



# Washington State Executive Ethics Board

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## Executive Ethics Board News

**Matthew Williams III, Vice Chair**  
**Linnaea Jablonski, Member**  
**Lisa Marsh, Member**  
**Nancy Biery, Member**

November 18, 2011

The Executive Ethics Board (Board) met on Friday, November 18, 2011. Nancy Biery joined the Board as the new "at-large" member, recently appointed by the Governor and filling Mike Connelly's vacant position. All other members were present. 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.

### Enforcement

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

- **Susan Mottram**, an employee of the Department of Social and Health Services, for using state resources for personal gain. Evidence showed that Ms. Mottram used her state computer to access over 300 non-work related websites over 39 working days. The Board levied a civil penalty of \$1,500.
- **Anna Bowman**, an employee of the Department of Social and Health Services, for using state resources for personal gain. Evidence showed that Ms. Bowman used her state computer to access non-work related websites and pursue outside business transactions. The Board levied a civil penalty of \$1,000.
- **Fran Wilson-Maudsley**, an employee of the Department of Social and Health Services, for using state resources for personal gain. Evidence showed that Ms. Wilson-Maudsley used state resources to further an outside business. The Board levied a civil penalty of \$250.
- **Laura Smith**, an employee of the Department of Social and Health Services, for using state resources to lobby. The Board issued a Letter of Instruction to Ms. Smith in lieu of a monetary fine.
- The Board found Reasonable Cause in EEB Cases 2010-083 (Lassiter) and 2011-005 (Wheat).
- The Board found no Reasonable Cause that a violation had occurred in EEB Cases 2011-019 (Clausing, Budd, Tayer and Quan) and 2011-023 (Hanson).

The Board began an administrative hearing for EEB Case 2008-103, William Larson. The Administrative Law Judge continued the hearing for completion at the January 13, 2012 meeting.

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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 January 13, 2012.*

### **Board Action:**

A. The Board reviewed and approved three policies for the Department of Corrections including their Ethics, Use of State Resources and Outside Employment/Volunteer Activities policies. The Board approved the DES Ethical Conduct policy and the Ethics in Public Service Policy for WSDOT. Approved versions will be uploaded to the Board's website at [www.ethics.wa.gov](http://www.ethics.wa.gov).

B. The Board repealed Advisory Opinion 00-11 that currently allows businesses to use state facilities to provide employees with information about insurance products that qualify for voluntary employee payroll deduction. The two insurance companies, AFLAC and Colonial Life are no longer able to come into to state agencies to meet with state employees to discuss coverage or hand out information.

C. The Board held that it would violate the Ethics Act for the Department of Social and Health Services to use state resources to send out an informational mailer to its clients on behalf of a non-state, for-profit company. A new federal program, called Lifeline has gone into effect to provide subsidized cell phone service to public assistance clients. Under the Lifeline program, TracFone provides a phone and prepaid 30 minutes of call time to qualified individuals. TracFone approached DSHS asking if DSHS would send a mass mailing to qualifying clients to publicize this service. TracFone has done this in four other states, apparently by receiving a list of public assistance client names and addresses. DSHS informed them this would not be possible in Washington. TracFone then asked DSHS if they would be willing to let them fund a mass mailed letter if the following conditions could be met:

- DSHS approved the content of the letter
- The letter explained the program and provided contact information for all cell phone companies providing subsidized services, not just TracFone
- The mailing could be done by the Department of Printing as a confidential mailing so TracFone never received any client names or addresses

Based upon past opinions and the Act itself, the Board held that allowing a private company to use state resources to provide informational material to agency clientele would violate the Use of state resources and Special privilege sections of the Act.

D. The Board discussed whether a Respondent's name should be removed from the Enforcement section of the Ethics website after a certain number of years. Currently, cases are placed on the public website and the case number provides a link to see the final order or stipulation that resolved the case. This order reveals the respondent's name. Apparently, when a person Googles the name of the Respondent, this order comes up on the Google search. Once an order has been uploaded to the website, they are never removed, even though the case records are only retained for three years after the closure of the case. A prior respondent requested that the Board set a time limit for the orders to be linked to the website and after that date, the orders be removed or the name be redacted. Board staff is researching whether redacting the name from the order will impact the Google search or if the hotlinks can just be removed after a specified period of time.

E. The Board elected officers for 2012: Matthew Williams, III will become the Chair and Lisa Marsh the Vice-Chair.

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