

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Brandon Schmierer

Respondent.

No. 2024-018

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Brandon Schmierer 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 March 13, 2024, the Executive Ethics Board (Board) received a complaint alleging that Brandon Schmierer, an employee of the Washington State Department of Labor and Industries (LNI), may have violated the Ethics in Public Service Act. The complaint alleged that Brandon Schmierer violated RCW Chapter 42.52, by providing special privileges during the hiring process.

2. According to the complaint, Brandon Schmierer was part of an LNI hiring panel, in February 2024, in which they allegedly "showed favoritism" towards a friend/roommate of

theirs, Darby Eddington. Darby Eddington was one of the candidates and ultimately selected for the open position, LNI Program Coordinator/Lead Trainer (Job Number 2024-00688).

3. According to LNI, Brandon Schmierer was hired on June 1, 2020 as an Office Assistant 3 (OA3). On May 17, 2021, Brandon Schmierer was promoted to an Office Assistant Lead (OA/Lead). On October 3, 2022, Brandon Schmierer was promoted to a non-permanent appointment of Program Support Supervisor 2 (PSS2). On November 16, 2022, Brandon Schmierer made a “lateral transfer” into a trial service for permanent status in PSS2 classification.

4. As part of this investigation, Board staff obtained a finalized copy of the LNI internal investigation report (IR) surrounding this complaint. According to the IR, when the open position was posted internally, only three applicants (including Darby Eddington) applied for the position and all three were initially scheduled to be interviewed. However, one candidate withdrew their application, leaving just Darby Eddington and one other applicant.

5. According to the LNI IR, there were two LNI employees on the interview panel; Nichole Cook and Brandon Schmierer. After the two interviews, Nichole Cook and Brandon Schmierer recommended that Darby Eddington move forward for reference checks, based on having the “highest scoring” presentation during the interview.

6. According to the LNI IR, part of the interview process was a skills assessment test which included each interviewee having to build and present a PowerPoint presentation. According to LNI, both Nichole Cook and Brandon Schmierer recommended Darby Eddington move forward, based on Darby Eddington’s PowerPoint presentation and presentation skills being stronger. In addition to their interview, LNI advised that Darby Eddington had already been doing the job they applied for in a non-permanent capacity since August 2023.

7. As part of the LNI investigation, three LNI employees were interviewed; Marnee Watson, Nichole Cook, and Brandon Schmierer.

8. Marnee Watson is a Senior Project Manager with LNI Claims Administration and was the hiring manager for this position in question. As such, Marnee Watson had assigned Nichole Cook and Brandon Schmierer to be on the interview panel. Marnee Watson further claimed they had only one other supervisor that could have been on the panel; however, they had previously supervised Darby Eddington, so Marnee Watson kept them off the panel to create an “unbiased process.” Marnee Watson confirmed that after both interviews, Nichole Cook and Brandon Schmierer recommended moving forward with Darby Eddington based on their interview, PowerPoint, and presentation skills. When LNI investigators asked Marnee Watson if they were aware that Brandon Schmierer and Darby Eddington had been friends and lived together, they advised they had no idea.

9. Nichole Cook is a Program Support Supervisor 2 (PSS2) and reports directly to Marnee Watson. During the LNI interview of Nichole Cook, they advised this position had been posted internally only, via NEO.gov, and that only three applicants had applied, with one later withdrawing their name. According to Nichole Cook, while the other applicants interview presentation was “great,” Darby Eddington did “objectively better” in both the interview and presentation. When asked about interview preparations, Nichole Cook stated that both applicants were given assessment instructions about a week prior to the interviews. Nichole Cook further explained that the interview instructions and materials given to both candidates was available to all support staff via an LNI shared drive. Nichole Cook stated that in addition to giving a better presentation, Darby Eddington had also brought along printed materials and handouts for the



interviewers. Additionally, Nichole Cook advised that Darby Eddington was a better fit for the specific role, based on their experience serving in the current non-permanent position.

10. Nichole Cook was asked what knowledge they had of any personal relationship between Brandon Schmierer and Darby Eddington, to which they advised they knew that had previously worked together at Fred Meyer, based on previous information shared by them both. When asked about them living together, Nichole Cook stated they “believed” they heard Brandon Schmierer mention they were considering moving in together but was unsure if anything ever came to fruition. Lastly, Nichole Cook informed LNI investigators that they never felt an ounce of pressure or coercion from Brandon Schmierer to select Darby Eddington and believed that “all decisions were made objectively.”

11. LNI investigators interviewed Brandon Schmierer and asked about their relationship with Darby Eddington. According to Brandon Schmierer, they formerly worked together at Fred Meyer and have known each other since 2018. Brandon Schmierer additionally informed LNI investigators that they are currently roommates and have been since September 2023. Regarding the interviews, Brandon Schmierer echoed what Nichole Cook stated, how Darby Eddington had a better interview, in that they had a stronger presentation, and handed out printed materials; however, they claimed that Nichole Cook took the lead on the scoring of the two candidates. Ultimately, Brandon Schmierer informed LNI investigators they didn’t believe this was an issue, and did not inform Marnee Watson of their relationship, based on this merely being a lateral move within LNI for Darby Eddington coupled with the fact they believed Nichole Cook understood their living arrangements.

12. Lastly, LNI interviewed Darby Eddington. Darby Eddington confirmed they had been serving in their position in a non-permanent role since August 2023 and they were informed

of the upcoming permanent appointment by Nichole Cook. Darby Eddington further advised they had never spoken about this open position or interview with Brandon Schmierer.

13. Based on the LNI investigation, it was deemed that Brandon Schmierer did not recuse themselves from the panel nor did they disclose their relationship with Darby Eddington. However, the investigation failed to show conclusively that Darby Eddington benefited from Brandon Schmierer's participation in the recruitment and selection process. However, LNI issued a letter of reprimand (LOR) to Brandon Schmierer, on May 29, 2024. The LOR cited LNI policy violations related to Compliance with Ethics Laws and Rules, Hiring Employees, and LNI's Core Competencies.

14. In Brandon Schmierer's written response to Board staff, they stated, "[t]his position was a lateral move for Darby as it shared the same job title and did not come with any promotion or financial increase. This appointment would be considered a transfer and would retain their current salary. If this was a promotional opportunity for Darby, I would have excused myself from the hiring process due to the financial interest."

15. On May 9, 2025, the Board found reasonable cause based on conflict of interest, but there was no evidence to support a finding of reasonable cause based on special privilege.

## **B. CONCLUSIONS OF LAW**

### **RCW 42.52.020 – Activities incompatible with public duties, which states, in part:**

- (1) No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

1. 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 Brandon Schmierer 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. Brandon Schmierer 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. Brandon Schmierer 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. Brandon Schmierer 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. Brandon Schmierer 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 Brandon Schmierer 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 Brandon Schmierer 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 Brandon Schmierer 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, Brandon Schmierer 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, Brandon Schmierer 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. Brandon Schmierer agrees to pay a civil penalty in the amount of five hundred dollars (\$500) associated with violations of RCW 42.52. The Board agrees to suspend two hundred fifty dollars (\$250) on the condition that Brandon Schmierer 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 two hundred fifty dollars (\$250) 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, Brandon Schmierer, 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.

<u>Brandon Schmierer</u>	<u>08/20/2025</u>
Brandon Schmierer	Date
Respondent	

Presented by:

<u>L. Reynolds</u>	<u>9/10/2025</u>
KATE REYNOLDS	Date
Executive Director	



## 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):

Recovery of \$500 with \$350 suspended

DATED this 12<sup>th</sup> day of September 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, Brandon Schmierer, accept do not accept (circle one) the proposed modification(s).

Brandon Schmierer

09/16/2025

Brandon Schmierer, Respondent

Date