

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Jeffrey Thompson  
Respondent.

No. 2023-083

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Jeffrey Thompson 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 Jeffrey Thompson, an employee of the Washington State Department of Corrections (DOC), may have violated the Ethics in Public Service Act. The complaint alleged that Jeffrey Thompson violated RCW Chapter 42.52, by using state resources for non-work related activities.
2. According to the complaint, Jeffrey Thompson used their DOC TEAMS account to "engage in a personal relationship" with a fellow DOC employee.
3. According to DOC, Jeffrey Thompson was hired on August 15, 2012, as a Corrections Officer 2 (CO2) and still holds that position.

4. As part of this investigation, Board staff obtained a copy of a DOC internal investigation report (IR) related to the above noted allegation. Board staff additionally obtained a copy of Jeffrey Thompson's DOC Teams messages.

5. In review of the DOC IR, Board staff learned that Jeffrey Thompson had engaged in what is 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 Jeffrey Thompson's DOC Teams chats, Board staff noted over 350 Teams messages, between Jeffrey Thompson 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 at 2:55pm and February 15, 2023 at 9:31pm. Examples of messages shared:

- **Jeffrey Thompson outgoing:**

- "I like that you don't lack confidence 😊"

- "Your other skills are what I'm looking forward to seeing"

- "oh you forgot about the Shed? Im that forgettable???"

7. As part of this investigation, Board staff requested a forensic copy of Jeffrey Thompson's DOC computer and emails. Upon review, Board staff found no evidence of additional personal usage.

8. As part of the DOC investigation, Jeffrey Thompson was interviewed by investigators. Jeffrey Thompson was asked if they had ever engaged in inappropriate or non-business related communication with the other DOC employee, to which they answered "[y]es" both on their DOC Teams account and on DOC property.

9. Based on the DOC internal investigation, Jeffrey Thompson was issued a formal written reprimand on September 6, 2023. The letter indicated that Jeffrey Thompson's use of their DOC Teams account was not de minimis and that any further misuse of state resources may result

in further disciplinary action “including dismissal.” The letter further instructed Jeffrey Thompson to review the DOC policy related to use of state resources.

10. In a written statement to Board staff, Jeffrey Thompson stated, “I understand what occurred was wrong and that I made a huge mistake by engaging in those actions. These actions have effectively cost me professionally, financially, and personally.”

## 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 Jeffrey Thompson 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. Jeffrey Thompson 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. Jeffrey Thompson 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. Jeffrey Thompson 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. Jeffrey Thompson 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 Jeffrey Thompson 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 Jeffrey Thompson 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 Jeffrey Thompson 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, Jeffrey Thompson waives any objection to participation by any Board member at the hearing to whom



