

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Shelly O'Neal
Respondent.

No. 2024-032

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Shelly O'Neal 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 May 14, 2024, the Executive Ethics Board (Board) received an agency referral alleging that Department of Corrections (DOC) employee, Shelly O'Neal, may have violated RCW 42.52, by engaging in the unauthorized release of confidential information.

2. According to the complaint, it was alleged that on June 11, 2024, Shelly O'Neal openly disclosed private medical information about another employee while on the phone in front of other staff members.

3. Board staff learned that Shelly O'Neal started working at DOC in 2008 as an Office Assistant 3 (OA3) at the Community Corrections Division (CCD) Seattle CJC. In 2010, they moved to the Liquor and Cannabis Board and then returned to DOC CCD in 2011. Shelly O'Neal

has been with CCD since working as an OA3 Senior, and in their current position as a Secretary Supervisor directly supervising two (2) OA3 Seniors at Tacoma Unit 2.

4. Board staff reviewed Shelly O'Neal's Position Description which listed them as: "Secretary Supervisor" which entailed the supervision of support staff at that location, and assistance to the Community Corrections Supervisor (CCS)/Community Corrections Officers (CCO). This was a full-time dayshift position with a physical work location in Tacoma, WA.

5. Board staff learned that DOC had not conducted an internal investigation into this matter, however it had been addressed with Shelly O'Neal by their supervisor Joe Smeall. Board staff learned on June 13, 2025, Shelly O'Neal had a conversation with their supervisor regarding the reported phone call which was followed up by an email on June 14, 2024. Board staff reviewed this email and noted the following:

"Shelly, This e-mail is a follow up to the conversation we had regarding the confidential phone call you had at the front desk and my expectations going forward.

Your job description describes your position as having a level of confidentiality built into it. This could be information regarding staff, supervised individuals, or potential staff and it is your job to keep that information confidential at all times. This builds trust between the people you work with and you. If people can't trust the information they give you will be kept confidential, then you won't be able to do a large part of your job"

The situation on 6/11/2024, where you had a conversation with HR regarding one of your staff, (named redacted), should have never taken place in a public area. The information talked about was (named redacted) personal health information as well as the status of their employment; all of which is confidential. Conversations like that should take place in your office with the door closed or another private place. While I understand (name redacted)'s intention they disclosed to you for the building to know what is going on with them, so people don't make false accusations, that is for (name redacted) to discuss with people, not you or anyone else. I appreciate you owning your mistake and saying you understood why something like that shouldn't happen. Owning our mistakes are the only way we can learn and grow as people.

My expectation going forward for these situations is that you would remove yourself from the public location or call the person back when you have time to speak privately. Thank you for adhering to this expectation in the future "

5. Board staff learned that Shelly O'Neal had responded to the above email on June 17, 2024, stating: "I understand and agree".

6. Board staff reviewed a written response to the Board from Shelly O'Neal, summarized as follows:

- Shelly O'Neal admits to having a conversation on the phone with HR regarding another staff member on June 11, 2024.
- Shelly O'Neal stated at the time of this phone call, they were sitting at the reception desk and due to lack of staff in the area, they were confident no one had overheard the call.
- Shelly O'Neal stated during the call they believed they were speaking quietly.
- Shelly O'Neal states when they finished the call, they looked up and noticed a few officers standing in the area.
- Shelly O'Neal admits the call went on "a few minutes longer" than needed.
- Shelly O'Neal stated they take full responsibility for not being more discreet and ending the call immediately.

7. Board staff interviewed Joe Smeall, Shelly O'Neal's supervisor. Joe Smeall told Board staff that Shelly O'Neal still works for DOC in the same position, and they still are their supervisor. Joe Smeall told Board staff that since this complaint was filed, there have been no other instances or complaints filed involving issues of confidentiality. Joe Smeall told Board staff that Shelly O'Neal has since been provided a designated office they can step into for confidential phone calls that can't be taken at the reception area.

8. Board staff interviewed Community Corrections Officer Jeff Mendiola, who was one of the officers who had overheard this conversation on June 11, 2024. Jeff Mendiola told Board staff they recalled being in the reception area at the time this phone call occurred along with two other employees. Joe Mendiola told Board staff they could hear Shelly O'Neal talking on the phone and overheard them talking about a former employee who was having some medical issues. Jeff Mendiola told Board staff they felt it was an inappropriate conversation that should have been in private considering it was about someone's medical issues. Jeff Mendiola said following this incident, they reported it to their supervisor who followed up with Shelly

O'Neill's supervisor. Jeff Mandiola said since then, they had not observed any other incidents of this nature involving Shelly O'Neal.

B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from unauthorized disclosure of confidential information. RCW 42.52.050 states:

(1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

2. Based on the stipulated facts above, there is evidence to support the allegation that on at least one occasion, Shelly O'Neal engaged in the unauthorized release of confidential information by discussing the confidential medical information of an employee in a public reception area and in the presence of others not authorized to receive that information in violation of RCW 42.52.020.

3. 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 Shelly O'Neal 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. Shelly O'Neal 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. Shelly O'Neal 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. Shelly O'Neal 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. Shelly O'Neal 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 Shelly O'Neal 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 Shelly O'Neal 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 Shelly O'Neal 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, Shelly O'Neal 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, Shelly O'Neal 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. Shelly O'Neal agrees to pay a civil penalty in the amount of five hundred (\$500) associated with violations of RCW 42.52. The Board agrees to suspend two-hundred-fifty dollars (\$250) on the condition that Shelly O'Neal 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, Shelly O'Neal, 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.

Shelly O'Neal, 1/6/2026
Shelly O'Neal Date
Respondent

Presented by:

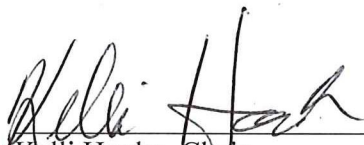
K. Reynolds
KATE REYNOLDS Date
Executive Director

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):

DATED this 9th day of January 2026



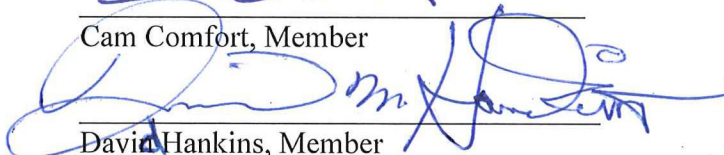
Kelli Hooke, Chair



Megan Abel, Vice Chair



Cam Comfort, Member



David Hankins, Member



Mark Rapozo, Member

* I, Shelly O'Neal, accept/do not accept (circle one) the proposed modification(s).

Shelly O'Neal, Respondent Date