



Washington State Auditor's Office

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Whistleblower Investigation Report **Pierce College**

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Washington State Auditor's Office

November 19, 2015

Michele Johnson, Ph.D., Chancellor
Pierce College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-035 at the 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,

A handwritten signature in blue ink that reads "Jan M. Jutte".

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

cc: Choi Halladay, Vice President of Administrative Services
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting an administrator at Pierce College used his state-issued computer for non-work-related purposes, including use for an outside business.

We found no reasonable cause to believe an improper governmental action occurred.

About the Investigation

Our Office obtained the subject's hard drive and email folders and examined the data retrieved.

The subject's computer hard drive was replaced in April 2015, which limited our examination of his Internet browsing activity to April 3, 2015 through June 15, 2015, the date the hard drive was imaged for this investigation. We also examined the subject's email folder from June 15, 2014 through June 15, 2015. We found the subject's use of his computer, email and the Internet for non-work-related purposes was brief and infrequent.

We found no evidence the subject used his computer for an outside business.

State Auditor's Office Concluding Remarks

We thank College 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, states in part.

(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.

WAC 292-110-010 Use of state resources, states in part.

(2) The following are permitted uses:

(a) Use of state resources that is reasonably related to the conduct of official state duties, or which is otherwise allowed by statute.

(b) An agency head or designee may authorize a use of state resources that is related to an official state purpose, but not directly related to an individual employee's official duty.

(c) An agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee.

(d) A state officer or employee may make an occasional but limited personal use of state resources only if each of the following conditions are met:

(i) There is little or no cost to the state;

(ii) Any use is brief;

(iii) Any use occurs infrequently;

(iv) The use does not interfere with the performance of any officer's or employee's official duties; and

(v) The use does not compromise the security or integrity of state property, information, or software.