BEFORE THE EXECUTIVE ETHICS BOARD
OF THE STATE OF WASHINGTON

RANDY LITTLEFIELD
FIRST CLASS MORTGAGE
PO BOX 7733
TACOMA WA 98406

In Re the Matter of Randy Littlefield, Respondent.	)))))	EEB Case No. 05-026 Findings of Fact, Conclusions of Law and **Order Imposing Fine**

A brief enforcement hearing (brief adjudicative proceeding) was held July 6, 2006, at the offices of the Executive Ethics Board, 2425 Bristol Court, Olympia, Washington to consider whether the Respondent violated RCW 42.52.070 and 42.52.160 by granting himself special privileges and by using state resources to advertise for his new business venture, First Class Mortgage.

The hearing was held in accordance with Chapters 34.05 and 42.52 RCW and Chapter 292-100 WAC. Board Chair Trish Akana was the Presiding Officer. The Board staff was represented by Susan Harris, Executive Director. Also present was Nancy Krier, Senior Assistant Attorney General and Board Counsel. The Respondent was not present and did not provide any testimony or evidence to the Presiding Officer.

Brief enforcement hearing notice was sent to the Respondent on June 13, 2006. A subsequent letter was sent on June 26, 2006 confirming the hearing date and time and notifying the Respondent he would be in default if he did not appear. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was employed as a manager in the Compliance Division of the Department of Revenue (DOR).

2. On March 2, 2005, the Respondent sent an email to "DOR DL Everyone" and "DOR AL All Compliance" indicating that he was leaving the agency to start a new venture. The email invited all readers to "stop by our new spot in Northwest Landing some time after April 4th and I'll buy you coffee." The email was signed by

the Respondent, using the title of Manager-First Class Mortgage, and included the company's logo.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.

2. The Respondent failed to appear at the hearing and is in default

3. The Respondent violated RCW 42.52.070 and 42.52.160 by using his position and the resources of the agency to advertise for his new company.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of $250.

This is an **Initial Order** of the Executive Ethics Board. There are two ways the Respondent may appeal this order to the Board. Once the order becomes a **Final Order**, it may also be appealed to Superior Court.

REVIEW OF INITIAL ORDER – BOARD

a. The Respondent may request a review of this Initial Order by the entire Board.

b. The request may be made orally or in writing, and must be received at the Executive Ethics Board office within **20 days** after the postmark date of this Initial Order.

c. If the Respondent requests a review, no penalty need be paid until after the Board rules on the request.

d. By law, a request for review of the initial order is deemed to have been denied if the Board does not make a disposition of the matter within 20 days after the request is submitted.

e. If the Board is unable to schedule a meeting to consider the Respondent's request for review within 20 days, the Initial Order becomes a **Final Order** and the matter will automatically be treated as a request for reconsideration of a **Final**

Order unless the Respondent advises the Board otherwise. The matter will be scheduled before the full Board as soon as practicable.

f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 days, the request must now be put in writing. (See Reconsideration of Final Order below.)

g. If no request for review is received within 20 days, this order will automatically become a **Final Order** of the Board, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 34.05.570).

RECONSIDERATION OF FINAL ORDER – COMMISSION

a. Any party may ask the Board to reconsider a **Final Order**. The request must be in writing and must include the specific grounds or reasons for the request.

b. The request must be delivered to Executive Ethics Board office within **20 days** after the postmark date of this order.

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

d. The Respondent is not required to ask the Executive Ethics Board to reconsider the **Final Order** before seeking judicial review by a superior court. (RCW 34.05.470).

FURTHER APPEAL RIGHTS – SUPERIOR COURT

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

b. The petition for judicial review must be filed with the superior court and served on the Executive Ethics Board and any other parties within **30 days** of the date that the Board serves this **Final Order** on the parties. (RCW 34.05.542(2)).

c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

ENFORCEMENT OF FINAL ORDERS

a. If there is no timely request for review or reconsideration, this Initial Order becomes a **Final Order**. The Respondent is legally obligated to pay any penalty assessed.

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

Entered this 13th day of July, 2006.

Executive Ethics Board

Trish Akana
Chair