

KING COUNTY OMBUDS OFFICE

# Semi-Annual Report

September 1, 2017 – February 28, 2018



## Background

The King County Ombuds 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 Ombuds 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 Ombuds 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 Ombuds Office reports to the Metropolitan King County Council in March and October each year on the activities of the Office for the preceding semiannual period, per KCC 2.52.150. This report summarizes Office activities for September 2017 through February 2018.

## 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.

# The Ombuds Office

The Ombuds Office opened 665 cases and inquiries from residents and county employees, and closed 547 complaints during that same period. Ombuds cases are either classified as Investigation, Assistance, or Information.

The Ombuds Office opened 26 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. Investigations are the most resource-intensive aspect of our Office's work.

# Response to Complaints

The Ombuds Office reviews each complaint individually, to determine the appropriate actions. Once we fully understand the complaint, 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 Ombuds 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 Ombuds 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.

## Cases Received

The table below shows the number of cases associated with each county agency, and reveals how we responded to the cases we received during the semi-annual reporting period. Departments not listed in the table had no Ombuds cases during the report period.

Department	Assistance	Investigation <sup>1</sup>	Information	Total
Adult and Juvenile Detention	78	8	170	256
Assessments	4	2	3	9
Community and Human Services	1	0	6	7
County Council	1	0	2	3
County Executive Office	1	0	2	3
District Court	1	0	0	1
Executive Services	21	2	7	30
Information Technology	3	0	0	3
Natural Resources and Parks	5	0	7	12
Ombuds Office/Tax Advisor <sup>2</sup>	18	1	4	23
Permitting and Environmental Review	23	1	8	32
Prosecuting Attorney's Office	4	0	5	9
Public Defense	0	0	6	6
Public Health	68	4	23	95
Sheriff's Office	9	7	6	22
Superior Court	0	0	5	5
Transportation	20	1	3	24
Non-Jurisdictional <sup>3</sup>	25	0	100	125
<b>Total</b>	<b>282</b>	<b>26</b>	<b>357</b>	<b>665</b>

<sup>1</sup> Investigations include general jurisdiction complaints, alleged violations of the ethics code, employee whistleblower reports of improper governmental action, whistleblower retaliation, and ombuds-initiated investigations.

<sup>2</sup> Cases coded to the Ombuds Office include inquiries about Ombuds operations and processes, public records requests, PAO litigation holds and records requests, special projects, etc.

<sup>3</sup> The 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 cases we closed during the reporting period.

Allegation	Resolution
<p>Conflict of interest due to acceptance of a campaign contribution from a company doing business with the Sheriff's Office.</p>	<p>Declined investigation following preliminary review. Campaign contributions are not covered under the county's ethics code. This is consistent with state law, which separately and comprehensively regulates campaign contributions to political candidates.</p>
<p>Sheriff improperly directed staff not to document a sexual assault allegation alleged by former deputy against the Sheriff.</p>	<p>Supported. Ombuds investigation found that Internal Investigation Unit (IIU) staff informed then-Sheriff John Urquhart of the former deputy's allegation that the Sheriff sexually assaulted her in 14 years earlier, and that the Sheriff directed IIU not to document the allegation. We determined that the Sheriff and IIU had conflicts of interest and should have retained an outside investigator with experience in sexual assault investigations to review the matter, and recommended that the Sheriff's Office amend policies to ensure documentation of complaints and proper handling of conflicts of interest. The Sheriff accepted the recommendations in principle, and his successor is formulating the policy amendments.</p>
<p>Denial of healthcare benefits to complainant and dependent due to lack of a marriage certificate.</p>	<p>Supported. Upon investigation, Benefits, Payroll, and Retirement Operations acknowledged that it made a mistake in its response about the complainant's former domestic partnership, and that complainant would not have to produce a marriage certificate to obtain healthcare benefits.</p>

## Case Summaries (continued)

<p>DNRP inaccurately calculated complainant's capacity charge.</p>	<p>Unfounded. We found that a late notice of a capacity charge did not exempt the property owner from payment. We also found that expecting the complainant to pay decades of late fees and interest accrued would be potentially unfair, and facilitated a conversation with DNRP to mitigate the total invoice amount. Complainant agreed to pay the discounted amount.</p>
<p>Resident needs help with code enforcement case regarding cleaning up a property.</p>	<p>Ombuds Office worked with the resident, the resident's family, the resident's neighbor, and with several county divisions within the Department of Natural Resources and Parks and the Department of Permitting and Environmental Review to develop a plan to clean up the resident's property and the neighbor's property. The resident has the cleanup underway and has appealed to the Hearing Examiner for more time to complete the cleanup.</p>
<p>County not permitting a purchased tiny home that is HUD approved, and demanding that it be removed.</p>	<p>Based on information provided by the resident, we determined that the model purchased by the resident had not in fact been approved by the state agency as a mobile home, and instead was properly to be licensed as a recreational vehicle. As a result, the purchased model could not be used as an accessory dwelling unit. The Ombuds Office notified the resident of this determination and provided information about alternate acceptable tiny home models.</p>

## Case Summaries (continued)

The county failed to secure a storm water drain which resulted in flooding on complainant's property when it rains or snows.

Ombuds Office determined that tree roots were restricting the flow from a drainage pipe, and facilitated communications between the county's Department of Transportation and the complainant about the clogged concrete drainage pipe. DOT hired a contractor to remove the tree and county crews removed the roots from the concrete pipe, inspected it, and found it to be in serviceable condition. The drainage pipe is now free flowing.

The Department of Adult and Juvenile Detention's denial of a certain book genre was racially motivated.

Unfounded. We found that the denial of a genre known as "Urban Fiction" was not motivated by race, but due to sexual and violent content. DAJD management stated that it would reconsider banning Urban Fiction outright and instead institute a case-by-case review system. DAJD also committed to clarifying the language used in the Inmate Handbook about Urban Fiction.

The Department of Adult and Juvenile Detention failed to timely process complainant's request for a religious diet.

Unfounded. The requests for a religious diet did not comply with the required procedure as outlined in the Inmate Handbook and therefore, the requests were routed incorrectly, which added several weeks' processing time. We determined, however, that the information provided to inmates in the handbook could be confusing, and therefore we are working with management to clarify language for future printings of the handbook.

## Case Summaries (continued)

<p>A Department of Adult and Juvenile Detention employee was upset with the department's response to a public records request and sought assistance with a current request.</p>	<p>We provided information and guidance on the public records request process, and worked with both the requestor and the agency to scope the request, so that it would provide the information the requestor wanted and also not be unnecessarily burdensome to the agency. This meant that the requestor received records more quickly and that were more likely to meet the requestor's needs.</p>
<p>Alleged violation of the Employee Code of Ethics.</p>	<p>Complainant alleged that an employee of the Prosecuting Attorney's Office, who was also a candidate for the state senate, had violated the county's ethics code because the employee had used non-public information that she obtained from her job for her personal benefit in her political campaign. We conducted a thorough investigation and concluded that there was no evidence that the employee had received non-public information from her job as alleged, and therefore, had not violated the ethics code.</p>
<p>Alleged violation of Employee Code of Ethics.</p>	<p>An employee alleged that an upper-level Department of Transportation manager violated the county's ethics code because she attended a meeting regarding an investigation of people to whom she is related. We looked at the manager's attendance at the meeting and more broadly at whether she was improperly involved in the investigation. We found that since the manager did not have a current family relationship with the subjects of the investigation that would be regulated by the ethics code, her involvement in the investigation was not improper. Despite our finding of no violation, the manager understood the employee's concern, and both the employee and manager said they planned to talk with each other directly after the investigation was over.</p>

# Whistleblower Program

King County encourages employees to report significant wrongdoing, called “improper governmental action,” so that problems can be identified and corrected. King County’s Whistleblower Protection Code creates a reporting process for employees, and protects employees from retaliation for reporting improper governmental action or cooperating in investigations of it.

## Whistleblower Cases by Department

The table below lists whistleblower and whistleblower retaliation cases processed by the Ombuds Office during the reporting period. Departments not listed in the table had no Ombuds whistleblower cases.

Department	Open Cases Carried Forward	New Cases Opened	Cases Closed	Carried Forward Into Next Reporting Period
Adult and Juvenile Detention	3	0	3	0
Executive Services	0	1	0	1
Natural Resources & Parks	1	0	0	1
Public Defense	0	2	1	1
Public Health	0	3	1	2
Sheriff’s Office	1	0	1	0
Transportation	2	2	3	1
<b>Total</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>6</b>

## Whistleblower Case Summaries

The nature and circumstances of whistleblower complaints varies widely. These selected case summaries offer a sample of the range of allegations and resolutions.

- A Department of Transportation employee originally filed a complaint of whistleblower improper governmental action, which he later revised to a complaint of retaliation. We determined that the employee's recent claims would be investigated under the whistleblower code, and that earlier incidents too old to qualify for whistleblower protection would be investigated under the Ombuds' general authority. We transmitted the complaints to the department director, which expressed its strong commitment to resolve the complainant's concerns. As a result, all of the parties agreed to try mediation to resolve the issues, as is allowed by the whistleblower statute. Several mediation sessions were conducted with an Ombuds Office representative in attendance, and agreements were reached on some issues, with partial resolution of the complaint. Full settlement was not achieved, however, and the case was closed when the complainant filed a claim with Risk Management.
- A Department of Adult and Juvenile Detention employee alleged that a superior officer had made a false report by claiming that a sergeant did not physically engage during a use of force incident. Complainant therefore alleged an abuse of authority under the Whistleblower Protection Code. The Ombuds Office conducted an investigation and found that the superior did not misrepresent the facts and had a legitimate basis for requesting a fitness review of the officer. We concluded that there was not an abuse of authority and no whistleblower violation. The complaining officer thanked us for investigating the matter and providing a resolution to his concerns. The case was closed as unsupported.
- An employee alleged whistleblower retaliation within the Sheriff's Office. The employee had filed various whistleblower and retaliation complaints with the Ombuds Office previously. We investigated the whistleblower retaliation complaint after the parties declined to attempt resolution through mediation. The evidence showed that some allegations did not amount to changes in terms and conditions of employment that would constitute retaliation, and that other allegations did involve changes to terms and conditions, but that they were warranted and imposed for legitimate business reasons. The case was closed as unsupported.

## Ombuds Departmental Outreach Initiative

Employees with a whistleblower complaint of improper governmental action may make their reports to a designated official within their department or to the Office of the Ombuds. When employees report to the department, the investigating official is required to provide the Ombuds with a copy of the reports they produce, including a final investigative report. In order to assess and ensure consistency in such reporting, the Ombuds has initiated outreach to the departments. Senior Deputy Ombuds are facilitating discussions with departmental human resources and labor relations personnel, which have resulted in increased mutual understanding about whistleblower reporting, and have surfaced ideas for improving the reporting process, which the Ombuds will evaluate and implement as indicated.

# Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombuds 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 provide comparable sales searches and information on property tax exemption programs.

## Contacts

The Tax Advisor Office, a section of the Ombuds 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 provide comparable sales searches and information on property tax exemption programs.

Month	Information	Research	Total
September	278	97	375
October	375	88	463
November	197	70	267
December	158	11	169
January	185	28	213
February	512	77	589
<b>Total</b>	<b>1,705</b>	<b>371</b>	<b>2,076</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	6
\$201-300k	11
\$301-400k	15
\$401-500k	18
\$501-700k	34
4701-1M	33
Over \$1M	56
<b>Total</b>	<b>173</b>



### Contact the King County Ombuds Office:

---

516 Third Avenue, Room W-1039  
Phone: 206.477.1050  
Email: [ombuds@kingcounty.gov](mailto:ombuds@kingcounty.gov)

Web: [kingcounty.gov/operations/ombudsman.aspx](http://kingcounty.gov/operations/ombudsman.aspx)