

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

MARILYN C. ROBERTS

Respondent.

NO. 98-07

STIPULATION AND ORDER

**I. STIPULATION**

THIS STIPULATION is entered into under WAC 292-100-090 between Marilyn C. Roberts, Ph.D., and the EXECUTIVE ETHICS BOARD ("Board") through Margaret A. Grimaldi, Executive Secretary.

**A. FACTS AND LAW**

1. **FACTS**

a. The above-referenced complaint was filed on July 1, 1998, against Marilyn C. Roberts, Ph.D., Professor of Pathobiology, University of Washington.

b. Dr. Roberts agrees that she performed private consulting work for the Kiket Bay Organization, a non-profit organization and member of the Marine Environmental Consortium during 1997 and 1998, and also provided expert testimony in an appeal hearing relating to the issue of permits to the Atlantic salmon net pen industry. Dr. Roberts received compensation from Kiket Bay in the amount of \$4300 for her consulting work.

c. Dr. Roberts acknowledges that she used university resources to support her outside consulting work for Kiket Bay. She is without tenure and during this time only received 25% of her salary from the state for teaching. The remaining salary, which did not equal 100%, was provided by outside contracts and grants. The use of university resources consisted of two e-mails and use of her University of Washington Address on outside business-related correspondence using her own paper. Dr. Roberts also failed, by accident, to seek advanced approval for this outside work pursuant to university policy. Her outside work was subsequently

approved by the University after notification of her involvement in outside work by representatives of Kiket Bay.

d. Dr. Roberts acknowledges that she is a state employee for the purposes of chapter 42.52 RCW.

e. Dr. Roberts has no previous ethics violations.

## 2. APPLICABLE LAW

a. RCW 42.52.160(1) 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.

b. WAC 292-110-010(4) provides that the occasional and limited use of state resources does not include:

(a) Any use for the purpose of conducting an outside business;

...

c. RCW 42.52.120(1) prohibits state officers and state employees from receiving any thing of economic value under a contract or grant outside of official duties unless certain conditions are met. One of these conditions is RCW 42.52.120(1)(c):

The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee.

## **B. RESOLUTION**

Dr. Roberts admits that she violated provisions of chapter 42.52 RCW by using state resources in support of private consulting work, and for failing to obtain approval for this consulting work as required by university policy.

Dr. Roberts will pay a civil penalty in the amount of two hundred and fifty dollars (\$250.00), comply with all terms and conditions of this Stipulation and Order, and commit no further violations of RCW 42.52.

The amount is payable to the state Executive Ethics Board within thirty (30) days of approval of this Stipulation and Order by the Board.

### **C. CONCLUSIONS OF LAW**

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Marilyn Roberts and over the subject matter of this complaint.

2. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein.

3. 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.

### **D. RELEASE/EFFECT OF ORDER**

1. If the Board accepts this Stipulation, the Board releases and discharges Dr. Roberts from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint upon payment of the civil penalty in the amount of \$250.00. Dr. Roberts 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.

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

3. If this Stipulation is accepted, this Stipulation and Order will be inadmissible for any purpose in any other proceeding involving Dr. Roberts the state, and/or third parties aligned with the state.

4. If this Stipulation is accepted, this Stipulation and Order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

**E. CERTIFICATION**

I, Marilyn Robt, hereby certify that I have read this Stipulation and Order in its entirety; that I have had an opportunity to consult with legal counsel; that I knowingly and voluntarily waive my right to a hearing in this matter; and that I fully understand and voluntarily agree to this Stipulation.

Marilyn Robt  
Respondent

7/1/99  
Date

Stipulated to and presented by:

Margaret Linnaldi  
Executive Secretary

June 28, 1999  
Date

**II. ORDER**

Having reviewed the proposed Stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

  ✓  

ACCEPTED in its entirety;

          

REJECTED in its entirety;

          

\*MODIFIED. This Stipulation will become the Order of the Board if the following modifications are approved by \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this 30<sup>th</sup> day of July, 1999.

Janet Lim  
JANET LIM, Chair

Cheryl L. Rohret  
REV. CHERYL ROHRET, Vice Chair

\_\_\_\_\_  
GWENDOLYN FOYD, Member

\_\_\_\_\_  
PAUL GILLIE, Member

Sutapa Basu  
SUTAPA BASU, Member

I, \_\_\_\_\_, accept/do not accept (circle one) the proposed modification.

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Respondent (if applicable)

\_\_\_\_\_  
Date