

PIERCE COUNTY ETHICS COMMISSION

In Re the Complaint Against

THOMAS SWANSON,

County Employee,

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

This matter was heard before the Pierce County Ethics Commission on March 14, 2018, for investigation pursuant to pursuant to Section 3.12.080 of the Pierce County Code of Ethics. Thomas (Tom) Swanson appeared and represented himself at the hearing.

**STATEMENT OF THE CASE**

A complaint was filed alleging that Tom Swanson misused County assets, IT systems and County time, evidenced by his internet browsing activity, in violation of the Pierce County Ethics Code. After investigation, the Ethics Commission Hearing Officer made an initial threshold determination that probable cause existed to believe that violation of Ethics Code sections 3.12.030.A. and 3.12.030.J had occurred. The Ethics Commission pursued a formal investigation by holding a hearing to determine if a violation occurred.

At hearing, Hearing Officer Culpepper provided an overview of his probable cause determination. Tom Swanson testified under oath. The Commission also considered the following:

- December 13, 2017 Findings of Fact and Conclusions of Law, including a November 5, 2017 email from Thomas Swanson to Hearing Officer Culpepper
- May 8, 2017 Complaint of an Alleged Ethical Violation and attachments thereto
- Pierce County Code of Ethics Chapter 3.12 in effect as of May, 2017
- Pierce County Ethics Commission Administrative Procedures
- January 9, 2018 Determination of Probable Cause letter to Tom Swanson

The Commission, having considered all of the evidence including the recorded testimony of the hearing and exhibits, based on the preponderance of the evidence, hereby makes the following:

**FINDINGS OF FACT**

1. As an employee of the County Council, Tom Swanson is governed by the Pierce County Code of Ethics.
2. Mr. Swanson has responsibility to be familiar with and abide by the Code of Ethics.
3. The Code of Ethics prohibits the use of County facilities, equipment, and time for a private purpose. P.C.C. 3.12.030.A. The Code further prohibits the use of County equipment or property, except in the conduct of official business. P.C.C. 3.12.030.J.1.
4. On at least five dates, which were randomly selected for review, Mr. Swanson browsed the internet and accessed categories of websites that were not for County business, such as entertainment, vehicles, travel, sports, social web, and shopping.
5. Tom Swanson acknowledged that he failed to adequately understand the Ethics Code and that his use of the internet on his County computer and during County time was outside the boundaries of the Ethics Code.

Based on the above FINDINGS OF FACT, the Commission makes the following:

**CONCLUSIONS OF LAW**

1. Tom Swanson, violated Pierce County Ethics Code Section 3.12.030.A and J.1 which provide as follows:

1 A. No County personnel shall, except for compensation as  
2 provided by law, use his or her office or position, any  
3 confidential information received thereby, or County facilities,  
4 supplies, resources, equipment or time, for any private  
5 purpose...

6 ...  
7 J. No person and no County personnel shall:

8 1. Use, request, or permit the use of County motor  
9 vehicles, equipment, materials, or property, except in the  
10 conduct of official business...

11 **ORDER**

12 NOW THEREFORE, it is hereby ordered that Tom Swanson cease and desist from  
13 using County resources, equipment, or time in a manner prohibited by the Code of Ethics. No  
14 additional penalties or sanctions are imposed.

15 DATED this 11<sup>th</sup> day of April, 2018.

16 

17 CHAIR, TIM MALARCHICK

18 

19 COMMISSIONER, PETER DONOR

20 

21 COMMISSIONER, GABRIEL LANDRY

22 NOT present for hearing

23 COMMISSIONER, EBEN GORBATY