



Washington State Auditor's Office

Troy Kelley

Integrity • Respect • Independence

Whistleblower Investigation Report
Department of Social and Health
Services

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

Published March 5, 2015

Report No. 1013726





**Washington State Auditor
Troy Kelley**

March 5, 2015

Kevin Quigley, Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-010 at the Department of Social and Health Services.

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,

A handwritten signature in cursive script that reads "Troy X. Kelley".

TROY KELLEY
STATE AUDITOR
OLYMPIA, WA

cc: Andrew Colvin, Public Disclosure and Ethics Administrator
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertions and results

Our Office received a whistleblower complaint asserting a Department of Social and Health Services employee used state resources for the benefit of an outside business.

We investigated two assertions and found no reasonable cause to believe an improper governmental action occurred.

About the Investigation

Assertion 1: An employee at the Department of Social and Health Services used state resources for the benefit of an outside business.

Our Office obtained the subject's hard drive and email folders and reviewed the data retrieved.

We reviewed the subject's Internet browsing activity, documents, and email folders from November 2013 through November 2014. We found no evidence the subject used her work computer for her outside business.

Assertion 2: An employee at the Department of Social and Health Services used her position to obtain clients for her outside business.

We found no evidence the subject used her position to obtain clients for her outside business.

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:

Assertion 1:

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.

(5) Prohibited uses:

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

(b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to, a private business, or a political party, or supporting, promoting the interests of, or soliciting for a nonprofit organization unless provided for by law or authorized by an agency head or designee;

(e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy

Assertion 2:

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.