

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

3 In the Matter of:

4 Terrance Downs,

5 Respondent
6 _____

EEB Case No. 2024-017

**ORDER OF DEFAULT AND
FINAL ORDER**

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8 **I. PROCEDURAL HISTORY**

9 On March 18, 2024, the Executive Ethics Board (Board) received a referral from the
10 State Auditor's Office (SAO) alleging that Terrance Downs, a former employee of the
11 Washington State Department of Children, Youth and Families (DCYF), may have violated the
12 Ethics in Public Service Act. The referral alleged that Terrance Downs violated RCW Chapter
13 42.52 by using state resources for non-work related activities.

14 On April 3, 2025, The Board found reasonable cause to believe that violation(s) of RCW
15 42.52 had been committed, and the penalty may be greater than \$500. On April 8, 2025, notification
16 of the Reasonable Cause Determination was deposited in the United States mail to Terrance Downs
17 at their last known home address on record, 24123 62nd Way South Kent, WA 98032. Both the first-
18 class mailing and certified mailing were returned by the USPS, due to an "insufficient address."

19 Board staff then checked two online websites, Westlaw and Accurint. Both showed
20 Terrance Downs having a new address of 3721 S 152nd St. Apartment #7 Tukwila, WA 98188-
21 2249. On May 28, 2025, notification was mailed both first-class and certified to the new address.

22 According to USPS, the certified letter was returned to sender as "unclaimed" and "unable
23 to forward." The first-class mailing was not returned.

24 Terrance Downs has not responded to the Reasonable Cause Determination as of the date
25 of this Order.
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II. FINDINGS OF FACT

1. According to the SAO referral, Terrance Downs allegedly used their DCYF issued fuel card on more than one occasion to fill up their personal vehicle.

2. According to DCYF, Terrance Downs was hired on February 21, 2017, as a Cook 2, assigned to Juvenile Rehabilitation. During their employment period, Terrance Downs completed Ethics in Public Service training twice; once on February 24, 2017, and again on June 23, 2021. On December 23, 2022, Terrance Downs separated from their DCYF employment.

3. As part of this investigation, Board staff obtained a copy of the DCYF internal investigation report (IR). According to the IR, DCYF noted suspicious activity associated with Terrance Downs' assigned DCYF fuel card. On September 3, 2021, DCYF received a "real time alert" report which indicated that a DCYF vehicle fuel card assigned to Terrance Downs had just "fueled a fleet vehicle past its capacity." Upon review of that purchase, DCYF learned it occurred at a 7-Eleven in King County. The employee PIN # used was assigned to Terrance Downs, who was not on duty at the time of the transaction. Upon further review, DCYF records showed that fuel card had been used twice in the two days prior, even though the mileage logged associated with those transactions only showed "50 miles" had been driven. DCYF immediately launched an internal administrative investigation.

4. As part of the investigation, it was noted that the DCYF fuel card assigned to Terrance Downs had been "missing" and not on file from July 23, 2021, to August 2, 2021. Additionally, there was no receipt for the questionable purchase and review of additional purchases during that time showed to have occurred during hours when Terrance Downs was not assigned to work.

1 5. After a DCYF audit, there showed to be a total amount spent on fuel of \$535.66,
2 between the dates of July 19, 2021, and September 3, 2021. Additionally, after review of
3 surveillance footage, it showed that Terrance Downs was using their personal vehicle during
4 these incidents. DCYF then conducted a further audit, back to 2018 and found additional
5 evidence of Terrance Downs using the DCYF fuel card to purchase gas for their personal
6 vehicle.
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8 6. As part of the DCYF investigation, Terrance Downs was interviewed. Upon
9 reading transcripts of the interviews, Terrance Downs either claimed to “not remember” or
10 advised they “made a mistake” and “accidentally” used the DCYF card instead of their own card
11 to fuel their vehicle or that they “thought they were allowed” to use the state fuel card.
12

13 7. In total, the DCYF audit showed that Terrance Downs used the state fuel card a
14 total of 55 times, 31 of which occurred outside of their work hours, in 2020. Per DCYF policy,
15 each time the DCYF fuel card is used, it should be documented in a log along with a receipt. Of
16 the 55 fuel transactions, Terrance Downs only logged three transactions. In 2021, Terrance
17 Downs used the state fuel card a total of 65 times, 32 of which occurred outside of their work
18 hours. Terrance Downs submitted only five credit card transactions for 2021.
19

20 8. As part of this investigation, Board staff obtained a copy of the State Auditor’s
21 Office (SAO) fraud report. According to the SAO subsequent investigation, Terrance Downs
22 misappropriated at least \$5,000 in DCYF fuel card purchases, between 2020 and 2021,
23 including:

- 24 • \$787.87 in fuel card purchases with video surveillance of their personal vehicle
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- \$2,079.72 in fuel card purchases, in 2020, with no associated log or receipt provided to DCYF¹
- \$3,424.32 in fuel card purchases, in 2021, with no associated log or receipt provided to DCYF

9. In addition to surveillance footage being recovered for several of the occurrences, there were several other factors which led to the SAO findings. That included the fact that these incidents occurred when Terrance Downs was not working, the fuel type purchased was not the correct type of fuel used by DCYF fleet vehicles, the purchases were near Terrance Downs' personal residence, or there was secondary purchase of fuel on the same day a fleet vehicle was filled.

10. Based on the sheer amount of misappropriation, DCYF filed a police report with Kirkland Police Department (KPD). As part of this investigation, Board staff obtained a copy of the KPD investigation. Upon review, KPD Detectives were able to follow-up and obtain video surveillance from thirteen transactions that occurred between the dates of June 2021 and September 2021. Upon review of video surveillance, each incident showed Terrance Downs fueling up their personal vehicle with the DCYF card.

11. On May 6, 2022, Terrance Downs voluntarily turned themselves in to KPD Detectives, at which time they were audio and video interviewed. Of the 244 suspicious transactions shown to Terrance Downs over a three year period, they admitted to at least 50 incidents in which they fueled their personal vehicle with the DCYF fuel card. KPD referred charges for the prosecutor to review on Terrance Downs, RCW 9A.56.040 Theft in the Second Degree.

¹ \$453.76, 13 transactions, occurred prior to April 8th, 2020.

12. Terrance Downs was later sentenced to attempted theft in the 2nd degree in King County Court, sentenced to 364 days jail (time suspended for time served), twelve months probation, and ordered to pay \$2,500 in restitution.

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 Terrance Downs, whose actions occurred while they were a state employee. Based on the evidence reviewed, Terrance Downs has used state resources for their private benefit or gain in violation of RCW 42.52.160. Terrance Downs's activities do not meet the exceptions for the use of state resources as permitted in WAC 292-110-010.

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

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

Under 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.

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

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

III. ORDER OF DEFAULT AND FINAL ORDER

Based on the foregoing, the Board:

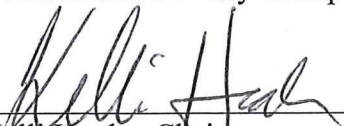
FINDS the Respondent, Terrance Downs, failed to file a response and/or request a hearing within 30 days after proper service of the Board's reasonable cause determination in this matter and after proper service of notice of the right to request an adjudicative hearing.

CONCLUDES that the Respondent, Terrance Downs, is in default under the provisions of RCW 34.05.440(1) and WAC 292-100-060(3).

IT IS ORDERED that pursuant to RCW 34.05.440(1) and WAC 292-100-060(3) the Board may proceed to resolve this case without further notice to, or hearing for the benefit of, Respondent Terrance Downs.

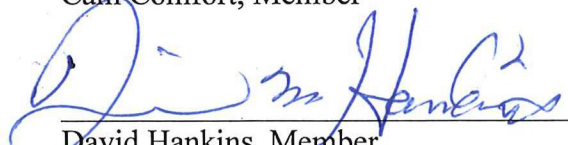
IT IS HEREBY FURTHER ORDERED Respondent Terrance Downs is liable for and shall pay a civil penalty of five thousand dollars (\$5,000). The payment shall be made to the Executive Ethics Board within forty-five (45) days of this Order.


DATED this 12th day of September 2025.


Kelli Hooke, Chair


Cam Comfort, Member


Megan Abel, Vice Chair


David Hankins, Member


Mark Rapozo, Member

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

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

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

A petition for review must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the agency whose action is at issue;
- (4) Identification of the agency action at issue, together with a duplicate copy, summary, or brief description of the agency action;
- (5) Identification of persons who were parties in any adjudicative proceedings that led to the agency action;

- 1 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
2 (7) The petitioner's reasons for believing that relief should be granted; and
3 (8) A request for relief, specifying the type and extent of relief requested.
4 RCW 34.05.546.

5 **ENFORCEMENT OF FINAL ORDERS**

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

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