

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Jessica Zorn

Respondent.

No. 2023-082

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Jessica Zorn 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 9, 2023, the Executive Ethics Board (Board) received a complaint alleging that Jessica Zorn, an employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Jessica Zorn violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the complaint, Jessica Zorn used their DOC TEAMS account to conduct personal communication with a fellow DOC employee.

3. According to DOC, Jessica Zorn was hired on March 19, 2018, as a Corrections Officer 2 (CO2). On April 16, 2021, Jessica Zorn was promoted to a Classification Counselor 2 and remains in that position.

4. As part of this investigation, Board staff obtained a copy of a DOC internal investigation report (IR) surrounding these allegations. Board staff additionally obtained a copy of Jessica Zorn's DOC TEAMS messages.

5. In review of the DOC IR, Board staff learned that Jessica Zorn had engaged in what they referred to as "excessive and inappropriate and unprofessional communication" with a fellow DOC employee, amounting to "approximately 12 hours and 55 minutes on Microsoft TEAMS chat" in February 2023.

6. Upon review of Jessica Zorn's DOC TEAMS chats, Board staff noted over 350 TEAMS messages, between Jessica Zorn and a fellow DOC coworker, most all of which were personal in nature. The messages were all sent between the dates of February 14, 2023 (2:55pm) and February 15, 2023 (9:31pm). Examples of messages shared:

- **Jessica Zorn outgoing:**
 - "I come with too many perks"
 - "I mean you already got a tiny sneak peak =]"
 - "Oh you forgot about the Shed? Im that forgettable???"
 - "remind me not to schedule things on Tuesday so I can flirt on your desk days Instead of actually working."

7. As part of this investigation, Board staff additionally obtained and reviewed copies of Jessica Zorn's DOC emails. Between the dates of May 31, 2022 and February 16, 2023, Board staff flagged 734 emails sent and received from Jessica Zorn's DOC email account which were personal in nature, including:

- 280 emails sent and received to a "Vtext" phone number, such as:
 - "Its ok. Ill see if mom is available."
 - "If you feel okay tomorrow, after ajs haircut can we do a family lunch somewhere?"

“I know. Im not. Just have a lot to do and was up a lot with the baby last night.”

- 10 emails sent to Jessica Zorn’s personal Gmail account, some contained what appeared to be work related files, such as a death certificate containing an individual’s confidential information, as well as a DOC incident report which also contained confidential information pertaining to inmates.
- 359 emails sent and received to an unknown male’s Gmail account, personal and romantic in nature, including:
“Thanks for making me lunch. I really appreciated it today.”
“I just have been a brat lately. Ive been stressed about the move and my drs appointment. Plus you have been on edge. I apologies. I promise things will be better.”
- 85 emails sent and received to an additional unknown male’s Gmail account, personal and romantic in nature, including:
“I love you too.”
“Im sorry my love. Bailey denied my promotion.”

8. Based on the DOC investigation, Jessica Zorn was issued a formal written reprimand on February 1, 2024. In summary, DOC Superintendent Dean Mason imposed a “two-step pay reduction” for three months. This was stemming from the above noted information, as well as several other issues that arose pertaining to internal DOC policy violations.

9. In a written statement to Board staff, Jessica Zorn stated, “I would like to take this opportunity to apologize for the situation at hand. I completely understand that I am solely responsible for my actions and the consequences that result from that. I am asking the Board to consider the fact that this is the first time I have been in trouble, I am a single mother raising a toddler, and I am trying to better myself as a result of this incident.”

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 Jessica Zorn 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. Jessica Zorn 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. Jessica Zorn 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. Jessica Zorn 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. Jessica Zorn

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 Jessica Zorn 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 Jessica Zorn 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 Jessica Zorn 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, Jessica Zorn 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, Jessica Zorn 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. Jessica Zorn agrees to pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500) associated with violations of RCW 42.52. The Board agrees to suspend five hundred dollars (\$500) on the condition that Jessica Zorn 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 one thousand dollars (\$1,000) 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, Jessica Zorn, 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.

5/1/25

Jessica Zorn

Jessica Zorn
Respondent

Date

Presented by:

K. Reynolds

KATE REYNOLDS
Executive Director

5/8/2025

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):

DATED this 11th day of July 2025.

Kelli Hooke
Kelli Hooke, Chair

Megan Abel
Megan Abel, Vice Chair

Cam Comfort
Cam Comfort, Member

David Hankins
David Hankins, Member

Mark Rapozo
Mark Rapozo, Member

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

Jessica Zorn, Respondent

Date