

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Paige Perkinson

Respondent.

No. 2023-063

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Paige Perkinson 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 July 27, 2023, the Executive Ethics Board (Board) received a complaint alleging that Paige Perkinson, an employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Paige Perkinson violated RCW Chapter 42.52, by using state resources for non-work-related activities and by improperly concealing records.

2. According to the complaint, Paige Perkinson allegedly uses the "shift+delete" function to permanently destroy emails so they cannot be subject to public disclosure. It was

additionally alleged that Paige Perkinson uses their DOC issued phone to “send and receive personal messages.”

3. According to DOC, Paige Perkinson was hired on June 1, 2022, as the Senior Administrator of Engagement and Outreach and remains in that position.

4. As part of this investigation, Board staff obtained a forensic copy of Paige Perkinson’s DOC issued computer and cell phone. Utilizing Magnet Axiom software, Board staff processed and reviewed the contents. In review of the computer contents, Board staff flagged the following usage as potentially personal in nature:

- **Web Browsing:**

Google searches, personal in nature including: Peacock.com, where to stay snowflake lane Bellevue, Pocoyo tattoos, Seattle aquarium

March 24, 2023: YouTube (monster trucks)

April 11, 2023: Zillow.com (Rental Manager inbox) 8:53am – 10:30am, 1:13pm – 3:22pm¹

April 12, 2023: Zillow.com (Rental Manager inbox) 7:52am – 8:14am, 12:48pm – 1:43pm

April 13, 2023: Zillow.com (Rental Manager inbox) 9:37am – 9:39am, 1:01pm – 1:22pm

May 2, 2023: YouTube

- **Saved Documents**

TaxReturn.pdf: Personal tax filing paperwork

Appraisal Waiver.pdf: A waiver related to a home appraisal

Authorization to Charge Credit Card.pdf: A credit card receipt for medical billing

Baby Bingo.pdf: A bingo score card for baby shower gifts

Baby Word Scramble.pdf: A baby word scramble game sheet

Borrowers Certification.pdf: Document related to a personal home loan

¹ Board staff also noted evidence of a personal email being logged in/saved to Zillow.com

****Resume.pdf*: Resume belonging to a spouse²

****Cover Letter.pdf*: Spouses cover letter

Conditional Approval Followup.docx: Personal letter related to home loan application

Emoji Game.pdf: Game sheet related to guessing children's books using emojis

****footprint form.pdf*: Child's birth certificate with foot print

****Invitation – Gymnastics.pdf*: Invitation to child's birthday party

Mommy Or Daddy.pdf: Game card related to baby party

Notice of vacating Rochester Duplex: Letter drafted by Paige Perkinson, notifying a tenant of eviction

*Ofshally-one-photo-birthday-invitation***.pdf*: Child's birthday party invitation

Old Wives Tales.pdf: Game related to gender reveal party

*Paige and *** Las Vegas.docx*: Schedule related to children pickup schedule while Paige Perkinson and spouse are out of town

*Paige and *** Puerto Rico Trip February 2023.docx*: Schedule related to children pickup schedule while Paige Perkinson and spouse are out of town

Paige Twin 3-26.pdf: Bank statement

Paige WSECU Savings March 26.pdf: Bank statement

Shower Invites.xlsx: List of names for baby shower

*** *March Transactions2.pdf*: Bank statement

Twinstar January Statement.pdf: Bank statement

Twinstar February Statement.pdf: Bank statement

Twinstar March Transactions.pdf: Bank statement

WSECU Joint Statement February.pdf: Bank statement

² *** indicates a non-state employee name that has been omitted

WSECU Joint Statement January.pdf: Bank statement

*WSECU March Transactions ***.pdf*: Bank statement

WSECU Savings March Transactions.pdf: Bank statement

*WSECU *** February Statement.pdf*: Bank statement

*WSECU *** January Statement.pdf*: Bank statement

- **Photographs**

Several hundred saved photographs, personal in nature including: family photos, wedding photos, and multiple photos of presumably Paige Perkinson's child.

5. In review of the cell phone contents, Board staff flagged the following usage as potentially personal in nature:

- **Web Browsing:**

July 6, 2023: The Columbian (news website)
Domino's pizza order placed

July 11, 2023: *** and *** Wedding website viewed
WSECU bank website

July 24, 2023: Chateau Westport Resort viewed
Westport Inn viewed

- **Photos/Videos:**

Several photos and videos of presumably Paige Perkinson's child, including photos/videos taken "first-person" by the child.

6. Board staff provided Paige Perkinson with the above noted list and provided them the opportunity to respond.

7. According to Paige Perkinson, they utilize search engines occasionally to look up items on their free time. Regarding the YouTube visits, Paige Perkinson didn't remember them specifically. Regarding the Zillow visits, Paige Perkinson stated, "I may have reviewed incoming messages to this inbox. This is not my rental property and I have no ownership to the inbox, if there was any activity it was a simple review only function. I also don't recall spending long periods of time on this website and may have accidentally forgotten to close the browser."

8. Regarding the saved documents noted above, Paige Perkinson stated, "I have stored and saved documentation to my computer that I have sent to my personal account for use at a later time." Paige Perkinson further stated, "[w]hen I have had scheduled leave, I have utilized my work computer to draft documentations during allotted break times to share with families etc. This has required very little time and has just been a place where I can type, save, and send to myself to utilize."

9. Regarding the saved photographs, Paige Perkinson stated, "I do have several photos saved on my computer that are personal photos. I utilize these photos often times through projects." Paige Perkinson provided Board staff with an example of a project in which they were recently presenting a slide show for a DOC women's conference where they were asked to provide photos that speak to them as a working woman in today's society. Paige Perkinson provided a second example of a recent state interview they had, in which they were asked to present a slide show about themselves and their experience.

10. Regarding the cell phone website visits, Paige Perkinson stated the Domino's visit was for lunch during a DOC work trip and that they visit the Columbian news website, since it is a site of locally run news stories. Paige Perkinson stated the wedding site viewed was for an upcoming wedding they were going to attend, and the banking website was to review work travel related charges. Lastly, Paige Perkinson stated the hotel visits were to review accommodations for an upcoming work trip.

11. Regarding the photographs/videos of their child, Paige Perkinson stated, "I am a parent who was working as best I can during the COVID pandemic and transition out of. My child has been known to grab my phone, as a child under the age of 5 he cannot always differentiate between my personal and work device and will try and take photos of himself and around him."

12. In Paige Perkinson's written response to Board staff, they stated, "I have never used a shift+delete function, nor do I know what that function is. I have relayed information to my staff that has been passed on from public records unit about deleting transitory emails. Transitory emails are not records that we need to keep and can increase a workload immensely when public records requests are made."

13. Regarding the allegation about using their DOC computer and cell phone to send personal messages, Paige Perkinson stated, "[t]his allegation has been reported to HR, investigated internally, and dismissed. I have a total of 8 text messages on my phone either from or to Karlie Shaw." Paige Perkinson provided Board staff with the messages they were referring to. Upon review, the messages were brief and Board staff could not differentiate if the messages were personal in nature or work related.

14. As part of this investigation, Board staff obtained a written response from Paige Perkinson's supervisor, Melena Thompson, Executive Policy Director. According to Melena Thompson, they are "not aware" of any emails being deleted improperly by Paige Perkinson. Melena Thompson further advised they were "not aware" of any misuse of Paige Perkinson's computer or cell phone.

15. As part of this investigation, Board staff requested a copy of any internal DOC investigation related to this complaint. According to Michelle Walker, former DOC ethics advisor, they received conflicting statements from DOC HR. On August 17, 2023, DOC HR informed Michelle Walker that no internal investigation had been conducted. However, on August 28, 2023, DOC HR informed Michelle Walker that an internal investigation had been initiated and was scheduled to be completed by November 15, 2023.

16. At the conclusion of this investigation, Board staff had not received a DOC investigation. Board staff contacted the current DOC ethics advisor, Juline Martin. According to Juline Martin, they have been unable to locate any DOC internal investigation into this matter.

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 Paige Perkinson 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. Paige Perkinson 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. Paige Perkinson 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. Paige Perkinson 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. Paige Perkinson 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 Paige Perkinson 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 Paige Perkinson 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 Paige Perkinson 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, Paige Perkinson 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, Paige Perkinson 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. Paige Perkinson agrees to pay a civil penalty in the amount of seven hundred fifty dollars (\$750) associated with violations of RCW 42.52. The Board agrees to suspend two hundred fifty dollars (\$250) on the condition that Paige Perkinson 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 five hundred dollars (\$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, Paige Perkinson, 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.

 7/24/24

Paige Perkinson Date
Respondent

Presented by:

 9/13/2024


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 13th day of September 2024.



Jan Jutte, Chair



Kelli Hooke, Vice Chair



Megan Abel, Member



Cam Comfort, Member



David Hankins, Member

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

_____ Date
Paige Perkinson, Respondent