

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

3 In the Matter of:

EEB Case No. 2023-091

4 Miguel Islas-Sanchez,

FINAL ORDER

5 Respondent
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8 **I. PROCEDURAL HISTORY**

9 On November 13, 2023, the Executive Ethics Board (Board) received an agency referral
10 alleging that Miguel Islas-Sanchez, an employee of the Washington State Department of
11 Agriculture (WSDA), may have violated the Ethics in Public Service Act. The complaint alleged
12 that Miguel Islas-Sanchez violated RCW Chapter 42.52, by using state resources for non-work
13 related activities.

14 The Board entered an Order of Default on March 14, 2025. On March 17, 2025, Board
15 staff provided Miguel Islas-Sanchez with notice of the Board's Order of Default by regular and
16 certified mail.

17 Pursuant to WAC 292-100-060(4) Miguel Islas-Sanchez was allowed 10 days to request
18 vacation of the Order of Default. Miguel Islas-Sanchez responded to Board staff's notice, on
19 March 25, 2025, and requested the opportunity to settle. Board staff did communicate with Miguel
20 Islas-Sanchez, via email, to which Miguel Islas-Sanchez requested the settlement offer be sent.
21 Board staff emailed a settlement offer on April 15, 2025, and notified Miguel Islas-Sanchez they
22 had **10 days** to respond, with a due date of April 25, 2025. Miguel Islas-Sanchez failed to respond
23 to Board staff.
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II. FINDINGS OF FACT

1. According to the agency referral, Miguel Islas-Sanchez held outside employment with Fiesta Foods while being on duty and in paid status with their WSDA position.

2. According to WSDA, Miguel Islas-Sanchez was hired on August 1, 2022, as an Agricultural Chemical Specialist with the WSDA pesticide management division. On July 1, 2023, Miguel Islas-Sanchez transferred to a Pesticide Regulatory Specialist 1 position. Prior to this case being referred to the Board, Miguel Islas-Sanchez submitted their resignation with WSDA effective October 20, 2023.

3. As part of this investigation, Board staff obtained a finalized copy of a WSDA internal investigation report (IR). According to the IR, WSDA had received a tip from a concerned citizen (source) about one of their employees who had been working for an outside business, Fiesta Foods, while employed and on-duty with WSDA.

4. Specifically, the source claimed to have witnessed Miguel Islas-Sanchez catering for Fiesta Foods at an event where they were present, on September 1, 2023, from 11am to 1pm. The source was able to provide WSDA with photographs taken of Miguel Islas-Sanchez at the catered event, working on behalf of Fiesta Foods, time stamped September 1, 2023, at 12:26pm.

5. As part of the WSDA investigation, they interviewed Miguel Islas-Sanchez's program manager (Ofelio Borges). According to Ofelio Borges, they were not aware that Miguel Islas-Sanchez held outside employment, nor had it been approved. Furthermore, WSDA checked Miguel Islas-Sanchez's personnel file. On August 1, 2022, Miguel Islas-Sanchez had signed WSDA Form 1216 (Outside Employment), indicating they did not have any outside employment.

6. During the WSDA investigation, they contacted Fiesta Foods. According to Fiesta Foods Human Resources (HR) Representative Sophia Rangel, Miguel Islas-Sanchez was hired by Fiesta Foods on April 18, 2023. HR further confirmed that Miguel Islas-Sanchez works in both the Fiesta Foods deli department and does catering for them. Additionally, Fiesta Foods HR provided WSDA with Miguel Islas-Sanchez's timecards, dating back to April 2023.

7. Upon review of the Fiesta Foods timecards alongside Miguel Islas-Sanchez's WSDA timecards, there were multiple days/hours which overlapped between hours reported worked for both Fiesta Foods and WSDA. In total, Miguel Islas-Sanchez had 269 hours of overlapping time between WSDA and Fiesta Foods. Of the 120 days reviewed, 91 days had overlapping hours.

8. According to WSDA, based on the above facts of working dual employment from the period of April 2023 through September 2023, Miguel Islas-Sanchez was overpaid \$7,421.07 by WSDA. WSDA came to an agreement with Miguel Islas-Sanchez for them to repay the hours they worked dual roles. However, since WSDA did not collect the overpayment until 2024, they collected the amount less OASI and Medicare taxes, which left the total overpayment of \$6,853.37. Miguel Islas-Sanchez has since paid the full amount back to WSDA.

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 Miguel Islas-Sanchez, whose actions occurred while they were a state employee.

1 Based on the evidence reviewed, Miguel Islas-Sanchez used state resources for their private
2 benefit or gain in violation of RCW 42.52.160. Miguel Islas-Sanchez's activities do not meet the
3 exceptions for the use of state resources as permitted in WAC 292-110-010.

4 2. RCW 42.52.160(1) – Use of persons, money, or property for private gain, states:

5 No state officer or state employee may employ or use any
6 person, money, or property under the officer's or employee's
7 official control or direction, or in his or her official custody, for
the private benefit or gain of the officer, employee, or another.

8 Under WAC 292-110-010 Use of state resources states, in part:

9 (3) **Permitted personal use of state resources.** This subsection applies to any use of
state resources not included in subsection (2) of this section.

10 (a) A state officer or employee's use of state resources is de minimis only if each
of the following conditions are met:

- 11 (i) There is little or no cost to the state;
12 (ii) Any use is brief;
13 (iii) Any use occurs infrequently;
14 (iv) The use does not interfere with the performance of any state officer's
or employee's official duties;
15 (v) The use does not compromise the security or integrity of state
property, information systems, or software;
16 (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
17 (vii) The use is not for supporting, promoting the interests of, or soliciting
for an outside organization or group.

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

19 4. In determining the appropriateness of the civil penalty, the criteria in WAC 292-
20 120-030 have been reviewed.

21 **III. FINAL ORDER**

22 Based on the foregoing:

23 IT IS HEREBY ORDERED Respondent Miguel Islas-Sanchez is liable for and shall pay
24 a civil penalty of seven-thousand dollars (\$7,000). The payment shall be made to the Executive
25 Ethics Board within forty-five (45) days of this Order.
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1 DATED this 9th day of May 2025.

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3 Kelli Hooke, Chair


Megan Abel, Vice Chair

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5 Cam Comfort, Member


David Hankins, Member

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7 Mark Rapozo, Member

8 APPEAL RIGHTS

9 RECONSIDERATION OF FINAL ORDER – BOARD

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

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

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

19 FURTHER APPEAL RIGHTS – SUPERIOR COURT

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

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

4 A petition for review must set forth:

- 5 (1) The name and mailing address of the petitioner;
- 6 (2) The name and mailing address of the petitioner's attorney, if any;
- 7 (3) The name and mailing address of the agency whose action is at issue;
- 8 (4) Identification of the agency action at issue, together with a duplicate copy, summary,
9 or brief description of the agency action;
- 10 (5) Identification of persons who were parties in any adjudicative proceedings that led to
11 the agency action;
- 12 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- 13 (7) The petitioner's reasons for believing that relief should be granted; and
- 14 (8) A request for relief, specifying the type and extent of relief requested.
15 RCW 34.05.546.

16 **ENFORCEMENT OF FINAL ORDERS**

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

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