

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Greg Buikema
Respondent.

No. 2023-037

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Greg Buikema 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 31, 2023, the Executive Ethics Board (Board) received a complaint alleging that Greg Buikema, a former employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint specifically alleged that Greg Buikema violated RCW 42.52.080 Employment after public service.

2. According to DOC, Greg Buikema was hired on July 1, 2014, as a probationary employee. Greg Buikema was later moved to permanent employment status and held the position of McNeil Island Marine Operations Supervisor, until their resignation on June 15, 2022.

3. Board staff notified Greg Buikema of this complaint on May 18, 2023.

4. Based on the evidence reviewed, the Board did not find a violation of RCW 42.52.080, post state employment.

5. In review of the emails sent from Greg Buikema's DOC account, several emails were flagged that appeared unrelated to their work duties, including:

- **10/8/21: Email sent to a Baltimore County, MD address:**

Good Morning Ryan,
Thanks for the phone call yesterday. I will continue to work to resolve the issues with the house at XXX Orchard Rd. Is there any chance you could call the property owner - Bonnie Buikema and explain to her what situation she is in? This might help move things along with regard to her authorizing someone else to make decisions related to the property.
She can be reached at XXX-XXX-XXXX. I appreciate the help.

Thanks,

Greg Buikema¹

- **10/11/21: Email sent to a personal Gmail address:**

I know it's late notice but I am planning to take L to Garfield to see if we can get some field space to kick the soccer ball around this afternoon around 5:15 if E and/or V want to come for a 1/2 hour or so.

Thanks,

Greg Buikema

- **10/11/21: Email sent to a law firm:**

Stacie,

I'm sorry I missed you this morning. I am available tomorrow morning 10:15 – 10:45 ET again or Wednesday any time after 1:00 ET if you would like to try for a time in there.

Thanks,

Greg Buikema²

¹ This was just one of a series of back and forth emails related to a code enforcement inspection of this property, presumably family owned.

² This was just one of a series of back and forth emails related to assistance with long-term care for a family member.

- **10/14/21: Back and forth email string to a personal email address, related to family long term care issues:**

That sounds lame.

Maybe the physician will say she is not capable of managing her own affairs.

Greg Buikema

6. Additionally, several emails were flagged that were sent to Greg Buikema's DOC account from their personal Gmail account, between the dates of June 7, 2021 thru May 17, 2022, including:

- **8/19/21:** email forwarded related to home inspection at family property in Maryland
- **8/29/21:** newsletter related to child's soccer team forwarded
- **9/10/21:** Email forwarded from law firm
- **10/10/21:** Email forwarded from law firm
- **10/13/21:** Email forwarded from law firm, related to long term care issues
- **10/20/21:** Email forwarded related to child's soccer game
- **10/25/23:** Email string forwarded between his personal email and what appeared to be a relative, related to parent's long term care issues
- **11/7/21:** Email forwarded from Probate company, related to parents long term care issues
- **11/7/21:** Email forwarded from Baltimore County, related to parents long term care issues
- **11/7/21:** Email forwarded from law firm
- **11/7/21:** Email with link to long term care facility forwarded
- **1/13/22:** Email forwarded with link to Ethics in Public Service RCW
- **2/3/22:** Email forwarded from law firm, related to parents long term care issues
- **2/10/22:** Email forwarded related to job applied for with Port of Olympia
- **2/10/22:** Email forwarded related to alimony issues
- **2/10/22:** Email forwarded from law firm, related to parents long term care issues
- **2/17/22:** Email forwarded related to alimony issues
- **2/27/22:** Email forwarded related to ongoing issues with parents long term care
- **2/28/22:** Email forwarded from law firm
- **3/1/22:** Email forwarded related to family property in Maryland
- **3/8/22:** Email forwarded from law firm
- **5/17/22:** email forwarded related to Frankelderlaw

7. Lastly, several emails were flagged that were sent from Greg Buikema's DOC account to their personal Gmail account, between the dates of June 2, 2021 thru June 8, 2022, including:

- 6/8/21: Email from law firm forwarded
- 6/13/21: Email related to work crew payroll records forwarded
- 7/9/21: Email related to barge schedules forwarded
- 7/24/21: Email with photo of presumably barge control panel forwarded
- 7/26/21: Work email forwarded related to McNeil Island associated risks
- 7/28/21: Work email related to Public work/procurement forwarded
- 7/31/21: Photo forwarded of what appeared to be parts
- 8/5/21: Email forwarded related to family property in Maryland
- 8/20/21: Email forwarded related to family property in Maryland
- 10/8/21: Email forwarded related to family property in Maryland
- 10/11/21: Email forwarded related to child's soccer game
- 10/11/21: Law firm email forwarded
- 10/14/21: Law firm email forwarded
- 11/7/21: Email forwarded related to conversation about parent's long term care issues
- 11/12/21: Work email forwarded about Vessel work schedule
- 12/7/21: Email forwarded related to family property in Maryland
- 12/9/21: Email forwarded related to conversation about parent's long term care issues
- 12/13/21: Email forwarded related to invoice from law firm
- 12/21/21: Email forwarded from Olympia Hands on Children Museum
- 12/22/21: Email forwarded related to invoice from law firm
- 12/28/21: Work "to do" list emailed
- 1/1/22: Work email forwarded related to McNeil Island deck replacement
- 1/9/22: Work email forwarded related to McNeil Island Infrastructure update
- 1/27/22: Work email forwarded related to a work project
- 2/1/22: Photograph of a child forwarded
- 2/4/22: Law firm email forwarded
- 2/10/22: Work email forwarded related to a DOC employee payroll issue surrounding time worked
- 2/11/22: Work email forwarded related to McNeil Island Verizon employee accounts
- 2/28/22: Work email forwarded related to DOC Marine Department functions and roles
- 3/1/22: Law firm email forwarded
- 3/3/22: Work email forwarded related to doc position review request
- 3/10/22: Email forwarded related to family power of attorney issue
- 3/12/22: Work email forwarded related to an employee applying for a position

- 4/3/22: Work email forwarded related to a contract request
- 4/6/22: Work email forwarded related to a Marine railway condition assessment

8. On February 15, 2024, Board staff emailed Greg Buikema and inquired as to why they were sending several emails back and forth between their DOC and personal Gmail account. On February 18, 2024, Greg Buikema replied and stated, "Please send me a list of emails in question and I will respond to your inquiry as quickly as possible."

9. The entire list noted above was provided to Greg Buikema, on February 20, 2024. In Greg Buikema's written response to Board staff, they stated, "I have reviewed the document you sent. As far as I can tell from what is provided, these emails were work related, or fall within the definition of *de minimis* use. Most of the emails on the list you provided are related to my mother's health emergency and eventually death in Maryland. During the 18 months my mother was ill, I made a concerted effort to separate my personal efforts on her behalf from my work life. However, I did forward a handful of emails back and forth in the process of trying to connect and communicate with folks on the East Coast regarding her care and affairs." (sic)

10. In response to the Reasonable Cause, Greg Buikema indicated that he made "every effort to understand and uphold ethical standards and to conduct the state's business in a manner that advanced the public's interest."

11. Greg Buikema further indicated that in August 2021 their mother, who lived in Maryland, became sick and went into the hospital for care. Greg Buikema's mother passed away in April 2023. Greg Buikema maintains that during this time, they "communicated extensively with people in Maryland who were looking out for her there: my sister, doctors, nursing home administrators, elder care attorneys, social workers, etc." Greg Buikema insists that "due to the critical nature of the McNeil Island operations, I did my best to minimize time away from work while helping with my mother's affairs as best I could from Washington. As a result, I did use

state resources (email) for some personal purposes, believing that this use fell within the definition of de-minimis use.”

12. Greg Buikema indicated “while I may have judged the threshold of de-minimis use incorrectly, I do not believe I was unethical, or that I took unfair advantage of state resources. I did my best to make sure my employer’s needs were met while also doing the best I could to manage my mother’s health care crisis from the other side of the country, three time zones earlier.”

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 Greg Buikema 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. Greg Buikema 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. Greg Buikema 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. Greg Buikema 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. Greg Buikema 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 Greg Buikema 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 Greg Buikema 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 Greg Buikema 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, Greg Buikema 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. Greg Buikema agrees to pay a civil penalty in the amount of seven hundred fifty dollars (\$750) associated with violations of RCW 42.52.

12. The civil penalty in the amount of seven hundred fifty dollars (\$750) 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.

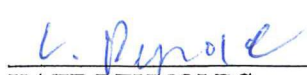
I. CERTIFICATION

I, Greg Buikema, 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.


Greg Buikema
Respondent

06/15/2024
Date

Presented by:


KATE REYNOLDS
Executive Director

7/12/2024
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;

_____ REJECTED in its entirety;

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

DATED this 12th day of July 2024.

Jan M Jutte
Jan Jutte, Chair

Approved Literally
Kelli Hooke, Vice Chair

Approved Literally
Megan Abel, Member

G. Comfort
Cam Comfort, Member

David Hankins
David Hankins, Member

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

Greg Buikema, Respondent

Date