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3 **BEFORE THE WASHINGTON STATE**
4 **EXECUTIVE ETHICS BOARD**
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8 In the matter of:

9 GLORIA PONCE,

10 Respondent.

OAH NO. 11-2019-AGO-00037

EEB NO. 2018-023

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND FINAL ORDER

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13 **I. PROCEDURAL HISTORY**

14 1.1 On May 7, 2018, the Executive Ethics Board (Board) initiated a complaint after
15 an investigation and referral by the State Auditor’s Office (SAO), alleging that Gloria Ponce
16 (Ms. Ponce) may have violated the Ethics in Public Service Act by using state resources for non-
17 work related activities.

18 1.2 On January 11, 2019, the Board found reasonable cause to believe that a violation
19 of the Ethics Act was committed.

20 1.3 On March 26, 2020, the Executive Ethics Board Staff (Board Staff) and the
21 Respondent filed Stipulated Facts and Conclusions of Law (Stipulation), resolving all issues in
22 the case with the exception of determining the appropriate penalty, if any.

23 1.4 After due and proper notice, a hearing was held on the appropriate penalty in this
24 matter. The Board held the hearing telephonically, convening on September 11, 2020. ALJ Jason
25 Kinn from the Office of Administrative Hearings conducted the proceedings, and Board Chair
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1 Shirley Battan, and members Lisa Marsh, Anna Dudek Ross, and Jan Jutte were present. Also
2 present was Michelle Carr, Assistant Attorney General, legal advisor to the Board.

3 1.5 Chad C. Standifer, Assistant Attorney General for Board Staff, was present. The
4 Board's Executive Director, Kate Reynolds, and other Board Staff members were present.

5 1.6 Ms. Ponce represented herself in this matter.

6 1.7 Board Staff filed a proposed Final Order.

7 1.8 The proceedings were recorded and open to the public.

8 1.9 The hearing was adjourned on September 11, 2020.

9 Based on the Stipulation and evidence presented, the Board enters the following Findings
10 of Fact, Conclusions of Law, and Final Order:

11 **II. FINDINGS OF FACT**

12 2.1 On May 19, 2017, the SAO received a whistleblower complaint alleging Ms.
13 Ponce, a WorkFirst Program Specialist (WPS) at the Yakima Community Service Office (CSO)
14 with the Department of Social and Health Services (DSHS), was approving Additional
15 Requirements of Emergent Need (AREN) payments to clients who do not meet the requirements.

16 2.2 According to DSHS, Ms. Ponce began her state employment on June 22, 1990.
17 She was assigned to the Yakima CSO on July 1, 2000, and became a WPS on July 1, 2007.

18 2.3 According to the SAO report, investigators reviewed Ms. Ponce's hard drive,
19 network files, and emails from May 1, 2016, through May 31, 2017, and found that Ms. Ponce
20 used her work email address as if it was her personal email address; including requesting that
21 non-state employees use it to contact her. She forwarded emails back and forth between her state
22 email and her personal email. Attached to emails were numerous court and immigration
23 documents that included Social Security numbers and other confidential information belonging
24 to non-state employees. Also attached were personal financial documents, phone bills, family
25 letters, and real-estate information.

1 2.4 According to the SAO investigation, during an interview, Ms. Ponce explained
2 that she forwarded banking information and phone bills from her personal email to her work
3 email so she could have them available when she spoke with her bank and phone provider during
4 her breaks and lunches. Regarding the other documents, she said she forwarded them in order
5 to review and print, with the exception of the letters, which she said she wrote while at work.
6 According to the SAO, Ms. Ponce said she was aware she could not access her personal email
7 from work and considered her use of her work email for personal purposes “very brief.”

8 2.5 The SAO investigation uncovered an email exchange between Ms. Ponce and an
9 employee of a non-profit organization in New York, requesting that Ms. Ponce translate a
10 document for a client of the non-profit, not a DSHS client. Ms. Ponce said she volunteered to
11 translate documents for the non-profit and viewed her volunteer work as “networking” because
12 the non-profit provided a great service to its community. She said she did not receive anything
13 in return for her services and that she did all of the work at home, on her own time. However,
14 the SAO found that Ms. Ponce received the document through her work email and did not
15 forward it to her personal email. Instead, Ms. Ponce returned the translated document from her
16 work email on the same day she received the request to translate.

17 2.6 The SAO notified DSHS of its investigation on August 4, 2017, and DSHS
18 placed Ms. Ponce on alternate assignment on August 10, 2017. On April 9, 2018, DSHS received
19 the SAO investigative report, which included findings that Ms. Ponce used her state email
20 address for non-work-related activities, including an outside organization.

21 2.7 DSHS assigned Financial Services Specialist (FSS5), Lisa Hansen (Ms. Hansen)
22 to conduct an administrative investigation for the agency.

23 2.8 The DSHS report includes portions of an interview conducted with Ms. Ponce,
24 during which she was asked to explain her relationship to the following people and why they are
25 referenced in emails found on her state computer:
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- 1 • **Customer HES 002070978**, is not a state employee or a customer of hers at
2 DSHS. She has known him since he was 17, about 13 years. He is her daughter’s
3 partner. The emails were to/from his lawyers. They were sent from her state
4 computer because the communication needed to happen during business hours.
5 “I know now that it was wrong.” She did not feel she was using her position as
6 a state employee by sending the emails from her state computer. When asked
7 how it might appear to use her signature block that included her name, title, and
8 agency in the correspondence, she said, “oh ok. I understand your assessment
9 of the situation. I didn’t think about it that way.”
- 10 • **Customer PES 02070965** is not a state employee or a customer of hers at
11 DSHS. She is Customer HES 002070978’s mother.
- 12 • **Customer BSP 051663014** is not a state employee or a customer of hers at
13 DSHS. She is Ms. Ponce’s daughter.
- 14 • **Customer RP 04028419** is not a state employee or a customer of hers at DSHS.
15 “I call her my daughter. She has been with me since she was 6 months old
16 because her mother couldn’t care for her. She has lived either with me or one
17 of her sisters. She is my niece.”
- 18 • **Customer VJO 002883354** is not a state employee or a customer of hers at
19 DSHS. “I cannot say she is a friend. She is a person I help, she has had hard
20 circumstances. I believe she is a client of the state, but not mine.”
- 21 • **PMA** is not a state employee or a customer of hers at DSHS. He is married to
22 her daughter, Customer BSP 051663014. She was helping him with
23 immigration and “personal stuff.”
- 24 • **Yolanda Sanchez** is a co-worker of Ms. Ponce’s at the Yakima CSO.
25 Ms. Ponce helped her with her divorce and emailed the documents to
26 Ms. Sanchez via her state computer.

2.9 In regards to the individuals listed above, Ms. Ponce told the DSHS investigator that she did not get permission to use her state computer to transmit their confidential information via her state computer and email. It did not occur to Ms. Ponce to be concerned about privacy when she used her state computer to email dates of birth, Social Security numbers, mental health reports, domestic violence history, or medical information. Ms. Ponce said she receives automatic notifications when receiving an encrypted email, but was not familiar with the process for sending secure email.¹

2.10 In her interview with DSHS, Ms. Ponce stated that in regards to Department policy regarding accessing cases of family/friends, she stated, “We are not to touch them.” When asked to clarify, she said, “I do not touch them.” When asked if she ever accessed a case of a friend or family member, she said, “no.”

¹ In a written response to Board Staff, Ms. Ponce confirmed that although she knows the clients, none of them are her customers at DSHS.

1 2.11 Ms. Ponce confirmed her computer User and Barcode ID, Automated Client
2 Eligibility System (ACES) ID and that her state email address is poncegm@dshs.wa.gov. She
3 said she has never shared her passwords and does not believe another person accessed any
4 computer, programs, or applications using her User IDs or passwords.

5 2.12 The DSHS investigator provided Ms. Ponce with IT evidence that her User IDs
6 accessed the cases of the above named individuals in Barcode and/or ACES on multiple
7 occasions. Ms. Ponce then revised her earlier statement, “It is ok to access but not take actions
8 in ACES for the case. You can look in ACES to see I took no action.” According to DSHS,
9 Ms. Ponce gave the following explanations for viewing the case information:

- 10 • **Customer HES 002070978 (12 separate dates)**. She stated he may have
11 needed demographic information for his probation officer or immigration.
- 12 • **Customer PES 02070965 (11 separate dates)**. The case was accessed so
13 Ms. Ponce could give her information regarding her case status. “She relies on
14 me for a lot of info.... my husband says I need to cut the cords on some things.”
- 15 • **Customer BSP 051663014 (64 separate dates)**. There were no case actions
16 and no business need. Ms. Ponce was helping her remember certification
17 periods, get demographic information, or look up wages for “immigration kinds
18 of things.” When asked if she would be allowed to look up her neighbor in
19 Barcode, Ms. Ponce initially said, “It is Public Record.” When asked if she is
20 allowed to do that, she said, “No.”
- 21 • **Customer RP 04028419 (34 separate dates)**. She stated she needed to look up
22 demographic information for school and Social Security information.
- 23 • **Customer VJO 002883354 (15 separate dates)**. “She is not family and not
24 close enough that I could not take a case action. I did not. I just answered
25 questions on her case.” When told she also finalized benefits for her, Ms. Ponce
26 paused and said, “I may have taken action on her case.” According to DSHS,
Ms. Ponce later revealed she is listed as an authorized representative with
Customer VJO 002883354’s attorney and mental health counselor.

20 2.13 According DSHS, Ms. Ponce stated that all specific requests for information
21 about a person was made by that person or she was looking for information for certification
22 (one-year eligibility certified for benefits) and that she only provided the information to that
23 person.

24 2.14 DSHS provided Board Staff with a list of Ms. Ponce’s User IDs accessing the
25 cases of the above named people from August 19, 2013, through August 10, 2017. In an
26 interview with Board Staff, Ms. Ponce stated that she did access the information for those

1 subjects but that the information was not shared with anyone else. Ms. Ponce stated that she
2 accessed the information at the individuals' request and that she only provided them their own
3 information over the telephone. Ms. Ponce said it looked like it occurred a lot, but the totals
4 listed in the DSHS report were over a four-year period.

5 2.15 According to the DSHS report, Ms. Ponce authorized a \$1,250 Diversion
6 payment directly to Customer PES 02070965 on January 15, 2016:

- 7 • Ms. Ponce completed the Diversion Cash Assistance Online (DCA) training on
8 November 18, 2009. On January 15, 2016, Ms. Ponce authorized the maximum
9 \$1,250 DCA payment to Customer PES 02070965.
- 10 • WAC 388-432-0005 states that, in order to get DCA, you must meet all the
11 eligibility rules for TANF (Temporary Assistance for Needy Families).
- 12 • Information available at the time of the interview with Ms. Ponce showed
13 Customer PES 02070965's January income of \$1,318.71 exceeded the \$840
14 TANF income limit for a 2-person assistance unit, making her ineligible for
15 Diversion assistance. Ms. Ponce's documentation regarding Customer
16 PES 02070965's income and that she missed work due to illness was incorrect.

13 2.16 DSHS, Admin Policy 18.60 states that employees must not work on a DSHS
14 client's case to whom the employee is related or with whom the employee has or had a
15 significant personal or non-official relationship.

- 16 • Ms. Ponce and Customer PES 02070965 are the maternal and paternal
17 grandmothers, respectively, to grandchild, XES.
- 18 • Ms. Ponce has prepared Customer PES 02070965's federal income tax returns
19 since 2006.
- 20 • Ms. Ponce did not verify a bona fide need for living expenses or verify the cost
21 of the need as required in WAC 388-432-0005.
- 22 • Ms. Ponce did not pay the DCA benefit directly to the service provider or
23 document why that was not possible as required in WAC 388-432-0005.
24 Instead, she issued the maximum \$1,250 DCA payment directly to Customer
25 PES 02070965.

22 2.17 DSHS asked Ms. Ponce to explain the \$1,250 Diversion payment she made
23 directly to customer PES 02070965 on January 15, 2016. Ms. Ponce said she does not remember
24 the transaction. When asked if she would remember working on the case of her son-in-law's
25 mother, she again said, "I do not remember, and I am being honest. I am pretty careful at
26 accessing cases. Computers don't lie." Ms. Ponce said there would be even more reason to

1 document the case thoroughly since she knows Customer PES 02070965 personally, yet she had
2 no explanation as to why there is no documentation regarding a bona fide need or why the
3 payment was made directly to Customer PES 02070965 instead of to a vendor. According to
4 DSHS, this directly contradicts earlier statements by Ms. Ponce that she had not worked on any
5 cases discussed other than Customer VJO 002883354's.

6 2.18 In an interview with Board Staff, Ms. Ponce confirmed that she authorized the
7 Direct Cash Assistance payment for Customer PES 02070965, mother of her son-in-law. She
8 said she understood the problem with doing it and the perception of giving her a special
9 privilege. She said the income listed was based on "anticipated income." She said Customer PES
10 02070965 was sick at the time and told her that she would not be working the week of January
11 10, 2016, through January 16, 2016, but that the customer then decided to go ahead and work
12 without advising Ms. Ponce. Ms. Ponce said that was the reason for the discrepancy in the
13 income. Ms. Ponce said there was no way of knowing that the customer went back to work.

14 2.19 The DSHS investigation found no evidence that Ms. Ponce used state time and
15 resources to conduct a tax business. During the interview with DSHS, Ms. Ponce disclosed she
16 does tax preparation in her free time for friends, family and co-workers and provided a list of
17 those individuals. She does not charge for this service. She is aware some of these individuals
18 are also customers of DSHS.

19 2.20 DSHS determined that Ms. Ponce made public assistance eligibility
20 determinations for individuals for which she also prepared federal income taxes. The
21 investigative report states that this is a violation of DSHS Admin Policy 18.60, which states in
22 part, that DSHS employees must not engage in a transaction with a person that may result in a
23 conflict of interest. The investigative report identified those individuals as:

- 24 • Customer VJO 002883354
- 25 • Customer PES 0270965 (Ms. Ponce's son-in law's mother)
- 26 • Customer JV 3986447

1 2.21 Board Staff reviewed interviews conducted by DSHS, Ms. Ponce’s computer,
2 emails, and Outlook calendars and did not find any evidence that Ms. Ponce was operating her
3 tax business using state resources. In an interview with Board Staff, Ms. Ponce confirmed that
4 she only charges for payment of the Turbo Tax program, but not for the tax preparation and that
5 she does not perform this service at her office or on work hours.

6 2.22 DSHS determined that Ms. Ponce used state email for personal use. In an
7 interview with the DSHS, Ms. Ponce confirmed that she, “used state email for personal use”
8 regularly, particularly for personal matters that required attention during business hours and said,
9 “I know now that it was wrong.”

10 2.23 The DSHS report states that a review of Ms. Ponce’s email account from
11 August 2016, through July 2017, shows 134 of the 259 messages were not business related.
12 Several emails contained Ms. Ponce’s personal information such as financial spreadsheets, loan
13 documents, insurance coverages, Last Will and Testament, estate planning documents,
14 medication lists, medical expenses, home repair estimates, and banking account information
15 including user names and passwords. Other emails included:

16 16	Customer HES 002070978	Legal matters discussed with attorneys, immigration, and loan documents
17 1	Family member, PMA	Immigration
18 10	Customer RP 04028419	Student exchange, emergency contacts, school
19 6	Customer VJO 002883354	Custody, legal, immigration
20 2	Immigration Equality	Translation services

21 2.24 Ms. Ponce also stated in her interview with DSHS that she subscribed to a number
22 of automatic email distribution lists. She provided verification to the investigator that she
23 unsubscribed to 18 websites, as she is aware this is on the prohibited activities listed on the
24 DSHS Internet Request and Agreement.

25 2.25 Board Staff reviewed emails and confirmed with Ms. Ponce that she sent the
26 emails with the personal information attached. She said that 134 messages over a one-year

1 period, based on her estimate, averaged out to about two emails a day and she felt this was de
2 minimis. When asked about all of the personal documents including confidential information,
3 Ms. Ponce said the information was personal information regarding her son-in-law, daughter
4 and a friend who had lost her children while in a coma and that they had requested the
5 information. She said she does not deny it was a mistake, but said it was convenient to do during
6 business hours.

7 2.26 DSHS determined that Ms. Ponce used state resources to benefit an outside
8 organization. According to DSHS, Ms. Ponce confirmed in her interview that she used her state
9 email account to communicate with and send translations to Immigration Equality that contained
10 sensitive health information. She also translated a letter her daughter needed to promote a
11 program for her employer, US Cellular.

12 2.27 Board Staff reviewed the emails regarding Immigration Equality with Ms. Ponce.
13 Ms. Ponce stated she carried a caseload of limited English proficiency customers, which
14 included a large group of asylum seekers. She said she maintained a working relationship with
15 Immigration Equality, a non-profit group, and felt completing a translation for them was a small
16 way to repay them for the many times they have assisted DSHS clients. She said in regards to
17 the translation she did for them in May 2016, it took about 35 minutes. She said there was
18 medical information in the email but the subject was a client of the immigration office in New
19 York, not a DSHS client, and the document only referred to the man by his first name.

20 2.28 In regards to the US Cellular email, Ms. Ponce told Board Staff that this was in
21 regards to a charity for foster children through US Cellular. She said she did it at the request of
22 her daughter and it only took about five minutes.

23 2.29 DSHS determined that Ms. Ponce also used her position for personal gain. Ms.
24 Ponce acknowledged sending an email dated October 24, 2017, to Kori Jock (Ms. Jock), of
25 Northwest Immigration Rights Project asking for legal assistance. Ms. Ponce used her state
26 email account and signature block to request legal assistance in an immigration matter, stating,

1 “I have helped your organization in the past with pro-bono written translations of documents
2 from English to Spanish. I now need your help!”

3 2.30 In an interview with Board Staff, Ms. Ponce acknowledged sending the email to
4 Ms. Jock. Ms. Ponce said the email sent to Ms. Jock was asking a question for a DSHS client.
5 Ms. Ponce explained that she only mentioned that she helped Ms. Jock in the past as a reminder
6 of who she was and that she did not intend for the request to be granted in exchange for
7 something she had done for Ms. Jock in the past.

8 2.31 Ms. Ponce told Board Staff that she did not receive anything of economic value,
9 nor any personal benefit or advantage for the translations she did for Northwest Immigration
10 Rights Project or Immigration Equality.

11 2.32 According to DSHS, Ms. Ponce also acknowledged sending an email dated
12 January 13, 2017, to Carla Martinez, Yakima County Family Court Facilitator, requesting help
13 with Non-Parental Custody paperwork for a client. Ms. Ponce stated in her interview, that this
14 request was not on behalf of one of her clients, but for her daughter, Customer BSP 051663014
15 and her husband, PMA regarding custody of Customer RP 04028419.

16 2.33 DSHS terminated Ms. Ponce’s employment.

17 2.34 Ms. Ponce stipulated to one violation each of RCW 42.52.050 and RCW
18 42.52.160(1).

19 2.35 As a penalty, Board Staff requested \$2,500 for each violation, totaling \$5,000.
20 Board Staff asserts that this penalty is appropriate due to Ms. Ponce’s unauthorized disclosures
21 of personal information and excessive personal use of her work email.

22 2.36 Ms. Ponce argues that under the circumstances, \$5,000 is too high of a penalty.
23 According to Ms. Ponce, the fact that she lost her job of 28 years as a result of this matter is a
24 mitigating factor, warranting a lesser fine.

25 2.37 Ms. Ponce also contends that she received no financial gain from helping other
26 people while using her state email and state time.

1 **III. CONCLUSIONS OF LAW**

2 3.1 The Board has jurisdiction to hear this matter pursuant to RCW 42.52.360(1),
3 which authorizes the Board to enforce the Ethics Act with respect to employees in the executive
4 branch of state government. The Board has jurisdiction over Gloria Ponce, whose actions
5 occurred while she was a state employee. The complaint was filed in accordance with
6 RCW 42.52.410, the Board found reasonable cause pursuant to RCW 42.52.420, and an
7 adjudicative proceeding was conducted pursuant to RCW 42.52.430, .500. All the required
8 procedural notices have been provided.

9 3.2 The Ethics Act governs the conduct of state officers and employees. Under
10 RCW 42.52.430(5), a violation must be established by a preponderance of the evidence.

11 3.3 The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees
12 from disclosing confidential information. RCW 42.52.050, states in pertinent parts, the
13 following:

14

15 (2) No state officer or state employee may make a disclosure of confidential
16 information gained by reason of the officer's or employee's official position or
17 otherwise use the information for his or her personal gain or benefit or the gain
18 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.

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

21 RCW 42.52.010(5) defines "confidential information" as:

22 (a) specific information, rather than generalized knowledge, that is not available
23 to the general public on request or (b) information made confidential by law.

24 3.4 The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees
25 from using persons, money or property for private gain. RCW 42.52.160(1) states:

26 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

1 or her official custody, for the private benefit or gain of the officer, employee or
2 another.

3 3.5 As agreed to by Ms. Ponce in the Stipulation, Ms. Ponce disclosed confidential
4 information in violation of RCW 42.52.050 and used state resources for personal benefit in
5 violation of RCW 42.52.160. Ms. Ponce's activities do not meet the exceptions for the use of
6 state resources as permitted in WAC 292-110-010.

7 3.6 Under RCW 42.52.480, the Board may impose a civil penalty of up to \$5,000 per
8 violation or three times the economic value of any thing received or sought in violation of the
9 Ethics Act, whichever is greater. The Board concludes that a \$5,000 penalty is appropriate, as
10 follows: \$2,500 for Ms. Ponce's violation of RCW 42.52.050; and \$2,500 for her violation of
11 RCW 42.52.160(1). The factors discussed below support this penalty.

12 3.7 In determining the appropriate sanction, the Board may review the nature of the
13 violation, as well as the aggravating circumstances and mitigating factors set forth in
14 WAC 292-120-030. The Board may consider the monetary cost of the violation, including the
15 cost of the violation to the state and the value of anything received or sought in the violation. *Id.*
16 Here, the violations were continuing in nature, and tend to significantly reduce public respect for
17 or in state government or state government officers or employees. WAC 292-120-030(2)(a), (e).

18 3.8 Prior corrective action taken against the violator is a mitigating factor. *See*
19 WAC 292-120-030(4)(a). It is therefore a mitigating factor that DSHS terminated Ms. Ponce's
20 employment. Based on the factors discussed above, and the overall egregious nature of the
21 violations in this matter, however, the Board does not find that a lesser penalty would be
22 appropriate.

23 **IV. FINAL ORDER**

24 4.1 Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby
25 ordered that Gloria Ponce is assessed a total monetary civil penalty of \$5,000 based on her
26 violations of RCW 42.52.020 and RCW 42.52.160(1).

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4.2 The total amount of \$5,000 is payable in full within 90 days of the effective date of this order.

DATED this 2nd day of October 2020.

WASHINGTON STATE EXECUTIVE ETHICS BOARD

/s/ Shirley Battan

Shirley Battan, Chair

1 **APPEAL RIGHTS**

2 **RECONSIDERATION OF FINAL ORDER – BOARD**

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

6 The Board is deemed to have denied the request for reconsideration if, within 20 days
7 from the date the request is filed, the Board does not either dispose of the petition or serve the
8 parties with written notice specifying the date by which it will act on the petition.
9 RCW 34.05.470.

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

12 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

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

16 The petition for judicial review must be filed with the superior court and served on the
17 Board and any other parties within 30 days of the date that the Board serves this Final Order on
18 the parties. RCW 34.05.542(2). Service is defined in RCW 34.05.542(4) as the date of mailing
19 or personal service.

20 A petition for review must set forth:

- 21 (1) The name and mailing address of the petitioner;
- 22 (2) The name and mailing address of the petitioner’s attorney, if any;
- 23 (3) The name and mailing address of the agency whose action is at issue;
- 24 (4) Identification of the agency action at issue, together with a duplicate copy, summary,
25 or brief description of the agency action;
- 26

- 1 (5) Identification of persons who were parties in any adjudicative proceedings that led to
2 the agency action;
- 3 (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- 4 (7) The petitioner's reasons for believing that relief should be granted; and
- 5 (8) A request for relief, specifying the type and extent of relief requested.
6 RCW 34.05.546.

7 **ENFORCEMENT OF FINAL ORDERS**

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

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