SHERIFF
KING COUNTY
KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

John Urquhart
Sheriff

November 25, 2013

Sergeant Andrea Alexander
[redacted]

Dear Sergeant Alexander:

On October 14, 2013, you met with me for a *Loudermill* hearing regarding IIU case 2013-071. The allegation was *Committing Acts of Dishonesty* under GOM 3.00.015(1)(a). Also present during the meeting were Chief Deputy Anne Kirkpatrick, Major Brad Thompson, Sergeant Frances Carlson, Legal Advisor Diane Taylor, HR Director Lance King, and your representative Guild President Steve Eggert.

As I mentioned during the hearing, a *Loudermill* is conducted only at the request of the employee who, in lieu of the hearing, could accept the recommendation of the unit commander, in your case Major Thompson. The purpose of a *Loudermill* is to give you an opportunity to explain and/or refute any of the conclusions reached during the investigation, present new evidence not considered during the investigation, and to "tell your side of the story". I told you that my role is to review the investigation and listen to the arguments or presentation of new information from you and your representative. Then I decide if the investigation met the essential tenets of just cause and therefore should be sustained. If sustained, I then decide on the discipline. I have the option of concurring with the recommended discipline, or I can increase or decrease the discipline as well. You told me you understood the purpose of a *Loudermill* in the discipline process as well my role in it and had no questions.

The allegation and investigation was reviewed by your precinct commander, Major Thompson, as well as Chief Deputy Kirkpatrick. Their recommendations were that, (i) the allegation be sustained and (ii) the corresponding discipline be a reduction in rank from sergeant to deputy, 20 days suspension without pay, restriction from participating in the Sheriff's Office PTO program, and restitution of overpayments to you to be determined by the KCSO Payroll unit.

I reviewed the investigation and found it thorough, fair, and complete. You agreed, as did your representative, Mr. Eggert. Neither of you presented any new evidence or suggested additional parties that should be interviewed.

The gist of the allegation is that you deliberately and knowingly accepted overpayment of compensation for a period of approximately nine and one-half consecutive months. More specifically, in a meeting in April 2012 you were removed as a PTO Sergeant by Major Jerrell Wills. This should have resulted in the removal of your 2½ percent premium pay for that ancillary duty. You were aware of this fact. However, Major Wills, apparently, neglected to notify Payroll and, as a result, the premium pay continued without interruption. The overpayment continued until it was inadvertently discovered by Sgt. Stan Seo in February of 2013. You were overpaid for nine and a half months. The overpayment amount and reason were clearly delineated on each of your paychecks—19 in all, for a total of $2018.18. Each paycheck listed the amount and what it was for in a separate line item. You accepted 19 consecutive paychecks knowing that each included premium pay to which you were not entitled. In addition, when you contacted Legal Advisor Patty Shelledy via e-mail on June 26th to further question the removal of your PTO Sergeant status, you conspicuously omitted any reference to the fact that you were still collecting premium pay and had been for the preceding two months. The only reason your receipt and acceptance of the overpayments came to light is because when Sgt. Seo notified Payroll that you were to resume your PTO Sergeant status and therefore also begin to again earn the corresponding premium, Payroll reviewed records and discovered that you already were receiving the premium pay, albeit unearned, and had been for more than three-quarters of a year.

At the *Loudermill* hearing, Mr. Eggert began by saying "we shouldn't even be here". He went on to say that overpayment of salary "happens all the time" and no discipline results. Employees pay it back through a payroll deduction plan. But he did not offer any examples to support this statement, let alone any that involved someone with supervisory or management authority who consciously elected not to bring the overpayment forward. He also said this was just *one more case* of KCSO ignoring a Command Staff member who makes a mistake, then coming down on the employee instead. Again, however, he did not offer any specific example to support this assertion. And even if he had, the argument likely would have remained unpersuasive. It rests on the assertion that a single honest mistake is as unacceptable as repeated acts of dishonesty. In my judgment, the latter is far more serious than the former.

You began by saying that you didn't think Major Wills had a valid reason for removing your PTO Sergeant status, and that you told him that at the time. Your disagreement with the decision to remove your PTO Sergeant status strikes me as being beside the point. You did not grieve that decision and the opportunity to do so has long since passed. You said that, after you spoke with Major Wills about the decision to remove you from that status, you thought he was looking into the issue. Your apparent contention is that there was some ambiguity as to whether the decision would stand. Again, this strikes me as largely irrelevant, as well as largely unsupported by the facts. For example, at the hearing, I noted that neither Major Wills nor Major Ledford (who was present during the April 2012 meeting) remember you raising this as an issue, according to their IIU interviews. Further, even under your own recitation of events, you acknowledge that the decision had, in fact, been made and implemented and you were well aware of these two facts. Your contention that you understood it might be reconsidered at some indeterminate point in the future does not mean that in the meantime you are free to collect premium pay for work you are not performing. You knew that, unless and until you were specifically and formally advised that the decision had been reversed (which in fact never happened), you were not a PTO Sergeant and you were not entitled to PTO Sergeant premium pay. Finally, even assuming for the sake of argument that there was some initial period of ambiguity, it certainly did not extend the full nine and one-half months during which you

accepted the overpayments. The bottom line is that, regardless of your prior discussion with Major Wills, there is no question you knew the payments were unauthorized. You now admit this fact, and, in any event, it is undeniable because each payment was for work you knew you were not performing. You were then asked by Chief Deputy Kirkpatrick what you thought should be the end result from this allegation. You admitted taking the money, and that you knew all along you were accepting unearned premium pay for PTO Sergeant duties that you were not performing. You told me this was not "about the money". You said you had "plenty of money" and could "write a check today". You became quite agitated and went on to say this was all about the Sheriff's Office not treating you fairly and you were "just tired of it". (I would note that in your IIU interview, when asked why you didn't notify someone in the Sheriff's Office about the over-payments, you said, "I'm tired of doing someone else's work," further driving home the point that your actions were knowing and deliberate.) The thrust of your argument was that this prior unfair treatment somehow justified, excused or mitigated your admitted actions. You did not describe the alleged unfair treatment, which I assume refers to the removal of your PTO status and the IIU investigations that supported that decision.

I do not agree with your argument. There are mechanisms in place for you to challenge decisions with which you disagree. They are in place to ensure that the challenges do not disrupt the orderly administration of the office. They do not include the notion of self-help by unilaterally retaining payments which you know are erroneous and unearned. The fact that you disagree with one or more prior decisions by the Sheriff's Office does not relieve you of meeting the fundamental requirements of your position, which include sound professional judgment, candor and honesty. The importance of these requirements, and the severity of the potential consequences for breaching them, are very clear.

Honesty, for example, is a fundamental tenet of our Core Values. We identify it as the number one requirement of all employees in the preamble to the GOM. It also is emphasized in Section 3.00.005 under the "Personnel Conduct" policy. IIU trains new officers on the significance of honesty by, among other things, highlighting the fact that acts of dishonesty constitute one of the types of misconduct considered to be most egregious and most likely to result in significant discipline, specifically including discharge. The larger law enforcement business stresses honesty by incorporating it into the Law Enforcement Code of Ethics and the Oath of Office. And Section 3.00.015 of the GOM, titled "Rules of Conduct," clearly identifies "dishonesty" as grounds for immediate discharge.

I offered the example of getting $100 from an ATM but instead the machine erroneously paid $1000. That must be returned and it would probably be criminal not to do so. Mr. Eggert offered the retort that he once received an extra $20 from an ATM and traveled all the way to a BECU office to return the extra money. "They looked at me like I was crazy and didn't know what to do because no one had ever come in before", he said. He clearly offered this story to support you, focusing on the surprise of the BECU staff. In actuality, however, I think this story further supports the reasonableness of my and this office's expectations and the significance of your failure to meet them. Even under circumstances where the overpayment occurred only once, it amounted to the nominal sum of only $20, it was completely unrelated to Mr. Eggert's job or profession, and correcting it required the substantial effort of traveling to a BECU office, he did the right thing. He immediately disclosed the error and returned the overpayment. It certainly is reasonable to expect that a commissioned law enforcement officer would do so as well, where, as here, the overpayment occurred 19 consecutive times, it amounted to roughly $2,000, it was directly related to the officer's job and profession, and

correcting it would have required the wholly insubstantial effort of making a single comment, phone call or email. In my judgment, the appropriateness of Mr. Eggert's actions just puts the inappropriateness of yours in sharper relief.

I also am deeply troubled by your inability or unwillingness to grasp the significance of your actions or accept responsibility for them, which together reflect a continuation of the same lack of professional judgment that extends back to your initial decision to accept premium pay you did not earn. As a deputy, you work largely unsupervised with the power and authority to make many decisions that materially impact other deputies and members of the public. The disposition of criminal cases and related matters often turns on your word as a police officer. The practical reality is that a sustained finding of dishonesty places a large asterisk next to your future reports, statements and testimony, and diminishes your effectiveness as a deputy and a witness. It also is antithetical to your status as a sergeant and a training officer, which are roles that require you to help model and enforce the Sheriff's Office's core values.

As Sheriff, I have to have trust and confidence in your honesty, candor and professional judgment. Your proven deception, and refusal to accept responsibility, whether viewed in isolation or together, have irretrievably damaged the trust and confidence that are necessary for you to be an effective member of this office. I do not make this statement lightly or without due consideration of your years of service and positive contributions, which I recognize and am grateful for. Under the circumstances, however, which are devoid of any material mitigating considerations, I sustain the allegation of Dishonesty under GOM 3.00.15 (1) (a) and I believe that the appropriate disciplinary response is to terminate your employment, effective December 2, 2013.

I again state that I do not take any discipline decision lightly, and I take no satisfaction in this action taken against you.

Thank you for your past service to the citizens of King County.

Very truly yours,

John Urquhart
Sheriff

cc: Mr. Steve Eggert
Chief Deputy Anne Kirkpatrick
Major Brad Thompson
Captain DJ Nesel
Sergeant Frances Carlson
HR Manager Lance King
Legal Advisor Diane Taylor