



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
January 1 to April 30, 2015

August 3, 2015

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 January 1 through April 30, 2015.

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

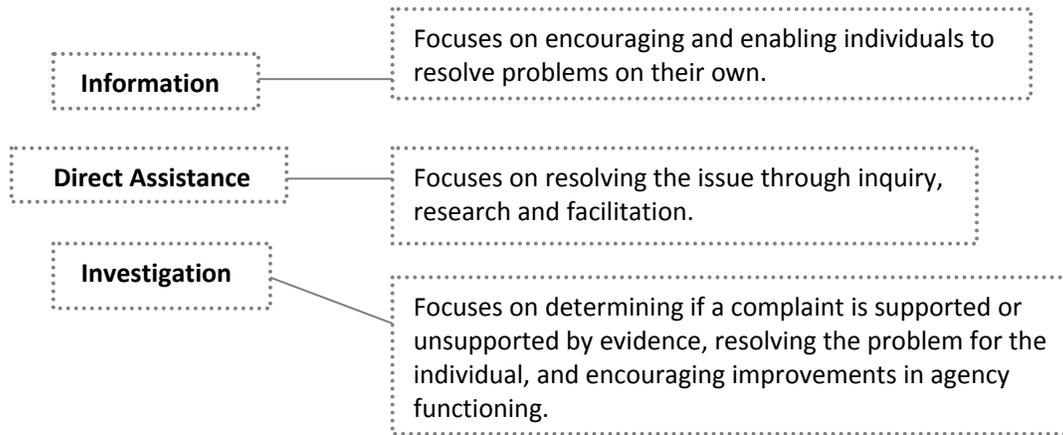
The Ombudsman's Office received 643 complaints and inquiries from residents and county employees between January 1 and April 30, 2015. Ombudsman cases are either classified as Investigations, Direct Assistance, or Information/Referral. A review of our recent case statistics revealed the following:

- The Ombudsman's Office opened 16 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 3.5% fewer cases in this reporting period than in the previous reporting period in 2014. 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
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

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:



Complaint Disposition

The graph below shows the number of cases associated with each county agency, and reveals how we responded to the 643 complaints and inquiries we received during the first four months of 2015:

Department	Direct Assistance	Investigation	Information	Total
Adult and Juvenile Detention	72	6	182	260
Assessments	3	2	6	11
Community and Human Services	2	0	5	7
County Executive	1	0	0	1
District Court	0	0	2	2
Elections	2	0	0	2
Executive Services	10	2	18	30
Judicial Administration	0	0	1	1
Legislative Branch Agencies	1	0	3	4
Natural Resources and Parks	8	1	4	13
Ombudsman's Office / Tax Advisor ¹	17	0	12	29
Permitting and Environmental Review	8	3	2	13
Prosecuting Attorney's Office	3	0	6	9
Public Defense	7	0	2	9
Public Health	59	0	28	87
Sheriff's Office	1	2	6	9
Superior Court	1	0	2	3
Transportation	11	0	3	14
Non-Jurisdictional	12	0	127	139
Total	218	16	409	643

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.

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 complaints we received during the first four months of 2015:

Complaint	Resolution
Employee alleges nepotism and unfair hiring practices.	Complainant who wishes to remain unidentified asked our office to look into allegations of improper hiring. We learned that the department was already conducting an investigation, and so we spoke with the outside investigator, who agreed to add additional allegations and witness information we had received to her investigation. We notified the department director that we would not conduct a concurrent investigation. We reviewed the investigation report and found it to sufficiently address the allegations. Did not find evidence of improper coaching of job candidate, nor of an improper process.
An employee alleged that a supervisor retaliated against him by treating him and/or encouraging others to treat him in a hostile manner, as the result of his report of a possible violation of a state law or rule.	We reviewed the complaint of retaliation under the county's whistleblower code and made a preliminary determination to investigate. A report of improper governmental action that would qualify an employee for retaliation protection requires the allegation of a violation of a qualifying law or rule. In this case, even though the supervisor did not agree that a certain law applied, which would have required assistance to the employee in performing a required task, the supervisor did immediately provide the requested assistance. We found that because the complainant received the assistance he requested, he could not reasonably allege a violation of the law, and therefore did not qualify for retaliation protection.
An employee who produces videos for his county job was approached by other county departments to produce videos for them. The employee asked our office whether accepting such consulting work on his personal time and through his private videography business would be a conflict of interest.	With the caveat that our office does not provide prospective findings absent a formal investigation, we reviewed the county's ethics code and consulted with the director of the county's ethics office to produce a guidance memo for the employee. The memo indicated the provisions of the ethics code that could potentially be impacted by the outside consulting, and suggested proactive steps for the employee to take that could mitigate the risk if he chose to accept such consulting jobs.
Homeowner reports that roof repair work funded by King County Housing Rehabilitation Program (DCHS) is incomplete. Homeowner alleged sexual harassment and bullying by program staff.	We determined that there were multiple reasons the roof repair work wasn't completed. Prior to contacting us, the homeowner reported program staff member for harassment. The department investigated and corrective action was taken. The project was reassigned; however homeowner felt pressured and bullied to take contractual actions that were unacceptable to her. Despite our efforts to facilitate completion of project, communications broke down and the county funded project was not completed. We discussed project issues and options with department leadership and Risk Management.

Complaint	Resolution
<p>Property owner dispute with DPER over size of permitted garage.</p>	<p>Ombudsman contacted DPER and requested that the drainage calculation be checked. DPER's residential product manager determined that an error had been made. The applicant account was credited to correct the error. The applicant was satisfied with the resolution. Ombudsman made recommendation to DPER customer service manager to have staff get help when there is a dispute on fee calculation, especially when the fee structure has recently changed.</p>
<p>Neighbor concerned that DPER failing to enforce requirements on a motor cross development proposal and DPER not following through on code enforcement case.</p>	<p>Ombudsman's Office investigated the complaint and found that the motor cross was a legal nonconforming use. Motor cross tracks like this one are no longer permitted in residential zones, but this one was built before the rule change so it is allowed to stay. Ombudsman's Office did a review of the rules regarding expansions of this legal non-conforming use and found that DPER was applying the codes correctly to this case. DPER required the motor cross to get required clear and grade permit. The permit was issued. Noise ordinance passed this year and will help these residents.</p>
<p>Resident has a wedding venue and has a new five-year permit with a noise measuring condition. She is very concerned about the cost of the noise measuring. She thinks it will be \$15,000 per event.</p>	<p>Ombudsman's Office researched new draft noise ordinance and also met with DPER regarding permit requirement. Ombudsman's Office explained the rationale behind the noise monitoring requirement and explained how the requirement will likely help the County defend the permit in an upcoming appeal. Costs for noise monitoring are actually below \$2,000. Resident is satisfied with County requirements.</p>
<p>Citizen seeking contact in County to return a gravestone that belongs in abandoned cemetery.</p>	<p>King County took ownership of an abandoned cemetery on Beacon Hill due to property tax default. The gravestone, which marked burial site of individual who died in 1907, ended up in the basement of citizen's rental property. Ombudsman's office contacted Facilities Management staff who agreed to take possession of the gravestone and return it to the cemetery. Resident is very pleased with this result.</p>
<p>Councilmember referred a constituent who complained that a County employee parked County vehicle in 30-minute parking spot for over one hour.</p>	<p>Ombudsman staff determined that car was driven by employee of the Department of Community and Human Services, and brought complaint to the attention of DCHS management. DCHS deputy director responded to complainant with apology and explanation that driver is on the Chemical Dependency Involuntary Treatment Act team. The staff person performs crisis response and was held up with a client and Harborview hospital staff, hence, the overtime parking. DCHS has one reserved spot at Harborview, but is working on getting another one. A reminder was sent to the crisis response unit to comply with parking limits in the future.</p>

Complaint	Resolution
<p>Jail staff conducted illegal shake down and discarded pro se material from inmate's cell.</p>	<p>Inmate complained of various issues after initial intake, expanded inquiry to look into allegation that inmate did not receive his scheduled legal pro se work station time. Communicated with various jail staff, and clarified pro se schedule and make up sessions, and then confirmed this information with inmate. Jail staff was unable to clarify what items inmate was claiming to be missing, but inmate stated that he received some of the items back.</p>
<p>An inmate worker, who was removed from trusty status, believes the amount of compensation received was not accurate.</p>	<p>We contacted the DAJD Business and Finance Office to confirm what the policy is for paying inmate trusty workers who had been removed from worker status. There was a discrepancy between what was the current practice was and what the policy stated. An old policy was still being utilized, despite having an updated policy. We were assured that staff would be made aware of the new policy and practices; and they would be implemented immediately.</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,
- Reviews of GIS and other mapping resources,
- Records and deed research,
- Information on property tax exemptions for seniors and disabled persons,
- Home improvement, current use and open space exemptions,
- Segregation or merger for multiple parcels, and
- Assistance resolving complaints about other departments.

Resident Contacts

The Tax Advisor Office responded to 2336 residents from January 1 to April 30, 2015. A signature function of our office is assisting citizens with their property tax appeals. In the first four months of 2015, we provided sales research to 104 of our taxpayer contacts.

	Information	Research	Total
January	196	60	256
February	623	153	776
March	548	98	646
April	567	91	658
Total	1934	402	2336

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	6
\$201-300K	14
\$301-400K	21
\$401-500K	7
\$501-700K	21
\$701K-1M	15
Over \$1M	20
Total	104