

Washington State Auditor's Office
Whistleblower Investigation Report

Pierce College

Report No. 1012070

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June 12, 2014



Washington State Auditor
Troy Kelley

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Washington State Auditor Troy Kelley

June 12, 2014

Michele Johnson, Chancellor
Pierce College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-013 at Pierce College.

The State Auditor's Office received an assertion of improper governmental activity at the College. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

TROY KELLEY
STATE AUDITOR

cc: Mr. Choi Halladay, Vice President of Administrative Services
Governor Jay Inslee
Evelyn Lopez, Acting Executive Director, Executive Ethics Board

Whistleblower Investigation Report

State of Washington Pierce College

ASSERTION AND RESULTS

Our Office received a whistleblower complaint asserting an employee at Pierce College was using state resources for personal gain. The complaint also asserted the subject was using state resources to support outside organizations.

We found reasonable cause to believe an improper governmental action occurred. The subject used her College computer to create documents supporting outside organizations.

ABOUT THE INVESTIGATION

Consistent with the state Executive Ethics Board's rule regarding use of state resources, Pierce College employees are allowed very limited personal use of workplace computers, electronic mail, and Internet. The policy also states that any use for the purpose of supporting, promoting the interest of, or soliciting for an outside organization, such as private business or a non-profit organization, is prohibited at all times.

Our Office obtained the subject's hard drives and reviewed the data retrieved, which included Internet and email use and documents.

We reviewed the subject's email and Internet browsing activity from January 1, 2013 through February 5, 2014. We found the subject's use of email and the Internet for personal purposes was brief and infrequent. However, we found the subject used her computer to create six documents supporting outside organizations, which is specifically prohibited by state law and rules and College policies.

During our interview with the subject she explained she created these documents using the College computer because she did not have a home computer.

COLLEGE'S PLAN OF RESOLUTION

Pierce College takes its role of responsibly managing the resources and trust of the Taxpayers of the State of Washington seriously. The College will strive to improve training and awareness of ethics rules and laws to all staff.

Pierce College has already begun a comprehensive program of in-person ethics training for all staff and has, since the beginning of the 2014 Fiscal Year, trained approximately 85 staff members. In addition, the Human Resources Department is reorganizing the

employee intake system so that all new employees receive ethics training immediately upon hire rather than waiting for the next available training session.

With respect to the individual staff member who is the subject of this investigation, the College will counsel them individually on the specific results of the investigation and work with them to ensure compliance in the future. As in all cases of allegations of wrong-doing, internal Human Resource processes at Pierce College may indicate additional appropriate disciplinary actions as well.

The College thanks the State Auditor's Office for the professionalism of its investigation and for its communication and engagement with Pierce College during this process.

STATE AUDITOR'S OFFICE CONCLUDING REMARKS

We thank College officials and personnel for their assistance and cooperation during the investigation.

Whistleblower Investigation Criteria

State of Washington Pierce College

We came to our determination in this investigation by evaluating the facts against the criteria below:

Assertion 1: An employee at the College is using state resources for personal gain.

RCW 42.52.160 - Use of persons, money, or property for private gain.

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

Assertion 2: An employee at the College is using state resources to support an outside organization.

WAC 292-110-010 - Use of state resources.

(5) Prohibited uses:

(a) Any use for the purpose of conducting an outside business, private employment, or other activities conducted for private financial gain;

(b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to, a private business, or a political party, or supporting, promoting the interests of, or soliciting for a nonprofit organization unless provided for by law or authorized by an agency head or designee;

(e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy

Contacts

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