



# Washington State Executive Ethics Board

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## Executive Ethics Board News

**Matthew Williams III, Chair**  
**Lisa Marsh, Vice Chair**  
**Linnaea Jablonski, Member**  
**Michael Bahn, Member**  
**Anna Dudek Ross, Member**

July 16, 2012

The Executive Ethics Board (Board) met on Thursday, July 12, 2012 for an enforcement hearing and on Friday, July 13, 2012 for their regular business meeting. Chair Williams was unable to attend either meeting, and Member Jablonski could not attend the enforcement hearing. Others attending the business meeting included: Melanie de Leon, Executive Director, David Killeen, Investigator and Ruthann Bryant Board Secretary. Members of the public also attended.

### Enforcement

In lieu of an enforcement hearing, the Board accepted stipulations from:

- **Gerald Ballard**, a Management Specialist 4, for the Office of Minority and Women's Business Enterprises, for using state resources for personal gain. Evidence indicated that over a 12-month period he used his state computer for day trading with over 50 visits to E\*TRADE using 42 hours of time and eight visits to NASDAQ using three hours of time. Mr. Ballard's computer also contained 646 files related to stock trading. The Board levied a civil penalty of \$3,000, suspending \$1,500.
- **James Mutnick**, a former Information Technology Technician with the then, Department of Personnel, for using state resources for personal gain. Records indicated that Mr. Mutnick made excessive phone calls to his spouse and others that were not work related, visited several non-work related websites and used his state computer to conduct business for an outside dance academy and photography studio. The Board levied a civil penalty of \$1,500.
- **Sally Barber**, a Budget Analyst in the Economic Service Administration of the Department of Social and Health Services, for using state resources to conduct personal outside business in real estate. Evidence indicated that Ms. Barber's state computer contained documents relating to real estate transactions as well as other non-work related websites. The Board levied a civil penalty of \$2,000, suspending \$1,000.
- **Leonard Little**, a former employee of Employment Security Department, for using state resources for personal gain. Information gathered over a 51-day period indicated that over 46 percent of Mr. Little's internet use was for personal business. Further records revealed that Mr. Little's computer contained 50 mp3 music/sound files that were not work related. The Board levied a civil penalty of \$1,000.
- The Board found Reasonable Cause in four cases: 2012-003 (Hawe), 2012-016 (Paja), 2012-025 (Salinas) and 2012-030 (Manley).
- The Board found no Reasonable Cause that a violation had occurred in two cases: EEB Case 2012-018 (Strange) and 2012-027 (Burke).

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Meeting agendas can be found at [www.ethics.wa.gov](http://www.ethics.wa.gov) under "Meetings."

*The next meeting of the Executive Ethics Board is scheduled for September 14, 2012.*

- The Board dismissed one case as cured: EEB Case 2012-014 (Canorro).
- The Board affirmed and issued a final order of dismissal in EEB case 2011-037 (Birch).

The Board completed an administrative hearing for EEB Case 2010-004, Susan Drake. The Board's Findings of Fact and Conclusions of Law are currently being drafted by Board Counsel.

**Board Action:**

- A. The Board reviewed and approved the Ethics/Use of State Resources policy for the Department of Ecology.
- B. The Board completed their review of Advisory Opinions, making the following rulings:
  - a. AO 97-01 and 01A – REPEALED due to change in the law.
  - b. AO 97-14 – RETIRED because the issue is well settled and there is no need for this opinion to remain active.
  - c. AO 99-06 – REPEALED due to a change in the law.
  - d. AO 99-01 - RETIRED because the issue is well settled and there is no need for this opinion to remain active.
  - e. AO 01-06 – RETIRED because the issues in this opinion are so narrowly tailored that they are unlikely to resurface and because the opinion is based upon facts and matters that are no longer pertinent.
  - f. AO 97-13 – RETIRED because the issues in this opinion are so narrowly tailored that they are unlikely to resurface and there is no need for this opinion to remain active.
- C. The Board reviewed their 2009-2013 Strategic Plan and began discussions on revisions and updates. The Board will review and discuss the plan at future meetings.

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