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ATTORNEY GENERAL
AHCR DIVISION

STATE OF WASHINGTON
EXECUTIVE ETHICS BOARD

In the matter of the ethics complaint against Emmott H. Fisher	)	Case #96-024
	)	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 EMMOTT H. FISHER ("Mr. Fisher"), Head Mechanic at Washington State University's Puyallup Research and Extension Center, and JOSEPH J. RANDAZZO, Assistant Attorney General ("AAG Randazzo") 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 #96-024. The parties stipulate and agree to the following:

I. STIPULATED FACTS

1. On August 16, 1996, the Board received an ethics complaint (*see* Exhibit A, attached) against Mr. Fisher for alleged violations of RCW 42.52.160 and RCW 42.52.070. AAG Randazzo provided Mr. Fisher with a copy of the complaint and investigated the complaint.

2. While employed as Head Mechanic at Washington State University's Puyallup Extension Center, Mr. Fisher did the following acts:

(a) stored the chassis of a classic car owned by him in a vacant building at the Extension Center;

(b) used a University-owned tractor to move his car in and out of the vacant building and the Extension Center's maintenance shop; and

(c) worked on his car at the Extension Center's maintenance shop only while on break, during his lunch hour, and after work hours.

3. Prior to storing his car at the Extension Center, Mr. Fisher asked for and received permission from his supervisor to store the car at the Center and to work on the car while on break, during his lunch hour, and after work hours.

4. Prior to this incident, an informal policy existed at the Extension Center allowing employees to store personal property at the Center and to use the Center's maintenance shop for personal use with permission.

5. In the time since the complaint was filed, Mr. Fisher removed his car from the Extension Center, and the Center enacted a policy disallowing these practices.

II. STIPULATED CONCLUSIONS OF LAW

Mr. Fisher acknowledges and agrees that his actions constitute a technical violation of RCW 42.52.160, which prohibits a state officer or employee from employing or using 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.

III. STIPULATED PENALTY

1. Mr. Fisher knowingly and voluntarily agrees to waive his right to a hearing to respond to the complaint's allegations.

2. The parties agree that Mr. Fisher will accept a letter of instruction from the Board as the appropriate and sole action to be taken by the Board for his 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 Mr. Fisher stemming from the complaint for case #96-024.

3. The parties agree that Mr. Fisher will be released and forever discharged from any and all state ethics proceedings arising out of the complaint for case #96-024.

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, Mr. Fisher has the right to review the modified agreement and agree to the modified terms. If the Board modifies this agreement but Mr. Fisher 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.

Emmott H. Fisher
EMMOTT H. FISHER

Feb 3, 1997
Date

Joseph J. Randazzo
JOSEPH J. RANDAZZO
Assistant Attorney General

2/5/97
Date

IV. BOARD ACTION

We, the State of Washington Executive Ethics Board, ✓ ACCEPT, _____ REJECT, _____ MODIFY this Stipulated Findings of Fact, Conclusion of Law and Penalty. A letter will be sent consistent with our decision.

Dated: 2-14-97

Thomas L. Purce
Chair (RECUSED)

Paul Gillie
ACTING CHAIR

Gwendolyn Foyd
Board Member

Janet Lim
Board Member

Rev. Cheryl L. Rohret
Board Member