

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Elia Martinez

Respondent.

No. 2022-049

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Elia Martinez 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 December 22, 2022, the Executive Ethics Board (Board) received a complaint from the State Auditor's Office (SAO) alleging that Elia Martinez, a Dental Assistant 2 (DA2) with the Department of Corrections (DOC) at the Washington State Penitentiary (WSP) in Walla Walla, may have violated the Ethics in Public Service Act by using state resources for private benefit or gain.

2. According to the DOC, Elia Martinez was originally hired on September 23, 2015 as a Correctional Officer. On January 4, 2016, they were promoted to Dental Assistant, which is

the position they presently hold. According to the DOC, Elia Martinez works Monday-Friday, 7 am to 3:30 pm. They are Flex Schedule Eligible.

3. According to the SAO, they originally received a whistleblower complaint alleging that two Dental Assistants, Elia Martinez and Antoinette Perez, and a Dental Hygienist, Kristen Rhodes,¹ were not working a full 40 hours per week and not submitting leave when they were not at work.

4. Additionally the whistleblower alleges that all three individuals were watching online streaming during their shift and inappropriately using the Offender Management Network Information (OMNI) system to look up information on subjects that were unrelated to their jobs.

5. According to the SAO, to determine whether the three subjects failed to submit leave for time when they did not work, they reviewed the period of January 1, 2021, through December 31, 2021. The time records they used were the leave usage reports and activity reports from KeyWatcher.

6. According to the SAO, information or documents that may have verified employee attendance were no longer available during their investigation. The SAO states that KeyWatcher reports are imprecise tools when it comes to substantiating shift work, since the system is not specifically designed for that purpose. However, using those reports and the leave usage reports, they identified several days where all three subjects might have been absent, but did not take any leave. The subjects then provided documentation, including screenshots from in-house leave forms and the state's online leave portal and timesheet systems, to support that they took leave on most of those days.

¹ Investigations were also opened by Board staff on Antoinette Perez 2022-050 and Kristen Rhodes 2022-051.

7. The SAO states that they could not determine how DOC management reviewed and approved the subjects' leave during the period in question because their former supervisor is no longer employed with the DOC.²

8. According to the SAO, they were unable to determine whether an improper governmental action occurred because the DOC does not adequately track employees' time worked, and due to inconsistencies between KeyWatcher³ data, leave data, and time cards.⁴

9. According to the SAO, to determine whether the subjects misused state computer systems, they obtained the subjects' internet network activity. Based on consistency and duration of use, they determined that the subjects' personal use of all state computer equipment was more than de minimis. They found the subjects visited social media sites, streaming services, news, travel, and furniture websites.

10. According to the SAO, Elia Martinez and Antoinette Perez said they used online streaming services during the investigation period because their work time activities were limited due to the COVID-19 pandemic. Instead of seeing patients, they prepared daily COVID-19 communications, and otherwise had little work to do during this time. According to the SAO, Elia Martinez neither agreed nor disagreed that they used their state computer for personal purposes.

² Board staff identified the former supervisor as Karen Forss (Karen Forss) who retired in 2021. Board staff were advised by DOC that their contact information was last updated on 2008. Board staff called the two telephone numbers provided. One number was disconnected. Board staff left a voice mail on the other. As of the date of this report, Karen Forss has not responded to Board staff.

³ According to the DOC, KeyWatcher is an electronic key management system that tracks key custody and time in and time out. Board staff were advised by the DOC that KeyWatcher is not an accurate way to determine time in and out for employees because employees may keep the keys for a couple of days and there are times that they may remove or return keys at the same time another employee is accessing the system resulting in no record of when the keys were taken or returned.

⁴ Board staff were provided with copies of the KeyWatcher reports, leave data and time cards by the SAO and DOC.

11. According to the SAO, the DOC OMNI system tracks all aspects of an incarcerated person's record with the justice system, including sentencing information from the state courts, no-contact orders, outstanding warrants, and other background information.⁵

12. According to the SAO, they reviewed a list of names the subjects searched within the OMNI system. The SAO states that all three subjects are allowed to use the OMNI system for scheduling, reviewing medical history, or other information related to dental care that is relevant to the appointment. However, the names the subjects searched in the system were not patients.⁶

13. According to the SAO, Elia Martinez and Antoinette Perez said they would look up names of people they saw on the news out of curiosity. The SAO states that their investigation determined that Elia Martinez did not use the OMNI system for personal use.

14. In a written response to Board staff, Elia Martinez states that the tracking system at WSP is inadequate therefore making the KeyWatcher and minor control an unreliable resource in tracking time. Elia Martinez said that they are always at work when they are scheduled to be there and submits leave when they take time off.

15. Elia Martinez said that they provided the whistleblower investigator with all the information they requested on the dates in question. Elia Martinez said they always communicated with their supervisor when they were late and called in when they were supposed to when on Flextime. Elia Martinez said they always made up their time when needed and had approval when they flexed their shift.

⁵ According to state IT security policies, state and federal privacy laws, and DOC's policies, employees may only use state computer systems for official state business. The DOC also has a "Use of State Resources Policy" that is communicated to employees in an annual training.

⁶ Board staff were provided with a spreadsheet with the names searched by all three subjects.

16. As to the allegations about inappropriately using OMNI, they said they use OMNI as part of their daily job. Elia Martinez said that from the day they started with the DOC, they were trained on how to go into OMNI and look up everything on their patients (incarcerated individuals). They said this is part of their safety and security protocol. Taking into consideration, they work with sharp instruments all day, and do live procedures with little custody staff around. Elia Martinez said that this is enforced through their supervisors and Sergeants to look up incarcerated individuals in OMNI.

17. According to Elia Martinez, they helped with COVID testing in all units throughout the institution, as well as sending out COVID results for medical records, which also required looking up housing through the OMNI system. The majority of those subjects were not their patients. Elia Martinez said that they also had to mark incoming chain buses weekly. They said that their D3 patients arriving must be scheduled properly and have priority for dental and the list is emailed to their scheduler. This also requires OMNI as these D3 patients are not established patients at WSP. They said that these new arrivals might experience an emergency while at their facility so they are given a D3 code at intake in Shelton.⁷

18. Board staff asked Elia Martinez's current supervisor, Health Services Manager 1 (HSM1) Chris Mequet, about this statement. They said that in OMNI, when you input the DOC number, it shows the Face sheet of the Incarcerated Individual (I/I). From this Face sheet you are able to view the housing location of the I/I. This access to the I/I OMNI profile could be explained

⁷ According to the DOC, D3's are priority dental care patients, coming into the institution from Shelton where they are given this dental code. They must be seen by dental within 60 days of their arrival to their home institution.

by the activities that Elia Martinez has described. However, without knowing the frequency of their access to OMNI files, they could not say that this was a daily activity for them.

19. According to Elia Martinez, they were never informed by their direct supervisor or anyone else that they were using OMNI inappropriately. They said they were encouraged to look up incarcerated individuals in the OMNI system. Elia Martinez said that they had access to most things in OMNI and if they didn't have access to certain information, it prompts them with "*Sorry this information has not been shared with you.*" Elia Martinez said they never looked up friends or family, or received any personal gain from the information. Elia Martinez said they never breeched confidentiality and that all searches were relevant to their work, which never conflicted with their patient care or changed the treatment process for any of their patients.

20. According to Elia Martinez, everything is centered on safety and security especially in their dental setting, where camera coverage is limited in some areas of their three dental clinics. Elia Martinez said that there are times when little custody presence is available. This makes it that much more important with WSP having five different custody levels.

21. According to Elia Martinez, they did use the online system on their down time or lunch break. During the timeline in question, they said that they had a lot of down time as they were on facility lock down for a while. Elia Martinez said that they helped with nursing and medical records while listening to music or having some kind of background noise to get through the stacks of COVID reports needing processed. Elia Martinez said they never logged into their Facebook account.

22. In a written response to Board staff, Elia Martinez's current supervisor, Chris Mequet stated that they were Elia Martinez's supervisor from October 2021 until November 2021.

They said they were again assigned as their supervisor on December 1, 2022, which is the position they presently hold.

23. Chris Mequet said they have not observed Elia Martinez using their work computer for personal use but Elia Martinez and other staff admitted that they had accessed OMNI profiles of high profile incarcerated inmates (I/I) and watched YouTube because it was COVID times and everyone was doing it. When asked if there was any evidence that Elia Martinez was accessing OMNI inappropriately, they said that that would be a question for the Appointing Authority. Chris Mequet said they were not sure if they pulled their internet usage report to see what staff were doing on OMNI.

24. In regards to their attendance at work, Chris Mequet said that Elia Martinez is habitually late for work. They said that since their return to WSP, they instituted an attendance tracker to ensure that leave slips are submitted. They said that before this they were unsure about their attendance because these controls were not in place. Chris Mequet said that Elia Martinez is a high utilizer of their accrued leave, which has caused them to go into Leave Without Pay (LWOP) status due to not having enough accrued paid leave.

25. Chris Mequet said that Elia Martinez's work schedule is Monday-Friday, 7 am to 3:30 pm. They said they are authorized to do flextime, which is the ability to work outside of their established work hours. Chris Mequet said that as part of their attendance tracking they have set expectations that flextime must be pre-approved. Before this control Flextime staff were using it to stay late or come in early to make up time lost due to being late or missing an entire day of work.

26. When asked by Board staff if there was any evidence that Elia Martinez was not working their assigned shift or not taking leave when required. Chris Mequet said that there was

none as far as they could tell. Chris Mequet said that they do not have any documentation that would show this.

27. On May 18, 2023, Board staff were provided with a copy of an Investigative Report (IR) that was completed by DOC Investigator 3, Jessica Perva. According to the IR, the investigation was in regards to following allegations:

- Between January 1, 2021, and December 31, 2021, on multiple occasions, Elia Martinez failed to arrive at their job site at WSP when scheduled, failed to work a 40-hour workweek and failed to submit leave slips.
- Between January 1, 2021 and December 31, 2021, Elia Martinez used a state issued computer for non-work related purposes, including watching online streaming services during work hours.
- Between January 1, 2021 and December 31, 2021, on multiple occasions Elia Martinez used OMNI to look up information about people that was not related to their job.

28. According to the IR, Elia Martinez was interviewed on March 15, 2023. Elia Martinez stated that in 2021 when Karen Forss was the HSM1 and their direct supervisor, they and other dental staff had the ability to use flextime throughout the workweek. Elia Martinez said, the times they utilized flextime they didn't submit a leave slip. Elia Martinez said they are aware of the leave request/submission process. They said that if leave was not prescheduled, they would call the outpatient nurse's desk (OPC) desk and make notification that they was going to be late or calling in sick. The OPC would then make notification to their supervisor. Elia Martinez said that the OPC does not always relay the late or call-in notice.

29. According to the IR, Elia Martinez said they were screened out in 2021 due to experiencing COVID symptoms. When asked what the leave process for COVID was, they said that it was their understanding that COVID leave was covered under administrative leave and initially leave slips weren't required.

30. According to the IR, Jessica Perva reviewed the supervisors leave report for the period of January 1, 2021 through December 31, 2021. The IR states that there were 27 handwritten dates to which the supervisor alleged leave had not been submitted. According to the IR, the document uses the words “CIS” for called in sick and “Late.” These notes are written next to each date. Out of these 27 dates, six of those days had no corresponding leave slips. However, four out of the six unaccounted for days are listed in the OPC log and supervisor audit as “Late.” According to the IR, Elia Martinez explained that most likely they used flextime rather than submitting a leave slip for the days they called in late.

31. The other two dates that are unaccounted for are:

- September 7, 2021 with note stating, “CIS/Screened out”
- September 8 2021 with the note stating, “CIS”- “CIS/Screened out”

32. According to the IR, Jessica Perva was unable to verify if flextime was used and there was no leave slip submitted in MyPortal for those two days.⁸

33. In regards to the use of their state computer for non-work related reasons, Elia Martinez said they and other dental staff are encouraged to incorporate clip art on patient callouts. Elia Martinez and other dental staff use Google to search clip art. Elia Martinez said that during a Google search for clip art several sites containing clip art pop up to include Facebook and Pinterest, therefore showing on IT records that staff visited these sites. Elia Martinez admitted to utilizing YouTube with other dental and medical staff to listen to music while dental staff was

⁸ Board staff asked Jessica Perva about the statements by dental staff about not submitting leave for COVID. In a written response, Jessica Perva said that when COVID first blew up the agency was paying for the leave “admin leave.” They said that there was really no way to submit for that because MyPortal did not have an option. Then it went to utilizing personal sick leave, and then there was an option in MyPortal with a code that indicated the staff was out on COVID leave. They said that this was a very confusing time for DOC staff surrounding leave.

assisting medical with COVID testing preparation and preparing COVID lab results for the incarcerated population. Elia Martinez said that listening to music was never done during patient care and patient care was never compromised during this time.

34. According to the IR, in regards to accessing OMNI, Elia Martinez said that they utilize OMNI daily. Elia Martinez said they utilize OMNI to look up a Incarcerated Individuals (I/I) kites⁹, housing assignments, I/Is coming off the chain, and while they were assisting the medical records unit. Additionally, Elia Martinez explained that prior to patient appointments they had utilized OMNI to look up the crime an I/I committed. Elia Martinez said that they feel that this is a safety and security practice when coming into close contact with incarcerated individuals and sharp dental objects. Elia Martinez said that they have never looked up I/Is maliciously or shared a I/Is personal information with anybody outside of dental.

35. According to the IR, Chris Mequet was interviewed on March 15, 2023. Chris Mequet stated that when they arrived at WSP in 2021 they observed several issues surrounding flextime. Specifically, with Elia Martinez and two other members of the dental staff. Chris Mequet said that staff would call in late or leave early and assume the time could be made up using flextime. Chris Mequet said that they addressed the issue and set the expectation that the usage of flextime needed to be pre-approved, leave requested needed to be submitted 72 hours in advance and that Elia Martinez needed to be onsite and in the clinic by 7:15 am for the morning huddle due to the consistent issue with tardiness. Chris Mequet said, on many occasions they had to remind Elia Martinez to submit leave slips. Because of this, Chris Mequet said that they began keeping an attendance log on dental staff.

⁹ "Kite" is a prison term for an informal message or a complaint. According to one theory, the term originated in the mid-1800s when prisoners were not allowed to speak and instead passed messages to each other using Kite branded cigarette rolling papers.

36. According to the IR, in regards to staff misusing state resources, Chris Mequet said because the Dental Assistants frequently used the corner workstation located in the clinic, direction was given by Cameo Galler that only Providers and the Dental Hygienist were able to utilize the corner workstation. Chris Mequet said that during a supervisory conference with Elia Martinez they disclosed they were under investigation for misuse of state resources. Elia Martinez told Chris Mequet that they didn't understand what the big deal was because everyone had been utilizing YouTube and that it was their understanding that the usage of YouTube was allowed.

37. In regards to dental staff accessing OMNI, Chris Mequet said that the Dental Assistants would utilize OMNI to look up an I/T's housing, patient notes, and kite information. Additionally, Chris Mequet explained that some dental assistants look up an I/T's charges prior to appointments, they feel this is a safety and security practice.

38. According to the IR, Correctional Specialist 2 (CS2) Cameo Galler was interviewed on March 16, 2023. Cameo Galler said that they only supervised Elia Martinez the month of December 2021. Cameo Galler said that there were many areas of inconsistency and flaws surrounding leave and flextime in dental. Cameo Galler said that Flextime was previously used at the discretion of the supervisor. They said that if staff called in late or left early, they would be allowed to stay late or come in early to make that time up. Cameo Galler said that they began tracking and documenting flextime and did not encounter any issues with Elia Martinez making up their flextime.

39. According to the IR, Cameo Galler said that the previous supervisor, Karen Forss, used paper leave slips rather than MyPortal electronic slips. They said that this became an issue because although staff had submitted leave slips, Karen Forss would forget to submit the slip to the time keeping distribution list.

40. According to the IR, Cameo Galler said, they had heard rumors that dental staff including Elia Martinez had been using state computers for music and to watch YouTube. To reduce the misuse of state computers, Cameo Galler said they provided Elia Martinez with an updated position description (PD) that outlined IT protocol and misuse of state resources. Cameo Galler said, after providing Elia Martinez with the updated PD, the behavior stopped.

41. In regards to OMNI, Cameo Galler said that Dental Assistants including Elia Martinez would need to utilize OMNI to research kites, make follow up appointments, schedule appointments, pulling patient codes, looking up HSRs, looking up housing assignments, and scheduling urgent appointments. Cameo Galler explained there are many instances when a Dental Assistant will need to look up an I/I that has never been scheduled for dental and don't have an upcoming appointment. Additionally, Cameo Galler said that they heard rumors of Dental Assistants including Elia Martinez looking up an incarcerated individual's crimes prior to appointments, however they were not aware of any policies saying they could not do so.

42. Board staff were provided with a copy of a letter that was sent to Elia Martinez from Zainab Ghazal, the Administrator for the DOC Health Services Division. The letter is dated May 5, 2023 and the subject line is Notification of Investigation Closure – Leave & Computer Usage. The letter notified Elia Martinez that based on the information provided in the DOC IR, they found that the allegations against them were unfounded, discipline is not warranted, and the matter is closed.

43. Board staff requested a copy of Elia Martinez's work email history and an image of their work computer from DOC.¹⁰ Board staff were provided with the email history for Elia Martinez for the period of September 11, 2019 through February 28, 2023. Board staff found no evidence related to these allegations or that Elia Martinez was using their work email for non-work related purposes.

44. Board staff were also provided with a forensic image of Elia Martinez's work computer. A review of Elia Martinez's computer history by Board staff found evidence that Elia Martinez was using their work computer for what appeared to be non-work related purposes. Board staff's review found the following information.

45. Between December 31, 2020 and February 27, 2023, Elia Martinez accessed YouTube.com approximately 200 times on approximately 20 different workdays. The majority of the sites visited were news video, informational videos, music videos that appear to be non-work related.

- On April 5, 2021, they accessed YouTube.com from 9:19 am until 11:50 am.
- On April 7, 2021, they accessed YouTube.com from 12:12 pm until 3:06 pm.
- On May 7, 2021, they accessed YouTube.com from 9:42 am until 3:11 pm.
- On May 18, 2021, they accessed YouTube.com from 10:02 am until 1:08 pm.

46. Between and May 15, 2019 and February 28, 2023, Elia Martinez accessed Google.com at least once on approximately 119 days. The majority of those searches appeared to be work related such as:

- Dental Charting
- Tooth filling #31

¹⁰ Board staff processed the computer hard drive for Elia Martinez on a Forensic Recovery of Evidence Device (FRED) using the Magnet Axiom Digital Investigation Platform to acquire and analyze the computer hard drive.

- Willamette Dental
- Is RCT sealer the same as dycal (Research on Root Canal Filling Material)

47. The following Google searches did not appear to be work related:¹¹

- Union Bulletin: visited at least once on approximately 65 different days.¹²
- TriCities Herald: visited at least once on approximately 25 different days.
- Yakima Herald: visited at least once on approximately seven different days.

48. Board staff provided Elia Martinez with the information found on their computer history. Elia Martinez provided Board staff with the following response:

- On April 5, 2021, they accessed YouTube.com from 9:19 am until 11:50 am. “I was working chairside with Dr. Luu and we were listing to music in the background through YouTube, as we don’t have very good radio service in our clinics.”
- On April 7, 2021, they accessed YouTube.com from 12:12 pm until 3:06 pm. “I had been helping medical all morning in the units with COVID testing /check. When we returned to the clinic I assisted in patient care so while doing my paperwork we had YouTube for background noise.”
- On May 7, 2021, they accessed YouTube.com from 9:42 am until 3:11 pm. “I honestly don’t know for this day as we had two clinics open HSB and IMU. I may have just left it running seems unusual and a very long time to be on the computer considering we can only use two and my usage history. I was either working with the dentist or with medical doing testing in the units or on employees, some days it could be the whole day. I may have been helping medical records with the COVID lab results as well.”
- On May 18, 2021, they accessed YouTube.com from 10:02 am until 1:08 pm. “We had two dentists that day in HSB clinic so I most likely had music playing. We work in a very negative environment, with COVID everything was upside down for everyone, listening to music made the day go by much more gracefully. When we were given access to YouTube and everyone was using it, I thought it was great! as many others did as well. Our LMS training are through YouTube videos, the majority of our trainings are on YouTube, I felt it was acceptable to participate. As long as it was nothing inappropriate or offensive. The policy on internet usage was never really clear. Then on 1/26/23 YouTube usage was suspended do to a network issue.” [sic]

¹¹ Board staff noted that most of these visits were limited to a few minutes.

¹² According to their website, the Walla Walla Union-Bulletin is a newspaper based in Walla Walla, Washington and owned by the Seattle Times Company.

49. In regards to their accessing the three news sites, Elia Martinez said they visited those sites on their down time or lunch break. Elia Martinez confirmed they never shared their password with anyone else.

B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from disclosing confidential information. RCW 42.52.050, states in pertinent parts, the following:

.....

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

RCW 42.52.050(5) defines "confidential information" as:

(a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

2. 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:

(1) 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.

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 Elia Martinez 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. Elia Martinez 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. Elia Martinez 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. Elia Martinez 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. Elia Martinez 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 Elia Martinez 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 Elia Martinez 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 Elia Martinez 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, Elia Martinez 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. Elia Martinez agrees to pay a civil penalty in the amount of one-thousand-five-hundred dollars (\$1,500) associated with violations of RCW 42.52. The Board agrees to suspend seven-hundred-fifty dollars (\$750) on the condition that Elia Martinez 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 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, Elia Martinez, 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.



Elia Martinez
Respondent

8/9/23

Date

Presented by:



KATE REYNOLDS
Executive Director

9/8/2023

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 8th day of September 2023.

Jan M Jutte
Jan Jutte, Chair

Approved via Zoom
Kelli Hooke, Vice Chair

Approved via Zoom
Shirley Battan, Member

Approved via Zoom
Megan Abel, Member

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

Elia Martinez, Respondent Date