



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report
Department of Corrections

For the period July 1, 2013 through June 30, 2014

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Report No. 1012530





Washington State Auditor Troy Kelley

September 15, 2014

Bernie Warner, Secretary
Department of Corrections

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-018 at the Department of Corrections.

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,

TROY KELLEY

STATE AUDITOR

cc: Liana Dupont Smith, Operations Review Coordinator, Internal Audit
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board

Whistleblower Investigation Report

State of Washington Department of Corrections

ASSERTION AND RESULTS

Our Office received an assertion that a supervisor at Coyote Ridge Correctional Center was selling a nutritional supplement at the facility during work hours.

We found reasonable cause to believe an improper action occurred.

ABOUT THE INVESTIGATION

We reviewed the subject's Internet use and email folders and found she had not used either for her outside business. However, witnesses said the subject was promoting, selling and delivering the product at the facility.

The subject said she had sold the product at work until her supervisor told her to cease that activity. She said she sold and delivered at work, but had not approached anyone directly to purchase.

During our interviews, we were told the subject had previously sold another product during work hours at the facility. The subject said she had sold that product four or five years previously, but had not done so at the office. However, she did deliver the product at the facility and kept a catalog of products at work.

State ethics laws do not allow the use of state resources for the purpose of conducting an outside business.

DEPARTMENT'S PLAN OF RESOLUTION

The Department considers any ethics violations to be serious. The appointing authority has reviewed the draft report and is prepared to follow established procedures to determine the appropriate action to take as soon as the State Auditor's Office provides the supporting documentation and interview notes gathered during their investigation.

STATE AUDITOR'S OFFICE CONCLUDING REMARKS

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

Whistleblower Investigation Criteria

State of Washington Department of Corrections

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 292-11-010 - Use of state resources.

(5) Prohibited uses:

(a) Any use for the purpose of conducting an outside business, private employment, or other activities conducted for private financial gain;

