



# Washington State Auditor's Office

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## Whistleblower Investigation Report Department of Corrections

For the period July 1, 2014 through June 30, 2015

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## Washington State Auditor

June 18, 2015

Bernie Warner, Secretary  
Department of Corrections

### Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-017 and 15-031 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,

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

cc: Vicki DeBoer, Audit Director/Ethics Administrator  
Governor Jay Inslee  
Kate Reynolds, Executive Director, Executive Ethics Board  
Jennifer Wirawan, Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion and results

Our office received submissions asserting two Department of Corrections (Department) employees gained a special privilege when they accepted gifts from a state vendor sales representative. Subject 1 is the supervisor of subject 2.

In both cases (15-017 and 15-031) we found reasonable cause to believe an improper governmental action occurred.

## Background

On September 8, 2014, a contracted state vendor (vendor) held a customer appreciation event at a Major League Baseball game in Seattle. The vendor purchased suite tickets and ordered light catering for the event. The vendor provided tickets to its sales representatives to distribute to customers for free access to the game and suite. The Department is a customer of the vendor.

## About the Investigation

Our Office received a whistleblower complaint alleging subject 1 accepted tickets to the game from the vendor. As authorized by state law (RCW 42.40.040(5)(d)), we referred the matter to the Department. The Department investigated and reported its findings to our Office.

Shortly after receiving the Department's investigative results regarding subject 1, our Office received a complaint asserting subject 2 also accepted a ticket to the game from the same vendor.

We interviewed the vendor who said she personally invited both subjects to the game. Both tickets and a parking pass were emailed to subject 2's personal email account by the vendor. The vendor informed both subjects the event was a sponsored customer appreciation event. The vendor reported the cost per ticket as approximately \$40.

The \$40 price per ticket was a special price provided to the vendor. Our office used pricing charts in effect on September 8, 2014, to determine how much a single suite ticket would cost without the vendor discount. Because suite pricing requires a minimum number of tickets purchased, our dollar value is an estimate. A suite equivalent to the size and location provided by the vendor, without catering, had an estimated value of \$105 per ticket. Additionally, subject 2 used a parking pass provided by the vendor, which had a value of \$20 to \$40.

In the Department's investigation, subject 1 confirmed she accepted a suite ticket from the vendor, but said she spent most of the time outside in the smoking area because she did not know anyone there. She added she left before the end of the game because she is not interested in baseball.

We interviewed subject 2 who said she accepted an invitation to the game from subject 1. Subject 2 initially told us subject 1 handed her the ticket on the way to the game, but later admitted both tickets were emailed to her personal email address by the vendor representative. She said subject 1 told her the invitation from the vendor representative was as a friend and was not related to the vendor's business with the Department.

During our interview, subject 1 said she thought the vendor invited her to the game as a friend, and not because of her position with the Department. She originally said during an interview with the Department that she didn't know anyone at the game because she wanted to take full responsibility and was not trying to "cover up for anyone."

We found reasonable cause to believe an improper governmental action occurred when the subjects accepted gifts above the allowable limit of \$50.

### **Agency'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. The process will abide by the Collective Bargaining Agreement with Teamsters Local Union # 117. We will be requesting copies of the auditor's working papers to assist in our decision making process.*

### **State Auditor's Office Concluding Remarks**

We thank Agency 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 42.52.070 - Special privileges.

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

### RCW 42.52.150 - Limitations on gifts.

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.