



Washington State Auditor's Office

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Whistleblower Investigation Report

Department of Social and Health Services

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November 14, 2016

Patricia Lashway, Acting Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 16-017 at the Department of Social and Health Services.

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

cc: Governor Jay Inslee
Andrew Colvin, Discovery/Ethics Administrator
Kate Reynolds, Executive Director, Executive Ethics Board
Jacque Hawkins-Jones, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a complaint asserting an employee (subject) of the Department of Social and Health Services was using her state time and computer to lobby the Legislature on behalf of a non-profit business.

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

About the Investigation

Our Office examined the subject's Internet history and email folders for March 2015 through July 2016, and leave documentation for March 2015 through March 2016.

We interviewed the subject, who explained that while she did conduct some non-profit business during normal work hours, she used leave without pay to ensure a clear division between her state work and non-profit.

We reviewed leave documentation and found she submitted 63 hours of leave without pay from January 20 through February 16, 2016. We found no evidence related to the non-profit on her state-owned computer.

State Auditor's Office Concluding Remarks

We thank Department 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.

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

(5) Prohibited uses:

(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;

(d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.190(3);