



**King County**

# Tri-Annual Report

## King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report  
May 1 to August 31, 2016

September 15, 2016

### 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 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 calendar period, per KCC 2.52.150. This report summarizes Office activities for May 1 through August 31, 2016.

### Mission

To promote public trust in King County government by responding to complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

### Complaints Received

The Ombudsman's Office received 648 complaints and inquiries from residents and county employees between May 1 and August 30, 2016, and closed 616 complaints during that same period. Ombudsman cases are either classified as Investigation, Assistance, or Information. A review of our recent case statistics revealed the following:

- The Ombudsman's Office opened 34 new investigations during this period. The allegations that initiated these investigations relate to potential Ethics, Whistleblower, Whistleblower Retaliation violations, and improper administrative conduct. We strive to complete these investigations in a thorough and timely manner to improve county operations and promote public trust in county government, and these cases are the most resource-intensive aspect of our Office's work.
- The Ombudsman's Office received a small (7%) increase in cases in this reporting period as compared to the previous reporting period. While it is difficult to determine all the reasons for these fluctuations, 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 attempted to reach multiple county offices and we make every effort possible to assist them in resolving their issue.

#### Contact the King County Ombudsman's Office:

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

## Inquiry Classification

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

- Information: Requests for information or advice which may result in referral.
- Assistance: Complaints resolved through agency inquiry and fact-finding, facilitation, counseling, or coaching. Assistance cases can range from simple to complex.
- Investigation: Complaints that are not resolvable through assistance and are thoroughly investigated. Investigations involve independent evidence collection and analysis, including relevant records, witness testimony, laws, polices, and procedures. The Ombudsman makes findings, may develop recommendations, and follows up to ensure appropriate departmental responses.

## Complaint Disposition

The table below shows the number of cases associated with each county agency, and reveals how we responded to the 648 complaints and inquiries we received during the first four months of 2016:

Department	Assistance	Investigation <sup>1</sup>	Information	Total
Adult and Juvenile Detention	89	13	187	289
Assessments	1	1	4	6
Community and Human Services	2	1	2	5
County Executive	0	0	0	0
District Court	1	0	3	4
Elections	0	0	0	0
Executive Services	10	2	7	19
Judicial Administration	0	0	0	0
Legislative Branch Agencies	3	1	1	5
Natural Resources and Parks	10	3	7	20
Ombudsman's Office / Tax Advisor <sup>2</sup>	22	0	4	26
Permitting and Environmental Review	16	0	4	20
Prosecuting Attorney's Office	0	0	4	4
Public Defense	3	1	14	18
Public Health	60	5	30	95
Sheriff's Office	7	3	4	14
Superior Court	1	0	0	1
Transportation	7	4	12	23
Non-Jurisdictional <sup>3</sup>	9	0	89	98
<b>Total</b>	<b>241</b>	<b>34</b>	<b>374</b>	<b>648</b>

<sup>1</sup> Investigations include general jurisdiction complaints, alleged violations of the ethics code, employee whistleblower reports of improper governmental action, whistleblower retaliation complaints, and ombudsman-initiated investigations. Cases may be initially classified as Information or Assistance, but reclassified to Investigation at a later time.

<sup>2</sup> 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.

<sup>3</sup> The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

## Case Summaries

The nature and circumstances of the issues we receive often vary widely. 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 some of the 616 complaints we closed between May and August of 2016:

Allegation	Resolution
<p>Improper use of county property by a homeless encampment allowed by Department of Permitting and Environmental Review.</p>	<p>The Camp Unity homeless encampment moved to the Coal Creek Natural Area, a King County park, when the camp's previous permit elsewhere expired. Nearby residents expressed concerns about neighborhood safety, access to the park, and whether King County could lawfully allow the park to be used as a homeless encampment. Blessed Teresa of Calcutta Parish, located across the street from the encampment, was willing to host Camp Unity on its property if several outstanding issues regarding its own King County permits could be resolved. Ombudsman staff researched the permitting issues; worked with residents, department staff, and a county councilmember; and attended a public meeting hosted at the church. The department resolved the permitting issues with the church, leading to Camp Unity moving onto church property and the resolution of the immediate issue.</p>
<p>Property owner complained that his shed was demolished and wants to know if King County was responsible for demolition. Resident acknowledged that the shed was on King County property, but states that its existence was grandfathered in.</p>	<p>Ombudsman staff learned that King County Parks demolished the shed because it was on county property. We explained to resident that it is not possible to gain ownership of public land through adverse possession. The county tried to determine who owned the shed by contacting the homeowners association. Ombudsman recommended to Parks that they place a notice on structures two days in advance of removal so that people have an opportunity to remove belongings.</p>
<p>Property owners requested assistance from the Ombudsman to comply with the complex permitting process for a home that was constructed without any permits.</p>	<p>Ombudsman staff worked with the Department of Permitting and Environmental Review, Environmental Health Division state Department of Labor and Industries, and the residents to obtain necessary permits. The process, including work on the home, took about a year and cost the property owners \$60,000. The home was in good condition and only needed a few modifications. The largest single expense was a new septic system that cost approximately \$25,000. The permits were issued and the home passed inspection.</p>

Allegation	Resolution
<p>Homeowner upset by letter from the Department of Permitting and Environmental Review stating that additional construction approvals and fees were required.</p>	<p>Homeowner received the letter requiring additional approvals and fees many months after receiving final DPER approval of their “already built construction” permitting process. Ombudsman staff intervened with DPER, quickly determined that no further approvals or fees were required, and communicated this to the homeowner, thereby fully resolving the matter.</p>
<p>County resident alleged their property was damaged by county actions. King County agreed to purchase the property but the process is taking too long and communication with complainant is insufficient.</p>	<p>Ombudsman staff worked with the complainant, and Water and Land Resources Division to improve communication. The transaction is now complete and has closed.</p>
<p>Car wash owner objects to sewer capacity charge bill sent by Wastewater Treatment Division 15 years after sewer connection.</p>	<p>Ombudsman staff found that a local jurisdiction, separate from King County government, did not timely inform the county of the car wash’s connection to sewer. Subsequently, the county was unaware of an accruing capacity charge bill that was outstanding for fifteen years. The car wash owner became aware of the bill at escrow when he attempted to sell the business.</p> <p>The owner was extremely upset that unless the capacity charge was paid, the county would place a lien on the business and would prevent it from being sold. Ombudsman staff worked with Wastewater Treatment Division, within the Department of Natural Resources and Parks to help the car wash owner understand that King County would not waive the capacity charge due to the other local jurisdiction’s failure to report the sewer connection. However, upon investigation, Ombudsman staff found an error in calculations used to determine the amount owed, that reduced the total amount of the capacity charge. The car wash owner was grateful for this assistance.</p>
<p>Customer service representatives made unprofessional posts on social media about an agency customer.</p>	<p>Customer who regularly used the county’s accessible transportation services complained that several of its customer service representatives had made offensive posts about him on Facebook, and that one had called him at his home. Ombudsman staff found that the county contracted for customer service for accessible transportation with an outside vendor. DOT Transit’s contract liaison to the vendor was extremely responsive to the issues raised and we worked with the vendor through him. We determined that the vendor employees’ actions had been inappropriate, and recommended that the vendor address the offending actions with its employees, as well as adopt changes to its employee policies to prevent future occurrences. The vendor counseled its employees about the incidents, and agreed to make changes to its employee policies to give specific guidance to its employees for the future.</p>

Allegation	Resolution
<p>Complainant alleged King County sent property tax refund to the wrong taxpayer.</p>	<p>Complainant owned two adjacent parcels in King County. Due to zoning restrictions, the parcels were sold for significantly less than their assessed value. The Board of Equalization (BOE) held that the complainant was eligible for overpayment refunds because the complainant paid taxes on the parcels when they were assessed at a much higher value; the BOE reassessed the parcels' values relative to the sale. Pursuant to internal policy and procedure, Treasury sent the overpayment refunds to the most recent payee of taxes on the parcels. However, around the time that the BOE held for the complainant, the complainant sold the property to a new owner. King County was not notified that there was a different owner or that the complainant had an address change. Subsequently, the new property owner deposited the overpayment refunds, and refused to reimburse the complainant.</p> <p>Ombudsman staff worked with Treasury and found that statutorily, refunds must be verified by the recipient and that refunds should follow the constituent that actually paid the taxes. Treasury resent the overpayment refunds to the complainant, and will retrieve the overpayment refunds from the new property owner. The complainant was very grateful and appreciative of the effort our office invested into complainant's matter.</p>
<p>Improper use of county facilities by employees of the Department of Adult and Juvenile Detention</p>	<p>Several elected board members of the King County Corrections Guild complained that other employees placed inappropriate flyers in all Guild members' mailboxes on department property, targeting the complainants. One of the complainants believed the flyers may have been in retaliation for his cooperation in a previous whistleblower investigation. The flyer included a photo of apparent Guild officers, with some faces redacted, meeting outside the Guild office. The flyer used derogatory nicknames, and referred to an upcoming Guild election and allegations of misuse of Guild funds. Ombudsman staff reviewed the flyer and department regulations, provided options counseling to the complaining employees, and met with senior department managers about the issues involved. Management issued corrective action memorandums to the employees responsible for posting the inappropriate flyers on department property. Misuse of funds allegations are being investigated by law enforcement officials.</p>

Allegation	Resolution
<p>Inmate reports assault on another inmate by officers.</p>	<p>Partially Supported. We transmitted the complaint to the jail Internal Investigations Unit (IIU). Upon completion of the investigation, we reviewed the unredacted investigation file. We concurred with IIU's findings that while there was evidence that supported that most of the force used was necessary, there was a single strike that was unnecessary. There were other parts of this incident that raised the concerns of command staff regarding reporting and supervision of the incident. These concerns were documented and addressed by DAJD.</p>
<p>Inmate alleges excessive force and illicit behavior by corrections officer.</p>	<p>Unsupported. We transmitted this complaint to IIU. Upon conclusion of the investigation, we reviewed the full unredacted investigation file. The investigation included the inmate's statements, statements from staff and witnesses, along with other documentary evidence including the inmate's medical records. IIU's investigation was thorough and objective. There was no evidence to support the allegations. No officers, including the responding supervisor, witnessed any behavior close to what was alleged.</p>
<p>Anonymous complaint of whistleblower improper governmental action, including gross mismanagement, gross waste of funds, and danger to the public safety. The complaint specifically alleged that a work group of millwrights in the Vehicle Maintenance section of the Transit Division has been billing excessive overtime hours, and that that their backlogged maintenance work on safety critical equipment may compromise the public safety on buses.</p>	<p>We transmitted allegations to the department, which commissioned an inquiry by an external investigator. We reviewed the investigation report and did independent research to understand staffing analysis of overtime hours. We determined that no improper governmental action had occurred, but discussed concerns raised with the department. Upper management proactively worked to address some of the issues raised, including the procedure for tracking deferred maintenance tasks, which was changed to ensure closer supervision and potentially greater employee safety. The reporting structure for the millwright group was also transferred to supervision under a different section, in order that their tasks and hours be more effectively tracked. Although we found no improper governmental action, the complainant thanked us for our work in "making King County a better place to work and live."</p>
<p>The complainant was concerned with the administration of several employee surveys in the Transit Division of the Department of Transportation, and believed that the confidentiality of responses could be compromised because of how the surveys were gathered and stored. The complaint also alleged that an employee had read some of the submitted surveys.</p>	<p>We communicated the complainant's concerns to the department, and the deputy director directed that the issues be looked into to identify possible process improvements in the future. The department made an inquiry into what had happened, which our office reviewed. We found that there wasn't sufficient evidence to find that confidentiality had been compromised, nor did we find any significant problem with how the surveys were handled. Despite our finding that the allegations were unsupported, the department committed to review how it handles survey processing and to determine if changes should be made to strengthen confidentiality protections.</p>

## 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 tax assessment process, and offers specific guidance 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,
- Records and deed research,
- Information on property tax exemption programs,
- Assistance resolving complaints about other departments.

## Contacts

The Tax Advisor Office responded to 2317 residents from May 1 to August 31, 2016. In the first four months of 2016, we provided sales or other property-related research to 373 of our taxpayer contacts.

	Information	Research	Total
May	245	29	274
February	244	58	302
March	200	57	257
August	204	67	268
<b>Total</b>	<b>893</b>	<b>208</b>	<b>1101</b>

As the chart below indicates, the county residents who contact our office for assistance represent a variety of income levels and we strive to provide them all with accurate information that will assist them in making decisions about potential value appeals.

Assessed Property Value	Sales Surveys
\$0-200K	2
\$201-300K	7
\$301-400K	13
\$401-500K	8
\$501-700K	19
\$701K-1M	20
Over \$1M	20
<b>Total</b>	<b>89</b>