

Report of Retaliatory Investigation of Whistleblower/Councilmember

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This late report has been the result of having to request numerous documents and requests for information from the city attorney's office. All of the aforementioned requests were never responded to and the information was never provided by that office.

The requests were for what law or administrative code was the retaliatory investigation against me conducted. The city attorney has refused to answer numerous requests and never provided anything in writing.

At one point in a meeting before I was excluded from by the city attorney (who previously said this was not allowed by law) said it was the City of Ferndale's Personnel Policy. Apparently, the city attorney did not think I would request that policy and read it from cover to cover ALL 97 pages. The city of Ferndale's personnel policy does NOT cover elected officials; it merely covers two classes of employees: represented and non-represented. Nowhere within the entire 97 pages are any references to elected officials for good reason. Elected officials are neither. I do not have city benefits such as paid insurance, sick leave, vacation time and after I leave next month I do not get to file for unemployment.

That begs the question how was the retaliatory investigation legal or proper? The answer: it wasn't. The complaints against the mayor were investigated by an attorney with 30 years' experience. The investigation against me was conducted by a mayor pro tem with no such authority to do so under RCW 35.27.160. Was this a political retaliation by an election opponent? The mayor gets a 30 year experienced attorney and I get a the most junior council member with less than a year and a half experience with no formal investigative or law experience. The mayor says he recused himself from the investigation yet listed on the page of emails exempted from disclosure and not given to me through the city public document request procedure are no less than 8 emails between the mayor and the city attorney. That doesn't sound like recusal that sounds like involvement.

This whole retaliatory complaint began with a one on one meeting with the city administrator Jori Burnett and me. I explained I was asked to assist as an intermediary in forwarding on a whistleblower complaint involving conduct of another city employee. I further explained the employees were not comfortable in discussing the information with their supervisors because they feared retaliation, a fear that persists to this very day. I gave the information to Jori so he could act on it as councilmembers cannot by law. I also offered some insight into substantiating the employee's position and why they thought it was happening as I had some of the exact same issues under my previous employment as a 25 year supervisory agent with a federal law enforcement agency and what was alluded to in those complaints. I thought the city administrator would act accordingly and investigate the complaints.

I was wrong. The new, inexperienced city administrator did not adhere to the City's own policy #903 Whistleblower Protection Act and instead went on record as saying I specifically called Kevin Turner a Mormon mafia member and that's blatantly false. I specifically said the complainants were concerning a member of the police department was receiving preferential treatment and it was suspected based on religious affiliation. I have no quarrels with people of the Mormon faith. Two of my last supervisors were of the Mormon faith and we're close friends to this day. I know of one other city department heads is also of the Mormon faith and I have never had issues with him and we work well together. To say I have a bias against people of the Mormon faith is completely untrue. Somehow a conversation between Jori and me came to the attention of the mayor and Kevin Turner and from there it became a completely fabricated story for political gain.

The mayor pro-tem called me in July while on vacation and informed me she was investigating a hostile work environment filed against me by Kevin Turner. I told her she had no authority under the RCW to do so but she insisted the mayor and the city attorney told her she did. After I got back from vacation I met with her and she showed me her tablet and said I could only read the complaint I was not entitled to any copies of anything in her investigation.

The reason Kevin Turner said I did not like him was the fact my son was not hired by the Ferndale Police on two previous interviews. At this point I had to question why my adult son was being dragged into Kevin Turner's complaint. As I continued reading Kevin Turner falsely claimed former Chief Michael Knapp had the same experience with me when he did not hire my son. Kevin Turner falsely stated Chief Knapp endured pressure from me; a council person, to have the city administrator terminate him also. This falsehood was wrong on several facts:

I would not ask a city administrator to fire anyone as the city administrator has no such authority to do that without the mayor's consent. Kevin Turner falsely stated Chief Knapp offered to meet and offer my son advice on passing oral interviews and my son did not show up. The truth is Chief Knapp did offer advice and my son did meet with him. I asked Chief Knapp if he said I pressured the city to terminate him he stated he never said any such thing to Kevin Turner. Now did the mayor pro-tem "investigator" obtain a statement directly from Chief Knapp like any experienced investigator would do? The answer is: no she did not; she merely relied on false gossip.

The second time my son interviewed and was not selected he knew exactly why; a candidate with more years of experience and training was selected instead of him. He knows fully well the more experienced officer will always be at an advantage and he figured there would be future opportunities. But somehow this simple explanation morphed into I again asked the new city administrator to fire Kevin Turner. Again as I have previously stated the city administrator has no such authority and I would never ask, especially this mayor, to fire anyone.

Now why would Kevin Turner make up a story like this? Simple, he needs a nexus between himself and me to create his hostile work environment claim. Since I have never said a word to Kevin Turner to substantiate his claim he needs to create a reason why I would "retaliate" against him. Keep in mind none of what was allegedly said by me was said directly to Kevin Turner. There is no hostile work environment as Kevin Turner is not under my supervision or any such work relationship so he had to try and create one. Of all my 12 years on the council I have been the staunchest supporter of the police department as I worked in the

field with the majority of them. I along with other council members have done our best to keep their pay and benefits at the top tier.

I also contacted former city administrator Greg Young and asked him if he said I asked him to terminate Chief Knapp and Mr. Young denied saying that and again no report from Mr. Young was obtained by Mayor Pro Tem Bishop.

In closing I want to state I do not personally know the police officer the whistleblower complaints were about, I have never worked with him but I do know who he is from attending and speaking at the police department awards banquets. I'd also like to point out that the night the mayor pro-tem read her city attorney authored admonishment Kevin Turner, his wife and the officer whom the complaints were about who's name has never been publicly mentioned- all sat together exchanging handshakes and hugs to hear the admonishment. An amazing coincidence I guess.

I'm leaving next month after my 12th year of service and as a councilmember I certainly have the right to offer my opinions of employees whose contracts the council approves. This city and the police officers of this city are owed a police chief who supports them and addresses the issues of those under his command. A real chief would be concerned with fairness and showing no preferential treatment instead of conducting internal witch hunts to punish those who seek justice within the whistleblower system. It has already cost us the loss of one of the best detectives in the state; Melanie Campos and her over 20 years of experience.

It is my hope the city finds just such a chief before the next police chief contract ends in December 2020; whether it be a new candidate or Kevin Turner changes his misguided ways.

A copy of this report will also be added to the official record.