

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Bobbi Ahmann

Respondent.

No. 2023-035

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Bobbi Ahmann 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 22, 2023, the Executive Ethics Board (Board) received an agency referral alleging that Bobbi Ahmann, an employee of the Washington State Department of Agriculture (AGR), may have violated the Ethics in Public Service Act. The complaint alleged that Bobbi Ahmann violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the referral, Bobbi Ahmann used their AGR issued MiFi¹ device for personal use, resulting in an unusually high amount of data used, in comparison to other AGR

¹ MiFi is a brand name to describe a wireless router that acts as a mobile Wi-Fi hotspot.

employees in similar roles. According to AGR, the MiFi device issued to Bobbi Ahmann was to be used solely for their duties as a part-time Brand Inspector.

3. According to AGR, Bobbi Ahmann was hired on July 1, 1981 as a Clerk 2 in the Animal Services Division. On July 16, 1986, Bobbi Ahmann was promoted to an Office Assistant 2. On September 1, 2009, Bobbi Ahmann was promoted to a Brand Inspector 1 and is presently in that position.

4. AGR provided Board staff with a copy of their internal investigation. Bobbi Ahmann used approximately 1,109 GB of data, according to the provider (Verizon), between the dates of March 2022 and October 2022. When AGR compared those results to two other AGR employees, it showed those employees used approximately 39.6 GB of data during the same time period. According to the AGR investigator Connor Desing, Bobbi Ahmann's usage did not incur any overage fees, due to AGR catching the usage early enough.

5. In addition to the MiFi usage comparisons, AGR compared Bobbi Ahmann's usage to their time sheet, which recorded all hours worked. The AGR investigation showed that Bobbi Ahmann was using the AGR issued MiFi outside of their working hours, including off duty hours, holidays, and weekdays where Bobbi Ahmann did not record any time worked.

6. As part of the AGR internal investigation, Bobbi Ahmann was interviewed about their MiFi usage on December 21, 2022. When asked about personal MiFi usage, Bobbi Ahmann indicated they used the MiFi while at home "once in a while." Bobbi Ahmann was asked if they knew what the expectations were for using the MiFi device, to which Bobby Ahmann stated, "I do not know what the expectations were for using it, or how often they intended for me to use it."

7. AGR provided Board staff with several of their agency policies, including POL-IT-600 – Maintaining the Information Technology Security Program, which reads: “Passwords are confidential and employees must not share them with anyone except IT Service Desk personnel.” Additionally, AGR provided Board staff with POL-IT-604 – Using Electronic Messaging Systems and the Internet, which reads: “No unauthorized streaming or downloading of any non-work-related software or files is allowed [on state-provided internet].”

8. AGR asked Bobbi Ahmann if they were required to enter a password when connecting to the MiFi device and Bobbi Ahmann stated, “[y]es, I do.” When Bobbi Ahmann was asked if they knew what the password was, they replied “[t]here was a piece of paper on it with instructions to connecting to it and the password. I do not know where it is now.”

9. AGR asked Bobbi Ahmann if they ever connected the MiFi device to personal devices, Bobbi Ahmann replied, “[o]nce in a while, I probably did.”

10. AGR specifically asked Bobbi Ahmann about the unusually high amount of data being used on the agency MiFi device between the months of March and October 2022. Bobbi Ahmann stated, “[t]o be honest with you, it is probably my daughter. She is going to college and doing her homework. She is getting her master’s degree. She will connect to it.” AGR asked Bobbi Ahmann how their daughter was able to connect to a password protected device, Bobbi Ahmann replied, “[t]he password is in there.” AGR additionally asked Bobbi Ahmann if they were aware that their daughter had been using the MiFi device, Bobbi Ahmann replied, “[y]es.”

11. AGR asked Bobbi Ahmann if they had told their daughter not to use the device, Bobbi Ahmann replied, “[a]pparently, no I did not. No, I didn’t. I probably should have.”

12. AGR additionally asked Bobbi Ahmann if they had ever used the MiFi device, outside of work hours, for non-work related activities, such as YouTube or similar services.

Bobbi Ahmann replied, “[n]ot lately, no I haven’t used it. I try not to use it much.” AGR asked Bobbi Ahmann if there had been times in the past where those activities occurred, Bobbi Ahmann replied, “[y]es, there have been.”

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 Bobbi Ahmann 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. Bobbi Ahmann 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. Bobbi Ahmann 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. Bobbi Ahmann 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. Bobbi Ahmann 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 Bobbi Ahmann 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 Bobbi Ahmann 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 Bobbi Ahmann 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, Bobbi Ahmann 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. Bobbi Ahmann agrees to pay a civil penalty in the amount of three-thousand dollars (\$3,000) associated with violations of RCW 42.52. The Board agrees to suspend one-thousand-five-hundred dollars (\$1,500) on the condition that Bobbi Ahmann 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-five-hundred dollars (\$1,500) 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, Bobbi Ahmann, 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.

 11/27/2023
Bobbi Ahmann Date
Respondent

Presented by:

 2/8/2024
KATE REYNOLDS Date
Executive Director

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 8th day of March 2024.

Jan M Jutte
Jan Jutte, Chair

Approved Virtually
Kelli Hooke, Vice Chair

Shirley Battan, Member

Approved Virtually
Megan Abel, Member

AB
Cam Comfort, Member

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

Bobbi Ahmann, Respondent

Date