



# Washington State Executive Ethics Board

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## Executive Ethics Board News

**Neil Gorrell, Chair**  
**Linnaea Jablonski, Vice-Chair**  
**Judy Golberg, Member**  
**Mike Connelly, Member**  
**Martin Biegelman, Member**

April 14, 2009

The Executive Ethics Board (Board) met on Friday, April 10, 2009. Mr. Biegelman appeared by phone; all other members were present. Others attending included: Melanie de Leon, Executive Director, Ruthann Bryant, Board Secretary, Sue Jones and Nancy Lewin, Board Investigators, Mickey Newberry, AAG Prosecutor and Jerry Anderson, Senior AAG, Board Counsel. Other members of the public also attended.

### Enforcement

In lieu of an enforcement hearing, the Board accepted a stipulation from Rachel Zebley, an employee of the State of Washington, Department of Health, who violated RCW 42.52.160, Use of persons, money, or property for private gain, by using her work computer to access and view non-work related material. Ms. Zebley agreed to pay a civil penalty of \$250.

The Board heard cross motions for Summary Judgment regarding the case of Thomas Rockey, a former employee of Central Washington State University, who violated RCW 42.52.160 and/or WAC 292-110-010. Following deliberations, the Board granted Board staff's motion for Summary Judgment in part and denied the Respondent's motion for Summary Judgment. The Board will issue a written decision containing its findings and conclusions. A hearing on the civil penalty is scheduled for 9AM, Friday, May 8, 2009, in conference room 148, 2425 Bristol Court SW, Olympia, Washington.

### Other

A. The Board postponed making a decision regarding gifts to an agency to allow the Board's counsel to provide the Board with a legal analysis.

B. The Board reviewed Advisory Opinion 96-05 issued in May 1996, which defined a regulatory agency and adopted an analysis for determining which regulatory agency employees are subject to gift restrictions contained in RCW 42.52.150(4), commonly called "Section 4 employees." The Board that issued that opinion considered two analyses that could be used to identify Section 4 employees: a transactional analysis and a functional analysis. After much discussion, this Board adopted a hybrid analysis that will be approved in written format at the June Board meeting.

### Staff News

The Board staff will be relocating to the Capital Court building, located at 1110 Capitol Way South on April 28<sup>th</sup>. Our telephone numbers and PO Box will remain the same.

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

*The next regular meeting of the Executive Ethics Board is scheduled for June 12, 2009 at 110 Capital Way South. The May 8, 2009 meeting will only address formal enforcement hearings.*