

Exhibit 1



Washington State Executive Ethics Board

2425 Bristol Court SW • PO Box 40149 • OLYMPIA WA 98504-0149

(360) 664-0871 • Fax (360) 586-3955 • <http://www.ethics.wa.gov>

VIA CERTIFIED AND REGULAR MAIL

March 13, 2023

Amy Hagopian
[REDACTED]

SUBJECT: EEB CASE NO. 2022-047

Dear Ms. Hagopian:

At the March 10, 2023, Executive Ethics Board ("Board") meeting, Board Staff presented the enclosed Investigative Report and Board Determination of Reasonable Cause to the Board. At that time, the Board considered whether there was reasonable cause to believe that you violated the Ethics in Public Service Act. After the Board staff's presentation, the Board found reasonable cause to believe that you may have violated sections of RCW 42.52.

Pursuant to WAC 292-100-060, you have thirty (30) days to file a response to the reasonable cause determination. If you do not file a response, the Board may proceed to resolve this matter without further notice or hearing.

You may resolve this case through an agreed settlement. Should you so choose, please contact me and we will prepare a draft stipulation.

I have enclosed the reasonable cause response form. To avoid a default judgment, **please file the response within 30 days.**

Sincerely,

Kate Reynolds
Executive Director
(360) 664-0871

Enclosures



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INVESTIGATIVE REPORT AND BOARD DETERMINATION OF REASONABLE CAUSE

CASE NUMBER: 2022-047
DATE: February 21, 2023
RESPONDENT: Amy Hagopian
EMPLOYING AGENCY: University of Washington

I. INVESTIGATIVE REPORT

A. Background and Summary of Complaint

On December 14, 2022, the Executive Ethics Board (Board) received an anonymous complaint alleging that Amy Hagopian (Ms. Hagopian), Professor with the University of Washington (UW), may have violated the Ethics in Public Service Act. The complaint alleged that Ms. Hagopian violated sections of RCW Chapter 42.52 by using her state listserv account to solicit donations and political support.

B. Scope of Investigation and Relevant Facts

Pursuant to RCW 42.52.420, Board staff reviewed the referral, the Agency response including supporting documents and emails, interviewed staff, and reviewed Ms. Hagopian's written response. Board staff also reviewed the scope of the Board's jurisdiction and authority under the Ethics in Public Service Act, RCW 42.52.

Based upon the investigation, Board staff determined the following:

1. According to the complaint, Ms. Hagopian allegedly sent an email to a large UW faculty listserv, soliciting donations and political support. Additionally, the complainant provided a copy of the email in question, which read:

I'm passing along this message about the UC working strike I received on a public health professional list server. I thought it would interest UW faculty on the AAUP list.

*Amy Hagopian, PhD
Professor
University of Washington School of Public Health
hagopian@uw.edu"*

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 2

2. Along with Ms. Hagopian's above email to the aaup@uw.edu¹ mailing list, she allegedly forwarded an email from an outside source, specifically a personal Gmail account. The message spoke about an ongoing strike, involving 48,000 workers, graduate student instructors, graduate student researchers, postdocs, and academic researchers. The strike was taking on the "largest employer in the world's 4th largest economy, fighting for access to resources that are critical for population health and health equity." Additionally, the email included "[c]onsider donating to our strike fund "with a link to do so. The email also included a website in the body of the forwarded email message.

3. Board staff reviewed the provided website. In summary, it states, "We are academic workers at the University of California organized within UAW 5810, UAW 2865 and the newly-formed SRU-UAW. We are Postdocs, Academic Researchers, Graduate Student Researchers, Trainees, Fellows, Graduate Student Instructors, Readers, and Tutors. And we are united in our demands for a fair workplace. This year, all 48,000 of us are bargaining four separate contracts with UC with the aim of making the University live up to its promise of being an engine of economic and social equity in our state." Additionally, there is a link (TAKE ACTION NOW), in which users can click to join, donate, etc.

4. According to UW, Ms. Hagopian was initially hired on August 16, 1988 as a Continuing Education Coordinator. Over the years, Ms. Hagopian was promoted to Assistant Director, Clinical Instructor, Stipend Grad Trainee, Acting Assistant Professor, and Associate Professor. On July 1, 2019, Ms. Hagopian was assigned to her present role, as a Professor.

5. Board staff inquired with UW about the mentioned listserv account. According to Richard Cordova (Mr. Cordova), Executive Director of UW Internal Audit: "The AAUP listserv is a communication tool the University provides to a Faculty organization on campus which supports Faculty – AAUP."

6. Furthermore, Mr. Cordova indicated that "the listserv in question is the Faculty Issues and Concerns thread – which espouses to create an open and effective listserv that advances the principles of AAUP and encourages an active discussion of higher education issues and faculty rights." Lastly, Mr. Cordova stated, "On this listserv distribution any Faculty issue or concern related to Faculty would be considered an appropriate topic for discussion by our Faculty."

7. As part of this investigation, Board staff requested a copy of Ms. Hagopian's emails. In reviewing the provided emails, Board staff located several emails of interest, between the dates of June 20, 2022 and November 29, 2022, including:

- Hundreds of emails sent to Ms. Hagopian's UW account, from political mailing lists, such as: traindemocrats.org, endcitizensunited.org, stoprepublicans.com, Democracy Now, Democratic Legislative Campaign Committee (DLCC), Progressive Democrats of America (PDA), etc. Each email had a "click now" link to donate for current political candidates and issues (such as Raphael Warnock for

¹ AAUP: American Association of University Professors

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 3

Senate and “Nancy Pelosi is asking Democrats to stand up for our Democratic progress and help her stop far-right extremists from taking hold of Democratic states like Georgia”). Each email also had an “unsubscribe here” link, however, based on the sheer volume of emails it would appear that was never selected.

- *Email dated September 23, 2022*
From: Ms. Hagopian
To: aaup@uw.edu
Subject: [AAUP] Lunchtime SEIU pickets expected today and beyond
Message:

Dear UW colleagues,

You may not have been aware, but the classified staff at UW have been bargaining for a new contract with UW for some months now. There is a deadline to come to settlement because any agreement may affect the state budget, which the governor’s office needs to propose soon.

Therefore, you may have seen some informational pickets and rallies around lunchtime this week. I understand there are more pickets expected TODAY (Friday 9/23, same times as in the memo attached), and probably into next week.

To keep up with events, you can check here: <https://www.thestand.org/2022/09/seiu-925-members-at-uw-rally-today-for-fair-contract/> and here.

Our fellow UW employees would of course appreciate your support, and you’re always welcome to join the rallies.
Amy

- *Email dated December 8, 2022:*
From: Philz Coffee
To: Ms. Hagopian
Message:

Dear Amy Hagopian,

This online gift certificate for \$25.00 is redeemable at Philz Coffee. When you check out, simply enter U7OR73NSQ in the Gift Certificate field. Please note that this online gift certificate is for use at philzcoffee.com only and can't be accepted in stores.

Hi Dr. Hagopian! Please accept this small token of my thanks for your time this morning, insights, and connections. I appreciate you and your help!

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 4

From,
Stephanie Endo
stuffanieol@gmail.com

1. Additionally, Board staff located the email mentioned in the complaint.

Dated: December 10, 2022 8:25am

From: Ms. Hagopian

To: aaup@uw.edu

Subject: [AAUP] Supporting the UC strike – how you can engage

Message:

"I'm passing along this message about the UC worker strike I received on a public health professional list server. I thought it would interest UW faculty on the AAUP list.

Amy

Amy Hagopian, PhD

Professor

University of Washington School of Public Health

Box 357660, Seattle WA 98195-7660

Office: 206.616.4989 | Health Sciences H-690E

Cell: 206.551.5313

hagopian@uw.edu

Begin forwarded message:

From: gabelschwartz <gabelschwartz@gmail.com>

Subject: [spiritof1848] Supporting the UC strike today

Date: December 8, 2022 at 2:50:53 PM PST

To: Spirit of 1848 <spiritof1848@googlegroups.com>

Hello

I am a postdoc at UCSF writing with an urgent ask. As you may have heard, 48000 UC workers are on strike, including all UC grad student instructors, grad student researchers, postdocs, and academic researchers. Our strike is now reaching the end of its 4th week, with graduate worker bargaining reaching a critical moment. Core demands include living wages that keep up with the skyrocketing cost of living, as well as basic supports for families and international scholars (paid parental leave, affordable childcare, paid leave to navigate burdensome visa bureaucracies, etc.).

Our strike is the largest among academic workers in US history. We are taking on the largest employer in the world's 4th largest economy, fighting for access to resources that are critical for population health and health equity. Our struggle is material and urgent: a shocking number of grad workers are sleeping in their cars because they literally cannot afford a place to live (increasing their future risk of chronic illness and premature mortality). I have met fellow grad workers on the

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 5

picket lines who barely afford to eat. Meanwhile, many postdocs spend upwards of 50% of their pay on childcare; without partners, they would have been driven out of science. Whole doctoral programs are operating nearly devoid of new students (much less, students who are under-represented in our disciplines due to racism and/or family poverty), since few can imagine surviving here on what they pay us.

This is an important moment for the US labor movement and the future of public health research. Please make noise ASAP: on social media, within your professional circles, and to your elected officials (if you are in CA). Consider donating to our strike fund. Push your professional organizations to make public statements of support. For a list of ways to demonstrate solidarity, please visit: <https://www.fairucnow.org/support/>

And to read about our strike: <https://www.fairucnow.org/strikefaq/>

*Sincerely,
Gabe*

8. Additionally, Board staff located several emails from each source listed below to Ms. Hagopian's UW account:


- Airfarewatchdog, regarding travel deals for Palm Springs;
- Delta Airlines, with misc. promotional offers available to her;
- Alaska airlines to Ms. Hagopian, with an electronic boarding pass for a trip from Seattle to San Francisco;
- Allposters.com (with upcoming sales on canvas and wood mounted art);
- Amazon news and Amazon with upcoming sales on various products;
- eBay with upcoming deals as well as order confirmations of what appears to be personal purchases (lists her home address as shipping address on misc. orders) but confirmations sent to UW email account;
- Etsy with upcoming sales and promotional deals;
- Gardener's Supply with upcoming sales and promotional deals on gardening equipment;
- GAT Deals with upcoming sales and promotional deals on firearms;
- Levi's with upcoming sales and promotional deals on jeans;
- Marriott Bonvoy with upcoming sales and promotional deals on earning points;
- Netflix with upcoming shows/movies suggested for Ms. Hagopian to watch;
- Nytimes with misc. food and recipe suggestions;
- Paypal with upcoming promotional deals as well as her account statements;
- Redbubble with upcoming sales and promotional deals on items such as: clothing, stickers, wall art, and phone cases;
- Rockport with upcoming sales and promotional deals on clothing and shoes;
- Rugman with upcoming sales and promotional deals on home rugs;
- SEAtoday with upcoming sales and promotional deals on local gifts;

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 6

- Squarespace with upcoming sales and promotional deals on “everything you need to be successful on social media;”
- Stylin Online with upcoming sales and promotional deals for clothing and misc. gear related to comic books and movie heroes;
- Nation Shop with upcoming sales and promotional deals for clothing, gear, wine, etc.;
- the Seattle Times, NY times, and the New Yorker with breaking news stories;
- The Westin Ocean Resort Villas with upcoming sales and promotional deals for Hawaii and Mexico;
- Vimeo (Video hosting, sharing, and services platform) with upcoming sales and promotional deals;
- Vrbo with upcoming sales and promotional deals on vacation rentals;
- WSECU, regarding her banking and mortgage accounts; and
- Yoga Direct with upcoming sales and promotional deals on Yoga gear

9. In Ms. Hagopian’s written response to Board staff, she indicated that this allegation was “surprising” and that she is “very careful” about her email usage. Ms. Hagopian further stated, “[t]he complaint seems to be a form of swatting, that is, a prank complaint intended to harass and to misuse state resources to investigate imaginary wrongdoing. I urge the Board to more strictly apply WAC 292-100-030 and decline to investigate.”

10. Lastly, Ms. Hagopian indicated that “I was passing along a report from my American Public Health Association list server to inform UW faculty on the issues involved in the University of California university labor strike. This sort of message sharing is standard on our list server, and is not to my knowledge a violation of any state regulation.”



Justin Cotte
Investigator/Analyst
Executive Ethics Board

II. APPLICABLE LAW AND ANALYSIS

The complaint alleges violations of the following sections of the Ethics in Public Service Act:

RCW 42.52.160 – Use of persons, money, or property for private gain, which states, in part:

- (1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 7

WAC 292-110-010 Use of state resources states, in part:

.....

(3) Permitted personal use of state resources. This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

- (i) There is little or no cost to the state;
- (ii) Any use is brief;
- (iii) Any use occurs infrequently;
- (iv) The use does not interfere with the performance of any state officer's or employee's official duties;
- (v) The use does not compromise the security or integrity of state property, information systems, or software;
- (vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
- (vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

RCW 42.52.180 – Use of public resources for political campaigns, which states, in part:

- (1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

Based on the evidence reviewed, Ms. Hagopian did not use state resources to support or oppose a ballot proposition or support a candidate for public office in violation of RCW 42.52.180.

Based on the evidence reviewed, Ms. Hagopian did use state resources to support an outside organization by forwarding an email to a UW listserv which solicited for donations to the outside organization and also used her state email for her private benefit in violation of RCW 42.52.160. Ms. Hagopian's use does not meet the exceptions for use of state resources as permitted in WAC 292-110-010.

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 8

III. REASONABLE CAUSE RECOMMENDATION

WAC 292-100-050(2) provides that upon receipt of the Board staff's investigative report and reasonable cause recommendation, the Board shall determine whether or not there is reasonable cause to believe that a violation of chapter 42.52 RCW has occurred.

Based on the investigation, the Executive Director recommends the Board enter a finding of reasonable cause to believe a violation or violations of RCW 42.52 have occurred, and the penalty may be more than \$500.



Kate Reynolds, Executive Director
Executive Ethics Board

EEB Case 2022-047 (Hagopian); Investigative Report and Board Reasonable Cause Determination
February 21, 2023
Page 9

IV. BOARD REASONABLE CAUSE DETERMINATION AND ORDER

Based upon the investigative report, we, the Washington State Executive Ethics Board determine the following:

Pursuant to RCW 42.52.420, IT IS HEREBY ORDERED

☒ There is reasonable cause to believe that violation(s) of RCW 42.52 have been or are being committed and the penalty may be:

☒ GREATER THAN \$500

☐ \$500 OR LESS

Pursuant to RCW 42.52.425, IT IS HEREBY ORDERED that the complaint is DISMISSED for the following reason:

_____ Any violation that may have occurred is not within the jurisdiction of the board

_____ The complaint is obviously unfounded or frivolous

_____ Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.

DATED this 10th day of March 2023.

Approved Virtually
Shirley Battan, Chair

Approved Virtually
Jan Jutte, Vice Chair

Abel
Earl Key, Member

Approved Virtually
Kelli Hooke, Member

Approved Virtually
Megan Abel, Member