

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of

████████████████████

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NO. 96-027

STIPULATION AND ORDER

I. STIPULATION

This Stipulation is entered into pursuant to WAC 292-100-090 between ██████████ a former employee of the Department of Commerce, Trade, and Economic Development (CTED), through his attorney, CHARLES H. HOUSER III, and RICHARD A. McCARTAN, Assistant Attorney General, acting solely as a staff member for the State of Washington Executive Ethics Board and not on behalf of the Washington State Attorney General.

A. STIPULATED FACTS

1. Sandra Benbrook, an assistant director of CTED, on October 17, 1996, filed the above-referenced ethics complaint against ██████████. The complaint alleges that the following circumstances violate Chapter 42.52 RCW:

On July 24, 1995 ██████████ an assistant director of CTED, signed a contract between CTED and the Tacoma Empowerment Consortium (TEC). ██████████ in April 1996 left CTED. From June to November 1996, ██████████ worked for Community Connections, which administered the TEC contract for TEC, and was paid from TEC contract funds. Beginning in November 1996, ██████████ became TEC's Executive Director in charge of administering the TEC contract and paid from TEC contract funds.

2. On February 14, 1997, the Board found reasonable cause to believe that [REDACTED] conduct, as described above, violated RCW 42.52.080(2) and (5).

3. [REDACTED] is no longer employed by TEC and is no longer involved in any aspect of the TEC contract.

4. [REDACTED] admits that his conduct, as described above, violated RCW 42.52.080(2), which states as follows:

No person who has served as a state officer or employee may, may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant the was expressly authorized or funded by specific legislative or executive action in which the former state officer or employee participated.

Specifically, [REDACTED] agrees that, having signed the TEC contract on behalf of CTED in July 1995, he was prohibited by RCW 42.52.080(2) from going to work for a private company on the TEC contract for a period of two years following his departure from CTED in April 1996. He agrees that he therefore technically violated RCW 42.52.080(2) when he went to work on the TEC contract for Community Connections in June 1996 and for TEC in November 1996.

5. The following factors mitigate in [REDACTED] favor in setting the appropriate penalty in this case:

(a) [REDACTED] did not attempt to conceal his employment with Community Connections or TEC, and in fact sought a Board opinion on whether it was legal;

(b) [REDACTED] only signed the TEC contract as to form, and was not involved in the CTED decision to enter into the

contract, nor in developing or negotiating the specific terms and conditions of the contract;

(c) The TEC contract involved no state money, and CTED merely acted to "pass-through" federal dollars to TEC;

(d) There is no allegation or evidence that [REDACTED] employment with Community Connections or TEC (1) involved any improper conduct outside of RCW 42.52.080, nor (2) actually compromised CTED's role in administering the contract;

(e) [REDACTED] was truthful and cooperative in the Board investigation of this case;

(f) The violation is not on-going, as [REDACTED] has found new employment that does not involve work on the CTED contract; and

(g) [REDACTED] had no previous ethics violations.

#### B. STIPULATED CONCLUSIONS OF LAW

1. The Board has jurisdiction over [REDACTED] and over the subject matter of this complaint.

2. [REDACTED] as described in the stipulation of facts, violated RCW 42.52.080(2).

#### C. STIPULATED PENALTY

As a consequence of the violation of RCW 42.52.080(2), [REDACTED] within ninety (90) days of entry of the Order, shall pay to the Board a civil fine of two hundred fifty dollars (\$250.00) pursuant to RCW 42.52.480(1)(b).

#### D. FURTHER STIPULATIONS

1. If the Board accepts this Stipulation, or if the Board modifies this Stipulation in a manner that is acceptable to him, [REDACTED] is released and forever discharged from any further ethics proceedings in connection to the matter alleged in the Complaint.

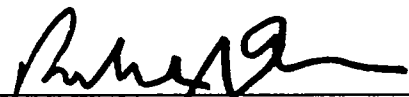
2. This Stipulation affects only the proceeding before the Board, and does not limit the right of a third party to file or pursue additional causes of action.

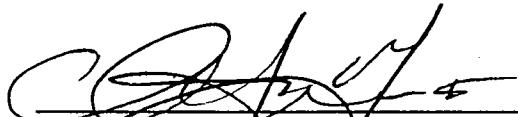
3. This Stipulation is not binding unless and until accepted by the Board, which may reject or propose modifying it.

4. If the Board proposes modifying the Stipulation, [REDACTED] has the right to approve or not approve the modification. If the Board rejects the Stipulation or modifies the Stipulation in a manner that is not acceptable to [REDACTED] the Stipulation becomes null and void, in which case the case will be set for public hearing in accordance with the normal administrative process and the Stipulation will be inadmissible in any subsequent proceeding in this case.

[REDACTED]

5-1-97  
Date

  
\_\_\_\_\_  
RICHARD A. MCCARTAN  
Assistant Attorney General  
5/2/97  
Date

  
\_\_\_\_\_  
CHARLES H. MOUSER III  
Attorney for [REDACTED]  
5-1-97  
Date

II. ORDER

Having reviewed the Complaint and the Stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, HEREBY ORDER that pursuant to WAC 292-100-080 the above stipulation is:

Accepted in its entirety and becomes the Order of the Board.


Accepted and, if approved by [REDACTED] becomes the Order of the Board with the following modification(s):


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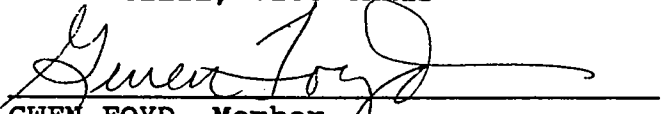
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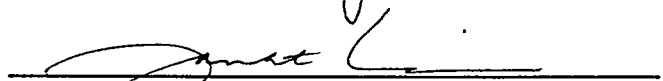
Rejected in its entirety.

DATED this 13th day of May, 1997.

  
THOMAS L. PURCE, Chair

  
PAUL GILLIE, Vice-Chair

  
GWEN FOYD, Member

  
JANET LIM, Member

  
REV. CHERYL L. ROHRET, Member

I ( ) accept / ( ) do not accept the proposed modification:

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_