

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Jeffery Larsen

Respondent.

No. 2023-025/2023-046

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Jeffery Larsen 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 March 7, 2023 and on May 19, 2023 the Executive Ethics Board (Board) received complaints alleging that Jeffery Larsen, a Correctional Industries Supervisor 2 (CIS2) with the Department of Corrections (DOC), may have violated the Ethics in Public Service Act by using state resources for private benefit or gain and by sharing confidential information.

2. According to the initial complaint, dated March 7, 2023, Jeffery Larsen allegedly browsed the internet for non-work purposes on a state computer, along with an incarcerated individual (707139).¹ Additionally, it was alleged that Jeffery Larsen used a DOC internal

¹ Board staff used the incarcerated individuals DOC number, rather than their name.

database to look up other incarcerated individuals electronic files, which they allegedly then shared with 707139. The second complaint, dated May 19, 2023, alleged that Jeffery Larsen received pay for time not worked. It was specifically alleged that Jeffery Larsen did not always work their scheduled 8 hours per day and did not submit leave for the time not worked.

3. According to DOC, Jeffery Larsen was originally hired as a Cook on November 27, 2006. Jeffery Larsen was promoted to CIS2 on April 1, 2016, which is the position they presently hold. Jeffery Larsen's work hours are 10:30 am to 6:30 pm, Sunday through Thursday.

4. Board staff provided Jeffery Larsen with a copy of the complaints. In a written response to Board staff, Jeffery Larsen stated, "I do not have a clue what this is pertaining to. I have been employed with DOC for 16+ years and have an excellent record. Never have my ethics been in question. I feel confident that when/if the investigation occurs, it will be revealed that nothing unethical happened."

5. Regarding the allegation of Jeffery Larsen getting paid for time not worked, Board staff reached out to Jeffery Larsen's immediate supervisor, Alan Millager. Board staff inquired if Jeffery Larsen utilized a physical time card, or any other electronic device that would log their "in/out" time each day. According to Alan Millager, there is no official record or log that tracks Jeffery Larsen's time worked. Alan Millager further stated, "To the best of my knowledge he did work all his assigned hours. He has submitted leave slips when requesting or needing to leave early."

6. Board staff additionally contacted both Michelle Walker and Juline Martin, DOC ethics advisors, to inquire about any time card or other tracking means that document time at the facility. They were able to provide Board staff with key logs, which log movement through certain DOC facility doors. In reviewing the logs, it did not show activity to track Jeffery Larsen's entire

workday. Board staff inquired if there were additional logs or sign in sheets that could potentially account for the rest of Jeffery Larsen's shift. According to Juline Martin, the facility Jeffery Larsen works at has a sign in/out sheet, however it does not require staff to indicate a time for in and out. Additionally, there are five facilities on the Monroe campus where Jeffery Larsen works, not all have sign in logs. According to Alan Millager, Jeffery Larsen's job duties allow them to travel around the various facilities to access all kitchens and food prep areas, therefore the exact times of all movements are not officially logged on any ledger or computer database.

7. As part of this investigation, Board staff requested a copy of Jeffery Larsen's work computer from DOC. According to David Harper, DOC Cyber Security Operations Supervisor, Jeffery Larsen's work computer was reimaged in May 2024; therefore the hard drive image provided would only have "minimal" information on it.

8. In addition to providing a partial hard drive to Board staff, DOC provided Excel spreadsheets listing Jeffery Larsen's web browsing history from February through March 2023.

9. In reviewing Jeffery Larsen's web history, Board staff noted the following use which appears personal in nature:

February 1, 2023

ESPN.com
Washington Post
Heraldnet.com (news)
KOMO news

February 5, 2023:

Disney.go (Video streaming)
ESPN.com
Washington Post

February 6, 2023:

ESPN.com

February 7, 2023:

ESPN.com
Washington Post

February 8, 2023:

ESPN.com
Washington Post

February 9, 2023:

ESPN.com
Washington Post

February 12, 2023:

ESPN.com
Disney.go
YouTube
Washington Post

February 13, 2023:

ESPN.com
Washington Post
Jeopardy.com

February 14, 2023:

ESPN.com
Washington Post
Instagram

February 15, 2023:

ESPN.com
YouTube
Washington Post
Jeopardy.com

February 16, 2023:

ESPN.com
Coldwellbanker.com (real estate)
Rockethomes.com
Houseswa.com
Movoto.com (real estate)
Realtor.com

February 20, 2023:

ESPN.com
Baseball-reference.com

February 21, 2023:

ESPN.com
AARP.org

February 22, 2023:

ESPN.com

February 23, 2023:

ESPN.com

February 26, 2023:

ESPN.com

Washington Post
Hotelinmonroewa.com
Onboard.triptease (Travel website)
Zillow
Pinterest
Rent.com
Trulia.com

February 27, 2023:

ESPN.com
Washington Post

February 28, 2023:

ESPN.com

March 1, 2023:

ESPN.com
Zillow
Newmexico.org
Washington Post
Facebook

March 2, 2023:

ESPN.com
YouTube
Pinterest
Washington Post

March 6, 2023:

ESPN.com
Washington Post

March 7, 2023:

ESPN.com
Eonline.com (celebrity news/entertainment)

March 8, 2023:

Snapchat
TikTok
YouTube
ESPN.com
SI.com (Sports Illustrated)
Operationmilitarykids.org
Twitter

March 9, 2023:

ESPN.com

March 12, 2023:

ESPN.com
Washington Post
NCAA.com (sports news)
NYtimes.com

Sportingnews.com
Teamrankings.com
Sportshub.com
CBSsports.com
Sportsline.com
12thmanrising.com (Seahawks news)

March 13, 2023:

Sports.play.cbsi.video (Real-time streaming sports video)
Bleacherreport.com (Sports news)
Twitter
NCAA.com (sports news)
ESPN.com
CBSsports.com
SBnation.com (Sports news)

March 14, 2023:

ESPN.com
Twitter
Sportsmatik.com (Sports news)
Golobos.com (Sports news)
Pinterest
SI.com (Sports Illustrated)
YouTube
Justmensrings.com (Men's wedding bands)
Rockethomes.com
Coldwellbanker.com
Priceline.com
Kayak.com

March 15, 2023:

ESPN.com

March 16, 2023:

ESPN.com
Avis.com (car rental)

March 19, 2023:

ESPN.com
YouTube
Foodandwine.com

March 20, 2023:

ESPN.com

March 21, 2023:

ESPN.com
Pinterest
Washington Post
Snapchat
TikTok

March 22, 2023:

ESPN.com
Disney.go

March 23, 2023:

ESPN.com
Washington Post

March 26, 2023:

ESPN.com

March 27, 2023:

ESPN.com

March 29, 2023:

ESPN.com
Washington Post

March 30, 2023:

ESPN.com
Washington Post

10. Board staff provided the noted list of web activity to Jeffery Larsen. In their written response, they disputed the following web activity:

- YouTube, Jeopardy, Disney, Real Estate websites, social media sites (TikTok, Facebook, Twitter), Avis car rental, and a portion of the sports websites listed.

They did not dispute the following website visits:

- ESPN, Washington Post, Hotelinmonroewa.com, Zillow, Newmexico.org, Bleacherreport.com, NCAA.com, Golobos.com, and Foodandwine.

11. Board staff replied and advised Jeffery Larsen that the web browsing history provided by DOC IT was specifically tracked and logged under their username. Board staff additionally offered to share the spreadsheet with Jeffery Larsen that listed their web activity by date/time/username, if they wanted to review it. They did not reply.

12. Board staff additionally asked Jeffery Larsen if anyone else was allowed to use their login credentials, or if they've ever left their computer logged in and stepped away. Jeffery Larsen denied allowing others to use their login credentials.

13. Board staff additionally asked Jeffery Larsen if they've ever accessed DOC databases to look up inmate information for 707139, or have allowed them to browse the internet with them, as alleged in this complaint. Jeffery Larsen replied, "At no time have I shared records, information, nor allow anyone to sit behind me while I am on the computer. I also have a screen protector on my monitor making it almost impossible for anyone to view the screen unless directly behind me."

14. As part of this investigation, Board staff requested that DOC facilitate an interview with 707139, since they were specifically named in this complaint. On December 13, 2023, Board staff conducted an interview with 707139 via Microsoft TEAMS. According to 707139, they have worked with Jeffery Larsen on and off for about the last "3-4 years." When asked if Jeffery Larsen ever allowed them to view their computer or see what they are looking at on the internet, 707139 stated, "No" and that there is a screen divider/partition that is covering the screen, which makes it impossible for them to see what Jeffery Larsen is viewing on the monitor. 707139 further advised that Jeffery Larsen doesn't like people walking behind them and makes 707139 stand to the side of them or ask permission if they need to walk behind Jeffery Larsen to retrieve paperwork or other items. Board staff additionally asked 707139 if Jeffery Larsen had ever looked up and/or shared other inmate information with them, they replied, "No."

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

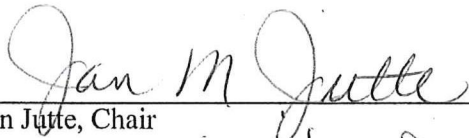
12. The civil penalty in the amount of one-thousand dollars (\$1,000) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

II. ORDER

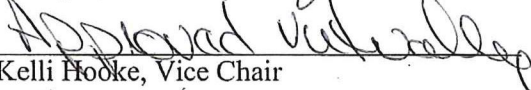
Having reviewed the proposed stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

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):

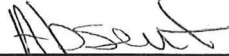
DATED this 10th day of May 2024.




Jan Jutte, Chair



Kelli Hooke, Vice Chair



Megan Abel, Member



Cam Comfort, Member

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

Jeffery Larsen, Respondent

Date