

**BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD**

In the Matter of:

GREG GOURLEY

Respondent.

No. 97-14

STIPULATION AND ORDER

THIS STIPULATION is entered into under WAC 292-100-090 between Greg Gourley, through his attorney, Shawn T. Newman, and the Executive Ethics Board, through Richard A. McCartan, Assistant Attorney General.

I. FACTS

A. The Executive Ethics Board issued this complaint against Mr. Gourley, a former state employee, on March 14, 1997, pursuant to a referral from the State Auditor.

B. During 1995 and 1996, Mr. Gourley served as a part-time instructor of a U.S. citizenship class at Bellevue Community College, Edmonds Community College, and Highline Community College. During that period, Mr. Gourley also taught private citizenship classes through an outside business.

C. Mr. Gourley was responsible for determining which students met criteria for enrollment in the college courses, and used his position at the college to refer ineligible students to his private citizenship classes. In doing so, Mr. Gourley violated:

1. RCW 42.52.020 which states:

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

2. RCW 42.52.070 which states:

Except as required to perform duties during the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

D. Mr. Gourley used college facilities and resources, including college offices, classrooms, and copying machines to aid his private classes. In doing so, Mr. Gourley violated RCW 42.52.160(1) which states:

No state officer or state employee may employ or use 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.

II. CONCLUSIONS OF LAW

A. Pursuant to Chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Mr. Gourley and the subject matter of this complaint.

B. Pursuant to RCW 42.52.480 and WAC 292-100-090(1), Mr. Gourley may agree to settle this case on the terms herein.

C. 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 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 modification to the stipulation, the normal process will continue. The proposed stipulation and information obtained during formal settlement discussion shall not be admitted into evidence at a subsequent public hearing.

III. PENALTY

A. As a consequence of having violated RCW 42.52.020, 42.52.070, and 42.52.160(1), Mr. Gourley agrees to the following payments, terms, and conditions:

1. As a civil penalty, pay the amount of two thousand dollars (\$2000) to the Executive Ethics Board in a cashier's check made payable to the *State of Washington*.

2. As damages, pay the amount of one thousand five hundred (\$1500) dollars to Bellevue Community College in a cashier's check made payable to *Bellevue Community College*.

3. As damages, pay the amount of five hundred (\$500) dollars to Highline Community College in a cashier's check made payable to *Highline Community College*.

4. As damages, pay the amount of five hundred (\$500) dollars to Edmonds Community College in a cashier's check made payable to *Edmonds Community College*.

B. Attend a Board-approved ethics training class upon the resumption of any employment with the State of Washington and will refrain from future violations of chapter 42.52 RCW.

All payments under this agreement shall be received by the Executive Ethics Board no later than thirty (30) days from the date the Stipulation is accepted by the Board. Failure to make timely payment will render the Stipulation and Order null and void

V. RELEASE

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

B. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between Mr. Gourley, the State of Washington, or other third party, which are now in existence or may be filed in the future.

C. If this Stipulation is accepted, this Stipulation and Order will be inadmissible for any purpose in any other proceeding involving Mr. Gourley, the state, and/or third party aligned with the state.

VI. CERTIFICATION

I, GREG GOURLEY, hereby certify that I have read this Stipulation and Order in its entirety; that my counsel has fully explained its legal significance; that I knowingly and

voluntarily waive my right to a hearing in this matter; that I fully understand it and agree to it;
and that I do so voluntarily.

GREG GOURLEY

DATE

VII. ORDER

Having reviewed Complaint No. 97-14, the Stipulation, and the Agreement, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER, that pursuant to WAC 292-100-080, the above is:

_____ Accepted in its entirety and becomes the Order of the Board.

_____ *Accepted and, if approved by Mr. Gourley, becomes the Order of the Board with the following modifications:

_____ Rejected in its entirety.

DATED this _____ day of _____, 1999.

JANET LIM, Chair

CHERYL ROHRET, Vice Chair

GWENDOLYN FOYD, Member

SUTAPA BASU, Member

PAUL GILLIE, Member

*I accept or do not accept (circle option) the proposed modification.

Date

GREG GOURLEY, Respondent