



# Washington State Executive Ethics Board

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## Executive Ethics Board News

Matthew Williams III, Vice Chair  
Lisa Marsh, Member  
Nancy Biery, Member

January 13, 2012

The Executive Ethics Board (Board) met on Thursday, January 12, 2012 to complete an administrative hearing for case 2008-103 and on Friday, January 13, 2012 for a regular business meeting. Three Board members attend these meetings, Linnaea Jablonski was absent. Others attending included: Melanie de Leon, Executive Director, Ruthann Bryant, Board Secretary, David Killeen, Investigator, Phillip Downes, Extern, Bruce Turcott, Board Counsel and Jennifer Elias, Assistant Attorney General. Members of the public also attended the business meeting on Friday.

### Enforcement

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

- **Dale Llanto**, a former employee of the Department of Corrections, for using state resources for personal gain. Evidence indicated that over a 21-day work period, Mr. Llanto spent 36 hours using his state computer for personal use, equating to almost 2 hours per day. The Board levied a civil penalty of \$1,500.
- The Board found Reasonable Cause in EEB Cases 2011-013 (Samples), 2011-014 (Richardson), 2011-018 (Young), 2011-020 (Russ), 2011-030 (Ledbetter), 2011-031 (Trotter), 2011-033 (Smith), 2011-035 (Staples) and 2011-036 (McStay).

The Board completed an administrative hearing for EEB Case 2008-103, William Larson. 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 policies for Small Agency Client Services/Department of Enterprise Services and the State Board for Community and Technical Colleges. The Board reviewed and deferred approval on three policies from the Washington State Patrol pending additional information and clarification. The Board also reviewed and deferred approval on a policy for Bellevue College pending more information. Approved versions of policies will be uploaded to the Board's website at [www.ethics.wa.gov](http://www.ethics.wa.gov).

B. The Board heard testimony from Robert Branscomb, Manager GIA/Voluntary Employee Benefits, Colonial Life & Accident regarding the Board's prior action that repealed Advisory Opinion 00-11. The Board took no action.

### Legislative Matters

The Board discussed legislation that either impacted the Ethics Act or the Board itself. These bills include:

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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 March 16, 2012.*

- HB 2402 – Eliminates the Legislative Ethics Board and the Executive Ethics Board. Transfers complaints or other matters under investigation or consideration by the Legislative Ethics Board or the Executive Ethics Board to the Public Disclosure Commission. Changes the composition of the Public Disclosure Commission.
- HB 2028 - Eliminates the Executive Ethics Board. Changes the name of the Public Disclosure Commission to the Public Disclosure and Ethics Commission. Transfers all powers, duties, and functions of the Executive Ethics Board to the Public Disclosure and Ethics Commission.
- SB 6009 - Modifies provisions relating to Ethics in Public Service. Allows agency staff to assist ethics board staff in carrying out investigations of complaints. Allows the ethics board to use the Office of the Attorney General or a contracted investigator to conduct or assist with an investigation. Requires an agency to terminate a state employee in cases where an ethics board makes specific findings that it designates a serious violation. Requires agencies to designate an ethics advisor or advisors to provide informal ethics advice to state officers and employees and to ensure uniformity in the agency's operations with respect to the Ethics in Public Service law. Requires state officers and employees to attend ethics training approved by the appropriate ethics board within one month of taking office or employ.
- SB 5040 - Addresses a state officer's or state employee's use of state-provided electronic devices for personal use.
- HB 1763 – Expands the duties of the Legislative Ethics Board and the Executive Ethics Board with regard to ethics and integrity. Creates the governor's integrity and ethics award program. Requires state officers and employees to attend annual ethics and integrity training. Requires each head of agency to: (1) Develop an annual ethics and integrity plan for leadership and staff of the agency; and (2) Create an independent advisory committee of employees and citizens. Requires the Joint Legislative Audit and Review Committee to audit the Legislative Ethics Board and the House of Representatives' and Senate's ethics and integrity programs. Requires the State Auditor to audit the Executive Ethics Board.

#### **Other Board matters**

A. The Board's Extern, Phillip Downes, walked the Board through a draft of the Legislative report Board staff completed in response to the budget proviso mandated by the 2011 biennial budget. He discussed how each agency's ethics program was reviewed on the same criteria and how Board staff would use this review to help improve or maintain the agency's program. He walked them through each of the surveys sent to agency staff and state vendors and some of the results received. Survey results will be provided to each agency that responded so that the Board staff can help design an ethics program that will address any concerns highlighted by the survey. The Board was invited to review the draft in depth and provide any comments/changes to Board staff by January 27, 2012 so that the report can be published before the end of January.

B. At the November 2011 meeting, the Board requested staff to research how to remove a Respondent's name from the Enforcement section of the Ethics website after the case had been closed for three years as outlined in records retention requirements, while retaining a copy of the final order on the website forever. Board staff redacted the name from an order, then re-posted it to the website and after a Google update, the Respondent's name was no longer linked to the redacted order during a Google search of their name. Board staff will be redacting Respondent's names from orders on the website as time permits.

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