

**WAC 292-120-030 Criteria for determining sanctions.** In determining the appropriate sanction, including the amount of any civil penalty, the board may consider the nature of the violation and the extent or magnitude or severity of the violation, including:

- (1) The monetary cost of the violation including:
  - (a) The cost of the violation to the state;
  - (b) The value of anything received or sought in the violation;
  - (c) The amount of any damages incurred by the state as a result of the violation;
  - (d) The costs incurred in enforcement, including reasonable investigative costs;
- (2) The nature of the violation including whether the violation:
  - (a) Was continuing in nature;
  - (b) Was motivated by financial gain;
  - (c) Involved criminal conduct;
  - (d) Impaired a function of the agency;
  - (e) Tended to significantly reduce public respect for or confidence in state government or state government officers or employees;
  - (f) Involved personal gain or special privilege to the violator;
- (3) Aggravating circumstances including whether the violator:
  - (a) Intentionally committed the violation with knowledge that the conduct constituted a violation;
  - (b) Attempted to conceal the violation prior to the filing of the complaint;
  - (c) Was untruthful or uncooperative in dealing with the board or the board's staff;
  - (d) Had significant official, management, or supervisory responsibility;
  - (e) Had committed prior violations found by the board;
  - (f) Incurred no other sanctions as a result of the violation;
- (4) Mitigating factors including:
  - (a) Prior corrective action taken against the violator;
  - (b) Prior recovery of damages to the state;
  - (c) The unethical conduct was approved or required by the violator's supervisor;
  - (d) The violation was unintentional;
  - (e) Other mitigating factors deemed relevant by the board.
- (5) For purposes of this section, each act which violates one or more provisions of chapter 42.52 RCW, or rules adopted under it, may constitute a separate violation.

[Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 02-04-003, § 292-120-030, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 42.52.360 (2)(e)-(g). WSR 97-07-058, § 292-120-030, filed 3/18/97, effective 4/18/97.]