



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

July 16, 2013

The Executive Ethics Board (Board) met on Wednesday, July 10, 2013 for an enforcement hearing and on July 12, 2013 for their regular business meeting. Chair Lisa Marsh did not attend the enforcement hearing. All Board members attended the business meeting. Others attending the business meeting included: Melanie de Leon, Executive Director, David Killeen, Investigator, Bruce Turcott, Board Counsel, Chad Standifer and Susan Jensen, Board Prosecutors, Alice Haenle, Administrative Law Judge and Ruthann Bryant Board Secretary. Members of the public also attended.

Enforcement

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

- **Randy Sweet**, Parts Specialist, Department of Natural Resources, for activities incompatible with public duties, having a financial interest in a transaction with the state, providing himself a special privilege and improper use of state resources when he purchased shop supplies from a vendor not contracted with the state, when he received discounts from that vendor on personal purchases, for doing business with a non-contracted vendor whose account manager was a family member and for using shop supplies and facility to complete work on personal vehicles. The Board levied a civil penalty of \$7,000.
- **Paul Lovelady**, a Multimedia Production Technician, University of Washington-Tacoma, for using state resources for personal gain. Records indicated that Mr. Lovelady used the agency's multimedia equipment to produce a private film that he entered into a film competition. The Board levied a civil penalty of \$4,000, suspending \$1,000.
- **Heide Bealer**, an employee of Clark College, for using state resources to promote her outside employment of proctoring tests at the college. Evidence indicated that Ms. Bealer sent/received emails on the state's system regarding this outside employment as well as using the state system for other personal business. The Board levied a civil penalty of \$2,500, suspending \$1500.
- **Polina Kozhemyakin**, an employee of Clark College, for using state resources to promote her outside employment of proctoring tests at the college. Evidence indicated that Ms. Kozhemyakin sent/received emails on the state's system regarding this outside employment. The Board levied a civil penalty of \$2,500, suspending \$1500.
- The Board found Reasonable Cause in 6 cases: EEB Case No. 2012-075 (Owen), 2012-075 (Nguyen), 2013-003 (Nelson), 2013-004 (Ruiz), 2013-007 (Carlton) and 2013-009 (Perry)
- The Board found no reasonable cause in 2013-002 (Lopez).
- The Board signed the Final Order of Default EEB Case 2012-048 (Glenn)

Meeting agendas can be found at www.ethics.wa.gov under "Meetings."

The next business meeting of the Executive Ethics Board is scheduled for September 13, 2013.

The Board heard oral argument in 2011-013 (Samples) and 2011-014 (Richardson) regarding Board Staff's Motion for Summary Judgment; in case 2012-024 (Nelson) regarding the Respondent's Motion to Dismiss; in case 2010-068 (Wise) on the Respondent's Motion to Vacate a Default; and on case 2012-030 (Manley) on the party's cross Motions for Summary Judgment. The Board's decisions are currently being drafted by Board Counsel.

Board Action:

- A. The Board reviewed and approved a revised Ethics Policy submitted by the Washington Military Department.
- B. The Board discussed a request made by the Department of Corrections (DOC) to allow the Correctional Peace Officers Foundation to set up tables in DOC facilities to provide information on the foundation and to sign up members. Board staff researched the foundation and found that it was not listed on the Combined Fund Drive (CFD) website as an eligible charity. Foundation representatives insured the Board that it was a CFD charity and the Board tabled the discussion until the next meeting to give Board staff time to verify this and to complete more research on the matter.
- C. The Board began a discussion regarding how to better clarify questions regarding what constituted personal benefit and gain when using state resources for personal reasons and whether WAC 292-110-010(5)(a) referred only to the private financial gain of the state employee or if it also included private financial gains of outside businesses. Brian Jenson, from the Health Care Authority, proposed that WAC 292-110-010(5)(b) referred to the use of state resources for outside businesses and (5)(a) only referred to the private financial gain of the state employee, themselves, making the December 2012 and the April 2013 Tip of the Month inaccurate. The Board asked Board staff to remove these tips from the Board's website until they clarified the issue.

Mr. Jenson further opined that every use of a state employee entails a personal benefit or gain based upon the Board's interpretation as set forth in Advisory Opinion (AO) 02-02A, which may contradict what the Board provided in their Guidance on the use of state resources. The Board requested that Board staff meet with the Ethics Advisory Group and begin a dialog with them to see how other state agencies interpret the WAC and the Guidance and then begin to revise AO 02-02A and/or Board Guidance to make it consistent and up-to-date.

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