BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:	NO. 01-14
ANALESE J. VANDER SLUIS	STIPULATION AND ORDER
Respondent.	

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between the Respondent, ANALESE VANDER SLUIS, Respondent, and the EXECUTIVE ETHICS BOARD ("Board") through Brian R. Malarky, Executive Director. The following findings, conclusions, and agreements will be binding upon the parties to this agreement, if the agreement is fully executed, and if accepted by the Washington State Executive Ethics Board, and not otherwise.

A. FACTS

1. On April 25, 2001, the Board received a complaint alleging that Analese Vander Sluis, an employee of Washington State University (WSU), abused state resources, specifically by sending personal e-mail messages.

2. Pursuant to WAC 292-100-042, Board staff may refer a complaint to the employing agency for investigation and recommendation of resolution. On June 12, 2002, Board staff referred this complaint to WSU for investigation, which completed an investigation and returned its findings to Board staff.

3. Analese Vander Sluis is an employee of WSU subject to the jurisdiction of the Washington State Executive Ethics Board under RCW 42.52.360. Ms. Vander Sluis, during all relevant times hereto, was employed as an Administrative Assistant at the WSU branch campus

in Vancouver, Washington. Ms. Vander Sluis has worked for the State of Washington since 2000.

4. The WSU investigation revealed that from April 1, 2002 through June 30, 2002, Ms. Vander Sluis sent 78 personal e-mail messages from her university computer. She admitted to sending 24 of those messages internally to other state employees at their workstations.

5. During that same period, Ms. Vander Sluis received 57 personal e-mail messages on her university computer. Seventeen of those messages were sent internally from other state employee's workstations.

6. Ms. Vander Sluis does not have any other ethics violations.

B. APPLICABLE LAW

RCW 42.52.160(1) states:

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

C. AGGRAVATING AND MITIGATING FACTORS

1. In determining the appropriateness of the civil penalty, Board staff reviewed criteria in WAC 292-120-030. In the case at hand: (1) the violations were continuing in nature (WAC 292-120-030(2)(a)); and (2) the violations significantly reduced the public respect for, and the confidence in, state government employees (WAC 292-120-030(2)).

2. It is a mitigating factor that Ms. Vander Sluis has since notified individuals to cease sending her personal messages at her work site and she has completed all of the recommended sanctions recommended in the SAO report.

D. RESOLUTION

1. Ms. Vander Sluis admits that she violated provisions of RCW 42.52.160 by using her state computer to send and receive e-mails unrelated to her official duties.

2. Recognizing that she is personally responsible for her conduct, Ms. Vander Sluis will pay a civil penalty in the amount of one hundred fifty dollars ($150.00). The Board agrees to suspend the civil penalty on the condition that Ms. Vander Sluis complies with all terms and conditions of this Stipulation and Order and commits no further violations of chapter 42.52 RCW while employed by the State of Washington.

3. Ms. Vander Sluis will reimburse WSU $75.00 for the costs in this matter and will reimburse the EEB for $75.00 for their investigative costs.

4. The investigative costs of $75.00 are payable to the state Executive Ethics Board within forty-five (45) days of approval of this Stipulation and Order by the Board.

II. CONCLUSIONS OF LAW

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Analese Vander Sluis and over the subject matter of this complaint.

2. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein.

3. Settlement of this matter on the terms herein is subject to WAC 292-100-090(2) which states in part:

> The board has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the board accepts the stipulation or modifies the stipulation with the agreement of respondent, the board shall enter an order in conformity with the terms of the stipulation. If the board rejects the stipulation or respondent does not agree to the board's proposed modification to the stipulation, the normal process will continue. The proposed stipulation and information obtained during formal settlement discussion shall not be admitted into evidence at a subsequent public hearing.

III. RELEASE / EFFECT OF ORDER

1. If the Board accepts this Stipulation, the Board releases and discharges Analese Vander Sluis from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint, subject to payment in full of the reimbursement to

WSU of $75.00 and to the EEB for $75.00 for investigative costs for a total due of $150.00, and compliance with all other conditions of this Stipulation. Analese Vander Sluis 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 and Order.

2. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between Analese Vander Sluis and the Washington State Executive Ethics Board, the State of Washington, or other third party, which may be filed in the future.

3. If this Stipulation is accepted, this Stipulation and Order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

4. If this Stipulation and Order is not accepted, it shall be null and void, and may not be used for any purpose in connection with the above-entitled action.

IV. CERTIFICATION

I, Analese Vander Sluis, hereby certify that I have read this Stipulation and Order in its entirety; that I knowingly and voluntarily waive my right to a hearing in this matter; that I fully understand and voluntary agree to this Stipulation.

Analese Vander Sluis 02/05/03

Analese Vander Sluis Date
Respondent

Stipulated to and presented by:

24 Jan 03

Brian R. Malarky Date
Executive Director

V. 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

__X__ ACCEPTED in its entirety;

_____ REJECTED in its entirety;

_____ *MODIFIED. This Stipulation will become the Order of the Board if the following modifications are approved by Analese Vander Sluis.

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DATED this 9th day of May, 2003.

James M. Vaché, Chair

Marilee Scarbrough, Vice-Chair

Laquita Fields, Member

Paul Zellinsky, Member

I, Analese Vander Sluis, accept/do not accept (circle one) the proposed modification.

_____

Analese Vander Sluis, Respondent Date