

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

JANIS P. BIANCHI

Respondent.

NO. 98-26

STIPULATION AND ORDER

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between Janis P. Bianchi, 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 December 29, 1998, against Janis P. Bianchi, Policy and Operations Manager, Department of Revenue.

b. Ms. Bianchi has been providing pro bono legal services in a quiet title action on behalf of a state employee who does not work for the Department of Revenue.

c. Ms. Bianchi acknowledges that she used state-owned equipment to partially prepare and e-mail two documents relating to the quiet title action. Ms. Bianchi believed this use to be limited and not for the purpose of conducting an outside business. Ms. Bianchi also made several personal phone calls for which she reimbursed the department, a practice which her supervisor had approved.

d. Ms. Bianchi is a state employee for the purposes of chapter 42.52 RCW.

e. Ms. Bianchi 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. WAC 292-110-010(6) provides that:

In general, a state officer or state employee may not make private use of state resources and then reimburse the agency so there is no actual cost to the state....

B. RESOLUTION

Ms. Bianchi agrees to a letter of direction from the Board and will abide by its instruction.

C. CONCLUSIONS OF LAW

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Janis P. Bianchi 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. Bianchi from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint. Ms. Bianchi 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 Ms. Bianchi and 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. Bianchi, 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, JANIS P. BIANCHI, 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.

Janis P. Bianchi
Respondent

9/13/99
Date

Stipulated to and presented by:

Margaret G. Giamaldi
Executive Secretary

13 September 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 September 30, 1999.

Under "B" as part of Resolution, Ms. Bianchi agrees to attend three hours of ethics training conducted by the Board's Executive Secretary within six (6) months. Ms. Bianchi agrees to contact the EEB's office to schedule such training.

DATED this 16th day of September, 1999.

JANET LIM, Chair

Cheryl L. Rohret
REV. CHERYL ROHRET, Vice Chair

Gwendolyn Foyle
GWENDOLYN FOYD, Member

Paul Gillie
PAUL GILLIE, Member

Sutapa Basu
SUTAPA BASU, Member

I, Janis P. Bianchi, do not accept (circle one) the proposed modification.

Janis P. Bianchi
Respondent

9/27/99
Date

Attorney for Respondent

Date