

2015

Executive  
Ethics Board

**[ANNUAL REPORT]**

Washington State Executive Ethics Board

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# **The Board Members and Budget**

### ***Mission Statement***

To promote integrity, confidence and public trust in state government through education, interpretation and enforcement of the Ethics in Public Service Act.

Established in 1995 via statute, the Washington State Executive Ethics Board (the Board) is comprised of five members appointed by the Governor for five-year terms. Two of the five members must be current state employees; one an exempt employee and one a classified employee. One of the remaining three members of the Board is selected from names provided by the State Auditor's Office, one from names provided by the Attorney General's Office and one is a citizen-at-large. Except for initial members and those completing partial terms, members serve a single five-year term. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Currently, the Board members are:

**Lisa Marsh, (Served as Chair January 1 – March 15)** was originally appointed by Governor Gregoire in March 2011 and reappointed for a full term by Governor Inslee in November 2015. She is the Deputy Commissioner for the Employment Security Department. She earned her J.D. from the University of Puget Sound School of Law in 1994 and an LL.M. in tax from the University of Washington in 1997; she has been licensed to practice law in 11 jurisdictions. Lisa has been in public service for over 25 years, including prior service as a Chief Information Officer, Administrative Law Judge, and an Assistant Attorney General. She has been recognized with the Governor's Award for Leadership in Management and the Excellence in Government Leadership Award; and her units have received two US Department of Labor awards: Performance Excellence in Tax Operations and the Unemployment Insurance Innovation Award for Integrity; both state and international awards from the International Association of Workplace Professionals; and both the 2011 and 2013 NASWA James F. Walls Team Award.

**Anna Dudek Ross (Served as Vice Chair January 1 – March 15 and as Chair March 16 – December 31)** was appointed by Governor Gregoire in May 2012 for a term of service extending through September 2016. Anna is a graduate of Macalester College and Vanderbilt University Law School. Anna is an environmental attorney focusing on regulation and government contracting. She previously served as Deputy Counsel to a presidential campaign, as Managing Director of the Alaska office of a Seattle-based consulting firm, and as an Associate Director of the Seattle University School of Law Center for Professional Development. Anna lives in Seattle with her husband Jeremy and daughter Sabina.

**Samantha Simmons (Served as Vice Chair March 15 – December 31)** was appointed by Governor Gregoire in October, 2012 for a term of service that extends until September, 2017. Ms. Simmons has been working in the public sector in Human Resources since 2003. Ms. Simmons started her career with the Department of Transportation and then promoted to a position with the Attorney General's Office. Ms. Simmons currently works for the Department of Social and Health Services as the Layoff and Policy Administrator in the Policy and Strategy Unit of Human Resources.

**Sumeer Singla** was appointed by Governor Jay Inslee in January, 2014. Sumeer is a partner with Impact Law Group with over 12 years of public sector and in-house experience. He is a trial lawyer, general counsel and policy analyst. Sumeer has served as municipal and government counsel, serving state legislators and city agencies. He has worked on complex municipal, state, and federal regulations such as liquor and marijuana license regulations, building and planning regulations, and general land use regulations. Sumeer also serves as Judge Pro Tem in numerous jurisdictions in King and Snohomish Counties. He adjudicates both civil and criminal cases.

**John Ladenburg Sr.**, was appointed by Governor Inslee in October, 2015 for a term through September 2019. Mr. Ladenburg has represented Pierce County as a Tacoma City Council member, a Prosecuting Attorney and as Pierce County Executive where he served for eight years. He is currently in private practice with his two sons at the law firm Sadler Ladenburg in Tacoma.

Board staff includes an Executive Director, Administrative Officer and Investigator. The Board is an independent agency, but the Board's staff is funded and supported through the Attorney General's Office (AGO).

The Executive Director reports to the AGO's Solicitor General. Board staff complies with all of the AGO's policies and procedures and follows the AGO's Performance Management System in which each staff member's work performance is evaluated on an annual basis against mutually agreed upon performance goals. Board staff is housed in an AGO-leased facility.

### ***Budget***

Washington's Executive Ethics Board has an annual operating budget of \$498,345, 3 staff members and jurisdiction over 95,433 employees in the Executive branch of state government, including higher education employees.

The Board's budget is derived from the Legal Services Revolving Fund and is separate from the AGO, and the Board must reimburse the AGO for all legal work as well as purchase all materials and supplies from that budget.

### ***Comparison to other Ethics Boards***

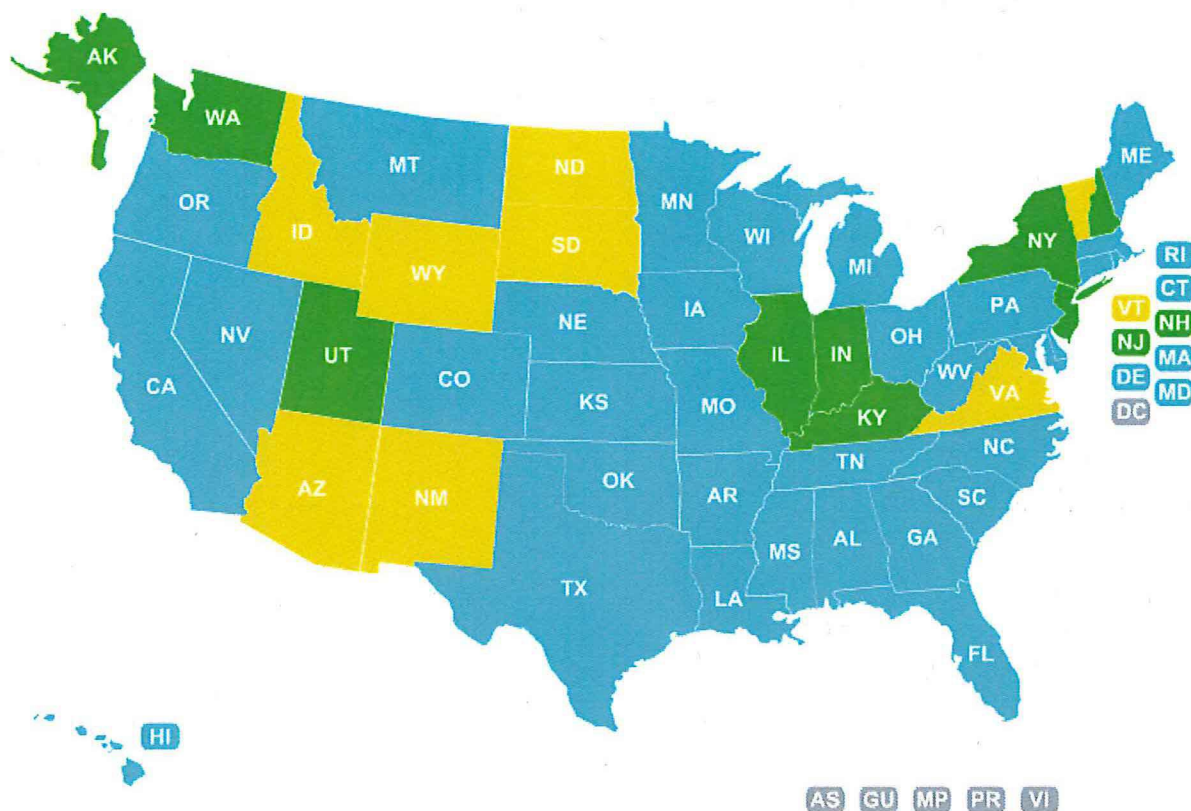
Only eight other states have ethics boards with exclusive jurisdiction over employees of the executive branch. Other states either combine all branches of state government employees under one ethics board or combine ethics and campaign finance under one board.

Forty-two states provide external oversight of their ethics laws through an ethics commission established in statute or in the constitution. Nine states—Alaska, Utah, Illinois, Indiana, Kentucky, New Jersey, New York, New Hampshire and Washington—have more than one commission that oversees different branches of government. Eight states do not have ethics commissions—Arizona, Idaho, New Mexico, North Dakota, South Dakota, Vermont, Virginia

and Wyoming, but ethical oversight may be provided through other state agencies such as the Office of the Secretary of State or Office of Attorney General or a legislative ethics committee.<sup>1</sup>

### State Ethics Commissions

One Commission	More than One Commission	No Commission	N/A
One Commission	More than One Commission	No Commission	N/A



Based on a survey conducted by the Center for Ethics in Government. Information can be found at <http://www.ncsl.org/research/ethics/state-ethics-commissions.aspx>

Of the states with exclusive executive ethics boards, these boards have an average budget of \$1,958,750 and jurisdiction over an average work force of 103,329 state employees. The Washington Executive Ethics Board ranks 6<sup>th</sup> in the amount it receives in its annual operating budget and 5<sup>th</sup> in the number of state employees over whom it has jurisdiction.

<sup>1</sup> Based on information from the National Conference of State Legislatures at [www.ncsl.org](http://www.ncsl.org).

State	Board staff	Board members	Annual budget	State employees <sup>2</sup>
Illinois	75	9	\$ 7,000,000	102,078
New York	50	13	\$ 4,300,000	222,965
Ohio	21	6	\$ 2,000,000	109,085
New Jersey	13	7	\$ 1,000,000	133,261
Kentucky	6	5	\$ 500,000	74,615
<b>Washington</b>	<b>3</b>	<b>5</b>	<b>\$ 498,345</b>	<b>95,433</b>
Indiana	15	5	\$ 369,408	74,507
New Hampshire	0	7	\$ 2,250	14,694

The ethics boards listed above had an average of 22 staff members, but several of these boards also manage the state's financial disclosure program. The Washington Board has three full-time employees. The compared state ethics boards had an average of seven board members, while Washington's Board only has five members.

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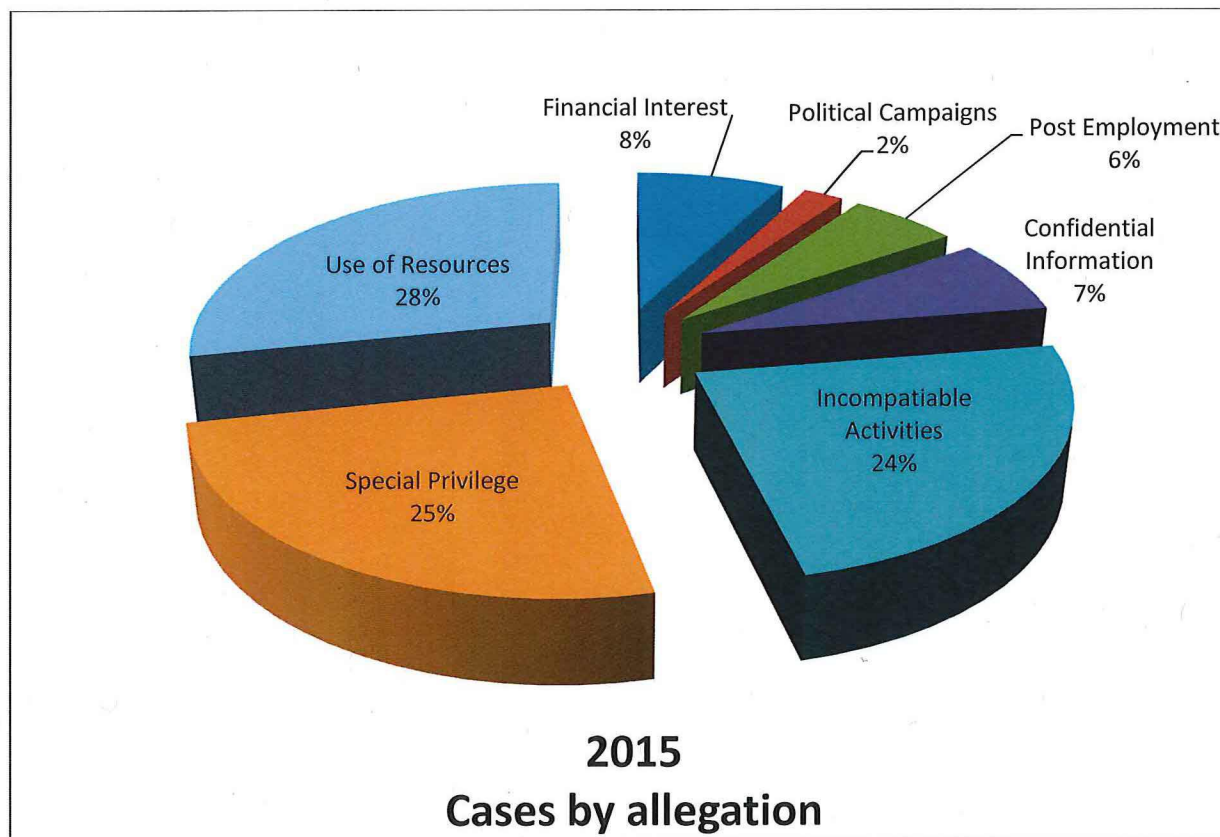
<sup>2</sup> Source: 2015 Annual Survey of Public Employment and Payroll published by the U.S. Census Bureau.

# Enforcement



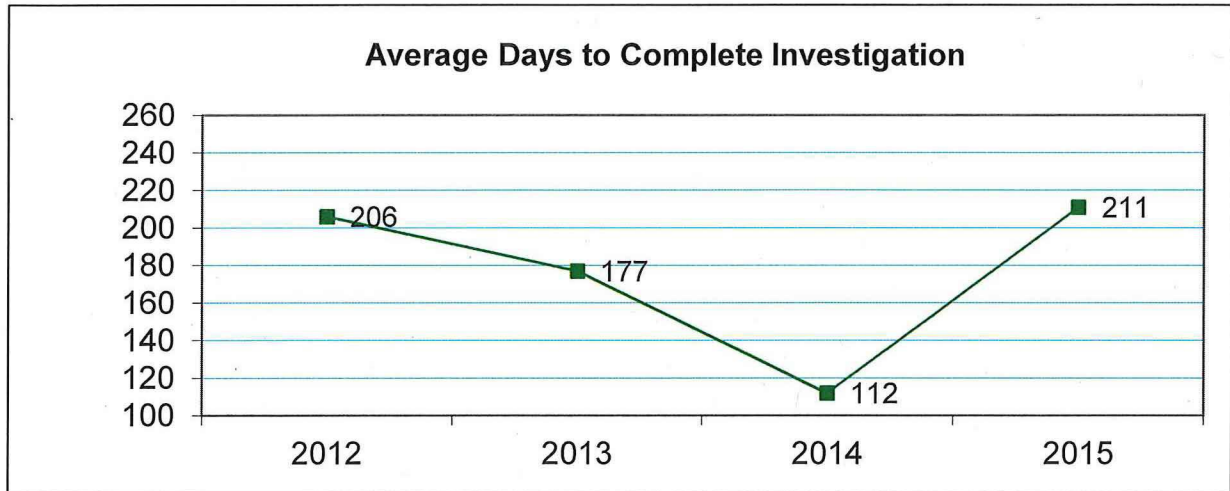
In 2015, the Board opened 81 new cases and currently has 59 open cases. The Board found Reasonable Cause in 16 cases, issued 5 Board Dismissals and issued 3 orders of Default. In 2015, the Board reviewed 25 Executive Director Dismissals, and settled 13 cases with agreed stipulations and one final order of Default, levying \$27,000 in monetary penalties. Monies received as payment of these penalties are deposited into the state's general fund.

Use of public resources for personal gain was once again the leading allegation for cases accepted for filing in 2015, Special privileges a close second, followed by activities incompatible with public duties.

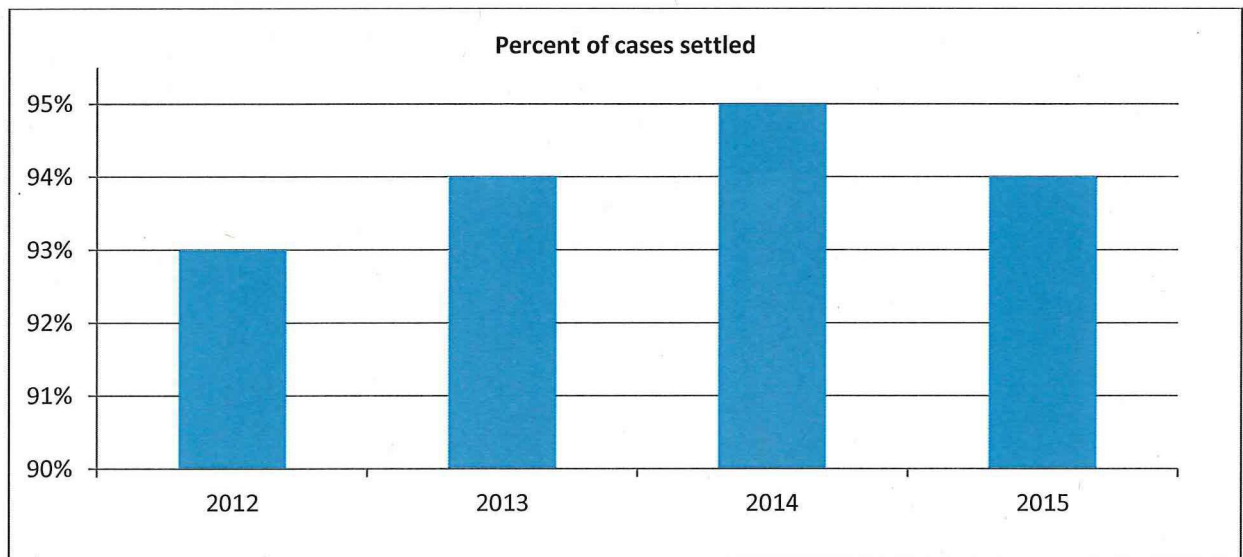


The Board imposed penalties or accepted stipulated penalties from 14 state employees. Details on the penalties can be found in Attachment 1.

The goal is to complete routine investigations within 180 days. In 2015, investigations were completed in an average of 211 days. Some of the increase is due to the complexity of cases received. Additionally, Board staff is now conducting forensic analysis on nearly all Use of State Resource cases.



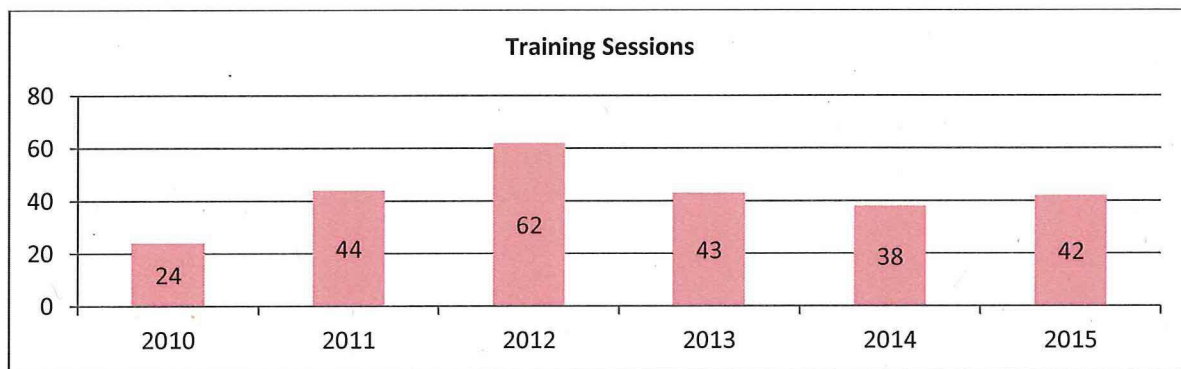
The Board also has a goal of settling 90% of the cases prior to hearing. In 2015, this goal was exceeded as 94% of cases were settled prior to hearing.



# Training

The Ethics in Public Service Act does not currently mandate ethics training. The Board offers free training to any state agency. Board staff provides the training and will travel to agency locations across the state to ensure all agencies have equal access to the training.

In 2015, Board staff conducted 42 live classroom training sessions for over 1,700 state employees. In addition to classroom training, the Board offered a web-based Ethics Challenge. The Board’s online ethics training, “Ethics Challenge” continues to be a resource for agencies. The Board also has an online 90 minute Ethics in State Government training available through the Washington State Learning Management System.



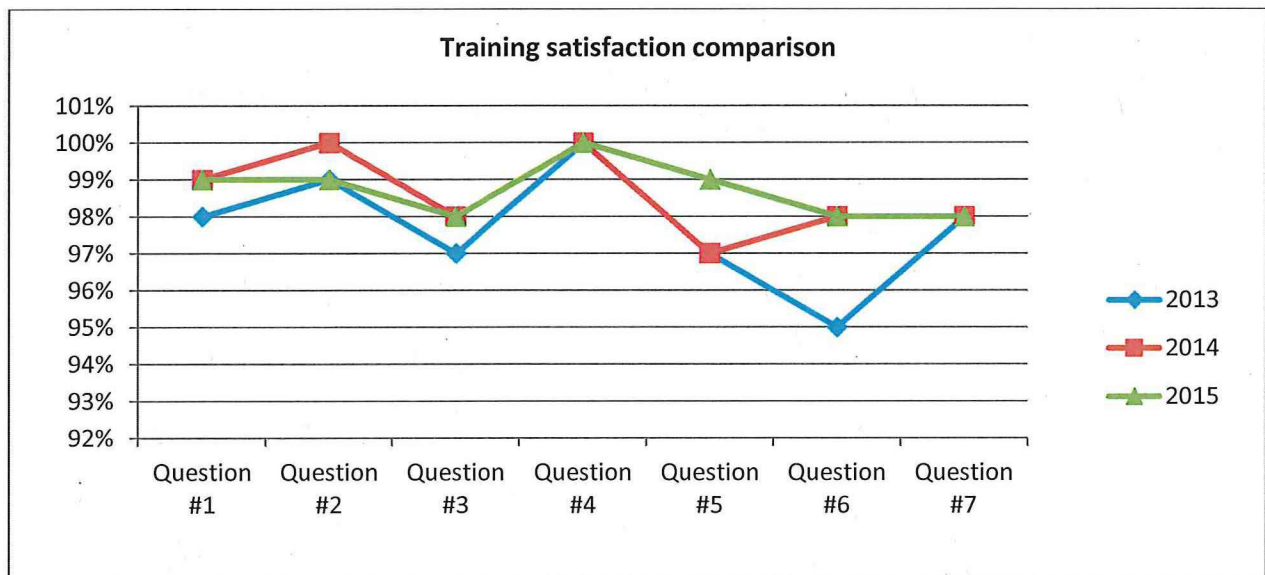
Number of participants:



### ***Training satisfaction***

The ethics training is measured by an evaluation form containing seven rated questions. The rating on each question ranges from 0-4, with “0” being the lowest rating and with “4” the highest. The target was to have the training receive a “3” or “4” rating for each question asked 95 percent of the time. For all questions, the training received a rating of at least 95 percent. Our overall rating was 98 percent.

Questions	Score					Participant satisfaction rating
	0 (Not at All)	1	2 (It's Still Unclear)	3	4 (Very Much)	
I understand the purpose of the Ethics Act.	0%	0%	1%	43%	57%	99%
I can identify two prohibited uses of state resources.	0%	0%	0%	22%	77%	99%
I understand the basic gift rules.	0%	0%	2%	35%	63%	98%
The instructor knew the material.	0%	0%	0%	8%	92%	100%
The material and handouts were understandable.	0%	0%	1%	28%	73%	97%
I will use the information in my daily work environment.	0%	0%	2%	49%	49%	98%
Overall how would you rate the course?	0%	0%	2%	33%	65%	98%



# Other Board Business

The Board assists customers—including agency advisors, state employees, elected officials and the public at large—via e-mail, the phone, or face-to-face meetings. Board staff routinely answers hundreds of queries a year from customers regarding ethical situations and how to effectively handle these situations.

The Board’s website continues to be the main source of information for state agencies and the public at large. It is updated after every Board meeting and at any time when new information is available. In keeping with technological advancements and the public’s need for real-time information, the Board is evaluating ways to update the function of the website for users.

The Board’s website is a major tool used to communicate Board decisions, enforcement actions, and policy reviews. In 2015, the website had 29,497 hits, with 18,156 unique visitors and 112,568 page views.

### ***Outside Employment Contracts***

Under WAC 292-110-060, a state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. In 2015, the EEB Staff reviewed and approved 101 contracts.

### ***Policy Reviews***

Under RCW 42.52.360(4) and 292-120-035, the Board may review and approve agency policies. When determining an appropriate sanction for violations of the Act, the Board may consider agency policies in effect at the time of the conduct and will not impose sanctions for conduct that would violate the Act if the conduct at issue was permitted under a board-approved agency policy. In 2015, the Board reviewed and approved 5 agency policies.

### ***Rule-making***

In 2015, Board staff continued working with a sub-committee group on redrafting WAC 292-110-010, Use of State Resources. The goal of the subcommittee is to provide clear guidance for state officers and employees to understand when it is acceptable for limited personal use of state resources. The Board held two public hearings on proposed amendments and final adoption is expected in early 2016.

# Strategic Plan



Board members, the Executive Director, and Board staff participate in the strategic planning process. The Board is working under the 5-year strategic plan as follows:

**Strategic goal #1:** Strengthening the ethical culture and promoting a stronger ethical workforce within the executive branch of Washington State government.

The following three objectives support *Strengthening the Ethical Culture*:

- Objective 1.1 Enhance assistance to and oversight of agency ethics programs.
- Objective 1.2 Increase employee awareness of their ethics responsibilities.
- Objective 1.3 Increase focus on senior officials' role in implementing the ethics program.

### **Strategies for Objective 1.1**

*Ensure that ethics officials have the knowledge required to effectively carry out their duties by (1) expanding the number and type of training and education opportunities and (2) developing and maintaining an easily accessible database of informal ethics program advice.*

The Board provides training and education opportunities to all ethics officials through classroom instruction, educational materials and on-line materials.

Acton items:

- 1.1.1 Increase training opportunities offered by developing a web-based course and advanced instructor-led training.
- 1.1.2 Develop and maintain a system to centrally collect the informal advice the Board provides and identify an appropriate mechanism to disseminate the advice

### **Strategies for Objective 1.2**

*Develop educational support for various sectors of the executive branch workforce.*

Acton items:

- 1.2.1. Develop educational materials focused on new employee orientations.
- 1.2.2 Develop specific educational materials for conflicts of interest, gifts and use of resources.
- 1.2.3 Ascertain the viability of mandating initial and refresher ethics training in the statute.

### **Strategies for Objective 1.3**

*Demonstrated enforcement of the ethics rules complements the training employees receive on the rules themselves. The Board will use data collected on administrative sanctions to reinforce the significance of the ethics program and will use the information to effectively focus education and outreach efforts.*

Action items:

- 1.3.1 Develop and deploy ethics posters regarding enforcement actions.
- 1.3.2 Update Board Blotter with enforcement actions after each Board meeting.

**Strategic goal #2:** Promoting good governance.

The Board will seek to work with other local agencies that have responsibilities which are part of the larger goal of good governance. Additionally, by more proactively reaching out to the public and private sector about the executive branch ethics program, EEB promotes a better understanding of the standards expected of public servants.

## **OBJECTIVES**

The following Objectives support *Promoting Good Governance*.

- Objective 2.1 Increase information sharing with Federal, state and local agencies implementing programs that help support good governance.
- Objective 2.2 Increase outreach to the private sector.

Action items:

- 2.1.1 Board and Board staff attend other local government and private sector ethics meetings.
- 2.1.2 Determine viability of a joint ethics conference for Fall 2013 that would include local and state ethics boards/commissions.

**Strategic goal # 3:** Improve the complaint process to make filing easier and investigation time shorter.

## **OBJECTIVES**

The following Objectives support *Improving the complaint process*.

- Objective 3.1 Increase information to the public on the Board's jurisdiction and investigative process.
- Objective 3.2 Simplify process for public to file complaints
- Objective 3.3 Review investigative process as part of LEAN Governing initiative

Action items:

- 3.1.1 Develop citizen guide for filing complaints to help them understand the Board's jurisdiction and process.
- 3.1.2 Redesign website to make filing a complaint easier.
- 3.1.3 Review and reduce any waste found in the investigation process to reduce the time it takes to complete an investigation.

# General Information

Staff:

Kate Reynolds, Executive Director  
Ruthann Bryant, Administrative Officer  
David Killeen, Investigator

Legal Counsel:

Bruce Turcott, Assistant Attorney General, Counsel to the Board  
Chad Standifer, Assistant Attorney General, Counsel to staff and enforcement attorney

Contact Information

Address: 2425 Bristol Court SW  
PO Box 40149  
Olympia, WA 98504-0149

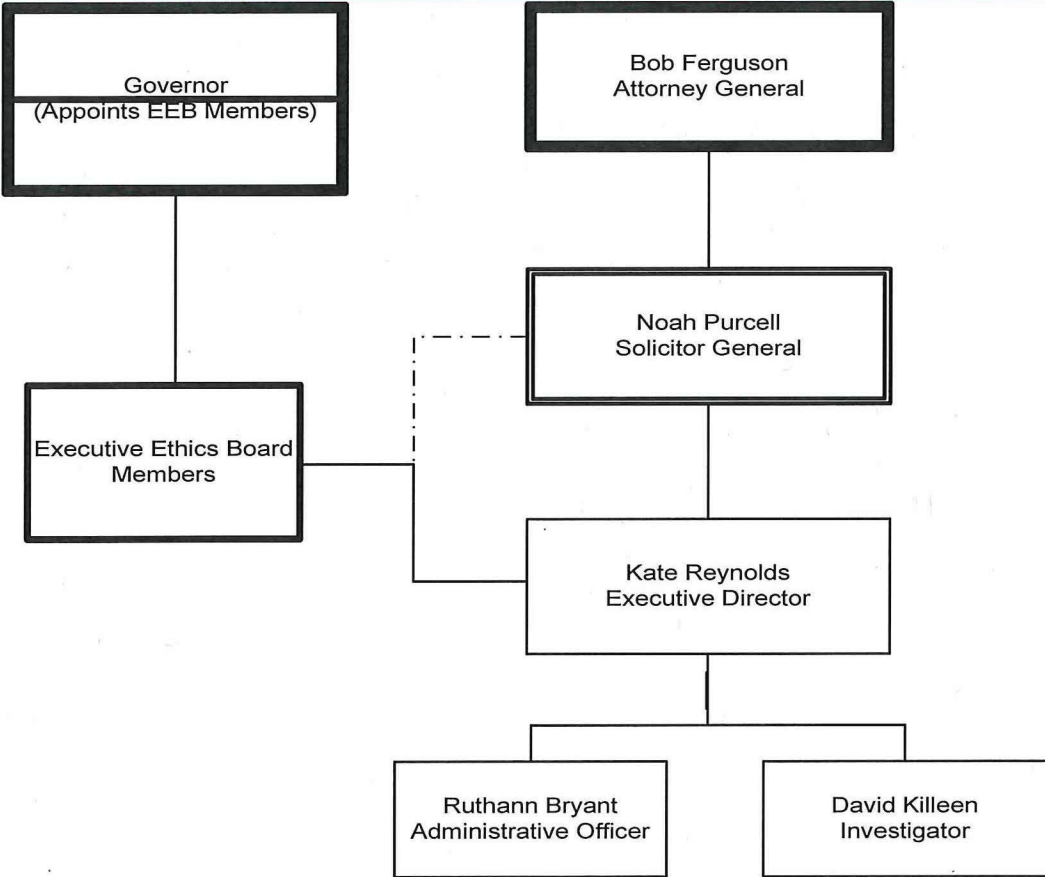
Telephone: 360-664-0871

Facsimile: 360-586-3955

Website: [www.ethics.wa.gov](http://www.ethics.wa.gov)

Email: [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov)

**Organizational Chart**



	<u>Allegation</u>	<u>Violation</u>	<u>Penalty</u>
Employee 1	A former Washington State Patrol Lieutenant allowed his son and friend into a Seattle Seahawks playoff game without tickets.	RCW 42.52.070	\$1,000 with \$500 suspended
Employee 2	A Pierce College employee used her college computer for 517 minutes over 20 workdays to browse the internet for personal shopping, entertainment and downloaded 124 Kindle books to read while at work.	RCW 42.52.160	\$3,000 with \$1,500 suspended
Employee 3	A Pierce College employee used her college computer to support an outside business, fundraise for her child's school, and sell Scentsy products.	RCW 42.52.160	\$2,000 with \$1,000 suspended
Employee 4	A WA State Potato Commission employee used state resources to assist two political candidates and their campaigns.	RCW 42.52.160, .180	\$4,000 with \$1,500 suspended
Employee 5	A former Department of Natural Resources employee used state resources to send and receive many non-work related text messages and emails to a coworker, including over 5,000 text messages over a 3 month period.	RCW 42.52.160	\$ 1,750
Employee 6	A Department of Natural Resources employee used state resources to send and receive many non-work related text messages and emails to a coworker, including over 5,000 text messages over a 3 month period.	RCW 42.52.160	\$1,500
Employee 7	A Community Colleges of Spokane employee hired her child for a part-time hourly position within her department.	RCW 42.52.020	\$1,000
Employee 8	A Community Colleges of Spokane employee hired her child for a part-time hourly position within her department.	RCW 42.52.020	\$1,000
Employee 9	A Final Order of Default was entered on an employee of the Washington Military Department for using a state issued cell phone for over 21 hours of personal calls, to play games, browse the internet and send text messages.	RCW 42.52.160	\$2,000
Employee 10	A former University of Washington	RCW 42.52.020,	\$2,500

	employee used grant money for her private benefit and gain when she claimed and was reimbursed for travel not related to the program.	.070, .160	
Employee 11	A former Department of Natural Resources employee accepted employment where he manages several leases between the company and the Department.	RCW 42.52.080	\$750
Employee 12	A Wenatchee Valley Community College employee left work during his assigned shift and did not submit the appropriate amount of leave.	RCW 42.52.160	\$1,000
Employee 13	A Tacoma Community College employee used state resources for her personal benefit and her outside business.	RCW 42.52.160	\$3,000 with \$1,000 suspended
Employee 14	A Department of Social and Health Services employee used his position to influence the placement of his son within a state program.	RCW 42.52.070	\$750