

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Fred Krepps

Respondent.

No. 2023-077

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Fred Krepps 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 September 28, 2023, the Executive Ethics Board (Board) received a complaint alleging that Fred Krepps, an employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Fred Krepps violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the complaint, Fred Krepps allegedly used their DOC computer for personal use, including "surfing websites instead of working" and "texting" to personal emails. It was additionally alleged that Fred Krepps used their DOC computer to conduct their "personal paint/drywall business."

3. According to DOC, Fred Krepps was hired on October 30, 2008, as a Corrections and Custody Officer 2 (CO2). On May 4, 2014, Fred Krepps was promoted to a Corrections and Custody Officer 3 (CO3). On March 1, 2023, Fred Krepps was promoted to their current position, as a Lieutenant (LT).

4. As part of this investigation, Board staff requested a forensic image of all computers Fred Krepps had access to as part of their normal duties. Utilizing Magnet forensics, Board staff processed and reviewed the three computer images provided.

5. Upon review, Board staff located no evidence of Fred Krepp's using their DOC computer to conduct activities related to their outside business. However, the following activity was flagged as personal in nature:

- **Several personal Google searches conducted, between the dates of March 30, 2023 – November 3, 2023, including:**
 - The Hawaiian LEI company*
 - Home Depot*
 - Yosemite National Park*
 - Peblo Benito Emerald Bay*
 - Disney California Adventure Park*
 - Condor Flats*
- **Personal website visits, between the dates of May 29, 2023 – November 6, 2023, including:**
 - Kitsapsun.com (24)¹*
 - Peninsuladailynews.com (34)*
 - Samurai-Sudoku.com (1)*
 - Smallcarmacamp.com (1)*
 - Tripadvisor.com (1)*
 - CNN (4)*
 - ESPN (4)*
 - USAtoday.com (3)*
 - Seattle Times (5)*
 - Amazon (1)*
 - Hipcamp.com (1)*
- **Approximately 527 emails, personal in nature, between the dates of March 27, 2023 - November 6, 2023.**
 - Emails were sent back and forth between Fred Krepps DOC email account and a fellow DOC worker's personal account, DOC email account, and phone number*

¹ The numbers refer to the number of visits during the above noted date range.

(several emails sent as texts). All emails clearly indicated a personal relationship and several included family photo attachments.

Email examples:

- “Hey baby well 8hrs more to go and no I’m not counting the time down LOL missing you baby hope you are relaxing lover”
- “I wont your fire cooked baked potato and steak lover and the corn to LOL”

6. Fred Krepps emphasizes that they have no disciplinary actions in their 16 years of service.

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 Fred Krepps 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. Fred Krepps 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. Fred Krepps 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. Fred Krepps 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. Fred Krepps 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 Fred Krepps 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 Fred Krepps 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 Fred Krepps 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, Fred Krepps waives any objection to participation by any Board member at the hearing to whom this stipulation was

KATE REYNOLDS
Executive Director

Date

