

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

March 29, 2013

Cline and Associates
Market Place One
2003 Western Ave. Suite 550
Seattle, WA 98121

Re: Investigation of WDFW Law Enforcement Program Management Staff

Dear Mr. Cline:

The Washington Department of Fish and Wildlife (Department) retained an independent qualified investigator, Ms. Amy J. Stephson, on February 13, 2013, to investigate allegations contained in your December 20, 2012, letter and an enclosed report dated September 28, 2012, by Kelly Turner of your law firm. The allegations focus in large part on the Enforcement Division's Deputy Chief Michael Cenci, but also include Chief Bruce Bjork. The investigation addressed ten of the twelve allegations in your letter; the other two were viewed as management issues not requiring an inquiry.

I have reviewed the investigation report (copy enclosed) from Ms. Stephson, dated March 12, 2013 and find it to be thorough and extensive. Based on Ms. Stephson's investigation, she found that the allegations contained in your letter of ethical and potentially unlawful wrongdoing on the part of Deputy Chief Cenci and Chief Bjork as "almost entirely false and unsupported by the facts." The only allegation that was found to have merit had to do with how the Deputy Chief at times, communicates with staff. In certain specific instances where this has occurred in the past, the agency has taken appropriate corrective steps with the Deputy Chief.

From the Department's perspective this concludes the matters associated with the allegations of unethical and unlawful actions on the part of either Chief Bruce Bjork or Deputy Chief Mike Cenci. It is regrettable that these two outstanding and dedicated employees were subjected to these types of unwarranted allegations.

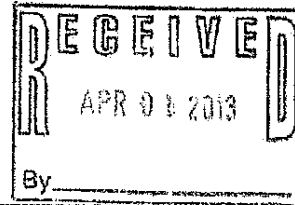
Sincerely,

Phil Anderson

Enclosure

Amy J. Stephson

ATTORNEY AT LAW



Phone: (206) 223-7215
Fax: (206) 223-7798
E-mail: amy@amystephson.com
www.amystephson.com

Privileged and Confidential

March 12, 2013

To: Cindy Colvin, Human Resources Director
Ngonyo Mwangi, Human Resources Operations Manager
Washington Department of Fish and Wildlife

From: Amy J. Stephson
Attorney at Law

Re: WDFW Enforcement Division Investigation

I. INTRODUCTION AND SUMMARY

The Washington Department of Fish and Wildlife (WDFW) retained this investigator on February 13, 2013, to investigate allegations contained in a December 20, 2012, letter from James M. Cline, attorney for the Fish and Wildlife Officers Guild, and an attached report dated September 28, 2012, by Kelly Turner of Mr. Cline's law firm. The allegations focus in large part on the Enforcement Division's Deputy Chief Michael Cenci, but also include Chief Bruce Bjork. This investigation addresses ten of the twelve allegations in the complaint; the other two were viewed as management issues not requiring my inquiry.

Based on my investigation, I find that the Guild's allegations of ethical and potentially unlawful wrongdoing on the part of Deputy Chief Cenci and Chief Bjork are almost entirely false and unsupported by the facts. The only allegation that has merit is that Cenci, who otherwise is an extremely dedicated and effective leader, at times can communicate his views about officers in a manner that is overly harsh, derogatory, and profane. This behavior is counterproductive and offends both his targets and others.

The allegations and my findings are discussed in greater detail below.

II. INVESTIGATIVE PROCESS

To conduct the investigation, I interviewed the following current or former WDFW employees:

1. Mike Krentz – Officer
2. Mark James – Officer (with Guild representative)

3. Jennifer Maurstad – Sergeant
4. Tina Hamilton – Communications Supervisor
5. Julie Cook – Detective
6. Wendy Willette – Detective (with Guild representative)
7. Pamela Taylor – Officer (by telephone)
8. Tammy Conklin – Detective
9. Isabel Van Vladricken – Officer (by telephone)
10. Cindy Lerch – Human Resources Special Programs Manager (by telephone)
11. Dave Jones – Officer (with Guild representative)
12. Ryan Valentine – Officer
13. Erik Olson – Sergeant (with union representative)
14. Rich Phillips – Sergeant
15. Todd Vandivert – former Detective (by telephone)
16. Steve Crown – Lieutenant (by telephone)
17. Eric Anderson – Sergeant
18. Zach Gaston – Officer (with Guild representative)
19. Hwa Kim – Officer
20. Jeff Lee – Officer
21. Ralph Downes – Officer
22. Mike Hobbs – Captain
23. Russ Mullins – Sergeant
24. Phil Johnson – Sergeant (by telephone)
25. Michael Cenci – Deputy Chief
26. Bruce Bjork – Chief
27. Bill Hebner – Former Captain (by telephone)
28. Dan Chadwick – Sergeant (by telephone)

I also reviewed a number of documents including:

- Letter to Phil Anderson from James M. Cline re: “Independent Investigation of Assistant Chief Mike Cenci,” dated December 20, 2012, with enclosed “Independent Investigation into Deputy Chief Cenci” by Kelly Turner, Cline & Associates, dated September 28, 2012.
- E-mail from Phil Anderson to WDFW staff, “Maintaining a Safe and Respectful Workplace,” dated January 4, 2013.
- Letter to Phil Anderson from James M. Cline re: “Department’s Investigation of Assistant Chief Mike Cenci,” dated January 25, 2013, and enclosed documents.
- File regarding January 2012 WDFW Sergeant’s exam.
- Human Resources file regarding 2005 incident between sergeant and female officer.
- Files pertaining to Mike Cenci 2004 and 2005 vehicle collisions and other matters regarding Cenci.

- 2011 Joint Enforcement Agreement between WDFW and NOAA.
- Interlocal Cooperative Agreement between the WDFW and the U.S. Fish and Wildlife Service, signed May 2012.
- Other correspondence regarding Mike Cenci and Enforcement operations.
- Public Safety Testing EEO Data for WDFW, February 12, 2010 – February 13, 2013.
- Court Order by U.S. District Court Judge Benjamin Settle in *Alex Daniel Tarabochia, et al v. FBI Special Agent, et al*, dated September 27, 2011.
- Miscellaneous emails and other documents.

III. ALLEGATIONS, DISCUSSION, AND FINDINGS

Allegation: The Deputy Chief has not been held accountable for wrongdoing or has used his rank to avoid investigation/punishment for wrongdoing by himself or others.

The complaint asserts that over the years, Cenci has not been held accountable for wrongdoing or has used his rank to avoid investigation/punishment for wrongdoing by himself or others. While many of the underlying incidents alleged did occur, most occurred many years ago, the facts were not as asserted, and the evidence does not substantiate the claim that Cenci or his supervisors engaged in unethical conduct or cover ups.

Boat collisions. The complaint alleges that Cenci improperly used his rank to avoid outside investigation of various boating collisions with private citizens – one at a Tacoma Tall Ships event, date unspecified, and one at Seattle Seafair in 2011. I found no evidence regarding a collision during a Tall Ships event and Cenci said he has never patrolled the Tall Ships.

Regarding the Seafair incident, the evidence shows that Cenci was piloting a patrol boat accompanied by another WDFW officer, a King County deputy prosecuting attorney, and a state trooper. Observing a boater who was violating the wake regulations, Cenci went after him too fast, stalled out the boat when the boater unexpectedly turned his boat around, and bumped into the violator's boat, causing a deep, quarter-sized scratch. It shows that Cenci gave the boater his business card and told him to call that Monday to get information about filing a tort claim for the damage. Cenci did not file a report. The law, WAC 352-70-035, did not require Cenci to file a boating accident report with external authorities, but he probably should have filed an internal report. However, the boater never called or submitted a tort claim and had he done so, Cenci would have filed a report.

Speeding. The complaint alleges that Cenci was driving 85 in a 60 mph zone on his way to an in-service training at Lake Chelan and used his rank to persuade the state police officer not to ticket him. The evidence shows that this occurred approximately seven to nine years ago when Cenci was a captain. Cenci said he did not remember his speed, but a trooper caught him

in a speed trap. He said he did not request this, but the trooper let him go without a ticket as a professional courtesy. Cenci said he received either a verbal or written reprimand from the Deputy Chief as a result.

Vehicle collision. The complaint alleges that Cenci had a vehicle collision and improperly used his rank to avoid the policy-required outside agency investigation of the accident. The evidence shows that then-Captain Cenci was involved in two collisions involving elk, one in 2004, the other in 2005. It shows that the accidents were fully investigated by the state troopers and that Cenci was disciplined in each instance: he was suspended for two days without pay for the first collision and given a written reprimand for the second.

Protecting son. It is alleged that Cenci used his position to ask a captain not to ticket his son for poaching salmon, though the son was eventually ticketed. The evidence shows that the incident occurred in spring 2008, that the individual is Cenci's stepson, that the WDFW officer called his captain after he noticed that the offender was related to Cenci, and the captain then spoke to Cenci. The captain said Cenci was upset that his stepson was going to have a misdemeanor conviction, but early in the conversation told the captain to do what they would normally do. The captain said they then discussed the negative impact on Cenci's career if his stepson was given special treatment and Cenci told him, "Pinch him."

Allegation: The Deputy Chief was intoxicated when piloting a boat following a social hour in Bellingham and another officer had to take control of the boat.

I found no evidence from any source that Cenci has ever piloted a boat when intoxicated. The only incident bearing any relation to this allegation is that in 2003, a WDFW in-service training combined with a crab emphasis patrol was held at Semiamoo. The evidence shows that Cenci was moving a boat from Blaine to Semiamoo when it began to leak water and Cenci had to drain the water and have the boat towed. The only evidence of any kind of drinking at the event involved other officers, who decided to not thereafter pilot a boat.

Allegation: An officer was promoted to sergeant because he covered up the 2011 Seafair boating accident. In addition, he was given advance notice of the content of the sergeant's exam and was promoted over a more qualified female officer.

The evidence does not substantiate any of the allegations regarding this promotion. Rather, it shows that neither the officer nor the Deputy Chief "covered up" the boating accident and that the officer was not given advance notice of the contents of the exam, but decided on his own initiative to bring documents with him that showed his skills and experience. It also shows that the officer had seven years with WDFW, scored the highest on the exam, was highly qualified for the sergeant position, and was more qualified than the female applicant. She herself

believes that the male was the best candidate for the job. In addition, the female officer was promoted to a different sergeant position later the same year.

Allegation: There is a pervasive atmosphere of sexual harassment and/or discrimination against women and minorities in Enforcement.

The evidence does not support this allegation. More specifically:

Sexual harassment. The report attached to Mr. Cline's letter includes four specific allegations. The underlying incidents do not show an atmosphere of sexual harassment in WDFW Enforcement, either individually or collectively, and there is no other evidence that such harassment is a problem.

1. The complaint alleges that DC Cenci engaged in inappropriate consensual sexual behavior at work with a female colleague while he was still an officer and despite this, he was subsequently promoted to a sergeant. Cenci was promoted to sergeant in 1997 and according to him, this incident occurred 19 years ago.
2. The complaint alleges that Cenci called a female officer a "bitch." Interviews indicate that Cenci did say this to a female officer, but this occurred at least four to six years ago, was over hamburgers and beer with a group of people after work, and was said in a joking manner during a bantering conversation. The evidence also shows that the female officer was not offended.
3. The complaint alleges that a sergeant "assaulted/forcibly kissed" a probationary female officer without consent and that although the sergeant was given a written reprimand, WDFW wrongly – given that it was a criminal matter – acceded to the officer's wish that nothing more be done. The evidence indicates that this incident occurred in 2005, that the sergeant and officer had been friends, that the alleged "criminal assault" consisted of a hug and a kiss on the cheek, and that the behavior was not repeated. It also shows that WDFW handled the matter appropriately and that the female officer left WDFW five years later for reasons unrelated to the earlier incident.
4. The complaint alleges that a former female employee (who left WDFW four years ago) told an officer that Cenci would go to lunch with a group of male officers and upon his return, make comments about a waitress's breasts. It is alleged that the female employee complained to the Chief but nothing was done. As with the other allegations, this claim is very stale. When asked about this, however, Cenci said he did not remember it, but he is capable of locker room talk.

It was also alleged that a female employee was warned when she was hired (in 2006 or 2007) that Cenci does not like women in law enforcement because he thinks women should stay

at home and not be in the workplace. In my interviews, several witnesses repeated this, with no factual support. Both Cenci and the Chief denied it and there is no evidence to support the allegation.

In addition to looking into the above allegations, I asked witnesses if they had observed or experienced inappropriate, unwelcome, or uncomfortable sexual comments or jokes in the workplace from the Deputy Chief or others. One said she complained about experiencing a hostile environment in 2010 based on two officers' refusal to work with her and derogatory sexual and racial remarks. She said WDFW satisfactorily resolved this by moving her to a different detachment.

The remaining witnesses had not witnessed or experienced any inappropriate sexual conduct, though one said that Cenci does engage in sexual banter at times. When asked, the HR Special Programs Manager said she has not seen Cenci mistreat women and while he can be rough around the edges and "cuss a blue streak," it is not directed toward one group.

Racial Harassment. The only specific incident alleged was that in 2001, Cenci asked a Native American candidate in a hiring interview how could he divorce himself from being a tribal member and enforce state laws against tribal members. Cenci did not recall this, but said he does not see the question as much different from asking a small town resident if he or she will be able to enforce the law against neighbors. The candidate was hired.

The only other allegation was from a witness who said that Cenci uses the term "Indian" rather than the customary terms, "tribes" or "tribal." Both Cenci and Bjork said that they and others, both within and outside the tribes, use a variety of terms including Indian, Native American, and tribal or tribes. Bjork noted that Cenci works closely with the tribes on enforcement matters and Bjork has never heard of any bias on Cenci's part. He said if there were such bias, he would have heard about it.

Failure to Promote Women. The complaint alleges that WDFW has not promoted a female officer to the rank of sergeant or above in at least ten years. The evidence shows, however, that several female officers have been promoted in the last eight months:

- One female officer was promoted in July 2012 to a detective position. Asked if she had applied previously for a promotion and not gotten it, the officer said she applied for a sergeant position several years ago "for practice" and the male officer who was selected was far more qualified than she was.
- Another female officer was promoted to a sergeant position in October 2012. She had applied for a sergeant position previously, but as noted above, she felt the male selected was more qualified than she was.

- A third was promoted to a detective position in January 2013. She said she had applied previously for a detective position but another female officer was selected.

In addition to the above three women, I also interviewed several other female officers. None felt they had been discriminated against with regard to promotion. One said she took the sergeant's test eight or nine years ago, didn't do very well, and declined an interview. She said she hasn't applied since then because she doesn't want to move. She noted that she has been selected, however, to be a Field Training Officer and Firearms Instructor. Two others said they had not applied for promotion.

Regarding the promotion process, Chief Bjork said an officer must work for WDFW for five years to be eligible for promotion, noting that career development paths are specified for every position in the Department. Asked why women officers had not been promoted earlier, the Chief, Deputy Chief, and Training Lieutenant (who runs the hiring process) gave several reasons:

- There are not that many female officers and some have not had long tenures with the Department. (Records indicate that WDFW currently has 10 female officers. Three have recently been promoted, one has just over five years of service, and one has less than five.)
- Not many female officers have applied for promotion.
- There have not been that many promotional opportunities and applicants have to be willing to relocate.

Allegation: Cenci is an intimidating bully who makes derogatory and inappropriate comments for one in a leadership position.

The complaint and a number of witnesses assert that Cenci is a bully and tyrant, behaves in an intimidating and arrogant manner, is highly critical and unsupportive, and makes demeaning and derogatory comments to and about officers. Among the specifics provided were:

- In May 2011, a WDFW sergeant and two officers were called to the scene of a partially submerged shrimp boat and told that a boy was still in the water. According to the three, it was cloudy, the sea was frigid and choppy, they could not see the boy, and they lacked the training and equipment to go in the water to look for him. In addition, a significant amount of time had elapsed between the call and their arrival at the scene. One of the officers was preparing to jump in anyway, but the sergeant said no, it was too dangerous.

According to the three, when they later discussed the incident with Cenci, he did not listen to their side of the story and strongly implied in an accusatory manner that they were weak and not heroic. It is also alleged that in conversations with others, Cenci referred to the sergeant as a coward and said, "I'm tired of hiring pussies" and "If I'd had a game warden there with any hair on their chest, they'd have gotten in the water."

- One officer said that Cenci told the officer, "That was the worst search warrant I've ever read."
- Two officers said that when they met with their sergeant and Cenci to discuss their 2006 or 2007 performance reviews, Cenci told them, "You don't know shit." Another witness also said that Cenci had told him he didn't "know shit."
- One witness said that Cenci said, when discussing a particular sergeant, "Goddamn X. What is he doing now? I'm going to kick his ass."
- Several witnesses said that Cenci favors the marine side of Enforcement and has made denigrating remarks about the wildlife side, such as, "No one cares about deer and elk – that's why we give kill permits" and "If it doesn't have fins, it doesn't mean shit." One witness noted that Cenci calls team meetings for the marine officers but never does so for the wildlife side officers.

Cenci acknowledged being very distressed about the officers' lack of action to try to find and save the young man who drowned off the shrimp boat. He said he felt they should have at least tried to pull the submerged boat away or used lifeguard throw pillows. He said he was sorry for their hurt feelings, but they needed to be more introspective and prepared, particularly given that this type of rescue occurs several times a year. Cenci denied calling the sergeant a coward and while he did not recall the other comments, said he could have used those words in some manner.

A witness to Cenci's comments, who disagreed with Cenci's perspective both then and now, said that Cenci himself has performed two risky water rescues and did believe the officers should have jumped in the water. The witness did not recall Cenci's specific comments, but said he could have used words along the lines of "cowards" and "pussies."

Cenci also acknowledged making the "you don't know shit" comments to two officers, saying that they were exhibiting poor attitudes toward their supervisor and jobs. He said several officers are not team players, adding, "Shame on you" if you're "sloppy, lazy, maintain your own perspective on what to do, and are not meeting expectations." Regarding the other comments, Cenci denied some but said he could have said others, adding that he did not recall them and without context could not address them further. He also acknowledged that he could

use the type of language in question when talking about officers to commanders. He added that maybe he needed to be more careful about being overheard.

Cenci strongly denied favoring marine matters over wildlife. He said it is true that he has called team meetings of the marine officers (about 16% of the force) and not the land officers, but this is because the regional captains have monthly regional meetings that generally focus on land issues, while the marine work crosses regional boundaries and there currently is no marine captain. He also pointed out that he manages the NOAA Joint Enforcement Agreement that requires 10,000 hours of marine work a year.

Cenci did acknowledge making the "I don't care about deer and elk," comment, but said it was in the context of directing recalcitrant land officers to carry out marine work. He noted that he himself has made numerous closed season deer and elk hunting cases.

According to Chief Bjork, Cenci is a very strong operational manager and the hardest working person he knows (a fact noted by a number of other witnesses as well). Bjork acknowledged that Cenci can use rough language, particularly in the field environment, adding that this doesn't occur in other types of environments. Bjork said he has counseled Cenci a number of times on his verbal communication skills, body language, and so on, and Cenci has gone to a number of supervision and leadership classes. He said Cenci wears his emotions on his sleeve, but is very sincere, wants to see that the right thing is done, and expects accountability.

Asked if he thinks Cenci can be a bully at times, Bjork said people who are poor performers and do sloppy police work are a hot button for Cenci and those people don't like his approach. He said otherwise, Cenci is a very upfront, supportive officer who gives praise when it is due. He said people who are hard workers learn from Cenci, understand him, and follow him.

Overall, the evidence shows that Cenci is a very effective and dedicated leader who holds himself and others to a very high standard. It also shows that he is very intense and judgmental and at times communicates his concerns about an officer's work or actions in a manner that is overly harsh, derogatory, and profane.

Allegation: Enforcement has an atmosphere of non-merit-based hiring and/or promotion, which has resulted in preferential treatment for favored candidates.

The report attached to Mr. Cline's letter asserts that in addition to the promotion of an officer to sergeant discussed above, several other preferential promotions have occurred. A number of witnesses, without specifics, also said they feel there is favoritism in promotions and that they can always determine in advance who will be selected in a particular process. The evidence does not support the allegation of favoritism.

1. The complaint alleges that in 2009, a captain position was created for a lieutenant who was about to retire so that he could receive higher retirement pay, and then, after he retired, the position went unfilled or was eliminated. According to Chief Bjork, when Cenci was promoted to Deputy Chief (in April 2008), Cenci's former marine captain position was left open and over the ensuing two years, Bjork began to see a loss of marine emphasis. He said the lieutenant in question was heading the Statewide Investigation Unit (SIU), but had significant marine experience, so to rectify the loss of marine focus, he made him an Acting Captain over both the marine division and SIU. Bjork said when the individual retired, WDFW lost the captain slot in budget cuts and since then, some of the marine captain work has been shifted back to Cenci.
2. The complaint alleges that an officer was promoted to lieutenant after only four years at WDFW and with no sergeant experience. The evidence shows that the officer in question had five years experience with WDFW when he was promoted and 11 years of varied prior experience in another police department, including several years as a detective. According to Chief Bjork, he first recruited for the position from the sergeant ranks but an insufficient number applied and got tested. He said he then opened the position up to officers as well and he selected the current lieutenant from several applicants.
3. The complaint alleges that the Chief brought a personal friend out of retirement in order to become the Problem Wildlife Captain, even though he had no wildlife experience, and the friend was then moved to head up the SIU. Chief Bjork said this occurred in about 2000-2001 and the individual in question had just retired as a captain from the State Patrol and was selected in an interview process. Bjork said he needed a manager, not someone who necessarily had expertise in damage claims involving problem wildlife, and this individual served that role well, among other things bringing in millions of dollars in federal grants. He said the individual stayed with WDFW for four or five years, heading up SIU for part of that time, and then moved to a managerial job at another state agency.
4. The complaint alleges that a sergeant was improperly promoted to a lieutenant position to run hunter education, even though civilians ran the program before and after he held the position. Chief Bjork said that hunter education is funded by the federal government and after the civilian retired, he had an opportunity to free up a state-funded commissioned officer position by putting an officer in the federally funded hunter education job. He said he opened the position up to sergeants, only one applied, and that applicant got the position. Bjork said after this individual voluntarily went back to being a sergeant, another commissioned officer was put in the job. He said in July 2013, the hunter education position will move out of Enforcement so will again be filled by a civilian.

The complaint also alleges that the former merit-based system for hire and promotion has been abandoned and since it is no longer possible to fail an exam, WDFW can select a candidate at the bottom of the applicant pool. It appears that the complaint is referring to the old system whereby WDFW hired and promoted through a statewide register which ranked candidates based on exam results. This system has not been in place for years, and nothing in the current processes or the evidence suggests that unqualified individuals are being hired or promoted.

Allegation: Enforcement instructs officers not to report overtime.

The complaint alleges that WDFW either instructs officers not to report overtime or creates an environment which encourages officers not to report it. Interviews indicated that WDFW officers are consistently told not to work overtime, but that most of them do work more than 171 hours per 28 days on occasion without reporting it. Some said they do a few hours of paperwork off the clock and see others doing the same. Some said they put in more hours primarily when it's a busy time of year or they're working on something that needs to be completed. Others said they answer their phones when they are off duty because they don't want to be unavailable to the citizens with whom they regularly work. One or two said they worked some overtime when they were field training officers and felt it was expected that they do so. Many of the witnesses added, however, that they love their jobs and putting in some extra time does not bother them.

Asked about this, Chief Bjork said he has repeatedly made it clear that no one is expected to work more than 171 hours per 28 day period. He said he has an extremely dedicated workforce and this leads to some of the overtime work. He also said that because the officers' work is not scheduled, some have difficulty managing their time. Bjork said things likely will change in July 2013 under the new labor contract because officers will have to state in advance which hours they plan to work. Bjork said this will enable officers to better manage their time and increase accountability. He added that Enforcement does pay considerable overtime – about \$300,000 – \$350,000 last year. He said the Legislature gives him no line item for overtime, however, so he has to pay it out of his vacancy rate and some private contracts.

Asked about this issue, Cenci said the expectation is that officers will plan and use their time wisely. He noted, however, that he does sign a number of emergency overtime requests each year.

Allegation: Cenci has engaged in other actions that were unethical or harmful to WDFW.

Missing video. The complaint alleges that a video of Cenci and other officers taken by suspected fish poachers – who later filed suit regarding Cenci's belligerent behavior toward them – disappeared without explanation. The evidence does not support this allegation. The stop in question occurred in 2007. According to Cenci and a sergeant involved in the matter, the

original video was returned to the suspects in February 2010, per their request, after the State's criminal case against them was dismissed. The sergeant said he made and still has a copy of the original tape. Subsequently, the suspects filed a civil rights action against Cenci and the other officers in federal court, but the case was dismissed on September 27, 2011.

Incorrect coding. The complaint alleges that Cenci ordered a sergeant to instruct at least four officers incorrectly to code their time to NOAA for a public relations event at Cabela's. Review of the 2011 Joint Enforcement Agreement between WDFW and NOAA (National Oceanic and Atmospheric Administration) indicates that WDFW's tasks included a mandatory 100 hours of "Outreach and Education Activities" to include, "Sports and recreation shows targeting marine activities (Sea Fair, Seattle Boat Show, Issaquah Salmon Days, etc.)" At the event in question, WDFW brought its educational Turn in a Poacher (TIP) trailer which provides state and NOAA fish and wildlife information.

Lost federal commissions. The complaint alleges that WDFW lost its federal commissions as a result of Cenci's conduct and poor relationship with the U.S. Special Agent in Charge. According to Chief Bjork, Cenci and the U.S. agent do not have the best relationship, but the reason officers lacked federal commissions for several years was because he would not sign a proposed contract with U.S. Fish and Wildlife unless certain language was changed. He said they finally negotiated a satisfactory agreement. A new Interlocal Cooperative Agreement between the WDFW and the U.S. Fish and Wildlife Service was signed in May 2012.

Retaliation. Two witnesses said that Cenci has retaliated against them since the Guild's complaint was filed. I did not find merit in these allegations.

IV. CONCLUSION

This investigation demonstrates that the Guild's allegations of ethical and potentially unlawful wrongdoing on the part of Deputy Chief Cenci and Chief Bjork are almost entirely false and unsupported by the facts. The only allegation that has merit is that Cenci, who otherwise is an extremely dedicated and effective leader, at times can communicate his views about officers' work performance or actions in a manner that is overly harsh, derogatory, and profane. This behavior is counterproductive and offends both his targets and others.