



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
September 1 to December 31, 2013

February 4, 2014

Background

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the legislative branch of county government. The Ombudsman's Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombudsman's Office provides property owners with information and assistance regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their valuation.

The Ombudsman's Office reports to the Metropolitan King County Council in January, May, and September of each year on the activities of the Office for the preceding four-month period, per KCC 2.52.150. This report summarizes Office activities for September 1 through December 31, 2013.

Complaints Received

The Ombudsman's Office received 702 complaints and inquiries from residents and county employees between September 1 and December 31, 2013. Ombudsman cases are either classified as Investigations, Direct Assistance, or Information/Referral. A review of our recent case statistics revealed the following:

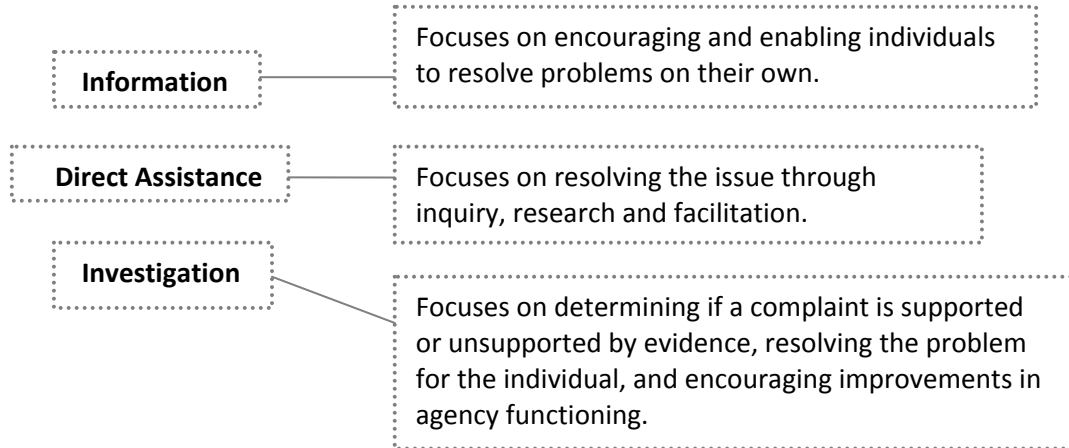
- The Ombudsman's Office completed 21 investigations during this period. The allegations that initiated these investigations relate to potential Ethics, Whistleblower, Whistleblower Retaliation, and/or Administrative Conduct violations. Completing these investigations in a thorough and timely manner that strives to improve county operations and protect public trust in county government, makes these cases the most resource-intensive aspect of our Offices' work.
- The Ombudsman's Office completed 688 cases during the September through December reporting period. The majority of those cases were resolved through information, referral, and direct assistance. The Ombudsman's Office is one of the few remaining countywide offices with staff who strive to answer every call during business hours. When residents reach our office, many have already contacted multiple county and other government offices and we make every effort possible to assist them with the resolution of their issues.

Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039
Phone: 206.477-1050
Email: ombudsman@kingcounty.gov
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

Response to Complaints

The Ombudsman’s Office reviews each complaint individually, to determine the appropriate action(s) to be taken. In addition to addressing individual concerns, our office also focuses on complaint patterns which may indicate a systemic issue. Once we fully understand the complainant’s issue, our office responds in one, several, or all of the following three ways:



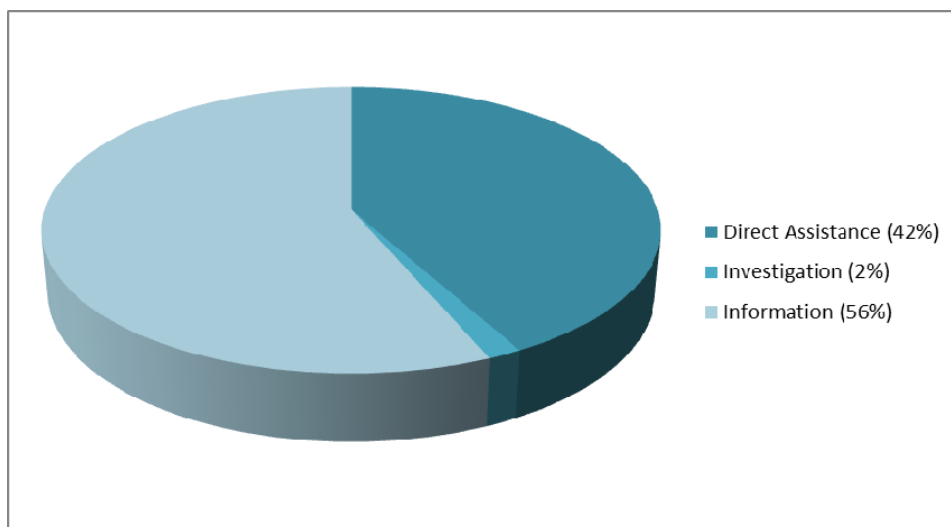
Complaint Disposition

The table below shows the number of Ombudsman's Office cases associated with each county agency, and reveals how we responded to the 702 complaints and inquiries we opened during the triannual report period.

Department	Direct Assistance	Investigation	Information	Total
Adult and Juvenile Detention	143	2	217	362
Boards and Commissions	0	1	0	1
District Court	2	0	1	3
Elections	0	0	1	1
Executive Services	9	2	13	24
Community and Human Services	3	0	7	10
Judicial Administration	0	0	0	0
Legislative Branch Agencies	0	0	1	1
Natural Resources and Parks	1	0	4	5
Ombudsman's Office / Tax Advisor ¹	21	0	6	27
Permitting and Environmental Review	8	1	4	13
Prosecuting Attorney's Office	4	0	1	5
Public Health	80	3	29	112
Sheriff's Office	8	2	2	12
Superior Court	0	0	5	5
Transportation	8	0	10	18
Non-Jurisdictional	8	0	95	103
Total	295	11	396	702

¹ Cases coded to the Ombudsman’s Office include inquiries about Ombudsman operations and processes, public records requests, PAO litigation holds and records requests, special projects, etc.

From September through December, as in previous periods, the majority of public contacts to our office required either direct assistance or information/referral. In addition to these cases, the Ombudsman’s Office also opened 11 investigations.



Case Summaries

The nature and circumstances of the complaints we receive vary widely and our office has a broad array of tools to respond to the nuances of each case. The case summaries below describe how our office resolved several of the complaints we received during the third triannual reporting period of 2013:

Complaint	Resolution
<p>A concerned resident alleged that the owner of private property hosting the Nickelsville temporary homeless encampment in Skyway had not paid taxes but was issued a temporary permit by the Department of Permitting and Environmental Review (DPER).</p>	<p>We researched and analyzed applicable laws and policies, conferred with DPER, and communicated with the complainant about the results of our investigation. The homeless encampment occupied the property with the owner’s consent, before it obtained proper permits. However, we found that the site was adequately regulated and lawfully permitted. DPER issued the permit as a method of bringing Nickelsville into compliance, as DPER ordinarily does with applicants in similar situations. The site was adequately monitored for health and safety by county inspectors. The complainant raised further issues about DPER permitting practices regarding Nickelsville, which we also investigated and determined lacked merit. Nickelsville moved its encampment in December 2013 as it had planned.</p>
<p>County employee using Department of Natural Resources and Parks (DNRP) resources to work on private home construction business.</p>	<p>We reported the allegation to the department and worked with investigators in an attempt to document the alleged misconduct. The investigation was inconclusive regarding these particular allegations but emphasized the need for vigilance in ensuring that county resources are used only for official purposes.</p>

Complaint	Resolution
Employee whistleblower alleges gross mismanagement in county's investment pool operations.	Employee Whistleblower complaint regarding county Local Government Investment Pool management and operations. Complainant alleged certain Investment Pool trades were forced prematurely to meet cash payments due to failure to use case forecasting; underutilization of analytical software and the hiring of a credit analyst when there was no credit to analyze; on the failure to update Policy and Procedure manuals; and on failure to institute an annual audit by an independent investment specialist. Investigator produced 26-page report in which she found no improper governmental action had occurred. Report issued to complainant, agency, respondents, Executive and County Council.
Employee of the Wastewater Treatment Division requested guidance as to whether the county Ethics Code allows employees to accept a meal from a county contractor that wants to show its appreciation to county employees.	We researched applicable county ethics code and Ethics Board advisory opinions, and consulted with Ethics Board personnel. We determined that employees should not accept a meal from a current county contractor when the contract remains in effect and the employees have operational or oversight authority over the contractor's work. Although the value of the meals was relatively low, the Ethics Code sets a high standard for ethical conduct by employees, and discourages even potential conflicts of interest.
An employee alleged inappropriate hiring practices and job notifications in their workgroup within the Department of Natural Resources and Parks.	We researched applicable laws, policies, and practices; interviewed appropriate agency personnel; and analyzed agency documentation of the hiring processes at issue. We found no indication of wrongdoing by DNRP. We explained the basis of our finding in detail to the complaining employee, who did not dispute the finding but expressed relief at the outcome.
Resident dissatisfied with home improvement done by King County Rehabilitation Housing Program contractor.	County's Housing Rehabilitation Program provides interest free loans to low income residents. Repair priorities in order are emergency needs, health and safety issues, affordable housing preservation issues, and weatherization. Loans are repaid when owner sells or stops living in home. Contractor had done work, and made multiple modifications at resident's request. However, the contractor and homeowner didn't agree on project completion. Ombudsman worked with County Program manager to get another contractor to complete job to resident's satisfaction. (Department of Community and Human Services.)
King County employee with break and meal time questions. The employee questioned lack of lunch break despite six-hour workday.	Researched issue with Washington State Labor and Industries. Provided employee with information that they were entitled to both one ten-minute break and thirty-minute lunch during a six-hour work day. The employee requested no further action by this office.

Complaint	Resolution
<p>A Department of Adult and Juvenile Detention employee alleged retaliation for reporting violations of departmental parking rules.</p>	<p>After researching the facts and the applicable laws and policies, we determined that reporting violations of departmental parking rules is not protected under the Whistleblower Protection Code, which encourages and protects reporting of major wrongdoing. As such, we would be unable to find whistleblower retaliation. We followed up on the alleged parking violations and found that the department handled the matter appropriately and the conduct in question had stopped. We encouraged the reporting employee to work through their guild and management channels, and we followed up with senior department managers at the employee's request.</p>
<p>Inmate alleges excessive force by transport officers.</p>	<p>We transmitted the allegation to DAJD and reviewed the completed investigatory file from which we found the use of force was appropriate and the reported injuries to this Office did not correspond with the amount of force alleged. We did not see where the inmate was interviewed and thus, the discrepancy between the officer reports that there was no reported inmate injury and our indications to DAJD that the inmate were self-reporting injury were left unanswered. We communicated our concerns to DAJD and DAJD policy has since changed where inmates are now being interviewed.</p>
<p>Inmate alleges excessive force by DAJD corrections officer, and improper threats as retaliation for reporting incident.</p>	<p>Partially Supported. After an extensive preliminary investigation, this Office transmitted the allegations to DAJD. We reviewed the un-redacted complete IIU investigation. We found evidence to support the allegations that an officer did use improper threats against inmates; however, there was not enough evidence to support excessive use of force. We also had concerns regarding certain areas of IIU's investigation. We forwarded these concerns to DAJD. Due to the passage of time, substantial reforms have been made to IIU and the training programs since this incident.</p>
<p>Visitor upset about enforcement action on their Recreational Vehicle. RV was parked in friend's yard during visit to the King County area.</p>	<p>Ombudsman staff contacted Code Enforcement officer, and explained situation. Code Enforcement officer immediately responded to RV owner, and based on communication, decided to stay enforcement action. Both parties were satisfied with the encounter.</p>
<p>Inmate believed jail release was imminent but the DAJD Commitment's Office had a different date due to the wording of court paperwork.</p>	<p>Looked at the documents in the electronic court record and confirmed it appeared the intention was for the inmate to be released. Relayed the issue to the appropriate court and let court determine whether to take action or not. The court provided the necessary paperwork to the jail, and the inmate was subsequently released.</p>

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Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombudsman's Office, provides property owners with information and resources regarding all aspects of the property assessment and tax collection processes, and offers specific advice and assistance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Reviews of GIS and other mapping resources,
- Records and deed research,
- Information on property tax exemptions, including senior, disabled, home improvement, current use, and open space exemptions,
- Segregation or merger for multiple parcels, and

Taxpayer Contacts

The Tax Advisor Office responded to 1,585 inquiries from September 1 through December 31, 2013.

	Information	Research	Total
September	309	136	445
October	556	90	646
November	240	61	301
December	142	51	193
Total	1247	338	1585

A signature function of our office is assisting citizens with their property tax appeals. During this report period, we provided market sales research to 185 (11.67%) of our contacts.

As the table below indicates, the county residents who contact our office for assistance represent a wide range of property values and we provide them all with accurate information that will assist them in making decisions about whether or not to appeal the assessed value of their properties.

Assessed Property Value	Sales Surveys
\$0-200K	22
\$201-300K	20
\$301-400K	28
\$401-500K	27
\$501-700K	25
\$701K-1M	27
Over \$1M	36
Total	185