

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of )  
 ) NO. 96-016  
AL LANG )  
 ) STIPULATION AND ORDER  
\_\_\_\_\_ )

I. STIPULATION

This Stipulation is entered into pursuant to WAC 292-100-090 between AL LANG, a former employee of the Department of Natural Resources (DNR), through his attorney, CHRIS MONTGOMERY, and RICHARD A. McCARTAN, Assistant Attorney General, acting solely as a staff member for the State of Washington Executive Ethics Board and not on behalf of the Washington State Attorney General.

A. STIPULATED FACTS

1. The Executive Ethics Board filed the above-referenced complaint against Al Lang, a former employee of DNR. The complaint stems from a whistleblower report by the State Auditor. On April 11, 1997 the Board found reasonable cause to believe that Mr. Lang had violated RCW 42.52.020.

2. It is agreed that:

(a) Between January 5, 1995 and September 8, 1995, Mr. Lang sold private timber to Vaagen Brothers Lumber Co. in the amount of approximately \$37,212;

(b) During that time, on behalf of DNR, Mr. Lang administered or supervised five contracts involving DNR timber sales to Vaagen; and

(c) Mr. Lang's conduct violated RCW 42.52.020 which states:

No state employee...may have an interest, financial or otherwise, direct or indirect, that is in conflict with the proper discharge of...the state employee's official duties.

3. The following factors mitigate in Mr. Lang's favor in setting the appropriate penalty in this case:

(a) Mr. Lang's dealings with Vaagen were known and approved by his supervisors;

(b) Mr. Lang did not know that his conduct violated RCW 42.52.020;

~~(c) RCW 42.52.020 is a non-specific prohibition that does not provide clear guidance to state employees;~~ ph

(d) Mr. Lang's conduct preceded Board opinions on the meaning of RCW 42.52.020;

(e) There is no allegation or evidence that Vaagen received favored treatment from Mr. Lang, or that Mr. Lang received favored treatment from Vaagen;

(f) Mr. Lang was truthful and cooperative in the Board investigation of this complaint; and

(g) Mr. Lang had no previous ethics violations.

#### B. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction over Mr. Lang and over the subject matter of this complaint.

2. Mr. Lang, as described in the stipulation of facts, violated RCW 42.52.020.

#### C. STIPULATED PENALTY

As a consequence of the violation of RCW 42.52.020, Mr. Lang agrees to a reprimand from the Board pursuant to RCW 42.52.320(2)(e).

D. FURTHER STIPULATIONS

1. If the Board accepts this Stipulation, or if the Board modifies this Stipulation in a manner that is acceptable to him, Mr. Lang is released and forever discharged from any further ethics proceedings in connection to the matter alleged in the Complaint.

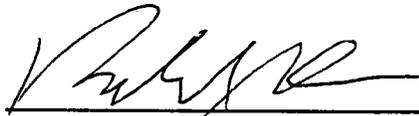
2. This Stipulation affects only the proceeding before the Board, and does not limit the right of a third party to file or pursue additional causes of action.

3. This Stipulation is not binding unless and until accepted by the Board, which may reject or propose modifying it.

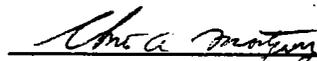
4. If the Board proposes modifying the Stipulation, Mr. Lang has the right to approve or not approve the modification. If the Board rejects the Stipulation or modifies the Stipulation in a manner that is not acceptable to Mr. Lang, the Stipulation becomes null and void, in which case the case will be set for public hearing in accordance with the normal administrative process and the Stipulation will be inadmissible in any subsequent proceeding in this case.

  
AL LANG

8-13-97  
Date

  
RICHARD A. MCCARTAN  
Assistant Attorney General

9-12-97  
Date

  
CHRIS MONTGOMERY, WS BA #12323  
Attorney for Mr. Lang

8-8-97  
Date

II. ORDER

Having reviewed the Complaint and the Stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER, that pursuant to WAC 292-100-080, the above stipulation is:

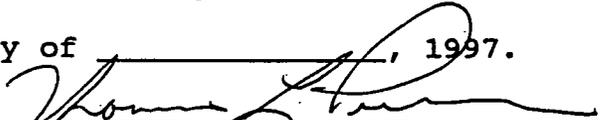
\_\_\_ Accepted in its entirety and becomes the Order of the Board.

X \*Accepted and, if approved by Mr. Lang, becomes the Order of the Board with the following modifications:

Deleted section 3 (c).

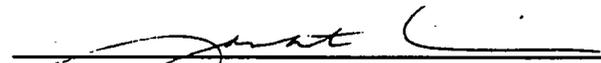
\_\_\_ Rejected in its entirety.

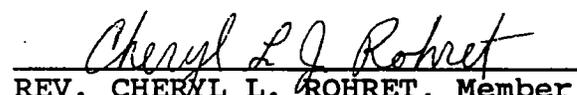
DATED this \_\_\_ day of \_\_\_, 1997.

  
THOMAS L. PURCE, Chair

  
PAUL GILLIE, Vice-Chair

GWEN FOYD, Member

  
JANET LIM, Member

  
REV. CHERYL L. ROHRET, Member

\*  accept / ( ) do not accept the proposed modification:

Dated: 8-13-97 Signed: 