



# COUNTY OF SAN LUIS OBISPO

AUDITOR • CONTROLLER • TREASURER • TAX COLLECTOR

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## FOR IMMEDIATE RELEASE

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### WHISTLEBLOWER TIP PROMPTS END OF UNSANCTIONED BENEFITS PROGRAM

SAN LUIS OBISPO, CA—A confidential whistleblower tip prompted a recent investigation and the termination of an informal benefits program that had provided extra paid time off for San Luis Obispo County deputy district attorneys in exchange for periods of after-hours, on-call duty throughout the year.

San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector Jim Erb led the investigation and District Attorney Dan Dow openly and fully cooperated, ultimately terminating the paid time off program, which had been in place for several decades without written agreement.

“The County strives to be transparent and accountable to taxpayers in everything we do, which is why we created the Whistleblower Hotline almost two years ago,” Erb said.

The Auditor-Controller’s office received the confidential whistleblower tip on the evening of March 24 alleging that deputy district attorneys had been receiving extra paid time off without approval from the Board of Supervisors. Erb’s internal audit team launched an investigation after alerting Dow to the allegations. As a result, the district attorney ended the longstanding program this week.

“As soon as the Auditor-Controller informed me that this practice was not an approved benefit, my intent was to stop the practice immediately,” Dow said. “This has been a longstanding and well-documented past practice in our office for more than 30 years. Traditionally, new hires were told this was a benefit of the deputy district attorney position. This practice was not intended to deceive anyone.”

Depending on length of service, deputy district attorneys are authorized to receive vacation days, sick days, holidays, a personal day and administrative days, according to the labor agreement between the Board of Supervisors and the San Luis Obispo Government Attorneys Union, which represents the deputy district attorneys.

However, the District Attorney’s Office also provided deputy district attorneys with an additional unauthorized nine days of paid time off per year, which had not been a negotiated benefit of the aforementioned labor agreement. According to the investigation, this practice was meant to compensate deputy district attorneys for being on call during non-business hours, typically for a two week period, to answer law enforcement officers’ calls for assistance related to obtaining search warrants.

“Because this was an informal system that was never included in any labor agreement with the Board of Supervisors, County administration and the Auditor-Controller were unaware of the paid time off program,” Erb said. “It was not brought to my attention until the complaint was made through our Whistleblower Hotline. We investigated the claim and instructed the District Attorney to stop the practice immediately.”

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Though the informal benefit has ended, the deputy district attorneys will continue to do their duty and work the two-week, on-call period to review search warrants, Dow said.

“This has been a longstanding practice within the District Attorney’s office and was tracked through an off-book system,” Erb added. “The District Attorney’s employees have fully cooperated with the investigation.”

“County administration and I will be working with other County department heads to make sure this isn’t happening elsewhere and doesn’t happen again,” Erb continued.

The [County’s Whistleblower Hotline](#) was established in 2013 to provide a mechanism by which employees and citizens may contribute to the accountability, transparency and responsibility of the County by reporting potential financial fraud, waste and abuse.

The County encourages employees and citizens to report any such issue by calling (855) 326-9623 toll-free, 24 hours a day, seven days a week to speak to a third-party representative. Callers may choose to remain anonymous. People may also choose to submit an electronic report at [www.reportlineweb.com/sanluisobispo](http://www.reportlineweb.com/sanluisobispo).

For questions, please contact Jim Erb at (805) 781-5831.

#### ABOUT THE AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR’S OFFICE

The Auditor-Controller-Treasurer-Tax Collector’s office (ACTTC) ensures the public’s trust by serving as the guardian of assets and funds administered for the County of San Luis Obispo, cities, schools and special districts. As an independent source of financial information and analysis for the public, local government agencies, County departments and other stakeholders, the ACTTC investigates potential financial fraud, waste and abuse reported via the County’s Whistleblower Hotline. For more information, visit [www.slocounty.ca.gov/ACTTC.htm](http://www.slocounty.ca.gov/ACTTC.htm).

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