

1 **BEFORE THE WASHINGTON STATE**  
2 **EXECUTIVE ETHICS BOARD**

3 In the Matter of:

EEB Case No. 2023-072

4 Christopher Miller,

FINAL ORDER

5 Respondent  
6

7  
8 **I. PROCEDURAL HISTORY**

9 On August 22, 2023, the Executive Ethics Board (Board) received an agency referral  
10 alleging that Christopher Miller, a former employee of the Washington State Department of  
11 Labor and Industries (LNI), may have violated the Ethics in Public Service Act. The complaint  
12 alleged that Christopher Miller violated RCW Chapter 42.52, by using state resources for non-  
13 work-related activities.

14 The Board entered an Order of Default on January 10, 2025. On January 13, 2025, Board  
15 staff provided Christopher Miller with notice of the Board’s Order of Default by regular and  
16 certified mail.

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

20 **II. FINDINGS OF FACT**

21 1. According to the referral, Christopher Miller conducted work for their outside  
22 employer, City of McCleary, while on LNI scheduled work time. Specific dates were alleged in  
23 the referral: October 6, 2022, for DOSH Wildfire Smoke Stakeholder meeting in Spokane, WA,  
24 October 18 to 20, 2022 for the McCleary city conference, and October 25 to 27, 2022 for the  
25 McCleary city conference. It was further alleged that Christopher Miller has a “history” of not  
26

1 being available for their direct reports, going “missing” while teleworking, and not being  
2 responsive to Teams meetings.

3           2.       According to the LNI referral, Christopher Miller was elected Mayor of  
4 McCleary, “sometime in 2021.” According to the City of McCleary government website,  
5 Christopher Miller is still the City Mayor as of September 4, 2024.  
6

7           3.       According to LNI, Christopher Miller was hired by LNI’s Department of  
8 Occupational Safety and Health (DOSH) as an Administrative Regulations Analyst 4, on March  
9 1, 2015. On January 15, 2019, Christopher Miller was promoted into Washington Management  
10 Service (WMS) as a DOSH Standards Program Manager. Christopher Miller resigned, effective  
11 immediately on July 19, 2023, and did not participate in the LNI internal investigation process.  
12

13           4.       As part of this investigation, Board staff obtained several documents from LNI  
14 pertaining to this investigation, including a finalized copy of their internal investigation into  
15 these allegations.

16           5.       As part of this investigation, Board staff requested a copy of Christopher Miller’s  
17 LNI computer and cell phone. According to Jennifer Brooks, LNI Human Resources  
18 Investigator, Christopher Miller failed to return their work computer and cell phone, even after  
19 their resignation from LNI.  
20

21           6.       In Christopher Miller’s written response to the allegations, they claimed they  
22 were at the meeting in Spokane, WA as alleged. However, they claimed they were “in the back  
23 of the room the entire time” and were “working on rulemaking projects” for their LNI program,  
24 not city work. Christopher Miller did not dispute the dates where they were alleged to have been  
25  
26

1 participating in McCleary city conferences and further advised they were “on leave” from LNI,  
2 during the “fall of 2022.”

3 7. LNI provided Board staff with a copy of Christopher Miller’s submitted leave,  
4 from January 2022 to the time of this investigation. No leave was submitted for October 2022.  
5

6 8. LNI provided Board staff with an LNI Conflict Analysis Form (COI), submitted  
7 by Christopher Miller on December 13, 2021. The form indicated that Christopher Miller would  
8 be “City of McCleary Mayor”, starting January 1, 2022. Christopher Miller indicated on the  
9 form “[w]ould recuse myself of any activity that would present a conflict of interest to the  
10 department and the city. The Mayor Pro Tem who is a member of the council and works in  
11 behalf of the mayor during absence would be delegated this responsibility to take this out of the  
12 direct authority of the Mayor and staff that works for the mayor.”  
13

14 9. The COI form was approved and signed by LNI on January 19, 2022.

15 10. As part of the LNI internal investigation, they conducted several LNI employee  
16 interviews surrounding Christopher Miller’s work activities. According to Ryan Allen, LNI  
17 Standards and Technical Services Manager, they supervised Christopher Miller and had them  
18 initially complete the COI form.  
19

20 **Ryan Allen LNI Interview:**

21 11. Ryan Allen informed LNI investigators that they were aware of Christopher  
22 Miller attending a mayor conference in October 2022. Ryan Allen asked Christopher Miller if  
23 they were going to submit leave for the conference, to which Christopher Miller allegedly stated  
24 they would submit leave upon return from the conference. Ryan Allen further advised that upon  
25 Christopher Miller’s return, they informed Ryan Allen that “there wasn’t much going on” at the  
26 conference and they were able to complete their LNI work while at the conference.

1           12. Ryan Allen further informed LNI investigators that Christopher Miller often joins  
2 meetings 15-20 minutes late or doesn't attend meetings at all. According to Ryan Allen,  
3 Christopher Miller often blames their Wi-Fi for having issues, or that their Teams account is  
4 "acting up."  
5

6           13. Ryan Allen further informed LNI investigators that they were aware Christopher  
7 Miller attended the two alleged mayor's conferences in October, as they were blocked out on  
8 Christopher Miller's Outlook calendar. Ryan Allen confirmed Christopher Miller did not submit  
9 leave for those dates.

10           14. Regarding the October 6, 2022, meeting in Spokane, Ryan Allen stated they were  
11 also in attendance and observed Christopher Miller there, however, they did not sit together so  
12 Ryan Allen was unable to see what Christopher Miller was doing on their laptop during that  
13 meeting.  
14

15           **Carissa Painter LNI Interview:**

16           15. According to Carissa Painter, DOSH Administrative Assistant 4, they were  
17 present at an October 14, 2022, meeting along with Christopher Miller. Carissa Painter claimed  
18 they arrived at the meeting at 12:00pm, at which point they directly witnessed Christopher Miller  
19 "performing Mayor tasks" on their cell phone until just before 1:00pm.

20           **Other LNI Employee Interviews:**

21           16. Several other LNI employees were interviewed reference the complaints noted  
22 in this referral. Other employees confirmed that Christopher Miller was often late for meetings,  
23 but they assumed it was due to technical difficulties such as F5 being slow/down, etc. No other  
24 employees were able to confirm if Christopher Miller was conducting mayor duties while at the  
25 October 6 meeting. Other LNI employees confirmed that Christopher Miller attended the two  
26

1 | noted mayor conferences, based on it being noted in their Outlook calendar, however; none  
2 | could confirm if Christopher Miller had been “teleworking” for LNI while at the conference or  
3 | not.

4 |  
5 | 17. On November 9, 2022, Ryan Allen sent a meeting invite to Christopher Miller,  
6 | requesting they meet in person at LNI, on November 10, 2022. Ryan Allen further informed  
7 | Christopher Miller the intent of the meeting was to provide Christopher Miller with official  
8 | notice of the LNI investigation and to collect their state issued electronic devices.

9 | 18. On November 10, 2022, Christopher Miller responded to Ryan Allen stating they  
10 | were unable to make the meeting due to several ongoing medical issues. Ryan Allen then  
11 | informed Christopher Miller they would be receiving notice of this investigation and needed to  
12 | bring in their devices by close of business November 14, 2022.

13 |  
14 | 19. On November 14, 2022, Christopher Miller contacted LNI and advised they “still  
15 | couldn’t function” and could not make it into LNI. LNI then provided Christopher Miller with  
16 | FMLA paperwork, which was later approved to be used from November 22, 2022, through  
17 | February 15, 2023.

18 | 20. According to LNI, while on FMLA leave, Christopher Miller continued to access  
19 | and log onto their LNI equipment, and a check of their network activity showed they may have  
20 | been “double deleting” items within their Outlook. On December 15, 2022, Christopher Miller  
21 | was contacted by LNI and informed they should not be accessing LNI agency systems while out  
22 | on approved leave.  
23 |  
24 |  
25 |  
26 |

1           21.     On February 14, 2023, Ryan Allen contacted Christopher Miller and asked if they  
2 were going to return to work. Via text, Christopher Miller replied, “[u]nable to return yet,  
3 something physically wrong.”  
4

5           22.     On February 28, 2023, LNI extended Christopher Miller’s leave up to May 15,  
6 2023, based on paperwork received from their healthcare provider claiming Christopher Miller  
7 was unable to perform the essential functions of their duties for the next 6 months.

8           23.     As part of their investigation, LNI monitored the City of McCleary city meeting  
9 minutes, which showed Christopher Miller had continued conducting their mayoral duties, while  
10 out on FMLA with LNI, including:

- 11                 • November 9, 2022: Christopher Miller held and attended the City of McCleary  
12 meeting
- 13                 • December 14, 2022: Christopher Miller held and attended the City of McCleary  
14 meeting
- 15                 • February 8, 2023: Christopher Miller held and attended the City of McCleary  
16 meeting
- March 8, 2023: Christopher Miller held and attended the City of McCleary  
                  meeting

17           24.     On June 29, 2023, LNI emailed Christopher Miller and informed them that  
18 additional medical information was needed from their provider by close of business on July 7,  
19 2023.

20           25.     On July 6, 2023, Christopher Miller provided updated medical records, claiming  
21 they were cleared to work one to two hours per day.  
22

23           26.     LNI investigators attempted to schedule an interview with Christopher Miller for  
24 July 12, 2023. However, on July 12, 2023, Christopher Miller was out sick.  
25  
26

1           27.     LNI then issued Christopher Miller a new computer and had it shipped via Fedex  
2 on July 14, 2023, in an attempt to have Christopher Miller's original computer turned in, after  
3 several failed attempts.

4           28.     LNI investigators then rescheduled the interview with Christophr Miller for July  
5 17, 2023.  
6

7           29.     Ryan Allen attempted to contact Christopher Miller, since they received no  
8 further communication from them about the laptop or the rescheduled investigative interviews,  
9 on July 18, 2023.

10          30.     Christopher Miller never responded and failed to show up to work on July 17 or  
11 18, and missed the scheduled investigative interview on July 17, at which time the interview  
12 was again rescheduled for July 19, 2023. Christopher Miller ultimately resigned on July 19,  
13 2023.  
14

15          31.     Since Christopher Miller never returned their physical equipment, LNI reviewed  
16 their emails via the LNI internal server and personally assigned cloud drive. Upon review of all  
17 emails sent and received by Christopher Miller, LNI uncovered hundreds of emails, personal in  
18 nature, between 2016 and 2023. <sup>1</sup>

19          32.     Specifically - dozens of emails, personal and romantic in nature, were discovered  
20 during the search of Christopher Miller's emails, including:  
21

22           **From: Miller, Christopher L (LNI)**  
23           **To: XXXXX<sup>2</sup>**  
24           **Subject: RE: August 9**  
              **Date: Friday, July 29, 2022 5:14:00 PM**

25           <sup>1</sup> The Board's statute of limitations is five years. RCW 42.52.540. This date range is given to identify the  
date range for which evidence was available and identified.

26           <sup>2</sup> Board staff removed the recipient's name, as they are not related to this complaint.

1           *That works for me! I just wanted to ensure you aren't going out of your way. I'll look up*  
2           *Uncle Eddie's, not familiar with that one. I assume my work day could "end" after the*  
3           *public hearing, and I don't imagine many people coming or commenting. This is a simple*  
4           *one. So I'll either be working from Tukwila or hotel until you are available. When do*  
5           *you "normally" get off work?*

6           33.       Between 2016 and 2022, several hundred emails were sent and received from  
7           Christopher Miller's LNI email to various military accounts, related to their past and present  
8           National Guard service including emails pertaining to drill dates and pay and a military court  
9           case related to Christopher Miller, including:

10           **From: Miller, Christopher L (LNI)**  
11           **To: Snyder, James E Jr CIV NG WAARNG (USA)**  
12           **Subject: Unit Records Request**  
13           **Date: Thursday, February 27, 2020 1:56:00 PM**

14           *Hello!*

15           *I was just looking to get an update on the unit records FOIA I sent in months ago back*  
16           *in August. I know it can take some time, but I was hoping to gauge where this was as I*  
17           *needed the information for some other actions. Thank you for your time and assistance!*

18           *Chris Miller, MBA, CDE, LSSBB*  
19           *Department of Labor and Industries*  
20           *Division of Occupational Safety and Health*  
21           *PO Box 44610*  
22           *Olympia, WA 98504-4610*  
23           *(360) 902-5516 (Desk Phone)*  
24           *(360) 515-6828 (Cell Phone)*  
25           *christopher.miller@lni.wa.gov*

26           34.       Additionally, during 2022 Christopher Miller had sent several dozen emails to  
27           their LNI email from their City of McCleary email, including documents pertaining to their  
28           duties as mayor. Upon review of Christopher Miller's online personal storage drive, LNI  
29           discovered over a hundred documents that had been saved from Christopher Miller's LNI email  
30           account, all clearly related to their job as Mayor of McCleary. Examples of documents emailed  
31           and saved were:



- McCleary\_Simpson Land Planning.pdf
- McCleary Property Map.pdf
- Draft Council Packet for Your review.pdf
- Ordinance Provision Changes.pdf
- Mutual Aid Appreciation Letter – City of McCleary 01-07-2022.pdf
- Accepted\_City of McCleary Update.pdf
- McCleary Urban Forestry Parks and Recreation Board.docx
- Police Oral Board Interview Questions.docx
- McCleary Rate Study Check-in.pdf
- JOB\_ANNOUNCEMENT\_AWC\_PART-TIME\_POLICE\_RECORDS\_CLERK\_2022.pdf

### CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1), which authorizes the Board to enforce the Ethics in Public Service Act, chapter 42.52 RCW, with respect to employees in the executive branch of state government. The Board has jurisdiction over Christopher Miller, whose actions occurred while they were a state employee. Based on the evidence reviewed, Christopher Miller has used state resources for their private benefit or gain in violation of RCW 42.52.160. Christopher Miller’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 official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

Under 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.

3. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360.

4. In determining the appropriateness of the civil penalty, the criteria in WAC 292-120-030 have been reviewed.

### III. FINAL ORDER

Based on the foregoing:

IT IS HEREBY ORDERED Respondent Christopher Miller is liable for and shall pay a civil penalty of three thousand dollars (\$3,000). The payment shall be made to the Executive Ethics Board within forty-five (45) days of this Order.

DATED this 14<sup>th</sup> day of March 2025.

No Vote  
Kelli Hooke, Chair

Jan M Jutte  
Jan Jutte, Member

megan abel  
Megan Abel, Vice Chair

No Vote  
Cam Comfort, Member

David Hankins  
David Hankins, Member

1  
2 **APPEAL RIGHTS**

3 **RECONSIDERATION OF FINAL ORDER – BOARD**

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

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

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

13 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

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

20 A petition for review must set forth:

- 21 (1) The name and mailing address of the petitioner;  
22 (2) The name and mailing address of the petitioner’s attorney, if any;  
23 (3) The name and mailing address of the agency whose action is at issue;  
24 (4) Identification of the agency action at issue, together with a duplicate copy, summary,  
25 or brief description of the agency action;  
26

- 1 (5) Identification of persons who were parties in any adjudicative proceedings that led to
- 2 the agency action;
- 3 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- 4 (7) The petitioner's reasons for believing that relief should be granted; and
- 5 (8) A request for relief, specifying the type and extent of relief requested.
- 6 RCW 34.05.546.

7 **ENFORCEMENT OF FINAL ORDERS**

8 If there is no timely request for reconsideration, this is the Final Order of the Board. The  
9 Respondent is legally obligated to pay any penalty assessed.

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