

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Bradley Bowman
Respondent.

No. 2023-081

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Bradley Bowman 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 October 5, 2023, the Executive Ethics Board (Board) received a whistleblower (WB) referral from the State Auditor's Office (SAO) alleging that Bradley Bowman, an employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Bradley Bowman violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the WB referral, Bradley Bowman allegedly used their DOC issued cell phone for "personal use beyond the de minimis standard."

3. According to DOC, Bradley Bowman was hired on March 27, 2007. On August 16, 2019, Bradley Bowman was promoted to Associate Superintendent at the Washington State Penitentiary, within the Prisons Division, and remains in that position.

4. As part of this investigation, Board staff obtained a copy of the SAO Investigation Report (IR). In review of the SAO IR, Board staff learned that SAO investigators obtained a copy of Bradley Bowman's DOC text messages, 979 in total, which consisted of messages sent and received between April 2022 and April 2023. The SAO review of the messages determined that "41 percent of all incoming and outgoing texts for the one-year period were for personal purposes."

5. As part of the SAO investigation, Bradley Bowman was interviewed. According to the IR, Bradley Bowman admitted to using their DOC cell phone for personal purposes during their commute both to and while on site at their assigned duty station, Coyote Ridge Corrections Center, until they were instructed to stop by the Coyote Ridge Superintendent in June 2022.

6. According to the SAO IR, Bradley Bowman was issued a written verbal corrective from their supervisor in June 2022. Additionally, SAO indicated that an official DOC memo was sent to all DOC management staff in June 2023 that further outlined appropriate uses of state issued equipment, including cell phones.

7. As part of this investigation, Board staff obtained a copy of the above-mentioned verbal corrective, dated September 28, 2023. The document that Bradley Bowman was issued was a "Letter of Reprimand" from the Washington State Penitentiary (WSP) Superintendent Robert Jackson. It stated, in pertinent part: "[u]pon completion of the State Auditor's investigation, based on the frequency, timing and content of the text messages, it was determined that your personal

use of your state-issued cell phone was beyond the de minimis standard, therefore, an improper government action occurred.”

8. In addition to the SAO IR, Board staff obtained a copy of an Excel spreadsheet from DOC containing 213 text messages, as well as a folder with 24 photographs. According to the DOC ethics advisor Juline Martin, DOC IT utilized **MobileGuard**¹ to access Bradley Bowman’s DOC issued cell phone, at which time they were able to pull the provided text messages and photographs as part of their investigation, which was later referred to SAO for their review.

9. Upon review of the photographs, Board staff noted the majority appeared work related, such as photographs of Prison grounds, offices, and DOC employee group photographs.

10. Upon review of the DOC provided text message spreadsheet, Board staff noted a total of 213 sent and received text messages between the dates of September 30, 2022, and April 16, 2023. Additionally, Board staff noted the text messages appeared almost entirely work related.

11. Board staff contacted the SAO investigator and inquired about the copy of the Excel spreadsheet of text messages they received from DOC. The SAO investigator provided a copy of their spreadsheet utilized for their investigation. Board staff confirmed that the list provided to SAO of Bradley Bowman’s text messages was from April 2022 and April 2023 and included 979 text messages.

12. Board staff re-contacted DOC about the discrepancy between the lists of text messages provided to SAO and to Board staff. As indicated above, the SAO IR noted “979 texts between the dates of April 2022 and April 2023,” as opposed to the 213 messages provided to Board staff.

¹ **MobileGuard** is an installed phone app that enables real-time monitoring of all users. It allows an agency to conduct “spot-checks” of user activity.

13. After an additional internal review, DOC provided Board staff with an updated spreadsheet of text messages, which showed 1,029 text messages, between the dates of April 4, 2022 and April 16, 2023.

14. Board staff reviewed the updated DOC provided spreadsheet and flagged 406 of the 1,029 text messages as personal in nature, 39%, which was consistent with the SAO finding of 41% of text messages being personal in nature. The personal text messages were sent between the dates of April 19, 2022 and June 13, 2022, confirming that the personal messages stopped after Bradley Bowman's verbal correction in June 2022 by their DOC supervisor. Additionally, all flagged messages were sent and received from the same phone number which, based on the content of the messages, appeared to have been Bradley Bowman's spouse.

15. In Bradley Bowman's written response to Board staff, they stated, "[a]t the time of the allegations, I used my best judgment on policy language surrounding the use of state resources for personal use."² Bradley Bowman further stated, "I was given a verbal corrective action by my supervisor to not use my state cell phone to send personal messages. There is clear evidence showing that I have followed that corrective action to this day."

16. Bradley Bowman additionally stated, "[f]urthermore, upon further scrutiny and review, a case could be made that my personal text conversations did fall under de-minimus or limited basis use."

17. Lastly, Bradley Bowman stated the reason they used their DOC cell phone was "to keep in contact with my wife during the day because I was not allowed to have my personal cell phone due to my office location being inside the secured perimeter of the facility, and personal

² Bradley Bowman provided Board staff with a copy of DOC Policy 800.200 Use of State Resources which states, in part "allows some de minimis use of state resources. De minimis use is an **infrequent** or **occasional** use that results in little or no cost to the state."

devices not being authorized.” Bradley Bowman further stated they “[d]idn’t use my state-issued phone to call because I was trying to use good judgement and I knew a text would be quick and allow me to keep working, which further shows my effort to keep usage brief, infrequent, and at little to no impact to the state.”

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 Bradley Bowman 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. Bradley Bowman 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. Bradley Bowman 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. Bradley Bowman 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. Bradley Bowman 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 Bradley Bowman 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 Bradley Bowman 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 Bradley Bowman 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, Bradley Bowman 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, Bradley Bowman 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. Bradley Bowman agrees to pay a civil penalty in the amount of one thousand dollars (\$1,000) associated with violations of RCW 42.52. The Board agrees to suspend four hundred dollars (\$400) on the condition that Bradley Bowman complies with all terms and conditions of this Stipulation and Order and commits no further violations of RCW 42.52 for a period of two years from the date this agreement is executed.

12. The civil penalty in the amount of six hundred dollars (\$600) 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, Bradley Bowman, 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.



Bradley Bowman
Respondent

2/27/25
Date

Presented by:



KATE REYNOLDS
Executive Director

3/14/25
Date

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

- ACCEPTED in its entirety;
- REJECTED in its entirety;
- MODIFIED. This stipulation will become the order of the Board if the

Respondent approves* the following modification(s):

did penalty of \$1,500 with \$500
suspended

DATED this 14th day of March 2025.

Kelli Hooke
Kelli Hooke, Chair

Megan Abel
Megan Abel, Vice Chair

Jan M Jutte
Jan Jutte, Member

Cam Comfort
Cam Comfort, Member

David Hankins
David Hankins, Member

* I, Bradley Bowman, accept / do not accept (circle one) the proposed modification(s).

Brad Bowman
Bradley Bowman, Respondent

3/18/25
Date