



**Office of the Washington State Auditor**  
**Pat McCarthy**

**Whistleblower Investigation Report**  
**Department of Social and Health**  
**Services**

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December 27, 2018

Cheryl Strange, Secretary  
Department of Social and Health Services

**Report on Whistleblower Investigation**

Attached is the official report on Whistleblower Case No. 18-040 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.

If you are a member of the media and have questions about this report, please contact Director of Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Assistant Director of State Audit Troy Niemeyer at (360) 725-5363.

Sincerely,

Pat McCarthy  
State Auditor  
Olympia, WA

cc: Governor Jay Inslee  
Andrew Colvin, Discovery & Ethics Administrator  
Kate Reynolds, Executive Director, Executive Ethics Board  
Cheri Elliott, Lead Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion and Results

Our Office received a complaint that a Department of Social and Health Services supervisor (subject) allowed his staff to sign someone else's name on a document and then notarize the document.

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

## Background

The Department's Division of Child Support (DCS) has five Child Support Unit (CSU) offices in the northern region of the state. Prior to June 2018, legal documents were generated in all of these offices, but it was standard procedure that the documents could only be printed in the Everett office, which is the main office for these CSUs. Once printed, the documents were signed and notarized at the Everett office, and then forwarded to the client's county of residence for filing.

In June 2018, after the following information became known, the process changed to allow the CSUs to print, sign and notarize documents and then forward them to Everett for mailing.

## About the Investigation

We reviewed the subject's emails and conducted interviews. We found an email sent in April 2018, from an employee in a CSU to the subject, asking how his office processed legal documents generated in a CSU.

We spoke with the employee from the CSU, who explained that the email was in response to two Support Enforcement Officers (SEOs) in her office informing her that documents they had generated had signatures other than their own. The names on the documents were theirs, but someone else had signed their names. One SEO told her that whoever signed the document had also notarized it. Both SEOs were concerned about someone signing their names. Further investigation at that CSU revealed other documents signed in the same fashion or bearing another's signature even though the document still bore the originating SEO's name.

The SEOs involved told our Office that when they generated the document, the system automatically inserted their name. None of them could explain why the document had to be printed in the Everett office, just that it was the procedure. They thought that what occurred once the document was printed in Everett, was that another SEO crossed out their name, wrote their own, and then signed and had it notarized.

After receiving the above-referenced email, the subject emailed one of his employees, a notary, and asked about the procedure. In the email string, the subject responded that the documents from the CSU go directly to a notary, who gets another SEO to sign it and then she notarizes it. The next question to the subject specifically asked whether the SEOs are signing their own names. At that

point, the subject emailed the notary asking if she crosses out the original SEO's name and has a local SEO add theirs. In response, the notary said that either she has someone sign or she signs the name of the person listed on the document. The final email in the string was from the subject to the notary and said in part, "you get SEO to sign and you notarize – does that sound like the right answer?"

When we spoke with the subject, he said he stopped emailing and started communicating directly with the notary and the CSU SEO, because he felt he was not getting anywhere emailing. He said he was not aware the notary was processing documents the way she was and that the policy is to cross out the named SEO on the document, write in the name of the SEO who will be signing the document and then have it notarized. He did not know why the notary thought it was acceptable to sign someone else's name and notarize the document. He spoke with her about it and said she was very upset that she had been doing something she should not have been and that afterward she understood she could no longer process the documents in this manner. However, when we asked how he knew she understood, he said she did not verbalize it, but he could read it in her facial expression. He said he did not check back with her to ensure the practice stopped because he was sure it had, because she is an excellent employee.

During an interview, the notary said the Department had never provided notary training until June 2018. She said she processed documents the way she did because they were kept very busy with all the CSU documents; she did whatever she had to in order to keep things moving. If an SEO were available to sign, then she would have them sign; if none were available, she would sign. She had stacks of documents sitting on her desk waiting for her to notarize. She said the subject asked her about the process, but did not tell her to stop what she was doing so she continued getting the documents out for filing until June, when the process changed.

After speaking with the notary, we contacted the subject to respond to her comments. The subject said that there was another email communication from the notary in response to the one referenced above, which we believed to be the final email. In this email the notary responded, "[SEO] now gets to be the one I bother all day[.]" He said this led him to believe the notary understood that someone else was to sign the document before she notarized it. However, he said he did not check back to ensure that this occurred.

We found the subject grossly mismanaged his responsibilities when he failed to ensure his staff complied with notary law (RCW 42.45.040). Therefore, we found reasonable cause to believe an improper governmental action occurred.

## **Department's Plan of Resolution**

*Prior to DSHS receiving notification of this whistleblower investigation, DSHS enacted the following changes to provide clarity to staff and ensure compliance with notary law:*

- *On June 21, 2018, DSHS' Division of Child Support (DCS) Everett Field Office provided statewide mandatory training to DCS notary staff covering current notary requirements, highlights of the changes in the new RCW (42.45), and a FAQ document. Going forward, Everett Field Office will provide annual notary training for their notary staff.*
- *On July 2, 2018, DCS enabled the remote Child Support Units (CSU) to print in their local office allowing the responsible Support Enforcement Officer to sign forms in coordination with a local notary.*

*DCS' Everett Field Office developed procedures outlining the new process for the CSUs to print locally and highlighting key requirements of the notary law; including the requirement of the presence of the signatory. DCS distributed the new procedures to Everett Field Office and CSU staff in September 2018.*

### **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 42.40.020**

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(iv) Which is gross mismanagement;