



Washington State Auditor's Office

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Whistleblower Investigation Report Office of Public Defense

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Washington State Auditor

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Joanne Moore, Director
Office of Public Defense

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-009 at the Office of Public Defense.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. 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,

JAN M. JUTTE, CPA, CGFM
ACTING STATE AUDITOR
OLYMPIA, WA

cc: Sharon McAferty, Senior Financial Analyst
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Justin Brackett, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

We received an assertion that a manager at the Office of Public Defense used state resources for personal gain. Specifically, it was alleged the subject used the Internet and email system for activities unrelated to her work, such as searching for homes and to obtain financing for a home and an automobile.

We found reasonable cause to believe an improper governmental action occurred.

About the Investigation

Our Office obtained the subject's hard drive and email folders and created a report based on the data retrieved.

We reviewed the subject's Internet activity, documents, and email from October 2013 through September 2014. We found the subject's use of her state-issued computer to be de minimis with the exception of her email use.

During an interview, the subject said many of the emails we identified as personal would begin as work-related and transition into personal topics. We took her point into consideration and subtracted work-related emails found within the email strings we had initially identified.

Over the 218 days the subject worked, we found 627 non-work-related emails, of which 566 were with three individuals. The other 61 were with various sources.

We found:

- On one day the subject sent and received 30 emails with one recipient, starting at 9:14 am and ending at 2:12 pm.
- During the week of June 8, 2014, the subject sent and received 47 personal emails.
- On 22 days the subject sent and received 10 or more personal emails.

Agency's Plan of Resolution

This employee's job requires extensive use of email communication. Due to this large volume, the employee felt the emails cited represented a de minimis use of state resources. Given that the total number of personal emails cited equaled .7 of one percent of the 93,889 emails received by and sent to the employee during one year, one can understand the employee's mistaken interpretation.

- *After receiving the Auditor's Office conclusion that an improper governmental action occurred, the employee immediately ceased any and all personal computer use.*
- *The Office of Public Defense has scheduled ethics training for all employees next week. This training will emphasize IT use and employee ethics. In addition, the Office of Public Defense will be issuing a new directive on personal use of state-issued computers for all employees.*
- *Management will periodically discuss employee ethics requirements at weekly staff meetings.*
- *The Office of Public Defense takes ethics complaints very seriously and intends that the proposed resolution plan will address the issues raised in the investigation.*

State Auditor's Office Concluding Remarks

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

WHISTLEBLOWER INVESTIGATION CRITERIA

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

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.