

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Vanessa Gomez-Castillo

Respondent.

No. 2023-026

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Vanessa Gomez-Castillo 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 24, 2023, the Executive Ethics Board (Board) initiated a complaint. Board staff located evidence of personal web browsing by Vanessa Gomez-Castillo, Office Assistant 3 with the Department of Corrections (DOC). Evidence suggested that Vanessa Gomez-Castillo may have used state resources for private benefit or gain.
2. While reviewing the DOC computer, Board staff singled out Vanessa Gomez-Castillo's usage and documented all web browsing that appeared personal in nature.
3. The following activity was located, pertaining specifically to Vanessa Gomez-Castillo:

- Chrome login/password credentials saved for: myoffice.tupperware.com<sup>1</sup>
- **October 15, 2021:**
  - 10:45am – 11:26am Zillow
  - Visits to myoffice.tupperware.com
- **October 18, 2021:**
  - 11:14am – 11:57am Zillow, Realtor.com
- **October 19, 2021:**
  - 9:12am – 3:57pm Zillow, Hotelrenew.com
- **October 20, 2021:**
  - 11:18am – 2:10pm Myoffice.Tupperware.com
  - Amazon
  - Realtor.com
  - Zillow
- **October 21, 2021**
  - Restaurant searches
- **October 26, 2021 12:49pm – 2:11pm**
  - Realtor.com
  - Myoffice.tupperware.com
  - Zillow
- **October 27, 2021**
  - Hawaii searches
  - Facebook visits
- **October 28, 2021**
  - Zillow
- **October 29, 2021**
  - Myoffice.tupperware.com
- **November 1, 2021 11:32am – 3:03pm**
  - Zillow
  - Oregon job searches

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<sup>1</sup> Evidence would suggest that Vanessa Gomez-Castillo frequently accessed their online Tupperware sales account, while on DOC time.

- **November 2, 2021**
  - Amazon
  - Zillow
  - Instagram
- **November 3, 2021**
  - Several Hawaii searches
- **November 4, 2021**
  - Several Hawaii searches
  - Groupon searches
- **November 16, 18, 2021**
  - Zillow searches
- **November 19, 2021**
  - Myoffice.tupperware.com
- **November 22, 2021**
  - Zillow
  - Expedia
  - Airbnb
- **November 23, 2021**
  - Zillow
  - Airbnb
  - Expedia
- **November 24, 2021**
  - Expedia
  - Flight searches
  - Flytricity.com
- **November 29, 2021**
  - Airbnb searches
  - Mexico searches
- **November 30, 2021**
  - Amazon
  - Youtube
- **December 1, 2021**
  - Zillow
  - Airbnb

- **December 2, 2021**
  - 11:39am – 3:24pm Myoffice.tupperware.com
  - 3:24pm – 3:55pm Zillow searches
- **December 3, 2021**
  - Amazon
  - Pinterest
- **December 8, 2021**
  - Amazon
- **December 9, 2021**
  - 11:06am – 4:06pm Zillow
- **December 10, 2021**
  - Ulta beauty
  - Alaska air
- **December 13, 2021**
  - Amazon
  - Etsy
- **December 14, 2021**
  - Amazon
  - Zillow
- **December 15, 2021**
  - Amazon
  - Myoffice.tupperware.com
- **December 16, 2021**
  - Maurices (clothing store) clearance sale
- **December 20, 2021 2:20pm – 3:57pm**
  - Victoriasecret
  - Zillow
  - Realtor.com
  - Hotels.com
  - Reservations.travelclick.com
  - Expedia
- **December 21, 2021**
  - 9:25am – 2:39pm Zillow

- **December 22, 2021**
  - 9:57am – 10:48am Zillow
  - 10:49am – 12:53pm Costco
  - 2:21pm – 3:58pm Amazon
- **December 23, 2021 9:40am – 3:40pm**
  - Zillow
  - Youtube
- **December 27, 2021**
  - 10:41am – 3:46pm Zillow
- **December 28, 2021**
  - USA jobs
  - Amazon
- **December 29, 2021**
  - Flight searches
  - Expedia
  - Allegiantair.com
  - Hotels.com
  - Zillow
- **December 30, 2021**
  - Expedia
- **January 4, 2022**
  - Costco
- **January 5, 2022**
  - Zillow
- **March 4, 2022**
  - Zillow
- **March 7, 2022**
  - USA jobs
- **March 11, 2022**
  - Expedia
- **March 14, 2022**
  - Travelocity

- **March 22, 2022**
  - Zillow
  - Hopper.com
  - Cheapoair.com
- **March 24, 2022**
  - Orbitz.com

4. Vanessa Gomez-Castillo was notified of this investigation, on March 28, 2023, they did not provide a response.

5. On April 25, 2023, DOC provided Board staff with an updated user profile of Vanessa Gomez-Castillo. In reviewing the web browsing history, Board staff flagged an additional 5,000 website hits, between the dates of January 5, 2023 thru March 31, 2023. The website visits were all personal in nature, including:

- Plantcareforbeginners.com
- Costco shopping
- Us.shein.com (clothing website)
- Windermerevallawalla.com
- Airbnb.com
- Amazon (with evidence of personal shopping)
- Ariat.com (clothing website)
- Carters.com (clothing website)
- Crocs.com
- Etsy.com
- Expedia.com
- Foodnetwork.com
- Several Google searches, personal in nature
- Hilton.com



- Homesandgardens.com
- Hotels.com
- Ikea.com
- Keurig.com
- Levi.com
- Maurices.com (clothing website)
- Pinterest.com
- Safeway.com
- Temu.com (clothing website)
- Simplemodern.com
- TikTok visits
- Travelocity.com
- Walkersfurniture.com
- Walmart.com
- Wayfair.com
- Wincofoods.com
- YouTube.com
- Zillow.com

## **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 Vanessa Gomez-Castillo 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. Vanessa Gomez-Castillo 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. Vanessa Gomez-Castillo 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. Vanessa Gomez-Castillo 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. Vanessa Gomez-Castillo 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 Vanessa Gomez-Castillo 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 Vanessa Gomez-Castillo 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 Vanessa Gomez-Castillo 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, Vanessa Gomez-Castillo 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. Vanessa Gomez-Castillo agrees to pay a civil penalty in the amount of five-thousand-five-hundred dollars (\$5,500) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand dollars (\$1,000) on the condition that Vanessa Gomez-Castillo 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-five-hundred dollars (\$4,500) 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, Vanessa Gomez-Castillo, 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.



Vanessa Gomez-Castillo  
Respondent

12/1/23

Date

Presented by:



KATE REYNOLDS  
Executive Director

3/8/2024

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;

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REJECTED in its entirety;

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MODIFIED. This stipulation will become the order of the Board if the Respondent approves\* the following modification(s):

\_\_\_\_\_  
\_\_\_\_\_

DATED this 8<sup>th</sup> day of March 2024.

Jan M Jutte  
Jan Jutte, Chair

Approved Virtually  
Kelli Hooke, Vice Chair

Shirley Battan, Member  
Approved Virtually  
Megan Abel, Member

Asses  
Cam Comfort, Member

\* I, Vanessa Gomez-Castillo, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Vanessa Gomez-Castillo  
Respondent

\_\_\_\_\_  
Date