



**King County**

# Tri-Annual Report

## King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report  
January 1 to April 30, 2016

May 15, 2016

### Background

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the legislative branch of county government. The Ombudsman's Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombudsman's Office provides property owners with information regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their valuation.

The Ombudsman's Office reports to the Metropolitan King County Council in January, May, and September of each year on the activities of the Office for the preceding calendar period, per KCC 2.52.150. This report summarizes Office activities for January 1 through April 30, 2016.

### Mission

To promote public trust in King County government by responding to complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

### Complaints Received

The Ombudsman's Office received 604 complaints and inquiries from residents and county employees between January 1 and April 30, 2016. Ombudsman cases are either classified as Investigations, Assistance, or Information. A review of our recent case statistics revealed the following:

- The Ombudsman's Office opened 18 new investigations during this period. The allegations that initiated these investigations relate to potential Ethics, Whistleblower, Whistleblower Retaliation violations, and improper administrative conduct. We strive to complete these investigations in a thorough and timely manner to improve county operations and promote public trust in county government, and these cases are the most resource-intensive aspect of our Office's work.
- The Ombudsman's Office received 3.5% fewer cases in this reporting period than in the previous reporting period in 2015. While it is difficult to determine all the reasons for these fluctuations, the Ombudsman's Office is one of the few remaining countywide offices with staff who strive to answer every call during business hours. When residents reach our office, many have already attempted to reach multiple county offices and we make every effort possible to assist them in resolving their issue.

#### Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039  
Phone: 206.477-1050  
Email: [ombudsman@kingcounty.gov](mailto:ombudsman@kingcounty.gov)  
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

## Inquiry Classification

The Ombudsman's Office reviews each complaint individually, to determine the appropriate actions. In addition to addressing individual concerns, we focus on patterns which may indicate a systemic issue. Once we fully understand the complainant, our office responds in one, several, or all of the following three ways:

- Information: Requests for information or advice which may result in referral.
- Assistance: Issues resolved through agency inquiry, facilitation, counseling or coaching.
- Investigation: Complaints that are not resolvable through assistance and are thoroughly investigated. Investigations involve independent evidence collection and analysis, including relevant records, witness testimony, laws, polices, and procedures. The Ombudsman makes findings, may develop recommendations, and follows up to ensure appropriate departmental responses.

## Complaint Disposition

The graph below shows the number of cases associated with each county agency, and reveals how we responded to the 604 complaints and inquiries we received during the first four months of 2016:

Department	Assistance	Investigation <sup>1</sup>	Information	Total
Adult and Juvenile Detention	60	8	184	252
Assessments	1	1	5	7
Community and Human Services	1	1	0	2
County Executive	0	0	0	0
District Court	0	0	4	4
Elections	1	0	0	1
Executive Services	14	3	23	40
Judicial Administration	0	0	1	1
Legislative Branch Agencies	1	0	2	3
Natural Resources and Parks	5	0	4	9
Ombudsman's Office / Tax Advisor <sup>2</sup>	17	0	11	28
Permitting and Environmental Review	22	1	6	29
Prosecuting Attorney's Office	4	0	3	7
Public Defense	0	0	8	8
Public Health	47	0	20	67
Sheriff's Office	2	3	5	10
Superior Court	0	0	10	10
Transportation	12	1	14	27
Non-Jurisdictional <sup>3</sup>	9	0	90	99
<b>Total</b>	<b>196</b>	<b>18</b>	<b>390</b>	<b>604</b>

<sup>1</sup> Investigations include general jurisdiction complaints, alleged violations of the ethics code, employee whistleblower reports of improper governmental action, whistleblower retaliation complaints, and ombudsman-initiated investigations. Cases may be initially classified as Information or Assistance, but changed to Investigation at a later time.

<sup>2</sup> Cases coded to the Ombudsman's Office include inquiries about Ombudsman operations and processes, public records requests, PAO litigation holds and records requests, special projects, etc.

<sup>3</sup> The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

## Case Summaries

The nature and circumstances of the issues we receive often vary widely. Our Office has a broad array of tools to respond to the nuances of each case. The case summaries below describe how our office resolved some of the complaints we completed during the first four months of 2016:

Complaint	Resolution
<p>Complainant alleged that the King County Wastewater Treatment Division charged compound interest on late fees owed for capacity charges to access certain utilities.</p>	<p>Ombudsman staff investigated and found that the agency did not charge additional interest on top of existing late fees and that the billing practices in question are lawful. While the agency did not have a legal obligation to disclose capacity charges to new home buyers, the agency acknowledged that capacity billing is complex and should be communicated more effectively to customers. Ombudsman staff are currently engaged in discussions with the agency to examine potential process and procedural solutions.</p>
<p>Complainant alleged unreasonable delays in securing permit approval from the Department of Permitting and Environmental Review.</p>	<p>Complainant performed an emergency repair to a steep water-view slope to protect their home. The emergency work was done with the agency's approval. The complainant later sold the home but had difficulty with the necessary construction permitting process after the emergency work was completed. Both the seller and buyer complained to the Ombudsman's Office, whose staff worked with them, their technical experts, and the agency to determine the need for relatively minor modifications to the work. The modifications were implemented, the permit was issued, thereby resolving the matter.</p>
<p>Property owner complains that the County made errors during a street vacation that was done 21 years ago. Property owner wanted the County to reverse the vacation.</p>	<p>Ombudsman's Office investigated the details of the vacation and issued findings acknowledging that there were some discrepancies in the vacation documents. We considered that the previous vacation had impacted multiple property owners, the fact that the vacation was done 21 years ago and other important factors and decided not to recommend a modification to the previously approved street vacation.</p>
<p>Complainant alleged that the Department of Permitting and Environmental Review failed to disclose the need for an additional state permit when the complainant was going through the separate county process.</p>	<p>The complainant, who owns an edible marijuana business, alleged that the county agency's failure to inform him of the need for a permit from the Puget Sound Clean Air Agency, impacted the business start date. Ombudsman staff confirmed that the business was required to get a permit exemption or a permit from the Clean Air Agency. We recommended that DPER tell applicants who apply for marijuana growing and processing permits that they will also need to coordinate permits with the Puget Sound Clean Air Agency. DPER accepted our recommendation.</p>

Complaint	Resolution
Complainant who speaks English as a second language alleged that information about obtaining business permits on King County's website and at the licensing counter is confusing.	Ombudsman staff worked with Records and Licensing Services Division (RALS) and DPER to improve and correct information on the County website and to provide customers at the licensing counter with better information concerning licensing requirements for businesses located in unincorporated King County.
Complainant alleged that Real Property Services Office within the Facilities Management Division was unhelpful and unresponsive.	Complainant wished to purchase a small tax title property adjacent to his home. Ombudsman staff worked with FMD, which contacted the resident about buying the adjacent tax title property. The resident was pleased with the result.
Complainant alleged that the Sheriff's Office was not doing enough to address alleged neighborhood criminal activity.	Ombudsman staff helped coordinate a meeting between key Sheriff's Office personnel and a community group to discuss the problems and answer questions. The community meeting led to greater information sharing about the neighbors' concerns, and about the legal and capacity limitations on Sheriff's Office responses.
Complainant alleged that value assessed for Pacific Raceways by the Assessor's Office was too low compared to the sale price.	Ombudsman staff examined tax information for Pacific Raceways' parcels to better understand the methodology the Assessor's Office used to determine value of the property. We confirmed that a market approach (land assessment) and cost approach (improvements assessment) were used to assess the value, coupled with the fact that there was no other similarly situated property comparable to Pacific Raceways in Washington State. We determined that the assessments made were likely legally compliant and the taxes were proportionate to the improvements made on the property. Ombudsman staff to the complainant that the assessed value of a property is not necessarily reflective of the sales price, as the sales price may be determined at the sole discretion of the seller.
Anonymous complainant alleged that a County supervisor approved purchase of seats for a County vehicle slated for public auction, with the intent to have a family member purchase the vehicle at auction for supervisor's personal financial gain.	Ombudsman staff transmitted a summary of the issue to the department. Because the auction had not yet occurred, we recommended that the department provide proactive education to the supervisor to prevent an ethics violation. We also reviewed the results of the department's inquiry and requested additional follow up to address unresolved concerns. While there was not sufficient evidence of an ethics violation, the department counseled the employee on the matter to focus on avoiding future ethics breaches.

Complaint	Resolution
Employee with outstanding workers' compensation claim alleged that claim had taken too long to process and pay.	Ombudsman staff transmitted the employee's concerns to the department, which responded by looking into the matter and eventually making a determination that the case had not been handled expeditiously. The department granted an exception to pay on the claim before a formal determination of its validity was made, and apologized to the employee. The department also reviewed its process and put corrections in place to prevent any future repeat of the problem.
Complainant alleged that Sheriff's Office failed to investigate his allegations against his wife and a daycare worker.	Ombudsman staff transmitted the complaint to the Sheriff's Internal Investigations Unit, and, following investigation, reviewed the complete unredacted IIU investigative file. Stemming from the same core nucleus of facts, the complainant had been warned for trespassing at his son's daycare, and had been the subject of domestic violence calls involving his wife. We found no evidence of misconduct by police.
Employee alleged that a candidate for a Sheriff's deputy position was certified to attend the police academy despite having failed a polygraph examination.	Ombudsman staff reviewed the complete unredacted internal investigation file regarding the matter; and laws and rules regarding the hiring of police officers. We determined that applicable law does not characterize polygraph results in pass/fail terms, but rather states that the hiring agency must use polygraph results along with a background investigation and psychological examination in determining suitability for employment. The Sheriff provided a sworn attestation of the candidate's fitness for the police academy, including all required testing and examinations. The Sheriff identified the allegation as a false rumor, and instructed employees who were spreading it to stop.
Mother called on behalf of son who is an inmate at King County Jail. Mother reported lack of medical care and son's inability to access Ombudsman's Office.	Ombudsman's staff relayed medical care concern to Jail Health Services. We learned that inmate was on court-ordered "phone deadlock." However, inmates should always have access to the Ombudsman's Office. Upon notification, jail staff unblocked Ombudsman number for inmate.
Complainant alleged that the King County Jail violated protocol when handing out razors.	Ombudsman's staff inquired into the complainant's allegation and found that the officer handing out razors did deviate from established jail policy. We confirmed that the jail will continue to follow the current policy. Complainant was notified of the result.

Complaint	Resolution
<p>Complainant alleged King County failed to properly investigate the death of her son.</p>	<p>Our office met with the Prosecuting Attorney's Office to discuss notification to the complainant about whether the prosecutor would file criminal charges following the death by homicide of the complainant's son. The Prosecuting Attorney's Office agreed about the importance of timely notification. Our office communicated to the complainant that the Prosecuting Attorney's Office would be in contact the next day to discuss the case. The complainant was grateful for the assistance and apologized for her angry tone in the initial conversation with our office. The Prosecuting Attorney's Office later informed our office that the conversation with the complainant went well and that they were following up on the case.</p>

## Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombudsman's Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Records and deed research,
- Information on property tax exemption programs,
- Segregation or merger for multiple parcels, and
- Assistance resolving complaints about other departments.

## Resident Contacts

The Tax Advisor Office responded to 2317 residents from January 1 to April 30, 2016. A signature function of our office is assisting citizens with their property tax appeals. In the first four months of 2016, we provided sales or other property-related research to 373 of our taxpayer contacts.

	Information	Research	Total
January	251	32	283
February	730	126	856
March	467	115	582
April	496	100	596
<b>Total</b>	<b>1944</b>	<b>373</b>	<b>2317</b>

As the chart below indicates, the county residents who contact our office for assistance represent a variety of income levels and we strive to provide them all with accurate information that will assist them in making decisions about potential value appeals.

Assessed Property Value	Sales Surveys
\$0-200K	1
\$201-300K	4
\$301-400K	4
\$401-500K	10
\$501-700K	10
\$701K-1M	10
Over \$1M	11
<b>Total</b>	<b>50</b>