

STATE OF WASHINGTON
EXECUTIVE ETHICS BOARD
PO Box 40100, Olympia, Washington 98504-0100

Mr. Homer Allen)
) CASE No. 96-003
Respondent.)
) STIPULATION AND AGREED ORDER
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I. STIPULATION

Pursuant to WAC 292-100-090, this Stipulation is entered into between Homer Allen ("Allen"), and the Executive Ethics Board ("the Board"), by and through their counsel of record, Harold H. Green of MacDonald Hoague & Bayless, for Allen, and Richard A. McCartan, Assistant Attorney General, for the Board.

A. FACTS

1. The Board filed the complaint against Homer Allen on March 11, 1996. Following investigation, the Board issued its Reasonable Cause Determination on June 12, 1998.

2. Without admitting any of the specific allegations set forth in the Reasonable Cause Determination, Mr. Allen does admit generally having violated RCW 42.52.160(1) during the period January 1 to September 19, 1995, by using facilities and equipment of Everett Community College District 5 for personal benefit.

B. CONCLUSIONS OF LAW

1. The Executive Ethics Board has jurisdiction over Allen and the subject matter of the complaint.

2. Settlement of this matter on the terms herein is subject to WAC 292-100-090(2), which 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 the 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 modifications to the stipulation, the normal process will continue. The proposed stipulation and information obtained during formal settlement discussions shall not be admitted into evidence at a subsequent public hearing. If the board requests additional facts to be presented, the matter shall be referred to the board staff for further investigation.

C. PENALTY

1. Based on the above facts and conclusions of law, Homer Allen agrees to a \$3,000 penalty, payable to the State of Washington within 90 days of approval of this Stipulation by the Board, with \$1,500 suspended on condition that Mr. Allen commits no violations of chapter 42.52 RCW during the period from the Board's approval of this Stipulation to January 1, 2001.

2. If the Board subsequently finds that Mr. Allen has committed another ethics violation for acts occurring after the date of entry of this Stipulation and Order, the \$1,500 suspended penalty shall be imposed against Mr. Allen, in addition to any new penalty for any new violation as deemed appropriate by the Board in accordance with chapter 42.52 RCW.

3. If Mr. Allen fails to timely pay the required \$1,500 penalty under the terms of this Stipulation, following approval

by the Board, the Stipulation and Order are rendered null and void and the matter will be set for hearing.

D. RELEASE

1. If the Board accepts this Stipulation, the Board releases and discharges Mr. Allen from all further ethics proceedings under chapter 42.52. RCW for matters arising out of the facts contained in the complaint. Mr. Allen agrees to release and discharge the Board, an agency of the State of Washington, and its officers, agents, and employees from all claims, damages and causes of action arising out of the Complaint and this Stipulation and Agreed Order.

2. This Stipulation and Order does not purport to settle any other claims between Mr. Allen and the State of Washington, Everett Community College, or any other third party.

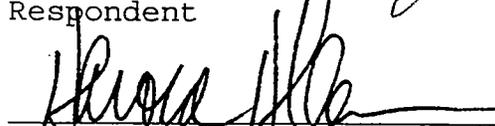
E. CERTIFICATION

I, HOMER ALLEN, hereby certify that I have read this Stipulation and Order in its entirety; that my counsel of record has fully explained its legal significance and consequence; that I fully understand and agree to all of it; and that I have signed it voluntarily.



HOMER ALLEN
Respondent

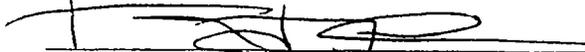
Date: December 20, 1998



Harold H. Green
of MacDONALD HOAGUE & BAYLESS
Attorney for Respondent

Date: December 16, 1998

Stipulated to and Presented by:



RICHARD A. MCCARTAN
Assistant Attorney General

Date: 1-4-99

II. ORDER

Having reviewed the proposed Stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY

- ACCEPT this Stipulation in its entirety;
- REJECT this Stipulation in its entirety;
- *MODIFY this Stipulation. This Stipulation will become the Order of the Order if the following modifications are approved by Mr. Allen:

DATED this 21st day of December, 1998.

Janet Lim
JANET LIM, Chair

Janet Lim for
REV. CHERYL ROHRET, Vice Chair
(per telephone authorization)

GWENDOLYN FORD, Member

PAUL GILLIE, Member

Janet Lim for
SUTAPA BASU, Member
(per telephone authorization)

*I, Homer Allen, () accept / () do not accept the proposed modification.

HOMER ALLEN Date: _____