

# 2015 ANNUAL REPORT



Washington State Office of the Attorney General

## Bob Ferguson

# 2015 ANNUAL REPORT



## CONTENTS

**2 LETTER FROM AG  
FERGUSON**

**3 BY THE NUMBERS**

**4 FOR THE PEOPLE**

**4** Highlights

**6** Wing Luke Civil Rights Unit

**8** Military & Veterans Initiative

**9** Open Government

**10** Protecting the Environment

**12** Cleaning up Hanford

**14** Protecting Workers

**16** Standing up for Consumers

**18** Legislative Priorities

**20** Key Divisions

**22 FOR THE STATE**

**22** Key Divisions

**34 FOR THE EMPLOYEE**

**34** Office Programs

**37** Awards and Honors

**40** Office Leadership

**42** Administrative Divisions

**43** Office Locations



*Attorney General Ferguson joins Alan Lai, Crime Victim Service Director of the Chinese Information and Service Center at an immigration fraud press conference.*



*Attorney General Ferguson greets guests at the Wing Luke Civil Rights Unit dedication event.*

## **MISSION**

The Office of the Attorney General will provide excellent, independent and ethical legal services to the State of Washington and protect the rights of its people.

## **VISION**

The Office of the Attorney General will be the best public law office in the United States.

## **VALUES**

All staff in the Office of the Attorney General are guided by the following core values:

1. We will deliver high quality legal services and remember that we serve the people of Washington.
2. We will conduct ourselves with integrity, professionalism, civility and transparency.
3. We will promote a collegial, inclusive and diverse workplace that values, respects and supports our employees.

# Independently Serving the People and State of Washington



Every day at the Attorney General's Office, more than 1,100 dedicated public servants are working to improve public safety, protect the vulnerable, preserve the environment, support consumers and businesses, improve open government, provide legal counsel to state agencies and strengthen our economy.

Over the past year, we stepped up the fight against discrimination in Washington with the creation of a new civil rights unit. We continued our work to uphold laws that protect marriage equality in Washington, scoring a major victory when a Benton County Superior Court judge determined that a Richland florist violated the law by refusing to serve a same-sex couple seeking to buy wedding flowers.

We went to bat for Washington workers by filing a "friend of the court" brief in the Ninth Circuit Court of Appeals to help defend Seattle's \$15-an-hour minimum wage ordinance.

Our successful environmental prosecutions were behind some big fines and jail time given to individuals and businesses responsible for a range of violations that threatened public health and some of our state's most precious natural resources.

The cleanup of hazardous chemical and radioactive waste at Hanford Nuclear Reservation and the health and safety of Hanford workers continued to be among our top priorities. We filed a lawsuit over Hanford worker safety against the U.S. Department of Energy for failing to protect the Washington workers who are tasked with removing 56 million gallons of nuclear waste located in 177 underground tanks.

Our Consumer Protection and Antitrust teams tackled a range of unique, typical and record-setting cases that collectively spanned the globe and recovered hundreds of millions of dollars for Washington consumers.

This Annual Report features these efforts and much more. It presents the broad range of cases we handle, highlights the major legal issues facing the state and showcases notable office achievements throughout 2015 as the Attorney General's Office proudly served the people of our state.

We are the state's top law office, with employees dedicated to continuing a tradition of excellence and independence.

As a fourth-generation Washingtonian, I am honored to lead the dedicated efforts of the Attorney General's Office.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is written in a cursive, flowing style.

Bob Ferguson  
Attorney General

# By The Numbers

## Return on Investment in Fiscal Year 2015

The Attorney General's Office recovered more than \$213 million during the 2015 fiscal year.

\$103.6 Million

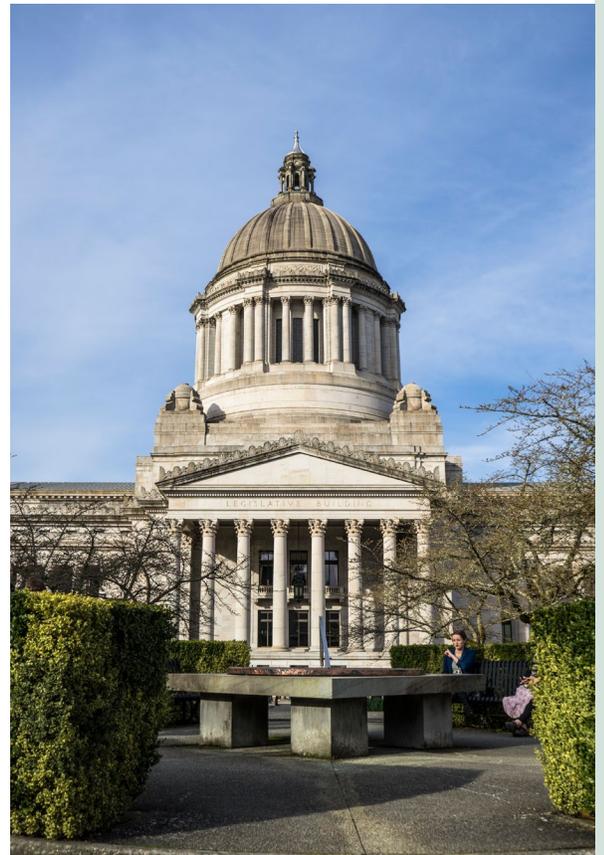
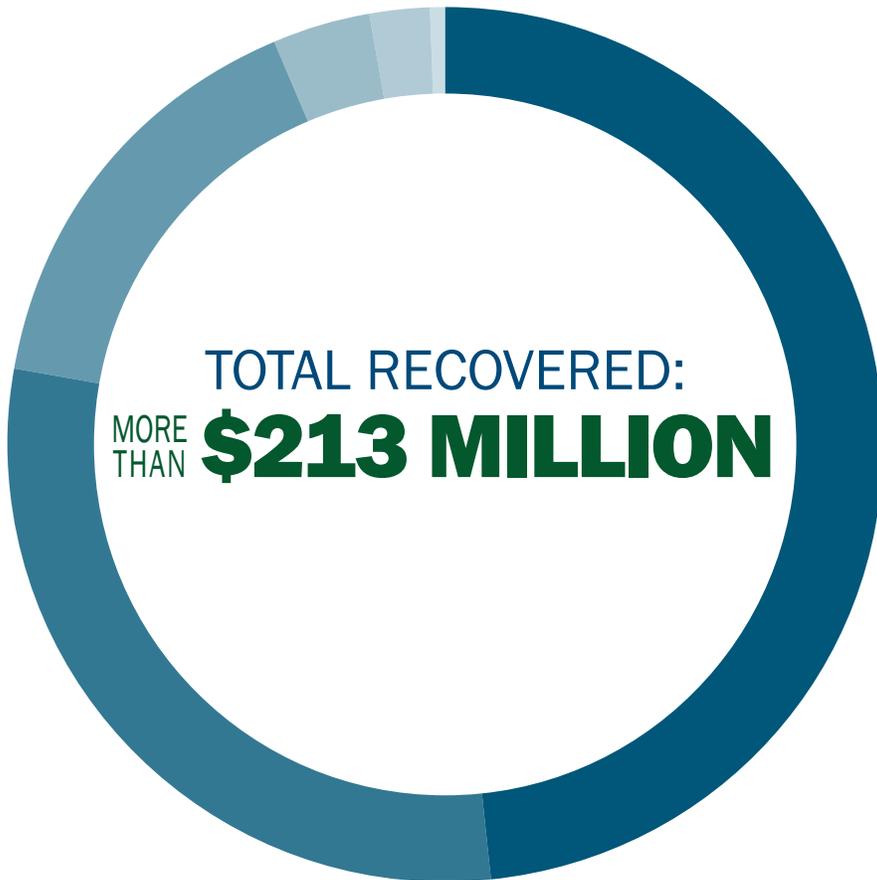
**Tobacco Settlement Payments**

\$63 Million

**Antitrust Recoveries**

\$34 Million

**Consumer Protection Recoveries**



\$7.9 Million

**Medicaid Fraud Recoveries**

\$4.6 Million

**Bankruptcy and Collections**

\$895,000

**DSHS Financial Recoveries**



*Attorney General Ferguson talks to reporters after a press conference about ticket bot scams.*

## **SERVING THE PEOPLE OF WASHINGTON STATE**

The Attorney General serves the people of Washington by ensuring powerful interests are held accountable and play by the rules. The office enforces state laws that promote fair market competition and protect consumers and utility ratepayers. The office also works with law enforcement to improve public safety, protect children and keep dangerous predators out of our communities.

In 2015, our office continued its focus on consumer protection, open government, public safety and supporting our veterans and service members. We also broke substantial new ground. With the creation of our Wing Luke Civil Rights Unit, we now have a legal team dedicated to protecting the civil rights all Washingtonians. A series of cases involving wage theft and worker safety have improved employment conditions for thousands of Washington workers. A shift in the focus of our Veteran's Initiative pushed the enforcement of scams targeting veterans to a top priority for our Consumer Protection team.

*"High court: Farmworkers entitled to break pay"*  
- Seattle Times, 02/20/2015

*"Washington state sues iYogi, alleges tech support scam"*  
- Seattle Times, 12/17/2015

*"Everett apartment owner slapped for housing discrimination"*  
- The Herald (Everett) 11/05/2015

*"From health care to pot, AG weighs in on local impact"*  
- Sequim Gazette, 07/22/2015

*"Greenacres businessman faces sexual discrimination lawsuit from attorney general"*  
- Spokesman Review, 10/15/2015

*"AG Ferguson Files Complaint Against Mobile Park Owner for Scams"*  
- KVEWTV.com, 03/17/2015

*"Judge: Arlene's Flowers owner violated the law"*  
- Tri City Herald, 02/28/2015

*"Man faces jail time for bulldozing Shelton river"*  
- KING 5, 04/09/2015

*"Washington files lawsuit over Hanford tank vapors"*  
- Tri City Herald, 09/02/2015

*"State AG files fraud suit against CareOne Dental"*  
- The Columbian, 09/10/2015

*"Court sides with state on Plan B sales"*  
- The Olympian, 07/23/2015

## Wing Luke Civil Rights Unit

In September, Attorney General Ferguson announced the launch of the newly established Wing Luke Civil Rights Unit. The unit is the first of its kind for the office and includes a team dedicated to pursuing civil rights work on behalf of the people of Washington.

The unit investigates discrimination in a range of areas, including employment, housing, education, credit and insurance transactions, and at government offices and businesses that are open to the public. It also works closely with the Attorney General's Consumer Protection Division, the Washington State Human Rights Commission, federal agencies and civil rights stakeholders.



*Former Attorney General John O'Connell presents AAG Wing Luke with an award.*

### Honoring a Pioneer

The Civil Rights Unit is named for Wing Luke, who served as an Assistant Attorney General from 1957 to 1962. He went on to become the first person of color elected to the Seattle City Council and the first Asian-American elected to public office in the Pacific Northwest. Throughout his life and career, Luke was a champion for civil rights and fought to improve the quality of life for all people.

Attorney General Ferguson's intent in naming the new unit was to honor Wing Luke and to establish a vision and role model for the future work of the Attorney General's civil rights team. The unit is led by Assistant Attorney General Colleen Melody, a Spokane native and former member of the United States Department of Justice Civil Rights Division.



*Attorney General Ferguson joins Wing Luke's sister Ruby Luke and a group of current and former Washington State Supreme Court justices at the Wing Luke Civil Rights Unit dedication event.*

### Dedication Ceremony

The dedication of the Civil Rights Unit was held at the Wing Luke Museum in Seattle's International District. The well-attended event included five current and two former Washington State Supreme Court Justices, nine members of Wing Luke's family and many other luminaries from the civil rights community who share the common goal of equality for all Washington residents.

## Civil Rights Resource Guide

In 2015 the Attorney General's Office civil rights unit released a new Civil Rights Resource Guide that provides Washington residents with information about their rights under state and federal law, and where to go if they believe they have experienced discrimination.

To view the Civil Rights Resource Guide please visit: [www.atg.wa.gov/wing-luke-civil-rights-unit](http://www.atg.wa.gov/wing-luke-civil-rights-unit)



## Stopping Sexual Harassment

The civil rights unit also filed a lawsuit to stop the sexual harassment of female employees at an Eastern Washington car dealership. The action was brought against salesman Monte L. Masingale and Greenacres Motors for a pattern of sexual harassment against female workers and prospective employees.

The complaint alleged that Masingale frequently posted help-wanted ads for a secretary in newspapers and on websites like Craigslist. His ads targeted young women seeking entry-level work. Once they were hired, Masingale allegedly routinely sexually harassed these women, driving many to quit. The lawsuit also alleged that the employer, Greenacres Motors, was aware of Masingale's conduct.

## Fighting Housing Discrimination

The office entered into an enforcement agreement with an Everett apartment complex owner accused of racial discrimination. An investigation began after a tenant complained that the Glacier View Apartments' manager towed cars belonging to African-American tenants but not white tenants. The manager was also accused of retaliating against those who complained by withholding necessary repairs.

The agreement ensures compliance with the Washington Law Against Discrimination and the Consumer Protection Act. These laws require landlords to apply their policies equally to all tenants and not discriminate on the basis of race or color.

## Fighting for Marriage Equality

The Attorney General's Office won a consumer protection lawsuit against a Richland florist who discriminated against a same-sex couple.

In April 2013, Attorney General Ferguson filed a consumer protection lawsuit against Arlene's Flowers and its owner, Barronelle Stutzman, for refusing to provide flowers to a customer for his same-sex wedding.

Before filing the lawsuit, Ferguson sent a letter to Stutzman asking her to comply with Washington law prohibiting businesses from discriminating on the basis of sexual orientation. When she refused to comply, he filed the lawsuit.

A Benton County Superior Court ruled in February 2015 that Arlene's Flowers violated the Consumer Protection Act, and ordered the florist to stop discriminating against gay and lesbian customers. Arlene's has appealed the decision.

In December 2015, Ferguson filed a brief with the Washington State Supreme Court urging the justices to uphold the Benton County decision.

The office also filed an amicus brief in the U.S. Supreme Court in support of marriage equality nationwide. See page 31 for more details.

*"Refusing to sell flowers to a same-sex couple is just as hurtful to them, and just as unlawful, as declining to serve African Americans at a diner or refusing to rent apartments to Jews and Muslims."*

- Tacoma News Tribune Op-Ed, 12/18/2015

## Enforcing Veteran & Military Rights

In 2015, enforcement was the focus of the initiative. The office took its first action under the Pension Poacher Prevention Act, the new law requested by Attorney General Ferguson, passed by the legislature and signed into law by the Governor in March 2014. Attorney General Ferguson requested the law to address the rise in scams that target older veterans.

### Launched in 2013, the initiative includes:

**Engaging** veteran and military communities.

**Encouraging** the development of new policies that benefit veterans and military families.

**Educating** veterans and military families about their legal rights and protections.

**Enforcing** the legal rights of veterans and military families.



## Freedom Stores in Washington Closes

In October, Attorney General Ferguson announced a \$63,000 resolution of an investigation into the advertising and debt collection practices of Virginia-based retailer Freedom Stores, Inc. The investigation involved a variety of allegations involving deceptive pricing, “guaranteed credit,” phony military discounts and other sales gimmicks targeting the military community. The company was also accused of filing lawsuits in Virginia against Washington military service members who were never stationed there, without their knowledge, and then contacting their commanding officers with details of the debt.

The company’s only Washington store, which closed in August, sold furniture, electronics, jewelry and other goods. More than 90 percent of its sales were made to active duty service members, veterans and military retirees.

*“Freedom Stores’ credit subsidiaries coerced military customers by contacting their commanding officers about late payments – a form of intimidation outlawed in another predatory racket, the payday loan industry.”*

- Tacoma News Tribune, 10/25/2015

## Stopping Deceptive Veterans Scams C&C Consulting

The office filed a lawsuit against a Snohomish couple who used their “consulting” firm to scam seniors seeking help applying for Medicaid and veterans benefits. The lawsuit accused the owners of C&C Consulting, Peter and Carolyn Cook, of charging older clients and veterans thousands of dollars for services they were not qualified to provide or never delivered.

Among the deceptions, the Cooks claimed to be able to help clients apply for government benefits, even though they had no accreditation from the Veterans Administration to provide such assistance to veterans.

Even though the Cooks are not attorneys, more than 75 clients, including at least 10 veterans, paid them \$2,500 to \$5,900 for fraudulent legal services and worthless annuities. In the end, many of the Medicaid and VA aid applications submitted for the clients by the couple were either delayed or denied.

The state is seeking penalties in the amount of \$2,000 per violation, restitution for consumers and injunctive relief to prevent further violations.

## Emerald Capital Preservation Inc.

Attorney General Ferguson used the new pension poacher law to put a stop to a Lynnwood company’s deceptive tactics that targeted older military veterans. To learn more about this case please see page 17.

# Open Government

Attorney General Ferguson continued his ongoing work to promote and support open government. In addition to introducing the “cooling off period” legislation, which would establish a one-year lobbying prohibition for former high ranking state officials, the office also trained thousands of public employees on public requirements and published an updated Open Government Resource Manual.



AAG Nancy Krier presents an overview of the Public Records Act before the Washington State House of Representatives State Government Committee.

## Strengthening Open Government Laws

Washington’s Open Public Meetings Act (OPMA) assures government accountability and transparency by requiring state and local governing bodies to make decisions in public. However, the current \$100 civil penalty for knowingly violating the OPMA has not been updated since the law was codified in 1971. The office recognized that this outdated penalty provision should be modernized to strengthen public confidence in open government. Therefore, in 2015 Attorney General Ferguson decided to seek agency-request legislation in 2016 to increase the OPMA penalty to \$500 for a first-time knowing violation and \$1,000 for a repeat knowing violation.

## Open Government Ombudsman

The Assistant Attorney General for Open Government, Nancy Krier, plays a vital role in the office and the state. The Open Government Ombudsman position is specifically designed to engage and assist Washingtonians, promote government transparency, and support agencies in understanding, complying with, and fairly applying open government laws.

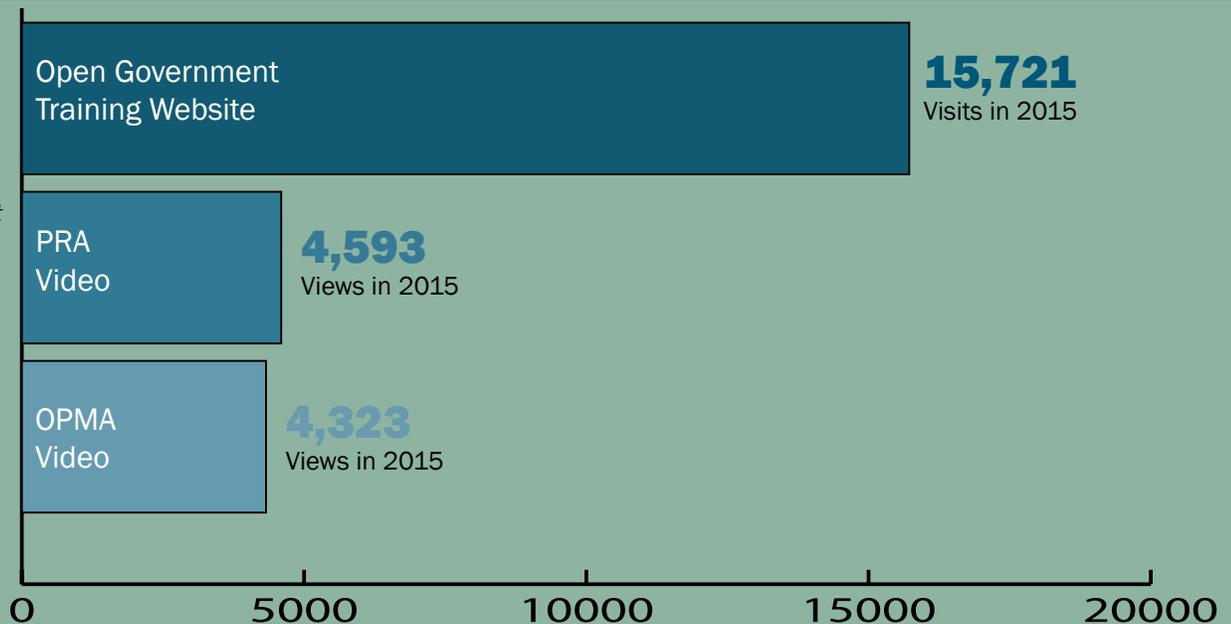
In 2015, Krier also promoted open government to international delegations from Armenia, Indonesia and Ukraine.

## Open Government Resource Manual

The 2015 publication of the Open Government Resource Manual modernized the prior manual, last revised in 2007, to reflect new developments in the state’s Public Records Act and Open Public Meetings Act and court decisions interpreting those laws.

AAG Krier coordinated the work of several co-authors and editors, including: Bob Meinig, Legal Consultant with the Municipal Research and Services Center; Kristal Wiitala, attorney and Public Records Officer for the Department of Social and Health Services; and Katherine George, attorney at the Harrison-Benis law firm.

In 2015 the office trained thousands of state employees on the Open Public Meetings Act (OPMA) and Public Records Act (PRA) through online resources.



## Protecting The Environment

Protecting Washington's environment continued to be a top priority of the office. Attorney General Ferguson engaged in a range of federal, state and local actions to protect the environment and hold accountable those who commit environmental crimes. The office's Environmental Crimes Unit, created by Attorney General Ferguson in 2013, continues to expand. This work has resulted in more than 11 successful convictions for environmental crime prosecutions.



*The images above show the Tahuya River before (top) and after (bottom) illegal alteration by a Mason County man who used a bulldozer to fill the river channel near his home.*

### Prosecuting Environmental Crimes

#### Protecting Washington's Rivers

The office's environmental crimes prosecution team charged a man who illegally filled and altered the course of the Tahuya River. He was convicted by a jury and sentenced to 30 days in jail on each count, to be served concurrently, \$8,143 in fines, two years of probation and an order to follow civil and criminal environmental laws.

William Cayo used an excavator and bulldozer to fill the river channel near his home, and to redirect the river. In all, Cayo filled and graded nearly 1 ½ acres of river bed. This unauthorized work filled a channel of the river, removed a bend, and deepened and straightened another channel.

Testimony at trial indicated downstream landowners were affected and that the illegal work put a significant amount of suspended sediment in the river. This caused turbidity in the water, which harms chum salmon, coho salmon, steelhead and their eggs.

#### Preventing Illegal Waste Dumping

The office brought criminal charges against the owner of a Seattle fuel tank processing facility for allegedly dumping oil and sludge into the public sewer system. The business owner was accused of using an unpermitted connection to a sewer line to illegally discharge tens of thousands of gallons of oil and oil sludge removed from underground storage tanks. The charges included first-degree defrauding a public utility, unlawful dumping of solid waste without a permit and making a false or misleading statement to a public servant. The case was still pending at year's end.



### Enforcing the Hazardous Waste Management Act

The office brought charges against Rory Westmoreland, who was accused of abandoning roughly 40 barrels of hazardous waste. He pleaded guilty in King County Superior Court to charges of violating the Hazardous Waste Management Act and unlawful dumping of solid waste.

Westmoreland was sentenced to a 60-day jail term and ordered to repay cleanup costs of \$127,302.



### Standing Up for Tougher Environmental Rules

Attorney General Ferguson, joined a coalition of 26 states, cities and counties in support of the federal Environmental Protection Agency's final rules established by the Obama administration, which limits emissions of climate change pollution from existing and new fossil fuel-burning power plants.

The finalization of the power plant rules marks the culmination of a decade-long effort by states to require mandatory cuts in the emissions of climate change pollution from fossil fuel-burning power plants — the largest source of these emissions in the United States. The rules will set limits on the amount of climate change pollution that can be released from new and existing plants.

The rule for existing plants is expected to eliminate as much air pollution as is emitted by 160 million cars a year.

## Hanford Nuclear Reservation

Throughout 2015, the office continued its decades-long commitment to hold the federal government accountable for the environmental cleanup of hazardous and radioactive contamination at the Hanford Nuclear Reservation. The office also continued working to ensure the safety of workers at the Hanford Nuclear Reservation by filing a lawsuit against the U.S. Department of Energy and Washington River Protection Solutions.



*Attorney General Ferguson tours the Hanford Nuclear Reservation.*

### Holding Department of Energy Accountable

In 2010, the State and the United States Department of Energy filed a consent decree in federal court that established new deadlines for Energy to finish building and begin operating Hanford's Waste Treatment Plant. The treatment plant will turn radioactive and hazardous waste currently stored in leak-prone underground tanks into glass logs. The decree also had a deadline for removing waste from 19 underground tanks.

A year later, Energy notified the State that it couldn't meet the decree's deadlines. In 2014, both parties filed competing amendments to the decree.

In May, U.S. District Court Judge Rosanna Malouf Peterson agreed with the state that the federal government failed to meet many of its cleanup obligations and the current consent decree was unworkable. Soon after, Energy submitted a revised proposal that would further delay the removal of waste from the last nine single-shell tanks by 2022.

Frustrated by the lack of progress Attorney General Ferguson asked the court to reject Energy's delayed cleanup deadlines. Judge Peterson agreed, ruling in August that Energy needs enforceable deadlines and more stringent accountability measures in its cleanup work.

To comply with Judge Peterson's ruling, both parties submitted updated proposals in November. The state's updated plan includes specific milestones and reporting requirements to ensure Energy stays on track with its cleanup obligations. Energy's proposal extends the cleanup by years and gives the agency sweeping authority to decide when deadlines can be pushed back and in some cases, whether compliance is required at all.

At year's end, the court was considering the proposals, assisted by a three-person advisory panel providing guidance on technical and scientific matters.

## Ensuring Safe Working Conditions

Concerned about the safety of workers at the Hanford site, Attorney General Ferguson filed a lawsuit against the U.S. Department of Energy and its contractor, Washington River Protection Solutions. The federal government employs Washington workers to remove the 56 million gallons of waste located in 177 underground tanks. Some 1,500 different volatile chemical gases — many of which are highly toxic and known carcinogens — have been found in the tanks. Exposure to the chemicals threatens the health and safety of Hanford workers.

### Background

In response to increasing reports of workers falling ill after chemical vapors escaped from the tanks, Attorney General Ferguson and Governor Jay Inslee wrote to the U.S. Secretary of Energy urging an independent safety assessment of workers exposed to the vapors and toxic fumes emitted from the Hanford tanks.

The Secretary commissioned a panel of experts to study the issue. In October, the panel released the Hanford Tank Vapor Assessment Report, finding that toxic tank vapors were making workers sick and ongoing exposure to vapor emissions was linked to adverse health effects experienced by tank farm workers.

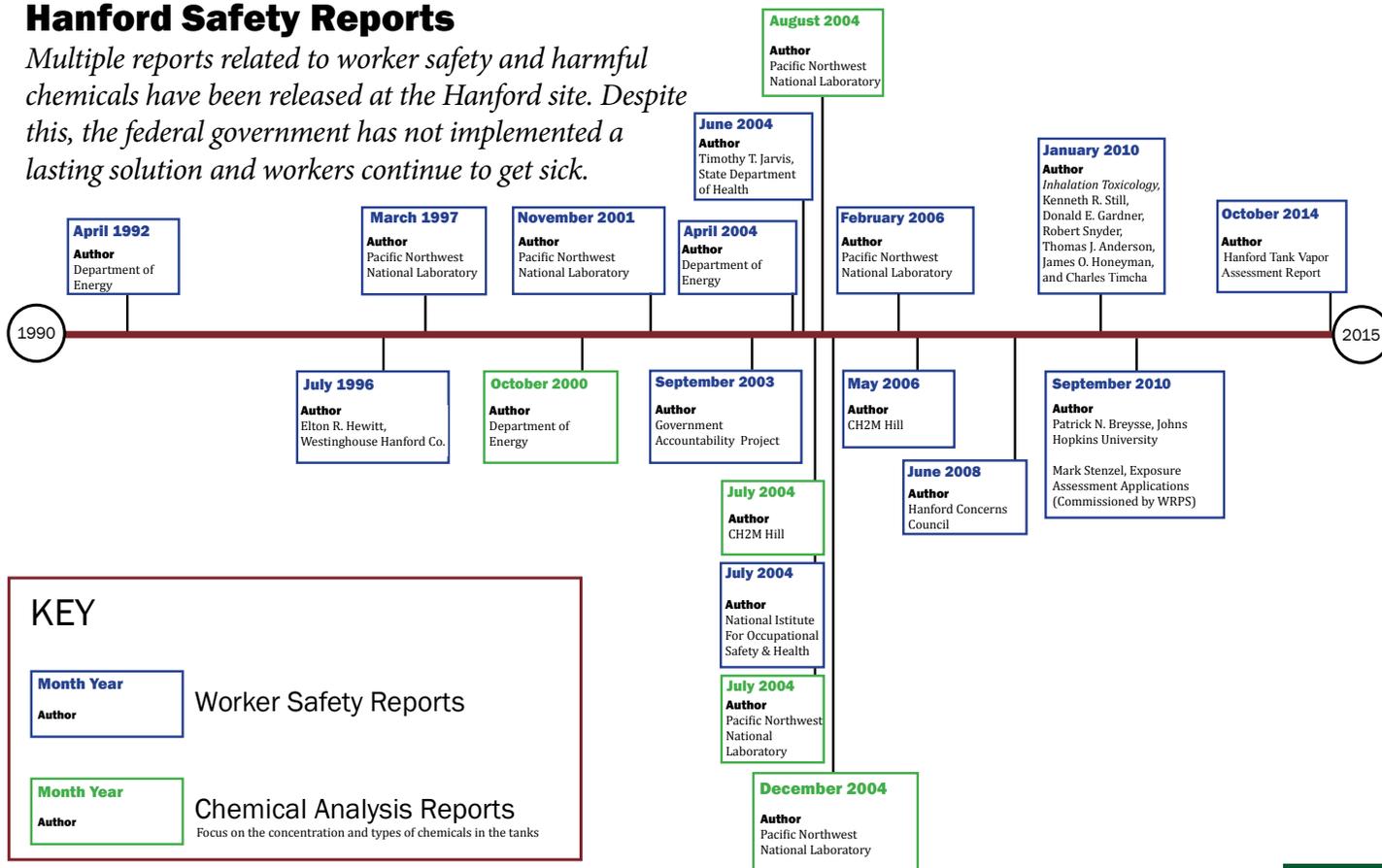


Attorney General Ferguson announces a lawsuit against the U.S. Department of Energy over Hanford worker safety.

After reviewing the findings, Ferguson notified the Department of Energy of his intent to sue if worker safety issues at Hanford were not immediately addressed. When Ferguson found the federal agency's response inadequate in detail and lacking in commitment, he filed the lawsuit.

## Hanford Safety Reports

Multiple reports related to worker safety and harmful chemicals have been released at the Hanford site. Despite this, the federal government has not implemented a lasting solution and workers continue to get sick.



## Standing Up for Workers

In 2015 the office continued its efforts to protect workers and ensure all Washingtonians receive a fair wage. The office took on a number of cases related to worker safety, wage theft, and minimum wage laws.



*Attorney General Ferguson announces a lawsuit against the owners of West Seattle Athletic Club. The owners were accused of failing to pay wages and health care premiums for their employees.*

### AG's Brief Helps Washington Workers

The Attorney General's Office played a key role in an important ruling issued by the state Supreme Court, upholding that the City of SeaTac's \$15-an-hour minimum wage does apply to workers at SeaTac Airport.

Although the office was not a party to the case (*International Franchise Association v. City of Seattle*), Attorney General Ferguson filed a "friend of the court" brief in the Supreme Court in support of the city's ordinance and Washington workers.

The brief, authored by Solicitor General Noah Purcell, presented a critical issue that hadn't been raised by any of the parties – the proper interpretation of Washington's Minimum Wage Act. Purcell's arguments were a key factor in the Supreme Court's 5-4 decision, which helped workers at SeaTac and gave state and local governments the authority to support their own hard-working residents.

### Protecting Industrial Workers

The office represented the Department of Labor and Industries in several Washington Industrial Safety and Health Act citations against Tesoro, Inc. for safety violations leading to the death of six workers at an Anacortes refinery. Other major worker safety cases included civil prosecutions against and significant safety settlements with: Shell Oil, Phillips 66 and other refineries for alleged process safety management violations; the Department of Social and Health Services for alleged worker safety hazards created by patients at state facilities; and Potelco, Inc. for alleged failures to protect utility line crews from electrocution hazards.



*Attorney General Ferguson speaks with guests after a wage theft press conference.*

## Combating Wage Theft

Attorney General Ferguson is committed to combating wage theft and protecting Washington workers by ensuring they receive a fair day's pay for a day's work.

Working families lose billions of dollars to wage theft each year. It is a serious problem that takes many forms, such as when a dishonest employer fails to pay legal minimum wages or overtime rates, requires off-the-clock work, takes improper pay deductions or bounces a worker's paycheck. Low-wage earners are hit particularly hard by wage theft violations.

Employers who cheat workers out of wages are stealing from them. When that happens, the Attorney General's Office will prosecute. Under Attorney General Ferguson, the office has put an emphasis on combating wage theft and holding employers accountable



## Wage Theft Prosecutions

### Athletic club charged for stealing from employees

The office filed wage theft and fraud charges against two athletic club owners for stealing wages from their employees and evading taxes. Former NFL player Sam Adams and his business partner, Dana Lynn, were accused of failing to pay wages and health care premiums for employees of West Seattle Athletic Club and a second fitness club they owned in Tacoma.

The case involved eleven workers who were owed a total of nearly \$7,200 in wages. A housekeeper at the Tacoma gym reported that her paychecks repeatedly bounced, leaving her unable to buy Christmas gifts for her six children. Some had money taken out of their paychecks for health insurance premiums that were never turned over to the insurance company.

The lawsuit alleges that Adams and Lynn were engaged in theft and fraud totaling more than \$500,000. By year's end, the case was still pending.

### Bankrupt grocery store chain agrees to pay workers

The Attorney General's office stepped in to ensure workers would receive their paychecks on time when the Haggen grocery store chain closed 14 stores in Washington, causing widespread layoffs.

In September, Haggen Holdings, LLC filed for bankruptcy protection. The company sought a waiver from "fast pay" laws that require employers to fairly and timely pay their employees' earned wages.

When the Attorney General's Office reached out to Haggen's lawyers, the company voluntarily agreed to abide by the law, which requires employers to pay laid-off workers at the end of the pay period.

### Contractor cheating workers' comp program hurt employees and businesses

In one of the largest cases of its kind, the office brought charges against a former drywall contractor in Walla Walla. The contractor was ordered to pay more than \$1 million in delinquent workers' compensation premiums and penalties. The Attorney General's Office represented the Department of Labor and Industries (L&I) in the state's case against Shawn A. Campbell, and his company, E & E Acoustics, LLC.

After an L&I investigation determined Campbell's company significantly underreported the hours that its employees worked, the Washington State Board of Industrial Insurance Appeals ordered Campbell and his spouse to pay for \$615,000 in premiums, \$102,000 in late penalties and \$296,000 in interest.

Every Washington consumer and business benefits from the vital role our office plays in ensuring fair market competition by enforcing consumer protection and antitrust laws. The office also provides a range of complaint mediation, education and outreach services designed to protect the rights of all Washingtonians and support a level playing field for Washington businesses.



*Attorney General Ferguson announces a series of immigration services fraud lawsuits.*

## Combating Immigration Services Fraud

In 2015 the office took action to combat illegal immigration services and crack down on “notario” fraud scams that targeted immigrant consumers. “Notarios” often imply they are lawyers and charge their clients for fraudulent legal services. Immigration services, or “notario,” fraud is illegal under Washington state’s Immigration Services Fraud Prevention Act. The law protects consumers from unauthorized entities that offer assistance completing immigration forms and navigating immigration processes that legally can only be provided by qualified attorneys and accredited representatives.

## Standing Up Against Predatory Lending

The office brought charges against Western Sky Financial and CashCall, Inc. As a result, they agreed to pay restitution in the amount of \$1.9 million to Washington borrowers. The settlement arose from allegations made by the Department of Financial Institutions (DFI) that the companies made predatory, high interest loans to 7,000 borrowers. DFI alleged the loans, which included interest rates ranging from 89.58 to 342.86 percent, violated the Consumer Loan Act’s licensing requirements as well as prohibitions against unfair and deceptive acts and practices.

## Enforcing Antitrust Laws

The office recovered \$63 million from nine liquid crystal display (LCD) manufacturers, whose price-fixing conspiracy drove up the prices of items such as TVs, laptops and cell phones. The conspiracy was wide-ranging and played out from 1998-2006. After six years, the Defendants agreed to resolve the state's claims for \$63 million, injunctive relief and to institute antitrust compliance programs. This is one of the largest recoveries in the history of the office. During the course of the litigation, the state obtained a number of court decisions—several involving issues of first impression—that strengthen the Attorney General's authority to enforce the Consumer Protection Act or antitrust laws.

In a separate case, the office also sued several makers of cathode ray tubes (CRTs) for fixing the prices of their products. The lawsuit was brought in King County Superior Court against companies doing business as LG Electronics, Philips, Samsung, Toshiba, Panasonic, Matsushita, Hitachi and others. The office recently obtained two significant appellate victories in this case, regarding the extent of the Attorney General's enforcement authority against foreign defendants and the statute of limitations in enforcement actions under the Consumer Protection Act. These issues remain on appeal before the Washington State Supreme Court.

THE OFFICE SECURED  
**\$63 MILLION**  
 IN A PRICE FIXING LAWSUIT  
 AGAINST 9 LCD MANUFACTURERS

THE MANUFACTURERS PARTICIPATED  
 IN MEETINGS IN WHICH THEY  
 EXCHANGED PRICING  
 INFORMATION FOR THEIR  
 PRODUCTS, DRIVING THE  
 PRICE UP BY AS MUCH AS

20%

## Putting a Stop to Pension Poachers

In the first enforcement action under our agency-request Pension Poacher Act, Attorney General Ferguson put a stop to the deceptive business practices of a Lynnwood company targeting veterans, securing \$26,564 to be returned to 35 victims.

Emerald Capital Preservation, Inc. (ECP) failed to disclose financial conflicts of interest and charged its clients unreasonable fees for basic services. Local estate planning attorneys would send veteran clients to ECP to review trusts for things like spelling errors, as well as to have the trust notarized. Many firms provide these rudimentary services for free; ECP charged about \$1,000 that was ultimately billed to the clients. ECP also visited assisted living facilities and Rotary clubs to solicit customers, specifically recruiting veteran clients and providing information about Aid & Attendance, a benefit administered by the federal Veterans Administration (VA). ECP failed to disclose that it was not affiliated with or endorsed by the VA or the Washington State Department of Veterans Affairs.

## Fighting Tech Support Scammers

As part of the office's effort to fight scams, Attorney General Ferguson filed a lawsuit against iYogi, one of the world's largest tech support companies. The lawsuit alleges iYogi's tactics are unfair and deceptive business practices that violate Washington's Consumer Protection Act. The lawsuit also alleges iYogi induced consumers to install unnecessary software as part of its ploy to coerce them into buying tech support services, a violation of Washington's Computer Spyware Act.

The state seeks to stop these illegal business practices and recover money for Washington victims. The total number of Washingtonians affected will be identified during the lawsuit, but is estimated to be in the hundreds, if not thousands. The state may seek up to \$2,000 in civil penalties for each violation of the Consumer Protection Act and \$100,000 per violation of the Computer Spyware Act.

Attorney General Ferguson's 2015 Legislative priorities included the successful passage of four new laws to strengthen consumer protection in Washington and a law that improves community safety by reforming the state's Sexually Violent Predator statute. Other legislative initiatives developed by the office focused on reducing youth smoking, combating wage theft, fighting Medicaid fraud and promoting ethics in government.



Attorney General Ferguson and his twins Jack and Katie watch Governor Inslee sign the Patent Troll legislation into law.



### Protecting Small Businesses from Patent Trolls

The Legislature approved the Attorney General's Patent Troll Prevention Act to protect small businesses from predatory and bad-faith patent infringement claims. "Patent trolls" obtain and misuse patents as a way to make money by asserting patent rights and collecting infringement fees from businesses.

The new law gives the Attorney General's Office enforcement authority to hold Patent Trolls accountable when these aggressive and deceptive tactics harm Washington businesses and our economy.



### Combating Fraud and Identity Theft

The office requested legislation (Senate Bill 5058 / House Bill 1090) to reauthorize and expand the Financial Fraud and Identity Theft (FFIT) Task Forces.

Identity theft costs consumers billions of dollars each year, and tops the annual list of consumer complaints reported to the Federal Trade Commission and law enforcement agencies. The Washington State Legislature established the Financial Fraud and Identity Theft Task Forces in 2009. Without legislative action to renew, this task force would sunset on June 30, 2015. The legislation passed, reauthorizing the FFIT Task Force and expanding the Greater Puget Sound Task Force to include additional detectives in King and Snohomish Counties.



### Cracking Down on Ticket Bots

The Attorney General's request to outlaw "ticket bot" software that hurts consumers and businesses (House Bill 1091) passed the Legislature and went into effect in July 2015.

Ticket bots allow users to bypass online security efforts when buying tickets to sporting and entertainment events, which unfairly drives up price of tickets.



### Enhancing the Data Breach Statute

The office requested legislation (Senate Bill 5047 / House Bill 1078) to help Washingtonians better protect their personal information and avoid identity theft.

The legislation, which passed and took effect in July 2015, strengthens Washington's data breach law by requiring businesses, nonprofits and agencies to notify customers and the Attorney General when personal information has likely been compromised. Under the new law any business, individual or public agency that is required to issue a security breach notification to more than 500 Washington residents as a result of a single security breach must also electronically submit a notification to the Attorney General. The office created a new Data Breach Notification page on its website to assist the public in accessing the breach information. By year's end, the new site had published information on 30 major data breaches.



### Reforming the SVP Statute

The office requested legislation (Senate Bill 5033 / House Bill 1059) to prevent the release of sexually violent predators (SVP) who have not been rehabilitated by closing a loophole in the sexually violent predator statute and defining treatment. The legislation passed and went into effect on July 25, 2015.



*Governor Inslee signs the AGO request sexually violent predator legislation into law.*

## Other Legislation

### Reauthorizing Civil Prosecutions of Medicaid Fraud

The office also asked the Legislature to protect patients and taxpayers by reauthorizing Washington's Medicaid False Claims Act (MFCA).

The original 2009 law authorizes the office to pursue civil Medicaid fraud prosecutions and includes a sunset provision to expire in 2016 if not renewed by the Legislature. The office's request to renew this very successful statute did not pass and was slated to be reintroduced in 2016.

### Reducing Youth Access to Tobacco and Vapor Products

The office requested legislation aimed at reducing youth smoking by raising the legal smoking age for tobacco and vapor products to 21 (Senate Bill 5494 / House Bill 1458). Sponsored by Rep. Tina Orwall, D—Des Moines and Sen. Mark Miloscia, R—Federal Way, the bi-partisan bill passed the House Health Care and Wellness Committee in a bipartisan 12 to 3 vote, but did not go further. If lawmakers had approved the request, Washington would have become the first state in the nation to increase the legal age for tobacco and vapor products from 18 to 21. The bill was slated to be reintroduced in 2016.

### Combating Wage Theft

The office requested legislation (Senate Bill 5050 / House Bill 1089) to help combat wage theft by ensuring government agencies don't do business with companies that steal from their workers. The bill, which was not passed, would have amended the state's responsible bidder criteria in the public works and procurement statutes to require consideration of a company's compliance with the state's wage laws over the previous three years.

### Establishing a Cooling Off Period for Post-Employment State Lobbying

A bill to establish a one-year lobbying prohibition for former high ranking state officials (House Bill 1136) did not pass and was slated to be reintroduced in 2016. The bill seeks to preserve the integrity of government by establishing a "cooling off" period during which elected officials, agency heads and senior-level staff who leave state service cannot work as a paid lobbyist.

*"The adolescent brain is especially vulnerable to the effects of nicotine. Teens will always find a way to rebel and experiment with these vices, but that does not alleviate the need for state officials to solve a major public-health crisis.*

*Washington already bans alcohol and marijuana use until the age of 21. Extend that rule to tobacco products, including cigarettes and e-cigarettes."*

- Seattle Times, 03/28/2015

# FOR THE PEOPLE

## KEY DIVISIONS



Attorney General Ferguson joins the Wing Luke Civil Rights Unit team at the unit's dedication event in Seattle.

## KEEPING COMMUNITIES SAFE

### Criminal Justice

**Division Chief:** Lana Weinmann, Senior AAG

**Overview:** Upon request from the governor and local prosecutors, the Criminal Justice Division investigates and prosecutes criminal cases and provides support to the law enforcement community handling homicides, sexual assaults, environmental crime, white-collar crime and crimes involving official misconduct or public corruption. The division civilly prosecutes convicted sexually violent predators and defends the state in wrongful conviction claims. The division also provides state and nationwide investigative expertise and assistance through the Homicide Investigation and Tracking System Unit.

**Legal Highlights:** The Criminal Justice Division handled a wide range of cases including the prosecution of environmental crimes in Pierce and Benton Counties, a criminal prosecution in Stevens County and the civil commitment of 11 high profile sexually violent predators including Richard Hatfield (Clark County), Maverick Lanning (Walla Walla County) and Shawn Botner (Spokane County).

### Medicaid Fraud Control Unit

**Director:** Doug Walsh, Senior Counsel

**Overview:** The Medicaid Fraud Control Unit (MFCU) criminally and civilly prosecutes the theft and fraudulent use of Medicaid money by health care providers. The MFCU recovers losses to the Medicaid program caused by fraud and assesses civil penalties against the perpetrators of fraud. The unit also works with local prosecutors to investigate and prosecute abuse and neglect of vulnerable residents of Medicaid funded facilities.

During the 2012 legislative session, the Washington Legislature enacted the Medicaid Fraud False Claims Act. The Act expands on the MFCU's criminal authority by granting the unit the ability to prosecute fraud using the civil justice system. The Joint Legislative Audit & Review Committee has issued a preliminary report recommending the reauthorization of the Washington Medicaid False Claims Act, Chapter 74.66 RCW.

**Legal Highlights:** In 2015 the MFCU secured 14 criminal convictions and 12 civil False Claims Act resolutions. The law enforcement work included the first felony level conviction for Criminal Mistreatment and a significant \$3.65 million dollar settlement of a Federally Qualified Health Center dental case. The unit recovered more than \$4.3 million in 2015.

## SAFEGUARDING CONSUMERS

### Antitrust

**Division Chief:** Jonathan Mark, Senior AAG

**Overview:** The Antitrust Division enforces state and federal laws that protect consumers and businesses from price fixing, bid rigging, monopolization, anticompetitive mergers and other conduct that interferes with fair competition. The division's work focuses on representing consumers and state agencies in litigation seeking redress for violations of these laws. The division also responds to consumer complaints and inquiries and conducts outreach and education programs.

**Legal Highlights:** The Antitrust Division successfully resolved a TFT-LCD price fixing case against foreign electronics manufacturers who conspired to raise prices on LCDs used in TVs, computer monitors and other devices. The division recovered \$63 million for consumers and state agencies, one of the largest settlements in the history of the Attorney General's Office. The division secured several other important decisions, including two from the court of appeals, reinforcing the Attorney General's authority to seek relief for foreign cartel conduct. See page 17 for more details.

### Consumer Protection

**Division Chief:** Shannon Smith, Senior Counsel

**Overview:** The Consumer Protection Division enforces consumer protection laws to keep the Washington marketplace free from unfair and deceptive practices. The division investigates and files enforcement actions to stop illegal practices, recovers refunds for consumers and imposes penalties on offending businesses. The division also supports consumers through its Consumer Resource Center, the Automobile Lemon Law Unit and the Manufactured Housing Dispute Resolution Program.

**Legal Highlights:** The division addressed a wide range of consumer protection cases in 2015 to protect consumers and honest businesses. Among other cases, the division filed significant lawsuits against Standard & Poor's for misrepresenting the independence of its credit ratings and against AT&T, Verizon, T-Mobile and Sprint for their role in wireless cramming. The division also continued to file cases involving wrongful foreclosures, deceptive online marketing tactics, and scams targeting seniors and other vulnerable consumers.

### Public Counsel Unit

**Division Chief:** Simon ffitich, Senior AAG

**Overview:** The Public Counsel Unit represents the residential and small business customers of Washington's investor-owned electric, natural gas and telecommunications utilities regulated by the state Utilities and Transportation Commission (UTC). Public Counsel advocates for consumers by presenting evidence, legal arguments and policy recommendations to the UTC when utility companies request rate changes, mergers, have policy issues and other cases and rulemakings before the UTC.

**Legal Highlights:** In 2015, Public Counsel represented consumers in major rate cases before the UTC involving Avista, Pacific Power and Cascade Natural Gas. The office was active on issues related to the use of coal-fired electricity from the Colstrip plant both at the Legislature and the UTC investigation docket. In the appellate courts, Public Counsel helped defend two UTC rate case decisions favorable to consumers against legal challenges by PacifiCorp Power. In a court-ordered remand after Public Counsel's successful appeal, Public Counsel sought a reduction of Puget Sound Energy profit level for its multiyear rate plan but did not prevail. The office also appeared on behalf of CenturyLink customers in two UTC enforcement cases against the company involving a San Juan County outage and a statewide 911 outage.

Public Counsel worked with the UTC on its Natural Gas Hedging Investigation, assisting with the publication of a White Paper recommending best practices and initiating a dialogue with Washington natural gas companies. Public Counsel staff were actively involved in utility resource planning advisory groups and energy efficiency program reviews.



2015 AGO consumer protection division



2015 Attorney General's Office leadership team

## PROTECTING THE ENVIRONMENT

### Ecology

**Division Chief:** Laura Watson, Senior AAG

**Overview:** The Ecology Division represents the Department of Ecology, the Puget Sound Partnership, the Pollution Liability Insurance Agency and the State Conservation Commission. The division resolves environmental disputes, provides advice and represents the state before courts and administrative tribunals on permitting, legislation, rule-making and enforcement matters. The largest areas of practice are water resource allocation and management issues and cleanup of contaminated sites. The division also assists the Department of Ecology in oversight of the U.S. Department of Energy's cleanup of the radioactive and hazardous waste at the Hanford Nuclear Reservation.

**Legal Highlights:** The division advised the Department of Ecology on several matters, including reform of the federal Toxics Substances Control Act, proposals to transport crude oil by rail, water rights negotiations with Washington tribes, several environmental enforcement matters and a new rule to set a cap on greenhouse gas emissions. Division attorneys presented at several environmental trainings and Senior Counsel Andrew Fitz testified before Congress on the licensing of Yucca Mountain as a repository for nuclear waste.

### Natural Resources

**Division Chief:** Patricia O'Brien, Senior AAG

**Overview:** The Natural Resources Division represents the Commissioner of Public Lands, Department of Natural Resources (DNR), Board of Natural Resources, Forest Practices Board and other related boards and commissions. The division provides a broad spectrum of client advice, dispute resolution and litigation services to DNR, which manages more than 5.7 million acres of forest, range, commercial, agricultural, conservation and aquatic lands, including 3 million acres of state trust land. The division supports DNR's role in regulating surface mine reclamation, suppressing fires on forestland and removing derelict vessels from state-owned aquatic lands. The division also provides legal services to the Forest Practices Board, which adopts rules and standards for forest practices such as timber harvest.

**Legal Highlights:** The division recovered over \$1,110,000 in fire cost recovery on behalf of DNR for the Taylor Bridge and Colockum Tarps Fires. It assisted DNR with the \$25 million purchase of 1,200 acres of agriculture land in Franklin County, including high value water rights and continuing leases. DNR was awarded the full amount claimed in a breach of lease lawsuit brought when the South Shore Mall assignee failed to pay its annual \$87,900 rent for several years.

## Fish, Wildlife & Parks

**Division Chief:** Joseph Shorin, Senior AAG

**Overview:** The Division represents the Department of Fish and Wildlife (WDFW) and the Parks and Recreation Commission (State Parks). It also represents the state in certain complex natural resource litigation and assists local prosecutors in the criminal enforcement of fish and wildlife laws. Legal services include advice and litigation, typically relating to fish and wildlife resource management, endangered species, habitat protection, tribal issues, hydropower licensing, law enforcement, civil forfeiture, land acquisition and management, land use, contracts, regulatory permitting and administrative procedure.

**Legal Highlights:** Litigation matters included continued implementation of the federal court injunction, and litigation of an appeal, in *United States v. Washington*, Subproceeding 01-01 (fish passage and state culverts); and a trial in Subproceeding 09-01 (location of certain Tribes' usual and accustomed fishing grounds in the Pacific Ocean). The division also completed a summary judgment briefing in *Schuyler v. Unsworth*, a superior court case concerning the geographic scope of tribal treaty hunting rights, and in *National Wildlife Federation v. National Marine Fisheries Service*, a federal Endangered Species Act challenge to Columbia River dam operations. The division handled trial and appellate matters concerning WDFW's authority to impose conditions on mineral prospecting to protect fish and wildlife and the Fish and Wildlife Commission's authority to set salmon management policy. Finally, The division defended a challenge to a land management classification decision at Mt. Spokane State Park.



## Agriculture and Health

**Division Chief:** Kristen Mitchell, Senior AAG

**Overview:** The division assists the Departments of Agriculture, Archaeology and Historic Preservation, Commerce, and Health, as well as Commodity Commissions, the Life Sciences Discovery Fund Authority and the Northwest Interstate Compact on Low-Level Radioactive Waste. The division's work involves legal matters related to oversight of health care practitioners and facilities, the regulation of agricultural activities and food processing, pest eradication, threats to human health, shellfish sanitation, drinking water and septic systems, funding of innovative life sciences research and clean energy technology, historic and archaeological artifact preservation and low-level radioactive waste disposal. The division also assists with legal issues related to the Energy Independence Act and programs to improve the state's infrastructure, communities and the economy.

**Legal Highlights:** The division represented the Department of Health in *Planned Parenthood v. Bloedow*, successfully defending the confidentiality of patient health care information including abortion records. In *Brown v. Department of Commerce*, the division went before the State Supreme Court to defend a challenge to the Legislature's adopted process for mediation under the Foreclosure Fairness Act. The division is defending the Department of Agriculture's emergency quarantine rules that were imposed to address the risk of apple maggot infestation of the state's apple orchards.



## STANDING UP FOR THE MOST VULNERABLE

### Social and Health Services



*University of Washington President Ana Mari Cauce delivers her keynote address to attendees at the 2015 Attorney General's Office Attorney Conference.*

### Olympia Division

**Division Chief:** Rochelle Tillet, Senior AAG

**Overview:** The Social and Health Services, Olympia Division provides legal services to the Department of Social and Health Services (DSHS), which administers the state's programs to provide social services to people in need. The division supports programs including children's services, mental health services, income assistance, developmental disabilities, adult protective services, home and community services for elderly and disabled individuals, nursing home licensing and regulation, juvenile rehabilitation, child support, alcohol and drug rehabilitation and vocational rehabilitation. It also provides legal services to the Health Care Authority, which plays a key role in the purchase and delivery of health care services in Washington state, and legal support to the Department of Veterans Affairs and the Department of Services for the Blind.

**Legal Highlights:** As of November 30, 2015, the attorneys representing DSHS had over 6,400 open child welfare cases, protecting over 10,500 children from abuse or neglect in their home environments, and over 950 termination of parental rights cases, protecting over 1,550 children.

### Seattle Division

**Division Chief:** Mary Li, Senior AAG

**Overview:** The Social and Health Services, Seattle Division represents DSHS in King County. Their work primarily involves abused, neglected, and at-risk children, vulnerable adults and licensed facilities including child care, foster homes, adult family homes and boarding homes.

The division represents the state in dependency cases where it has been determined that a child is in dangerous circumstances and/or has no parent capable of providing care. The goal of dependency cases is to safely and timely return children home, by addressing issues involving drug and alcohol abuse, domestic violence, mental illness and poverty. If a child cannot safely be reunified with his or her parents, the division represents the state in permanency litigation, including termination of parental rights and guardianship cases.

The division represents Adult Protective Services in cases involving vulnerable adults who are alleged to be abused, neglected and/or financially exploited. This work involves both guardianships and protection orders. The division's work involving licensed facilities includes administrative litigation that usually arises from allegations of abuse, neglect, maltreatment or other issues concerning the care of children and adults in licensed facilities.

## PROMOTING EDUCATION

### Washington State University

**Division Chief:** Danielle Hess, Senior AAG

**Overview:** The Washington State University Division provides a full range of legal services to the state's land grant university, including its multiple campuses, offices and research facilities statewide. The division provides advice on a wide variety of legal issues, many of which are unique to higher education. Areas of practice include: risk management, research, intellectual property, health and veterinary sciences, public records, open meetings, student affairs, athletics, employment, fundraising and development, public works, contracting, constitutional rights, civil rights, Title IX, real estate, construction, and international programs.

### Education Division

**Division Chief:** Dave Stolier, Senior AAG

**Overview:** The Education Division provides a full range of legal services to the state's education agencies, boards, commissions, community and technical colleges and regional universities. Division attorneys advise on a broad array of issues, including conflict resolution, business transactions and compliance with state and federal laws. Education attorneys also prosecute professional misconduct cases related to teacher licensing, help enforce consumer protection regulations for private vocational schools and advocate on behalf of the client agencies in a variety of administrative and court proceedings.

**Legal Highlights:** Education attorneys helped shepherd colleges and universities through a wide variety of legal issues associated with business, labor relations and student services in 2015. In K-12, attorneys worked with the Charter School Commission in regulating charter schools and with the Office of the Superintendent of Public Instruction in exercising its general supervisory authority over the K-12 system. Education attorneys also assisted the Department of Early Learning in its supervision of early learning and childcare programs throughout the state.

## University of Washington

**Division Chief:** Karin Nyrop, Senior AAG

**Overview:** The University of Washington Division provides legal services to the University of Washington (UW), which includes campuses in Seattle, Bothell and Tacoma, more than 48,000 undergraduate and graduate students, 29,000 employees, 50,000 students served through UW Education Outreach programs and the region's major academic medical center.

**Legal Highlights:** The division provides legal advice and representation across many areas of the UW's academic research and medical programs, including employment and labor relations, student conduct, real estate, business transactions, intercollegiate athletics, public finance, intellectual property, taxes, benefits, constitutional law, gifts and trusts, international operations, health care law and regulatory compliance.



*Education Division Chief Dave Stolier receives the Steward of Justice award at the office's 2015 Attorney Conference.*

*From left to right: Dave Horn, Dave Stolier, Mamie Marcuss, Bob Ferguson*

## SPANNING THE STATE

### Regional Services

**Division Chief:** Michael Shinn, Senior AAG

**Overview:** The Regional Services Division has offices in Yakima, Wenatchee, Vancouver, Port Angeles, Kennewick, Everett and Bellingham that serve the state agencies and institutions in surrounding communities. By locating attorneys and legal support staff in the communities where these state agencies operate, the AGO is able to conserve costs and deliver excellent legal services with expertise and knowledge about the local communities and court systems. Attorneys in these offices represent multiple agencies and are adept in a wide variety of practice areas. Regional Services represents several agencies, including the Departments of Early Learning, Employment Security, Labor and Industries, Licensing, and Social and Health Services, as well as 15 state educational institutions.

**Legal Highlights:** The Solicitor General's Office successfully defended the constitutionality of a 2010 statute creating a process for finding a child in need of guardianship in the case *In re Dependency of A.W.* The trial court and Court of Appeals proceedings in this case were handled by attorneys and staff in our Regional Services Division. Regional Services opened more than four thousand legal matters in administrative and court settings over the year.

### Tacoma

**Division Chief:** Julian Bray, Senior Counsel

**Overview:** The Tacoma Division provides a wide range of legal services in matters arising primarily out of Pierce and Kitsap counties, representing several state agencies, including the Departments of Labor and Industries, Licensing, Employment Security and Social and Health Services (DSHS). The Labor and Industries cases include appeals of workers' compensation claims and occupational safety and health citations. The DSHS cases involve child abuse and neglect, licensing of care providers and protection of vulnerable adults. Tacoma's Torts attorneys also defend lawsuits filed against the state in Pierce, Thurston, King and Kitsap counties.

**Legal Highlights:** Division attorneys handled a number of significant appellate cases in the areas of workers' compensation, employment standards and occupational safety and health. Attorneys in the Labor and Industries section include the AAG advisor for the Department's worker fraud program and an advisor for the superior court appeal program. The DSHS section continues to be a leader in the Family Treatment Court in Pierce County and the promotion of effective therapeutic courts. While the DSHS caseloads remain high, the section has continued to foster an environment dedicated to protecting Washington's most vulnerable citizens. Tacoma Torts attorneys remain dedicated to ensuring that the state is well defended in lawsuits against various state agencies.

## Spokane

**Division Chief:** Toni Ursich, Senior AAG

**Overview:** The Spokane Division provides a wide range of legal services in Eastern Washington to many agencies and institutions of state government, including the departments of Social and Health Services, Labor and Industries, Transportation, Licensing, Employment Security, Corrections, the Eastern Washington State Historical Society and various institutions of higher education, including Eastern Washington University, Big Bend Community College and the Community Colleges of Spokane. The division also handle Medicaid fraud criminal cases, provide consumer protection services, provide local state agencies with advice and representation on labor and personnel matters and defends lawsuits filed against the state.

**Legal Highlights:** The division filed over 1,100 child welfare cases protecting children from abuse or neglect and freeing them to move into permanent homes. It also filed 120 vulnerable adult protection orders for elderly or disabled vulnerable adults alleged to have been abused, neglected or financially exploited. It successfully defended the Department of Labor and Industries on appeal in *Robinson v. Dep't of Labor and Industries*. In that ruling the court held that an employment relationship did not exist between the Seattle Seahawks and an individual injured during an off-season minicamp tryout while he was working as a free agent. Because he was not an employee, the injured individual did not qualify to receive workers compensation benefits under Washington's Industrial Insurance Act. The division also recovered \$1,824,561.50 for damaged state highways and bridges.



*Attorney General Ferguson visits the office's division in Spokane.*

## PROTECTING TAXPAYER DOLLARS

### Torts

**Division Chief:** Pamela Anderson, Senior Counsel

**Overview:** The Torts Division defends tort claims and lawsuits against all state agencies, officers and employees. These claims and cases can be based upon various theories of liability, including highway design, supervision of inmates and parolees, injuries on state property, medical malpractice, employment, child care and custody, auto accidents and maritime injuries. The division has an annual caseload of more than 300 claims and 450 lawsuits. The division resolves over 50 percent of its cases with a zero payout and uses early evaluation, early resolution processes and mediation to resolve appropriate claims and cases with disputed facts or law. The division's Complex Litigation Unit assists other divisions of the office with class actions, multi-party lawsuits, multi-claim lawsuits and lawsuits against elected officials. Torts attorneys also provide legal and risk management advice on torts matters to the state Office of Risk Management and other state agencies.

**Legal Highlights:** The Taylor Bridge litigation, involving hundreds of claims for property loss from a fire started while a Washington State Department of Transportation contractor was welding a bridge outside of Cle Elum, Washington, was settled in 2015, with a total payout of \$59 million. The state payout was \$10 million; \$49 million was paid by insurers for the contractor, sub-contractor, and the state.



*Office employees and their families play a game of volleyball at the 2015 AGO Summer Picnic.*

### Revenue

**Division Chief:** Cam Comfort, Senior AAG

**Overview:** The Revenue Division provides legal services to the Department of Revenue (DOR), which administers and collects the state's major excise taxes. The unit also provides legal services related to DOR's administration of the state's property tax system, valuation of operating property owned by public utilities and administration of the state's estate tax and unclaimed property laws. The Revenue Division plays an important role in implementing the historic 1997 tobacco litigation master settlement agreement.

**Legal Highlights:** The Revenue Division is handling a significant lawsuit filed in federal court by the Tulalip Tribes and the Consolidated Borough of Quil Ceda Village challenging the State's authority to collect various state and local taxes for sales of goods and services at Quil Ceda Village, a federal enclave located on the Tulalip reservation. The United States Department of Justice has intervened in the federal lawsuit on behalf of the Tulalip Tribe.

### Bankruptcy & Collections

**Division Chief:** Cam Comfort, Senior AAG

**Overview:** The Bankruptcy and Collections Unit (BCU) of the Revenue Division encourages compliance with the state's tax laws by supporting the efforts of state agencies to aggressively pursue money owed to the State. The unit litigates bankruptcy cases under chapter 11 and chapter 13 of the Federal Bankruptcy Code and fights to ensure the State's priority in any recovered claims. The unit also handles a significant number of collection actions against the bonds of contractors who are delinquent in tax payments. Client advice is provided on a daily basis to revenue agents as they work to collect unpaid taxes.

**Legal Highlights:** The division collected a total of \$4,590,093.40 for its clients during the past year. To collect this amount, the division opened 396 cases to proceed against contractors' bonds for nonpayment of taxes, recovered \$1,947,045.34 and opened 210 bankruptcy cases under Chapters 11 and 13. The division also recovered \$1,370,033.68 for the tax agencies. In addition, the BCU was a party to 196 other legal cases which resulted in a recovery of \$1,263,014.38.



*New AGO attorneys participate in group activities at the 2015 Attorney General's Office Academy.*

## **SUPPORTING INFRASTRUCTURE Transportation and Public Construction**

**Division Chief:** Bryce Brown, Senior Counsel

**Overview:** The division represents and advises the Washington State Department of Transportation (WSDOT) as it designs, constructs, operates and maintains Washington's highway system and other multi-modal transportation operations, including ferries, buses and rail. The division's workload includes a mix of litigation and client advice on a wide range of issues, including condemnation, bid protests, construction claims, environmental litigation, regulatory compliance, hazardous waste claims and land use issues that arise from state construction projects and the operation of state facilities. Division attorneys also handle tort cases seeking recovery for property damage allegedly caused by floods, erosion and landslides.

**Legal Highlights:** The division continues to provide legal support to the multi-billion dollar efforts to replace the seismically-vulnerable Alaskan Way Viaduct and the SR 520 floating bridge. In addition, division attorneys assist WSDOT with novel issues related to the state's tolling program and public transportation.

## **Utilities & Transportation**

**Division Chief:** Sally Brown, Senior AAG

**Overview:** The division provides legal services to the Washington Utilities and Transportation Commission (UTC). The Commission regulates the rates, services and practices of a wide range of services, including: telecommunications (excluding wireless, Internet and cable companies), electricity and natural gas, solid waste collection, water, pipelines, railroad carriers and facilities, in-state household goods movers, private ferries and bus companies. Changing market conditions, technology, federal and state laws and consumer expectations make for an active policy and legal landscape.

**Legal Highlights:** The division's work focuses primarily on regulatory litigation, including rate cases, merger proceedings, and conservation and energy efficiency proceedings. In 2015 division advised and represented the UTC in energy rate cases brought by Puget Sound Energy, PacifiCorp, Avista Corporation, and Cascade Natural Gas. The Energy Independence Act features prominently in the Division's work.



Former Licensing & Administrative Law Division Chief Diane McDaniel celebrates her retirement with coworkers at the Olympia office.

## SUPPORTING GOVERNMENT Corrections

**Division Chief:** Tim Lang, Senior AAG

**Overview:** The Corrections Division advises and represents the Department of Corrections, the Indeterminate Sentence Review Board and the governor's Clemency and Pardons Board. The work of the division includes defending the lawfulness of criminal convictions and sentences, including death sentences, in habeas corpus, personal restraint and post-sentence review proceedings. The division also provides legal advice and defends the state in litigation concerning prison operations and other aspects of the state corrections system.

**Legal Highlights:** The Corrections Division litigated over 500 matters to resolution in 2015. Highlights included a unanimous U.S. Supreme Court decision denying habeas relief to a Spokane County bank robber (*Frost v. Glebe*); a Ninth Circuit decision rejecting a habeas corpus challenge by a Whatcom County man sentenced to death for brutally raping and murdering his step-daughter (*Elmore v. Sinclair*); and a continuing trend of high volume inmate Public Records Act cases.

## Government Operations

**Division Chief:** Cam Comfort Senior AAG

**Overview:** The Government Operations Division handles litigation and legal advice for more than 40 state agencies, boards and commissions and elected officials. The division's range of legal work is broad and complex, encompassing every aspect of state government operations. Examples include public pensions and deferred compensation, purchasing of goods and services, construction, real estate, state military, emergency preparedness response, investment of state trust funds, finance, budgeting and accounting, regulation of energy facilities, profit and nonprofit corporations, archives and grant money for recreation and conservation and constitutional issues relating to the Capitol Campus.

**Legal Highlights:** Division attorneys have provided legal advice and support on issues involving natural disasters in Washington, including the record wildfires in Washington during 2015 and on significant technology projects requiring procurement advice. The division also advised on directives regarding fair wage and sick leave in state contracts, questions surrounding voting rights cases out of Yakima, issues relating to oil trains traveling through Washington, real estate acquisitions and rental and electronic signatures.

## PROMOTING THE ECONOMY

### Government Compliance & Enforcement

**Division Chief:** Linda Dalton, Senior AAG

**Overview:** The division provides legal services to 19 state agencies, boards and commissions including two elected officials. Its clients protect citizens by regulating health care providers, insurers, liquor and marijuana establishments, gambling, ethics, campaign finance and financial institutions. The division advises on issues related to anti-discrimination laws, audit and whistleblower programs, and the insurance industry. The division also acts as the statutory Counsel for the Environment and provides Attorney General representation on state and local records committees.

**Legal Highlights:** The division's 23 attorneys and 17 professional staff handled nearly 650 litigation matters before state and federal trial and appellate courts as well as administrative tribunals. Additionally, the division provided client advice in such areas as contracting, open public meetings, public records, agency authority, legislation and rule-making. The year brought significant litigation and advice in the areas of recreational marijuana licensing, improper medical marijuana authorizations, unlicensed consumer lending, the Affordable Care Act and fantasy sports betting.

### Licensing & Administrative Law

**Division Chief:** Eric Peterson, Senior AAG

**Overview:** The division prosecutes administrative actions against individuals and businesses under the state's licensing and regulatory laws governing approximately 45 professions, businesses and occupations. It provides legal advice and representation to clients including: Departments of Licensing and Employment Security, Boards of Accountancy, Liquor and Cannabis, Executive Ethics, Pollution Control Hearings, Shorelines Hearings and Growth Management Hearings. Other clients include the Lottery, Judicial Conduct and Columbia River Gorge Commissions, the Environmental and Land Use Hearings Office and the Public Records Exemption Accountability (Sunshine) Committee.

**Legal Highlights:** Several division attorneys provided litigation and advice support to the Liquor and Cannabis Board regarding implementation of voter initiatives I-502 (state legalization of production and sale of marijuana) and I-1183 (privatization of liquor sales). The division also provided litigation and advice support to the Department of Licensing regarding implementation of I-594 (background checks for gun sales and transfers). Also, several division attorneys advised on State-Tribal marijuana agreements, a nationwide first, protecting health and safety and providing economic benefits.

### Labor and Industries

**Division Chief:** Steve Reinmuth, Senior AAG

**Overview:** The Labor and Industries Division represents and advises the Department of Labor & Industries regarding Washington's state-fund and self-insured workers' compensation programs; wage and hour requirements; industrial safety and health enforcement; contractor and building trades issues; and crime victim claims.

**Legal Highlights:** The division is responsible for a wide range of legal work that protects Washington workers, promotes public safety and supports the economy, including:

- Managing the \$14.9B industrial insurance trust accounts which provide workers' compensation benefits for 2.7 million eligible Washington workers and 174,000 Washington employers.
- Ensuring worker safety under the Washington Industrial Safety and Health Act.
- Regulating Washington's Wage Payment Act, Industrial Welfare Act and Prevailing Wage Laws.
- Enforcing public safety laws in the areas of electricity, contractor registration, plumbing, boilers, factory-assembled structures, elevators and amusement rides.

### Labor and Personnel

**Division Chief:** Shane Esquibel, Senior AAG

**Overview:** The division provides advice and representation in the specialized area of labor and employment law to nearly every Washington state agency, board, commission and institution of higher education. Attorneys have expertise in a variety of employment issues, including labor relations, wage and hour laws, disability and reasonable accommodation, employee misconduct and discipline and the prevention of discrimination and sexual harassment. The division provides legal representation in a variety of settings, including hearings before independent arbitrators, administrative personnel boards, labor commissions and state superior and appellate courts.



*Solicitor General Purcell presents on a panel at the 2015 AGO Attorney Conference in Lakewood.*

## Solicitor General's Office

Solicitor General: Noah Purcell

**Overview:** The Solicitor General's Division oversees the state's participation in appellate cases before the U.S. and State Supreme Courts and other federal and state courts. Attorneys in this division also prepare and issue Attorney General Opinions in response to legal inquiries from state officials, coordinate legal advice on issues of statewide significance and manage the state's involvement with amicus curiae, or "Friend of the Court," briefs in all courts. The division carries out the Attorney General's duties in preparing ballot measure materials, and represents the state in litigation involving voter initiative and referendum. The division also serves as legal counsel to the Secretary of State, Lieutenant Governor, Administrative Office of the Courts and Office of Public Defense.

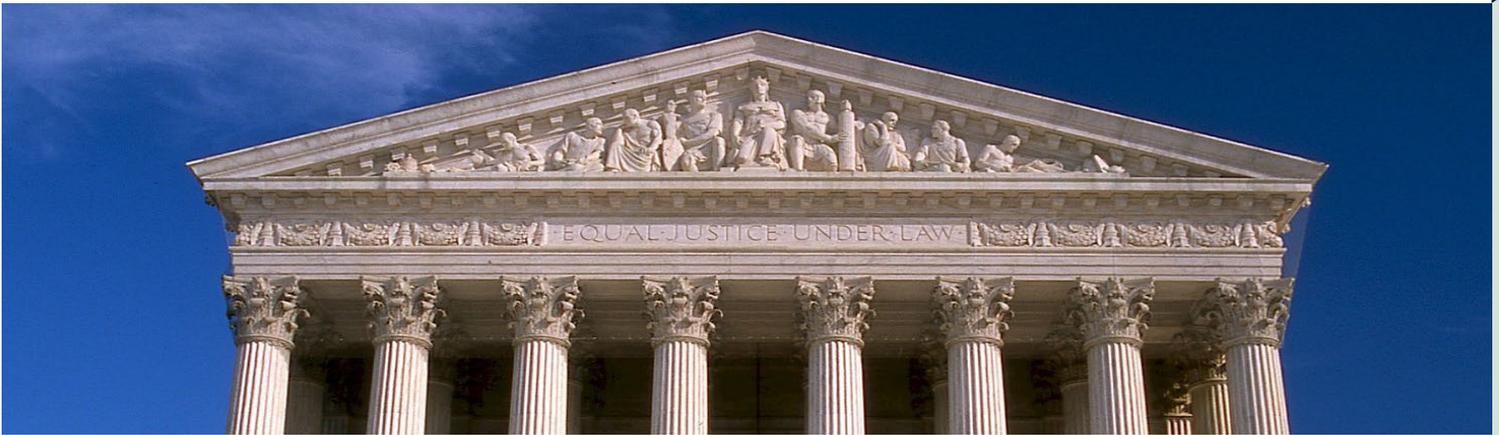
**Legal Highlights:** In 2015, the division worked with other divisions across the office to help the state secure important victories in many cases, including *Stormans, Inc. v. Wiesman*, a case in which the Ninth Circuit Court of Appeals upheld rules issued by the state Board of Pharmacy that help ensure that patients have timely access to medication. The division also worked with other divisions to defend the state in significant appellate matters, including cases involving whether the State has a treaty obligation to replace culverts under state roads, whether local governments in Washington must allow marijuana businesses, the Public Records Act, the right to a public trial and whether the state must evaluate the competency of criminal defendants within 7 days of a court order. The division also filed a number of amicus briefs in the U.S. Supreme Court, drafted over 150 ballot titles, coordinated roughly 125 moot courts, issued over a dozen opinions and defended several publicly-enacted initiatives against challenges.

## Opinions

The Attorney General's office issued seven formal AG Opinions in 2015. These opinions addressed legal questions involving:

- Authority of Forest Practices Board to adopt a moratorium due to potential slope instability
- Authority of counties to allow use of off-road and all-terrain vehicles on roads or highways
- Authority of second class cities to transfer surplus funds from utility accounts to current expense funds
- Accepting into custody a person who voluntarily surrenders on an arrest warrant
- Investment of certain scholarship funds in stocks of private companies
- Authority of counties to convert the Office of County Prosecuting Attorney from a partisan to nonpartisan position by charter
- Petition to establish a city library in a city that is within a rural library district





## Amicus Briefs

The Attorney General's Office weighs in on important cases where the state is not a party by filing amicus curiae, or "Friend of the Court" briefs, to advise the court of the State's views on the issues in the case. The following briefs are a few highlights from 2015.

### **Texas v. United States** United States Supreme Court

The office authored the brief, which was joined by the Attorneys General of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia and the District of Columbia, in support of President Barack Obama's 2014 executive actions on immigration reform.

The states argued that the lower courts erred in concluding that the immigration directives would harm states. Rather than presenting a burden, the President's executive actions enable working families to participate more fully in American society, earn a fair, legal wage and pay their fair share of taxes, which would benefit the states by raising revenue and reducing demand for social services.

### **Obergefell v. Hodges, Tanco v. Haslam, DeBoer v. Snyder, and Bourke v. Beshear** United States Supreme Court

In March of 2015 Attorney General Ferguson joined a coalition of states in filing an amicus brief with the U.S. Supreme Court arguing that the Constitution requires marriage equality nationwide. The brief argued that the continued refusal by some states to license or recognize marriages between gay and lesbian couples inflicts widespread harm on these couples and their families, including those living in Washington and other marriage equality states.

### **Cannabis Action Coalition v. City of Kent**

Washington Supreme Court

In May of 2015 the Washington Supreme Court agreed with an Attorney General's Office amicus brief that local jurisdictions have the right to regulate or ban collective gardens. The plaintiffs argued that while the state medical marijuana law preserves local authority to regulate collective gardens, it does not allow for complete bans and only applies to commercial activities. The court rejected these arguments.

### **Filo Foods, LLC v. City of SeaTac**

Washington Supreme Court

In August of 2015 the Washington Supreme Court relied in part on arguments made by the Attorney General's Office to issue a ruling that the City of SeaTac's \$15-an-hour minimum wage applies to workers at Seattle-Tacoma International Airport

Alaska Airlines, the Washington Restaurant Association, BF Foods and Filo Foods sued the City of SeaTac over the city's \$15-an-hour minimum wage ordinance, arguing it should not apply at Seattle-Tacoma International Airport. A King County Superior Court judge had ruled that the city doesn't have the authority to set a minimum wage at the airport because it is owned by the Port of Seattle. The decision was appealed to the state Supreme Court. The Attorney General's brief focused on an error in the lower court's opinion that none of the other parties in the case emphasized: the proper interpretation of Washington's Minimum Wage Act. The Supreme Court agreed with the Attorney General's interpretation.

# FOR THE **EMPLOYEE**

INVESTING IN OUR EMPLOYEES



*Social & Health Services AAG Zachary Brown speaks with Chief of Staff Mamie Marcuss and Torts AAG Patricia Todd at the 2015 AGO Attorney Conference.*

## **INVESTING IN OUR EMPLOYEES**

The Attorney General's Office strives to be an outstanding employer. Recognizing employees as its most valuable asset, the office is committed to promoting diversity, supporting employee training, fostering wellness, ensuring workplace safety and cultivating a culture of integrity, professionalism, civility and transparency.

## Training and CLE

AGO staff have access to a vast range of training and development opportunities across Washington. The office's Training and Development Unit supports and assists employees with individual training needs and interests and compliance with required trainings for all agency staff.

The Attorney Training Committee provides in-house CLE programs to enhance the knowledge and professional skill development of attorneys at all experience levels. Experts from both within and outside the agency are utilized to present interesting, varied, and practical programs focused on government law and topics of interest to public employees.

## AGO Academy

The AGO Academy is a comprehensive attorney training and orientation program designed to acquaint newly hired attorneys with the practice of law in our office. The three-day course covers case and witness preparation, client interaction, depositions, media relations, public records, professionalism, ethics and more.

The event features a presentation by Solicitor General Noah Purcell and a Core Leadership Team panel and Q&A.

**Chair:** Bill Frymire

## AGO Affinity Groups

The office adopted its first Affinity Group policy to foster employee career and professional development, support the AGO's commitment to diversity and inclusion and strengthen networking and cohesiveness across the agency. AGO Parent Mentors became the first group formed under the new policy, dedicated to making the AGO an even more supportive workplace for working parents. The group's goals are to pair mentors and mentees and provide a forum to discuss resources and topics that impact working parents, parents to be and allies.

## Better Workplace Committee

The Better Workplace Committee, staffed by 29 employees from a variety of positions and office locations, works to gather staff input and identify, research and develop ideas to improve the culture and environment of the AGO.

Committee members: Farah Ali, Andrea Baker, Lisa Cole, Anna Coleman, Cam Comfort, Melisa Dolby, Shane Esquibel, Cami Feek, Sarah Flory, Ingrid Golosman, Margaret Graves Esteve, Mary Harper, Sandra Hatcher, Nathan Kortokrax, Rochelle LaRose, Meghann McCann, Chris Reitz, Jane Rockwell, Shannon Sanders, Jackie Schafer, Jodi Soper, Donna Stambaugh, Chad Standifer, Marki Stebbins, Alex Syssoeva, Valerie Tucker, Erika Uhl, Michael Young.

## Professional Staff Mentoring Program

The office launched a new Professional Staff Mentoring Program in 2015. The program matches mentor/mentee partners from different divisions and job classifications across the agency based on each participant's interests and skills. The goal of the program is to develop and retain quality professional staff through growth and leadership opportunities, career guidance and advancement within the AGO workforce. Twelve mentor/mentee partners from across AGO divisions and classifications participated in the successful, six-month pilot program.



*AGO attorneys participate in a group activity during the 2015 AGO Academy.*

## Diversity

Promoting diversity is a core value and a priority of Attorney General Ferguson. As the largest public law office in the state, the office leadership recognizes that the people of Washington are best served by staff who reflect the great diversity of the state's population.

The office's Diversity Committee is dedicated to educating and training employees and managers on diversity issues and supporting the office's diversity recruitment and retention efforts.

The Diversity Events and Celebrations recognized in the office included:

- Black History Month
- Religious Freedom Month
- Women's History Month
- Asian-American Heritage Month
- Middle Eastern Heritage Month
- Juneteenth Celebration
- LGBT Youth in Thurston County
- Civil Rights Month
- Poverty Awareness
- Hispanic Heritage Month
- Refugee Awareness
- Voting Rights
- Civil Rights
- Domestic Violence Awareness
- Disability Employment Awareness
- Veterans Day and National POW/MIA Recognition Day
- Native American History Month
- Human Rights Month

**Committee Co-chairs:** Chalia Stallings-Ala'ilima and Susan DanPullo



*Legal Assistants Grace Summers and Vanessa Masco participate in a Diversity Committee presentation on Filipino culture.*

## AGO Historical Committee

Attorney General Ferguson convened the office's Historical Committee to explore and document the rich history of the Washington State Attorney General's Office. The committee is conducting comprehensive research and documentation on the history of the office.

### Historical Highlight: AAG Lucile Lomen



Lucile Lomen (1920-1996) was the first woman to serve as a U.S. Supreme Court clerk. In 1944, Justice William O. Douglas said he would consider a woman clerk if she was "absolutely first rate." Lomen,

who graduated in the top of her class at the University of Washington Law School, fit the bill. She logged 16 hour days at the Supreme Court and slept a few hours each night at the YWCA. When Lomen returned to Washington, Attorney General Smith Troy offered her a job. Although he once swore he would never hire a woman attorney, Lomen's credentials convinced him otherwise. She was told by another male attorney, "I don't know anything about you, but you must be good." Lomen served as an assistant attorney general from 1945-1948 handling appellate work. The Supreme Court did not hire another female clerk until 1966.



*Attorney General Bob Ferguson discussing the history of the office with former U.S. Senator Slade Gorton. Gorton served as the 14th Attorney General of Washington.*

## AWARDS AND ACHIEVEMENTS

### 2015 American Indian Law Deskbook

Assistant Attorney General (AAG) Jacqueline Schafer was a contributing author for the chapter on tribal sovereign immunity in the 2015 Conference of Western Attorneys General (CWAG) American Indian Law Deskbook.

### Volunteering & Community Service

Bellingham AAG Rob Olson was recognized by Western Washington University with a Volunteer Award for establishing an endowed scholarship for the students of the Technology Center and making a 10-year commitment to help fund scholarship support for the Law, Diversity and Justice program.

Heather Welch, Torts employment team attorney, serves on the Board of the Thurston County Volunteer Legal Clinic.

Mike Nicefaro, Seattle Torts Section Chief, serves as the Board Advisor to the Washington Defense Trial Lawyers Association.

Grace O'Connor serves as the Secretary for the Board of the Thurston County Volunteer Legal Clinic.

### WSBA Volunteers

- Senior Counsel Anne Hall, Judicial Recommendation Committee
- AAG Tsering Cornell, WSBA Diversity Committee
- AAG Dawn Cortez, WSBA Pro Bono and Public Service Committee Member
- AAG Nam Nguyen, WSBA Washington Young Lawyers Committee, Young Lawyer Liaison to Juvenile Law Section
- AAG Tsering Cornell, Attorney General's Diversity Advisory Committee representative to the Asian Bar Association
- AAG Chris Lanese, employment team leader for Torts, WSBA Committee on Professional Ethics
- Torts Division Chief Pam Anderson, WSBA Character and Fitness Board
- Ameer Tilger, WSBA Character and Fitness Board



*Deputy Attorney General Rob Costello is presented with the WSBA Angelo Petrus Award.*

### WSBA Angelo Petrus Award

Deputy Attorney General Rob Costello received the 2015 Angelo Petrus Award from the Washington State Bar Association. Named in honor of Angelo Petrus, a senior assistant attorney general, the Angelo Petrus award is given to a lawyer in government service who has made a significant contribution to the legal profession, the justice system and the public.

### ABA Reunification Hero Award

AAG Amanda Beard, of the Everett division, was recognized by the American Bar Association as a Reunification Month Hero for her dedicated work on behalf of dependent children. This award recognizes heroes for demonstrating compassion and perseverance, despite the challenges, to keep families together.

### United States Attorneys Offices Director's Award Nomination

Senior Investigative Analyst Tim Scott was nominated for the United States Attorneys Offices Director's Award for his service investigating the Extendicare multi-state nursing home matter resulting in a \$38 million national health care fraud recovery.

### Leadership in Multi-State & Global Cases

Senior Investigative Analyst Sonja Winkleman was recognized by the National Association of Medicaid Fraud Control Unit's Data Analyst Subcommittee for her outstanding work in multi-state and global cases. She was selected as a scholarship recipient to the Team Leader/DASC Symposium in Philadelphia, PA in October 2015.

## INSIDE THE AGO

### Steward of Justice Awards

The Steward of Justice Awards recognize office attorneys who further the cause of justice through exceptional legal work and extraordinary contributions to the people of Washington. Two employees received the Steward of Justice Award in 2015.

**Dave Stolier:** Senior Assistant Attorney General Dave Stolier was honored for more than 23 of years extraordinary service. As chief of the Education Division, he has been involved in some of the most high profile and important legal issues facing the state. He served as one of the lead counsel on *McCleary, et al. v. State of Washington*, the state Supreme Court case addressing the Legislature's efforts and constitutional duty to make ample provisions for the education of Washington children. He serves on the legal team defending I-1240, the voter approved initiative to allow the creation of charter schools in Washington. He also works closely with representatives of the state Legislature on education issues. He is highly regarded by the office, his clients and the people of Washington, and is an inspiring leader, mentor, trainer and advisor to his legal colleagues and particularly to new attorneys.

**Frona Woods:** Senior Counsel Frona Woods was honored for more than 26 years of service excellence. She is a highly skilled lawyer and negotiator whose work has improved the quality of life for all Washingtonians. Much of her career has been focused on Indian law, and natural resource and environmental issues. Her exemplary work in representing the state's interests in the landmark cases of *United States v. Washington* and *United States v. Oregon* mark important chapters in state history. She helped negotiate several important long-term fisheries management agreements with Indian tribes and zealously represented the state's interest in the numerous subproceedings that make up *United States v. Washington* (the culverts case). She received national recognition for her article published in the Oregon Historical Quarterly, "Who's in Charge of Fishing?" and has spoken extensively on Indian Law issues in classrooms, CLE's and other forums.

### William V. Tanner Award

The William V. Tanner Award recognizes attorneys with exceptional achievements early in their careers. Attorney General Ferguson established the award in honor of the youngest Attorney General in state history. In 2015, he selected eight young attorneys to receive the award.

2015 Tanner Awards: Colleen Melody, Sarah Kortokrax, Nick Williamson, Chalia Stallings-Ala'ilima, Leah Harris, Amber Leaders, Tsering Cornell, Carissa Greenberg



### Senior Counsel & Senior Professional Staff Designations

Thirteen employees received senior staff designations from Attorney General Ferguson. Recipients of the special designation have at least 10 years of service to the agency, outstanding job performance and a demonstrated commitment to the mission and values of the Attorney General's Office.

The 2015 designees were:

Senior Counsel: Mary Ward, Michael Collins, Lilia Lopez, Melissa Nelson, Peter Helmberger and Jennifer Meyer.

Senior Professional Staff: Pat Prosser, Dawn Perala, Cheryl Chafin, Sue Judge, Cindy Tilley, Karen Burke



## AGO Excellence Awards

Each year, employees throughout the Attorney General's Office are honored for their outstanding job performance, extraordinary contributions to the office and ethical excellence.

### Assistant Attorneys General

- Garth Ahearn
- Brian Buchholz
- Heather Carter
- Colin Caywood
- Alan Copsey
- Jennie Cowan
- Allison Croft
- Candie Dibble
- Katy Dixon
- Scott Douglas
- Tim Feulner
- Patti Foster
- Elliott Furst
- Lisa Gafken
- Joanna Giles
- Peter Gonick
- Lionel Greaves
- Michael Griesedieck
- Michael Grossman
- Heidi Irvin
- Paul James
- John Jaquish
- Matthew Kernutt
- Matthew King
- Robin McPherson
- Scott Middleton
- Aileen Miller
- James Mills
- Aaron Orheim
- Kelly Owings
- Joe Panesko
- Valerie Petrie
- Sarah Sappington
- John Samson
- Leslie Seffern
- Deborah Severson
- Brett Shearer
- Adrienne Smith
- Karl Smith
- Brandon Stallings
- Jonathan Thompson
- Linh Tran
- Cassie vanRoojen
- Emily Yates
- Gregory Ziser

### Legal Office Assistants

- Barb Determan
- Sherry Ross
- Eldon Wiltsey

### Professional Staff

- Bradley Furer
- Melanie Nevares
- Erick Carlson
- Brendan VanderVelde
- Marvin Skeen
- Leigh Swanson
- Raelynn Poulin
- Kim Warren
- Jason Brewer
- Randy Jones
- Linda Nakamura
- Melisa Dolby
- Rochelle LaRose
- Kim Siebs

### Legal Assistants

- Ina Bensen
- Tracy Lane-Patton
- Tera Linford
- Holly Morris
- Conla Olson
- Wendy Scharber
- Grace Summers
- Kim Wilcox
- Patty Willoughby
- Beverly Cox
- Danni Egen
- Danielle French
- Shana Pacarro-Muller
- Dawn Walker
- Marilyn Whitfeldt
- Michelle Williams

### Paralegals

- Meghan Ingersoll
- Stephanie Dermont
- Laura Graham
- Jennifer Singleton
- Keely Tafoya
- Jason Wear
- Connie White
- Laura Wilkinson
- Jennah Williams



# OFFICE LEADERSHIP



David Horn  
Chief Deputy



Mark Melroy  
Chief Financial Officer



Rob Costello  
Deputy Attorney General



Noah Purcell  
Solicitor General



Kate Kelly  
Policy Director



Erika Uhl  
Deputy Attorney General



Peter Lavalley  
Director of Communications



Mamie Marcuss  
Chief of Staff



Mike Webb  
Legislative Director



Paige Dietrich  
Deputy Attorney General



Darwin Roberts  
Deputy Attorney General



Cami Feek  
Director of Operations



Christina Beusch  
Deputy Attorney General



# FOR THE EMPLOYEE

## ADMINISTRATIVE DIVISIONS



*Attorney General Ferguson joins the Public Records & Constituent Services team to celebrate Susan Green's retirement.*

### Public Records and Constituent Services

**Division Chief:** LaDona Jensen, Director

**Overview:** The Public Records and Constituent Services Unit processes and responds to all public records requests made to the AGO, reviews and distributes constituent mail, as well as all garnishments served by statute on the office, guides state agency payroll staff through wage withholding procedures and assists with the process of assigning cases.

### Facilities and Office Services

**Division Chief:** Cami Feek, Director of Operations

**Overview:** Facility Services oversees the management of the office's facility needs as well as archiving, surplus property and vehicles. The division develops and implements the agency's six-year facility plan and provides comprehensive document services.

### Information Services

**Division Chief:** Rick Griffith,  
Chief Information Officer

**Overview:** The Information Services Division manages the delivery of all office computer and telephone network infrastructures and the operation of all network hardware and software platforms. The division ensures data security and disaster recovery for the office's voice and data systems. The division ensures compliance with state governance policies and standards to ensure that all electronic services delivered function properly and securely.

### Financial Services

**Division Chief:** Mark Melroy,  
Chief Financial Officer

**Overview:** The Financial Services Division provides accountability for the office's financial and budgetary accounting practices. The division ensures that the integrity and transmission of financial data are complete, accurate and timely for state and federal compliance.

### Human Resources

**Division Chief:** Pam Skinner,  
Human Resources Director

**Overview:** The Human Resources office provides comprehensive human resources-related programs and services to managers, employees and candidates for employment. The office's goal is to promote effective and efficient human resource management throughout the office by assisting managers in recruiting, developing and retaining a well-qualified and highly competent workforce.



**Public Affairs**

**Division Chief:** Peter Lavallee,  
Director of Communications

**Overview:** The Public Affairs Unit is responsible for the office’s internal and external communications. The unit communicates the work of the AGO through news releases, guest columns, audio and video, the AGO intranet, the external website, social media, blogs, presentations, newsletters and the annual report. The unit also provides AGO media training, staffs internal and external committees and task forces, and drafts and designs AGO publications for the public, internal audiences and the Legislature.

**Policy and Legislative Affairs**

**Division Chiefs:** Kate Kelly, Policy Director  
Mike Webb, Legislative Director

**Overview:** The Policy and Legislative team is responsible for supporting the Attorney General’s policy priorities through outreach, policy action and legislative work. The team coordinates with state lawmakers, supports AGO request legislation from inception to enactment into law and directs external relations.

**The Research Center**

**Division Chief:** Cindy Ardell, Library and Archival Professional

**Overview:** The AGO Research Center assists AGO staff with their reference and research needs. This includes library systems administration, completing and cataloging legislative history requests, providing training in specialized legal and nonlegal research areas and acquiring and cataloging research materials.

**General Services, Seattle**

**Division Chief:** Karen Cowan,  
Office Manager

**Overview:** The Seattle General Services Unit supports the Seattle office staff by managing its fleet and providing facility and office support, including copying, scanning, and preparation of trial exhibits and manuals, reception, centralized mail services and security access for the Seattle office. The unit maintains the Seattle law libraries and manages the agency’s Commute Trip Reduction Program.

**Office Locations**



**BELLINGHAM**  
103 E Holly St, #310  
Bellingham, WA 98225  
(360) 676-2037

**EVERETT**  
3501 Colby Ave, #200  
Everett, WA 98201  
(425) 257-2170

**KENNEWICK**  
8127 W Klamath Ct  
Kennewick, WA 99336  
(509) 734-7285

**OLYMPIA**  
1125 Washington St SE  
Olympia, WA 98504  
(360) 753-6200

**PORT ANGELES**  
115 E Railroad, #306  
Pt. Angeles, WA 98362  
(360) 457-2711

**PULLMAN**  
332 French Admin Bldg  
Pullman, WA 99164  
(509) 335-2636

**SEATTLE**  
800 Fifth Ave, #2000  
Seattle, WA 98104  
(206) 464-7744

**SPOKANE**  
1116 W Riverside Ave  
Spokane, WA 99201  
(509) 456-3123

**TACOMA**  
1250 Pacific Ave, #105  
Tacoma, WA 98401  
(253) 593-5243

**TUMWATER**  
7141 Cleanwater Ln SW  
Tumwater, WA 98504  
(360) 586-7777

**VANCOUVER**  
1220 Main St, #510  
Vancouver, WA 98660  
(360) 759-2100

**WENATCHEE**  
139 S. Worthen,  
Wenatchee, WA 98801  
(509) 664-6385

**YAKIMA**  
1433 Lakeside Ct, #102  
Yakima, WA 98902  
(509) 575-2468







Washington State Office of the Attorney General

**Bob Ferguson**



1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504  
360-753-6200  
[www.atg.wa.gov](http://www.atg.wa.gov)