

All That's News...

Executive Ethics Board

EEB Welcomes New Executive Director



The Executive Ethics Board welcomed new Executive Director, Melanie deLeon. Melanie joined the Executive Ethics Board on January 1, 2008, replacing Susan Harris who retired at the end of December following 32 years of service with the state of Washington.

Melanie most recently served as a staff attorney with the state Department of Health. From 2001 to 2007, she worked in the Attorney General's Office Government Compliance and Enforcement and Social and Health Services Divisions. She was the Juvenile Litigation Team Section Chief of the latter, supervising a staff litigating child abuse and neglect cases in Lewis, Mason and Thurston counties. She is also a former member of the United State Air Force where she de-

veloped and led training seminars on Total Quality Management and facilitated process improvement teams.

Attorney General Rob McKenna said, "Melanie has tremendous management and training experience and is an outstanding lawyer with a long record of service for her country and our state."

Melanie earned her Bachelor of Arts degree in business administration from the University of Puget Sound and her law degree from Seattle University.

As the new Executive Director Melanie has been focusing on creating a more modern training program, including the development of a new workbook, a booklet de-

signed for managers and supervisors and has developed the "tip of the month" which provides a brief summary of common ethics issues.

She is also expanding the outreach program to educate all state employee on the Ethics in Public Service Act and has conducted training throughout the state including a week long session in Eastern Washington.

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Two New Members join the Executive Ethics Board

The Executive Ethics Board welcomed two new members, Linnaea Jablonski and Mike Connelly.

Member Jablonski has worked for the Office of the Secretary of State since February 2006. She received her bachelor's degree from The Evergreen State College and is cur-

rently pursuing a Master's degree in Mediation and Conflict Resolution.

Member Connelly is the City Attorney for the City of Spokane Valley. He is the former City Attorney for the City of Spokane and has been an Adjunct Professor at both Gonzaga School of Law and Eastern Washing-

ton University. He has served on numerous boards, most recently, he served five years on the Public Disclosure Commission.

The board also said farewell to long time Member Trish Akana when her term ended on September 30, 2007.

Recent Executive Ethics Board Case Decisions

EEB Case 06-029 An Order was issued against a Department of Transportation employee for violation of RCW 42.52.160 when she used state resources, including email and internet, for non-work related purposes. The investigation revealed that during a nine-month period of time, 5-10% of her time was spent on personal email. A penalty in the amount of \$2,500 was assessed with \$1,000 suspended.

EEB Case 06-052 An Order was also issued in a case against an employee of Seattle Community College District

for violation of RCW 42.52.160 and RCW 42.52.180 when she used state resources to send emails to all faculty and staff at four campuses referencing her political campaign. The Board assessed a penalty of \$2,500 in this case.

EEB Case 07-051 An agreed Order was issued in a case against a former Chief Administrator at the Department of Health for violation of RCW 42.52.160 for using state resources to conduct a tax preparation business on behalf of H&R Block. He also made significant personal use

of state resources not related to the conduct of H&R Block business. The Board assessed a penalty of \$1,500 in this case.

EEB Case 08-025 An agreed Order was also issued in a case against a University of Washington employee who filed a complaint against herself regarding her use of the university email system to send out emails regarding her campaign for elected office. The Board assessed a penalty of \$2,000 in this matter.



Stipulations of Facts, Conclusions and Order can be viewed on our website under "Results of Enforcement"

Advisory Opinion 08-01 Authorizing Wellness Organizations to Sell Products

In January, the Board considered a request for a formal advisory opinion to determine whether or not it is appropriate for an organization such as Weight Watchers to sell its products at meetings conducted on state premises.

The request resulted from a contract between King County and Weight Watchers allowing Weight Watchers to conduct meetings at county work sites, including selling products. The Washington State Health Care Authority entered

into an interlocal agreement with King County that allows Weight Watchers to come to state offices to conduct meetings and sell products under the same contract.

Historically the Board has said that a wellness-type activity could be conducted using state resources if the activity was part of the agency's wellness program. However, the Board has not opined on whether that included the selling of products.

Advisory Opinion 08-01 clarifies that wellness meetings are intended to promote the well-being of employees and while it may benefit the employee to use the official products of the organization, having them available at the meetings is merely a convenience to the member/employee.

The Board believes that mere convenience to the employee is not sufficient enough to allow state resources to be used for private business gain.

Did you know:

Putting your state business card into a "fish bowl" at a local merchant to win a free lunch, muffins for the office, etc., is a Use of Resources violation? (RCW 42.52.160)

Ethics Training Aids and Reference Materials

Training aids for Supervisors and Leads: Board staff had developed training aids that give supervisors and leads the tools to provide mini training sessions during regular staff meetings on the Ethics in Public Service Act. Each handout discusses one main aspect of the Act and provides scenarios to help employees understand the issues in a work context.

The handouts are numbered

1 through 12 and each has an answer sheet that corresponds to the handout.

EEB News: Distributed electronically, the EEB News is available the week following our Board meeting and summarizes discussions and decisions made by the Board.

Tip of the Month: The tip of the month focuses on common ethics issues in a brief,

easy to read format.

Feel free to contact us if you have an idea, suggestion or recommendation for our Tip of the Month.

To join our email list for the EEB News or the Tip of the Month, contact Ruthann Bryant at 360-586-3265 or via email at ruthannb@atg.wa.gov



These materials can be found on our website at www.ethics.wa.gov

Recent Executive Ethics Board Case Decisions (cont.)

EEB Case 08-005 A Stipulation was issued against an employee at Olympic College for a violation of RCW 42.52.160 for making personal phone calls from a state-issued cell phone that resulted in excess charges totaling more than \$2,000. An agreed order with penalty in the amount of \$1,000 and an additional \$200 for investigative costs was assessed.

EEB Case 07-033 An Order was also issued in a case against an employee of the Department of Revenue for using his state computer to send an email to approxi-

mately 11,500 state employees regarding pending legislation. The Board assessed a penalty of \$500 in this case.

EEB Case 07-014 An agreed Order was issued in a case against the former Dean of the University of Washington School of Law for violation of RCW 42.52.160 when he used state resources in his service as a member of the board of directors of a private business. A civil penalty of \$750 with \$250 suspended was assessed.

EEB Case 07-012 A Stipulation and Order was also

issued in a case against a Department of Transportation employee who violated RCW 42.52.160 by using her agency-issued cell phone and her SCAN code to make personal phone calls. The agency was paid restitution and a civil penalty of \$500 with \$250 suspended was assessed.



The Use of State Resources remains the most common violation of the Ethics in Public Service Act.

Board Amends Two Advisory Opinions

The Board has updated their Advisory Opinion 98-10 Receipt of Door Prizes to clarify that a door prize received by a state officer or employee attending an event on behalf of a state agency becomes property of the agency. The agency must follow state rules and regulations on the disposition of surplus or unwanted property.

The Board also amended Advisory Opinion 96-03 State Employees—De Minimis Use of State Resources to address a legislative change. During the 2007 Legislative session, RCW 41.05.540 was amended to transfer the requirement to develop and administer a voluntary state wellness program from the Department of Personnel to the Department of Health.

Board staff is currently reviewing all of the advisory opinions to ensure that they are up-to-date. Any amendments will be presented to the Board at their monthly meeting.

Have a question, comment or suggestion?

Feel free to email us at ethics@ethics.wa.gov

Potential Rule Amendment WAC 292-110-010

At their retreat, the Board discussed WAC 292-110-010 Use of state resources. Also known as the “de minimis rule.”

The Board is working to provide clarity to RCW 42.52.160 Use of Resources, which remains the section of law with the most violations.

The main issue the Board is considering is whether or not like technology, i.e., tele-

phone and internet, should be still be viewed differently.

The advancement in technology has moved toward a culture in which many things can be done via the internet that, in the past, could only be done in person or on the telephone. For example, ordering lunch. Board staff is regularly asked the question “if I can call and order pizza for lunch on the tele-

phone, why can't I order it on the internet?”



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