



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

# **Whistleblower Investigation Report**

## **Department of Ecology**

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Pat McCarthy**

July 16, 2018

Maia Bellon, Director  
Department of Ecology

**Report on Whistleblower Investigation**

Attached is the official report on Whistleblower Case No. 18-029 at the Department of Ecology.

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 Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy  
State Auditor  
Olympia, WA

cc: Governor Jay Inslee  
Sandi Stewart, Human Resources Director  
Kate Reynolds, Executive Director, Executive Ethics Board  
Cristopher de la Peña, Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion(s) and results

We received a whistleblower complaint asserting a Department of Ecology (Department) employee (subject) extended a special privilege when she arranged flights for her spouse, not a state employee, at the discounted state rate and used state funds to purchase his tickets.

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

## Background

The state contracts with several airlines to provide discounted airfare for employees who travel on official state business. The state also contracts with companies that provide assistance to employees who require guidance or assistance with arranging their travel.

## About the Investigation

We reviewed the subject's emails from January 1, 2018, through February 28, 2018, and interviewed witnesses.

During an interview, the subject said, and an email confirmed, that she sought guidance on the proper process for her spouse to travel with her before contacting the travel agent.

An email from the subject to the travel agent regarding booking her official travel and travel for her spouse indicated she would use a personal credit card to pay for her spouse. We also found two emails with itineraries; the subject used the Department as the billing address, and her spouse did not.

We interviewed a travel agent and the administrator of the travel service used by the subject. Both said the subject charged her travel to the Department, but not her spouse's. The travel agent said it was not unusual for individuals to book official travel and concurrent travel for a spouse and in these situations, the company always ensures the spouse does not receive the government rate and the spouse's ticket is bought using a personal credit card. The administrator confirmed the subject booked her spouse's travel at the regular rate and paid with a personal credit card.

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

## 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:

### Assertion 1:

#### **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.

### Assertion 2:

#### **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.**

(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.

(2) Permitted uses.

(a) Use of state resources for official state purpose. "Official state purpose" includes use of state resources to conduct official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities otherwise allowed by statute.