RECEIVED
FEB 12 1997
ATTORNEY GENERAL
AHCR DIVISION

STATE OF WASHINGTON
EXECUTIVE ETHICS BOARD

In the matter of the ethics complaint against Christi Hutsell	)	Case #96-023
	)	STIPULATION OF FACTS, CONCLUSIONS OF LAW, AND PENALTY

This Stipulation of Facts, Conclusions of Law and Penalty is made and entered into by and between Christi Hutsell ("Ms. Hutsell"), an employee of the University of Washington Medical Centers Information Systems, and NOEL R. TREAT, Assistant Attorney General ("AAG Treat"), acting solely as a staff member for the State of Washington Executive Ethics Board ("the Board") and not on behalf of the Washington State Attorney General, to settle the allegations contained in Case #96-023. The parties stipulate and agree to the following:

I. STIPULATED FACTS

1. On August 16, 1996, the Board received an ethics complaint against Ms. Hutsell for alleged violations of RCW 42.52.180. A copy of the complaint is attached as Exhibit A. Ms. Hutsell was provided with a copy of the complaint.

2. AAG Treat investigated this complaint and wrote Ms. Hutsell a letter requesting her response to the complaint. A copy of this letter is attached as Exhibit B. Ms. Hutsell cooperated fully with the investigation and responded in writing to AAG Treat's letter by a letter dated December 13, 1996. A copy of Ms. Hutsell's letter is attached as Exhibit C. Ms. Hutsell's supervisor, Mark Gargett, also responded with a letter to AAG Treat. Mr. Gargett's letter is attached as Exhibit D.

3. Ms. Hutsell is a Secretary Senior at the University of Washington Medical Centers Information Systems. She is a state employee.

4. Ms. Hutsell is her worksite's Commute Trip Reduction Coordinator. Major employers are required by RCW 70.94.531 to designate transportation coordinators and implement commute trip reduction measures.

5. The November 1996 ballot for King, Pierce, and Snohomish counties contained the Rapid Transit Authority's proposed ballot proposition (hereafter, "RTA Plan") authorizing and funding a rapid transit system and increased bus service in parts of Snohomish, King, and Pierce Counties.

6. On July 23, 1996, Ms. Hutsell sent an e-mail regarding the RTA Plan to her co-workers using a University computer. This e-mail stated, in part, that:

> This is our last chance to fix the regional transit problem that is only getting worse. If the funding for this plan is not approved, we will not have a chance to fix the region's traffic problems for another 10 or so years.

A copy of the e-mail is attached to the complaint.

7. Ms. Hutsell posted a bulletin regarding the RTA Plan in the University of Washington Medical Centers Information Systems' staff cafeteria. A copy of the bulletin is attached to the complaint.

8. Ms. Hutsell placed an article regarding the RTA Plan in the August 1996 Medical Center Information Systems bulletin. A copy of the article is attached to the complaint.

9. Ms. Hutsell did not know that sending the e-mail, posting the bulletin, or placing the article could result in violations of chapter 42.52 RCW. Ms. Hutsell believed that

her actions were consistent with her position and duties as a Commute Trip Reduction Coordinator.

10. Ms. Hutsell has been counseled by a supervisor regarding the prohibitions the ethics law places on the use of agency resources for the promotion of a ballot proposition or political campaign. Ms. Hutsell has indicated that she now understands the prohibitions imposed by chapter 42.52 RCW and will not commit violations in the future.

II. STIPULATED CONCLUSIONS OF LAW

Ms. Hutsell acknowledges and agrees that her actions constitute a violation of RCW 42.52.180 which prohibits a state officer or employee from using facilities of agency to promote a ballot proposition.

III. STIPULATED PENALTY

1. Ms. Hutsell knowingly and voluntarily agrees to waive her right to a hearing to respond to the complaint's allegations.

2. The parties agree that Ms. Hutsell will accept a letter of instruction from the Board as the appropriate and sole action to be taken by the Board for her violation. The parties further agree that no civil penalties, damages, costs or other monetary or non-monetary sanctions will be imposed or sought by the Board against Ms. Hutsell stemming from the complaint for case #96-023.

3. The parties agree that Ms. Hutsell will be released and forever discharged from any and all state ethics proceedings arising out of the complaint for case #96-023.

4. The parties agree that this agreement affects only the rights of the parties named in the agreement and does not limit any third party's right to file or pursue additional causes of action.

5. The parties acknowledge and agree that this agreement is not final and binding unless and until the Board enters an order accepting the agreement. Both parties understand that the Board is free to reject or modify this agreement.

In the event that the Board modifies this agreement, Ms. Hutsell has the right to review the modified agreement and agree to the modified terms. If the Board modifies this agreement but Ms. Hutsell does not agree to the modified agreement or if the Board rejects the entire agreement, then the normal administrative process will continue and this agreement will be void and will not be admitted into evidence at any subsequent public hearing.

Christine Hutsell
CHRISTI HUTSELL

Feb. 10, 1997
Date

NOEL R. TREAT
Assistant Attorney General

Feb 12, 1997
Date

IV. BOARD ACTION

We, the State of Washington Executive Ethics Board, X ACCEPT, _____ REJECT, _____ MODIFY this Stipulated Findings of Fact, Conclusion of Law and Penalty. An order will be entered consistent with our decision.

Dated: March 14, 1997

Thomas L. Purce
Chair

Paul Gillie
Board Member

Gwendolyn Foyd
Board Member

Janet Lim
Board Member

Rev. Cheryl L. Rohret
Board Member