BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of: Paul Sessions Respondent.	No. 2024-037 STIPULATED FACTS, CONCLUSIONS OF LAW AND AGREED ORDER

THIS STIPULATION is entered into by Respondent, Paul Sessions 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 July 2, 2024, the Executive Ethics Board (Board) received a complaint alleging that Paul Sessions, an employee of the Washington State Department of Agriculture (WSDA), may have violated the Ethics in Public Service Act. The complaint alleged that Paul Sessions violated RCW Chapter 42.52, by using state resources for non-work related activities.

2. According to the complaint, Paul Sessions allegedly obtained outside employment without WSDA approval and on one or more occasions Paul Sessions utilized their state computer, internet, office, and work time to conduct activities related to their outside employment between January and December 2023.

3. According to WSDA, Paul Sessions was hired on November 16, 2016, as a non-permanent, on-call Program Assistant in the WSDA Grain Inspection Program. On April 1, 2017, Paul Sessions was hired into a probationary in-training appointment as a Program Specialist 2. On July 1, 2019, Paul Sessions position was reallocated to Grain Inspector 1, permanent status. On July 16, 2021, Paul Sessions was given a non-permanent promotion to the Grain Inspector Supervisor. On October 16, 2021, Paul Sessions position became permanent, and they remain in that position.

4. As part of this investigation, Board staff were provided with several documents from WSDA, including their finalized internal investigation report (IR). According to the IR, WSDA initiated a formal investigation after receiving an email from a WSDA employee with a complaint against Paul Sessions.

5. According to the complainant, they had seen Paul Sessions on more than one occasion spending time on their WSDA computer conducting work related to Paul Sessions' outside business, NW Services. During one incident, Paul Sessions was allegedly conducting work related to NW Services on their WSDA computer, when they stepped away from their cubicle and left their computer screen turned on. The WSDA employee/complainant took a photograph of Paul Sessions' computer screen which depicted a PDF document related to NW Services that had a student's photograph and personally identifiable information (PII) details on the document; including home address, date of birth, phone number, parents' information etc.

6. According to the NW Services website "about us" section, they are a J1 US Department of State Designated Non-Profit Organization that has been operating since 1996. They focus on connecting international exchange students with local host families.

7. WSDA provided Board staff with a copy of an outside employment form that Paul Sessions had signed and submitted to WSDA, on November 16, 2016, which indicated that Paul Sessions had no outside employment.

8. As part of the WSDA internal investigation, they conducted a forensic review of Paul Sessions' WSDA computer on March 20, 2024. During the forensic review, the WSDA investigation showed Paul Sessions had been engaged in activity related to NW Services on numerous occasions throughout 2023, to include:

- 13 emails shared between Paul Sessions WSDA email address and their NW Services email address.
- 17 website visits to Zapp.com, an outside third-party cloud service, which was shown to be related to their NW Services work.
- Other website visits that appeared personal in nature, YouTube, Zillow, MSN, etc.
- 5 downloaded documents containing NW Services foreign student information.

9. On March 28, 2024, Paul Sessions was interviewed by WSDA investigators. Paul Sessions was asked if they had been involved with any outside employment, to which they stated "[w]ell, yes." Paul Sessions specified that they worked for NW Services Peace Program and had been employed with them for the past ten years. Paul Sessions acknowledged that they did not inform WSDA of their outside employment with NW Services but provided the following reasoning:

> *NW Services is a non-profit organization. When I first came to work for WSDA, in my hiring thing I informed Don Potts, my original supervisor, and Mark Marshall, who was also my supervisor. I have never hidden the fact that I worked there. In my thought process, it was not employment. It was non-profit volunteer work. It was not until this investigation came to effect that anyone considered this outside employment. I never knew it would be considered outside employment.*[1]

[1] Board staff learned that neither Don Potts or Mark Marshall are still employed with WSDA (or state service) and were unable to follow-up on Paul Sessions' claim.

10. Paul Sessions was asked if they receive any type of compensation for their work with NW Services, to which they stated, "I do. I get 1200-1300 dollars a placement. If you place a student, the org gives you 800 up front and 500 over the course of the year." When Paul Sessions was asked if they'd ever engaged in work with NW Services while in paid status with WSDA, they stated, "I would probably say, yes. I have done some things like print out a form or something of that nature." When Paul Sessions was asked if they'd ever used state resources such as their agency computer or printer to engage in work for NW Services they stated, "Yes, again. I don't know how many times."

11. The WSDA investigation also located an email sent from a coworker of Paul Sessions, in which the coworker had emailed their social security number, address, and an application for employment with NW Services. In Paul Sessions' interview, they stated they had approached the coworker, since they were "very involved with the local high school and would be a great coordinator" and asked if the coworker would be interested in joining the NW Services Spokane team.

12. As part of this investigation, Board staff obtained a forensic image of Paul Sessions' WSDA computer. Utilizing Magnet Forensics, the image was processed and reviewed. Upon review, Board staff were able to corroborate all of the above noted forensic evidence mentioned in the WSDA IR. Board staff additionally located and flagged evidence of ongoing personal web browsing by Paul Sessions, between the dates of February and November 2023, including:

- **Several Google searches, personal in nature including:**
  Palm Springs Vacation, Spokane Christmas events, how to install an electric fireplace, hotels near T-mobile stadium, cars that use Apple CarPlay, things to do in Kellogg Idaho, etc.

- **Personal website visits, including:**

Audiusa (3)[2]
Gozapp.com (16)
Espn.com (6)
YouTube (123)
Ymca (1)
Forbes (3)
Zillow (5)
Yahoo (1)
Womenshealthmag (1)
Wildflowersociety (1)
Wayfair (2)
Walmart (2)
VW.com (12)
VRBO (2)
Volvocars.com (3)
Visitspokane (1)
Virginvoyages (1)
Vineyardvines (1)
Verywellfit (2)
Usnews (2)
USAA (1)
Unionbank (1)
Tripadvisor (2)
Travelandleisure (1)
Toyota (7)
Timberland (1)
TikTok (1)
Ticketmaster (1)
Theverge (1)
Thesamba (1)
Thertastore (1)
TheNorthface (1)
Themat/yoga (2)
Tesla (2)
Temu (2)
Subaruspokane (2)
Sportskeeda (1)
Sportingnews (2)
Spokesman (1)
Sonder (1)
Slickrocktanningspa (1)
Silvermt (1)
SI (3)
Royalcaribbean (3)
Roguefitness (1)
Restore-an-old-car (1)
REI (1)
RalphLauren (1)
Profootballnetwork (3)
Princess.com/cruise (2)
Popularmechanics (1)
Palazzobarbarigo (1)
Oreillyauto (1)
Oldbug (1)
Northwestdentrepair (1)
Nissanusa (1)

[2] Each number indicates how many different days the website was visited during the above noted date range.

Nike (2)
Newyorkjets (1)
Newsweek (1)
NBCsports (1)
MSN (129)
Moen (1)
Miniusa (1)
Mindbodygreen (1)
Mbusa (2)
Mazda (2)
Marriott (2)
Mantelsdirect (1)
Luxuryonly (1)
Lincoln (2)
Libertylakeathleticclub (2)
Lexus (1)
KBB (3)
Kayak (1)
Jeep (3)
Jaguar (4)
Italymammamia (1)
Instagram (4)
Hubsportscenter (1)
Hotels.com (1)
Homes.com (1)
Homeadvisor (1)
HomeDepot (1)
Hilton (1)
HGTV (2)
Ferrari (1)
Fantasypros (4)
Fandango (1)
Facetheworld (1)
Facebook (3)
Expedia (4)
EWU.edu (4)
ESPN (7)
eBay (5)
Dodge (4)
Cruises.com (2)
Chevrolet (6)
Celebritycruises (1)
Cbssports (4)
Cbsnews (1)
Carvana (1)
Carsforsale (2)
Cars.com (7)
Carmax (2)
Cargurus (1)
Caranddriver (4)
Canyonranch (1)
Bookyogaretreats (1)
Booking.com (2)
Apple (1)
Amazon (1)
Allcollectorcars (1)
Acura (4)
Craigslist (3)
Vuori (1)
Thetourguy (1)
Sports.yahoo (3)
Sports.betmgm (1)

BananaRepublic (1) DisneyCruise (2)

13. In Paul Sessions' written response to Board staff, they stated, in part: "I have been involved in helping place high school foreign exchange students for approximately 20 years. When I was hired by the WSDA, my supervisors were aware of my involvement. Because I did not want any further controversy, I decided to resign from the student exchange organization. WSDA is my career and student exchange was somewhat of a hobby for me. Periodically, I would pull up the website for the available exchange students on my work computer. I didn't think that it was an issue. My thought process was that it was no different than looking at available houses on Zillow. I understand now that this was incorrect and that I was being sloppy with my computer usage at work. I apologize for the position I have put the State of Washington in. My current state computer usage is WSDA business related only. I have learned from this experience and hope to redeem my reputation as a hardworking, ethical and valued member of my department."

14. On June 10, 2024, Paul Sessions was issued a formal written letter of reprimand (LOR) from WSDA. In the LOR, it was noted that Paul Sessions was charged with having outside employment without approval from the agency and on one or more occasions between January 2023 and December 2023, Paul Sessions used state resources and has worked at their outside employment while being on-duty and in paid status with WSDA. The LOR further outlined expectations from Paul Sessions, moving forward and if the expectations were not met, Paul Sessions could be further disciplined, to include termination.

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.

2. 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. Based on the stipulated facts above, Paul Sessions used state resources for their private benefit or gain in violation of RCW 42.52.160 both for their outside employment and general personal use. Paul Sessions activities do not meet the exceptions for the de minimis use of state resources as permitted in WAC 292-110-010.

4. 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 Paul Sessions 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. Paul Sessions 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. Paul Sessions 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. Paul Sessions 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. Paul Sessions 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 Paul Sessions 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 Paul Sessions 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 Paul Sessions 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, Paul Sessions 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, Paul Sessions 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. Paul Sessions agrees to pay a civil penalty in the amount of four thousand five hundred dollars ($4,500) associated with violations of RCW 42.52. The Board agrees to suspend two thousand dollars ($2,000) on the condition that Paul Sessions 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 thousand five hundred dollars ($2,500) 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, Paul Sessions, 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.

Paul Sessions 2/26/24

Paul Sessions Date
Respondent

Presented by:

K. Reynolds 3/13/24

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 13th day of March 2026.

Megan Abel
Megan Abel, Chair

C. G.
Cam Comfort, Vice Chair

Kelli Hooke, Member

Approved via Zoom
David Hankins, Member

Approved via Zoom
Mark Rapozo, Member

* I, Paul Sessions, accept/do not accept (circle one) the proposed modification(s).

_____
Paul Sessions, Respondent Date