

Edit Referral

H-24-004 Referral Information

Hotline ID: H-24-004

Date of Submission: 1/3/2024

Entity Type: Local

Entity Category Type: County

Entity: Pierce County

Sub Entity Name:

Category: Insurance/Risk Management

1-2 sentence description of concern: The Handle ,and investigation from The Risk Management Claims

Report Issued: No

Reporting Type: Hotline Letter

Report Number:

Investigation Contracted: No

Contract Number:

Contract Name:

Billing Time Code:

Costs:

Public Records Request: No

Flag For Annual Report: No

Substantiated: No

ARRA: No

Action: Closed

Hotline Contact:

cc:

Referral Date:

Action Taken: No

Response Date:

Report Date:

Follow Up Date:

Date Closed: 1/9/2024

Edit Referral

H-24-004 Contact Information

Hotline ID: H-24-004

Date of Submission: 1/3/2024

Submission Method: Web

Submission Type: Citizen

Staff:

Author(Last, First): Delgado , Jesus

Address: 8835 S I ST

City: TACOMA

State: WA **Zip:** 98444

Home Phone: 2532675178

Work Phone:

Mobile Phone:

Email: delgado5412@yahoo.com

Can Contact: Yes

Contact Preference: Email

Anonymous: No

Waived Confidentiality: Yes

Edit Referral

H-24-004 Referral Details

Hotline ID: H-24-004

What state or local organization is involved?

Please identify the specific concerns you are hoping the audit will address.

The Handle ,and investigation from The Risk Management Claims # 22O-02507-# 23O-02742-# 23O-02792 # 23O-02722 # 22O-02625 . In the Handle and Investigation and review I suspect That have irregular conduct and waste of Publics Funds in Salaries from the Pierce County Employees when supposedly work

Please provide a detailed description of the assertion or outstanding achievement, including who, when, where, what, how and how much.

All this Claims : third part File not have any Claim Report , The claim file authorization form not have any Denied Signature (ref. General Claim Handling Guidelines) (ref .Pierce C Code 4.36) In the Third party file several Claimant Proofs was Outside the File. (ref- PC-Publics Documents Account -Jesus Delgado) All knowledge Letters and all Denied Letters from the Risk Management Investigators was signed by a single person who is not the Investigator (see the real Investigator signature with Human Resources or in my Public Documents Account. (See attachment for further details)

How did this issue come to your attention?

I am a Claimant , Under RCW-43.09.260 The Washington State Auditor have authority to Audit Local Government Self - Insurance Programs (2) (a) To address suspected Fraud or Irregular Conduct. This Suspected acts from Pierce County Self-Insurance Program Have Fraud to a US-Citizen and Irregular Conduct. And Suspect Violation to 14 US-Constitution Amendment -Equal Protection Under The Law . The SAO have authority to report to (6) Attorney General.

What employee(s), contractors, etc., were involved in the assertion or achievement? Please include employee titles if possible.

Mrs Caitlin Magee -Program Manager (She supervised all claims investigations) -is Under Claim # 23O-02823 (Abuse of Public Employment) by Her Supervisor Mrs Dicarlo -Risk Manager ,this investigation is out the PC-Code 4.36.040.

Please provide the names of any witnesses to the assertion or achievement, if possible.

Jesus Delgado -I Clarify for now I not request with this Referral Any Payment or Law Suit .I represented All Pierce County Electors .

Please provide any additional details or comments that would help us understand your assertion or achievement.

I hope that the SAO - Fulfil her Under The Law Duty .

Edit Referral

H-24-004
Activity
Log
Hotline ID: H-24-004

Entry Date ▼	Log Entry
01/09/2024	Referral updated by 'JEANA Gillis (gillisj)'. Action changed from (not set) to Closed.
01/09/2024	Hi Jeana, I would conclude this is outside our authority since it has to do with a claim that was already reviewed and concluded by the County. For background, the citizen had concerns about five legal claims he filed against the County and that not all required signatures were on the appropriate forms; including his denial letters. It's not something SAO would get in the middle of since it's related to legal claims that the was already settled through the County's process. Thanks! Wendy --gillisj
01/04/2024	Referral updated by 'JEANA Gillis (gillisj)'.
01/04/2024	Referral updated by 'JEANA Gillis (gillisj)'.
01/04/2024	Referral updated by 'JEANA Gillis (gillisj)'.
01/04/2024	Sent to Wendy for further review --gillisj

From: [Jesus Delgado](#)
To: [WA State Auditor Hotline](#)
Subject: State Auditor Referred Submitted
Date: Thursday, January 4, 2024 5:23:35 AM
Attachments: [Document 2024-01-04 051229 Pierce County ,WA.pdf](#)

External Email

Please attach This Documents to my Referred from January 3-2024 .

Jesus Delgado-US Citizen -8835 S I ST ,Tacoma ,WA ,98444

Citizen Hotline

Thank you for your submission to the Washington State Auditor's Office on 1/3/2024. If you choose to provide your name and contact information we may contact you if we need additional information.

Our Office takes very seriously the role of citizens in promoting accountability, fiscal integrity and openness in state and local government.

We strive to ensure the efficient and effective use of public resources, therefore not every submission will result in an examination by our Office.

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Logout



To logout close all browser windows.

In accordance with the Public Records Act, RCW 42.56, this correspondence is in response to your request for records dated May 13, 2023 and received by Pierce County Risk Management.

Your original request asks for the following:

"I request a Copy from Pierce County Risk Management – Standards for Claims Management Procedures for Errors and Omissions Claims. I attach a copy from RCW- 48.62.061"

At this time, the production of records which we believe are responsive to this request #P024710-051323, has been uploaded into the public records portal GovQA. There is one PDF document titled "P024710-051323_Delgado_Production.pdf" which consists of four (4) electronic files containing a total of twenty-four (24) pages of records [Bates Numbers 000001-000024].

The fee for each set of four electronic files or attachments uploaded for electronic delivery is five cents. There are four (4) electronic files in this production. The total fee for this installment is five cents (\$0.05) (five cents for each group of four files, multiplied by one set of four files amounts to a total of \$0.05).

An invoice has been generated in the Public Records Request Portal (GovQA) to allow you to pay online. These electronic files will be released to you in GovQA upon receipt of payment, pursuant to RCW 42.56.120. If payment is not received in thirty (30) days, your request will be closed as abandoned/withdrawn on the next business day, Wednesday, July 5, 2023.

In addition, there is one Exemption Log in the attached files for which we have not applied a fee as it is not responsive to the request but is provided as an explanation for records that were redacted. The name of the exemption log file is "P024710ExemptionLog.pdf".

At this time, we believe that all records responsive to this request are being provided in this production and that our response to your request is now complete.

If you have any questions, believe we have somehow misunderstood your request, omitted a responsive record that you believe exists, or wish to clarify your request, please do not hesitate to contact me.

Sincerely,

Public Records Officer
Pierce County Risk Management

General Claim Handling Guidelines

1. Each department files their own claims with the exception of the Sheriff's Department. Please refer to "Claim Handling Guidelines for Pierce County Sheriff."
2. Claim will be assigned to the investigator by the Risk Manager or their Designee.
3. Claim investigator will make contact with the claimant(s) and/or involved department within 3 business days of assignment.
4. Claim investigator will report the claim to the excess carrier when applicable per claim type and according to reporting criteria.
5. Make arrangements for any necessary inspections needed to assess liability as well as the degree and scope of the damages
 - a. For physical damage claims on Pierce County vehicles it needs to be determined if damages are over or under \$5,000.
 - i. If damages are \$4,999 and under it's necessary for 1 estimate to be obtained.
 - ii. If damages are \$5,000 or over, a bid process will need to be completed. Three estimates will need to be obtained and the claim investigator will review all to determine the most complete and competitive. Claim investigator will make the ultimate decision on what shop to use for repairs.
6. Contact witnesses named in the claim form, police report and/or department incident when needed.
7. Monitor reserves to ensure they are kept at an appropriate level for the exposure and anticipated expenses.
8. Make sure any additional information that is received is updated into the claim file and "contacts" are updated with responsible party, insurance company, etc.
9. Establish liability decision.
10. Prior to closing a first-party file, a brief statement should be made in the file highlighting the facts as well as whether or not subrogation potential exists.
- * 11. Prior to closing a third-party file, there must be a claim report in the file. *
- * a. There must also be a signature from the Risk Manager or their designee as well as a Deputy Prosecuting Attorney's signature on the Authorization page of the file.
- * b. Once signatures are obtained, scan the report and signature page and attach it to the File part of the claim.
- * c. The report should be clear and be representative of the pertinent details of the claim. The claim report must be completed within 60 days of the receipt of the claim.

12. Invoices for work on County vehicles, equipment, or property should be processed within 2 business days of receiving.
13. Risk Investigator is required to close, at a minimum 70% of all claims assigned within 60 days of the date received from a claimant.
14. If a lawsuit is filed on a claim assigned to an investigator, a copy of the claim along with a claim report must be given to the assigned Deputy Prosecuting Attorney within 5 days of receipt of the lawsuit unless otherwise noted. Please note: When a lawsuit is filed, most times the paralegal will reach out the claim investigator for a copy of the claim file and schedule a new case meeting.
15. Investigators do not have the authority to open or close files in the system, enter opening reserves, enter payments or changing the subrogation indicator. The investigator must request approval from the Risk Manager or their designee or Denise Petrie.
16. Investigators may raise reserves on first party damages up to an additional \$10,000. Task will need to be sent to Denise Petrie, to increase the reserve amount.

Reporting Claims to Excess Insurance – Trident

Reporting of claims must be sent to:

Daniel S. Morrison, Esq,

Director of Claims

Trident Public Risk Solutions

250 Summer Street

Boston, MA 02210

(P)781-740-1518

(F)781-740-1519

TPRSclaims@tridentpublicrisk.com

Mailing Address:

PO Box 469009

San Antonio, TX 78246

The following types of claims must be reported to excess insurance immediately:

- A claim where the combined loss and expenses is expected to be 50% or more of the SIR regardless of liability.

- Catastrophic Injuries such as:
 - Loss of sight, hearing or any other sensory loss.
 - Fatalities.
 - Head/brain injuries.
 - Spinal cord injuries.
 - Multiple fractures/amputations.
 - Serious burns.
 - Massive internal injuries.
 - Significant disfigurement/permanent injuries.
 - Environmental claims involving pollutants of any kind.
 - Sexual abuse and molestations.
 - Class actions.
 - Suits involving a bankrupt insured.
 - Civil rights claims.
 - Advertising or broadcast injury (i.e. unfair competition, copyright infringement).
 - Bad faith/unfair claim practices.
 - Extra contractual claims.
 - Property losses involving arson.
 - Any other claim the TPA would like to have reviewed.
- If the insured's policy is "full reporting," all claims, including the list above are required to be reported to the company.

Subrogation Guidelines

If at fault insurance accepts liability:

1. Create subrogation packet (subrogation demand letter, photos, estimate, etc.)
2. Send task to Denise Petrie to create a customer invoice for the responsible party.
 - a. Task may also include instructions to close claim at the same time also.
3. Once Denise Petrie returns subrogation demand letter with customer invoice # noted send to at fault insurance company via email, fax, or mail.
4. Investigator to monitor the claim on a bi-weekly basis and make sure the recovery is received.

Uninsured at fault party:

1. Investigator must attempt to make contact with the claimant to set up payments or obtain promissory note.
2. Investigator must send a subrogation notice with 30 day response time.
 - a. At 30 days, if no response then send subrogation notice with 15 day response time.

- b. If no response from the 15 day notice then determine whether to pursue litigation (outlined in "At fault insurance company denies liability or the claimant is uninsured).
3. If claimant responds to subrogation notice, work with the claimant to set up a payment plan and make sure a promissory note is signed and returned.
 - a. Once promissory note is returned, route to Denise Petrie to create a Customer Invoice. Once Customer Invoice is received the claimant will then receive monthly statements from Budget and Finance.

Litigation Options – At fault insurance company denies liability or the claimant is uninsured:

1. If damages are under \$700, Pierce County Risk Management will not pursue through litigation.
2. Determine the amount of Pierce County's damages.
 - a. If damages are over \$5,000:
 - i. Refer claim to Prosecutor's Office via email to Christina Smith, paralegal.
 - ii. In email referral include all documents (estimates, photos, police reports) in the claim, overview of the claim from CS stars, and the collections screening referral sheet.
 1. Send task to Denise Petrie to close claim.
 - iii. Christina will respond if the claim has been accepted or refused by the Prosecutor's Office.
 1. If claim is accepted they will file suit and forward documents back to the claim investigator. Claim investigator will need to monitor for the proceedings.
 2. If claim is denied they will send the collections screening referral sheet back with reason for denial. Investigator will need to make sure denial is uploaded to the claim file.
 - a. If denied, Investigator will need to send Denise Petrie a task in Stars to change the subrogation indicator to NO.
 - b. If damages are under \$5,000 but over \$700:
 - i. Go online to the Pierce County website and file a small claim. Website: <https://www.co.pierce.wa.us/823/File-a-Small-Claims-Case>
(Reference example: SC1)
 - ii. Once the claim is filed, print confirmation page, and write claim number on the confirmation page. (Reference example: SC2)
 1. Place the confirmation page in Denise Petrie's inbox and send task in Stars to Denise Petrie stating "OK to pay the charges when small claims filing fee shows on the Risk Management credit card."
 - iii. Email Steve Wootten in District Court and advise a small claim has been filed. Steven will send a copy of the small claim notices to the investigator

in routing. If multiple claims have been filed, Steve will make all possible attempts to schedule mediation on the same day for the multiple claims. *(Reference example: SC3)*

- iv. Once the investigator receives notice from Steve, the investigator will need to complete the Declaration Regarding Military Service of Defendant form and have service completed on the defendant. *(Reference example: SC4)*

1. Log on to the Department of Defense Manpower Data Center (<https://scra.dmdc.osd.mil/>), click on Single Record Request and enter the defendants name, date of birth or SSN. Print form as back up in case it is needed for mediation. *(Reference examples: SC5, SC5.1, and SC5.2)*
2. Send Military Service declaration form to Steve via routing.
3. Logon to ABC Legal (<https://secure.abclegal.com/abc>) and upload documents the investigator wishes to serve upon the defendant (this should include the declaration of service – ABC Legal will file with the courts when the defendant is served) *(Reference example SC6 and SC7)* . Defendant must be served within 10 court days prior to mediation.
 - a. When uploading documents to ABC legal make sure to note the claim number and the investigators initials in the special instructions.

- v. Investigator will need to monitor to make sure defendant has been served 10 court days prior to mediation. If service does not occur the investigator will need to request an extension or write a letter to District Court asking for a dismissal as the defendant cannot be located. *(Reference example SC8 and SC8.1)*

- vi. If service is successful, investigator will need to attend mediation. Investigator will need to print 2 copies of supporting documents to present in mediation.

1. If the defendant appears, the investigator will need to be prepared to present the case.
2. If the defendant fails to appear, the court must wait 1 hour for the defendant, if they do not appear after the 1 hour, the court will give a default judgement to the Plaintiff.
3. Once the default judgement is received, the investigator must wait 30 days to pursue through a collection agency or wage garnishment. *(Reference example SC9)*

Ordering Restitution

1. Seeking restitution through Pierce County Superior Court:

- a. Email Lisa Wanner at Victim's Advocate
 - i. Provide claim documents (estimate, photos, invoices, etc) supporting Pierce County's damages.
 - ii. Reference Cause # in the email (example: Washington State versus Jane Doe, Cause #12-345679)
 - iii. The assigned Victim's Advocate will keep the investigator up to date on the court proceedings.
 - iv. When restitution is ordered it will be routed to the investigator by the courts, upload into claim file.
2. Seeking restitution through City of Lakewood for the University Place Police Department:
 - a. Contact Deana Wright, City of Lakewood Court Administrator (253-512-2558). She will provide directions for pursuing restitution.
 - b. When restitution is ordered upload copy into the claim file.
3. Seeking restitution through King County:
 - a. Call 206-477-3743 – information will be provided on how to request restitution.
 - b. When restitution is ordered upload a copy into the claim file.

Claim Handling Guidelines for Pierce County Sheriff Department

Initial Reporting on automobile accidents:

1. Risk Investigator will receive email notification from the SHRCOLLISION email group with basic accident information: report #, facts of loss, deputies involved, estimated damages, and possible claimant information.
2. It is the Risk Investigator's duty to obtain the incident report associated with the loss. An auto physical damage claim cannot be filed for the Sheriff Department without an incident report.
3. Risk Investigator will login to South Sound 911 website to request the incident report.
 - a. Enter the "Criminal Justice Requests" portion of the site.
 - b. Click on "Criminal Justice Records Request"
 - c. Fill out appropriate information and hit submit.
 - d. Email notification will be sent to the investigator when the report is ready to be viewed.
 - e. If report is not releasable from South Sound 911, South Sound 911 will notify the investigator via email.
 - i. Investigator will need to forward email to Mark Carey, Sheriff Department Office Assistant, and ask for the report to be release when appropriate.
4. Once the police report is available, email a Risk Management Office Assistant and ask for incident to be filed. Also if estimate is available or repairs have already started, CC

From: [WA State Auditor Hotline](#)
To: delgado5412@yahoo.com
Subject: Washington State Auditor's Office
Date: Tuesday, January 9, 2024 8:56:26 AM

Dear Mr. Delgado,

Thank you for contacting the State Auditor's Office Citizen Hotline regarding Pierce County. We take our job of holding government accountable for the use of public resources seriously, and we have carefully considered the information you shared in your hotline submission. Since your claims were filed against the County and the County has already reviewed and concluded on them that not all required signatures were on the appropriate forms this is not something we would look at since it is a legal matter and settled through the County's process.

We have determined this issue is outside our audit authority as defined by RCW 43.09. Therefore, we consider this matter closed.

Sincerely,

Hotline Management

H-24-004