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**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the matter of:

ELI VINJE,

Respondent.

OAH No. 01-2025-AGO-00070

EEB No. 2023-069

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
FINAL ORDER

I. PROCEDURAL HISTORY

On September 13, 2024, the Executive Ethics Board found reasonable cause to believe that Eli Vinje violated the Ethics in Public Service Act when they worked for the Department of Corrections. After Eli Vinje requested a hearing, the Office of Administrative Hearings (OAH) set a prehearing conference. The prehearing conference was continued at Eli Vinje's request, and set for February 26, 2025, at 2:00 p.m. OAH mailed proper notice for the prehearing conference to both parties, and in addition, notified the parties via email of the scheduled date and time. The notice warns the parties that a failure to call in for the prehearing conference could result in dismissal of the administrative appeal. Board Staff appeared at the prehearing conference through Assistant Attorney General Julia Eisentrout. Eli Vinje failed to call in and appear for the prehearing conference. Under the authority in RCW 34.05.440(2), the

1 Pursuant to RCW 34.05.440(3), Eli Vinje had seven days to request vacation of the
2 order dismissing appeal but has failed to do so.

3 II. FINDINGS OF FACT

4 2.1 On August 10, 2023, the Executive Ethics Board received an agency referral
5 from the Department of Corrections that alleged former employee Eli Vinje may have violated
6 the Ethics in Public Service Act by performing activities incompatible with public duties and
7 by using state resources for activities that are not work-related.

8 2.2 Board Staff opened an investigation.

9 2.3 According to the referral, Eli Vinje accessed the Jail Booking and Reporting
10 System (JBRS) to look up inmate information. Department of Corrections (DOC) determined
11 this access was not related to Vinje's job. Further, Vinje misrepresented a need to have access
12 to JBRS.

13 2.4 JBRS is administered by the Washington Association of Sheriffs and Police
14 Chiefs. The database provides criminal justice professionals instant, up-to-date information
15 relating to booking and release records from all city and county jails in Washington State and
16 the Washington DOC. JBRS also allows local agencies to track custody status changes for a
17 variety of individuals in the community, including registered sex offenders, individuals on
18 pretrial release, and individuals on probation. JBRS records include confidential information
19 including criminal history records, dates of birth, and last known addresses.

20 2.5 Employees that work for DOC in the Community Corrections, Records
21 Administration, and Headquarters Warrants Desk divisions are the primary users of the
22 program at DOC. Vinje did not work for any of these divisions.

23 2.6 DOC hired Vinje on January 1, 2005, as an Office Trainee. In 2010, DOC
24 promoted Vinje to Corrections Officer 2. Vinje left DOC in October 2021 to work as a County
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1 Corrections Officer in Texas. On February 1, 2023, DOC hired Vinje again to work as a
2 Corrections Officer 2. On September 1, 2023, DOC terminated Vinje's employment.

3 2.7 When Vinje initially worked for DOC, they had access to JBRS. Upon leaving
4 DOC to work for Texas, Vinje changed the emails in their JBRS account to their new Texas
5 agency email address and a personal MSN.com email address. During a routine audit in May
6 of 2022, DOC came across Vinje's JBRS account, noted it was associated with Texas
7 information, and immediately suspended it since Vinje was no longer employed with DOC.

8 2.8 After Vinje returned to DOC in 2023, they requested their access to JBRS be
9 reinstated. DOC reinstated Vinje's access and directed Vinje to contact the internal DOC JBRS
10 Administrator. DOC reinstated Vinje's access to JBRS as Vinje had returned to DOC
11 employment. However, DOC did not authorize Vinje to request access to JBRS upon his return
12 to employment and noted that access to JBRS was not necessary to perform their job duties.

13 2.9 DOC determined conducted a forensic review of Vinje's DOC account activity.
14 From April 1, 2023, to June 1, 2023, Vinje improperly accessed JBRS 10 times, performed 28
15 searches, and two report inquiries. Some of this access occurred when Vinje was off duty,
16 including: April 17, 2023, at 9:38 pm (conducted 3 searches); April 22, 2023, at 8:10 p.m.
17 (conducted one search); May 6, 2023, at 11:53 p.m. (conducted one search) and May 25, 2023
18 at 5:22 a.m. (conducted one search). Additionally, DOC determined that searches that occurred
19 on April 17, 2023, did not include a proper input code and the names searched were not from
20 Washington State, which DOC deemed suspicious.

21 22 III. CONCLUSIONS OF LAW

23 3.1 The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
24 which authorizes the Board to enforce the Ethics Act with respect to employees in the
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1 executive branch of state government. The Board has jurisdiction over Eli Vinje, as the
2 conduct occurred while Eli Vinje was a state employee.

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4 3.2 RCW 42.52.160(1) prohibits state employees from using “any person, money, or
5 property” that is under the employee’s “official control or direction...for the private benefit or
6 gain of the...employee.”

7 3.3 WAC 292-110-010(3)(a) establishes criteria that must be met for an
8 employee’s personal use of state resources to qualify as de minimis and thus allowable under
9 RCW 42.52.160. Specifically, allowable de minimis personal use “occurs infrequently,” and
10 cannot “compromise the security or integrity of state property, information systems, or
11 software.” WAC 292-110-010(3)(a)(iii), (v).

12 3.4 RCW 42.52.050(2) prohibits a state employee from using “confidential
13 information gained by reason of the... employee’s official position” for the “personal gain or
14 benefit” of the employee or another person. “Confidential information” includes “specific
15 information...not available to the general public on request” as well as “information made
16 confidential by law.” Criminal history records are confidential by law. *See* RCW 10.97

17 3.5 Based on the facts above, Eli Vinje used state resources for their personal
18 benefit in violation of RCW 42.52.160. They accessed JBRS to conduct searches for their
19 benefit or the benefit of another, and not for any work-related purpose. Such use is not de
20 minimis as does not qualify as “infrequent” and it compromises the security and integrity of
21 the JBRS.

22 3.6 Based on the facts above, Eli Vinje used their DOC access to JBRS to conduct
23 personal searches of records that contained confidential information, in violation of
24 RCW 42.52.050.

1 3.7 Pursuant to RCW 42.52.480(1) the Board has authority to impose a penalty of
2 up to \$5000 for each violation of the Ethics Act.


3 **IV. FINAL ORDER**

4 4.1 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby
5 ordered that Eli Vinje is assessed a monetary penalty amount of \$3,500 for their violations of
6 RCW 42.52.160 and RCW 42.52.050.

7 4.2 The total amount is payable in full within 90 days of the effective date of this
8 order.

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10 DATED this 14th day of March 2025.

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12 _____
Kelli Hooke, Chair



Jan Jutte, Member

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Megan Abel, Vice Chair



Cam Comfort, Member

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David Hankins, Member

1 **APPEAL RIGHTS**

2 **RECONSIDERATION OF FINAL ORDER – BOARD**

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

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

9 RCW 34.05.470.

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

12 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

16 The petition for judicial review must be filed with the superior court and served on the
17 Board and any other parties within 30 days of the date that the Board serves this Final Order on
18 the parties. RCW 34.05.542(2).

19 A petition for review must set forth:

- 20 (1) The name and mailing address of the petitioner;
21 (2) The name and mailing address of the petitioner’s attorney, if any;
22 (3) The name and mailing address of the agency whose action is at issue;
23 (4) Identification of the agency action at issue, together with a duplicate copy,
24 summary, or brief description of the agency action;
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(5) Identification of persons who were parties in any adjudicative proceedings that led to the agency action;

(6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;

(7) The petitioner's reasons for believing that relief should be granted; and

(8) A request for relief, specifying the type and extent of relief requested.

RCW 34.05.546.

ENFORCEMENT OF FINAL ORDERS

If there is no timely request for reconsideration, this is the Final Order of the Board.

The Respondent is legally obligated to pay any penalty assessed.

The Board will seek to enforce a Final Order in superior court and recover legal costs and attorney's fees if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Board.