

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

ORIGINAL

In the Matter of:

ROGER C. SERRA

Respondent.

NO. 99-08

STIPULATION AND ORDER

I. STIPULATION

THIS STIPULATION is entered into under WAC 292-100-090 between Roger C. Serra 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 March 16, 1999, against Roger Serra, then Chief of Police at the University of Washington Police Department.

b. The complaint alleged that Chief Serra used state resources under his control to pick-up relatives and friends in state vehicles. There is no evidence to support this allegation.

c. The complaint alleged the Chief Serra misused his position to run a vehicle license check for the benefit of a personal friend. The evidence supports a conclusion that the vehicle license check was appropriately conducted as part of Chief Serra's official duties and that misuse did not occur.

d. Chief Serra stated that it has been customary for the UW police chief to invite law enforcement associates and family members as guests in the stadium command center. He acknowledges that on at least three different occasions during the period from October 1996 to October 1998, he provided football passes to six different family members. The total value of these tickets was \$230, based on the approximate value of box seats

Passes provided to other law enforcement officers, however, did not violate the state's ethics law because they served a legitimate purpose by allowing these officers to observe security operations at major athletic events.

e. Chief Serra immediately ceased the practice of providing football passes to family members after attending ethics training.

f. Chief Serra 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. RCW 42.52.070 states:

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.

B. RESOLUTION

Chief Serra admits that he may have violated RCW 42.52.160(1) and RCW 42.52.070 by providing football passes to his family members.

Chief Serra agrees to pay a civil penalty in the amount of fifty dollars (\$50.00), restitution in the amount of two hundred thirty dollars (\$230.00) for the value of the six tickets, and to comply with all terms and conditions of this Stipulation and Order

The amount is payable to the *State of Washington* and will be remitted to the 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 Chief Serra 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

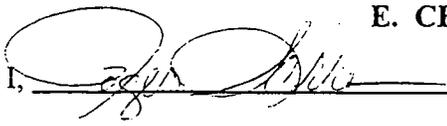
1. If the Board accepts this Stipulation, the Board releases and discharges Chief Serra from all further ethics proceedings under chapter 42.52 RCW for matters arising out of the facts contained in this complaint upon payment of the civil penalty in the amount of \$50.00 and restitution in the amount of \$230.00. Chief Serra 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 Chief Serra 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 Chief Serra, 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, , 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.


Respondent

28 December 1999
Date

Stipulated to and presented by:


Executive Secretary

21 December 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 _____ day of _____, 19__.

Cheryl L. Rohret
CHERYL ROHRET, Chair

Sutapa Basu
SUTAPA BASU, Vice Chair

Janet Lim
JANET LIM, Member

Paul Gillie
PAUL GILLIE, Member

VACANT, Member

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

Respondent

Date

Attorney for Respondent (if applicable)

Date