



**King County**

# Tri-Annual Report

## King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report  
September 1 to December 31, 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 the Office's activities for September 1 through December 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 612 complaints and inquiries from residents and county employees between September 1 and December 31, 2016, and closed 621 complaints during that same period. Ombudsman cases are either classified as Investigation, Assistance, or Information.

The Ombudsman's Office opened 21 new investigations during this period. The allegations that initiated these investigations relate to potential improper administrative conduct, as well as violations of the county's ethics and whistleblower codes, including allegations of conflicts of interest, retaliation, and improper governmental action. We strive to complete these investigations in a thorough and timely manner, and to produce findings and recommendations to improve county operations and promote public trust in county government. Cases involving investigations are the most resource-intensive aspect of our Office's work.

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

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Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

## Inquiry Classification

The Ombudsman’s Office reviews each complaint individually, to determine the appropriate actions. Once we fully understand the complainant, our office responds in one or more of the following ways:

- Information: Requests for information or advice, which may result in referral.
- Assistance: Complaints resolved through problem solving, including by agency inquiry, facilitation, counseling, and coaching. Assistance cases can range from simple to complex.
- Investigation: Complaints resolved through independent fact-finding, which may involve evidence collection including witness testimony, and the analysis of evidence, laws, policies, and procedures. The Ombudsman makes findings and may also develop recommendations for change and work with departments to ensure that appropriate actions are taken. Investigation cases can range from simple to complex.

In addition to addressing individual concerns, the Ombudsman’s Office also focuses on identifying patterns which may indicate a systemic issue. We work with departments to ensure that systemic problems are resolved and necessary changes are made to improve functions going forward.

## Complaint Disposition

The table below shows the number of cases associated with each county agency, and reveals how we responded to the 612 complaints and inquiries we received during the final triannual reporting period of 2016:

Department	Assistance	Investigation <sup>1</sup>	Information	Total
Adult and Juvenile Detention	62	8	200	270
Assessments	4	2	3	9
Community and Human Services	0	1	1	2
District Court	0	0	4	4
Executive Services	17	1	11	29
Information and Technology	1	0	0	1
Judicial Administration	1	0	1	2
Natural Resources and Parks	6	1	2	9
Ombudsman's Office / Tax Advisor <sup>2</sup>	22	0	4	26
Permitting and Environmental Review	22	0	4	26
Prosecuting Attorney's Office	1	0	1	2
Public Defense	1	0	9	10
Public Health	82	2	31	115
Sheriff's Office	1	3	1	5
Superior Court	0	0	1	1
Transportation	5	4	7	16
Non-Jurisdictional <sup>3</sup>	6	0	79	85
<b>Total</b>	<b>231</b>	<b>22</b>	<b>359</b>	<b>612</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, Ombudsman special projects, etc.

<sup>3</sup> This 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 vary widely. Our office has a broad array of tools to respond to the specific facts of each case. The case summaries below describe how our office resolved some of the 621 complaints and inquiries we closed during this reporting period:

Allegation	Resolution
<p>Complainant alleged that the Department of Assessments' (DoA) requirement to repay senior tax exemption dollars for a period of several years is unreasonable and unfair, given that DoA approved the exemption in the first place. Complainant had to secure personal loan to repay several years of senior exemption dollars.</p>	<p>We found that complainant's senior tax exemption was mistakenly approved by a former employee of the DoA. When the complainant was notified of the error and required to refund the tax exemption amounts, the complainant secured a high interest personal loan to reimburse the county. We found that complainant's income had substantially exceeded the \$40,000 income limit; both the Ombudsman's Office and the DoA agreed that it was the taxpayer's responsibility to notify the DoA when a material change in income occurred. However, our offices also agreed that due to the passage of time and because the employee that approved the exemption had, it would be difficult to understand the communications exchanged between the DoA and the complainant that resulted in the exemption approval. In this vein, our offices discussed the complainant's good faith effort to pay the amount requested by taking out a personal loan as well being sensitive to constituents for which these senior tax exemptions apply. Under the totality of circumstances, DoA agreed that it would be fair to allow the senior tax exemption for three years.</p>
<p>King County issued property tax overpayment refund to new property owner, who was not the person who had overpaid taxes and to whom refund was due.</p>	<p>Homeowner alleged King County Treasury paid overpayment refund to most recent property owner, instead of complainant, who was the previous owner, and to whom refund was due as a result of valuation appeal process. Our office worked with Treasury to determine that the overpayment was paid to the incorrect recipient, and that the overpayment refunds should have been paid to complainant. (RCW 84.69.030(1)(a-c)) Treasury agreed to pay complainant for overpayment of refunds for 2013, 2014, and a pro rata portion for 2015.</p>
<p>Citizen alleges young kids are riding motorcycles in a dangerous manner on private road and King County Sheriff's deputy will not intercede because it is a private road.</p>	<p>We researched the noise code and implementation of enforcement of the code. While the code specifies the Sheriff's office for regular noise complaint enforcement, the Sheriff's office has deemed the resources it would take to implement (train officers and buy equipment) was not practical, however, the Sheriff's office does respond to noise complaints using the public nuisance code.</p>

<p>Employee of a local city who does special projects in conjunction with police sought assistance with information and contacts for project relating to policing and mental health.</p>	<p>Provided contacts within KCSO who perform Crisis Intervention Training and also worked with KCSO to implement policy changes that reflect changes in state law regarding officer training in CIT. (This case was classified as an Ombudsman Special Project.)</p>
<p>King County Sheriff's Office Deputy avoiding contact with constituent.</p>	<p>We found that the deputy was not intentionally avoiding phone calls and was unable to return complainant's calls due to being out on medical leave. Upon the deputy's return from leave, we requested the deputy contact the constituent to follow-up with her concerns and to help her resolve any ongoing issues with her case. Furthermore, we learned that the Metro Unit did not have a backup infrastructure in place. Upon contact with KCSO management, we both agreed that a lack of a backup system would inconvenience constituent and would leave them confused and upset. We discussed potential alternatives to help constituents navigate their cases with KCSO. Management agreed that it was imperative for constituents to be provided assistance and changed internal protocol to accommodate constituents with questions. Constituents that request case information will be transferred to a sergeant or captain by to have their concerns addressed.</p>
<p>Employee alleges whistleblower retaliation after reporting alleged improper governmental action.</p>	<p>Employee believed a senior department manager had unfairly influenced other managers' perceptions of the employee, and that those managers then engaged in a pattern of retaliatory action toward the employee after he alleged systemic problems with agency information technology management. Ombudsman staff reviewed documentary evidence, testimony of the complaining employee and managers, and applicable laws. Evidence did not support finding of adverse employment actions against employee, or individual acts of retaliation, or campaign of retaliation.</p>
<p>The Ombudsman's Office received a number of allegations involving favoritism and nepotism from employees.</p>	<p>The Ombudsman's Office brought this issue to the attention of the central human resources department, which decided that a new policy was needed to clarify employee responsibilities in this area. The Ombudsman's Office was consulted and provided extensive input into the development of a new county-wide conflict of interest policy regarding employee relationships.</p>
<p>Department requested guidance on preventing perceived employee whistleblower retaliation.</p>	<p>The Ombudsman's Office was contacted by a Public Health human resources representative for guidance about a federal whistleblower complaint from one of their employees. They wanted to ensure that the employee who had made the report was protected, and to make sure that they did not take actions that could be perceived or experienced as retaliatory by the employee. Met with department upper management, along with human resources and legal representatives, to discuss options for the department's response.</p>

<p>Improper contracting procedure and damaged trust with crew chief.</p>	<p>Anonymous employees raised suspicions about possible procurement violations. Ombudsman staff conducted detailed intake and followed up with appropriate department personnel. Employees acknowledged situation did not implicate county ethics rules, and could not point to other possible policy violations. Department stated that implicated manager was not involved in the procurement decision. Anonymous employees also complained about implicated manager's relational and management style. Ombudsman staff transmitted this management issue to appropriate department personnel for follow-up.</p>
<p>Resident complains that a major gas line pipeline project is damaging property with water drainage. Resident does not know how to navigate resolution of the issue with Seattle Public Utilities, Puget Sound Energy and King County.</p>	<p>Ombudsman's Office worked with the resident, Puget Sound Energy (PSE), Seattle Public Utilities (SPU), King County Water and Land Resources and the Department of Permitting and Environmental Review to get the issue resolved. PSE agreed to install a pipe in an existing drainage easement to resolve the problem. King County approved PSE's request for a permit modification to allow the installation of the pipe. The pipe was installed by PSE this summer and the issue appears to be resolved.</p>
<p>Resident on Vashon has an ABC (Already Built Construction) permit resulting from an emergency slope repair that was done with Department of Permitting and Environmental Review permission and is now trying to get the permit closed.</p>	<p>Ombudsman's Office had been involved when the permit was issued. DPER would not issue the permit until the work was completed and passed inspection. DPER placed a requirement on the permit that the vegetation be allowed to regrow and that proof of the regrown vegetation be provided to DPER in one year. The permittee's environmental consultant provided documentation that the regrowth had occurred and DPER's subject matter expert approved. We worked with DPER, the permittee and the current property owner to get the permit closed out. The permit was successfully closed today.</p>
<p>Inmate alleges excessive force by officers during forced dress out.</p>	<p>We transmitted the complaint to the Department of Adult and Juvenile Detention Internal Investigations Unit (IIU). Upon completion of IIU's investigation, we reviewed the complete unredacted investigation file. The review of the incident indicated that the event was thoroughly documented. Information in the file revealed that the inmate refused to comply with any orders or directives. We reviewed several officer reports that all indicated minimal force was used for compliance.</p>

<p>Inmate alleges jail Major is violating inmate rights with classification status.</p>	<p>Booking notes indicate several instances and infractions for property destruction, making/possessing weapons, threats to others, self-harm, and throwing urine and feces on both inmates and staff. Further, it was reported that the inmate was assaultive towards other patients and staff recently at Western State Hospital. The Major indicated that the inmate's resources are exactly the same except the inmate does not have access to razors. He said time out and available programs are the same. With the inmate's particular history, we do not feel DAJD is being unreasonable.</p>
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## Tax Advisor Statistics

The Tax Advisor Office, a 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 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 1392 residents from September 1 to December 31, 2016. During this reporting period, we provided sales or other property-related research to 237 of our taxpayer contacts.

	Information	Research	Total
September	317	84	401
October	425	98	523
November	254	42	297
December	159	12	171
<b>Total</b>	1155	237	1392

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 accurate information that will assist taxpayers in making decisions about potential value appeals.

Assessed Property Value	Sales Surveys
\$0-300K	12
\$301-500K	22
501-700K	77
\$701-1M	46
Over \$1M	34
<b>Total</b>	<b>145</b>