

May 26, 1998

**COMPLAINT 1998 - No. 2
Forrest Buckallew, Respondent**

**REASONABLE CAUSE DETERMINATION
AND ORDER**

I. Nature of the Complaint

The complaint alleges that Forrest Buckallew, a press operator in House Production Services, violated the ethics law by making personal use of House paper, a House copier and a House folding machine. A copy of the complaint is attached as Exhibit A.

II. Procedural History

The conduct which is the subject of this complaint was submitted as an information item to the Board by a letter from Tim Martin, Chief Clerk of the House of Representatives. The letter was reviewed by the Board at its meeting on April 16, 1998. The Board decided to initiate a complaint on its own motion, which was issued on April 20, 1998.

On May 14, 1998, a stipulation, proposed by Respondent Buckallew, was presented to the Board. A copy of the proposed stipulation is attached as Exhibit B.

III. Acceptance of Stipulation

The Board's procedural rules provide that a complaint may be settled either by stipulation of facts or by stipulation of facts, conclusions and penalty (Board Rule 1(A)(8)). The stipulation proposed by the respondent includes proposed facts, conclusions of law, and penalty.

Following its own complete and independent review, the Board accepts in full the respondent's stipulation of facts, conclusions and penalty. The facts, conclusions and penalty stated in the attached stipulation are hereby adopted and incorporated in this order.

IV. Order

It appearing from the stipulation as to facts, conclusions and penalty that Forrest Buckallew has violated RCW 42.52.160 and Legislative Ethics Board Rule 3,

Now, Therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, by utilizing House of Representatives materials and equipment for preparation of a brochure for personal purposes, the respondent, Forrest Buckallew, has violated RCW 42.52.160 and Legislative Ethics Board Rule 3.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that respondent, having cooperated fully in the investigation of this matter; having been previously penalized by administrative imposition of a letter of reprimand and a one-day suspension without pay; and having made efforts to educate and inform others about the seriousness of such violations; shall not be subject to any further sanction or penalty by the Board.

Paul Aldinger, Chair
Determined by the Board: May 14, 1998

[RESPONDENT'S STIPULATION]

Paul Aldinger
Chair, Legislative Ethics Board
108C Legislative Building
P.O. Box 40482
Olympia, WA 98504-1482

Dear Chair Aldinger:

I have received and read the complaint filed against me by the Legislative Ethics Board. I am prepared to fully cooperate with the Board and Counsel Tony Cook in the investigation and resolution of this matter. Even before the Board filed the complaint, I had met, separately, with Mr. Cook and Jim Blundell, House Counsel. I have been completely honest and open at every step along the way. The House has already taken disciplinary action, which I will detail below, and I accepted that punishment. Quite frankly, this has been an embarrassing and humiliating experience. The Board's further scrutiny will certainly be another reminder to me, and hopefully others, that these charges are to be taken seriously and that violations of the kind in this case will not be tolerated.

I fully accept the Board's authority in this matter and I want to take this opportunity to

propose the following settlement by stipulating to the facts, conclusions and penalty–, pursuant to Board Rule 1(A)(8)(ii).

Proposed Stipulation of Fact

- . I am employed as a Press Operator in the Production Services workgroup of the Washington State House of Representatives.
- . On March 19, 1998, I used a House copier and House folding machine in Production Services during working hours to make copies of a brochure, originally produced by Citizens for Washington Wildlife. A copy of the brochure is attached. I made 20 copies of the brochure.
- . According to the brochure, Citizens for Washington Wildlife is a non-profit organization.
- . I had obtained the brochure at a meeting of Citizens for Washington Wildlife I attended on March 18, 1998. I am not a member of Citizens for Washington Wildlife and am not interested in promoting that organization.
- . My purpose in making copies of the brochure was to provide the information contained in the brochure to a few friends who I knew were unable to attend the meeting of Citizens for Washington Wildlife. My purpose was not to promote the organization or to urge anyone to join.
- . I distributed two copies of the brochure to friends and retained the remaining eighteen copies in my possession. I forwarded all eighteen remaining copies of the brochure to House Counsel Jim Blundell.
- . On March 23, 1998, I met with Jim Blundell and Dan Monahan, my supervisor in House Production Services. Mr. Blundell asked me about the brochures and I fully cooperated and told him the truth.
- . On March 25, 1998, Chief Clerk Tim Martin issued a letter to me in which he imposed discipline in the form of a one-day, unpaid suspension. A copy of that letter is attached. (Letter is mistakenly dated March 20, 1998.) I served that one-day suspension on March 27, 1998, at the cost of \$126.41 in gross pay deducted from my paycheck.
- . On March 26, 1998, I sent Tim Martin an e-mail apologizing for my actions and taking full responsibility. A copy of the e-mail is attached.
- . On March 31, 1998, I addressed the staff of my workgroup, House Production Services. In an effort to educate others and avoid similar instances in the future, I told the staff exactly what had happened and the disciplinary steps taken by Tim

Martin. We discussed the issues surrounding these matters and I think it helped the staff to understand the importance of avoiding the private use of state resources.

Proposed Stipulation of Conclusions

- . The copies I made of the brochures were for the benefit of interested third-parties and, arguably, for my own personal benefit and, as such, constituted a use of property under the officer's or employee's official control . . . for the private benefit or gain of the officer, employee, or another— in violation of RCW 42.52.160(1).
- . The use of state resources in this instance does not fit the exceptions in the Board's Rule regarding Private Use of State Resources— and, in fact, is directly prohibited by that rule, which provides as follows:

A legislator or legislative employee may not make private use of any state property which is consumable such as paper, envelopes or spare parts, even if the actual cost to the state is de minimis.

Board Rule 3(4)(c).

The Chief Clerk has taken appropriate disciplinary action pursuant to the State Ethics Act, which provides that [a] violation of this chapter or rules adopted under it is grounds for disciplinary action.— RCW 42.52.510.

Proposed Stipulation of Penalty

I propose that the Board acknowledge the penalty imposed by the House, accept that penalty as sufficient under the circumstances, and impose no further penalty in this case for the following reasons:

1. The House has already imposed an appropriate penalty that matches the seriousness of the violation and I have accepted and served that penalty, including the reduction in my paycheck of \$126.41.
2. I have been honest, forthcoming and candid about this matter, to the House, Board Counsel Cook, and to the Board.
3. I have taken steps to educate staff about the violations in this case, the seriousness of the violations and the penalties that can be imposed.
4. I have apologized to Chief Clerk Martin and have committed to him that I will

never again make the mistakes that have been made in this case.

5. I now apologize to the Legislative Ethics Board and commit to you that I will never again make the mistakes that have been made in this case.

6. I have already been sufficiently humiliated, embarrassed and penalized.

I believe that, under the circumstances, this is a reasonable and appropriate settlement of this matter. I respectfully request that the Board accept this proposed stipulation and issue Findings and Conclusions and an appropriate Order consistent with this stipulation.

Thank you for your attention to this proposed stipulation. I look forward to the Board's response.

Sincerely,

Forrest Buckallew
House Production Services