



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report

South Puget Sound Community College

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October 9, 2017

Timothy Stokes, President
South Puget Sound Community College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 17-032 at the South Puget Sound Community 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.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Samantha Soto, Assistant Chief Human Resource Officer
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting a South Puget Sound Community College (College) employee (subject) used state resources for non-work-related purposes.

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

About the Investigation

We obtained the subject's hard drive and created a forensic report based on the data retrieved. Due to the considerable amount of data, we limited our examination of the subject's Internet history to April 17, 2017, through July 18, 2017.

We found the subject spent approximately 148 hours over 52 workdays browsing non-work-related Internet sites, 113 hours of which was spent accessing online videos.

During an interview, the subject acknowledged his use of the state computer for non-work-related purposes. He said he often turns on YouTube videos in order to have background noise. He said he works "completely independently" and is "very busy" most of his shift, he is "very proud of" what he does and knows he is a hard worker.

A state ethics rule (WAC 292-110-010(3)(a)) permits the de minimis personal use of state resources as long as the use meets certain criteria, including that the use is brief and infrequent. The subject's personal use of the state computer was not de minimis; therefore, we found reasonable cause to believe an improper governmental action occurred.

College's Plan of Resolution

Thank you for the opportunity to review and respond to the State Auditor's Office (SAO) draft report on Whistleblower Case No. 17-032. South Puget Sound Community College takes the assertions seriously and appreciates the assistance of the SAO in developing important facts in its investigation. In accordance with applicable collective bargaining agreements and agency policy, the College will afford the employee an opportunity to respond to the Auditor's report. Based on the outcome of that process, the College will take appropriate action, which may include formal disciplinary action up to and including dismissal.

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(1) - 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(1) - Use of state resources.

(1) Statement of principles. All state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, and their time. This section does not restrict the use of state resources as described in subsections (2) and (3) of this section.

(3) Permitted personal use of state resources. This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis 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 state officer's or employee's official duties;

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

(vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and

(vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.