimum qualifications.
- 10 • Roselle Hay hired KM although KM did not meet the minimum qualifications of the
- 11 job post, which was 6 months of work experience, preferably business or office
- 12 experience.
- 13 • Jennifer McMillan confirmed that they officially trained KM on external transactions
- 14 when they started their position on July 18, 2022 and advised KM as needed.
- 15 • After former Executive Director of Finance Terry Mansour's email, Roselle Hay
- 16 assigned Phat Nguyen to take over KM's duties on December 7, 2022, via an email.
- 17 • Jennifer McMillan sent email to Phat Nguyen and cc'ed KM about an external
- 18 transaction on January 11, 2023.
- 19 • KM participates in bank meetings every Wednesday, for which both finance and
- 20 accounting employees (Roselle Hay, Jennifer McMillan, etc.) are present and
- 21 discussing the bank transactions.
- 22 • Jennifer McMillan denies talking with Roselle Hay about the job posting and denies
- 23 recommending KM to Roselle Hay or Jim Craswell for the position.
- 24 • Jennifer McMillan did not talk with Dennis Curran about hiring KM.
- 25 • Dennis Curran was not informed about KM being hired by Roselle Hay or about what
- 26 KM was working on.
- Jennifer McMillan provided bank statement access to KM.

40. Board staff were provided with a copy of a letter addressed to Jennifer McMillan from the BC Vice President of HR, Frances Dujon-Reynolds. The letter was dated July 7, 2023 and states in part:

This letter serves as a written letter of counseling for violation of Bellevue College's policy 4250 Standards of Ethical Conduct, 4450 Family Relationships, and the state of Washington Ethics Rules in your position as Finance Manager in Administrative Services at Bellevue College that occurred between May 2022 and June 2022.

Your actions were documented in the investigation report submitted by Mevhibe Gursoy, HR Business Partner, to me the Vice President of Human Resources dated May, 8, 2023 which is attached and incorporated herein as reference. As indicated in the report, the office of Human Resources found reasonable cause to believe that improper actions in violation of college policy

1 and State Ethics Rules occurred. Key findings substantiated in the report are summarized as
2 follows:

- 3 • *Violation of Bellevue College Policy 4250 Standards of Ethical Conduct by the use of*
4 *your position for “private benefit” of others (your [child]) who you provided advance*
5 *access to a job opportunity at the College by sharing her interest and contact information*
6 *to the Hiring Manager who is your colleague in advance of the position being publicly*
7 *posted.*
- 8 • *Violation of Bellevue College Policy 4450 Family Relationships by creating the*
9 *appearance of favoritism by reaching out to the Hiring Manager and sharing your*
10 *daughter’s interest in the position and contact information with the Hiring Manager in*
11 *advance of the position being posted publicly.*
- 12 • *State Ethics Rule RCW 42.52.070 by providing a special privilege to your daughter by*
13 *using your position at the College and knowledge of an upcoming job opening to give*
14 *your daughter an advantage in the hiring process.*

15 41. Also noted in the July 7, 2023 letter to Jennifer McMillan was the following
16 statement from Frances Dujon-Reynolds:

17 *“I met with you on May 24, 2023 to discuss the report findings and your request for*
18 *reconsideration per Bellevue Policy 1450P General Complaint Resolution Procedures. In that*
19 *meeting you clarified that the information you shared with your daughter in December 2021*
20 *were financial statements of the college that are public records available on the State Auditors*
21 *website and were not confidential. You said that you were just giving her some information*
22 *experience by having her proofread the statements. I concluded from your clarification that the*
23 *sharing of the financial statement information was not a violation of RCW 42.52.050*
24 *Confidential Information or RCW 42.52.110 Compensation for official duties or*
25 *nonperformance as found in the Investigation Summary Report.”*

26 42. Board staff requested a copy of Jennifer McMillan’s work email history from
BC.⁶

43. Board staff were provided with Jennifer McMillan’s email history for the period
of September 11, 2020 through March 1, 2023. Board staff found approximately 40 emails sent

⁶ Board staff processed the PST file for Jennifer McMillan on a Forensic Recovery of Evidence Device (FRED) using the Magnet Axiom Digital Investigation Platform to acquire and analyze the work email history.

1 from Jennifer McMillan's work email address directly to KM's work email address between
2 July 29, 2022 and December 1, 2022. The subjects included BankMobile Disbursement, Bank
3 Deposit Summary and various other finance related items. All appeared to be work related. KM
4 was also included in multiple group emails sent from Jennifer McMillan's work email address.
5 Those emails also appeared to be work related.
6

7 44. Board staff found no evidence that Jennifer McMillan was using their work email
8 for personal benefit or gain.

9 CONCLUSIONS OF LAW

10 1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
11 which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,
12 with respect to employees in the executive branch of state government. The Board has
13 jurisdiction over Jennifer McMillan, whose actions occurred while they were a state employee.
14

15 **RCW 42.52.070 Special Privileges and exemptions states, in part:**

16 (1) Except as required to perform duties within the scope of employment, no state
17 officer or state employee may use his or their position to secure special
18 privileges or exemptions for himself or herself, or his or her spouse, child,
19 parents, or other persons.

20 2. The Board is authorized to impose sanctions for violations to the Ethics Act
21 pursuant to RCW 42.52.360.

22 3. In determining the appropriateness of the civil penalty, the criteria in WAC 292-
23 120-030 have been reviewed.
24
25
26


1 **III. FINAL ORDER**

2 Based on the foregoing:

3 IT IS HEREBY ORDERED Respondent Jennifer McMillan is liable for and shall pay a
4 civil penalty of five-hundred dollars (\$500). The payment shall be made to the Executive Ethics
5 Board within forty-five (45) days of this Order.

6 DATED this 10th day of May 2024.

7
8 
9 Jan Jutte, Chair


Megan Abel, Member

10 
11 Kelli Nooke, 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.

23 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

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

5 A petition for review must set forth:

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

17 **ENFORCEMENT OF FINAL ORDERS**

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

20 The Board will seek to enforce a Final Order in superior court and recover legal costs
21 and attorney's fees if the penalty remains unpaid and no petition for judicial review has been
22 timely filed under chapter 34.05 RCW. This action will be taken without further order by the
23 Board.
24
25
26