

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Rachel George
Respondent.

No. 2023-034

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Rachel George 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 20, 2023, the Executive Ethics Board (Board) received a complaint alleging that Rachel George, an employee of Central Washington University (CWU), may have violated the Ethics in Public Service Act. The complaint alleged that Rachel George violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the complaint, Rachel George allegedly conducts work for an outside business, Root 'n' Tillie photography, and spends time on personal 4H duties, while on CWU time. It was further alleged that Rachel George conducts this work on CWU computers.

3. According to CWU, Rachel George was hired on September 16, 2008, in a student job role with CWU admissions. On November 16, 2016, Rachel George was promoted to the position of Advising and Recruiting Specialist.

4. As part of this investigation, Board staff obtained a forensic image of Rachel George's CWU computers and copies of Outlook emails. Board staff utilized Magnet Axion software to review the contents.

5. Board staff found no evidence in Rachel George's CWU emails that would substantiate the complaint.

6. In review of Rachel George's stored computer contents, Board staff located the following documents and photographs, consistent with this complaint:

- **Documents:**

- *2017 4-H Scavenger Hunt.pdf*
4-H Scavenger hunt map and instructions
- *2017 Kittitas County Leader of the Year.pdf*
List of 4-H clubs and individuals involved with 4-H program
- *2018 4-H Goat Premium Book Changes.pdf*
4-H instructions regarding goat competition
- *2018fairinfo.pdf*
Memo regarding 4-H Goat project fair information
- *2019 Adult Team Registration Form.pdf*
A blank registration application for the USA Softball of Washington Adult Team
- *a gift for the newlyweds.pdf*
A decorative flyer for anniversary photos, signed: "~ Rachel"
- *Baby Foss is coming!.pdf*
A decorative flyer for a baby shower. "RSVP to Rachel George"
- *Business Card (US) – Farm.pdf*
A digital business card for Foothills Farm, noted owners of "Craig and Melanie George"

➤ *Copy of photoshoot.pdf*
Decorative flyer: "a photoshoot just for you.. To be redeemed before April 2021 with Rachel (RG Pics)"

➤ *FAIR SCHEDULE_goat.docx*
A list of fair scheduled events

➤ *Photo Session.pdf*

A digital Gift Certificate (valued at \$200) for a "Photo Session with Rachel George" (Rgpicsphotography@gmail.com)

➤ *Photo Shoot.pdf*
A digital Gift Certificate for "RG Pics by Rachel George"

➤ *State 4-H Award Deadlines.pdf*
Nomination instructions for State 4-H Awards

- **Photographs:**

➤ Board staff located and flagged several saved professional photographs (83 in total), which appeared related to Rachel George's photography business.

7. Board staff emailed Rachel George and provided a list of the items in question. In Rachel George's response to Board staff, they stated that the vast majority of the professional photographs in question were related to their extra duties with CWU. Specifically, they were photographs related to their work on STEM project events and utilized for CWU social media purposes.

8. Rachel George further advised that seven of the photographs were not "recognized" by them at all (one of which depicted a goat). Rachel George further stated that 10 of the photographs were not CWU related, but that they may have accidentally been transferred from Rachel George's personal USB device onto their CWU computer. Board staff asked if Rachel George ever plugged their personal USB into their CWU computer, they advised that yes, they would sometimes plug their USB into their CWU computer. Likewise, Rachel George informed Board staff that the personal documents must have also been accidentally transferred from their

USB device. The only document found by Board staff that Rachel George stated was work related was *Baby Foss is coming!.pdf*. Rachel George advised that document was created for a colleague at CWU, and therefore was shared with other colleagues.

9. According to Dr. Allyson Rogan-Klyve, Associate Professor and Co-Director of STEM, who supervises Rachel George, indicated that Rachel George does sometimes take photographs at work for department related business. Dr. Rogan-Klyve further cited examples of how Rachel George utilized their photography skills in their CWU recruiting duties, and as part of CWU promotional materials. Additionally, Dr. Rogan-Klyve stated that Rachel George takes photographs of each student when they are nearing graduation and those photos are then displayed in CWU department space.

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 Rachel George 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. Rachel George 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. Rachel George 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. Rachel George 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. Rachel George 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 Rachel George 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 Rachel George 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 Rachel George 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

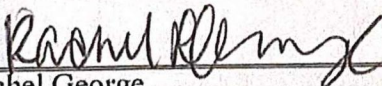
approval under WAC 292-100-090(2). Further, Rachel George understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

11. Rachel George agrees to pay a civil penalty in the amount of five-hundred dollars (\$500) associated with violations of RCW 42.52. The Board agrees to suspend two-hundred dollars (\$200) on the condition that Rachel George 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 three-hundred dollars (\$300) 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.

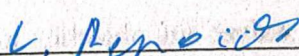
I. CERTIFICATION

I, Rachel George, 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.


Rachel George
Respondent

10/3/23
Date

Presented by:


KATE REYNOLDS
Executive Director

11/7/2023
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;

REJECTED in its entirety;

MODIFIED. This stipulation will become the order of the Board if the

Respondent approves* the following modification(s):

DATED this 17th day of November 2023.

Jan M Jutte
Jan Jutte, Chair

Approved Viterally
Kelli Hooke, Vice Chair

Shirley Battan
Shirley Battan, Member

Megan Abel
Megan Abel, Member

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

Rachel George, Respondent

Date