BEFORE THE WASHINGTON STATE EXECUTIVE ETHICS BOARD

In the Matter of:

Zachary Estep,

EEB Case No. 2023-064

FINAL ORDER

Respondent

I. PROCEDURAL HISTORY

On July 28, 2023, the Executive Ethics Board (Board) received a complaint alleging that Zachary Estep, a former employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Zachary Estep violated RCW Chapter 42.52, by using state resources for non-work-related activities.

The Board entered an Order of Default on January 10, 2025. On January 13, 2025, Board staff provided Zachary Estep with notice of the Board's Order of Default by regular and certified mail.

Pursuant to WAC 292-100-060(4) Zachary Estep was allowed 10 days to request vacation of the Order of Default. Zachary Estep has not moved to vacate the order entered on January 10, 2025.

II. FINDINGS OF FACT

1. According to the complaint, Zachary Estep allegedly used DOC computers for "long periods" of time, instead of conducting their duties.

2. According to DOC, Zachary Estep was hired on November 4, 2019, as a nonpermanent Corrections Officer 1 (CO1). On February 2, 2021, Zachary Estep was promoted to a permanent Corrections Officer 2 (CO2).

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1	3. According to Juline Martin, DOC Ethics advisor, Zach	ary Estep resigned from
2	DOC on June 20, 2024. Based on Zachary Estep's resignation, DOC of	opted to not conduct any
3	internal investigation into this matter.	
4	4. As part of this investigation, Board staff obtained fore	ensic copies of all DOC
5 6	computers accessed by Zachary Esten during their normal duties. Uti	lizing Magnet forensics,
7		. The following internet
8	3 usage was flagged as personal in nature:	
9	Bererar personal Google Bear enes, servicent the dates of century 9, 20	023 – August 9, 2023
10		4
11	1 YouTube TikTok	
12	 January 11, 2023 (9:18am – 11:15am): YouTube 	
13	CNN • February 11, 2023:	
14		¥
15		9
16	6 Reddit	
17		
18	and polosi gasan	
19	CIVIT	
20	Reddit	
21	1 Indeed.com King5.com	
22	2 • <u>August 2, 2023:</u> Foxnews	
23	Lobs com	
24	Medenalds	
25	5 Match.com (dating site)	ц.
26	6 August 6, 2023: Zillow.com	. *

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1	Reddit	
2	Offerup.com Carfax.com	
3	Toyota.com Carmax.com	
4	 Motortrend.com August 7, 2023: 	
5	CNN USAtoday.com	
6	• August 9, 2023:	
7	YouTube • August 26, 2023:	
8	Petfinder.com HomeDepot Volp	
9	Yelp Reddit Zillow	
10	5. It should be noted that several of the forensic images provided by DOC had no	
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12	internet usage by Zachary Estep. However, according to Michael Pearson, DOC Deputy of IT	
13	Operations, "[t]here is now an automated nightly job which removes user profiles from PC's	
14	that are determined to be shared PC's due to the filling up of hard drives."	
15	CONCLUSIONS OF LAW	
16	1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),	
17	which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW,	
18	with respect to employees in the executive branch of state government. The Board has	
19	jurisdiction over Zachary Estep, whose actions occurred while they were a state employee.	
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	Based on the evidence reviewed, Zachary Estep has used state resources for their private benefit	
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21 22	or gain in violation of RCW 42.52.160. Zachary Estep's activities do not meet the exceptions for	
	or gain in violation of RCW 42.52.160. Zachary Estep's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.	
22	or gain in violation of RCW 42.52.160. Zachary Estep's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010. 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states:	
22 23	 or gain in violation of RCW 42.52.160. Zachary Estep's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010. 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states: No state officer or state employee may employ or use any person, money, or property under the officer's or employee's 	
22 23 24	 or gain in violation of RCW 42.52.160. Zachary Estep's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010. 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states: No state officer or state employee may employ or use any 	

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1	Under WAC 202, 110,010 Use of state resources states in port.
2	Under WAC 292-110-010 Use of state resources states, in part:
3	 (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
4	of the following conditions are met: (i) There is little or no cost to the state;
5	(ii) Any use is brief;(iii) Any use occurs infrequently;
6	(iv) The use does not interfere with the performance of any state officer's or employee's official duties;
7	(v) The use does not compromise the security or integrity of state
8	property, information systems, or software; (vi) The use is not for the purpose of conducting an outside business, in
9	furtherance of private employment, or to realize a private financial gain; and
10	(vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.
11	3. The Board is authorized to impose sanctions for violations to the Ethics Act
12	pursuant to RCW 42.52.360.
13	4. In determining the appropriateness of the civil penalty, the criteria in WAC 292-
14	120-030 have been reviewed.
15	III. FINAL ORDER
16	Based on the foregoing:
17	IT IS HEREBY ORDERED Respondent Zachary Estep is liable for and shall pay a civil
18	penalty of two-thousand-five-hundred dollars (\$2,500). The payment shall be made to the
19	Executive Ethics Board within forty-five (45) days of this Order.
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1	DATED this 14 th day of March 2025.
2	ALDI-1 1
3	Kelli Hooke, Chair
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5	megar abel
6	Megan Abel, Vice Chair
7	In mother
8	David Hankins, Member
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11	APP
	RECONSIDERATION
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Jan Jutte, Member

Cam Comfort, Member

APPEAL RIGHTS

RECONSIDERATION OF FINAL ORDER – BOARD

Any party may ask the Executive Ethics Board to reconsider a Final Order. The request must be in writing and must include the specific grounds or reasons for the request. The request must be delivered to Board office within 10 days after the postmark date of this order.

The Board is deemed to have denied the request for reconsideration if, within 20 days from the date the request is filed, the Board does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. RCW 34.05.470.

The Respondent is not required to ask the Board to reconsider the Final Order before seeking judicial review by a superior court. RCW 34.05.470.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

A Final Order issued by the Executive Ethics Board is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. See RCW 42.52.440. The procedures are provided in RCW 34.05.510 - .598.

1	The petition for judicial review must be filed with the superior court and served on the
2	Board and any other parties within 30 days of the date that the Board serves this Final Order on
3	the parties. RCW 34.05.542(2).
4	A petition for review must set forth:
5	(1) The name and mailing address of the petitioner;
6	(2) The name and mailing address of the petitioner's attorney, if any;
7	(3) The name and mailing address of the agency whose action is at issue;
8	(4) Identification of the agency action at issue, together with a duplicate copy, summary,
9	or brief description of the agency action;
10	(5) Identification of persons who were parties in any adjudicative proceedings that led to
11	the agency action;
12	(6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
13	(7) The petitioner's reasons for believing that relief should be granted; and
14	(8) A request for relief, specifying the type and extent of relief requested.
15	RCW 34.05.546.
16	ENFORCEMENT OF FINAL ORDERS
17	If there is no timely request for reconsideration, this is the Final Order of the Board. The
18	Respondent is legally obligated to pay any penalty assessed.
19	The Board will seek to enforce a Final Order in superior court and recover legal costs
20	and attorney's fees if the penalty remains unpaid and no petition for judicial review has been
21	timely filed under chapter 34.05 RCW. This action will be taken without further order by the
22	Board.
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