

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

Bobby Humes
Respondent.

No. 2024-073

STIPULATED FACTS,
CONCLUSIONS OF LAW AND
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Bobby Humes 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 October 29, 2024, the Executive Ethics Board (Board) received a complaint alleging that Bobby Humes, an employee of the Washington State Investment Board (SIB), may have violated the Ethics in Public Service Act. The complaint alleged that Bobby Humes violated RCW Chapter 42.52, by using state resources for non-work-related activities.

2. According to the complaint, Bobby Humes allegedly used their state office and "potentially" state internet and office equipment to promote their private consulting business as "Coach Bobby" on a YouTube podcast, on May 7, 2024.

3. According to SIB, Bobby Humes was hired as their Human Resources Director on August 8, 2021. Prior to accepting SIB employment, Bobby Humes disclosed they had an outside business activity (OBA), as a professional coach and that they would be continuing that OBA after accepting SIB employment.

4. According to SIB, Bobby Humes received initial SIB onboarding ethics training and attended annual ethics trainings.

5. As part of this investigation, Board staff requested a forensic copy of Bobby Humes SIB computer. According to SIB, they had concerns in releasing Bobby Hume's computer, due to the potential of highly confidential state investment documents being housed on the computer.

6. On December 9, 2024, Board staff responded to SIB and obtained a forensic copy of Bobby Humes SIB computer. The contents were then processed and reviewed on site, utilizing Magnet Axion portable software. Upon review of the computer, Board staff found no evidence to substantiate this complaint.

7. As part of this investigation, Board staff located the YouTube podcast video in question, posted May 7, 2024. The name of the video is "Beyond Boundaries: Insights from Coach Bobby Humes, MSHR, HCC, ACC." It was a video interview by Dustin Sutton in Dustin's Tools Talents & Techniques (the 3Tpod) YouTube channel. The video is 39-minutes and 13-seconds long. The background of Bobby Hume's office was not blurred and appeared consistent with a state building office. During the video, Bobby Humes discusses their life, upbringing, and various other topics, none of which were related to their work with SIB, nor did they ever mention their employment with SIB.

8. As part of this investigation, Board staff obtained a copy of an SIB investigation report (IR) surrounding this complaint. According to the IR, SIB became aware of the YouTube podcast in late September 2024, at which time they conducted an interview with Bobby Humes.

9. According to Bobby Humes, the video podcast was originally planned for a different time and place but had to be rescheduled. Bobby Humes informed SIB they used their own personal laptop to record the videocall and they were not connected to SIB Wi-Fi.¹

10. The video podcast was scheduled during a one-hour period, 11am – 12pm, on March 28, 2024. According to SIB, Bobby Humes schedule is 6:30am to 3pm with a 30-minute lunch break daily.

11. During the SIB interview with Bobby Humes, Bobby Humes advised they were aware of the prohibition of using state resources for personal purposes and further knew there was no de minimis use exemption when related to OBA activities. Bobby Humes admitted the video podcast was a “mistake.” Bobby Humes further informed SIB this was an isolated incident, and they have never used SIB time or resources for anything similar in the past.

12. After receiving notification of the reasonable cause, Bobby Humes submitted a written response to Board staff, which stated, in part: “[u]pon realizing that I may have violated policy, I entered leave for the date and time when the initial interview occurred.” Bobby Humes additionally provided Board staff with a screenshot of leave taken, 1 hour on March 28, 2024.

¹ According to SIB, they are aware that Bobby Humes frequently brings their personal laptop into work.

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.

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.

2. 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 Bobby Humes 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. Bobby Humes 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. Bobby Humes 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. Bobby Humes 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. Bobby Humes 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 Bobby Humes 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 Bobby Humes 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 Bobby Humes 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, Bobby Humes 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, Bobby Humes 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.

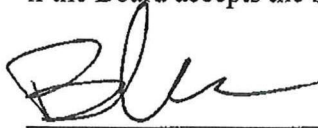
11. Bobby Humes agrees to pay a civil penalty in the amount of three hundred dollars (\$300) associated with violations of RCW 42.52. The Board agrees to suspend one hundred fifty dollars (\$150) on the condition that Bobby Humes complies with all terms and conditions of this

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 one hundred fifty dollars (\$150) 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

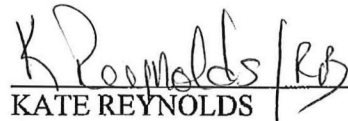
I, Bobby Humes, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my 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.



Bobby Humes
Respondent

2/4/2025
/Date

Presented by:



KATE REYNOLDS
Executive Director

3/14/25
Date

