

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

David Plassman

Respondent.

No. 2023-066

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, David Plassman 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 August 3, 2023, the Executive Ethics Board (Board) received an agency referral alleging that David Plassman, a former employee of the Department of Social and Health Services (DSHS), may have violated the Ethics in Public Service Act. The complaint alleged that David Plassman violated RCW Chapter 42.52, by using state resources for non-work-related activities.
2. According to the referral, David Plassman used their department phone to make several personal calls, including to a "chat line" in the Portland, OR area and a "free sex hotline."

3. According to DSHS, David Plassman was hired on September 16, 1999. David Plassman held the positions of Social Worker 2 and Social Service Specialist 2. On November 1, 2021, David Plassman retired from DSHS.

4. As part of this investigation, DSHS provided Board staff with their internal investigation documents related to this allegation. This investigation stemmed from David Plassman accruing an unusually high phone bill, which DSHS flagged and reviewed.

5. According to the DSHS investigation, between the dates of April 7, 2021, and November 6, 2021, there was a total of 1,370 phone calls made to the number 503-222-2428 totaling 13,587 minutes (226.45 hours).

6. Additionally, there were 78 calls made to the phone number 206-753-2428, between the dates of April 7, 2021, and November 6, 2021, resulting in 604 minutes (10.06 hours).

7. In total, there were 1,448 calls between the above noted dates, totaling 236.51 hours of time. It should be noted that 101.86 of those hours occurred during David Plassman's scheduled work hours, with the remaining occurring outside of work hours. The total bill for those phone calls was \$481.70.

8. Board staff researched the above noted phone number and located the website livematch.com which advertises itself as a "Phone Chat Line featuring the LiveLounge." The LiveLounge is described as:

*"Where you hear the greetings of online members that match the preferences you choose. Chat one on one or leave messages to each other. You can get to know each other without revealing your private information."*

Additionally, the website advertises:

- Women always chat free with VIP members!
- Our quick anonymous sign up will have you listening to greetings in the LiveLounge and chatting in about 2 minutes.
- First time callers enjoy a full hour to freely message and chat.
- Continue to use the system for free with limitations.

- Member created forums allow you to get to know people with the same interests.
- Find fun and drama in the chat rooms.
- Safely talk with strangers.

9. In addition to the above noted personal phone activity, DSHS noted two phone calls placed to the phone number 800-373-3739, which returns to a “Free Sex Hotline.” One call, on May 14, 2021, lasted 19 minutes and the other call, on July 25, 2021, lasted 1 minute.

10. Lastly, the DSHS investigation noted a total of 6,463 (107.72 hours) of other personal phone calls that David Plassman had made on weekends, totaling \$200.60 in charges. Another 724 minutes (12 hours) of personal phone calls were made by David Plassman during times they were on scheduled leave from work. Those calls did not result in any charges.

11. In David Plassman’s written response to Board staff, they stated, “[r]egarding calls to the number 503-222-2428: I was using this as a messaging line. I was running a support group for a few friends during the Covid epidemic. I kept my activity on this line confined to lunch hour and daily breaks. At least this was my intent. I did not have another phone which worked well.”

12. David Plassman additionally stated, “[r]egarding two calls made to (the sex line) its true that I once had a friend who worked in this line and I was curious to see if she still had employment during the Pandemic.”

## **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 David Plassman 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. David Plassman 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. David Plassman 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. David Plassman 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. David Plassman 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 David Plassman 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 David Plassman 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 David Plassman 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, David Plassman 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, David Plassman 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. David Plassman agrees to pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) associated with violations of RCW 42.52.

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, David Plassman, 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.

~~LYNDA SHAW~~ ~~DAVID PLASSMAN~~ ~~5/1/2024~~ October 28, 2024  
Glynda Shaw *née* David Plassman Date  
Respondent

Presented by:

L. Reynolds 11/5/2024  
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

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ACCEPTED in its entirety;

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REJECTED in its entirety;

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MODIFIED. This stipulation will become the order of the Board if the

Respondent approves\* the following modification(s):

\_\_\_\_\_  
\_\_\_\_\_

DATED this 8<sup>th</sup> day of November 2024.

Approved Verbally  
Kelli Hooke, Chair

Megan Abel  
Megan Abel, Vice Chair

Jan M Jutte  
Jan Jutte, Member

Approved Verbally  
Cam Comfort, Member

David Hankins  
David Hankins, Member

\* I, David Plassman, accept / do not accept (circle one) the proposed modification(s).

Glynda Shaw née David Plassman  
Glynda Shaw *née* David Plassman, Respondent

October 28, 2024  
Date