

OPS COMPLAINT NUMBER: OU15-0392 (Audit)

EMPLOYEE(S) INVOLVED: Deputy Chief Mike CENCI

TYPE OF INVESTIGATION: Complaint

COMPLAINANT: Internal Investigation - Administrative

LOCATION(S) OF OCCURRENCE(S): Washington State

DATE(S) OF OCCURRENCE(S): 1993 - 2012

INVESTIGATED BY: Lieutenant Jason L. Ashley
Investigator Daniel E. Eikum

POLICY AREA(S) ADDRESSED: Department of Fish and Wildlife Policies and Regulations:

2.00 Rules of Conduct (9) Unbecoming Conduct

SYNOPSIS:

On January 14, 2015, the Washington Department of Fish and Wildlife (WDFW) received information alleging that Deputy Chief Mike CENCI was involved in potential misconduct.¹ On March 30, 2015, Internal Affairs initiated an administrative investigation into the alleged misconduct by CENCI pursuant to WSP Contract K10753.² Internal Affairs investigators were contracted to perform the following tasks:

- Washington State Patrol (WSP) Internal Affairs investigators audit all reports, documentation, interviews, provided by Amy J. Stephson regarding Deputy Chief Mike CENCI's alleged misconduct.
- WSP Internal Affairs investigators conduct additional interviews regarding Deputy Chief Mike CENCI's alleged misconduct.

NARRATIVE:

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators interviewed 78 former, retired, and current Washington Department of Fish and Wildlife employees, 5 Federal employees, and 1 Senior Legislative Assistant regarding the Stephson investigation. Please refer to Statements 1 through 84 for a full and complete account of each interview. This investigative report only contains specific, first-hand accounts related to each of the incidents identified in the Stephson investigation.*

The report was organized by allegation followed by supporting incidents according to the original Stephson Investigative Report dated March 12, 2013.³

¹ Refer to OPS Documents/Timeline tab, copy of the Internal Incident Report.

² Refer to OPS Documents/Timeline tab, copy of advising paperwork.

³ Refer to Addendum J (1), Amy J. Stephson Investigative Report dated March 12, 2013.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators have provided correspondence between the Wildlife Officer's Guild and WDFW from October 10, 2007, to April 26, 2013, which provides an overview of correspondence during this time period regarding many allegations outlined in this report. During this time period Officer Mark James was the president of the Guild and Officer David Jones was the vice president.⁴

Retired Chief Bruce Bjork said after reviewing the Stephson Investigative Report CENCI received verbal counseling, however it was not documented. Bjork stated he counseled CENCI,

"That was related to, um -- probably some on temper. Some on, I'll just say approach. More -- more on -- on, uh, you know, on -- on how -- on how you -- how you speak, I'll just put how you speak, and in what setting -- what types of setting do you use certain type of -- of speak and/or processes."⁵

Deputy Chief Mike CENCI said after the Stephson Investigative Report was provided to Bjork, he did not receive any formal discipline from either Bjork or WDFW Director Phil Anderson.

Allegation One

- 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.

Boat Collisions

1. It is alleged CENCI was involved in a vessel collision at the Tacoma Tall Ships event.

INVESTIGATOR NOTE: For the benefit of the reviewer, this investigation revealed no independent witnesses or firsthand information related to this incident. The interviewed personnel and the coordinator for Tacoma Tall Ships, Sergeant Ted Jackson, stated CENCI had never attended or been assigned to the Tacoma Tall Ships event.

Retired Chief Bruce Bjork said he had no knowledge of the incident.

Deputy Chief Mike CENCI said he had never worked or participated in the Tacoma Tall Ships event.

2. It is alleged CENCI was involved in a vessel collision at the Seattle SeaFair in 2011.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators have provided WDFW Regulation 4.15 - Vessel Accident Reporting, Investigation, and Review. Investigators obtained from Sergeant Erik Olson several SeaFair 2011 Marine Operator's Probable Cause to Stop Vessel summaries. The documents show the dates CENCI was on the vessel.⁶

⁴ Refer to Addendum I (2), correspondence between the Guild and WDFW from October 10, 2007 to April 26, 2013.

⁵ Refer to Bjork's statement, page 14, lines 12 – 15.

⁶ Refer to Addendum A (2), WDFW Regulation 4.15 - Vessel Accident Reporting, Investigation, and Review, and several SeaFair 2011 Marine Operators Probable Cause to Stop Vessel summaries.

Sergeant Erik Olson said on August 5, or 6, 2011, he, CENCI, Trooper Dan Tennant, and King County Prosecutor Patrick Hinds were on a 27 foot Safe Boat at the 2011 SeaFair looking for operators of vessels who were intoxicated. Olson indicated a boat had been traveling south, just south of the I-90 Bridge at a high rate in a no-wake zone. According to Olson, CENCI was driving the patrol vessel and was in the process of stopping the violator's boat when he accidentally hit reverse, the engines died and the wake of their boat pushed them into the citizen's vessel. Olson indicated there was a scratch on the vessel they collided with and CENCI,

*"was very apologetic with the guy, felt like, ah, I think his exact words 'felt like an idiot' because it was our fault. And the Deputy Chief is not going to argue that fact. As a matter of fact he reminded everyone on the boat several times that it was his fault and also ended up at one point, ah, he, he was talking with the guy and he said, 'Hey, if you want to file a tort claim, it's my fault, 100% my fault.' And he even handed him a business card, says, 'Here's my, here's my name. Here's my information.' He handed him a business card. Um, ah, and, ah, like I said, everyone on board there can, can tell you this same story or maybe they'll give their own rendition of it but it was, DC talked about it. Everyone on land, everyone there saying, ah, driving a boat like an 18 year old kid, you know? Should've, should've known better. Something like that. I think it was the exact words. So very apologetic. Very admitting of his mistake. The only thing that he did not do was complete a boating accident form as per our policy. Um, and I, um, and he even knows that, that was something that he should have done. And my fault, I should have reminded him to do it quite honestly."*⁷

Olson said after the collision,

*"I don't even have the WN numbers off the boat. I mean I don't even know the guy's name. Um, it was kind of, you know, because you're kind of sitting there and the Deputy Chief's doing his gig, talking to the guy, and I'm kind of on the back deck, um, ah, and you know, I was letting him do all the talking because, you know, he's the one driving the boat and he was the one that was engaging with the guy so I didn't interrupt him. I didn't intervene or anything to...when we pulled away I was thinking to myself, 'It kind of would have been nice to get that guy's name or get the WN numbers,' something like that, but, you know what? Hindsight's always 20/20."*⁸

Olson said after the Stephson investigation came out CENCI told him that he did not fill out a vessel collision report.

Retired Chief Bruce Bjork stated,

"Uh, I received a phone call from Deputy Chief CENCI on this one. He told me what had occurred. That uh -- that he had -- he had bumped into a private boat. Uh, that he was piloting the Fish & Wildlife vessel and -- let's see in his terms I think he said he 'came in a little bit too hot, uh, and ended up bumping the boat.' He -- he said there was minimal damage -- -- if any damage. And I said, uh, I

⁷ Refer to Olson's statement, page 7, lines 28 – 33, and page 8, lines 1 – 8.

⁸ Refer to Olson's statement, page 8, lines 14 – 21.

*said does it need to be investigated? And he said, 'There -- there's not -- there's not a reportable level of damage to the vessel.' So I said well, then do what you got to do. Make sure that uh you have all the witness information and you give them the WDFW information. Which he did; he gave the other vessel owner his business card and told him he could file a tort claim with the State if that was necessary and that's what he wanted to do, and, uh, that was it.'*⁹

Bjork said CENCI did not receive any discipline regarding the vessel collision because, "No, he was pretty much self-disciplined on that."¹⁰ Bjork explained he felt CENCI did not need further discipline,

*"Absolutely. He uh -- extremely embarrassed about it. Um, Deputy Chief CENCI's a hands-on guy. So, I mean there's nothing that -- nothing that you could ask any of his workers to do that he wouldn't do. That's the type of individual that he is. And so I can see him operating the vessel. I could see him -- he's a hard charger, so I could see where he may have come in a little too hot. I'd have probably done the same -- I may have done the same thing. But he was extremely remorseful for that occurring, uh, assuring me that he'd taken all the steps that he needed to take with a private boat owner and, uh, I was satisfied with that."*¹¹

Deputy Chief Mike CENCI stated,

*"I approached -- I was operating a patrol vessel when I approached a violator too fast for the circumstances. I misjudged the reaction of the boater. Um, uh, he actually turned, uh, his vessel right toward me, um, so that, uh, I wasn't able to react. So I throttled both, uh, engines back suddenly. Uh, in doing so I -- I killed either one or both engines; I don't remember. Uh, and I could feel my own wake come in behind me and -- and lift the patrol vessel up and push it into the gentleman's boat. It rocked the vessel. There was some minor damage to the fiberglass. Um, I -- I told the individual that I owned, uh, I owned that; that I caused, uh, that collision. Uh, I handed him my business card, told them to call me Monday morning, I would, uh -- pointed out my cell phone number, which is the best way to reach me, and explained to him that I would describe the tort claim process. I then, uh, called Chief Bjork, told him that I'd been involved in a collision, um, and that's it. Uh, the damage was less than what, uh, required, uh, for a State collision report, uh, however, we have an internal policy that, um -- that, uh, would require me to report a vessel incident."*¹²

CENCI said the vessel collision would be classified as a non-reportable collision as he only chipped the gel coat on the other boat and may have torn the rubber skirting on the patrol vessel he was operating. According to CENCI, he did not complete the Enforcement Program Washington Boat Accident Investigation Report nor did he obtain the information on the other vessel per policy. CENCI stated,

⁹ Refer to Bjork's statement, page 15, lines 28 – 33, and page 16, lines 2 – 8.

¹⁰ Refer to Bjork's statement, page 16, line 13.

¹¹ Refer to Bjork's statement, page 16, lines 22 – 29.

¹² Refer to CENCI's statement, page 13, lines 17 – 29.

*"No, it was, uh, unintentional oversight I wasn't as familiar with the policy as I should have been. Um, uh, I handed the guy my business card, um, all my contact information was there. Uh, the -- the damage was so minor, uh, that I didn't give it the consideration that I probably should have."*¹³

CENCI said he did not receive discipline for this vessel collision.

Speeding

1. It is alleged in 2005 while en route Chelan for WDFW in-service CENCI was stopped by a trooper and let off for professional courtesy.

INVESTIGATOR NOTE: For the benefit of the reviewer, the Computer-Aided Dispatch (CAD) Log for 2005 used to document troopers' daily activity had been purged. Investigators were unable to locate any documentation of the actual traffic stop or the name of the trooper who stopped CENCI.

Retired Deputy Chief Bill Jarmon said he remembered CENCI being stopped by a trooper for excessive speed but did not remember if he disciplined CENCI regarding that incident.

Human Resource Special Programs/Labor Relations Manager Cindy Lerch said she remembered talking to Jarmon about CENCI being stopped for excessive speed by the Washington State Patrol, *"I recall that um Deputy Chief Jarmon uh felt that Mike CENCI was a little cocky and that this had occurred um and they wanted -- he wanted to talk with or give a um written reprimand or something to the D -- Chief CENCI."*¹⁴ According to Lerch, she could not remember if Jarmon disciplined CENCI regarding this incident.

Retired Chief Bruce Bjork said CENCI told him he had been stopped for speed. Bjork stated had he counseled CENCI,

*"It would have gone like, uh -- uh, I probably would have used some colorful language, which I don't need to use here. Uh, CENCI, you need to pay attention to your speed. You need to look and watch at all aspects of your driving. Because it was an ongoing issue. Uh, not that he'd been stopped a lot of times for speed in the past, but speed has uh -- vehicle operation, I'll just put it that way, vehicle operation and it's -- and it's ordinarily speed with him, has caused a -- a couple of accidents that he's had and, uh -- so, it was ongoing issue that -- it's an -- an ongoing issue that all of us watch -- need to watch and set the right example."*¹⁵

Deputy Chief Mike CENCI stated,

"Uh, well this, uh, this incident occurred, um, I don't know, now over 10 years ago. Um, I was traveling to, I believe, in-service, uh, training on the east side. Uh, troopers were working, uh, the highway with aircraft. Um, I did get pulled over for excessive speed, uh, and I was not issued a notice of infraction. Um,

¹³ Refer to CENCI's statement, page 14, lines 30 – 33.

¹⁴ Refer to Lerch's statement, page 5, lines 15 – 17.

¹⁵ Refer to Bjork's statement, page 21, lines 17 – 26.

one of the sergeants heard the, uh, the radio traffic, um, uh, mentioned it in -- in jest to the group. Deputy Chief Jarmon asked me if I'd been pulled over and I told him I had. In fact, I may have even been compelled to write a report and, um -- and I was, uh -- I either received a verbal or written reprimand, uh, from Deputy Chief Jarmon as a result. Um, I know a number of officers, uh, I recall -- I recall, uh, Sergeant Makoviney, uh, stating that, uh, he had just, uh, narrowly missed being, uh, stopped under the same circumstances himself. Um, people were in a hurry to get to the east side. No excuse."¹⁶

CENCI said he did not use his authority as a captain to get out of a ticket. CENCI stated he was operating a marked WDFW patrol truck and was wearing a uniform at the time of the contact. According to CENCI, he thought he had written a report of the incident and he received a verbal or written reprimand.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators were unable to find any documentation of this incident nor was it documented in CENCI's yearly evaluation.*

Vehicle Collisions

1. It is alleged CENCI was involved in a Collision in 2004 involving an elk investigated by WSP.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators discovered the collision occurred on August 19, 2004, and this collision had been previously investigated and discipline was imposed by WDFW. The complete investigation is incorporated in WDFW Enforcement Program Case number 04-0468.¹⁷*

Deputy Chief Mike CENCI said the collision was investigated by the WSP, there was an internal investigation conducted by Jarmon, and he received a two day suspension from Bjork for the collision.

2. It is alleged CENCI was involved in a Collision in 2006 investigated by WSP.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a copy of the Internal Investigation conducted by WDFW. Investigators discovered this incident occurred on January 14, 2006, not 2005 as asserted in the original complaint and had been previously investigated and discipline was imposed by the Department of Fish and Wildlife. The complete investigation was incorporated in WDFW Enforcement Program Case number 06-0013.¹⁸*

Deputy Chief Mike CENCI stated,

"Uh, and, uh, I understood that, um, you know, they were, uh -- given the damage to the vehicle, they would want an independent agency to investigate it. Um, and, uh, I understood that was my obligation, however, the trooper that, uh, Sergeant Williams was going -- going to send out there was Trooper Jimmy Long. And Trooper Jimmy Long, on that day was on desk duty, uh, had been

¹⁶ Refer to CENCI's statement, page 17, lines 5 – 15.

¹⁷ Refer to Addendum A (4), Internal Investigation regarding August 19, 2004, patrol vehicle collision.

¹⁸ Refer to Addendum A (5), Internal Investigation regarding January 14, 2006, patrol vehicle collision.

reassigned because of a criminal commercial fisheries investigation and an L&I fraud investigation that we were responsible for. So I wasn't excited about having, uh, a trooper that was on suspension because of our investigation investigating my scene. So I wanted an alternative, whether that was Freddy or some other tech.

So that's, uh -- that was a concern that I expressed to the Chief. It was a concern that I expressed to Sergeant Williams and I left it to higher authorities to work that out. The bottom line was, uh, um, I, you know, I hit two elk that I would have hit whether I was going 35 or 50 because of their suddenness and, um, caused -- caused damage to a patrol vehicle."¹⁹

CENCI said he did not use his position as a captain to call off the investigation, CENCI stated,

"Um, I didn't do that. Uh, I had -- I had a concern that, uh, it would be fairly investigated and that the individual, um, as is documented in -- in -- in the report from back then that was going to, uh, investigate it, had some problems that, uh, I didn't want to negatively affect me, so, uh, I -- I fully envisioned this incident being investigated, uh, it was just the who-investigated-it part that concerned me the most."²⁰

CENCI said the collision was investigated by the WSP, there was an internal investigation conducted by Jarmon, and he received a letter of reprimand from Bjork for the collision.

Protecting Son

1. CENCI's son was cited for poaching. Once for poaching water fowl by Shane Braiser and once for poaching salmon by Bruce Richards. While CENCI's son was ticketed, it is alleged CENCI used his position to ask Captain Hebner to avoid ticketing his son.

INVESTIGATOR NOTE: *For the benefit of the reviewer, retired Officer Shane Braiser declined to be interviewed.²¹*

Retired Officer Bruce Richards said he had contacted Forrest Cenci, (CENCI's son) for fishing in a closed season and he failed to punch his salmon card. Richards indicated he called Captain Bill Hebner to find out what he should do regarding CENCI's son. According to Richards, Hebner told him he had contacted CENCI, *"So what Captain Hebner told me was that CENCI told him that wouldn't quite right, look right if his son didn't get a ticket so I should issue him a citation. Yes, I did. I wrote him several."²²*

Retired Captain Bill Hebner said Richards had contacted CENCI's son on the Green River for snagging salmon and punch card violations. Hebner explained Richards called him to find out what he should do with CENCI's son and Hebner told him he would get back to him because at that time violators were not issued citations at the scene and the officer would refer charges to

¹⁹ Refer to CENCI's statement, page 21, lines 20 – 33, and page 22, line 1.

²⁰ Refer to CENCI's statement, page 22, lines 20 – 24.

²¹ Refer to Report tab, Investigators Case Log Shane Braiser entry dated July 23, 2015 at 9:25 a.m.

²² Refer to Richards' statement, page 5, lines 13 – 16.

the King County Prosecutor so they could make a decision on whether or not to charge the violator. Hebner said CENCI called him,

*"the Deputy Chief called and he was going on, you know, and -- and hemming and hawing and really didn't know what to do. It's his son; nobody likes to see his son get in trouble. And so I went on and -- and he was kinda going back and forth, and I says listen Mike I says here -- here's what's gonna happen. You're gonna be Deputy Chief for a long, long time, and I says nobody likes their son getting in trouble. I'm the same way. But I says this is your test. Make no mistake about it. Whatever decision you make here is gonna come back to haunt you forever and and -- and doggone it, yo -- your son is -- (laughed) is saddled with you being the Deputy Chief and I think if you were to make any other decision other than to treat your son like you -- what anybody else, um, you're -- you're -- it'd be a big mistake and you're gonna pay heavy. So my counsel to you is go forward, treat him just like you would anybody else, and live with the consequences. Your son has to live with 'em, you have to live with 'em and, uh, and -- and let it go. If you do anything else, um, it's -- it's gonna -- it -- you -- there's gonna be a price to pay and you'll -- that'll haunt you for the rest of your career. He says you know, that's sound advice and I think I'm gonna take it. I want you to proceed."*²³

Hebner stated,

*"I -- it was just back-and-forth of, uh, him staying out of it and you doing what you want, or are you telling me to hold off or you're not -- ah I -- I don't know. He was just going back and forth, whether that was a good idea or not. But I gotta tell you, I didn't feel pressure -- -- um, to turn this into a warning or treat him with specialized or special consideration. But he was -- and I say back and forth, and he was tempted to use whatever influence and officer discretion that we might want to use on s -- somewhere down the line for whatever reason. Um, there was an opportunity for him to, you know, he certainly could have, um, exerted some pressure for us not to take an enforcement action on his son. He could have and I -- I think he was toying with it in all honesty. I think he was toying with that, uh, option and I -- I mean after we -- we wrestled it out together, it was clear that that was not the best course of action. The best course of action would -- would -- would be to move forward with an enforcement action."*²⁴

Retired Chief Bruce Bjork stated,

"Uh, I have knowledge about the second one, uh, because Deputy Chief CENCI told me about it. And uh -- told me that, um, I don't recall exactly what he told me, but told Hebner or -- or -- Captain Hebner or -- or the officer that uh -- I mean the citation already had been issued. So you go through the normal process and that's to go to court. There was no influence that I know of in regards to, uh, doing anything with the citation. I -- I don't have any knowledge of CENCI calling Hebner and -- for instance, and saying, 'Hebner, contact the court and have the case dismissed.' Uh, I don't -- I don't recall that at all, if that's what the allegation

²³ Refer to Hebner's statement, page 7, lines 13 – 27.

²⁴ Refer to Hebner's statement, page 8, lines 24 – 33, and page 9, lines 1 – 3.

is.”²⁵

Deputy Chief Mike CENCI stated,

“Well uh, I didn't try to use my position at all. Um, uh, my stepson, uh, didn't have very good ethics that day, uh, and, in fact, um, uh, he wasn't written a ticket that day. I believe, um, I lear- -- I learned about this from Captain Hebner, but this happened in 2007 or '08, so that's going back a ways. Um, uh, you know, the allegation is that I was concerned that my son might have a misdemeanor. Uh, I wasn't concerned about that at all. Uh, if -- if he used -- if -- if he had an error in judgment, then it's on him. He knows what I do for a living, uh, and if he's going to put me in a compromising situation, uh, then that's his problem. Uh, my understanding was that he was fishing in an area that had a lot of people fishing closed season. Uh, it's pretty common, uh, for the public to be confused. If you've ever been through one of our fishing pamphlets, uh, it's not that straightforward. I recall him calling me, uh, several weeks before that and asking me about spring openers and closures and I told him you need to check the pamphlet, you know, I work hundreds of seasons and I can't be familiar with them all. I have to do the same thing. Make sure you know where you are, because it could be open in one stretch and closed in another. And, um, apparently he didn't do that or he was confused with respect to location -- at least that was his story and there were other people fishing there. And the officer, Bruce Richards, and my recollection is, gave a lot of people some warnings that day. Um, frankly, I -- I -- I believe my words to the Captain were he needs to be pinched. But I'm very careful about these things. Uh, I would never use my authority to try to influence the outcome. Um, and my own family, I expect them to take greater -- greater care than anybody else, so I don't, uh -- I don't subscribe to the notion that I tried to influence this in any way. Ultimately, I think he did get a ticket.”²⁶

INVESTIGATOR NOTE: For the benefit of the reviewer, CENCI's son Forrest was cited by Richards for a Recreational Fishing Violation that occurred on October 1, 2007.²⁷

Allegation Two:

- It is alleged in 2003 during a crab emphasis patrol held at the Semiahmoo Resort, CENCI was intoxicated when piloting a boat following a social hour in Bellingham and another officer had to take control of the boat.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators determined WDFW met at the Semiahmoo Resort in the Lopez Room on October 2, 2003.²⁸

Detective Brad Rhoden said CENCI had picked up the WDFW 28 foot, ridged-hull, inflatable boat and took it to an emphasis that was being held at Semiahmoo Resort. Rhoden explained

²⁵ Refer to Bjork's statement, page 26, lines 18 – 25.

²⁶ Refer to CENCI's statement, page 23, lines 13 – 33, and page 24, line 1.

²⁷ Refer to Addendum A (6), Law Enforcement Report showing Forrest CENCI was cited for a Recreational Fishing Violation that occurred on October 1, 2007.

²⁸ Refer to Addendum B (1), Semiahmoo Resort bill.

Dan Chadwick had earlier cleaned the vessel and left the drain plug out and put it in the bilge pump outlet. According to Rhoden, he was on the dock when CENCI put the boat in the water and the vessel started to take on water. Rhoden said he jumped on the vessel and helped CENCI bring the vessel on plane to drain the water, then they placed it on the trailer. Rhoden said he did not see CENCI have any alcohol to drink prior to this incident and he did not notice an odor of alcohol coming from CENCI.

Retired Detective Todd Vandivert said he was there and he could not say if CENCI had anything to drink prior to launching the boat. According to Vandivert, he did not see, smell or detect any intoxication on CENCI. Vandivert said he did not remember seeing CENCI at the evening social hour.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.²⁹

Sergeant Russ Mullins said he was present during the incident which took place late in the afternoon. Mullins indicated CENCI arrived with the boat and launched it. According to Mullins, CENCI had not been at a social hour and CENCI was not intoxicated nor was there any evidence CENCI had been drinking at the time he operated the vessel.

Retired Officer Mike Krenz said in 2008 or 2009 Officer Ralph Downes told him sometime after dinner and after CENCI had been drinking CENCI decided to, *"So he jumped on a WDFW vessel and piloted while intoxicated and was so intoxicated, according to Officer Ralph Downes, that Officer Ralph Downes had to take, ah, control of the boat from Deputy Chief CENCI and another person that was on board, who was Officer Nick Jorg."*³⁰

Officer Nicholas W. Jorg said he and Officer Ralph Downes were at Semiahmoo for a miniature in-service just for the Marine Division. Jorg stated,

"we assumed we were done for the day and everybody was in the restaurant at the place eating and we were all drinking and having a beer or two with our meals, myself included and, uh, we -- everybody thought -- I think we just all assumed we -- you know, we had already put in probably 12-hour days at least and we were done. And -- and then CENCI came out and -- and, uh, right in the middle of the restaurant said everybody, you know, saddle up. He could see what we were doing and we were ordered to, you know, back to the boats, so now we're gonna be getting on, uh, doing a nighttime patrol, the Chiefs coming, uh, Bjork was coming, and we're gonna go out and track some different vessels at night and do some surveillance. And I remember looking across at, uh, the table. I believe probably I was still with Ralph and whoever else and I'm like really, we're gonna go back out (laughed). I'm kinda looking at the beer and he sees we're -- the situation we're in, but get out there. I was pretty new then. So, um, everybody, um, in a gung-ho spirit we -- we, uh, got together and we got back on the boats. Um, I don't know that anybody was really inebriated, although I do remember I s -- I don't -- I don't believe that anybody was inebriated to the point of being like, you know, illegal to drive. Except I do remember that CENCI at one point in time -- I don't -- I never saw him driving the boat, um, but I saw the smaller rib, it was like a rib, um, patrol boat, it was dark and it was in a parking

²⁹ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

³⁰ Refer to Krenz's statement, page 10, lines 22- 25.

lot. I remember it was like kind of a comical issue. It stuck in my mind he had -- uh, because he was wearing some like snakeskin cowboy boots or something like that.

*(Laughed) Or something like that. That was kind of comical. It was -- and he was -- the boat was on the trailer at the time and I don't know what happened or how it got full of water, but he was standing like in the water in his boots and trying to bail the water out or empty the water out of the boat in the parking lot. And so I don't know if he had launched the boat and it filled up and he was able to get it back to shore and -- and -- and bring it out on the trailer. Um, but he was kinda yelling in the parking lot and carrying on and -- and you know, was kind of in, uh, teasing fun with back and forth with somebody else but I thought he was -- my impression at the time was that he was inebriated too, just by, you know, why would he be standing in leather boots and his personal boots in the water in the boat, um, kinda carrying on like that. But kinda -- that's the extent I know about him actually driving or handling a boat. I didn't see him drive but I -- he was -- his -- it was attached to the truck on a trailer and he was in the back of it in the water and it was full of water because I could see the water being -- coming out of it or something at the time.*³¹

Jorg said he thought CENCI had been drinking at the time but never saw him operate the boat and did not get close enough to him to smell an odor of alcohol coming from CENCI. Jorg stated,

*"I can't honestly direct (ph) -- I mean going back that far, uh, I -- I believe I did and that's why I thought that he was inebriated later on. It's like I was surprised, you know, all of a sudden he's carrying on like that. He kinda, you know, guys kind of fall over to the other side of the curb and they're all of a sudden loud and have that alcoholic, you know, kind of louder voice and everything else. Um, I just -- I remember being surprised, though I didn't think he drank that much. But I -- I can't specifically re -- recall that moment of him lifting a glass to his lips, but I - - I'd say 99.9 percent sure that he was drinking that night."*³²

Jorg said he and the other officers were acting in an official capacity when they were on the boat.

Lieutenant Paul D. Golden said he was at the Semiahmoo Resort but did not have any knowledge of CENCI being intoxicated and operating a boat.

Officer Ralph Downes said he was at the Semiahmoo Resort when CENCI launched the boat, he forgot to put the plug in it, and the boat started to take on water. CENCI took the boat out and drained the water then placed it on the boat trailer. According to Downes, to his knowledge CENCI did not have anything to drink.

Retired Chief Bruce Bjork said he was not presented with any information that CENCI had any alcohol to drink while operating the vessel.

Deputy Chief Mike CENCI said he had never piloted a boat while intoxicated, CENCI stated,

"In fact, um, Chief Bjork, uh, was at that event. If -- if I remember right, it was a

³¹ Refer to Jorg's statement, page 7, lines 9 – 33, and page 8, lines 1 – 10.

³² Refer to Jorg's statement, page 9, lines 25 – 33.

combination training and then an operation event where, uh, the Canadians were, um, uh, fishing illegally commercially in U.S. waters and after the training we were going to, uh, uh, deal with that -- deal with that pretty significant problem along the U.S./Canada border.

*Um, but if you -- if you know Chief Bruce Bjork, if anybody knows Chief Bruce Bjork, uh, he would not have tolerated any of this kind of behavior. It's, uh, quite silly, uh, to -- to -- to allege this sort of thing in an event where he was present.*³³

CENCI said he had just launched a 28 foot, rigid-hull, inflatable boat when it started to take on water. CENCI stated,

"We typically do not remove the plugs from those vessels. Um, it's a permanent fixture. They have scuppers if you need to de-water the boat, uh, there's a better way to do it, um --

-- so you don't have to keep remembering the plug. And, um, I don't remember who hauled, uh, the boat there. Nonetheless, uh, the plug, uh -- I believe the boat was already deployed -- again, this is going back a long time ago -- and it's at the dock tied up. And I got on the boat for some reason and I noticed it was filling with water. Um, I turned on the bilge pump and it didn't work. The reason it didn't work is because whoever had removed the plug, stuck it in the bilge hole -- pump, uh, hole. So, um, great event. So I did the next best thing which is, um, to get underway on plane and do circles until somebody brought a trailer around, um, because these vessels are equipped with scuppers and it will de-water on its own --

*-- provided you've got some forward motion. So, that's what I did. And then I realized, uh, this is -- the -- the plug wasn't in the boat. And in fact, I remember, uh, having a discussion with the individual that had removed the plug, uh, who was Dan Chadwick at the time. It's slowly coming back to me. And, uh, and I said who the heck removes the plug on a rib? We don't do that. Don't do that. Dan always listened.*³⁴

CENCI said he could not say for sure if he had any alcoholic beverages,

*"Um, I can't say no because my recollection is not that clear going back that far, uh, but I can say likely not. Um, uh, I know that, uh, securing these vessels, um, would have happened shortly after arrival, so it would have been difficult to get into the swing of -- of beverages and -- and be dealing with your equipment.*³⁵

CENCI said he was not intoxicated at the time he operated the boat. CENCI stated,

"No, there was, uh -- there was, uh, none of those things. Uh, nobody expressed any concern. Uh, no one talked to me about it. Um, uh, the two individuals that I, uh, I remember, uh, being around me during this were -- were, uh, Brad Rhoden who is the detective with us, uh, I'd asked -- I'm pretty sure I'd asked him to bring the trailer around. Uh, in fact, we may have arrived together. I -- I -- I

³³ Refer to CENCI's statement, page 25, lines 16 – 23.

³⁴ Refer to CENCI's statement, page 25, lines 29 – 33, and page 26, lines 1 – 13.

³⁵ Refer to CENCI's statement, page 26, lines 18 – 21.

*don't remember. And, um, I don't know if Dan Chadwick was there, other than, uh, I remember him because I -- I chewed on him for taking the plug out of a boat we normally don't de-plug.*³⁶

CENCI said he was not counseled or disciplined regarding the incident.

Allegation Three:

- It is alleged 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.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained the interview panel score sheets for the South-Central Sound Sergeant (Detachment 1) and Wildcomm Sergeant Positions held on January 26, 2012.*³⁷

Human Resource Special Programs/Labor Relations Manager Cindy Lerch said she was a member of the interview panel for the South-Central Sound Sergeant (Detachment 1) position on January 26, 2012. Lerch explained four officers Krenz, Maurstad, Myers, and Olson were interviewed for the position. According to Lerch, after the interviews the candidates were ranked and the scores were sent to the Department of Personnel test expert who validated the exam scores to make sure they were appropriately weighted and there was no inherent bias.³⁸ Lerch said Olson was the top candidate. Lerch stated,

*"Um, people prepare differently and are then able to articulate differently, and Olson is just sterling when it comes to that um he was very prepared. His answers were very complete and thorough. Some people are um -- unfortunately some people interview poorly, and um I think some of the candidates believe that um since you know them or know of their work history, that they don't have to say everything and so they give less complete answers. Um, Olson was just -- he was pretty good -- he did a good interview."*³⁹

Lerch said she disagreed with the allegation that Olson got promoted over a more qualified female candidate. According to Lerch, after the interviews Olson was the most qualified candidate, *"If we were just going by the transform total exam scores he was more than eight points above the next most qualified candidate."*⁴⁰

Sergeant Erik Olson said he competed for the position of sergeant on January 26, 2012. Olson described the allegation as,

³⁶ Refer to CENCI's statement, page 26, lines 30 – 33, and page 27, lines 1 – 3.

³⁷ Refer to Addendum C (1), interview panel score sheets for the South-Central Sound Sergeant (Detachment 1) and Wildcomm Sergeant Positions held on January 26, 2012.

³⁸ Refer to Addendum C (1), final score for all applicants.

³⁹ Refer to Lerch's statement, page 12, lines 21 – 26.

⁴⁰ Refer to Lerch's statement, page 16, lines 3 – 4.

"Okay. Um, first of all, I'll say the same thing that I said to Miss Stephson, I find that incredibly insulting. Um, and the fact that, that someone would be able to just claim that without even having any proof whatsoever is just, in my opinion, incredibly ridiculous and irresponsible, the Klein [sic] Association to even bring something like that to, to make that assumption. Um, the simple fact of the matter is I was Officer of the Year in 2010. Um, and I am heavily involved in commercial fish and shellfish industry and I have tried to make myself the expert in that field and before me there was no one in Seattle that did that and I just think that really ticks me off that someone would even make that allegation."⁴¹

Olson said prior to the exam he researched as much as he could to get ready for the oral board and did not receive any information about the exam by CENCI, Bjork, or anyone else. Olson stated,

"I worked my ass off, okay? I sat there and thought of every single question they could possibly ask me. I, I, ah, 'cause I had no idea what the test was going to be like. And, um, I did, I, I didn't know if it was prepared questions they were going to ask me or if it was going to be more, um, kind of follow-ups, you know, like saying, 'Okay, talk about things that were pertinent to...' Because this was the first time that they, I remember this now, this was the first time they got away from, from just creating a register where you had this list and they took off the list. They were actually interviewing for specific positions. So this one being the marine sergeant for detachment 1. Um, and, ah, and they done it that way ever since. They got away, 'cause they wanted, 'cause we knew that the, let's face it, a guy that, um, is going to be in that position needs to know the commercial fish and shellfish industry for all the commercial aspects that are very different than being a sergeant over in Okanogan or something, okay? Um, so the way I prepared for that is I read every single policy. What I did is I went in to that, ah, the, the, ah, the pdf file that I'm going to send you and I typed in supervisor and sergeant as keywords and I reviewed every single policy that pertained to supervisors and sergeants and I tried to memorize just about any aspect in terms of timeframes, in terms of, you know, what a supervisor is required to do for whatever incidents. What if a, um, I reviewed outside enforcement. I reviewed our department policies, meaning just Fish and Wildlife in general 'cause we had our enforcement policies and then we have policies that kind of pertain to us too. Ah, that are non-enforcement policies so that would be, you know, everything from sexual harassment in the workplace, you know, um, or, you know reporting or investigating an officer that you have indications that are involved in domestic violence at their, in their residence or something like that. So I reviewed every single policy I could possibly think of. In addition to that I also looked at the email that was sent out to all the candidates and one of the, I looked at the people who were CC'ed on it and one of the people that were CC'ed on it was someone down in Oregon. I had no idea who this person was. I Googled him, found out that they were in charge of SIU down in Oregon. So I proceeded to come up with different ways to hopefully thinking that would give me favor to, to go ahead and try to figure out ways to incorporate any answers that would, that would talk about interstate cases, interstate cooperation, anything having to do with Oregon. Um, I worked with them a number of times so, so I was going to try to find a way to do that, to kind of bring them into the mix because apparently they were

⁴¹ Refer to Olson's statement, page 17, lines 1 – 8.

bringing her in from Oregon as kind of an impartial person and also did a 90 day plan that was part of the requirements to submit a 90 day plan and I went over everything. I put everything in there. Actually you guys have it I know because I called up Serena (ph) with our Human Resources. I was going to bring that to you, um, just the results of my interview and all my 90 day plan and all that jazz and she said I couldn't get it but she says, 'Oh, but since you asked because if patrol asks for it we had to give it to them for the investigation.' I went, 'Oh, well that's what I was getting it for so great.' Um, and, ah, ah, because I wanted to show, because I never seen, I've just been told, the chief told me I was, I ranked number one when he brought me in for my interview or for my, ah, ah, offer to say 'Do you want to take the job?' So on my 90 day plan was very extensive."⁴²

Olson said there was no attempt to cover up the boat collision. Olson stated,

"But boating collision, again, I just have to reiterate, absolutely zero cover-up. I'd say probably conservatively 25 people knew about it that day. Conservatively. Because the Deputy Chief kept talking about it, how, you know, he was, it was his fault and ah, dang it, he felt like crap. I mean I remember him feeling absolutely crap for the rest of the day. I felt bad for him. Um, because he had to call up, I don't know what the conversation with the chief was on the other end but I'm sure it wasn't pleasant conversation so he felt pretty bad throughout the rest of the day."⁴³

Captain Dan Brinson said he was a member of the interview panel. Brinson stated, *"From my perspective on the oral board, Sergeant Olson, um, did well, um, and not unexpectedly since the position was for a marine, um, division sergeant and -- and so some of the questions and -- and things were, uh, were focused on the marine environment."⁴⁴*

According to Brinson, after the interviews Olson was clearly the top candidate for the position and he was not surprised when Olson received the promotion to sergeant.

Sergeant Jennifer S. Maurstad said she competed for the sergeant's position against three other officers, *"I felt like Eric Olson deserved the job. I thought that we both had a fair shake. Um, he has far more marine experience than I do. He was in the marine detachment, um, so I didn't feel like I got the short end of the stick."⁴⁵* According to Maurstad, she did not feel she was more qualified than Olson.

Captain Alan Myers said he competed for the position of sergeant and felt the person the panel selected was the highest qualified person for the job. Myers stated Olson was,

"an officer in that detachment at the time and had been since the beginning of his career. And there was nobody more versed in that specialty which is urban marine work than, than anybody else in the state at that time. He was the foregone conclusion in my mind, certainly not in anybody else's maybe but

⁴² Refer to Olson's statement, page 18, lines 5 – 33, and page 19, lines 1 – 12.

⁴³ Refer to Olson's statement, page 26, lines 4 – 11.

⁴⁴ Refer to Brinson's statement, page 8, lines 11 – 13.

⁴⁵ Refer to Maurstad's statement, page 7, lines 11 – 13.

*definitely in my mind. When I went there, I, before I went there, I actually interviewed him to gain insight in how I could, how I could better perform at the interview because he was such a knowledgeable individual.*⁴⁶

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.*⁴⁷

Sergeant Russ Mullins said Olson was the most qualified candidate for the position. Mullins stated,

*"Uh, well, the -- the officer who was allegedly falsely promoted was Erik Olson. He's still the sergeant there. And I assume that the -- the female officer was Jennifer Maurstad, who is now promoted into her duty station. Um, so I don't understand really the reason for those complaints. Erik Olson has been an all star officer his entire career. He's exceeded the performance and professionalism of really anyone who's attempted to promote. And he understood the Seattle marine environment better than anybody, absolutely anyone. And, uh, it's -- it would be not in his character to cheat on a promotional exam. In fact, I think that if someone else would have been chosen, no matter who it was, it would have been -- it -- it -- that would have been unreasonable. Because he is by far the most, uh -- uh, qualified candidate."*⁴⁸

Retired Officer Mike Krenz said prior to the interview he had been in the acting sergeant's position for two years. Krenz stated,

"This is my, um, personal opinion and experience with this. I was, ah -- like I said, I was that sergeant, this specific sergeant, for almost two years. I was in a temporary position. I went and took this, um, promotional exam, ah, for the position when it was offered on a permanent basis. I did so to prove what was going to happen. It was already, ah, common knowledge that Officer Erik Olson was going to get this position. He barely qualified for the position in number of years on and never supervised anybody. Ah, but he was one of CENCI's favorite people. So he went to the exam, I was -- I was the officer examined right after Erik Olson. Erik Olson came out with a binder, ah, this thick in his hands and I said, 'Erik, what's up' -- Yeah. Yeah, and I asked Erik I said, 'What's that all about?' And he said, 'Well, I decided to bring, ah, some case histors -- histories and emphasis patrols that I've directed.' And I said, 'Well, what's that about? Do you -- did you get notified that?' 'No, I just decided to do it on my own.' And I said, 'Oh, that's interesting.' And so I went into the exam after that and one of the questions on the test was please, ah, describe, ah, all your emphasis patrols that you've directed and case histories. And of course, you had to sit there and from your memory, um, bring these all out. Where Erik supposedly just presented all his case histories right there in front of him. He had been tipped off -- in my opinion, he had been tipped off as to what was going to happen in the

⁴⁶ Refer to Alan Myers' statement, page 5, lines 14 – 19.

⁴⁷ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

⁴⁸ Refer to Mullin's statement, page 7, lines 20 – 30.

*exam.*⁴⁹

Krenz said in the two years as acting sergeant he had been in charge of two detachments which included the areas from Tacoma to Canada. Krenz said he had double the experience over any other applicant. According to Krenz, it was his assumption that Olson received advance notice of the content of the sergeants' exam from CENCI.

Retired Chief Bruce Bjork said after the applicants were interviewed the panel presented the scores to him for selection for sergeant. According to Bjork, he selected Olson, *"based upon his overall score. He did best in the testing process and he was the most knowledgeable in that particular area. This was a marine sergeant position and he was a marine officer and, uh, I felt he was the best qualified."*⁵⁰ Bjork explained CENCI's level of integrity did not allow him to believe CENCI would provide advance notice to Olson for the interview process nor was there any indication the interview process was tampered with.

Deputy Chief Mike CENCI said he was a member of the interview panel for the South-Central Sound Sergeant (Detachment 1) sergeant position on January 26, 2012. CENCI explained the panel interviewed Krenz, Maurstad, Myers, and Olson for the position. CENCI said he did not provide advance notice to Olson regarding the sergeant's exam. CENCI stated, *"I recall that he did, uh, well. Uh, did a -- better than everybody else. I also recall that Mike Krenz did the worst and, um, I was -- I -- I recall being, uh, impressed with, uh, both Alan Myers and Jennifer Maurstad, they just didn't hit the key elements."*⁵¹

CENCI said Olson was not promoted over a more qualified officer and it was Bjork who ultimately decided to promote Olson.

Allegation Four:

- It is alleged there is a pervasive atmosphere of sexual harassment and/or discrimination against women and minorities in Enforcement.

Human Resource Special Programs/Labor Relations Manager Cindy Lerch Cindy Lerch stated,

*"I don't think it's any worse than any um culture where there has been a historical um uh absences of one or the other gender. I think that um I mean, I'm a female, and I've worked with the Enforcement program since 2000, and I've worked with Deputy Chief CENCI, all the prior Deputy Chiefs from 2000 with Bjork and Crown I've always been treated professionally and with respect and that's been on and off duty."*⁵²

Retired Detective Todd Vandivert said he did not have specifics but described CENCI as,

⁴⁹ Refer to Krenz's statement, page 11, lines 30 – 33, and page 12, lines 1 – 16

⁵⁰ Refer to Bjork's statement, page 33, lines 10 – 12.

⁵¹ Refer to CENCI's statement, page 10, lines 12 – 14.

⁵² Refer to Lerch's statement, page 20, lines 28 – 32.

*"an absolute sexist pig and I told Amy that he's a rude, crude, vulgar pig, um, that being said, is he dumb enough to say I'm never gonna promote a woman or, you know, uh, verbally say that to people that aren't in his inner circle his best friends. No, I've never heard him say any such thing. Um, he -- he addresses when he talked to Amy is capable of locker room talk. Um, I told Amy that and -- and I -- and I sincerely believe this, that when a person promotes when you're a Sergeant, Lieutenant, Captain whatever you're no longer one of the guys, um, so you're -- you're days of locker room talk with the guys are over. Uh, I know that everybody in law enforcement everybody in every job when you're in a room full of guys you're gonna get crude they all do. Um, when you're in the supervisory position in a law enforcement agency those days are over in my opinion."*⁵³

Captain Alan Myers said the allegation was absolutely false. Myers stated,

*"Absolutely false. In fact, the, going back to this third allegation, the female candidate that was also in that pool with me was promoted subsequently right after this event for the next event, or the next hiring opportunity that came available. And she was promoted for being the best candidate in that pool of qualified candidates. In the sense that she had the most local knowledge, the most, um, ah, understanding of personnel and personnel issues in that area, and, again, I didn't compete against her in that one because I thought there's no way I could outshine her. I mean she was very, very good. Just as Erik was very, very good for the position he promoted to. So. And I've seen nothing but, going back to allegation four, I mean again this is near and dear to me folks. I helped this program along. Um, we went out of our way to ensure equal opportunity for everyone no matter of race, color, sex, creed, anything. Ah, and you'll see that in our demographics. I mean you'll see that people that are deserving, that have those qualities, no matter what, get those positions."*⁵⁴

Deputy Chief Mike A. Hobbs said the allegation was categorically false, "I don't have any firsthand knowledge of any sexual harassment and/or discrimination against women and/or minorities in our department."⁵⁵

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.⁵⁶

Sergeant Russ Mullins said he did not believe the allegation to be true.

Lieutenant Paul D. Golden said regarding the allegation his experience was the exact opposite. Golden explained he had two female detectives and he had never heard anything come out of CENCI's mouth that would be construed as sexual harassment or discrimination and that CENCI had been very supportive of both of them.

⁵³ Refer to Vandivert's statement, page 36, lines 3 – 13.

⁵⁴ Refer to Alan Myers' statement, page 6, lines 17 – 31.

⁵⁵ Refer to Hobbs' statement, page 6, lines 12 – 13.

⁵⁶ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

Retired Chief Bruce Bjork stated,

*"I think it's false. Because we have -- we have policy, again. We have training. And we've had, uh, we have lots of documented training in regards to sexual harassment or harass- -- harassment in general. Uh, bias policing, racism -- lots of training. So I -- I think it's false. Are there -- are there -- are there comments made from, you know, from one group to another group? Uh, probably, but no different than any other organization, particularly any other law enforcement organization where some of that -- some of that may occur. Is there -- is there pervasive racism, pervasive discrimination against women? No. No, I would say just the opposite. That's, uh, that's not the case. You look at the -- I mean look at the statistics from -- and I'll just use myself as an example, from the time that I started with Fish & Wildlife, to the time that I left, the number of females that were hired into the program, the recruiting that went on, the -- the testing that went on. The opportunities that were given both with females and with different race within the program for headquarters assignments, for other special assignments, and/or even -- even some mentoring that went on in regards to promotions. So no, I -- I think it's false."*⁵⁷

Deputy Chief Mike CENCI said he did not believe the allegation was true. CENCI said he had no recollection of making inappropriate, unwelcome or uncomfortable sexual comments or jokes in the work place. CENCI explained he had no recollection of him participating in sexual banter while on duty.

Sexual harassment

1. It is alleged CENCI engaged in inappropriate consensual sexual behavior at work with a female colleague while he was still an officer. May have occurred over 19 years ago.

Retired Marine Community Outreach and Environmental Education Specialist 4 Alan Rammer stated the incident happened before the merger between the Department of Fisheries and Department of Wildlife and did not remember the date of the incident. Rammer said he had stopped by the WDFW Coastal Region 6 Montesano Office between 9 p.m. and midnight and he saw that a light had been left on in the conference room and the door to the room was ajar. According to Rammer, he opened the door to turn the light off when he saw the Department of Fisheries' Office Secretary Barbara Rosencrans and then Officer CENCI who was in his uniform on the conference table and he believed they were having an intimate act. Rammer said they both looked at him and he excused himself and backed out of the room. According to Rammer, CENCI never spoke to him about the incident.

Sergeant Eric C. Anderson said he did not have firsthand knowledge of the incident. According to Anderson, the rumor was CENCI met Barb (former employee and now his wife) at the Wynoochee Cabin and the inference was that he was meeting her there to have sexual relations.

Retired Chief Bruce Bjork stated,

"That this occurred prior to the time that I started with Fish & Wildlife. I had no knowledge of this until the allegation came forward. I did have a conversation with Deputy Chief CENCI about it. Uh, I believe he told me -- and that's, again,

⁵⁷ Refer to Bjork's statement, page 34, lines 9 – 24.

*this is my recollection, that yes, he was married at the time, uh, that his current wife was also working at the Montesano office. That there -- that there -- there was a extramarital affair; however, uh, there was not an incident that occurred at the Montesano office in the squad room.*⁵⁸

Deputy Chief Mike CENCI said he was a three year officer at the time. CENCI stated,

*"As a three-year, uh, officer with the Department of Fisheries as a fisheries patrolman, uh, I had an affair. Um, I had, uh, uh, uh, a very poor marriage at the time and, uh, my spouse at the time, uh, uh, also had a relationship and, uh, the paperwork -- uh, the marriage was essentially over. Um, so, uh, I did have an affair. Uh, I, uh, married that lady. Uh, I've been married to that lady -- to that lady for over 20 years. Uh, I have two children and, uh -- wonderful children that started school today, their first day. And, uh, frankly that's all I'm going to say about that."*⁵⁹

CENCI said the woman he was talking about was Barb (his current wife). CENCI indicated Barb at that time was a customer service representative and worked at the regional office in Montesano. CENCI indicated he did not have sex on the conference table at the Montesano Office. According to CENCI, because of the problems he was having at home he had been assigned to a remote cabin by Deputy Chief Gatlin and because they needed an officer in the area, *"it was home away from home until I established a residence. I was officially assigned ---- uh, to that cabin. And uh, yes, uh, uh, Barb stayed there with me, uh, at the time."*⁶⁰

CENCI said regarding the allegations he was,

*"not disciplined, not counseled. Uh, you know, you have to understand that, um, all agencies, all law enforcement programs evolve and, uh, the individuals that -- that are familiar with that affair, uh, uh, for them to be, um, pious and be offended by this is, uh, is -- is quite interesting to me. Um, uh, I'm not, uh, saying that -- that, uh, that I was, uh, morally right at all. Uh, but, um, you know, for -- for people to create, um, this -- this aura of piousness over this incident, given the in-, you know, what I know about the program is interesting to me. I loved and married the woman. I did, yes."*⁶¹

CENCI said in 1993 or 1994 he did have consensual sex with Barb while he was on duty but not at the Montesano Office. CENCI stated,

"And I need to explain that, uh -- not that this is appropriate, uh, or was even entirely appropriate for the time, but, um, we worked 106 -- 71 hours in a 28-day period. Uh, we often worked well beyond that, 230, 250. And so you were, uh, on duty when you weren't and you were off duty when you -- when you were. Uh, very flexible -- very flexible schedule. Um, uh, I mean I don't -- I don't remember any specific -- uh, any specifics going back that far, but, you know, it

⁵⁸ Refer to Bjork's statement, page 37, lines 9 – 14.

⁵⁹ Refer to CENCI's statement, page 28, lines 14 – 20.

⁶⁰ Refer to CENCI's statement, page 29, lines 25 – 31.

⁶¹ Refer to CENCI's statement, page 30, lines 1 – 9.

*was not uncommon to, uh, be out of service and go back into service in the same day. Yes, and I -- I -- I -- I am sure that -- that there was an incident where I -- where I did. Can I pin down a day? Can I pin down a -- I mean I'm trying to be, uh -- -- truthful going back over 20-some years, guys, about an incident that I've never had, uh, an in-depth discussion with, with any supervisor -- -- uh, that -- that voiced a concern over my behavior. Uh, there were guys having sex on duty in their patrol vehicles, uh, uh, during those times and, um, uh, you know, uh, everybody worked very hard and, uh, things were fairly loose and you know what? Um, uh, I -- I own being part of that, part of the culture at that particular time.'*⁶²

2. It is alleged CENCI called a female officer a "bitch."

Officer JoLynn Beauchene said she thought the incident took place in 2004,

*"I think it was after training or -- I -- god, it was so long ago. But we were at a bar and it was a social -- everyone was sitting around and, um, uh, CENCI had -- I'll have to say the whole -- Deputy Chief CENCI, uh, was there and, um, he had made comments before, because I would fake swear -- uh, like so instead of saying the real F-word, I'd say fetch or um, what the trash or something like that. And so he would -- would say, 'Like would you just say the real word,' you know. And, uh, so something happened and I said something like oh that's fetching ridiculous or something so he would hear it. And so he turned to me and he -- he said something like, 'You bitch.' And it was like a total -- I mean I took it as a joke. It was not an attack -- a personal attack, um, and I think even at that time, Todd -- Todd Vandivert had said something like, 'Well, there's a free card for the rest of your career,' or something to that effect.'*⁶³

Beauchene indicated she thought CENCI calling her a 'bitch' was a compliment; because she felt she was being treated as one of the guys. According to Beauchene, she found out from Vandivert that the Guild was going to report the incident of CENCI calling her a bitch in a complaint. Beauchene stated, *"I was like listen, I don't care. He -- yes, he called me a bitch. I don't give a rat's pajamas he called me a bitch and I don't want any part of this."*⁶⁴ Beauchene said CENCI later told her that he respected her and apologized for the comment he made.

Retired Officer Todd Vandivert said he had been Beauchene's Field Training Officer and she told him CENCI called her a bitch and she told him CENCI was kidding with her and she understood it to be a joke.

Sergeant Russ Mullins said he was present when the comment was made. Mullins stated,

"we were all sitting at the table and Deputy Chief or Captain, I can't remember what he was at the time, said something to the effect of, um, 'how you doing bitch' or something like that. And in the context it was a complete term of endearment and acceptance. It wasn't derogatory. We to be -- we actually, you know, refer to each other with different terms that some on the outside or not

⁶² Refer to CENCI's statement, page 30, lines 21 – 33, and page 31, lines 2 – 8.

⁶³ Refer to Beauchene's statement, page 6, lines 24 – 33, and page 7, line 1.

⁶⁴ Refer to Beauchene's statement, page 9, lines 23 – 24.

*understanding the context might take as unreasonable. And in this situation, and I believe when you interview Jo -- Jolyn, you'll find that it was not a -- a term taken offensively or intended to be offensively.*⁶⁵

Mullins said he did not think it was inappropriate for CENCI to call Beauchene a bitch,

*"Well, I guess no with an asterisk. Because it goes back to the camaraderie, the friendly relationship, and such that we have in most of our work units. And so from a person in, uh, at that level, maybe not the best choice of terms. However, misconduct? Absolutely not."*⁶⁶

Officer Ralph Downes said Vandivert, CENCI and Beauchene were out at a bar somewhere in Seattle off duty and they had a couple of drinks. Downes stated,

*"Actually Jolynn is probably the most timid -- timid of us, but, uh, she -- over the years she's -- she got her -- she got her, I don't know, her warrior pants on and she could pitch a lot of crap, and she was giving Mike a lot of shit, as every -- we all were, we were kind of ganging up on the boss, I think he was captain at the time. But we have a good -- we have a good work and play relationship and, uh, Mike's -- Mike's comment was very, uh, joking in -- in, uh, demeanor and, uh, it was literally he said, 'You're -- you're such a bitch.' And then she -- and she was and she laughed and, uh, enough said."*⁶⁷

Retired Chief Bruce Bjork said he did not investigate the allegation.

Deputy Chief Mike CENCI said he had been a captain when this incident took place. According to CENCI, he was off duty at an establishment having a beer with multiple people and they were having friendly banter back and forth. CENCI stated,

*"-- it was friendly. She was, uh, giving me a hard time. I don't remember my exact words. Um, uh, whether I actually called her that or whether it, you know, the word was used in -- in some other context. But, uh, she was, uh -- uh, she was giving me a hard time in a playful way and I was giving her a hard time in a playful way. Um, it was really at the colleague level. Not at the supervisor/subordinate level."*⁶⁸

CENCI said after the complaint was filed and he became aware this incident was a part of it, he spoke with Beauchene,

"Uh, I did- -- uh, I didn't apologize, uh, per se. Um, I called her and said I'm -- I'm surprised that, uh, you were offended. Uh, um, if I offended you, uh, I didn't -- I didn't mean to. Uh, I didn't intend any disrespect. Uh, it really was, um, an off-duty colleague-type setting. Uh, I think Officer Downes was there. Um, I think Vandivert was there. I -- I don't know who -- who all was there. And, uh, that

⁶⁵ Refer to Mullins' statement, page 8, lines 18 – 25.

⁶⁶ Refer to Mullins' statement, page 9, lines 4 – 6.

⁶⁷ Refer to Downes' statement, page 10, lines 20 – 27.

⁶⁸ Refer to CENCI's statement, page 32, lines 2 – 8.

*group can get pretty, uh -- you know, uh, it -- it can be a pretty, uh, exciting conversation with that group. And so, yeah, I, you know, I -- I was -- I was concerned on a personal level, uh, that I -- that I may have offended her. I was shocked to see that as -- as an allegation in -- in the context that it was inappropriate given the circumstances.*⁶⁹

CENCI said he was not disciplined regarding the incident because it did not have merit.

3. It is alleged in 2005 Sergeant Grant "assaulted/forcibly kissed" a probationary female officer.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators learned the WDFW Internal Investigation file had been purged pursuant to records retention requirements. Investigators obtained several emails and draft letters regarding this incident from the Human Resources Division of the Department of Fish and Wildlife. The letters obtained and interviews conducted revealed that retired Captain Chuck Kohls was the investigator. The information obtained from Human Resources stated Sgt. Morgan Grant received a written reprimand. There was no information obtained nor witness identified who had information regarding Deputy Chief CENCI's involvement in this incident.*⁷⁰

Human Resource Special Programs/Labor Relations Manager Cindy Lerch said Grant received a written reprimand for this incident.

Sergeant Morgan Grant said his actions were inappropriate and he received a Letter of Reprimand that went in his file for the incident.

Retired Chief Bruce Bjork stated,

*"Probably Bill Jarmon was still deputy chief at that -- at that point. And so I asked Bill to investigate it. And the captain -- uh Morgan, Sergeant Grant's captain, I believe, investigated that incident. And he was issued a written warning, if I remember right, for it. A written reprimand. A written reprimand by -- by his captain."*⁷¹

Deputy Chief Mike CENCI said he was not in the chain of command of either Sergeant Grant or the female officer and had no role in the investigation.

4. It is alleged CENCI went to lunch with a group of male officers and upon his return, made comments about a waitress's breasts.

Sergeant Ted Jackson said he had lunch in Olympia at a Mexican Restaurant with CENCI and then Lieutenant Steve Crown and he heard CENCI make comments about a waitress's breasts. According to Jackson, he heard CENCI talk about her, *"attractiveness, talking about how good, uh, she looked and -- It was more -- It wasn't derog- -- I mean it, it was, 'Look at that nice rack' or something and they'd look at that one, uh, singling her out, so."*⁷²

⁶⁹ Refer to CENCI's statement, page 32, lines 12 – 20.

⁷⁰ Refer to Addendum D (3), documents, notes, emails regarding internal investigation on Grant in 2005.

⁷¹ Refer to Bjork's statement, page 39, lines 29 – 32, and page 40, lines 1 – 3.

⁷² Refer to Jackson's statement, page 8, lines 11 – 18.

Jackson stated,

*"Uh, we were in uniform and in a public place. I didn't feel that comment was necessary. Uh, plus you had a deputy chief, a lieutenant and a sergeant sitting there. Uh, the tone was loud; it wasn't, you know, just whispering back and forth. Uh, we were there from what I recall, to talk about some things going on with our FTO program, which that conversation should of taken place instead of talking about a waitress. Uh, I just thought it was unprofessional. Uh, you know, there -- there could be a time and place to -- in a locker room away -- whatever, but in a public place in uniform it's not acceptable to me."*⁷³

Sergeant Eric C. Anderson said he had been to lunch with CENCI at Pepper's Mexican Restaurant and he and CENCI had made comments about a waitress's breasts. Anderson stated,

*"But it never -- it was -- the comments were never made to the public. It was, you know, quiet and elbow your buddy and, um, make comments 'cause she was well, well endowed. (Sighed) Um, I can't remember specific comments, but I mean there'd be things like you'd, you know, you'd make a face to one another when -- after she left and took -- took the order. Um, not right to do, but, uh, like the -- the eyes bug out and go, you know, wow (laughed)."*⁷⁴

Anderson said prior to going to lunch there would be locker room talk between CENCI, Lieutenant Steve Crown, and himself that they wanted to go to Pepper's Restaurant to see their waitress.

Retired WDFW Employee Bobbi L. Monk said Lieutenant Steve Crown, Sergeant Eric Anderson, Bill Jarmon and CENCI went to lunch together and upon their return Jarmon told her, *"I was not there, so it's only hearsay -- but the waitress came and as she was walking away Mike CENCI said wow, I could -- I would love to have my face in those, is what I recall. That she had very large breasts and he would like his face in the -- her breasts."*⁷⁵

Retired Chief Bruce Bjork said he did not recall if he heard about the comment from Monk or from Jarmon. Bjork indicated he did not believe there was an investigation on the comment. According to Bjork, he probably spoke to CENCI about the comment, *"I probably did. I don't know that I have it documented anywhere, but I'm sure I did -- probably did."*⁷⁶

Deputy Chief Mike CENCI said he did not have any recollection of the comment he allegedly made about a waitress's breast. CENCI stated, *"Uh, if I were to make that comment it would have been in a closed setting. Right, where, uh, I felt that it would be overheard. Uh, I mean we're humans and we're police officers."*⁷⁷

⁷³ Refer to Jackson's statement, page 10, line 33, and page 11, lines 1 – 6.

⁷⁴ Refer to Eric Anderson's statement, page 11, lines 9 – 15.

⁷⁵ Refer to Monk's statement, page 19, lines 26 – 31.

⁷⁶ Refer to Bjork's statement, page 41, lines 1 – 2.

⁷⁷ Refer to CENCI's statement, page 34, lines 22 – 25.

5. It is alleged CENCI does not like women in law enforcement because he thinks women should stay at home and not be in the workplace.

Communications Officer 3 Tina Hamilton said she did not like the way CENCI treated the females in the office. Hamilton explained part of the complaint was females not being promoted,

*"I agree with the part about, um, promoting people over the female. I've seen it happen he -- he promote guys that were the females more, you know, they should of been promoted instead of the male officers and, um, and then everybody starts giving them such a rash and they started promoting females so now were into promoting females."*⁷⁸

Detective Wendy Willette said referring to the allegation of CENCI not liking women in law enforcement because he thinks women should stay at home and not be in the workplace, she said she believed the opposite was true in her experience. According to Willette, CENCI had always been supportive, kind, professional and complimentary of other women within the Enforcement program.

Officer Tylar Stephenson said she did not think the allegation was accurate regarding CENCI. Stephenson stated,

*"No, but I don't think that's accurate because whenever I do a good job or whenever I see him, and like I said, I've done something well or something comes up in the weekly report, I get the, 'Hey, way to go, that was an awesome job.' And I think if he was -- felt that 'shouldn't be there he wouldn't be giving me the, 'Hey, way to go,' so."*⁷⁹

Sergeant Erik Olson said he disagreed with the allegation and stated,

*"I'll say that I laugh because having known DC CENCI, he goes over, he talks about how, you know, Officer Vorous and Officer Stephenson, my two female officers in my detachment are so awesome and he says nothing but great things about them so that's why I'm laughing because everything that I've seen is to the contrary. So I do have firsthand knowledge of that not being true."*⁸⁰

Captain Alan Myers said he disagreed with the allegation and had found CENCI supportive of female officers and sergeants. Myers explained he had seen CENCI compliment Maurstad for her work and the positive image she portrayed to females in WDFW and the public.

Lieutenant Paul D. Golden stated, *"I have firsthand knowledge that -- my impression is the exact opposite."*⁸¹

⁷⁸ Refer to Hamilton's statement, page 13, lines 23 – 24, and page 14 lines 1 – 2.

⁷⁹ Refer to Stephenson's statement, page 6, lines 22 – 25.

⁸⁰ Refer to Olson's statement, page 29, lines 26 – 31.

⁸¹ Refer to Golden's statement, page 6, line 20.

Captain Chris M. Anderson said the allegation was totally false because CENCI had supported a lot of women in WDFW.

Retired Chief Bruce Bjork said he believed the allegation to be false. Bjork stated,
*"Because he's been very supportive of his -- of all of his employees. He has a number of -- the majority of the female officers that we have are in the Marine Division, which, uh, which he supervised. And, uh, he said -- I've heard him on a number occasions give high, high praise for several of his female officers in the Marine Division."*⁸²

Deputy Chief CENCI said the allegation was nonsense and a ridiculous assertion. CENCI stated,

"I've supported, uh, female officers in law enforcement. Uh, I have a number of female officers that, uh, are in my chain of command, uh, not directly, but indirectly, uh, that I've worked with that are very competent law enforcement officers. And I think that kind of diversity is good. This is a, uh, special brand of law enforcement and, uh, I've seen female officers be more effective than male officers in certain situations. So, uh, I don't know what more to say about that, other than I -- I've been on hiring panels that have, uh, uh, that have provided opportunities to female applicants. I have, uh, been involved in promotional opportunities. Uh -- uh --"

Uh, I've done some mentoring, uh, quite a bit of mentoring. Uh, we have one female detective that had a very difficult time, uh, in a detachment and, uh, in fact, uh, there was some concern that she might file a hostile workplace, uh, or -- or sexual harassment, uh, complaint against individuals within her detachment, because she was not being treated fairly.

That was Wendy Willette. Uh, Mr. Krenz was, uh, one of the individuals in her detachment that was less than supportive. Her sergeant, uh, didn't have the leadership that, uh, would be required of somebody to resolve those issues. You know, some of these guys have their own romantic view of what a game warden is, what a Fish & Wildlife officer is, what we should or shouldn't be doing present day. And, um, uh, it's -- it's not a, uh, uh, it's not a view that -- that marries up well with, uh, what today's -- uh, what -- what the public expects of us and the services we need to provide, uh, and -- and what we need to do to remain relevant. And uh, Wendy Willette is one of those individuals that has um, uh -- she's smart, she's really smart. And she can see, uh, the bigger picture and, uh, she has a high, uh, degree of investigative skill. And um, frankly, uh, some of her coworkers were extremely limited by comparison and I think intimidated by that. So -- but we moved her out of, uh, the land detachment, which was full of grumpy old game wardens, um, who had their own perspective of what a game warden was. She -- uh, boy, uh, there was no stopping her. She went to the Marine Division. Uh, I had -- I had a -- a person within the Marine Division call me and go, 'I've got some real concerns.' And I said listen, you need to give this person a chance. The skillset's there. Uh, what's going to be hard for her is, yeah, this is a bit of a new environment, particularly the commercial fisheries aspects and the complexity, but she'll smoke that. She will figure that out. What's going to be difficult for her is fitting in. Because where she came from, she couldn't fit in despite her best efforts. She wasn't allowed to

⁸² Refer to Bjork's statement, page 41, lines 32 – 33, and page 42, lines 1 – 2.

fit in.

*There was zero fellowship. So you, uh, need to support that individual and you'll see everything come together nicely. And that's exactly what happened and she was eventually promoted to detective. And if anything ever happens to me and somebody needs to find me, I hope that's the person that comes looking. I don't want someone from the Patrol or the County or the City, I want -- I want Detective Willette to find me. She's that good of an investigator. Very loyal. Very mission oriented. And, uh, we have other -- we have other female officers that fit that script. So it's -- it's nonsense to say that I don't support women in law enforcement. Chief Bjork supported women in law enforcement, uh, worked very hard to try to diversify an all-male crew. And um, it's just hard to find candidates. It's hard to attract people, uh, to this profession. Law enforcement's struggling with that all -- and by itself, uh, but you add in our brand of law enforcements, that's specialized. You have to enjoy the outdoors. Uh, maybe be engaged in some consumptive, you know, outdoor uses, whatever, uh, in order to make a connection with this field, so the pool hasn't been as big we had hoped.*⁸³

6. It is alleged CENCI has referred to officers as “worthless pieces of shit.”

Communications Officer 3 Tina Hamilton said CENCI told her Officer Al Baird was a worthless piece of shit and the WDFW should never have hired him. Hamilton indicated the comment took place approximately one year before Baird retired or quit his job.

Property and Evidence Custodian Terry Ray-Smith said she heard CENCI refer to Officer George Maddox as a worthless piece of shit.

Retired Detective Todd Vandivert said he had heard CENCI make a comment about officers being “worthless pieces of shit” many times.

Captain Murray Schlenker said he had heard CENCI describe officers as worthless. Schlenker stated,

“Oh man, I can’t remember what it was. Ah, he had sort of a line for Charlie. Ah, worthless, and I can’t remember them all again, I can’t remember them all, just similar along the lines you just read off about the worthless piece of dog shit. Um, ah, he’d go on for easily 20 minutes and if there was a group around, I remember him at an in-service in Wenatchee going off about Pudwill and there was several of us there. I can’t remember who all was there. Ah, he’s going off about Charlie and I actually at one point told Mike, ‘I don’t want to hear it anymore.’”⁸⁴

Sergeant Matt Nixon said during a discussion he had with CENCI on November 16, 2010, regarding Officers Jerry Zimmerman and Property and Evidence Custodian Terry Ray-Smith, CENCI referred to both of them as pieces of shit. Nixon indicated he made notes of the conversation he had with CENCI in his officer's notebook.⁸⁵

⁸³ Refer to CENCI's statement, page 35, lines 15 – 33, and page 36, lines 1 – 30.

⁸⁴ Refer to Schlenker's statement, page 8, lines 28 – 33, and page 9, line 1.

⁸⁵ Refer to Addendum D (6), Nixon notes dated November 16, 2010.

Captain Dan Brinson said he had heard CENCI make the comment. Brinson stated,

*"Um, anecdotally yes. I -- I don't know that I can, um, recall a specific date or time or which officer he was referring to, but I've heard him make, um, comments like that several times. Um, usually I guess on -- I don't know, it -- it -- in the office, at a -- at a meeting, um, uh, during casual conversations."*⁸⁶

Retired Chief Bruce Bjork stated, *"I would say in uh -- in private conversations that -- that I have had with Deputy Chief CENCI that those words could have come from either he or me. And, uh, but for him to say that in a -- in a public forum, I've never heard him say that in a public forum."*⁸⁷

Deputy Chief Mike CENCI said he had no recollection of referring to Charlie Pudwill, Jay Brightbill, George Maddox, Carl Klein, and Alan Baird as worthless pieces of shit. CENCI explained he had not been disciplined regarding the allegation.

7. It is alleged CENCI has called an officer, *"a disgrace in uniform."*

Retired Sergeant Richard J. Phillips said when he was the Assistant Commander at the Criminal Justice Training Center, Officer Harry Cilk was a student. According to Phillips, Cilk told him CENCI told him that he was a disgrace in uniform.

Officer Harry Cilk said he did not have firsthand knowledge of this incident.

Sergeant Ted Jackson said he had heard CENCI make reference to some officers being a disgrace in uniform during supervisors' meetings and/or in one on one conversation he had with him. Jackson stated, *"A few of them were performance-based. A few of them how they appeared on either media or public events in their uniform, uh, or how he felt they appeared at public events, uh, in their uniform, and I think those are about the two incidents that I recall."*⁸⁸

Captain Dan Chadwick said he did not have firsthand knowledge of the allegation; however he did not think it would be inappropriate for CENCI to describe an officer as a disgrace in uniform in a supervisory setting.

Retired Chief Bruce Bjork said he had not heard CENCI make the alleged statement.

Deputy Chief Mike CENCI stated,

*"I don't have any specific, uh, recollections of that. Um, I mean I can tell you that, like any organization, you know, uh, behind closed doors when supervisors are -- are discussing personnel, uh, you can have some really frank discussions. And uh, some of those may have occurred -- well, some of those I'm sure have occurred with, uh -- with respect to how we feel about somebody's performance or attitude."*⁸⁹

⁸⁶ Refer to Brinson's statement, page 11, lines 22 – 26.

⁸⁷ Refer to Bjork's statement, page 42, 16 – 18.

⁸⁸ Refer to Jackson's statement, page 9, lines 25 – 27.

⁸⁹ Refer to CENCI's statement, page 38, lines 27 – 31.

Racial Harassment

8. It is alleged 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.

Officer Mark James said he was a candidate in a hiring interview for a Fish and Wildlife Officer position in 2001, and during the interview CENCI asked him, 'how could he divorce himself from being a tribal member and enforce state laws against tribal members.' James stated,

"I mean almost 15 years later, I -- I still remember him standing up in the middle of, of the questions, um, and -- and -- and his words were, 'Are you telling me that you can divorce yourself from being an Indian and enforce State law onto other Indians?' And I think after I thought about the question, um -- uh, I think that my answer to that question was that I don't believe it had anything to do with being divorced from being an Indian. Um, in fact I think it enhances my ability to understand how Native Americans work and how they do things and -- and -- and, you know, I come from working off a reservation. I -- I was in enforcement for that -- for my tribe up in Lummi for 8½ years, and I arrested my own cousins -- my own family so, um, I don't think that had anything to do with divorcing myself at all. Um, you know, as a -- I thought it was a really tough question to not kind of wonder why it was being asked but I, um -- I, um, I answered it and, uh, and, you know, I mean I got hired."⁹⁰

James said the question CENCI asked him shocked him because he wondered if that question during an interview for a job at WDFW was an appropriate way of dealing with people of other ethnicities and nationalities. James stated,

"question to be asking in an interview, um, you know, much as the same, you know, how many Asians do you ask can you divorce yourself from being Asian and enforce State law or, um, you know, uh, divorce yourself from being a black person or a woman or whatever to, you know, it has no place in that process."⁹¹

Retired Sergeant Duane Makoviney said he was on the selection panel with CENCI when they interviewed Mark James who was a Lummi tribal member. Makoviney explained when CENCI asked the question it made him hot and uncomfortable,

"Because it, I used to sit on a ton of oral panels. I used to sit on them all the time. Until I started, well I was a shop steward for the union so at times you have to be unpopular with administration. I was the vice president for the sergeants' union and so at times, often, I would be very unpopular with the, with the administration. And I sat on those panels all the time until I started really getting into that role and then, of course, then you're, then I was taken off the, I was taken off that list. I didn't participate on those anymore but for the longest time I did. And there were, you know, there were, um, there are rules that you have to, that you have to go by when you're, when you're interviewing people. And, you know, you don't, you don't ask a female, 'Do you plan on getting pregnant next month?' or you don't ask, you just don't ask those kind of questions. It's, it's not

⁹⁰ Refer to James' statement, page 35, lines 11 – 22.

⁹¹ Refer to James' statement, page 37, lines 19 – 22.

allowed. And so when he asked this, and I didn't know the guy from Adam at the time, he's a very good friend of mine now, when they asked me that questions, it literally, it literally made me, it made me hot. It made me a very uncomfortable that he asked that question. His name is Mark James. He's a, he's a Lummi tribal member and a very, very good friend of mine.

No one else got asked that question. That question was asked just to that one person at that time. That was, that was not a, that was not a question listed for us to ask each candidate. It was just out of the blue question that he and his arrogance decided to ask. No. No. You know he may have, I don't, I couldn't speak to that. I couldn't tell you that I remember any of those but then they weren't as memorable and as shocking as that. I mean that shocked me. We've had several since then.

Just how unfair it was and how uncomfortable it made him. You know, he answered the question correctly, of course he could. You know, I mean Mark James, Mark James is a great game warden. But, you know, it's not like the question that you've all been on panels probably, you've all went through it where they ask could you write your mom a ticket? Could you write your, a relative a ticket? But that question gets asked of every single person that comes through that door. This was all of a sudden here's this question because he's an Indian, a Native American, this question. It's just, it shocked me.⁹²

Retired Chief Bruce Bjork said he did not have a problem with CENCI asking the question. Bjork stated,

"I don't think that's a racial-oriented question. That's uh, that's no -- to me that's no different than asking -- asking myself, who's a Caucasian, uh, do you have any problems making -- taking enforcement action upon your ancestors -- your -- you're Swedish descent. You have -- do you have uh problems taking enforcement action -- do you have problems taking enforcement action on your relatives; on your mother, your brother, your immediate family? Uh, I don't think that's inappropriate. I think that's an appropriate question to ask an individual; if they can be fair, if they can be unbiased and if they can enforce non-prejudicial."⁹³

Deputy Chief Mike CENCI said regarding the allegation,

"It's, uh, I don't remember the specific question -- uh, answer, uh, but I can -- um, I do remember being concerned about, uh, an individual being able to operate effectively in a small community and how, you know, uh, you -- you deal with that, uh, particularly if you have a lot of relatives. And so, uh, in your situation imagine being deployed in your hometown. Uh, it takes some skill to navigate those kinds of circumstances, uh, you know, you -- you're -- you're going to be faced with a compromising situation at least once, if not multiple times. Uh, and then your -- your perception before you join law enforcement compared to the perception after you've joined law enforcement can be like night and day and affect personal relationships and can affect community relationships. And so, I --

⁹² Refer to Makoviney's statement, page 9, lines 3 – 32, and page 10, lines 1 – 7.

⁹³ Refer to Bjork's statement, page 45, lines 6 – 13.

I can see myself trying to get at that piece.”⁹⁴

CENCI said he thought his question to James was appropriate. CENCI stated,

“Um, yeah I -- I can see that as being appropriate, um, particularly in -- in our, uh, uh, line of work, because the State of Washington doesn't have a stellar history of, uh, enforcing the treaty right or abiding by the treaty right. Um, and so there are some pretty deep-rooted, uh, emotions, uh, still to this day, you know, 50 years post -- post, uh, the Boldt Decision. Um, uh, many tribes and -- and -- and tribal governments and -- and tribal members, um, believe that the State has no authority, uh, no sovereignty at all, over their membership. So I -- I think, and I mean that's -- that's a prevailing feeling, uh, among tribal people. Uh, and, uh, and I think that's something that, uh, would be appropriate to try to get to. Can you, uh, follow State law within the authority and jurisdiction that, you know, that -- that you have? I'm not saying go beyond it. Uh, but can -- can you -- can you enforce State law? Or will you?”⁹⁵

9. It is alleged that CENCI uses the term “Indian” rather than the customary terms, “tribes” or “tribal.”

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators spoke to Native American Gordon James (Native Strategies). James said the use of the word Indian when referring to a Native American was a commonly accepted term. It was the context in which the word was used which determined whether or not the term, Indian, was derogatory.*⁹⁶

Officer Mark James said he did not take offense to being referred to as an Indian. According to James, it depends on how you use the term Indian because it can be used in a derogatory manner. James said he did not recall hearing CENCI use ‘Indian’ in a derogatory manner.

Sergeant Brian Fairbanks said he heard then Captain CENCI make a comment between 2001 and 2003 about “rent an Indian” during a meeting with the Quileute Tribal members that tribal members thought was inappropriate.⁹⁷

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators neglected to ask CENCI about the comment “rent an Indian” during his interview on August 31, 2015.*

Retired Chief Bruce Bjork stated,

“Well, I don't know that that's a customary term. Again, it depends on the -- on the tribal member, I -- I think, I believe. I've talked to a lot of tribal members. They don't like being called tribal members, they like being called Indians. And so I -- yeah, I don't see that as a derogatory -- derogatory term. And, um, I don't

⁹⁴ Refer to CENCI's statement, page 41, lines 1 – 10.

⁹⁵ Refer to CENCI's statement, page 42, lines 2 – 13.

⁹⁶ Refer to Report tab, Investigators Case Log dated August 25, 2015, at 11 a.m.

⁹⁷ Refer to Addendum D (9), email from Fairbanks dated July 18, 2015.

*mind being called a Swede. If somebody calls me a Swede, that's the way it is.*⁹⁸

Deputy Chief Mike CENCI said he did not think it was inappropriate to refer to someone as an Indian. CENCI stated,

*"as far as using the term Indian, uh, it's used everywhere. Indian law, we have Indian and non-Indian fish-receiving tickets. Uh, there are, you know, a number of administrative code, uh, laws as well as within the revised code of Washington where the term Indian is used. I've never seen, uh -- I've never viewed, uh, the term Indian in -- in a negative -- negative way. I've never used that term in a -- in a negative way."*⁹⁹

Failure to Promote

10. It is alleged the WDFW has not promoted a female officer to the rank of sergeant or above in at least ten years.

Human Resource Special Programs/Labor Relations Manager Cindy Lerch said, *"when you promote, that usually means you have to move. And um unlike in the historical past where it's often a one -- one person in the family income, um we have a lot of our officers have spouses that work, and it's very hard for them to uproot."*¹⁰⁰ According to Lerch, it had been difficult for WDFW to attract and recruit females and people of color.

Detective Julie Cook said between 2002 and 2012 there were approximately six female officers. According to Cook, it can take up to five years for an officer to be eligible to take the exam for sergeant. Cook said she believed she competed for a sergeant's position in 2008 against two other officers, *"I did for sergeant and Sergeant Phillips was far more qualified than I and I did it for practice. I didn't really want it, you know? I did it for practice because they said, 'If you ever want to promote, you go through the process.'"*¹⁰¹

Cook said Phillips was the most qualified person and was selected for that position,

*"I know that, one of Todd's allegations was that I was more qualified because I had been in fisheries and this was a marine detachment, but I had been in fisheries for a year and a half before we merged and never had anything to do with commercial fisheries so..."*¹⁰²

Sergeant Jennifer S. Maurstad stated,

"Um, well clearly I was one of the first females to get promoted. But I don't think there's anything behind it because there weren't many females that -- that put in

⁹⁸ Refer to Bjork's statement, page 45, lines 17 – 21.

⁹⁹ Refer to CENCI's statement, page 41, lines 10 – 15.

¹⁰⁰ Refer to Lerch's statement, page 31, lines 3 – 5.

¹⁰¹ Refer to Cook's statement, page 7, lines 11 – 13.

¹⁰² Refer to Cook's statement, page 8, lines 18 – 21.

*for promotions during that time. In fact, I really don't know of -- oh, I do know of one. I was gonna say I don't know of any, but I do know of one person that put in for a promotion, but. Uh, Julie Cook. She's now a detective. Uh, well she was passed over by Rich Phillips, who has much more experience than she did so, um, she didn't have any -- have any heartache over it.*¹⁰³

Retired Detective Todd Vandivert stated,

"You know that it and Amy, um, her report says that, you know, very few officers - very few female officers had applied for promotions that is true, um, and one of the things and it's -- it's an interesting system when -- when we get into and I know I'm putting the cart before the horse but we'll get into, uh, favoritism and promotion and the same thing I have to -- I have to address it here even though this isn't -- -- apart of the this question promotions within the department of Fish & Wildlife under CENCI and Bjork have been glaringly obviously, um, who -- who's gonna promote so the vast majority of the time if you're not the one that's gonna promote, if you're not the one -- the chosen one, you don't apply you just don't bother you -- you absolutely don't and everybody knows it I mean you guys are probably listening to this going it's probably not as severe as he's saying it is -- it is that glaringly obvious whose going to get the position. So most the time people don't apply so when they say females, uh, when their answer to this question is when didn't promote them because they didn't apply well they didn't apply because they knew there was no reason to. Um, and I know that's a hard thing to articulate or, you know, stick put into fact but it -- but it is fact if you ask the female officers and they're totally honest with you why, you know, okay you weren't promoted because you never applied why didn't you apply, and they would say 'cause I knew Dan Chadwick (Ph) was gonna get this promotion and I knew Wickersham (Ph) was gonna get this promotion we'll do.

Um, Dan Chadwick's a good example he just promoted to Captain, and nobody else applied why we knew who was gonna get the Captain position everybody knows. Um, it's a waste of time to go. So that all being said, um, there were several qualified female applicants for promotional positions that didn't get it. Tammy Compton (Ph) being one, um, and, you know, Jennifer applied for the position and for Sergeant in the Marine Division in Seattle we already talked about that she didn't really want the position and -- and she for that particular position shouldn't of beat out Erik, and she said so to Amy I know she did, um, but prior to that no we didn't we had none, um, none very few applied those that applied never got promoted, um, until all of this came out then all of a sudden just out of the blue we promote four or five I mean I think five.

Um, they can answer who came forward with which piece of it the best, um, yeah I -- I don't know, um, it's funny because I'll go back to Jennifer, uh, she at one point when the sergeant thing came out. Um, I remember Mike CENCI was in an SIU meeting of ours and Ed Volz was very high on -- on having her promote to detective he wanted to Jennifer to be a full-time detective, and I remember CENCI Saying I don't see anything special about her she doesn't impress the shit I of me at all, um, he made another comment once that, um, oh, it was when we asked for overtime to work during a Thanksgiving holiday 'cause we had that go on a oh, we were doing dealing with, uh, Wayne Hung (Ph) and (inaudible - 1:38:58) we're supposed to go sell him something bear gall bladder and he

¹⁰³ Refer to Maurstad's statement, page 10, lines 26 – 31, and page 11, lines 1 – 2.

*wanted to do it over the Thanksgiving holiday and you guys were in the book that we were denied the overtime CENCI made the comment that, uh, she didn't deserve overtime because she's getting experience working real cases rather than wasting her time on chicken shit litter tickets it's that kind of thing that, um, makes you realize that he's already decided she ain't going anywhere. She's not gonna get promoted to anything and so that atmosphere gets passed down to the female officers and why would you apply why would you put yourself through it.*¹⁰⁴

Former Officer David Jones said the allegation was true. Jones stated,

*"It's certainly was a shock to me that after that came out we've now promoted four women, Jennifer Maurstad, Pam Tayler, ah, Wendy Lizzy (ph) and Julie, has changed her last name, I've always called her Panasco (ph). Cook, is her new name. She's a state patrol involved somehow. I think she was a dispatcher of some sort but...Julie Cook. It was Panasco but I think it's Cook now. And Wendy Lizzy has changed her name too but it's Wendy, Julie, Pam and Jennifer. Tayler. She (Inaudible, 49:10.1) so no one ever told me 'We don't like women. We don't hire women.' I don't think anyone's going to say that, but prior to this complaint it was zero and ten and after this complaint it was four within three or four years. I thought that was, I thought that was interesting."*¹⁰⁵

Captain Chris M. Anderson said he did not recall sitting on an interview panel from 2002 and 2012 with a female applying for a sergeant position. Anderson stated,

*"Well I sat on a lot of the oral boards so I have firsthand knowledge of, of, ah, you know, people's qualifications and how they did so, um, but I can tell you that I know from firsthand knowledge that no female was denied a promotion just based on, ah, ah, any kind of gender or race or anything else. It's all based on, on, ah scores and, ah, and how they do in the interviews."*¹⁰⁶

Retired Chief Bruce Bjork said the allegation was true. Bjork stated,

*"The -- the reason is because we had no female applicants. So if we have -- I mean if we had female officers that were interested in the sergeant position, and -- and I talked to more than one female officer about studying for the exam, participating in the exam process, competing for a supervisory position, and they didn't put in. So you have to put in for something in order to get promoted."*¹⁰⁷

Deputy Chief Mike CENCI said he was not the appointing authority and it was Bjork's decision on who was promoted. CENCI stated, *"I know that, uh, Chief Bjork, uh, wanted*

¹⁰⁴ Refer to Vandivert's statement, page 56, lines 4 – 24, and page 57, lines 1 – 8, lines 20 – 24, and page 58, lines 1 – 11.

¹⁰⁵ Refer to Jones' statement, page 23, lines 30 – 33, and page 24, lines 2 – 8.

¹⁰⁶ Refer to Chris Anderson's statement, page 7, lines 7 – 11.

¹⁰⁷ Refer to Bjork's statement, page 45, line 33, and page 46, lines 1 – 4.

*a diverse workforce more than anybody I know. And, uh, if somebody had the potential, they were given the opportunity.*¹⁰⁸

Allegation Five:

- It is alleged CENCI was an intimidating bully who makes derogatory and inappropriate comments for one in a leadership position.

INVESTIGATOR NOTE: *For the benefit of the reviewer, Captain Murray Schlenker provided numerous documents for review regarding the allegation.*¹⁰⁹

Detective Julie Cook stated,

*"Just what I just talked about. Um, yeah, the derogatory, yes, but I noticed, I, I don't love the man. I don't, but I respect him. I think he's a good leader and I think Bjork was a great influence on him in teaching him how to be a little more politically correct and I think he has gone through great changes through the years and I'm a little put off by this whole persecution of him because he has changed and we've all done things 15 years ago that we'd like to be gone and, you know, and I think it needs to be over, but again I'm just spouting off my opinions here. He has been derogatory in the past. Yes."*¹¹⁰

Sergeant Erik Olson said the allegation was untrue. Olson indicated CENCI may be perceived as being intimidating by someone that was inept at their job, a poor performing employee.

Captain Alan Myers said CENCI can appear to be intimidating,

*"He can, but I do believe that the, that that comes with the job that he holds and that there's so many, there are many, many aspects of that position that require you to have a large ego. I wouldn't pretend to even understand it. I don't have aspirations for promoting to it. Ah, it is a tough job but I do know this, the man at the end of the day, um, has a good heart and I believe treats everybody fairly. Treats you fairly, um, for the output that you provide and I think that that's how he characterizes and judges people."*¹¹¹

Sergeant Eric C. Anderson stated,

*"I feel that when you achieve a rank of -- of deputy chief, um, there's certain things that -- that you shouldn't do. Um, there's ways that you should handle things. And again, I have seen him -- derogatory comments, or seen -- seen him make dero -- I heard him make derogatory comments, um, and he can be very, very intimidating and -- and bullying when he doesn't believe it's going his way."*¹¹²

¹⁰⁸ Refer to CENCI's statement, page 43, lines 17 – 18.

¹⁰⁹ Refer to Addendum E, Schlenker provided numerous documents for review.

¹¹⁰ Refer to Cook's statement, page 9, lines 18 – 24.

¹¹¹ Refer to Alan Myer's statement, page 12, lines 29 – 33, and page 13, lines 1 – 2.

¹¹² Refer to Eric Anderson's statement, page 17, lines 31 – 33, and page 18, lines 1 – 2.

INVESTIGATOR NOTE: *For the benefit of the reviewer, during the course of the investigation investigators became aware of the conversation CENCI had with Officer Natalie Vorous.*

CENCI's conversation with Natalie Vorous in the work place was described in the following manner:

Officer Natalie Vorous said after being with WDFW for approximately one month CENCI told her he would not have hired her if he had been on her chief's panel. According to Vorous, CENCI told her it was a shame that he's in better shape than her and that she should be grateful that she got the job because there were people out there that have tried to apply for ten years and she just got out of college and got the job. Vorous described the conversation CENCI had with her as an inappropriate conversation in her opinion. Vorous said despite what CENCI told her she still respects him as a person and a supervisor.

Officer Jason C. Czebotar said while on a ride along with him, Vorous who at the time was working at the WDFW dispatch center, told him,

*"he was gone on vacation when she went through the hiring process or her oral board, but maybe the Chief's oral board -- and he made it a point to come up to her and basically said I wouldn't have hired you, I don't think you have what it takes, um, you know, you're t -- you're too young and too immature and, you know, that sort of stuff. But I don't know if that had to do with her gender or his opinion of her."*¹¹³

Retired Chief Bruce Bjork said he did not know about this incident.

Deputy Chief Mike CENCI said he had no recollection of the discussion with Vorous. CENCI stated,

"Uh, you know, uh -- was I trying to be inspiring? Hopefully. Uh, you know, the context, uh, her perceptions versus what I said -- I -- six years ago -- I mean I can't -- I can't make a comparison. But I have a lot of respect for Natalie Vorous, uh, she's -- she's a very good officer. Uh, I do, uh -- yeah, I do want to make sure that officers are prepared for the Academy experience. I want to make sure that partic- -- particularly because they bring -- because unfortunately we lose people after these massive investments we make in people.

*So, um, uh, they -- they -- they skate right through the, you know, the -- you know the uh, academic pieces and then, you know, the sit-up gets them. So, uh, making sure that they're, you know, they're mentally charged up and, you know, they get in good physical and -- and -- and mental shape, you know, is, uh, is a discussion that I -- that I would have with a new recruit. But how I presented and how it was taken, uh, could potentially be two different things."*¹¹⁴

INVESTIGATOR NOTE: *For the benefit of the reviewer, during the course of the investigation investigators became aware that CENCI had made comments about gays in the work place.*

CENCI's comment about gays in the work place was described in the following manner:

¹¹³ Refer to Czebotar's statement, page 8, lines 8 – 12.

¹¹⁴ Refer to CENCI's statement, page 46, lines 21 – 33, and page 47, line 1.

Retired WDFW Employee Bobbi L. Monk said her son was gay and most people at WDFW did not know she had a gay son. Monk indicated CENCI frequently made inappropriate comments about gays, *"It was very offensive, but I didn't tell him it was offensive. I just would go home and cry that that's how this world is, so -- I get really upset over this."*¹¹⁵ Monk said one example of CENCI making fun of gays was when CENCI frequented McDonald's in the morning to get his breakfast, when he arrived at the office he would describe to her and other employees the actions of the gay cashier by stepping on his tippy toes and holding up a limp wrist, *"I would say you know that's really not very funny. But I'd never said to him my son is gay and it's inappropriate and you need to knock it off."*¹¹⁶

Office Assistant Jera Fazekas said she felt CENCI was a gay basher and he made it clear he did not approve of that lifestyle and he would ridicule them. According to Fazekas, *"In my belief it was to, um, annoy, if you will, Bobbi Monk. I don't know if you have her on your list but her youngest is of that lifestyle and they did not get along."*¹¹⁷

Retired Chief Bruce Bjork said regarding the allegation, *"Uh, public -- a -- a public area, I'd say not -- none that I know of. In a private setting, uh, he and/or I may have had some comments that were made there. Uh, in an office environment with an open door not that I'm aware of, not that I recall."*¹¹⁸

Deputy Chief Mike CENCI said he did make comments about a gay McDonald's employee's mannerisms that waited on him at the restaurant after he arrived at his office. CENCI explained he had not received discipline or counseling for the incident.

INVESTIGATOR NOTE: *For the benefit of the reviewer, during the course of the investigation investigators became aware of a comment CENCI made about former WDFW employee Katisha Conner, that "if I knew there were creatures like that here I would have transferred here earlier."*

CENCI's alleged comment in the work place; "if I knew there were creatures like that here I would have transferred here earlier." was described in the following manner:

Retired WDFW Employee Bobbi L. Monk said it was a shock to her when CENCI came to Olympia because of his language and demeanor. Monk said at CENCI's request she escorted him to the director's conference room when CENCI made an inappropriate comment about former WDFW employee Katisha Conner,

"I remember very clearly his very first day in the Olympia office. He said I have a meeting in the director's conference room and I don't know where that is, and I said I'll be happy to take you up. So I took him up to the fifth floor, got off the elevator, it's a long hallway down to the director's conference room, and a beautiful young gal was walking towards us and Mike said, oh my God, had I known they had these kinda creatures up here, I would be up here all the time. And she, of course, heard it. And I showed him the director's conference room, I

¹¹⁵ Refer to Monk's statement, page 24, line 33, and page 25, lines 1 – 2.

¹¹⁶ Refer to Monk's statement, page 25, line 33, and page 26, line 1.

¹¹⁷ Refer to Fazekas' statement, page 11, lines 20 – 21.

¹¹⁸ Refer to Bjork's statement, page 46, lines 12 – 15.

*went back to my desk, and 15 minutes later I get a phone call from personnel saying did this happen. Yes. Why didn't you tell Mike that was inappropriate? He's the deputy chief, he's an adult, he's a grown man, I'm not telling him how he should behave. And so those were just the types of things. The use of profanity was just outrageous."*¹¹⁹

Monk said as Conner passed them in the hallway, CENCI turned around and looked at her body and then made the comment, "if I knew there were creatures like that here I would have transferred here earlier."

Human Resource Special Programs/Labor Relations Manager Cindy Lerch said Monk told her about the incident. According to Lerch, Monk told Bjork about the incident. Lerch said she did not know what Bjork did regarding the incident.

Retired Chief Bruce Bjork said he did not remember the incident.

Deputy Chief Mike CENCI said he did not recall making the comment. CENCI stated,

*"I -- well, all I -- what I remember -- what I remember is that, um, the Chief talked to me about either a look I gave somebody or -- or a comment I made, uh, along those lines. I don't know if it was Katisha. I don't know -- I can't remember exactly when that was, but I -- but I do have, uh -- I do remember Chief Bjork saying something like, hey, I got -- I got -- it was either a complaint or somebody mentioned -- I think Cindy Lerch with HR mentioned something to the Chief -- -- who mentioned something to me about some comment I made."*¹²⁰

CENCI said the comment was not appropriate and believed Bjork verbally counseled him regarding the incident.

INVESTIGATOR NOTE: *For the benefit of the reviewer, during the investigation many of the people interviewed have heard CENCI use profanity in the work place.*

CENCI's use of profanity in the work place was described in the following manner:

Retired Deputy Chief Bill Jarmon said CENCI used the "F" (fuck) word regularly, "it was pretty regular as far as, um, the "F" word and of course within policy and guidelines, you know, dealing with the public or my opinion as far as being professional in the workplace around your staff is totally inappropriate or inappropriate."¹²¹

Retired WDFW Employee Bobbi Monk said Cenci was rude and obnoxious and would chew tobacco and spit in a Snapple bottle in meetings which was disgusting and repulsive. Monk indicated CENCI used the "F" word in every sentence. Monk said she retired because she could not tolerate working with CENCI.

Special Programs Manager and Labor Relations Manager Cindy Lerch said she had heard CENCI cuss,

¹¹⁹ Refer to Monk's statement, page 4, lines 12 – 22.

¹²⁰ Refer to CENCI's statement, page 48, lines 32 – 33, and page 49, line 1 – 6.

¹²¹ Refer to Jarmon's statement, page 11, lines 15 – 17.

*"a blue streak. Um he's intense -- I don't know if you know him at all. He's intense. Um, very passionate about what he does and he's got an extraordinarily hard work ethic and he believes very strongly in what we do -- what our mission is and what they do in Enforcement, and he's intense. I mean it's just his personality. I think he's probably at DEFCON 10 (ph) every minute of every day um so I mean just to -- to the point of almost ridiculous. You're like -- you can't get behind CENCI because he keeps circling so that you don't get behind him, you know that -- he's just always a cop. And um, you know, I mean I've -- I've heard him cuss, um I've sat in on -- on his interview when he became the captain, um and I've never had an interview like that before. I think that he is very smart. I think that he would do almost anything to protect the resources and his officers. I think he's a great guy. You're not gonna get anything else out of me on that. No, I think that um -- I think with age and maturity he's improved but, um I guess I would call him a cop's cop."*¹²²

Detective Wendy Willette said she had heard CENCI use profanity,

*"Well, I will say that he is a -- uh, a straight talker. He doesn't tend to beat around the bush. Um, if he is dissatisfied, he'll express himself, sometimes very bluntly. Um, he can have kind of a rough edge to him. There have been a couple of times where I've kind of cringed."*¹²³

Communications Officer 3 Tina Hamilton said in the last twelve years she had heard CENCI use the "F" word in front of staff over a thousand times but had not heard him use it in the last year. According to Hamilton, CENCI's use of the "F" word was disrespectful.

Wildlife Conflict Specialist Tammy K. Conklin said it was common for CENCI to use profanity, *"Um, fuck, shit, whatever, I mean pretty much any -- any string of those cuss words, um."*¹²⁴

Office Assistant Jera Fazekas said she had heard CENCI use the "F" word and other profanity.

Officer Ryan Valentine said he had heard CENCI use the "F" word and other profanity.

Officer Tylar Stephenson said she had heard CENCI use the "F" word and other profanity. Stephenson did not think it was inappropriate for CENCI to use profanity in the work place.

Captain Murray Schlenker said he had heard CENCI use the "F" word and other profanity.

Retired Special Agent Corky Roberts said he had heard CENCI say derogatory things about U.S. Fish and Wildlife supervisors and upper level management and had heard CENCI use profanity like, *"F bombs. F'ing cunts, you know, all that stuff."*¹²⁵ Roberts said the profanity was used by CENCI in his presence and he felt it was directed at, *"I can comfortably say Paul Chang*

¹²² Refer to Lerch's statement, page 21, lines 7 – 25.

¹²³ Refer to Willette's statement, page 10, lines 16 – 18.

¹²⁴ Refer to Conklin's statement, page 13, line 19.

¹²⁵ Refer to Roberts' statement, page 5, line 33.

*was one of them and I can comfortably say that Pat Rogers was one of them.*¹²⁶

Lieutenant Dennis Nicks said he had heard CENCI use the “F” word and other profanity.

Captain Alan Myers said he had heard CENCI use profanity in the work place. Myers explained he did not think it was inappropriate for CENCI to use profanity in the workplace,

*“Yes, it’s appropriate. We’re police officers. Yes. Ah, it’s appropriate in certain context. It’s not appropriate to use profanity in a disciplinary setting against an employee. It’s not appropriate to use profanity in an unprofessional manner with citizens on contacts. It’s not appropriate to use profanity that violates policy and protocols with basic patrol procedures. Um, but is it appropriate to cuss amongst informal conversations with police officers? Yes.”*¹²⁷

Officer Nicholas W. Jorg said he had heard CENCI use the “F” word and other profanity in the work place.

Lieutenant Phil Johnson said he had heard CENCI use the “F” word and other profanity in the work place.

Deputy Chief Mike A. Hobbs said he had heard CENCI use the “F” word and other profanity in the work place. According to Hobbs, it was not appropriate for a deputy chief to use profanity in the workplace.

Retired Captain Bill Hebner said he had heard CENCI use the “F” word and other profanity in the work place. Hebner stated,

*“I don’t. Um, whenever you’re asked to justify someone using profanity, you can’t do it. And so (laughed) my golden rule is never use it ‘cause you’ll never be able to justify it when questioned about it. I don’t care what kinda point you wanna do or what the tone is or anything else you want to get along. It’s not appropriate and it’s bad practice.”*¹²⁸

Sergeant Kim Chandler said he had heard CENCI use the “F” word and other profanity in the work place.

Sergeant Eric C. Anderson said he had heard CENCI use the “F” word and other profanity in the work place.

Retired Chief Bruce Bjork said he had heard CENCI use the “F” word and other profanity in his office. Bjork indicated when CENCI would use profanity he would put a stop to it.

Deputy Chief Mike CENCI said he had used profanity in the work place and had used the “F” word. CENCI explained the use of profanity in the work place may be appropriate and it depends on the circumstances. CENCI stated,

“It depends on the circumstances. It depends on the context. It depends on a lot

¹²⁶ Refer to Roberts’ statement, page 6, lines 2 – 3.

¹²⁷ Refer to Alan Myers’ statement, page 20, lines 3 – 9.

¹²⁸ Refer to Hebner’s statement, page 19, lines 18 – 21.

of things. Um, I try to be very careful about my audience, you know, in a public setting. I'm not, uh -- I'm not going to use pro-- profanity, uh, or try very hard not to use it. Uh, but, uh, if you're having a -- a one-on-one discussion with somebody that you've known for a lot of years, uh, you may use that word to emphasize a point. Uh, I have before, just like others have, in conversations with me. They'll use it as a point of emphasis."¹²⁹

CENCI said he had not been counseled or disciplined for using profanity in the work place. CENCI stated,

"Uh, I don't believe -- I, I don't remember, uh, being counseled. Uh, uh, I know that, uh, there are certain settings when that's appropriate and there's certain settings when it's not. And, uh, I try to be very careful about, uh, matching the language with the audience and -- and the occasion. So uh, without some specific set of circumstances, uh, being presented, uh, it's really, really difficult, uh, you know, for me to reply to that."¹³⁰

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators provided CENCI's Management Development and Performance Plan from March 31, 2008, to March 31, 2009. Bjork noted, "Mike was working at improving his verbal/non-verbal communication skills. At times, if Mike was not interested in a topic, he disengages. This was noticeable by others when he was in a group environment or one-to-one. He needs to continue to work on not wearing his emotions on his shirtsleeve."¹³¹

1. 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. It is alleged CENCI referred to the sergeant as a coward. (*Rich Phillips*) It is further alleged CENCI told Phil Johnson, "I'm tired of hiring pussies". It is further alleged CENCI said, "If I'd had a game warden there with any hair on their chest, they'd have gotten in the water."

INVESTIGATOR NOTE: For the benefit of the reviewer, Schlenker provided an email for the appointing authority to review regarding the allegation.¹³² **Vandivert provided a letter he sent to Bjork regarding the allegation.**¹³³

Retired Sergeant Richard J. Phillips said in 2011 he became aware there was a submerged boat and a boy was believed to be under the boat in the water near Camano Head. Phillips indicated he, Maurstad, and Officer Jeff Lee were on the WDFW vessel and responded to the location where the boat was submerged. According to Phillips, there were four foot swells and it took five to ten minutes to arrive at the location of the submerged boat. Phillips said they pulled up the bow of the submerged boat and he observed lines as well as other debris in the water.

¹²⁹ Refer to CENCI's statement, page 60, lines 29 – 33, and page 61, line 1.

¹³⁰ Refer to CENCI's statement, page 38, lines 15 – 19.

¹³¹ Refer Employee History tab, Manager Development and Performance Plan from March 31, 2008 to March 31, 2009.

¹³² Refer to Addendum E (1), email from Schlenker to Investigator Eikum dated July 13, 2015.

¹³³ Refer to Addendum E (1), letter from Vandivert to Bjork.

According to Phillips, a woman from a private vessel had gone into the water and unsuccessfully tried to locate the boy under the boat. Phillips said he and Lee were not strong swimmers and Maurstad started to get ready to go into the water and Phillips directed her to stay on the vessel as he was not going to lose an officer because the weather conditions and debris in the water made it unsafe. Phillips said the Coast Guard retrieved the boy who was taken to Harborview Hospital where he died.

Phillips said he met with CENCI in CENCI's office during a phone conference with Lee and Maurstad to discuss what occurred. Phillips indicated CENCI was disappointed that one of them did not go into the water and attempt to find the boy. According to Phillips, after the phone conference he had a one on one with CENCI and told him,

*"I understand you were calling me a coward. And, uh, he admitted that he had and, uh, I said loo -- I don't care what you call me in here in this office to my face, you can call me anything you want. But do not do that to me in public. I wouldn't do that to you, I don't expect you to do that to me. That's inappropriate, unprofessional behavior. I can understand you being mad. Fine, be mad, scream at me all you want right here in this office, I don't care, not a big deal. But you don't do that to me in front of other officers, especially people I supervise."*¹³⁴

Phillips said CENCI told him he called him a coward and Phillips said CENCI told him he did not know he called him a pussy. According to Phillips, a couple of weeks later he, Lee, and Maurstad met with Lieutenant Phil Johnson at the Starbucks at Northgate. Phillips said Johnson told him CENCI had referred to the three of them as pussies and cowards. Phillips stated CENCI calling them cowards and pussies made him feel,

"Furious. Absolutely furious. You know (ph) it's -- and my belief is if you have something to say, say it to me but don't -- at the rank of captain, you need to be a little more professional and it's okay to be unhappy, it's okay to express your unhappiness, but let's do it in a professional manner. And calling people cowards and pussies, I don't see where that accomplishes anything other than maybe stroking somebody's ego, and that's it. And, uh, it's -- it's just bullying is the way I look at it. It's just absolutely bullying to try and, um, move guilt or assign guilt to people for something when they did nothing, absolutely nothing wrong. (Sighed) Yeah. I think he was a deputy chief at that time. I believe I was working for -- Ed Volz was the Captain.

*Serious (ph) -- I'm sorry, it still pisses me off. So that's -- that's gonna be a raw wound forever because I don't like to mistake -- I mean we all make mistakes, but I don't believe that was a mistake and I -- and I talked to experts, and they all said no, that wasn't a mistake. And I would hate to be sitting here or anywhere else right now having Jennifer or Jeff died trying to rescue somebody who was dead."*¹³⁵

Officer Jeff B. Lee said Phillips told him that CENCI had referred to Lee, Maurstad, and Phillips as cowards and pussies. Lee stated, *"Well I was kinda shocked, uh, you know, I mean he has that reputation but as being a kind of a bull in a china closet, but I -- it didn't make me feel good,*

¹³⁴ Refer to Phillips' statement, page 17, lines 15 – 21.

¹³⁵ Refer to Phillips' statement, page 19, lines 30 – 33, and page 20, lines 1 – 13.

um, you know. But again, um, uh, it -- it wasn't a deal -- a deal breaker, you know."¹³⁶

Sergeant Jennifer S. Maurstad said she did not hear the comments from CENCI, however, Lieutenant Phil Johnson told her several days later that CENCI had said he was tired of hiring pussies and she felt the comment was offensive, *"Oh, it's just one of those words that, uh (laughed) a female certainly doesn't wanna hear. Mm-hmm, I think it's more offensive to a woman. Well that's even more offensive because (laughed) to me that says only a man is gonna jump in the water."*¹³⁷

Lieutenant Phil Johnson said the Monday after the incident CENCI called him into his office because he was the Master Instructor and Boating Safety Officer for WDFW. According to Johnson, CENCI wanted him to look into what occurred as he felt there may be legal action from the family of the boy who drowned and during that discussion CENCI, *"may have said pussy, I don't recall."*¹³⁸ Johnson said he had met with Lee, Maurstad, and Phillips at the Starbucks store in North Gate. Johnson said he did not hear CENCI refer to Phillips and/or the officers as cowards.

Johnson stated,

*"they were initially trying to get those guys to talk to me as you probably know in your current capacity was difficult. Uh, but then they wanted to know if they were being seen by headquarters as, as cowards if you will. And I assured them to the contrary. So no, I never heard Deputy Chief CENCI refer to Sergeant Phillips as a coward."*¹³⁹

Johnson explained he did not remember hearing CENCI specifically make the comment that 'he was tired of hiring pussies.' Johnson stated,

*"The only -- I -- I keep trying to reach back and -- in my mind, I think the context was something like I want to make sure -- 'I want to make sure that we don't have pussies,' is that what he said? He was pretty passionate about it on that Monday morning. 'I want to make sure we don't have pussies who are afraid to get in the water.' I can't say with any certainty. I'm trying to replay that whole meeting in my mind and -- you know when you're in headquarters, it's hard to remember events because they all blend together. You know, I could probably say with some certainty that he made a statement like that. 'I want to make sure that we don't have pussies' or something like that. And when I talked to Jennifer, Jeff, and Rich, Sergeant Phillips, prob- -- did I say something like that? I don't think I did. I don't think that I would have portrayed a deputy chief in that fashion to those guys."*¹⁴⁰

Johnson stated,

¹³⁶ Refer to Lee's statement, page 11, lines 6 – 8.

¹³⁷ Refer to Maurstad's statement, page 17, lines 16 – 17, and page 18, lines 1 – 2.

¹³⁸ Refer to Phil Johnson's statement, page 9, line 8.

¹³⁹ Refer to Phil Johnson's statement, page 10, line 33, and page 11, lines 1 – 3.

¹⁴⁰ Refer to Phil Johnson's statement, page 12, lines 11 – 24.

"If I -- If I repeated any comments from the deputy chief. I can't remember, but there's a distinct possibility I could have said yeah, the deputy chief wants to make sure he doesn't have any pussies. I probably repeated it verbatim."¹⁴¹

Johnson stated during the meeting at Starbucks he did not remember telling the officers CENCI thought the officers were pussies. Johnson indicated he did not remember telling the officers that CENCI made the comment, 'If I had a game warden there with hair on their chest, they'd have gotten in the water.'

Johnson said he reported back to CENCI after his investigation that the officers made the correct decision based on the totality of the incident.

Captain Dan Brinson said CENCI had been talking to him about the incident because for a time he had the Marine Division and CENCI was concerned they were cowards and pussies. According to Brinson, he reminded CENCI the previous training the officers had regarding, *"water rescues and what our role, uh, would be with the level of training we had, and it's -- was not to jump in the water."*¹⁴² Brinson said during the meeting with CENCI on the incident CENCI said,

"we don't hire cowards, we don't, you know -- I don't know. He just referred to them as being cowardly and. My response was that they were following, um, the training that they had had very recently and that I disagreed with him."¹⁴³

Retired Chief Bruce Bjork said he did not hear CENCI make the alleged comments. Bjork indicated regarding CENCI allegedly calling Phillips a coward Bjork stated,

"I know we had discussion about it. Uh, I don't believe -- I don't believe I -- I required or that I told Deputy Chief CENCI to call him and apologize. I don't know -- I don't remember doing that. I do remember talking to him about -- talking to Deputy Chief CENCI about, you got to make this right. You've got to -- you've got to call -- you need to talk with Sergeant Phillips and -- and others there that were on the vessel, which I believe he did."¹⁴⁴

Bjork said he considered the discussion he had with CENCI as counseling, *"We had a number of counseling sessions. A number of counseling sessions on how and when you make comments based upon the setting that you're in, yes."*¹⁴⁵

Deputy Chief Mike CENCI said he did not recall calling Lee, Maurstad, and Phillips, cowards or pussies. CENCI stated regarding the allegation,

"Well um, here again, um, I'm at a disadvantage years after the event, you know, being asked to recall my specific words. And uh, what surprises me is that --

¹⁴¹ Refer to Phil Johnson's statement, page 13, lines 4 – 6.

¹⁴² Refer to Brinson's statement, page 15, lines 8 – 9.

¹⁴³ Refer to Brinson's statement, page 15, lines 14 – 18.

¹⁴⁴ Refer to Bjork's statement, page 58, lines 7 – 11.

¹⁴⁵ Refer to Bjork's statement, page 58, lines 19 – 20.

*well, it wasn't a concern at -- I mean my use of whatever words I used at the time -- well if I said that at the time, but now they are. Um, I'm not saying I'm perfect guys, but I'm per- -- I am careful."*¹⁴⁶

CENCI said he remembered the exchange he had with Phillips in his office,

*"Well, he was angry, because he received a lack of support. And he felt that we should have just -- his words were, 'That toothless expletive on television criticizing us. That shouldn't be, you know, your motivation, uh, for -- for not having faith in us.' Something along those lines. And, 'Who cares what the public perception is, you need to support your officer. You need to support your officers and you weren't there.' And the point that -- that he made, uh, that -- that -- that resonated most with me was, 'You weren't there and so how dare you question any of us.' And so -- I don't know -- well, you guys have obviously met Phil, uh, Phillips. Uh, I mean I'm pretty sure of myself, but, uh, you know, he was angry -- he was pretty angry and I was not going to get -- I mean I -- I'm going to be careful with my words and not -- he's a big guy. I'm not saying that I was concerned about being bumped, but this guy's not shy about, you know, bringing it, verbally. And so I -- I'm going to -- I just can't imagine going yeah, I called you a coward. What I may have said is, I have real concerns about whether you guys did enough; real concerns."*¹⁴⁷

CENCI stated,

*"I don't have any specific -- -- recollection about that. You know, if -- if that's the statement I made -- would have made, could have made, um, it -- it would have been in a -- it wouldn't have been to those -- those subordinates. It would have been to, uh, my boss or -- or somebody very close to looking into this. It would have been a -- a really ultra-frank discussion, you know, to use those kinds of terms and terminology."*¹⁴⁸

CENCI said he did not remember making the comment that "he was tired of hiring pussies" and he did not remember making the comment that "if he had a game warden there with any hair on their chest, they'd have gotten in the water." CENCI explained he was not disciplined regarding the comments he allegedly made.

2. It is alleged CENCI told an officer, *"That was the worst search warrant I've ever read."*

Wildlife Conflict Specialist Tammy K. Conklin said in 2003 or 2004 CENCI told her that was the worst search warrant he had ever read. Conklin stated,

"I remember having almost an anxiety type reaction to it 'cause you know, I -- I really wanted his respect and that was when I felt like he wasn't really acknowledging me as an officer already or -- or Officer Van Valadricken. It was during that same timeframe when we were pretty young officers and yeah, it made me feel, um, not empowered. It made me feel like, you know, maybe I just

¹⁴⁶ Refer to CENCI's statement, page 64, lines 6 – 9.

¹⁴⁷ Refer to CENCI's statement, page 67, lines 28 – 33, and page 68, lines 1 – 7.

¹⁴⁸ Refer to CENCI's statement, page 68, lines 9 – 15.

*won't write anymore search warrants if it's that bad, you know. But I got over that pretty quick 'cause I had other good supervisors, so. But it did, it made me feel very bad.*¹⁴⁹

Sergeant Erik Olson said regarding the allegation he did not see anything inappropriate about that comment and it was a sign of a good supervisor bringing a poorly written search warrant to the attention of an officer.

Sergeant Russ Mullins said he did not see anything wrong with CENCI making the comment to an officer, "that was the worst search warrant I've ever read." Mullins stated,

*"No, people need to hear it. If they write a terrible search warrant, then they need to hear it. That's our history in our agency. We don't tell people that you are screw ups. Everyone wants peace in the valley and, uh, to get along and it's really frustrating sometimes when you read something written by an officer that thinks that they're perfect. And you wouldn't dare let it go to a prosecutor or a judge, because it's embarrassing. Doesn't even have probable cause. I've seen it. Not very often, but I'm sure he's seen it lots of times and is it -- in that supervisory role. It's his job, once again."*¹⁵⁰

Retired Sergeant Carl Klein said in 2007 CENCI told him that was the worst search warrant he had ever read regarding a search warrant that was served in Shelton. According to Klein, CENCI did not think he established probable cause for the warrant and he told Klein he should do a better job in the future when preparing a search warrant.

Former Officer David Jones said he did not have firsthand knowledge of the comment being made. Jones indicated if CENCI was dealing with facts regarding the search warrant the comment would not be inappropriate. Jones stated,

*"The concern is that it's, it's part of a pattern. It's not that individual statement alone. It's the pattern of how this guy treats people. I don't know that it's inappropriate to say that, but is that necessary? Help the officer. Explain to him what the problem is. But it's the pattern. The answer directly is the pattern."*¹⁵¹

Captain Dan Chadwick said he had heard that comment a few times himself and did not think the comment was inappropriate,

"Not at all, not at all. I mean if your work's not good, I mean he's gonna let you know. I mean he's a -- he's a writer and he drafts some very good search warrants and I've again learned a ton from him by doing that. I mean he's looked at mine and laughed and we've sat down for hours and -- and that's one thing about Mike he'll do, he won't just go, 'This is crap' and not give you any suggestions on it. He'll sit down with you for hours and make sure that you've learned -- that you draft a good search warrant and everything's there. And um, that's the difference between him and a lot of leaders is he, he doesn't see himself as better, he wants to make everybody better. He's trying to bring you up

¹⁴⁹ Refer to Conklin's statement, page 16, lines 2 – 9.

¹⁵⁰ Refer to Mullins' statement, page 13, lines 31 – 33, and page 14, lines 1 – 4.

¹⁵¹ Refer to Jones' statement, page 26, lines 1 – 4.

*and so um yeah, there's been many of times I've heard that from him, 'That thing's crap.' And, and he sits down and you go through it again -- you know, not just me, but other officers, so."*¹⁵²

Captain Chris Anderson said it was not inappropriate for CENCI to tell an officer that was the worst search warrant he had ever read.

Retired Chief Bruce Bjork said he did not know about the comment and the comment did not concern him. Bjork stated,

*"Uh, again, I would probably use a little different language as -- as helping them along in their development, but -- and -- and Deputy Chief CENCI was -- was, and I'm sure still is, very good in developing the officers, particularly as it relates to search warrants and investigations. He's very good at it. Um, so yeah, he -- he may have said that."*¹⁵³

Deputy Chief Mike CENCI said he did not recall making the statement. CENCI explained he did not think the comment was inappropriate. CENCI stated,

*"Uh, well provided if it was accurate, um, it may be en- -- en- -- entirely appropriate for the circumstances. Um, people need, uh, you know, some feedback with respect to their performance if it's poor. So, that may be entirely, uh, appropriate for the circumstances if someone did a lousy job on a piece -- a document that means I can enter somebody's castle and perhaps cause the highest level of liability for the agency than any other action we might take."*¹⁵⁴

CENCI said he had not been disciplined regarding the allegation.

3. It is alleged during the 2006/2007 performance reviews; CENCI told Officer Dave Jones and Officer Ryan Valentine, "You don't know shit." It is further alleged another witness also said that CENCI had told Mike Krenz he didn't "know shit."

Former Officer David Jones said he received an email from Mullins to meet him at the Washington State Patrol Marysville Office for a performance review. Jones explained during the performance review CENCI told him 'he did not know shit.' Jones stated,

"So I pick up the phone and I'm like, 'What are you talking about?' I live in Bellingham. You live in Ferndale. What are we, what? He says, 'Oh, Deputy Chief wants to come up and welcome you to the Marine Division.' Deputy Chief wants to puff his chest out and tell me who the man is. That's what's going on here. I'm like oh, well here we go. I roll in here. I sit down. It's Russ Mullins and Mike CENCI, shuffle some papers, takes his glasses off and says, 'Let me tell you something, you don't know shit.' That's what he's telling me. I said, 'What?' I cuss a lot. So I'm not offended by the word. I'm offended by what, what have I

¹⁵² Refer to Chadwick's statement, page 13, lines 1 – 10.

¹⁵³ Refer to Bjork's statement, page 59, lines 15 – 18.

¹⁵⁴ Refer to CENCI's statement, page 71, lines 5 – 10.

done to deserve this? What kind of class do you take in any sort of management class, motivational class, that says this is how you treat your people?"¹⁵⁵

Sergeant Russ Mullins said he was present when the comment was made. Mullins explained Jones had been called in to go over the expectations portion of his Employee Development Performance Plan. Mullins indicated he was a new supervisor and he had just acquired Jones as one of his employees. According to Mullins, he was having difficulty supervising Jones. Mullins said Jones had a know-it-all attitude and he couldn't be told anything because he had it figured out. Mullins explained he asked CENCI to sit in the meeting with Jones. According to Mullins, CENCI told Jones he did not know shit after Jones gave him a, "know-it-all attitude. Uh, a stick-it-to-the-man type attitude from Dave Jones."¹⁵⁶

Mullins said he did not remember the comment made by CENCI to Valentine.

Officer Ryan Valentine said Sergeant Mullins was going to meet with him at the Marysville State Patrol Office and give him his evaluation. According to Valentine, Mullins told him CENCI would be there to welcome him to the Marine Division. Valentine said several minutes into the evaluation CENCI told Valentine,

"I didn't know shit. That Sergeant Mullins was one of the best sergeants in the state. That it was unfair for me to do whatever they felt that I had done. I felt that it was retaliation to my letter that I had wrote to them, specifically in -- where the department had asked me to write out my thoughts -- or -- I was very careful when I wrote that as well, because I didn't want to upset my chain of command. I had clearly put a lot of thought in to promote and foster a -- an understanding of team work and trying to move forward and to be -- to be productive. It was -- it fell completely upon deaf ears and I was actually very, very shocked and quite honestly embarrassed for Sergeant Mullins and Captain CENCI in that they felt their way to, in my opinion, their perception of how to motivate people was to belittle them and demean them and break them down, which I've never been in the military. I imagine that might be a way -- a tactic that might be done in the military for 18-year-old kids coming out of high school, but it was completely unprofessional. And what was most troubling is just the fact that Mike CENCI felt that that was the way to motivate people. It was extremely disturbing. It taught me a lesson that if I wanted to get along in this department, I should keep my head down and keep my mouth shut. And maybe that's what -- exactly what they wanted. And if that is what they wanted, they succeeded. So it's -- it's just so frustrating."¹⁵⁷

Officer Mike Krenz said in 2008 he was just appointed to acting sergeant and had been called to CENCI's office in Olympia. Krenz indicated CENCI gave him his expectations as a new sergeant and Krenz told him he had conducted marine work for 13 years and CENCI told him, "when it came to marine work, I didn't know shit. (Cleared throat) I had no idea what I was doing."¹⁵⁸

¹⁵⁵ Refer to Jones' statement, page 27, lines 8 – 17.

¹⁵⁶ Refer to Mullins' statement, page 15, lines 7 – 8.

¹⁵⁷ Refer to Valentine's statement, page 6, lines 22 – 33, and page 7 lines 1 – 5.

¹⁵⁸ Refer to Krenz's statement, page 24, lines 31 – 32.

Sergeant Ted Jackson said he did not have information on the comment by CENCI "you don't know shit" to Jones, Krenz, and Valentine. Jackson stated,

*"When it comes to people doing marine work as he classifies, uh, marine work and compared to the people that do land work, he'll compare the people that do land work as 'they don't know shit. They don't know shit about the marine aspect of Fish & Wildlife.' It's two different -- it's two different things, we all have different parts of our job that some people are very good at and some people aren't. Uh, as a supervisor you build on their strengths but uh, Mike CENCI believes that if you do marine work -- marine-issue work, commercial fishing, um, you have some intelligence that other people don't have, and so he referred you don't know shit about marine work, so."*¹⁵⁹

Captain Dan Chadwick said CENCI told him he made the comment. Chadwick stated,

*"Mike CENCI mentioned that um, that -- just between him, him and me one time that um -- the officers were arguing with him and, and, and he just couldn't believe that, that -- I'm trying to word -- the word I'm trying -- that the officer would not necessarily challenge him, but just make it sound like that they -- they were -- they were all that. That they were way up at a level where he didn't think they were and, and he's -- he told me that he, he told them that. And um, I know one officer, Dave Jones that it came to that. And um, and, and again, the context of it, just trying to get the point across that there's a lot more to learn, and be willing to learn, and don't just be satisfied with where you're at and try to argue with me that you know everything. And um, that's, that's -- again, that's Mike CENCI just trying to get into somebody and, and get them to turn, turn the page and want to learn more, so."*¹⁶⁰

Retired Chief Bruce Bjork stated,

"So again, I wasn't there when any of those conversations took place. I read about it in the allegation letter. Um, does that surprise me? No. Uh -- uh, and -- and again I'm -- I'm basing it on a one-on-one conversation between CENCI and Krenz or CENCI and Jones. Uh, if that was -- if that happened in those types of reviews or -- or evaluations, uh, that wouldn't surprise me. So again, um, look at the setting that I was talking about earlier, and that is the Wildlife side of the agency versus the Fisheries Enforcement side of the agency. Fisheries Enforcement is very complex, and so you're dealing with a whole host of regulatory -- both on the recreation side and the commercial side in the industry, that -- that doesn't take place on the Wildlife side. So the Wildlife side, yes, you're going to have some trafficking in wildlife, where officers would be investigating, but it doesn't rise to the level of investigations that's on the Fisheries side nor does the complexity of regulations. So if you have an officer that's worked nothing but wildlife activities during their tenure and they haven't worked the fishery side and they shy away from the fishery side because it's too complex and they don't want to work it, then yes, I could s- -- I could see that comment. Uh, because we told every one of the officers, it doesn't make any

¹⁵⁹ Refer to Jackson's statement, page 15, lines 11 – 18.

¹⁶⁰ Refer to Chadwick's statement, page 13, lines 18 – 27.

difference if you're former Fisheries or former Wildlife. If you're former Fisheries, you better know how to do wildlife investigations and wildlife enforcement. If you're former Wildlife, you better know how to do fisheries enforcement as well. And you need to be able to cross-train and you need to be able to work both sides. So, that expectation was out there. So did CENCI hold folks to that expectations? Yes, he did, he does, still does. I wouldn't expect anything less of him to do that. So again, is there a -- a different choice of words that could be used? Yes, maybe. But uh, again, in the law enforcement environment -- so you guys know, I spent 27 years with the State Patrol. I had a lot of counseling sessions like that, both from my supervisors and probably some on my own. And without going into naming names, because we can all sit here and name names, uh, that would be very appropriate. And uh, it's -- it's a different environment. It's a different environment working in a law -- in a professional law enforcement agency than it is in a non-law enforcement agency or law enforcement entity. And I worked both sides. You guys probably have as well. There are vast differences. There's vast differences in the communication that you have, the communication styles, and the type of personalities that you're dealing with. My opinion, most law enforcement personnel are -- most are Type A personalities and uh -- and they live and breathe colorful environments and colorful language. And I'll just leave it at that.”¹⁶¹

Deputy Chief Mike CENCI said he met with the officers during their evaluations because the officers were not taking direction from Mullins and he did make the comment, “you don’t know shit” to them. CENCI stated regarding the meeting he had with Jones,

“So I said you're not, you know, uh, your -- your priorities and your sergeant's priorities and my priorities are aligned now. Uh, so I got to the point where I said yes, you don't know shit. You don't know shit, uh, because he hadn't been on very long and you don't have the broader perspective, uh, and yet you're coming off -- off as if you're a veteran. Um, not that that necessarily means that your priorities are always properly organized in the right order, but it was -- it was very frustrating. Uh, he, uh, he was very -- a very combative, uh, combative guy, you know. And, um, uh, he's got kind of an east coast accent, persona, uh, a little bit in your face, uh, don't respect authority. And, uh, you know, uh, I thought being direct with him might help with respect to the respect, personal respect or professional respect or positional respect that I thought he should be giving to both the sergeant and -- and -- and myself. Um, so I mean this -- this sergeant was struggling with two -- two employees that, uh, didn't feel that anything he had to offer was worth -- was worth much and I was there to support the sergeant, uh, who, you know, deserved this.”¹⁶²

CENCI said he did not recall making the comment to Krenz. CENCI explained he was not disciplined regarding the allegation.

4. It is alleged when CENCI was discussing a particular sergeant he said, “Goddam Eric Anderson. What is he doing now? I’m going to kick his ass.”

¹⁶¹ Refer to Bjork’s statement, page 59, lines 23 – 33, and page 60, lines 1 – 21.

¹⁶² Refer to CENCI’s statement, page 73, lines 30 – 33, and page 74, lines 1 – 9.

Retired Sergeant Richard J. Phillips said CENCI assigned Eric Anderson who was the Aquatic Invasive Species officer to him. Phillips indicated Anderson with his approval shared information about the Aquatic Invasive Species program he was working on with the state of Oregon. According to Phillips, CENCI found out about the information being shared with the state of Oregon and told him, *"Goddamn that Eric, I'm going to kick his ass."*¹⁶³

Retired Chief Bruce Bjork said he did not know anything about this allegation.

Deputy Chief Mike CENCI said he did not recall making the comment.

5. It is alleged CENCI called Harry Cilk a *"fat piece of shit."*

Officer Harry Cilk said, *"I don't think he said that to me specifically, to my face, but specifically I put out what he said to me, but I, it's, he could have said that to somebody else. He told me I was fat so... 'How hard can it be to lose some weight,'"*¹⁶⁴

Cilk said shortly after he was hired CENCI made comments about his weight, size, and future with WDFW and that he would not make it through the academy. Cilk indicated CENCI told him people like him don't belong, and Cilk thought CENCI was referring to his weight and size. Cilk stated, *"he just said I wouldn't fit in where I was going and stuff. I wouldn't make it. Well I know the days are numbered. I still know. I mean I just, I'm, just want to get through the next fifteen years."*¹⁶⁵ Cilk explained,

*"That's one of the reasons I wanted to do this job is to make sure that the resources were there for other people as they were growing up. So, um, that's why this has been so hard on me just knowing, you know, that I really left a lot of that stuff behind to try to make a better state, you know, and have that sense of service and it was all flushed down the toilet, you know, just instantly I was a fat guy, you know, wanting to wear a uniform that didn't belong and wouldn't make it, wouldn't fit in where I was going so. It's just hard to experience that."*¹⁶⁶

Retired Sergeant Richard J. Phillips said when he was the Assistant Commander at the Criminal Justice Training Center between 2008 and 2010, Cilk was a student. According to Phillips, Cilk told him CENCI told Cilk he was a fat piece of shit. Phillips stated he spoke to CENCI about calling Cilk fat and CENCI told him, *"Oh, I'm a very emotional person, if I see something that I think is wrong I need to address it."*¹⁶⁷

Retired Sergeant Carl Klein said he heard CENCI talking about Cilk being overweight and going through the academy. According to Klein, he heard CENCI say Cilk was fat and while preparing for the job he should have done more to get himself in shape.

¹⁶³ Refer to Phillips' statement, page 22, line 25.

¹⁶⁴ Refer to Cilk's statement, page 15, lines 26 – 28.

¹⁶⁵ Refer to Cilk's statement, page 11, lines 18 – 22.

¹⁶⁶ Refer to Cilk's statement, page 23, lines 15 – 21.

¹⁶⁷ Refer to Phillips' statement, page 25, line 33.

Communications Officer 3 Tina Hamilton said she did not hear the comment, however, Cilk told her CENCI thought he was too fat and Cilk said every time he brought his lunch into eat CENCI would ask him why he was eating certain foods.

Retired Chief Bruce Bjork said he was not aware of the comment. Bjork stated,

*"So -- so again if -- if that's -- if that's true, and it's a one-on-one conversation, and it's in an evaluation motivational mode. Uh, is that language that I would use? Maybe not. Uh, but would it be appropriate for that kind of setting? If that's what it takes maybe to motivate that particular person, it might be appropriate for the situation."*¹⁶⁸

Deputy Chief Mike CENCI said he did not recall making the comment. CENCI stated,

*"Uh, I do remember talking to Harry about his weight. Um, uh, he really worked hard to get, uh -- my recollection is that you test those guys before they go to the Academy and he came up short. It was a sit-up or two or whatever. And so, um, you know, I was trying to coach him to do better. And I was like, hey the expectations are high, you know, you got -- you're going to have to -- some guys are built differently than others and you're going to have to make an effort to, you know, to maintain the level of fitness that you need to in order to make it. Um, I -- we hired him, so I wouldn't, uh, have concluded that he was a piece of shit at that juncture. Uh, and uh, was he overweight? Sure, yeah, he -- he was; admittedly so. And we had a good discussion about, you know, diet and build and -- and all that. So, uh, I'm curious as to what Harry had to say about."*¹⁶⁹

CENCI said he would have had a tough discussion with Cilk about his weight. CENCI stated,

*"I don't remember the exact words I used but, uh, I try to make sure that there's, um, balance between motivation and, I don't know, saying something inspiring and -- and getting someone's attention, uh, but I'm not saying I always achieve that."*¹⁷⁰

CENCI explained he had not been disciplined regarding the allegation.

6. It is alleged CENCI has made the comment, "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."

Communications Officer 3 Tina Hamilton said CENCI had made the comment, "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." Hamilton explained CENCI had made the comment,

*"Multiple times and in fact we say it back to him 'cause were investigating an elk or something and he'll come in and ask what's going on and we'll tell him never mind it doesn't have fins because he doesn't care. He laughs."*¹⁷¹

¹⁶⁸ Refer to Bjork's statement, page 62, lines 1 – 4.

¹⁶⁹ Refer to CENCI's statement, page 76, line 33, and page 77, lines 1 – 9.

¹⁷⁰ Refer to CENCI's statement, page 78, lines 9 – 12.

¹⁷¹ Refer to Hamilton's statement, page 23, lines 7 – 11.

Retired Sergeant Richard J. Phillips said he had heard CENCI say nobody gives a shit about deer and elk. Phillips stated,

"Um, different tribal meetings. When I was a marine sergeant, we'd go to discuss fish issues and, uh, he would, you know, to make sure everybody knew how important the fish issues were, he would say nobody gives a shit about deer and elk. The problem with that is you've got two-thirds of the officers in the state that make their life trying to protect deer and elk. And then we get into again, I get it, I understand what you're trying to say, but please say it differently 'cause it just pisses guys off when you do that. And you don't need to do that. It's just unnecessary and it -- and it appears that your showing favoritism to one side of the house over the other, and please don't do that."¹⁷²

Sergeant Ted Jackson said he had heard CENCI at supervisor meetings say nobody gives a shit about deer and elk as he explained how important the marine issues are compared to the land issues which include deer and elk.

Deputy Chief Mike A. Hobbs said during the month of February or March 2011 he had heard CENCI make the comment in his interview for the Statewide Investigative Unit that 'Nobody gives a shit about deer and elk, that's why I issue kill permits.' According to Hobbs, he was pissed when CENCI made the comment,

"I thought it was inappropriate at the time, um, knowing that I didn't have any -- or I had limited marine experience. Um, I felt that it was inappropriate for a deputy chief who created and supervised the marine unit um, to take that stance because a lot of the other things on the list were things to do with um commercialization of fish, shellfish, geoduck. Um, I kind of felt like that was a biased comment."¹⁷³

Hobbs said he understands how that comment affects the land officers because,

"I know how it affects me, because I can remember the comment to this day; the direct quote. So yes, I do understand the impact of a -- of a statement like that. Um, I'm sure they have. That's -- that comment is -- or some variation of that comment is -- is known -- he is known to have made it several times."¹⁷⁴

Retired Captain Bill Hebner said CENCI had made the statement,

"he also tried to make the point, you know, these are pretty significant violations. A lot -- many of them are felonies, they're human health and safety risks, and he tried to justify the monies that were coming in and that would be one thing that he would say. No -- nobody really cares if there's a deer or an elk that -- that's killed, but they really care if someone take -- takes, um, a boatload of, um, endangered -- um, Canary Rockfish or something. And so he would -- he would

¹⁷² Refer to Phillips' statement, page 26, lines 16 – 23.

¹⁷³ Refer to Hobbs' statement, page 15, lines 26 – 30.

¹⁷⁴ Refer to Hobbs' statement, page 16, lines 9 – 15.

*make things like that try to justify. That's -- that's where the real, real, uh, enforcement is occurring and the real impact.*¹⁷⁵

Officer Greg Haw stated,

*"I've had many discussions, similar discussions with him where we've prioritized what we both believe to be our work priorities that are genuinely speaking along those lines. In other words, I've had a lot of discussions with him about how endangered species act, marine fish are far more deserving of our protection and our efforts than say a black tailed deer where there's not any conservation issue associated with it so I've had similar conversations along those lines with Mike in a, in a, in a, in a productive conversation along that very, on the same topics but not so I'm going to have to rephrase the question or repeat the question I guess. I have not heard him say that exactly but again we've had a discussion along those lines where together we prioritized what we considered to be higher priority than other things."*¹⁷⁶

Captain Dan Chadwick said he had heard CENCI make that comment. Chadwick stated,

*"With -- with that said, he's just as passionate about deer and elk as he is the marine stuff. I just want to make sure that's clear. He truly is just as passionate. The marine resource side of things, there's way more at stake there and that's the context of that. There's -- you talk about a \$30 million a year crab industry, you talk about the whiting fishery which is the, the next big economic boom for the State. You talk about all the commercial fisheries, there's the geoduck fishery and he understands that economically to the State, that means priority protection. Not that you know our wildlife dollars are, are -- or our license sales and stuff don't matter to this department, and deer and elk don't matter, but when, when you look at the totality of, of different aspects of Fish & Wildlife, the commercial sector, there's a lot at stake and a lot can get poached there and a lot of money that can be made by a poacher -- so when you take an elk versus somebody making thousands of dollars on poached commercial product, you know, where's the -- where's the priority? -- one elk versus -- versus a commercial poaching operation."*¹⁷⁷

Captain Chris Anderson said he had heard CENCI say something similar to the alleged comment. Anderson stated,

*"Not with the word 'shit' but I've heard him say that, ah, that, ah, since he comes from the marine side, that, ah, you know, all the [ESA] listed fish species and, you know, the, ah, the partnership we have with our federal partners that, um, I know that he's stated to us before that, you know, the fish side may have the higher priority ahead of time instead of fish and elk, or instead of deer and elk."*¹⁷⁸

¹⁷⁵ Refer to Hebner's statement, page 25, lines 17 – 24.

¹⁷⁶ Refer to Haw's statement, page 8, lines 9 – 20.

¹⁷⁷ Refer to Chadwick's statement, page 14, lines 21 – 33.

¹⁷⁸ Refer to Chris Anderson's statement, page 9, lines 9 – 13.

Retired Chief Bruce Bjork stated,

"I've not heard him say that in a public area and, uh, in a private area he's probably said that. I've said that or something similar to it and it's based -- it's based upon, again, the management of the species, wildlife versus fin, uh, versus fish. So when you have uh -- when you have a whole -- a much more regulatory arena on the fisheries side than you have on the wildlife side, and you have a much higher level of taint on the fish side than you do on the wildlife side, then if -- if nobody's -- if an officer has not worked on the fisheries side, then uh -- then yeah, they don't have the same level of engagement, they don't have the same level of expertise. It doesn't mean that, uh, that you don't care about wildlife and you only care about fish. No, I don't believe it means that and I don't believe Deputy Chief CENCI meant -- if he made a statement like that, I don't think he meant that -- that wildlife are -- is not important, that only fin fish are important. Uh, I don't think that's what he -- if that's what somebody is assuming, I don't believe that's true."¹⁷⁹

Deputy Chief Mike CENCI said he did not recall saying if it doesn't have fins, it doesn't mean shit and that the actual comment was taken out of context. CENCI stated,

"Uh, but I do specifically remember the -- the deer and elk discussion, kill permit piece, because I was -- uh, frankly I had my back against the wall. Uh, I was not getting anywhere with a couple of people and, again, I knew these folks for a long time. And so you're trying to, even as a deputy chief or a captain, and I think those discussions actually occurred when I was a captain, uh, and I was directly supervising, uh, Makoviney, uh, at one point, and directly -- indirectly supervising Todd Vandivert. It -- you hope that you can appeal to their sense of what's, you know, uh, what's important to the agency, what's important to communities, what's important to natural resources and not just what's important to you. Uh, I mean let's -- let's face it, uh, uh, writing, uh, a number of traffic infractions compared to a DUI. All of it's necessary, but at the end of the day, what has the most impact on public safety? And you have to have a balance. And that's what I was trying to achieve."¹⁸⁰

CENCI said he had not been disciplined regarding the allegation.

7. It is alleged CENCI calls team meetings for the marine officers but never does for the wildlife officers.

Sergeant Russ Mullins said CENCI called team meetings for the marine officers because that was who he supervised at the time.

Retired Chief Bruce Bjork stated,

"Well, he s- -- he managed and supervised the Marine Division, so that's what he was supposed to be doing. Uh, so while he was a s- -- while he was a sergeant he did -- he did both, because he ran detachment meetings and, of course, that would include wildlife and fish at the detachment level and that was prior to the

¹⁷⁹ Refer to Bjork's statement, page 63, 16 – 27.

¹⁸⁰ Refer to CENCI's statement, page 57, lines 27 – 33, and page 58, lines 1 – 4.

*time that we had marine detachments. When he was a marine captain, then all of his personnel worked on the marine side. That was their major level of -- of engagement, but they still worked wildlife cases also. And when he's a deputy chief, then he was expected to do both. And so his -- his team meetings would be -- would be at regional operations or in-service or -- or any of that, but even as a -- even as -- even as a deputy chief, he was still the lead on -- on marine activities.*¹⁸¹

Deputy Chief Mike CENCI stated,

*"Uh, yeah, it, um -- so I had -- I had direct -- direct responsibility for those teams, uh, those marine detachments. We have a lot of obligations, um, uh, that -- that we have to meet. Uh, some of those obligations, uh, come with a lot of money. And so ultimately I'm on the hook to make sure that the work gets done or we don't receive the funds that actually support positions. Uh, you know, we get anywhere from 850,000 to a million dollars a year. I know it doesn't sound like much from a Patrol perspective, but that's eight FTEs potentially. Uh, we get that money from, uh, from the Federal government to do marine work and, uh, they hold us very accountable. You know, we've got to be able to demonstrate that, uh, we fulfilled their obligation. And so you need some direction to ensure that with all the competing interests you're able to achieve it all."*¹⁸²

Allegation Six:

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

INVESTIGATOR NOTE: *For the benefit of the reviewer, Deputy Chief Mike CENCI told investigators Bjork made the decisions on position allocation and or hiring and CENCI would act as a consultant and/or advisor only. Ultimately, Bjork made those decisions.*

Retired Chief Bruce Bjork said the creation, deletion, or modification of a WMS position within the WDFW was a management right and he personally made the decisions regarding the five incidents below. Bjork stated CENCI was neither responsible nor involved in the decision making process regarding these five incidents of personnel movement, promotion, or modification. Bjork asserted these were management rights and he acted within his authority as the Chief of Law Enforcement for the WDFW Enforcement Program in exercising those rights.

1. It is alleged 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.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.*¹⁸³

¹⁸¹ Refer to Bjork's statement, page 64, lines 11 – 20.

¹⁸² Refer to CENCI's statement, page 79, lines 20 – 29.

¹⁸³ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

Retired Chief Bruce Bjork stated,

*"So Ed Volz was a lieutenant in charge of my Statewide Investigative Unit. Uh, Mike CENCI was the captain in the Marine Division and the majority of the work that was being done within the Marine Division on the investigative side had to do with fish -- was related to fish. Ed Volz was a former Fisheries officer, grew up on the fish side, knew fishery regulation inside and out. I had no other individual -- Mike CENCI was promoted from marine captain to deputy chief, so there was a vacancy there. I had, in my opinion, no other individual to step into the marine captain position at that point. And since the majority of the activity that was occurring right then was with the Investigative Unit anyway, I made Lieutenant Volz a captain in charge of the Marine Division, and the Marine Division reported to him. So the marine detachments reported to him."*¹⁸⁴

Bjork stated further, *"It all had to do with he was -- he's the best qualified individual for that particular job and I needed managerial oversight for the marine activities."*¹⁸⁵

2. It is alleged an officer was promoted to lieutenant after only four years at WDFW and with no sergeant experience.

Retired Chief Bruce Bjork said he had considered going outside the WDFW for this position but couldn't get anyone to apply. Bjork indicated he initially advertised to the Sergeant's rank but no one applied for the position. Bjork stated, *"I couldn't get any sergeants to put in for the job, Headquarters job, so I opened it up to officers and he put in for it. So he [Crown] went from an officer to a lieutenant."*¹⁸⁶

3. It is alleged 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.

Retired Chief Bruce Bjork stated,

"Uh, so it's true that I hired John Broome. Uh, I hired -- I hired him to a Headquarters position. Again, it's the -- the fact that I didn't have an internal candidate that wanted to come into Headquarters. It uh -- the problem wildlife position had, uh, it had a -- it had a -- it had a non-commissioned person in it at the time that I first came into the agency, but he was also former Enforcement if I remember right; way back he was former Enforcement. And then he was a regional manager and then he became a -- a problem wildlife coordinator just before he retired. So when I didn't have a good applicant pool, then uh yes, I hired John Broome into the -- into that position. Uh, but I had more than -- it was more than a problem wildlife position. So I hired John because of his experience with criminal records. And at that time I was working to -- to build the Dispatch Center there and work -- work with DNR, as well as WSP on the communication side of things. That's where John came from was on the criminal justice side, so he brought a level of experience and expertise to the Headquarters position that I

¹⁸⁴ Refer to Bjork's statement, page 66, lines 24 – 33.

¹⁸⁵ Refer to Bjork's statement, page 67, lines 7 – 8.

¹⁸⁶ Refer to Bjork's statement, page 68, lines 4 – 6.

*didn't have from my existing rank -- rank and file. So if his -- if his only job was problem wildlife, which was dealing primarily with elk damage, then -- then I'd probably have a little bit of a tendency to say, yeah, it may have been better to have an internal candidate to do that job, but the other piece to that is that I didn't believe problem wildlife belonged within Enforcement anyway. That was a wildlife management area, should have been housed in wildlife management and currently is in wildlife management, but it took me a few years to get it transferred up there. So, that's what happened in that position."*¹⁸⁷

4. It is alleged a sergeant was improperly promoted to lieutenant to run hunter education, even though civilians ran the program before and after he held the position.

Retired Chief Bruce Bjork stated,

*"the director asked me if I would take the hunter education program back into Enforcement and I said absolutely; a great nexus between hunter education and Enforcement officers. So when it came back into Enforcement there was an existing manager and that manager was a non-commissioned person. So I -- I took -- I transferred all the people, the positions and their funding into the Enforcement program. When that individual retired, then, uh, I didn't go outside and advertise it as a civilian position. I advertised it as a commissioned position, as a sergeant's commissioned position to start with. And I -- and I did that because I wanted to have a greater nexus between hunter education and the enforcement officers. And I wanted to require in each one of the enforcement officers' evaluations, as well as their sergeants and their captains, that there was a delegated responsibility of each one of those officers to teach in hunter education classes, to participate in them, and to be involved there. So yeah, so I made it a sergeant's position and advertised it. Eric Anderson competed for it and got that particular position. In fact, he may have been the only one that put in for it, if I remember right. Um, and so I've -- I had some discussions with our HR division. And I had one other -- one other position that was a lieutenant's position -- uh, two other, I'm sorry, two other positions that were lieutenant positions. And that was the training and recruiting and -- and, uh, testing area; and then, uh, the Statewide Investigation Unit. So in -- in talking with the director and HR, we said, 'Hey, you know, all three of these positions are statewide responsibilities, so they are commanding a unit, a statewide unit; therefore, they should be -- they should all be similar,' so I moved it from a sergeant's position to a lieutenant's position and, uh, made the existing sergeant the lieutenant."*¹⁸⁸

5. It is alleged 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.

INVESTIGATOR NOTE: For the benefit of the reviewer, investigators obtained the Region 6: Fish and Wildlife Captain Position announcement showing the Living Boundaries: Within the boundaries of Region 6.¹⁸⁹

¹⁸⁷ Refer to Bjork's statement, page 68, lines 13 – 32.

¹⁸⁸ Refer to Bjork's statement, page 69, lines 7 – 28.

¹⁸⁹ Refer to Addendum F (5), Region 6; Fish and Wildlife Captain Position announcement.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained two Recruitment Announcements for the: Fish & Wildlife Captain (WMS 2) Permanent, Region 6 Montesano. The first announcement came out on December 5, 2014 at 9:05 a.m. and the second announcement came out on December 5, 2014, at 9:25 a.m. One announcement had the sentence, "The residency requirement for this position was within thirty-five (35) miles of the Montesano Regional Office and within the state of Washington." The other announcement did not. It was alleged the change to the announcement was created for a specific person.*

Retired Chief Bruce Bjork stated,

"So I worked with, uh, Union and the Guild. We developed a different testing process where they were -- they were given a career development and within their career development they had to accomplish, you know, certain text that they had to -- that they had to read, uh, policy, procedure, uh, different trainings that they had to go to. They had to go to the pre-supervisory training at CJTC before they could compete for a sergeant position. And then when a sergeant position opened up, anybody that met those prerequisites of the career development plan could put in for it."¹⁹⁰

Bjork stated,

"just because someone does well on a written exam, doesn't make them the best applicant. So I'd rather see them -- see them be required to take different levels of training, particularly supervisory training and, you know, training on -- on policy and procedure and ethics laws and, and -- and all of those pieces that are important for me as a supervisor then it would just to test -- take a test and then come into an interview and -- into an interview process with casework that you have, a resume that you have; I want know everything that you did, what you've done to develop yourself and then compete for that position. And the best candidate gets it every time."¹⁹¹

Allegation Seven:

➤ Enforcement instructs officers not to report overtime.

1. It is alleged WDFW either instructs officers not to report overtime or creates an environment which encourages officers not to report it.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.¹⁹²*

INVESTIGATOR NOTE: *For the benefit of the reviewer, Jones provided Amy Stephson several examples of work being done over the standard 171 hours in a 28 day work schedule.¹⁹³*

¹⁹⁰ Refer to Bjork's statement, page 70, lines 12 – 19.

¹⁹¹ Refer to Bjork's statement, page 71, lines 2 – 9.

¹⁹² Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

INVESTIGATOR NOTE: *For the benefit of the reviewer, in the Kelly Turner, Cline & Associates report dated September 28, 2012, on page 6, Jeff Lee reported that he had been told to work more than the standard 171 hours and not to report the additional time. CENCI does not allow officers to request overtime for additional hours worked.*¹⁹⁴

Officer Jeff B. Lee was asked by investigators, if Fish and Wildlife had either instructed officers not to report overtime or created an environment which encouraged officers not to report it, Lee stated,

*"Not in my -- my division. Uh, my supervisors have never done that, but yeah, you know, I -- I know it's a common practice in the Marine Division, but my supervisors have never said don't report overtime or you work more hours than you're supposed to. They've never told me that."*¹⁹⁵

Retired Sergeant Matt Nixon said he met with CENCI on November 16, 2010, and made notes in his officer's notebook about what was discussed.¹⁹⁶ Nixon stated,

*"he was upset because, um, I mean, he said some other stuff. He -- he -- he, uh, he -- he -- he was really upset 'cause officers and sergeants put in for overtime on the holidays (laughed), you know. We -- I mean, they're holidays, right? They were identified in the contract. He was really upset. And you know, I -- I think one reason he was talking to me at that time was I was the lead shop steward, president of the Sergeants' Association. Um, he -- he said that he wished people were more dedicated and that they would donate time, in other words go outside the 171 hours that they get paid for. Long-running theme. I wrote it down. Absolutely. He said that more than once. It's right there. He said, um, I wish people were more dedicated and I wish people would donate time. And that just means, you know, that's that, you know, two sets of books crap that -- that he was famous for, that his, you know, guys were famous for."*¹⁹⁷

Retired Chief Bruce Bjork stated,

"It's not true. So I can tell you at every one of my in-services, at any one of the regional meetings, I would say -- and -- and you have to understand how the 171-hour schedule works. It's not a schedule, because it's all adjustable, and the hours are set by the employee for the most part in concurrence with their supervisor. And so an officer works 171 hours in a 28-day period before they accumulate any overtime. So if they work 14 hours one day, they work 14 hours. If they want to work uh -- if they want to work two hours the next day, they work two hours. And it averages it out -- it should average out. And then I would tell them every time, your average work week is 43.5 hours. Remember that. You are not to exceed 171 hours in a 28-day period. Do not do that. Captains would

¹⁹³ Refer to Addendum G (1), emails from Jones to Amy Stephson dated February 21, 2013.

¹⁹⁴ Refer to Addendum I (2), Kelly Turner, Cline & Associates report dated September 28, 2012, page 6.

¹⁹⁵ Refer to Lee's statement, page 13, lines 19 – 22.

¹⁹⁶ Refer to Addendum G (1), Nixon notes dated November 16, 2010.

¹⁹⁷ Refer to Nixon's statement, page 11, lines 1 – 14.

tell them that. Sergeants would tell them that. So that's -- so I would tell that -- tell them that in, like I said, in in-service, in regional meetings, at Union meetings, Union management meetings, I would say that. During contract negotiations we'd go over that again. It's uh -- it's pounded in the head of every one of our supervisors, every one of our managers, and yet officers still work in excess of 171 hours. They'll still do it.

*Because they love the job. They just flat love the job. And you don't have -- with a Fish & Wildlife officer you -- as much as I'd like to have 24/7 supervisory coverage, I never had that. Pretty tough to have that with 20 supervisors statewide to where you'd have 24-hour coverage without scheduling sergeants, and in some cases we did some scheduling, but when you're working with, uh, as you know, with contracts and a contractual basis in both those contracts, the officer's contract and the sergeant's contract, they both work 171 hours in a 28-day -- a 28-day basis, so they're not scheduled employees. So is there some that went on? Was there some wink-winks that happened every now and then? I'm sure it is. Is it supposed to balance out? Yes, it's supposed to balance out. But every one of them -- every one of them are told, 'You don't exceed 171 hours in a 28-day period, period.'*¹⁹⁸

Deputy Chief Mike CENCI stated,

*"Uh, we consistently tell our staff that we want an honest 171 hours in a 28-day period. Period. Uh, because it's fair. Uh, we don't want people to over-invest. Um, that could be as bad as under-investing. Uh, and that's what the law requires, you know, that we pay individuals for work that they conduct. Uh, and we do pay overtime, um, when it's necessary. Uh, we don't have a lot of overtime. It's program-centric. Uh, what program dollars that we -- we do have are generally (inaudible - 03:43:17) towards holiday, but there's holidays, but there's a lot of, uh, non-program overtime, uh, that -- that is available through contracting with other entities. And so, uh -- well, there's -- there's not a lot of overtime, but if you're at the end of your 28-day period and you have a -- a significant case that can't wait, overtime's been authorized for that."*¹⁹⁹

CENCI said he had not told anyone to work overtime and not put in for it and he did not recall denying overtime after an officer put in for overtime worked, but he may have questioned it.

Allegation Eight:

- It is alleged CENCI has engaged in other actions that were unethical or harmful to WDFW.

Missing video.

1. It is alleged that a 2007 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.

¹⁹⁸ Refer to Bjork's statement, page 71, lines 17 – 33, and page 72, lines 1 – 8.

¹⁹⁹ Refer to CENCI's statement, page 80, lines 24 – 33, and page 81, line 1.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a copy of the 2007 video. The interviews of involved personnel revealed the original physical video seized on the incident date was placed into evidence and then subsequently returned to the Tarabochia family pursuant to an official order by the Court. The digital copy of the video was obtained from WDFW Public Disclosure Coordinator Theresa Gibbs and was attached to the Tarabochia case investigation documents.*²⁰⁰

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.*²⁰¹

Captain Dan Chadwick stated,

"So I was right in the mix of that. I'm on video. I think you guys have the video if I'm not mistaken, so it didn't disappear. Um, it was returned to the Tarabochia (ph) with the court order to return the original video to them and then -- and then we had had copies of it that has been with the case file, and so there's a video. Nothing -- nothing's been hidden. Nothing's been trying -- tried to be hid or anything on that, so I'll go back -- -- I'll go back to our evidence system. When I first got here, coming from a county, the evidence system in this outfit was crazy -- it was crazy. I mean it just -- and so it's, it's leaps and bounds now from where it was. And so that -- when that happened in there, I don't remember -- I believe it was put in evidence, we did a search warrant, put in evidence --

*There's no phone. There's a video -- -- so the case -- -- the kids took a video from the back seat of the car. And we -- we take them into custody. I seize the tape and then we -- -- then we made a copy of it. Charlie Pudwill, Brett Hopkins made a copy of it. It was on a, on a eight -- it was -- it wasn't -- it was like an analogue. -- height -- analogue. And so a copy was made of it and then um the case is dismissed and -- I can't remember if it was put in evidence or what, but we ended up needing it to get to -- I believe it was put in evidence originally and we needed it to make a copy and then um a copy was made and then it was returned to the Tarabochia as I remember and given to Pros- -- the Deputy Prosecutor and like he gave me a court order from the judge. The original was returned to the Tarabochias and that's that. Yeah. We have a copy of it. There's a copy of it, so. Correct. It was never tried to be hidden or anything like that.*²⁰²

Sergeant Brian Alexander said he was the evidence tech for Region 6 and entered the tape into evidence. Alexander explained Chadwick at one point checked the tape out to take to court.

INVESTIGATOR NOTE: *For the benefit of the reviewer, Alexander provided a copy of the WDFW Evidence spreadsheet showing the disposition of the video.*²⁰³

²⁰⁰ Refer to Addendum H (1), video, Complaint Investigation 07-0362 and Property/Evidence Report 07-0132.

²⁰¹ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

²⁰² Refer to Chadwick's statement, page 19, lines 5 – 33, and page 20, lines, 1 – 11.

²⁰³ Refer to Addendum H (1), WDFW Evidence spreadsheet highlighted in yellow.

Retired Chief Bruce Bjork said the video was in evidence.

Deputy Chief Mike CENCI said WDFW had a copy of the video. CENCI indicated the judge ordered the original video to be returned to the suspects and WDFW made a copy of the video.

Incorrect Coding

2. It is alleged CENCI ordered Sergeant Philips to instruct at least four officers to incorrectly code their time to NOAA for a public relations event at Cabela's.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a copy of the National Oceanographic and Atmospheric Administration (NOAA) Joint Enforcement Agreement (JEA), Section (D) Outreach and Education Activities. The agreement stated, "The Agency will promote outreach and education of federal rules during sports and recreation shows, targeting key marine activities (SeaFair, Seattle Boat Show, Issaquah Salmon Days, etc.). Booths and WDFW Enforcement Program trailers will be setup and include NOAA materials for distribution (pamphlets, etc.). Outreach Hours: 100 hours during Fiscal Year 2012, and 50 hours during Fiscal Year 2013."*²⁰⁴

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained the timesheet for Officer Ryan Valentine showing his recorded time to the JEA on August 21, 2011*²⁰⁵

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by Sergeant Russ Mullins that was sent to Director Phillip Anderson on February 4, 2013, that addressed this incident.*²⁰⁶

Retired Chief Bruce Bjork stated,

*"And that -- that contract requires, uh, a certain amount of outreach. And so part of that outreach had to do with Orca whale education; and the event at Cabela's was -- well they had the -- they call them KBDs, Karelian bear dogs. They had them at the Cabela's event and marine officers were at that event as well. So the marine officers were coding their -- they were told to code their time to the NOAA contract. It's all legit. There's not a problem with that. I'm sure they had some Orca whale key chains that they passed out to the kids. That's -- and that's all part of what NOAA wanted. I -- I don't see any problem with that."*²⁰⁷

Deputy Chief Mike CENCI stated,

"Uh, so there's an agreement, uh, uh, that -- that we have and, uh, uh, within the -- the outreach and education component, uh, what qualifies, uh, is described. And there's, um, uh, some examples like Seafair, Seattle Boat Show, Issaquah Salmon Days, et cetera. Booths and WDF&W Enforcement program trailers, uh,

²⁰⁴ Refer to Addendum H (2) – NOAA Joint Enforcement Agreement, Outreach and Education Activities, Fiscal Year 2012 page 10, and Fiscal Year 2013, Outreach and Education Activities page 13.

²⁰⁵ Refer to Addendum H (2) - Officer Valentine's timesheet for August 21, 2011.

²⁰⁶ Refer to Addendum I (3), letter from Sergeant Mullins to Director Anderson dated February 4, 2013.

²⁰⁷ Refer to Bjork's statement, page 74, lines 31 – 33, and page 75, lines 1 – 4.

*may be set up and if they include NOAA materials such as pamphlets, handouts, whatever, uh, we can use that time, uh, to, to -- to meet our NOAA outreach, um, obligation.*²⁰⁸

CENCI said it was appropriate under the contract to charge time spent on educational outreach at Cabela's to the NOAA Agreement.

Lost Federal Commission

3. It is alleged WDFW lost its federal commission as a result of CENCI's conduct and poor relationship with the U.S. Special Agent in Charge.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained the current Interlocal Cooperative Agreement between WDFW and U.S. Department of Fish & Wildlife.*²⁰⁹

Special Agent Paul Chang said he disagreed with the allegation. Chang stated the reason WDFW lost the federal commission was the two agencies were unable to agree on an Interlocal Cooperative Agreement and the Interlocal Cooperative Agreement that was in place expired and they mutually chose not to renew it. Chang stated,

*"as you might imagine when we're doing these agreements there, you know -- there are due dates and we couldn't meet those due dates because of, you know, these kind of a key agreements, uh, on how to operate and the uh, the uh agreement went uh obsolete, and um we chose not to renew it."*²¹⁰

Retired Detective Todd Vandivert stated,

*"Um, Paul Chang was the Special Agent in charge of US Fish & Wildlife service out of Portland and that was covering Seattle at the time, um, Paul Chang is an is big of an ass hole and narcissist as Mike CENCI um, they're -- they're just clones of each other except for once trying to ease (Ph) and ones not, um, he's a self-righteous, uh, you know we're far superior arrogant prick that had trouble getting along with anybody and -- and so when where you put those two together it was terrible so yeah we definitely lost our commission we had no working relationship with US Fish & Wildlife."*²¹¹

Retired Chief Bruce Bjork stated,

"So uh -- so the contract -- yes, we had a -- we had an MOU with US Fish & Wildlife Service and I was negotiating that contract with them, and I uh -- I had given them language that would be favorable to the State, not favorable to the -- not necessarily favorable to the federal government. And you all know about invest- -- you all know about negotiations. So with the Feds it's, 'Here's our

²⁰⁸ Refer to CENCI's statement, page 82, lines 20 – 25.

²⁰⁹ Refer to Addendum H (3), Interlocal Cooperative Agreement between WDFW and U.S. Department of Fish & Wildlife.

²¹⁰ Refer to Chang's statement, page 3, lines 17 – 20.

²¹¹ Refer to Vandivert's statement, page 91, lines 8 – 14.

Memorandum of Understanding. Sign it and we'll have an agreement.' That's not my way to negotiate. So I told the Feds, if you want -- if you want a contract with us, then you're going to negotiate the contract and here's my language. I wanted -- a number of the requirements they had is that our -- our Fish & Wildlife officers would have to abide by -- by federal policies and federal rules and -- and they would have to, uh, do so many firearms qualifications and they'd have to do this and they'd have to do all -- all that, uh, according to federal terms. I said no. No, my officers are my officers. They'll work under State rules and State policies, State procedures, State payroll. We'll certainly do joint investigations. And -- and we're going to enforce federal law, which Fish & Wildlife officers do, they enforce federal law under the MOUs. If you federal officers are going to enforce State law, you're going to follow my rules. So I put that into the contract. So, as you know the Feds, they divide their US up in regions, so it was a particular SAC that I was working with. Uh, we came to terms on the contract, on the MOU. He says, 'I'll send it back to DC and we'll have the Solicitor General take a look at it.' Well, the Solicitor General went berserk.

*And it was no; no other State is asking for these type of amendments to our boilerplate language. If Washington wants to have an MOU with us, they'll sign our MOU. So it had nothing to do with CENCI. It had everything to do with me. And it had everything to do with negotiations and State rights. And so, uh, we ended up with a new -- a new director in, uh, US Fish & Wildlife Service back in DC, uh, Mike Holden (ph). Wanted to know what was going on, what had gone on. We immediately started negotiations again and we ended up with an -- with an agreeable MOU, and it was signed and that was negotiated by me, again. No. No. Absolutely. Absolutely. I mean did -- did -- did I have CENCI review what I put in -- into the MOU? Sure. I don't know that he gave me any input, if I remember right. Again, administrative things are really not all that big a deal to him. Um, but, uh, did he have the best relationship with the SAC, down in Portland? No, he didn't, but that had nothing to do with the MOU. It had everything to do with joint investigations and investigation procedures.'*²¹²

Deputy Chief Mike CENCI said his relationship with Paul Chang had nothing to do with WDFW losing their federal commission. CENCI explained the two agencies could not come to a mutual agreement on the language of an Interlocal Cooperative Agreement and Chang pulled the commission from the States of Oregon and Washington. CENCI said regarding the allegation he did not receive any discipline.

Retaliation

4. It is alleged CENCI had retaliated against two witnesses since the Guild's complaint was filed.

INVESTIGATOR NOTE: *For the benefit of the reviewer, investigators obtained a document written by former Officer David Jones dated December 20, 2012, and at that time Jones was the Vice President of the Guild.*

Former Officer David Jones said he was fired because of the complaint filed in 2012.²¹³ Jones indicated he was investigated seven different times over three years. Jones stated,

²¹² Refer to Bjork's statement, page 75, lines 10 – 33, and page 76, lines 1 – 16.

²¹³ Refer to Addendum I (2), Kelly Turner, Cline and Associates report dated September 28, 2012.

*"I knew damn well when I met with Bruce on the 11th. I said, 'Well, here we go.' It's either going to be him or me and the odds are its going to be me. I knew exactly what I was doing because I know Mike's personality. I know how this system is set up. You do not speak out against the crown period. You just don't do it. So my arbitration is pending. I'm, I will, I don't have anything to hide. I'll tell you anything you want to know specifically but I can tell you case after case after case after case and I outline it in that December 20th email. Ah, yeah. He identified me as the head of the snake. Rightly so. I'm the one who put the guild together. I was the vice president of the guild but for me this investigation would not have gone forward. So he absolutely correctly identified me as the person that was, was challenging him and he made my life a living hell for the next three years. And they were ridiculous things."*²¹⁴

Jones said regarding CENCI,

*"It is a, it is textbook, textbook retaliation by a person who was an absolute bully and narcissist, who absolutely fits the mold of what happened to me and the dates and what happened to me absolutely fit for a fact I was retaliated against and that's how I'm going to win my grievance hopefully."*²¹⁵

According to Jones, CENCI retaliated against Phillips because Phillips stood up for Jones and Phillips was demoted because of it.

Retired Detective Todd Vandivert said after the Guild filed their complaint regarding the Independent Investigation into Deputy Chief CENCI on September 28, 2012,

*"Rich (Ph) was the President of the Sergeant's guild or union or sorry Dave was the Vice President officers guild. Dave started this -- this whole client thing this is all 95% Dave with a little bit of Mark James, um, pretty dam quickly after this happened and Amy's little deal then they -- they fired Dave and they demoted Rich (Ph) so Rich (Ph) was demoted to officer meaning he could no longer be the President of the Sergeant's assc -- or union so he's out."*²¹⁶

Sergeant Jennifer S. Maurstad said shortly after the Guild filed their complaint Jones was fired. Maurstad stated,

"Well, he was fired. Um, ever since he started forming the Guild, obviously this -- this was done. He was under investigation darn near every day since that occurred. Um, I'm very aware of all the investigations done, um, regarding Dave. Um, none of them were founded. I was appalled in wit -- in what they chose to investigate. Um, they were good cases. Sometimes they weren't perfect but I felt as though you dig hard enough into any of our cases you're gonna find imperfections or mistakes that were made. So yeah, I believe that Dave was being retaliated against. In my opinion, there was no other reason why they would choose him to work so hard to investigate. He wasn't lazy. Um, he's well liked in his community. He's rough around the edges for sure, um, but one of the

²¹⁴ Refer to Jones' statement, page 38, lines 28 – 33, and page 39, lines 1 – 6.

²¹⁵ Refer to Jones' statement, page 42, lines 3 – 6.

²¹⁶ Refer to Vandivert's statement, page 94, lines 17 – 22.

*most dependable, hard-working officers that we have. I think they pushed him to the brink. I believe he was set up. I believe that the, uh, the so-called threatening comment was a setup by three people and two -- one of our administrators and -- and a sergeant and an officer. Um, I think that was pretty obvious in the results of the investigation that was done. Um, I think because of the way Dave was treated and him ultimately getting fired, um, unfortunately Rich Phillips was caught in the crosshairs and ended up getting demoted. So I think that's dir -- directly related to the fact that -- that Dave was being retaliated against.'*²¹⁷

Detective Julie Cook said she believed Jones was retaliated against for filing the complaint, "Yes. I do. We all have policy violations and they went after Dave with a vengeance, you know? I was chewing gum on my way here. That's a policy violation, you know. So, yeah, I do."²¹⁸

Officer Ryan Valentine said he believed Jones' work on the Guild got him fired. Valentine stated,

*"Officer Jones is out -- was outspoken about Mike CENCI and his -- his leadership. Officer Jones was under investigation in one form or another, I believe, for over 900 consecutive days. Uh, and I know Officer Jones probably better than many other officers in this -- in this department and it was difficult to see, in my opinion, what appeared to be him being singled out and investigated for many different things, of which many never really came to fruition. So specifically, Dave -- Officer Dave Jones is someone who I believe has been retaliated against due to his -- due to who he is personally, but also his work as the Vice-President of the Fish & Wildlife Officers' Guild."*²¹⁹

Officer Lance Stevens said he thinks the department retaliated against Jones and Phillips. Stevens stated,

"Okay. I think this is referring to speculation Officer Jones and Sergeant, um, Rich Phillips. Um, Sergeant Phillips was, um, if I'm not mistaken, president of, um, Teamsters Union and Dave Jones was the vice president of the Guild. Um, Dave Jones was, uh, recently fired, um, and Sergeant Phillips was demoted, um, as a sergeant right before his retirement. And um, uh, I've had conversations with both of them, um, and it certainly appears that there was some -- a certain amount of retaliation, um, based on, um, uh, Sergeant Rich Phillips not doing, uh, what he was told by upper administration. Absolutely. Um (cleared throat) um, I think that, um, you have a distinguished sergeant, um, that's respected, uh, um, spent a lot of time in the academy, um, and, uh, a pretty distinguished career, never been in any trouble, um, supervising, uh, another officer who was, uh, maybe a bit more outspoken, um, holds administration's feet to the fire on certain things. And, um, when, uh, the chief or deputy chief wanted the sergeant to do certain things, um, and he decided not to do it because it wasn't the eth -- ethically or morally right, um, and, um, they decided to go after him. That's my

²¹⁷ Refer to Maurstad's statement, page 24, lines 4 – 20.

²¹⁸ Refer to Cook's statement, page 14, lines 32 – 33, and page 15, line 1.

²¹⁹ Refer to Valentine's statement, page 19, lines 10 – 17.

*feeling on it.*²²⁰

Retired Sergeant Richard J. Phillips said Jones was under investigation for 300 days straight after the complaint was filed. According to Phillips, he asked Hebner why Jones was always under investigation and Hebner,

*"looked at me and said because there's nothing in his personnel file. And I said I don't understand what you're saying. He said there's nothing and they can't discipline him if there's nothing. They can't do progressive discipline if there's nothing in his file. And I was so shocked I didn't know what to say. I left."*²²¹

Phillips said he thinks he was retaliated against for supporting Jones.

Retired Officer Mike Krenz said he felt Jones had been retaliated against because he was vice president of the Officer's Guild and he believed Jones had been fired on fictitious charges.

*"Well, there was two -- there was two charges. One that he didn't handle, um, ah, firearm evidence, ah, correctly. And it's my understanding there was never evidence he was holding the guns, ah, of juveniles until they were con -- he was -- he was contacted by their parents to give them back. And as it turns out, um, Deputy Chief CENCI had done the same thing. Had failed to put a gun into evidence and then had to put it to evidence by Dan Chadwick, who was a sergeant at the time. That he did that after -- after this whole thing with Dave Jones went down. And then they finally, um, ah, hung their hat on the fact that Dave Jones had (cleared throat) excuse me, allegedly, (cleared throat) at a social, um, party at a private home, made a -- casual off-the-cuff, ah, remark regarding, ah, ah, harm to CENCI. And it -- one of the marine officers reported that to CENCI and that they took that as a direct threat (cleared throat), excuse me. Took it as a direct threat and, um, ah, they fired him based on he was making threats against -- against the deputy chief. Oh, absolutely. Because he was a GILD president, he's been trying to, ah, ah, get the administration changed around for a number of years."*²²²

Officer Nicholas W. Jorg said he believed CENCI retaliated against Jones regarding the complaint. Jorg stated,

*"Uh, I know that our vice president of the Guild, uh, former Officer Dave Jones that has now been terminated. Um, he was, um, drawn out, um, and made an example of for a bunch of minor, uh, like policy violations that many other people, including CENCI himself, have done far worse, and actually terminated over it and it was all obviously really vindictive, um, actions -- -- uh, because of his speaking out and, uh, and was kind of a spearhead point for a lot of us. And as the Guild -- based (ph) on the Guild to, uh -- to, uh, bring I guess a lot of these actions against CENCI was one of the main complaints."*²²³

²²⁰ Refer to Stevens' statement, page 13, lines 17 – 33.

²²¹ Refer to Phillips' statement, page 34, lines 18 – 22.

²²² Refer to Krenz's statement, page 36, lines 23 – 33, and page 37, lines 1 – 4.

²²³ Refer to Jorg's statement, page 27, lines 27 – 33, and page 28, lines 1 – 2.

Officer Mark James said he believed Jones was retaliated against. James stated,

*"I think was a form of retaliation and -- and -- and pressure, uh, that they've been putting on him. Um, at least according to what I understand from Dave is that I -- I wasn't there or -- or heard it myself but, uh -- um -- uh, I believe Rich Phillips was -- was, uh, told or overheard that, uh -- that CENCI was upset or mad because, uh, Dave -- I mean at some point Dave didn't have anything in his file that they could build a -- a, you know, a progressive discipline case on and that's kind of when the whole thing started with all these different cases being filed um that we're defending. It seemed like we were cons -- constantly for the next two to three years in some sort of grievance regarding him but, um -- uh, up until the - the termination issue here you know that, that uh -- that we're still dealing with."*²²⁴

Officer Jason C. Czebotar said WDFW retaliated against Jones,

*"Yeah, that was Dave Jones. Um, and Dave Jones got, um, ultimately fired after multiple investigations, and I've -- I've talked with Dave Jones quite a bit, um, especially since he's left. He was the vice president of the Guild and he was a huge, huge driving force in switching over, uh, from the Federation, the Union, over to the Guild. And, um, I think that is a big part of what caught their attention. But Dave has always been pretty outspoken too and so he attracts attention on his own, um, very much so. Uh, but yeah, he, uh, he was a major driving force in these complaints that were, um, brought up against the deputy chief and it's my opinion that they went after him for it."*²²⁵

Czebotar said WDFW went after Phillips for failing to supervise Jones. Czebotar explained Phillips,

*"went out and retired, he still fought his demotion and eventually won his sergeant's position back. Um, but that was a way to get at Dave in my opinion, although they didn't, um, they didn't particularly like Sergeant Phillips either."*²²⁶

Captain Chris Anderson said he did not have firsthand information on the allegation,

*"No, but I, I, Deputy Chief CENCI, in my opinion, would not be taking revenge on anybody for anything. I find that ridiculous. Um, I'm pretty disappointed in the some of the people, I've worked with a lot of these people. I know what kind of people they are, what kind of officers they were, and, um, I think this was investigated once and found to be without merit and I think this is just another, if you will, witch hunt to try and smear an employee, a deputy chief who's given his heart and soul to this program, and, um, I, it, it, really bothers me and sickens me that we're at this point because of some disgruntled employees. So, I'll leave it at that."*²²⁷

²²⁴ Refer to James' statement, page 51, lines 21 – 30.

²²⁵ Refer to Czebotar's statement, page 21, lines 15 – 22.

²²⁶ Refer to Czebotar's statement, page 21, line 33, and page 22, lines 1 – 3.

²²⁷ Refer to Chris Anderson's statement, page 14, lines 1 – 10.

Retired Chief Bruce Bjork said CENCI did not retaliate against Jones and Phillips.

Deputy Chief Mike CENCI said he did not retaliate against Jones or anyone else after the complaint was filed. CENCI said regarding the allegation he did not receive any discipline.

CENCI said he did not violate WDFW Regulation 2.00 – Rules of Conduct (9) Unbecoming Conduct. CENCI stated,

*"No, um, I, uh, I increased, in my view, the ability of the department to effectively fulfill its responsibilities and I -- I did that through encouraging training and I did that through providing training, finding funding for training. Now, I -- I did that in terms of trying to find funding for more officers and equipment. And I did the opposite of lessening the public confidence in the ability of the department to perform its function. So we've got much more open transparency. Uh, we're more open today and we're more transparent today than we ever have been. We're dressed better. We talk better. We're more visible. We've raised the program's profile in -- in many -- in many positive ways. People better understand how a Fish & Wildlife police officer represent- -- representative of the Department of -- of Fish & Wildlife serves them. What benefit those officers provide to the public and why they're relevant. I think people understand, uh, much more today what it is a present-day Fish & Wildlife police officer does than they ever have. I, uh -- I've raised, uh, the accountability. Uh, when I first started with this organization, uh, there were four other officers in my detachment. One had written 30 tickets for an entire year, another had written seven, one had written zero, and the other one had a number two of a count. My first position as a sergeant in Pacific County, uh, brought me, uh, a lot of exposure to, uh, people that weren't willing to do their job. And so, you know, uh, have I -- have I been involved in letting a number of unproductive people go? Yeah, I have, indirectly and directly. And, uh, those folks were given many opportunities to be successful. Many opportunities. Most of it informal, and then when that didn't work, a lot of it formal. Until finally after 15, 20, 25-year careers, folks still don't get it. They were let go. Um, I think I've increased our ability to perform the job, um, for other officers to perform their job. And in no way do I see anything that I've done as a conflict of interest that either compromised the department or -- or me by being contrary to the law."*²²⁸



Written by: Investigator Daniel E. Eikum

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Approved by: Lieutenant Jason L. Ashley
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Date: September 25, 2015

²²⁸ Refer to CENCI's statement, page 85, lines 24 – 33, and page 86, lines 1 – 14.