BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:	NO. 01-25
KAREN PORTIN	STIPULATION AND ORDER
Respondent.	

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between KAREN PORTIN, 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. RELEVANT FACTS

1. The above-referenced complaint was initiated by the Board on May 18, 2001, following a referral from the State Auditor's Office (SAO). The complaint alleges that the Respondent authorized the parking of agency employees' private vehicles in parking spaces leased by the Department of Corrections (DOC) for their agency-owned vehicles.

2. Ms. Portin was the field administrator for the DOC community corrections office in downtown Seattle.

3. Ms. Portin authorized the employees she supervised to park their personal vehicles in agency-leased parking spots when they were required to work late in the field. Ms. Portin asserted that the practice was already in place when she began working as the field administrator, and she continued allowing the practice.

4. DOC was notified by the SAO that the practice of using state vehicle reserved slots for parking employees' personal vehicles was a violation of state law. DOC has subsequently

ceased the practice and notified its employees that, at all times, the parking spaces are reserved for state vehicles only. The Regional Administrator for DOC has personally notified the managers and supervisors of the restrictions on use of the agency assigned parking slots for state vehicles only.

5. A search of the Department's database for the time period from August 1999 through June 2001, revealed four instances where DOC paid money to the City of Seattle which **may** or may not have been for parking tickets. However, the database records do not indicate the purpose of the payments, the supporting documents have been archived, and the amounts paid exceed the normal charges for a parking ticket in the Seattle downtown core.

6. Ms. Portin has no previous ethics violations.

B. APPLICABLE LAW

1. 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.

2. RCW 42.52.070 states:

> Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

C. AGGRAVATING & MITIGATING FACTORS

1. In determining the appropriateness of the civil penalty, the criteria in WAC 292-120-030 has been reviewed. It is an aggravating factor that Ms. Portin had significant supervisory responsibility (WAC 292-120-030(3)(d)).

2. It is a mitigating factor that the practice of parking private vehicles in agency spaces was in place when Ms. Portin was assigned to the unit, and that DOC has since ceased the practice (WAC 292-120-030(4)(c)).

D. RESOLUTION

1. Ms. Portin admits that her conduct in authorizing the employees she supervised to use agency-leased spaces for their personal vehicles was a violation of RCW 42.52.070 and RCW 42.52.160(1).

2. Recognizing that she is personally responsible for her conduct, Ms. Portin will accept a letter of instruction from the Executive Ethics Board, comply with all terms and conditions of this Stipulation and Order, and commit no further violations of Chapter 42.52 RCW.

E. CONCLUSIONS OF LAW

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

2. Authorizing employees to use parking spaces leased for agency vehicles to park their personal vehicles is an inappropriate use of state resources.

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

4. Settlement of this matter on the terms herein is subject to WAC 292-100-090(2) that 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.

F. RELEASE/EFFECT OF ORDER

1. If the Board accepts this Stipulation, the Board releases and discharges Karen Portin from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint. Karen Portin 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 Karen Portin and DOC, the State of Washington, or other third party, which are now in existence or 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.

G. CERTIFICATION

I, Karen Portin, 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.

Karen Portin, Respondent — Date: April 30 2003

Stipulated to and presented by:

Brian R. Malarky, Executive Director — Date: May 02, 2003

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

____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 Karen Portin.

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DATED this 9th day of May, 2003.

James M. Vache, Chair

Marilee Scarbrough, Vice Chair

Laquita Fields, Member

Paul Zellinsky, Member

I, Karen Portin, accept/do not accept (circle one) the proposed modification.

Respondent _____ Date _____