

1 EXPEDITE
2 No Hearing Set
3 Hearing is Set
4 Date: March 8, 2013
5 Time: 9:00 a.m.
6 The Honorable Gary Tabor
7

8 STATE OF WASHINGTON
9 THURSTON COUNTY SUPERIOR COURT

10 STEPHEN CHAUSSEE, an individual,
11 Plaintiff,
12 v.
13 STATE OF WASHINGTON,
14 Defendant.

NO. 11-2-01884-6

SECOND DECLARATION OF
VERNON DAY IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

15 I, Vernon Day, being over the age of 18 years and competent to testify make the
16 following declaration based upon personal knowledge.

17 1. In reference to my earlier declaration dated January 31, 2013, paragraph 14,
18 attached to this Declaration as **Exhibit 1** is a true and correct copy of the handwritten
19 whistleblower complaint that I reviewed prior to initiating my investigation following the
20 whistleblower report in 2009. It was my understanding and belief that this was the initial
21 complaint received by the Auditor's Office which initiated the whistleblower investigation.

22 2. I did not try to hide Mr. Chaussee's identity from the State Auditor's Office. It
23 is clear to me that the Auditor's Office had been notified that Mr. Chaussee was Mr. Nannery's
24 direct supervisor. The handwritten complaint listed Mr. Chaussee as Mr. Nannery's direct
25 supervisor. The handwritten complaint listed Mr. Chaussee as Mr. Nannery's direct
26 supervisor.

1 supervisor, and included Mr. Chaussee's telephone number. Mr. Chaussee's name was also
2 included in several other materials provided to the Auditor's office, including a list of the
3 Eagle Harbor maintenance staff and Nannery's timesheets.

4 3. Based on the handwriting on the complaint, and my experience seeing Mr.
5 Chaussee's distinctive handwriting on other materials, including timesheets, true and correct
6 copies of which are attached as Exhibit 2, it was my belief that the whistleblower was
7 someone other than Chaussee.
8

9 4. When Mr. Chaussee told RJ Kelly and me that he found a screw in his tire in
10 2008, I asked that the Shore Gang Foreman power sweep the parking lot to ensure that if there
11 were any nails or screws laying around, they would be swept up. However, I had no specific
12 information that would have enabled me to take further action. To my knowledge, Mr.
13 Chaussee did not file any written reports or complaints about finding a screw in his tire in 2008
14 or 2009.
15

16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.
18

19 DATED this 28 day of February, 2013 in Seattle, Washington.

20 
21 _____
22 VERNON DAY
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PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

John P. Sheridan
MacDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, WA 98104
(206) 622-1604

US Mail Postage Prepaid via Consolidated Mail Service

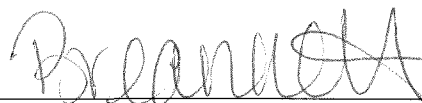
ABC/Legal Messenger

E-mail per agreement

Hand delivered by _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 4th day of March, 2013, at Tumwater, WA.

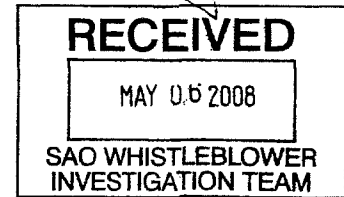


BREANNE HIGGINBOTHAM, Legal Assistant

Exhibit 1

WHISTLEBLOWER REPORTING FORM

Please mail this form to:
 Washington State Auditor's Office
 Attn: State Employee Whistleblower Program
 PO Box 40031
 Olympia, WA 98504-0031



Before filling out this form, please read the following:

- We are **precluded** by state law from investigating complaints involving personnel matters, or matters for which other remedies exists. This includes grievances, appointments, promotions, reprimands, suspensions, dismissals, harassment, and discrimination.
- The issue you are concerned about must have occurred **within the past year**.
- You must be a **current** employee of the State of Washington in order to file a complaint.
- In order to protect your identity, we do not recommend sending this form to our office via electronic mail.

If you have any questions, please contact Sandra Miller, Senior Investigator, at (360) 902-0378, LaRene Barlin, Senior Investigator, at (360) 902-2213, or Cheri Elliott, Investigator, at (360) 725-5358.

Your contact information:

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint. If you choose to provide your name, we will keep it confidential.

Name	Agency	Date
Home or mailing address	Division	Day phone
	Address	Night phone
	Current position	Best time and number to call

Subject's contact information:

Please file a separate form for each state employee or officer who you believe has engaged in improper governmental action.

Name JACK NANNERY	Agency Washington state Ferriss	Division Eagle Harbor
Position CARPENTER Leadman	Location 497 HARBOR DR. BAY BRIDGE IS.	Phone
Subject's Supervisor(s) STEVE CHAUSSEE	Supervisors Position(s) 98110 Foreman	Supervisor's Phone (206) 550-4889
VERN DAY	#1 Eagle Harbor facility manager	
R.J. Kelly	#2 supervisor	

WHISTLEBLOWER REPORTING FORM

How do you know about the information you are disclosing here?

MR NANNERY told me he was interviewed and got the coaching job at Kingston High School - He said that this was a new school. So he quit coaching at North Kitsap school to start at Kingston for the 2007-2008 season

What type of improper governmental action are you reporting?

- Violation of state law or regulation if so which RCW(s) or WAC(s)? FRAUD -
- Substantial and specific danger to the public health and safety
- Gross waste of public funds

Is there any evidence that supports your assertions that can be reviewed? If so, where is the information and can you provide it?

Photos Before Games - Time sheets that says he is changing time to work at St Lewis But in Reality he is playing Baseball when he is supposed to be at work
"See folder - Photos - time sheets - newspapers"

WHISTLEBLOWER REPORTING FORM

Please describe the improper governmental action in detail

The more detailed information you provide for us, the better we will be able to assess your concerns. Attach additional pages if needed. If available, please provide us with copies of documents which support your assertion.

Improper governmental action cannot be personnel related.

MR DANUM is A WA STATE LEARN CARPENTER SHOP
 LEADMAN - HIS LEADMAN POSITION GIVES HIM ACCESS TO
 DEPARTING THE EBLE HARBOR REPAIR FACILITY DAILY
 HE IS LEAVING EBLE HARBOR UNDER THE IMPRESSION OF
 WORKING ON THE TERMINALS - IN REALITY HE IS SLIPPING OFF TO
 HIS SECOND JOB AT KINGSTON HIGH SCHOOL AS A BASKET
 COACH - THE PHOTOS SHOW HIM AT NUMEROUS BALL
 FIELDS, WELL BEFORE HIS 3:30 PM QUITTING HOUR
 HE USUALLY RIDES THE SCHOOL BUS IN FULL UNIFORM.
 ACCORDING TO THE TEAM SCHEDULE THE BUS DEPARTS TO
 SOME GAMES AT 1:30 (USUALLY 2:00 PM FROM KINGSTON
 HIGH SCHOOL) HIS TIME SHEETS SHOW HE HAS BEEN
 CHARGING TIME TO THE TERMINALS HE HAS TOLD HIS
 FOREMAN HE WILL BE AT. THIS HAS BEEN GOING ON
 FOR A LEAST 4 YEARS NOW - HE STARTED COACHING FOR
 THE NORTH KITSAP SCHOOL AT LEAST 4 YEARS AGO
 HE HAS ACCUMULATED HUNDREDS OF HOURS OVER THE YEARS COACHING

WB No. 08-046

WHISTLEBLOWER REPORTING FORM

When did the event(s) take place?

The Last 4 years. (see Game Schedules in folder for 2007-2008 Season "TIMES + DATES ARE ON THEM")

Where did the events(s) occur?

AT VARIOUS HIGH SCHOOLS SUCH AS - KINGSTON, OLYMPIC, NORTH MASON, SEQUIM, PORT ANGELES, BREMENTON, SEQUIM, ECT - (see Game schedule for TIME & DATE)

Are there other witnesses? If so, please provide their names, telephone numbers, positions, agencies, divisions, contact information, and relation to the improper governmental action.

DAVE SEIBERT - CARPENTER - #206-719-6504 - MOST CARPENTERS IN SHOP KNOW THAT JACK IS GONE

COACHING EVERYDAY - "IT HAS BECOME A JOKE IN THE SHOP"

BILL CLELAND - (CARPENTER SHOP / TEND LEADMAN) - FILLS IN FOR JACK AT TIMES

HE IS CLOSE FRIENDS WITH JACK - HE MIGHT NOT ADMIT TO SEEING THIS ACTIVITY BUT KNOWS OF IT

Have you reported this information to another agency? Yes No

If so, which one(s)?

If you have disclosed the information reported here, what is the current status of the matter?

STILL GOING ON AS USUALL - THIS WILL

NOT QUIT - BECAUSE I BELIEVE HE IS GETTING

PAID FOR THIS COACHING POSITION UNDER A

Please mail this form to:

FALSE NAME (POSSIBLY CHUCK NANNERY) *see sheets

WB No. 08-046 Page 57

WHISTLEBLOWER REPORTING FORM

Washington State Auditor's Office
Attn: State Employee Whistleblower Program
PO Box 40031
Olympia, WA 98504-0031

WB No. 08-046
Page 53

Page 5 of 5

Exhibit 2

