



# Washington State Executive Ethics Board

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## Executive Ethics Board News

Lisa Marsh, Chair  
Anna Dudek Ross, Vice Chair  
Matthew Williams III, Member  
Samantha Simmons, Member

November 8, 2013

The Executive Ethics Board (Board) met on Friday, November 8, 2013 for their regular business meeting. All Board members attended the meeting. Others attending included: Melanie de Leon, Executive Director, David Killeen, Investigator, Bruce Turcott, Board Counsel, Chad Standifer, Board Prosecutor and Ruthann Bryant Board Secretary. Members of the public also attended.

### Enforcement

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

- **Don Makena**, Fire Control Technician, University of Washington, for improper use of state resources when he used the agency's computer to access non-work related sites on a recurring basis that was more than de minimis in nature. Mr. Makena spent at least 109 hours on his state computer visiting sites that were not job-related. During the days he was pursuing this personal business, he also requested and received paid overtime to accomplish his regular Lead duties. The Board levied a civil penalty of \$5,000, suspending \$2,500 and also ordered him to pay \$5,150 in restitution to the agency.
- **Stan Ross**, Fire Control Technician, University of Washington, for improper use of state resources when he used the agency's computer to access non-work related sites on a recurring basis that was more than de minimis in nature. Mr. Ross spent at least 28 hours visiting sites on his state computer that were not job-related. The UW paid Mr. Ross overtime on the days where he was using the state computer for non-work related matters. The Board levied a civil penalty of \$5,000, suspending \$2,500 and also ordered him to pay \$1,323 in restitution to the agency.
- **Michelle Perkins**, Social Worker 3, Department of Social and Health Services, for using state resources for personal business. Evidence indicated that Ms. Perkins used her state issued cell phone to place or receive 325 personal calls during a 24-month period of time, for over 1,000 minutes and incurring over \$100 in long distance and roaming charges. The Board levied a civil penalty of \$3,000, suspending \$1,500.
- **Tang Nguyen**, a former employee of Highline Community College, for using state resources to promote his outside custodial business. Evidence indicated that Mr. Nguyen hired his subordinates to work for him in his private business and also used agency equipment and resources to further his private business. The Board levied a civil penalty of \$8,000.
- **Monica Ruiz**, Employment Specialist, Employment Security Department, for using state resources for personal business. Evidence indicated that Ms. Ruiz visited internet sites beyond the de minimis use standard. The Board levied a civil penalty of \$4,500, suspending \$2,000 and ordered that Ms. Ruiz immediately pay an outstanding \$250 penalty from a previous stipulation.

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

*The next business meeting of the Executive Ethics Board is scheduled for January 10, 2014.*

- **Hoa Huynh**, Office Assistant, Department of Labor and Industries, for using state resources for personal interests. The Board levied a civil penalty of \$1,500, suspending \$800.
- **Mark Millbauer**, an instructor at Green River Community College, for using state resources to promote or support an outside organization. Evidence indicated that Mr. Millbauer used the agency's e-mail system and fax machine to send/receive correspondence regarding a non-agency matter. The Board issued a Letter of Instruction in lieu of a civil penalty.
- The Board reviewed and affirmed Executive Director dismissals in seven cases: 2013-013 (Woods), 2013-014 (Bartha), 2013-020 (Burgett), 2013-021 (Gregerson), 2013-023 (Warick), 2013-025 (Zorzi) and 2013-042 (Rodeback).
- The Board found Reasonable Cause in 3 cases: EEB Case No. 2013-012 (Thomas), 2013-017 (Blake) and 2013-019 (Elliott).
- The Board upheld the Executive Director's Dismissal of EEB Case 2013-023 (Warwick).
- The Board issued the final Order of Default for case 2012-063 (Zhou).
- The Board denied the respondent's Motion to Vacate the default in EEB Case 2008-128 (Petruzzelli) and will be issuing their Final Order of Default in this case soon.

**Board Action:**

- A. The Board reviewed and approved the Department of Enterprise Service's Travel Reimbursement by Non-state Entities policy.
- B. The Board elected their officers for 2014. They decided to retain the current officer for another year – Lisa Marsh will remain the Chair and Anna Dudek-Ross will remain the Vice-chair.
- C. The Board's Use of Resources sub-committee has met three times and have been working on a revised WAC that will better explain the Board's interpretation of RCW 42.52.160. This sub-committee will present their recommendations to the Board in a future meeting.

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