

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

HELEN R. BUCK,

Respondent

No. 98-22

STIPULATION AND ORDER

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between HELEN R. BUCK and the EXECUTIVE ETHICS BOARD ("Board") through Margaret A. Grimaldi, Executive Secretary.

A. FACTS AND LAW

1. FACTS

a. The Executive Ethics Board issued this complaint against Ms. Buck, a former state employee on October 20, 1998, pursuant to a referral from the State Auditor.

b. In July 1992, Ms. Buck added an ineligible person whom she designated as a spouse to her state medical and dental plans. At the time of the enrollment, Ms. Buck believed that the person was eligible for medical and dental coverage as a result of a common law marriage. Ms. Buck and her partner were legally married on June 2, 1998.

c. During the period from January 1, 1995, until June 30, 1998, the State of Washington paid \$1575.06 in premiums to cover Ms. Buck's ineligible partner. Throughout this period, Ms. Buck's partner received \$19,269 in paid medical benefits, and \$531.80 in paid dental benefits.

d. Ms. Buck agrees that although she acted unintentionally, her conduct violated RCW 42.52.070 which provides:

Except as required to perform duties within 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.

2. MITIGATING CIRCUMSTANCES

- a. Ms. Buck was cooperative in the investigation of this complaint.
- b. Ms. Buck had no previous ethics violations.
- c. Ms. Buck was terminated from state service.

B. RESOLUTION

1. Ms. Buck will reimburse the State of Washington in the amount of \$1575.00 as restitution for the cost of state-paid insurance premiums pursuant to RCW 42.52.480(1)(a). Ms. Buck also agrees to pay a civil penalty in the amount of \$250 pursuant to RCW 42.52.480(1)(b), and will comply with all terms and conditions of this Stipulation and Order.

2. The civil penalty shall be made in three payments. The first payment shall be due thirty (30) days following approval of this Stipulation and Order by the Board, and shall be in the amount of \$90.00. The second and third payments will be in the amount of \$80.00 each and are payable sixty (60) and ninety (90) days following approval of this Stipulation and Order. Restitution shall be made in 15 equal payments of \$105.00, commencing in March 15, 2000 and ending May 15, 2001. Failure to make timely payment to the Executive Ethics Board each month will cause the entire amount to become due and payable within ten (10) days of the missed payment.

C. CONCLUSIONS OF LAW

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Ms. Buck 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 Ms. Buck from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint, provided that she complies with Section I(B) of this Stipulation. Ms. Buck 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 Stipulation and Order.

2. If this Stipulation is accepted, this Stipulation and Order does not purport to settle any other claims between Ms. Buck, 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 Ms. Buck, the state, and/or third parties aligned with the state.

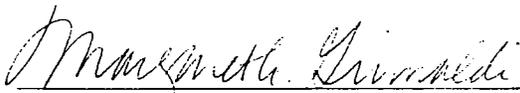
4. If this Stipulation is accepted, this Stipulation and Order is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

E. CERTIFICATION

I, Helen Buck, 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; that I fully understand and voluntarily agree to this Stipulation.

Stipulated to and presented by:


HELEN R. BUCK


MARGARET A. GRIMALDI
Executive Secretary

10-26-99
Date

21 October 99
Date

