



King County

OFFICE OF THE OMBUDS

Jeremy Bell, Ombuds Director

810 Third Avenue, Suite 705

Seattle, WA 98104

Phone: (206) 477-1050 V/TDD

Fax: (206) 296-0948

ombudsmail@kingcounty.gov

www.kingcounty.gov/ombuds

OMBUDS CASE 2024-0086

WHISTLEBLOWER & ETHICS REPORT, FINDINGS, AND ORDER

Respondent: Megan Clarke, King County Information Technology Chief Information Officer (CIO)

Complainant: Anonymous

Investigation Team: Janna Lewis, Luke Oh, and Eric Beach

Date: January 2, 2025

Executive Summary

The King County Ombuds Office (the “Ombuds Office”) received a Whistleblower (WB) complaint alleging that Megan Clarke violated the King County Whistleblower Code (KCC 3.42) through gross mismanagement of King County Department of Information Technology (KCIT) and abuse of authority by conducting private business using King County property or equipment. Under KCC 3.42.050 (B), if a report of improper governmental action meets the definition of an Ethics complaint, the Ombuds, shall investigate that allegation according to the procedures in KCC 3.04 (hereinafter, “Ethics Code”).

We made a preliminary assessment of the complaint and determined it was appropriate to bifurcate the allegations. The complaints regarding Ms. Clarke’s management of KCIT did not appear to rise to the level of WB misconduct, therefore, we forwarded that portion of the complaint to Ms. Clarke’s supervisor Whitney Abrams.

However, the allegations that Ms. Clarke conducted private business on King County governmental property and equipment met the filing requirements of the Ethics Code, including a determination that, if found to be true, the alleged conduct could constitute a violation of the Ethics Code. Therefore, the Ombuds Office conducted an independent investigation. Based on the available evidence including Ms. Clarke’s testimony and the records found in the search of Ms. Clarke’s computers, we found reasonable cause to believe that Ms. Clarke violated the Ethics Code.

Ombuds Office Role and Process

The Ethics Code establishes a general policy and specific standards to which every King County employee and elected official must adhere. The Ethics Code requires that the Ombuds, a

neutral and impartial independent official within the legislative branch of King County government, investigate and make written findings concerning alleged employee ethics violations,¹ including a determination as to whether there is reasonable cause to believe that the respondent violated the Ethics Code. The Ombuds Office makes findings based on a preponderance of the evidence. A preponderance exists if, based on the available evidence, we are persuaded that the facts supporting the allegations at issue are more likely true than not.

Allegations²

On February 8, 2024, the King County Ombuds Office received a complaint³ alleging that Megan Clarke violated the King County Whistleblower Code.

The complaint alleges:

“Megan Clarke has a separate business called Losers for Life⁴. It is a weight loss program that is \$1497 for six months, although she does offer free seminars as well. It is primarily run on Facebook and Zoom. Over the course of her time at King County:

- She frequently hosts seminars during work hours. Of particular note is her session every Monday from 2-3 PST. Her calendar is blocked to everyone except her Executive Assistant and I am unclear if her EA can see how often she is attending to her other business.
- She has used her previous EA to take pictures in the KCIT offices, that are now used for her business promotions.
- She uses her business photos to represent her presence during Zoom calls for the county; these pictures have her using the L sign on her forehead instead of a professional head shot.
- She has invited her direct reports –only the female staff—to attend her free seminars during the holiday season. These seminars are a pitch to sign up for the full program.
- She was asked to represent King County at a regional CIO/CISO forum (via Evanta, a Gartner company), which included her direct reports and many IT leaders from the public and private sector. During this event she used her online biography to promote her business alongside her role as CIO.
- She has a large social media following and posts many videos, pictures, and comments during business hours.”

¹ The Ombuds Office is authorized to investigate the administrative conduct of King County agencies, including enforcing the county’s Employee Code of Ethics. KCC 2.52.090(5)(C), KCC 3.04.055.

² We are detailing the Ethics allegations we investigated, but only highlighting the mismanagement allegations also mentioned in the complaint as they had relevancy to the discussion surrounding the Ethics allegations.

³ KCC 3.42.040 Confidentiality. The identity or identifying characteristics of the identity of an employee reporting information about an improper governmental action or cooperating in an investigation of improper governmental action shall be kept confidential from all persons except for investigating officials and their staff.

⁴ Ms. Clarke’s business is referenced in this report and the documentary evidence in various and interchangeable ways. We are using the spelling and title as found in the supporting documentation. LOSERS FOR LIFE, LFL, L4L, Losers4life, etc. are all referencing the same business.

The complaint also made allegations regarding Ms. Clarke's management of KCIT. The issues raised included the organizational restructuring of senior leadership, performance appraisals, a challenging atmosphere within KCIT, and the interpersonal skills of Ms. Clarke. As stated earlier, after an initial review, the Ombuds Office referred this set of allegations to Ms. Clarke's supervisor for investigation as it did not appear to rise to level of WB misconduct.

Relevant Ethics Code Provisions

- KCC 3.04.015 (A) **Policy.** It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present not actual or apparent conflict of interest between the public trust and private interest;
- KCC 3.04.020 (A) **Just and equitable treatment.** No county employee shall request, use or permit the use of county-owned vehicles, equipment, materials or other property or the expenditure of county funds for personal convenience or profit;
- KCC 3.04.020 (B) **Just and equitable treatment.** No county employee shall grant any special consideration, treatment, or advantage beyond that which is available to every other resident.
- KCC 3.04.020 (C) **Just and equitable treatment.** Except as authorized by law and in the course of the employee's official duties, no county employee shall use the power or authority of the employee's office or position with the county in a manner intended to induce or coerce any other person, directly or indirectly to provide the county employee or any other person with any compensation, gift or thing of value;
- 3.04.030 (A) **Conflict of interest.** No county employee shall engage in any act that is in conflict with the performance of official duties;
- 3.04.030 (B)(10)(a) **Conflict of interest.** A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly: Enters into a business relationship outside county government with any other employee from who the employee has any supervisory responsibility;
- 3.04.030 (c)(1)(a) **Conflict of interest.** The following employees must obtain the prior written consent of their highest-ranking supervisor authorizing new or continued employment outside King County government, or authorizing the acceptance of any compensation or anything of value for services performed outside King County government:
 - a. the county administrative officer, the chief officer of each executive department or administrative office as defined by the charter, the manager of each division of the department or office and all individuals who report directly to them;

Investigation Evidence Summary

The Ombuds Office conducted interviews with several named witnesses. While our concentration was on the alleged Ethics violations, we did not limit the discussion to only that topic when conducting interviews. Many spoke about Ms. Clarke's management style and included discussion of some negative interactions that were described as isolated incidents. However, most of the interviewees ultimately felt the management style was improving and saw it as less of an ongoing issue.

Witness 1: This witness was a King County Department of Human Resources (DHR) employee. During the interview, this witness indicated that they had not received any formal employee complaints against Ms. Clarke but had heard underlying discontent with Ms. Clarke's management style. They had heard some employee concerns about Ms. Clarke's lack of transparency around her calendar access being closed off to others, how Ms. Clarke rolled out information regarding reorganization of the agency's leadership structure and heard about Ms. Clarke posting to her Facebook personal business page during the workday. Witness 1 characterized many of these concerns as "growing pains" of someone new entering into the culture of King County, especially given the level of Ms. Clarke's role. They included an example of Ms. Clark announcing and rolling out major changes to the new organization structure without notifying people affected by the changes beforehand, including members of the leadership team. Witness 1 stated they did not see any direct evidence of Ms. Clarke using county owned property for her private personal business but did bring these concerns up through their reporting structure to the head of DHR, Jay Osborne, and Assistant County Executive II, Whitney Abrams, whom Ms. Clarke reports to.

Witness 2: This witness did not work for King County. They, however, became aware of Ms. Clarke's Loser for Life program through a friend that worked for King County. Witness 2 stated they were not a paid participant of the program, but they were a member of the Facebook group associated with it. Witness 2 stated that while they never were on the scheduled Zoom calls, they were uploaded to the Facebook group. These Facebook events frequently took place on Monday afternoons at 2pm PST and were "live" for 15 to 20 minutes. This witness provided several videos and photos of those events. Some of the photos provided showed Ms. Clarke sitting in a private area in a King County office facility as part of the promotional content. Several of the photos promoted live events at 2pm PST on Mondays. Those events were promoted as "Mondays with Megan" and appeared to be live with Ms. Clarke commenting in real time underneath the videos. Witness 2 indicated Ms. Clarke also advertised on Instagram using the same content.

Witness 3: Witness 3 was an employee with KCIT. They provided context and discussed drivers for the reorganization of the KCIT leadership team. Some of those drivers were to simplify the leadership experience and to create balance. Practically, this meant there would be no loss in the number of regular KCIT employees, but it would reduce the number of direct reports to Ms. Clarke by reallocating them to other leadership positions in KCIT. This reallocation of resources was meant to allow leadership to focus more on visioning and planning for the department instead of just administration. This witness acknowledged that the purpose of the change was well intentioned, however, the roll out was ill received by employees for several reasons. This

witness also mentioned that two leadership positions funded through a separate funding source were not going to be renewed.

One of the main reasons, as we heard from this witness and others, that some of these changes were not received well by department employees was because Ms. Clarke's business processes deviated from how King County regularly does this type of organizational change. Business decisions were made under a unilateral approach with little feedback and engagement sought from employees affected or from the department as a whole. This was a significant deviation from employee expectations when broad changes are implemented. Further, when the reorganization announcement was rolled out, the people most effected, including those who ultimately would be losing their employment, were notified in an all-staff meeting without any forewarning.

Another large point of contention was how performance appraisals were conducted. This witness believed Ms. Clarke was dismissive of the existing King County practices and the impacts of her decisions which effected employee wages and awarded executive leave. Again, there was a large gap between employee expectations based upon normal King County practices and Ms. Clarke's management of the process.

Witness 3 also discussed hearing what they termed "hearsay" about staff concerns that Ms. Clarke was working a second job during office hours. This witness stated the only definitive examples they had seen were an Instagram picture of Ms. Clarke that was taken inside of a County Building and Ms. Clarke mentioning the success of her Losers for Life business at a meeting in fall of 2023.

This witness also believed that Ms. Clarke's onboarding process and lack of understanding the culture of King County contributed to the overall challenging atmosphere. However, this witness ultimately felt that Ms. Clarke had learned from these events and generally felt overall that Ms. Clarke had improved her behavior.

Witness 4: Witness 4, a King County employee, spoke of the transition KCIT has been in over the last 5 to 6 years, including having three different Chief Information Officers (CIO) during that time. They stated some of the organizational change drivers were to reduce the direct reports to the CIO and to increase parity amongst the reporting team. This witness also noted the implementation challenges with lack of transparency in Ms. Clarke's leadership decisions surrounding the reorganization and performance appraisal system. However, it was acknowledged that Ms. Clarke did make apologies. This witness was unaware of any private business dealings by Ms. Clarke other than one time Ms. Clarke spoke about a women's health workshop she was running during the holiday season. One employee did follow up and ask if they could be a part of the group.

Witness 5: Witness 5, a King County employee, described the current organizational changes as chaotic with long term open positions, dismissal of staff, and lack of overall strategy. This witness did raise several concerns regarding Ms. Clarke's private business, the use of County

employees and equipment for that personal business, and the amount of time Ms. Clarke spent during normal work hours on her private business.

Witness 5 discussed Ms. Clarke's KCIT Outlook calendar being utilized for her private business and recalled one time they believed they heard Ms. Clarke giving a live webinar for Losers for Life but was unable to recall many details other than this might have occurred in Aug. or Sept. 2023. This witness also stated the Loser for Life business avatar was taken in a private area of a King County office space in the Chinook Building. Finally, this witness mentioned an avatar used for meetings by Ms. Clarke where she appeared with her hand on the shape of an L on her forehead as her King County professional avatar.

Witness 6: Witness 6, a King County employee, confirmed much what others had already said about the reorganization. They did not have any information to add about Ms. Clarke's private business.

Witness 7: Witness 7, a King County employee, discussed some additional drivers that might have led to conflict during the initial stages of the reorganization. This witness also acknowledged that they were aware of Ms. Clarke's private business, but they did not feel it was superimposed over her King County workday. Witness 7 recalled one instance where Ms. Clarke was talking about her business prior to a team meeting, something about a five-day cleanse, and one employee suggested they do that together as a team, but nothing came of it.

Witness 8: Witness 8, a King County employee, discussed Ms. Clarke's calendar and schedule. This witness spoke of other non-King County obligations on Ms. Clarke's calendar for Mastermind and Losers for Life. This witness understood that Ms. Clarke performed one on one sessions with "students" during sessions named Mastermind and other meetings during normal office hours were also for Losers for Life. This witness indicated that a large portion on Ms. Clarke's non-County work happened on Tuesdays and Thursdays. They also raised concerns over how frequently Ms. Clarke failed to attend designated King County meetings where her presence was required for meetings, tours, and speaking engagements on behalf of the County.

Megan Clarke: Ms. Clarke was provided a formal copy of the Ethics complaint. She provided a written response and we also conducted an interview with her via Teams.

Written Response⁵: One of the first things Ms. Clarke's written response alleged is she does not believe the Ethics complaint was made in good faith. After that, Ms. Clarke discussed her outside business interests. She acknowledged having an LLP called Joyful Happenings, incorporated in December 2019, with a mission to reduce the number of people dying from heart disease by focusing on weight and stress management. Ms. Clarke stated that the programs were run from her personal accounts and on her personal laptop and phone.

Ms. Clarke denied frequently hosting seminars during work hours and emphasized that she regularly worked 9 to 12 hours per day. As part of her written response, she attached two examples of her calendar. Both examples showed times blocked off on Monday and Tuesday

⁵ Ms. Clarke's written response is 9 pages. We are only mentioning portions most relevant to this investigation.

afternoons. They also showed Mastermind on Monday mornings. Ms. Clarke's written statement said the Monday 2-3pm time slot was a recurring weekly HIPPA (sic). She also stated she had her administrative assistant take a photo of her sitting in a chair outside her office in the Chinook Building and then used that photo on her megankclarke.com website, as well as on Facebook.

Ms. Clarke denied posting videos, pictures, and comments on her personal business social media during work hours. She indicated that she used a part-time personal assistant and an automated scheduling system to post during work hours. She addressed the KCIT reorganization concerns, including areas where she took responsibility for some of the communication breakdowns. She also discussed the conflict surrounding the performance appraisals and acknowledged she was unaware of the past practices regarding performance scores and merit over the top awards.

Interview: Ms. Clarke is the CIO for KCIT. She started this position in January 2023. We provided the opportunity for Ms. Clarke to state whether any changes needed to be made to her written statement she provided; however, she declined as she had not read it since she provided it to the Ombuds Office.

During our interview, Ms. Clarke stated she did not ask for or receive permission to run her private business while being employed as a King County employee. She also stated that Joyful Happenings, LLC, incorporated in 2020⁶, was her business and its mission is to reduce the number of women dying from heart disease every year. Ms. Clarke also stated that she had not run a program since she started at KCIT. Ms. Clarke further elaborated that she does group coaching under Lighten Your Life but owns the domain for Losers for Life.

Primarily, Ms. Clarke stated that currently she does not charge for Losers for Life, a free private group that she runs on Facebook. Ms. Clarke ran one test program in 2023 to determine appetite for paid for program, but she did not get any interest. Ms. Clarke also stated she had an admin who did all the associated Losers for Life tech from posting, to design, to the "related artifacts" two hours a week. She stated that she sends all the information to the admin who posts it on her behalf. Ms. Clarke further stated that Facebook also has an automatic scheduler and she can schedule events out a couple of weeks.

Ms. Clarke stated she does perform some of the Losers for Life events live but most are prerecorded, some at the same time, and scheduled out to post later. She also stated "Mondays with Megan" were mostly defunct since she began at King County and did have a standing medical appointment in that time slot. She went on to say she has not done anything weekly like that since she started at King County. But then said she had appointments for "Festive and Fit" meetings on her work calendar to help women get through the holidays.

During the interview, we asked for the name and contact information for the admin Ms. Clarke used so we could confirm Ms. Clarke's statements. She stated her name is Angela, but declined

⁶ Ms. Clarke provided the year during her interview. We only note here that it is inconsistent with her written response as it is immaterial to our ultimate finding.

to provide us with contact information. When we tried to confirm it was the admin who posted the “Mondays with Megan” content, Ms. Clarke then stated Ms. Clarke did most of the postings and would not know if it was her or the admin. She further stated that if there was a technical error, she would go live later in the evening from her personal phone but emphasized that very few of these were happening since she stopped them early last year. Ms. Clarke went on to say that even if a video is recorded, it is normal to market it as “live.” The Ombuds office tried several times to confirm who was posting the “live” sessions on Facebook and could not get a definitive answer from Ms. Clarke.

Ms. Clarke also stated that she was not familiar with the details of the KCIT Acceptable Use Policy. When asked about paying bills or shopping online, she did acknowledge she used her County laptop for that private purpose along with sites like GoDaddy for her private business. She further stated she had medical records and other things on her work laptop.

Ms. Clarke acknowledged that we found media for Losers for Life, but says it was transitory and would be moved to her personal Microsoft 365 account. She did say that she does personal business work on the County issued laptop during “off hours” because it is more convenient for her and to avoid the “two laptop thing.” She also talked about using Canva, which is mostly for personal marketing and is used to create logos for her personal business. Sometimes, Ms. Clarke uses it for County related business, but the County does not pay for her account.

When discussing other County related things Ms. Clarke has used for her personal business, she confirmed she used the image of her sitting in the Chinook building on her Facebook page and website. She said she removed it when she realized she was doing something wrong. Ms. Clarke stated she was not aware of violating policy and finished the interview stating that she also believed the WB allegations were brought in bad faith and weaponized against her. She also emphasized that she works more hours and during off hours than her regularly set schedule.

King County Owned Property Searches

The Ombuds Office had searches performed on Ms. Clarke’s King County issued cell phone and laptop. One search was performed by KCIT, but the forensic search was performed by an outside entity: Consiglio. The search was looking at browser history, call logs, text messages, photos, and calendars. We asked specifically for any emails, documents, chat messages or other records found in Outlook, Teams, SharePoint, Zoom, OneDrive, or elsewhere that mention Losers for Life, Mondays with Megan, Sustainable Weight loss or any variation of those.

KCIT and Consiglio performed the searches and provided the Ombuds Office with the results. Amongst the results⁷, we found:

- More examples of time blocked on Ms. Clarke’s calendar that appear to be purely private business related for things like “Festive and Fit,” a Loser for Life program, and Mastermind sessions. These included Zoom links, time blocked off on Ms. Clarke’s calendars, and related one on one sessions.

⁷ This list is meant to be representative, not exhaustive, of all the types of information and records found on the King County owned laptop and cellphone issued to Ms. Clarke.

- Photos of non-King County related items like food and personal pictures related to Ms. Clarke's previous employment prior to King County.
- Promotional electronic marketing materials for Losers for Life including a "Festive and Fit" master calendar that shows coaching on the majority of Mondays at noon, an advert for "Mondays with Megan" that occurs every Monday at 2pm PST encouraging people to meet with Megan live.
- Internet browser history data revealed the County laptop was used to visit Losersforlife.com, the Facebook group associated with Losers for Life, and a variety of non-business related internet browsing including shopping sites and purchases, and bill payment for personal accounts like utilities and other household bills.
- Receipts from Zoom Invoices for Ms. Clarke's personal Zoom account.
- Visits to GoDaddy to edit the site Losers for Life.
- Visits to Canva.com which Ms. Clark said in her interview was used for Losers for Life content.
- Multiple logos for Losers for Life.
- Several documents labeled POST 3Day Challenge email, with different versions that appeared to be used for scheduled posting at certain days and times.
- Documents promoting the Losers for Life business with a price point of \$997 for six months included in the materials.
- Saved records in file paths that are clearly delineated from Ms. Clarke's OneDrive that are in folders named L4L and FF.

Summary of Relevant Policies and Analysis

Salaried employees: Employees that are Fair Labor Standards Act (FLSA)⁸ exempt, like Ms. Clarke, may work partial or intermittent days and still receive a full day's worth of salary. There are not any limitations or definitions of what constitutes a partial day. This means that it is up to the supervisor of the FLSA employee to determine whether the employee is meeting the duties and obligations of their position. In this case, that determination would be up to Ms. Clarke's supervisor.

KCIT Acceptable Use Policy⁹ This policy has two relevant sections:

- C. Personal Use which allows for the use of King County assets as long as the use:
 1. Does not introduce additional financial costs to King County;
 2. Does not interfere with your assigned job duties;
 3. Does not preempt or interfere with King County service delivery; and,
 4. Does not otherwise violate King County, departmental, or agency policies.
- D. Acceptable Use of the Internet
 4. While using King County technology assets you must not:
 - a. Use the internet for any unlawful activity or for personal gain
 - e. Perform any activities that violate King County's Code of Ethics as defined in Title 3.04 of King County Code

⁸ [King County Human Resources Policy 2021-0010](#)

⁹ 2/16/2021 King County Acceptable Use Policy ITG-P-21-01

Under this KCIT Policy, there are a lot of things that would not be considered a violation like casual browsing or email checking. However, use that violates other King County policies, including the Ethics Code, are what make them relevant here. We believe Ms. Clarke violated these provisions of the Acceptable Use Policy by using doing private business on King County technology assets for personal gain and in violation of the Ethics Code.

King County Ethics Code:

While several provisions may apply, we will focus our analysis on a few provisions of the Ethics Code. Specifically, KCC 3.04.020 (A) and (B) Just and equitable treatment, and KCC 3.04.030 (c)(1)(a) Conflict of interest. KCC 3.04.020 (A) states that no county employee shall use county-owned equipment for personal convenience or profit and (B) no county employee shall grant any special consideration, treatment, or advantage beyond that which is available to every other resident.

Ms. Clarke told the Ombuds office that she regularly used her County issued laptop to perform work related tasks for her private business Losers for Life. The searches performed on her equipment confirmed that information. While Ms. Clarke stated she did not make any money during this time, she did intend or attempt to advertise her personal business for profit. We found a promotional flyer advertising the cost for joining Losers for Life for 6 months. Also, this example of conducting private business on the County owned laptop, grants special treatment or advantage to the user that is beyond what a resident or constituent of King County would be granted.

Finally, KCC 3.04.030 (c)(1)(a) makes clear that the chief officer of each executive department or administrative office as defined by the charter, the manager of each division of the department or office and all individuals who report directly to them must obtain the prior written consent of their highest-ranking supervisor authorizing new or continued employment outside King County government. Ms. Clarke told the Ombuds office she did not ask nor seek permission from anyone in her supervisory hierarchy to operate her business while employed by the County.

King County Ethics Board Advisory Opinion: The King County Board of Ethics issued an advisory opinion 08-04-1163¹⁰ that states “...the following uses of email, computers and printers are expressly prohibited under the Code of Ethics: Use for personal gain or profit on behalf of any person, Conduct of a private business...” Further, while there are de minimis exceptions for personal use, there is no de minimis exception for using County owned property to do the personal private business of the employee.

While the opinion was written some years before the internet and social media became as ubiquitous as it is today, the premise behind the separation applies with equal force. This is confirmed in the policy statement in the Ethics Code that states, “It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.” KCC 3.04.015 (A).

¹⁰ King County Board of Ethics Advisory opinion 08-04-1163 [Use of county computers, email and printers - King County, Washington](#)

King County Whistleblower Code: Finally, under the KCC 3.42.020 (C), good faith is defined as the individual providing the information or report of improper governmental action has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know that the information or report is malicious, false or frivolous, or information that is provided with reckless disregard for the truth, is not acting in good faith. The Ombuds office does not have evidence to support that this complaint was not made in good faith.

Evidence Collection: Ms. Clarke stated she used the county owned and issued equipment to run her private business, Joyful Happenings AKA Losers for Life, as it was more convenient for her. This included working on the Losers for Life website, making marketing materials, and making content amongst other things for her private business. She stated she also used programs like Canva and GoDaddy, for commercial purposes related to her business while on King County property and equipment.

Also, Ms. Clarke stated she had a King County employee take a photo of her in a King County Building in a space not generally open to the public to use on her marketing materials and personal website. This was a use of the other employee's paid time at work for Ms. Clarke's personal benefit.

Some of the results of the searches and evidence provided by others contradicts some of Ms. Clarke's testimony. We have several videos showing Ms. Clarke's "Mondays with Megan" despite her claims that program became defunct when she began employment with King County. Also, during her interview, Ms. Clarke said she wasn't doing any weekly events anymore and then went on to discuss her "Festive and Fit" program. The "Festive and Fit" calendar we saw had several weekly meetings during the month of November 2023.

Ms. Clarke also stated that the "live" events on Facebook are not actually live. Ms. Clarke stated that the posts are prescheduled as they are prerecorded; sometimes several are prerecorded at time. We attempted to corroborate this information with Ms. Clarke's admin assistant, but Ms. Clarke declined to provide us with contact details. We also had posts showing Ms. Clarke contemporaneously posting in the comments of the videos of "Mondays with Megan." Finally, while we have a limited repository of 40 or so videos, we did not find evidence that more than one "Mondays with Megan" was prerecorded at the same time to support Ms. Clarke's claim that most posts were prerecorded.

Findings and Order

Based upon the testimony and documentary evidence the Ombuds Office received and reviewed, we find reasonable cause to believe Ms. Clarke violated the King County Ethics Code. We find that Ms. Clarke used her county issued equipment to operate portions of her private business, Losers for Life, for her personal convenience and profit.

While the initial complaint did not list all relevant provisions of the Ethics Code, the Ombuds Office is not limited to the sections named in the complaint and does consider the whole of the

Ethics Code in an investigation. The relevant provision in the Ethics Code, KCC 3.04, as copied above, prohibit a county employee from having an actual or apparent conflict of interest and provides that an employee must notify their supervisor in writing for anything that potentially is a conflict of interest. Further, it requires an employee at Ms. Clarke's position to get prior written consent from their highest-ranking supervisor authorizing new or continued employment outside of King County government. Ms. Clarke told us she did not seek or receive permission from any of her supervisors.

Pursuant to KCC 3.04.060(B)(2), "An employee of the county who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter may also be subjected to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

Ms. Clarke's position, KCIT CIO, is predicated on providing strong leadership through exemplary behavior. Not knowing policies, especially the KCIT Acceptable Use policy, as the senior leader of that agency, is neither acceptable, nor appropriate. Further, Ms. Clarke provided contradictory testimony that led the Ombuds Office to have doubts regarding Ms. Clarke's credibility.

Accordingly, we are not recommending that the Respondent, Megan Clarke, pay a fine as we are recommending that Ms. Clarke's supervisor consider disciplinary action, up to and including termination.

The Respondent, Ms. Clarke, is hereby notified of her right to request an appeal hearing before the King County Board of Ethics within 20 days of service of this Order pursuant to KCC 3.04.057(A).

Dated this 2nd day of January 2025.
Report written and prepared by Janna Lewis for:

Jeremy Bell
King County Ombuds-Director

Distribution per KCC 3.04.055(H)
Megan Clarke
King County Board of Ethics
Leesa Mannion, King County Prosecuting Attorney's Office
Dow Constantine, King County Executive