

Annual Report

FY 2011

Washington State Office of
the Attorney General
Rob McKenna





Letter from the Attorney General

Dear Fellow Washingtonians,

I am proud to present the Attorney General's Office (AGO) annual report for Fiscal Year 2011.

Despite statewide budget challenges, our dedicated staff continued their work to support our client agencies; protect children, vulnerable adults, local communities, the environment, workers, and access to government; defend Washington's constitution, laws and initiatives; respond to the public; and request new legislation to protect consumers and save tax dollars.

We accomplish these crucial tasks by providing excellent legal services to our clients, consumer resources to the public and expert advice to the legislature and other policy makers. We also advance solid legislative proposals, communicate effectively with the public, and successfully fulfill our enforcement roles. This report summarizes the AGO's tireless effort to realize our vision to be the best law office in America and highlights some of our legal accomplishments from FY 2011.



It is my extreme pleasure to serve as Washington's Attorney General. I have the honor of leading a high-performing public office with dedicated, hard working employees committed to the people, clients and communities we serve.

Sincerely,

A handwritten signature in black ink that reads "Rob McKenna". The signature is written in a cursive, flowing style.

Attorney General



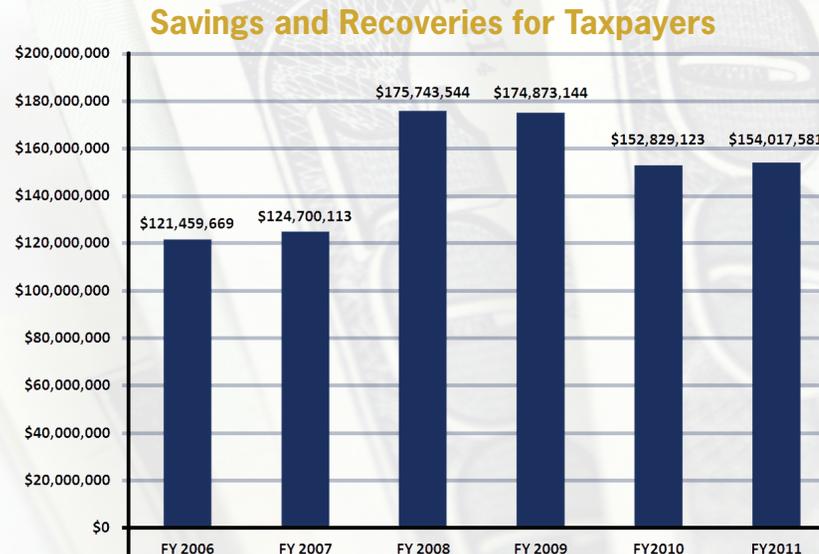
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Savings and Recoveries - Fiscal Year 2011*

In addition to serving the citizens of Washington by defending state law, educating and safeguarding consumers, improving public safety, conserving the environment, and protecting children from abuse and neglect, the Attorney General's Office saves or recovers millions of dollars each year for taxpayers and consumers. Here are some examples:

Antitrust	
Litigation Results.....	\$628,025
Cost and Fee Recoveries.....	\$155,108
Consumer Protection Recoveries	
Consumer Resource Center "Mediation" Results.....	\$4,217,963
Litigation Results.....	\$4,576,274
Cost and Fee Recoveries.....	\$2,410,805
Lemon Law Results.....	\$2,190,495
DSHS Financial Recoveries.....	\$1,157,449
Medicaid Fraud Control Unit	
Fines.....	\$14,764
Settlements and Recoveries.....	\$27,115,012
Bankruptcy & Collections.....	\$6,908,327
Tobacco Settlement Payments.....	\$104,643,359
TOTAL SAVED OR RECOVERED.....	\$154,017,581



* July 1, 2010 – June 30, 2011

Awards and Honors

Client Recognition

Assistant Attorney General Kristen Mitchell received an award from Washington State Department of Agriculture Director Dan Newhouse for her work on the Nutrient Management Program Rulemaking.

Program Manager's Award

Senior Counsel Ron Lavigne was recognized by the Department of Ecology's Water Quality Program with the 2010 Program Manager's Award for his role in helping Washington state preserve our clean water.

Fellowship

Assistant Attorney General Kelly Wood (*below, far right*) was selected as a 2011 Marshall Memorial Fellow. This fellowship provides a unique opportunity for emerging leaders from the US and Europe to explore institutions, politics and culture on the other side of the Atlantic.



WAGGY

The Attorney General's Office received the award for "Best Social Media" in the Conference of Western Attorneys General WAGGY Award competition for outstanding websites. This award is given to the Attorney General's Office that demonstrates innovative use of social media not only to inform the public of current news and events, but also to interact with citizens through these new and evolving venues.

Longevity Award

Senior Counsel Bill Attridge received the Ralph Munro Longevity Award given to employees who have been in state service for at least 40 years.

Fraud Fighter Award

The AGO's Consumer Protection Division received the American Association of Retired Persons' Fraud Fighter Award for relentless support of AARP's fraud fighting initiative.

Bar Board

Assistant Attorney General Kristi Carevich was chosen to serve on the board of the Washington State Bar Association's Environmental and Land Use Law Section.

Outstanding Campaign Team

The AGO's Combined Fund Drive Committee received the Outstanding Campaign Team Award from the Secretary of State's Office.



Office Initiatives

- 
- 8** Education
 - 10** Legislation
 - 12** Enforcement

Education

Preventative education helps decrease the number of people harmed by substance abuse, deceptive and unfair business practices, and fraud.

Check. Lock. Dispose.

Prescription painkillers — often stolen and abused — are helping fuel an overdose epidemic in Washington state. Drug overdoses now kill more Washington residents than car accidents. Because of this epidemic, the Drug Enforcement Administration (DEA) and other government, community, public health, and law enforcement partners are working together to help the public safely dispose of expired or unused medications.

On September 25, 2010, and April 30, 2011, Attorney General McKenna and other AGO staff were on hand at several take-back locations in communities throughout the state in order to promote the safe disposal and storage of prescription drugs. They urged consumers to check, lock and properly dispose of prescription drugs throughout the year.

Between the two events, 8.8 tons of prescription drugs were collected and properly disposed of in Washington state.

iPrevention: Imagining the Possibilities

Hundreds of prevention and treatment professionals, educators, youth, and volunteers from around the state gathered at the Washington State Prevention Summit in October 2010 in Yakima to hear the latest information about substance abuse and other destructive behaviors. They also learned how to create long-term, healthy changes in their families and communities and prevent these problems in their schools and communities by providing culturally appropriate programs and campaigns.

The AGO provided a \$100,000 grant from a prescription drug settlement to underwrite a youth track and provide scholarships to the summit. The office also granted \$100,000 for the 2011 Spring Youth Forum where youth prevention teams convened to showcase their school- and community-based prevention projects with one another.



Training Mexican Prosecutors & Investigators

With crime overwhelming Mexican police and prosecutors, attorneys general in the U.S. stepped forward to help their colleagues from south of the border.

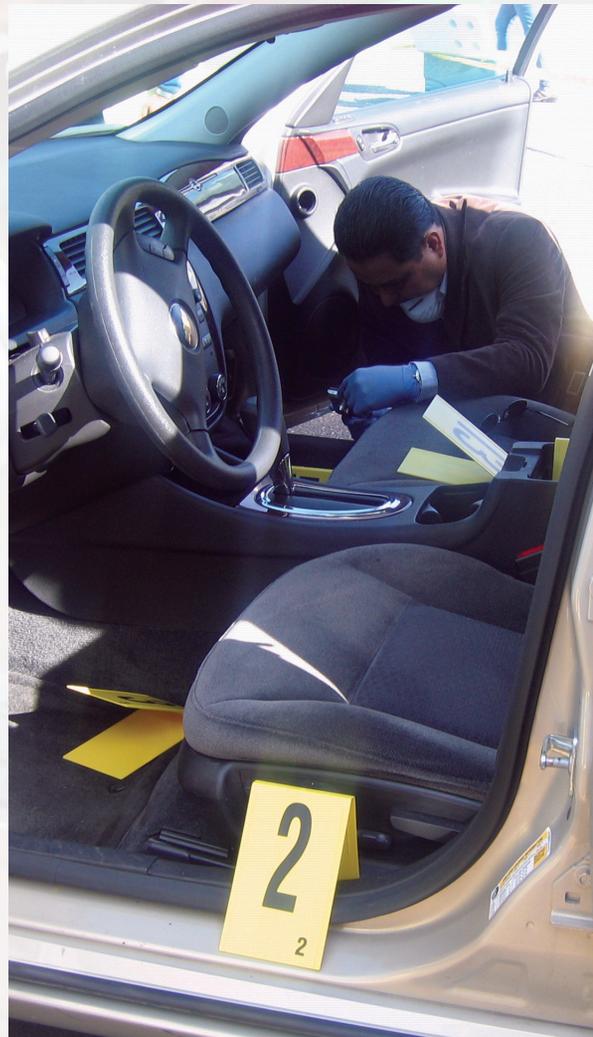
In October 2010, the Washington State Attorney General's Office once again hosted criminal investigators from Mexican state attorneys general offices for a week-long training session. Mexican prosecutors and investigators received hands-on experience in the latest evidence collection and processing techniques and were drilled in handling courtroom testimony and cross-examining witnesses. They also learned about handling assault, rape, and kidnapping investigations.

The training event was jointly sponsored by the National Conference of the Attorneys General of Mexico, the Alliance Partnership and The Conference of Western Attorneys General.

Consumer Protection

In FY 2011, the Consumer Protection Division:

- fielded 35,657 consumer phone calls
- responded to 2,650 written inquiries
- mediated 21,756 complaints
- distributed 2,088 brochures



Legislation

During the 2011 legislative session, the Legislature approved four bills requested by the Attorney General, saving taxpayer dollars and protecting consumers.

CORRECTIONS SAVINGS

Eliminating Public Records Act Penalty Awards for Inmates

Roughly two-thirds of all Public Records Act (PRA) litigation against the state involves inmates (65 of 105 open cases). The financial burden of defending these lawsuits is significant and falls on taxpayers. The PRA requires the award of penalties of \$5-\$100 per day to requestors who prevail in actions seeking access to public records. The prospect of these awards is a strong incentive for incarcerated criminals to submit strategic requests intended to force a mistake. Then inmates claim denial of records and sue for penalties.

- The AGO Corrections Division has seen a substantial increase in the volume of inmate PRA litigation over the last several years, previously averaging 10 to 15 new cases per year and now handling 40 to 50.
- One inmate alone has 11 PRA lawsuits currently pending against the state (nine in superior court and two on appeal), and has submitted 161 records requests to the Department of Corrections since April 2008.
- Another inmate also has brought 11 PRA lawsuits against the state, and has submitted 124 records requests to DOC, requiring more than 1,400 staff hours to respond. That's 35 40-hour work weeks for one employee.
- This misuse of the PRA by incarcerated felons diverts taxpayer resources away from more important functions of state government.
- Inmate public records litigation also drives costs to the court system associated with resolving these claims, and to agencies in staff resources spent responding to records requests submitted for illegitimate purposes.

SB 5025 removes the financial incentive that drives inmates to abuse the PRA but preserves their ability to access public records and obtain counsel for meritorious requests and claims. An inmate who prevails in an action under the PRA would be entitled to the records at issue, and to recover attorney's fees and costs. But the court would not be authorized to award "per diem" penalties. In this way, the proposal removes a powerful incentive for costly abuses of the system – penalty awards – while continuing to provide inmate access to public records.

Three Strikes for Frivolous Inmate Litigation

Washington law also allows litigants to proceed at public expense when payment of court fees would be a financial hardship. In fact, most inmates who file lawsuits against the state do so at public expense. This includes those who have "struck out" under the Federal Prison Litigation Reform Act (PLRA) for filing three or more frivolous or malicious actions in federal court. Under the PLRA, when an inmate has three strikes, he cannot file another lawsuit in federal court at public expense unless he is in imminent danger of serious physical harm. But because Washington does not have a state version of the PLRA, inmates barred from filing in federal court for repeatedly filing frivolous claims are free to continue their abusive litigation in state courts, at public expense.

The Attorney General's Office is currently defending against 48 active cases brought by offenders who have "struck out" under the three-strike provision of the PLRA. Of those, 30 active cases originate from two offenders. Since January 1, 2009, these two offenders have brought 44 legal actions where they seek and are almost always granted a filing fee waiver.



HB 1037 restricts inmates from filing suit in state court at public expense if they previously brought three or more cases determined by a court to be frivolous. This “three strike” provision would not prevent inmates from bringing claims at their own expense, or proceeding at public expense if they are at imminent risk of serious physical harm.

CONSUMER PROTECTION

Unauthorized Practice of Law Affecting Immigrants

The creation of the “immigration assistant” status under Washington’s Immigration Assistant Practices Act inadvertently opened the doors to the unauthorized practice of law. Changes were needed to protect immigrants from missing opportunities to achieve legal status because of erroneous legal advice.

SB 5023 amends RCW 19.154 to eliminate the “immigration assistant” designation and the requirement to file with the Secretary of State’s Office. The bill substitutes new language that clarifies that individuals who provide immigration-related services may not provide legal assistance. The bill also expressly prohibits specific, common practices that constitute the practice of law under established definitions.



Under the bill, persons licensed as notaries public are prohibited from engaging in deceptive advertising and must refrain from advertising legal services if they are not licensed to practice law. This does not affect individuals who are otherwise authorized to provide immigration services under federal law, such as nonprofit and charitable organizations accredited by the Board of Immigration Appeals, and individuals providing services with approval from the Department of Homeland Security and without the expectation of compensation.

Mail Theft

Stolen mail is often a thief’s first step to worse crimes, including financial fraud and identity theft. For law enforcement in our state to continue to combat this epidemic, they need laws that treat mail theft as the serious offense it has become.

Mail theft is a key source of financial, medical and other personal information for identity thieves. In the last year, U.S. Postal Inspectors have arrested more than 6,000 mail theft suspects nationwide. However, the problem continues to grow. Washington laws do not distinguish between mail theft and other misdemeanor thefts.

HB 1145 defines mail theft and possession of stolen mail as Class C felonies.



WORKERS’ COMPENSATION REFORM

In addition to AG request bills, staff from the office’s Labor and Industries Division worked closely with the Department of Labor and Industries to develop statutory language to make significant changes to the state’s workers’ compensation system.

Enforcement

At any given time, the Attorney General's Office handles between 27,000 and 30,000 cases. In some of those cases the AGO defends state agencies, laws, initiatives, or Washington's constitution. In others, the office brings enforcement action against people, companies, agencies, or other entities that violate the law and put our communities, natural resources and tax dollars at risk.

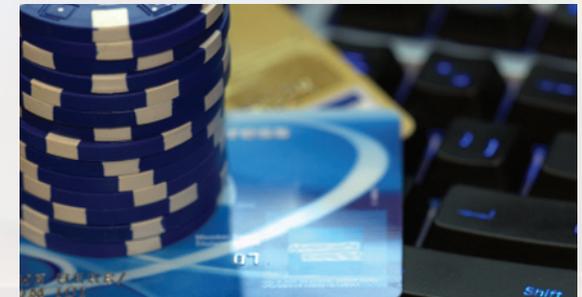
"Pick-a-Payment" Mortgage

At the conclusion of a multistate investigation into the mortgage lending practices of Wachovia Corporation, the AGO's Consumer Protection Division entered into a settlement with Wells Fargo Bank, which had purchased Wachovia's loan portfolio. The AGO's investigation and settlement focused on Wachovia's "Pick-a-Payment" mortgage loans. The loan terms made it difficult for homeowners to repay their mortgages. As a result of the AGO's action, at least 400 Washington borrowers were made eligible for loan modifications that will provide more than \$29 million in mortgage relief, as well as an additional \$1.6 million to prevent and mitigate mortgage or loan modification fraud. Wells Fargo also paid the AGO \$200,000 to cover its investigative costs.

Bookmaking

The Government Compliance & Enforcement Division defended the Washington State Gambling Commission in a lawsuit brought by Betcha.com, seeking a declaration that its operations did not violate the Gambling Act because bettors accessing the site were told that they were under no legally enforceable obligation to pay their losing wagers.

In September 2010, the Washington State Supreme Court issued a 9-0 decision, reversing a contrary Court of Appeals ruling, and held that Betcha.com's activities were unlawful under the act because the site illegally engaged in "bookmaking" and the unlawful transmission of "gambling information" over the Internet.



Medicaid Fraud

Last year, the Medicaid Fraud Control Unit helped recover more than \$26 million in settlement funds for the state of Washington. In addition to settlements with pharmaceutical companies, the unit also prosecuted those who filed false claims for Medicaid funds. In one such case, a woman billed Medicaid for hours and services not provided to an elderly man with cerebral palsy, with whom she had contracted to provide services. She fraudulently received more than \$60,000 from the state of Washington Medicaid program. She also pled guilty to fraudulently writing and cashing more than \$12,000 in personal checks from the same man's bank account. She was sentenced to serve 14 months in prison and to pay \$72,000 in restitution.

In another case, the unit prosecuted a care provider who received Medicaid payments when she was disqualified from being a provider because she married her employer, the Medicaid recipient. She failed to report the information and assisted her husband in submitting false documentation that concealed the marriage, receiving \$29,604 in Medicaid monies. Medicaid provides funds for medical care for the poor, elderly, and disabled and is not designed to provide employment for one's spouse. She was found guilty of one count of First Degree Theft and 20 counts of Medicaid False Statement.

Price Fixing

The Antitrust Division filed a lawsuit accusing the makers of Samsung, Toshiba, Sharp and five other brands of liquid crystal display (LCD) screens of fixing prices. Several of the companies and their executives have pled guilty to federal criminal charges brought by the U.S. Department of Justice. The suit alleged that from 1998 to 2006, company leaders regularly met in secret to agree on prices, engage in bid rigging, and limit their production, and then further agreed to conceal the existence of their illegal conduct.



GLOBAL MEDICAID FRAUD CASES

<u>CASE NAME</u>	<u>RECOVERIES</u>
Alpharma Pharmaceuticals.....	\$205,126
Orphan Medical/Jazz Pharmaceuticals.....	\$5,195
InterMune, Inc.....	\$190,464
Cochlear Americas.....	\$12,252
Astra Zeneca.....	\$9,743,158
Novartis TOBI.....	\$1,093,247
Novartis (Trileptal).....	\$3,147,842
GlaxoSmithKline (Cidra).....	\$6,366,387
Johnson & Johnson aka Ortho-McNeil-Jansen.....	\$1,148,590
Allergan, Inc.....	\$583,767
Forest Labs & Forest Pharmaceuticals.....	\$3,232,496
KOS Pharmaceuticals, Inc.....	\$163,696
Conrad/Schwarz (Hyoscyamine).....	\$236,133
EMD Serono Inc.....	\$571,897

TOTAL **\$26,700,250**



Legal Highlights

- 
- 16** Safeguarding Consumers
 - 17** Saving Money for Taxpayers
 - 18** Protecting the Public
 - 19** Guarding the Environment

Safeguarding Consumers

Deceptive Sales Practices

The Consumer Protection Division sued Intelius, Inc. for engaging in deceptive mid-transaction marketing practices that caused consumers to enroll in membership programs without their knowledge. The division reached a settlement and obtained an order imposing injunctions on Intelius and requiring the company to pay \$1.3 million. After consumers received refunds and the AGO recovered its costs and fees, the remaining \$772,000 went to the state treasury.

In another case, the Consumer Protection Division sued DirecTV for deceptive sales practices after receiving more complaints about DirecTV than any other business in recent years. DirecTV did not disclose important terms and limitations about its offers for satellite television, including how much the service ultimately would cost and whether there were early termination fees. DirecTV settled the claims by agreeing to change its business practice, refund consumers, and reimburse the AGO \$1 million for the costs of bringing the action.

Energy Customers

The Utilities & Transportation Division represented the Utilities & Transportation Commission (UTC) in a case against Avista. Avista was penalized more than \$60,000 for 621 violations of state consumer protection rules for improperly handling customer accounts, including many low-income customers, which were disconnected from service for nonpayment.

The division also handled a case against Puget Sound Energy (PSE) case alleging PSE provided customers inaccurate or misleading information regarding how much they must pay in order to reconnect their electric or natural gas services. PSE was fined \$104,300 for 1,043 violations of state consumer protection rules, 965 of which were related to the disconnection of accounts.

Debt Collection

The Consumer Protection Division entered into an agreement with representatives of a trust collecting debt on behalf of Hollywood Video. The Hollywood Video Trust hired debt collection

agencies that reported accounts to credit reporting agencies without making any effort to notify consumers of the delinquent debt. Many consumers also contended they did not owe any money to Hollywood Video. As part of the negotiated agreement the Hollywood Video Trust agreed to withdraw all negative credit reports and mediate any contested debts.

Predatory Lending

The Government, Compliance & Enforcement Division, on behalf of the Department of Financial Institutions (DFI), charged Countrywide Home Loans, Inc. with violating the Consumer Loan Act (CLA) by providing borrowers of certain ethnic or racial groups with less favorable loan products than other similarly situated borrowers, misleading borrowers, failing to make proper disclosures to borrowers, and underpaying annual assessments due to DFI. Although it held a license under the CLA, Countrywide contested the applicability of the CLA to the transactions at issue. In December 2010, the case was settled by entry of a Consent Agreement, under which Countrywide agreed to pay a total of \$650,000 to 123 borrowers.

Legal Highlights



Saving Money for Taxpayers

Energy Rates

The Public Counsel Unit advocates for utilities customers in rate making cases before the Utilities and Transportation Commission. Public Counsel, commission staff and other parties negotiated a settlement that cut Avista's original \$25 million electric rate request by nearly half. Avista also agreed to an audit of its accounting and conservation program practices.

PacifiCorp had requested a rate increase of more than 20 percent. Public Counsel, commission staff and other parties presented evidence that reduced the increase to less than 11 percent. Public Counsel also successfully opposed a proposal from PacifiCorp to require residential customers to pay a higher proportion of the rate increase compared to commercial and industrial customers. Public Counsel also blocked an increase to the flat monthly basic charge paid by customers regardless of usage. In addition, approximately \$4.8 million in renewable energy credit income earned by PacifiCorp was refunded to customers.



Foreign Exchange Pricing

In a case handled by the Government Operations Division, the state discovered losses due to foreign exchange pricing by State Street Bank, the Washington State Investment Board's former custody bank. A letter to State Street Bank demanded \$11.7 million, an estimate of the losses, accompanied by a complaint that would be filed if no payment was received by a certain date. State Street settled with the state for the full amount demanded.



B&O Tax

The Revenue Division handled a case concerning the application of business and occupation (B&O) tax to a taxpayer that provides services to its customers in part through independent contractors. The taxpayer in this instance was a medical imaging business that contracted with a professional service corporation to obtain radiological interpretations necessary for the medical imaging business to provide written reports to its patients and their referring physicians. The State Supreme Court issued a unanimous decision holding that a medical imaging business may not exclude from its taxable gross income amounts it pays to independent contractor radiologists to interpret the medical images. The court concluded all the money the taxpayer received from patients and insurance companies constituted taxpayer's gross income that was subject to B&O tax. This decision reaffirms the long-standing principle that a taxpayer may not avoid B&O taxes by providing services through an independent contractor instead of an employee.

Contractor Bonds

Contractors who do business in Washington must obtain a surety bond or open an assigned savings account to protect the homeowner. The state tax agencies can collect unpaid taxes against a portion of this bond by filing a lawsuit against the surety company or the contractor's bank account. The Bankruptcy & Collections Unit opened 600 contractor bond files during FY11 and recovered more than \$2.4 million.

Protecting the Public

Protecting Children

Assistant Attorneys General in 11 different offices around the state work with the Department of Social and Health Services to protect children from abuse and neglect. These cases have a profound impact on children and their families, as well as the community at large. Through dependency actions, AAGs seek court oversight in the form of supervision and often out-of-home placement for children who were abused, neglected or seriously endangered by their parents. If children eventually cannot be returned home to a safe environment, or another permanent option such as a guardianship is not available, AAGs pursue termination actions to help ensure that these children may be adopted.

In FY11, more than 4,400 children were involved in new dependency matters and over 1,700 were involved in new termination matters opened by the AGO. AAGs continue to look for ways to increase efficiencies and ensure each child's case is handled in a timely fashion.

Health & Safety Laws

The Fish, Wildlife & Parks Division defended the Department of Fish and Wildlife's authority to enforce certain health and safety laws against tribal members on the former North Half of the Colville Reservation. The parties submitted cross motions for summary judgment on the issue of what legal standard governs when the state may enforce its general health and safety laws against tribal members who are exercising federally protected hunting rights while off the reservation. The court ruled that the state may enforce nondiscriminatory laws that are reasonable and necessary to prevent a public safety threat, when application to the Tribe is necessary in the interest of public safety.

Pipeline Safety

The Utilities & Transportation Division, on behalf of the Utilities & Transportation Commission, handled two complaint cases related to gas pipeline safety. The first was against Avista for actions that resulted in a natural gas explosion and fire that destroyed part of an Odessa home and injured two people. Avista agreed to pay a

\$200,000 penalty and take specific actions to ensure the utility's gas pipeline system is safe and in compliance with commission regulations.

In the other case, Cascade Natural Gas agreed to pay a \$425,000 penalty for more than 364 pipeline safety violations.

Death Penalty

In 1993, Cal Colburn Brown was convicted and sentenced to death for the kidnapping, rape, torture, and murder of Holly Washa. From 2001 to 2009, after Brown exhausted his state court appeal rights, attorneys from the Corrections Division of the Attorney General's Office defended the validity of Brown's judgment and death sentence in federal habeas corpus proceedings. Those proceedings ended with argument before and a favorable decision from the U.S. Supreme Court.

After termination of the habeas proceedings, corrections attorneys defended the state against Brown's repeated challenges to the authority of the state to carry out his death sentence. This litigation lasted nearly two years. After the U.S. Supreme Court denied stays of execution in the last two challenges, Brown was executed by lethal injection in September 2010.

Legal Highlights





Guarding the Environment

Derelict Vessels

Under the Derelict Vessel Act, authorized public entities have discretion to remove and dispose of derelict vessels. The vessel owner is obligated to reimburse all reasonable and auditable costs associated with the removal and disposal. If the owner does not pay the removal costs, the Department of Natural Resources (DNR) is authorized to seek recovery. In actions brought by the AGO's Natural Resources Division to recover costs, DNR was awarded nearly \$900,000 associated with derelict vessel removal. In addition, natural resources staff assisted DNR in its efforts to work with the City of Bainbridge Island to develop a plan and lease for an authorized moorage and anchorage area in Eagle Harbor, which had been the subject of public debate and litigation for over a decade. More than 50 vessels were cleared from the harbor. Most vessels were moved voluntarily after notice was provided to the owners, but about a dozen vessels trespassing on state-owned aquatic lands and interfering with navigation were removed by the city, DNR and the Coast Guard.

Municipal Water Law

The Ecology Division defended the 2003 Municipal Water Law from a constitutional challenge. The 2003 law was enacted to secure water for the future for many growing communities statewide while at the same time requiring municipal water right holders to employ certain conservation measures. In a unanimous decision issued in October 2010, the State Supreme Court rejected all of the plaintiffs' facial constitutional, separation of powers and due process challenges, thereby resolving uncertainties over the water rights of public water systems in Washington. This decision was significant to water utilities, businesses, local jurisdictions, and the public.

Radioactive Waste

The Northwest Interstate Compact on Low Level Radioactive Waste Management, which is comprised of delegates from Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, oversees the disposal of low level radioactive waste, primarily medical waste, at regional disposal facilities in the eight-state region. Washington chairs the compact, which is represented by the Agriculture and Health Division. In 2008, EnergySolutions sought to dispose of low-level radioactive waste imported from Italy at its private disposal facility in Clive, Utah. The compact opposed disposal of foreign waste at the facility and EnergySolutions filed an action challenging the compact's authority to exclude foreign waste from disposal in the eight-state region. The Utah Federal District Court ruled that the compact did not have authority over purely private waste disposal facilities. The compact appealed. In November 2010, the Tenth Circuit Court of Appeals overturned the decision of the Utah Federal District Court, affirming the authority of the member states, through the compact, to control the disposal of foreign radioactive waste in a compact state.





Office Overview

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- 22** Legal Divisions
 - 32** Administrative Units
 - 35** Office Locations

Legal Divisions

Agriculture and Health

The Agriculture and Health Division provides legal advice and litigation services to the:

- Department of Agriculture
- Department of Health and its associated boards and commissions
- State Board of Health
- Health Care Authority
- Department of Commerce
- Department of Archeology and Historic Preservation
- Northwest Interstate Compact on Low-Level Radioactive Waste Management
- Life Sciences Discovery Fund Authority
- 25 commodity commissions

The division helps its clients oversee health care practitioners and facilities, the regulation of commercial agricultural activities and activities posing potential threats to human health, such as food processing, and the safety of public drinking water. Division attorneys and professional staff assist their client agencies with legal matters related to the eradication of pests, the funding of cutting-edge innovative life sciences research, the preservation of historic artifacts, and the disposal of low-level radioactive materials. The division also advises the Department of Commerce in the distribution of federal and state funds and the administration of programs designed to improve the state's infrastructure, its communities and the economy.

Antitrust

The Antitrust Division enforces state and federal antitrust laws that protect consumers and businesses from practices such as price-fixing, bid rigging, monopolization, anti-competitive mergers, and other conduct that interferes with fair competition. The majority of the division's work focuses on representing consumers and state agencies in litigation seeking redress for violations of antitrust laws. The division provides legal counsel to, and training for, state agencies concerning antitrust-related matters. Staff also evaluate and respond to antitrust complaints and inquiries and conduct outreach and education programs.



Bankruptcy and Collections

The Bankruptcy and Collections Unit of the Revenue, Bankruptcy and Collections Division encourages voluntary compliance with the state's tax laws by supporting the efforts of state agencies to aggressively pursue money owed to the state. Most of the money is owed for delinquent sales and business and occupation taxes, industrial insurance premiums and unemployment fund contributions.

The unit gives priority to representing the departments of Revenue, Labor and Industries and Employment Security. The vast majority of the unit's work consists of litigating bankruptcy cases under Chapter 11 and Chapter 13 of the Federal Bankruptcy Code and litigating the priority of the tax agencies' claims in superior court. 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.

In conjunction with representing various state agencies in bankruptcy and collection actions, the unit devotes substantial resources to training tax agency personnel who handle bankruptcy and collections claims.



About the Office

Consumer Protection

The Consumer Protection Division enforces consumer protection laws to help 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's Consumer Resource Centers facilitate the resolution of consumer problems by notifying businesses of the more than 21,000 written complaints received each year and informally mediating them.

In addition, the division educates businesses and the public about consumer rights and issues and promotes fraud prevention through a variety of frequently requested educational brochures and web pages (receiving 1.8 million page views a year), the AGO's All Consuming Blog, social media sites, and alerts and press releases sent out when consumers or businesses are targets of fraudulent or predatory activities.

Consumer Protection also oversees the administration of Washington's Lemon Law for new motor vehicle warranty disputes and enforcement. The services consist of arbitration to resolve consumer and manufacturer warranty disputes, consumer and industry education, and enforcement of manufacturer and dealer obligations.

The division also contains the Manufactured Housing Dispute Resolution Program which resolves disputes between manufactured home owners and park landlords. The unit enforces the Manufactured/Mobile Home Landlord-Tenant Act and provides consumer education and business training.

AGO Mission

As an independent constitutional office and legal counsel to state government, we serve the citizens of Washington with the highest standards of excellence, ethics and effectiveness.

AGO Vision

The Office of the Attorney General will be the best public law office in the US, proudly contributing to the greatness of Washington.

AGO Values

Excellence and effectiveness through:

- Transparency
- Honesty
- Respect
- Innovation
- Competitiveness
- Ethics

The Office of the Attorney General is responsible for representing the state of Washington, its officials, departments, boards, commissions, agencies, colleges, and universities. Its specific duties include:

- Representing the state of Washington before the state and U.S. Supreme Courts, Courts of Appeal and trial courts in all cases that involve the state's interest.
- Representing the state in administrative actions, including those to protect the safety of workers, patients, children, and vulnerable adults.
- Advising the Governor, members of the Legislature and other state officers on legal issues, and, when requested, giving written opinions on constitutional or legal questions.
- Protecting the public by upholding the Consumer Protection Act, enforcing laws against anti-competitive business practices, representing the public interest in utility matters, and protecting the environment as Counsel for the Environment in the siting of energy facilities.
- Investigating and prosecuting persons accused of crimes if requested to do so by the Governor or a county prosecutor.

To perform these duties, the Washington AGO is made up of 26 legal divisions located in 13 cities across the state. The office consists of more than 500 attorneys and over 600 other employees providing legal services to more than 230 state agencies, boards and commissions.



Legal Divisions

Corrections

The Corrections Division advises and represents the Department of Corrections, Correctional Industries, Indeterminate Sentence Review Board, Governor's Clemency and Pardons Board, and Sentencing Guidelines Commission. The work of the division includes legal advice and defense of the state in litigation concerning prison operations and other aspects of the corrections system, and in personal restraint and habeas corpus proceedings involving challenges to criminal convictions and sentences, including death sentences.

Criminal Justice

The Criminal Justice Division conducts criminal investigations and prosecutions throughout the state at the request of the Governor or local authorities, and maintains a one-of-a-kind crime information database (the Homicide Investigation Tracking System or HITS) that provides assistance to state and local jurisdictions in crime investigations. The division also investigates and prosecutes Medicaid fraud and resident abuse cases, and advises the Washington State Patrol, the Criminal Justice Training Commission, and other criminal justice agencies. Finally, the division represents the state in the Sexually Violent Predator Civil Commitment process in 38 of 39 counties.

Ecology

The Ecology Division represents the Department of Ecology, Puget Sound Partnership, Pollution Liability Insurance Agency, and State Conservation Commission. The division works to resolve environmental disputes and provides advice and representation before courts and administrative tribunals on permitting, legislation, rule-making, and enforcement matters.

The largest areas of the division's practice are water resources allocation and management, 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.

Over the past couple of years, the division has devoted significant time to legal work associated with climate change and consumer products containing hazardous substances.



Education

The Education Division assists the state's education agencies in carrying out their missions by providing a full range of legal services. Client agencies include the Department of Early Learning, Office of the Superintendent of Public Instruction, State Board of Education, Professional Educator Standards Board, Higher Education Coordinating Board, State Board for Community and Technical Colleges, The Evergreen State College, the three regional state universities, and the 34 community and technical colleges around the state. Division attorneys advise on conflict resolution, business transactions, and compliance with a web of state and federal laws. Education attorneys also prosecute professional misconduct cases related to teacher licensing and handle a variety of student discipline and labor/employment proceedings at the colleges and universities.



Fish, Wildlife and Parks

The Fish, Wildlife and Parks Division represents the Washington Department of Fish and Wildlife and Washington State Parks and Recreation Commission. The division also represents the state as a whole in certain complex natural resource litigation and sometimes assists local prosecutors in the criminal enforcement of fish and wildlife laws.

Legal services include advice and litigation and typically relate 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.



Government Compliance and Enforcement

The Government Compliance and Enforcement Division provides representation and legal advice to the:

- State Auditor
- State Insurance Commissioner
- Department of Financial Institutions
- Gambling Commission
- Horse Racing Commission
- Human Rights Commission
- Office of Minority and Women's Business Enterprises
- Joint Legislative Audit and Review Commission
- Tax Preference Board

In addition, the division prosecutes enforcement and forfeiture violations for the Department of Financial Institutions, Gambling Commission, Horse Racing Commission, Human Rights Commission, Office of Minority and Women's Business Enterprises, Washington State Patrol, Public Disclosure Commission, State Lottery, Liquor Control Board, State Executive Ethics Board, Legislative Ethics Board, Professional Guardian Board of the Administrator for the Courts, and Criminal Justice Training Commission. The division also prosecutes actions against health care providers licensed by a board or commission on behalf of the Department of Health, as well as acts as the statutory Counsel for the Environment.

Legal Divisions

Government Operations

The Government Operations Division handles the litigation for, and provides legal advice to, more than 40 state agencies, boards and commissions, and elected officials. Some of the division's larger clients include:

- Department of Retirement Systems (public pensions and deferred compensation)
- General Administration (purchase of goods and services, construction, real estate and Capitol Campus)
- Department of Information Services (computer-related acquisitions and policies)
- Department of Personnel (recruiting, job classifications and salary schedules for each job class)
- Military Department (National Guard, emergency preparedness and response and E-911 system)
- State Investment Board (investment of state trust funds – pensions and worker compensation)
- Treasurer (public finance, bonds and state warrants)
- Energy Facility Site Evaluation Council (siting and regulation of energy facilities)
- Office of Financial Management (state budget and accounting, forecasting, risk management, and personal services contracts)
- Secretary of State (corporations, archives and library)

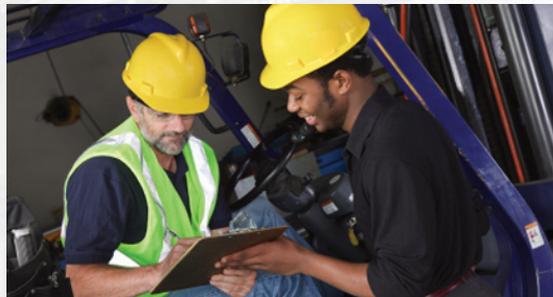
Labor and Industries

The Labor and Industries Division provides litigation and client advice to the Department of Labor and Industries regarding: workers' compensation benefits (e.g. wage replacement, medical care, vocational retraining, disability and pension benefits, and structured settlements); questions about fair wages, workplace conditions and safe work environments; contractor and building issues; crime victim claims; and a variety of other issues for Washington workers and employers.

Labor and Personnel

The Labor and Personnel 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. The attorneys in the division 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 also provides legal representation in a variety of settings, including hearings before independent arbitrators, administrative personnel boards, labor commissions, and superior and appellate courts.



Licensing and Administrative Law

The Licensing and Administrative Law Division provides litigation services and legal advice to the:

- Department of Licensing
- Employment Security Department
- Accountancy Board
- Liquor Control Board
- Lottery Commission
- Executive Ethics Board
- Judicial Conduct Commission
- Columbia River Gorge Commission
- Environmental and Land Use Hearings Office
- Pollution Control Hearings Board
- Shorelines Hearings Board
- Growth Management Hearings Board
- Public Records Exemption Accountability (Sunshine) Committee

Litigation accounts for 60 percent of the division's workload, which is largely administrative litigation and defending appeals of agency orders in state courts. The division prosecutes administrative actions against individuals and businesses under licensing and regulatory laws governing approximately 40 professions, businesses and occupations. Employees in the division have considerable legal and practical expertise in areas such as the Administrative Procedure Act, state and federal constitutional law, public records, open public meetings, tribal relations, and regulatory enforcement of professional licensing standards.

Natural Resources

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 5.6 million acres of forest, range, commercial, agricultural, and aquatic lands. Much of this land (3 million acres) is state trust land that provides revenue to help pay for construction of public schools, universities and other state institutions, and funds services in many counties. Since 1970, DNR-managed lands have generated more than \$6 billion.

The division supports DNR in its efforts to administer several programs designed to protect riparian areas, Natural Resource Conservation Areas and Natural Area Preserves. DNR also has fire protection responsibilities and supports the Forest Practices Board in protecting public resources on 12 million acres of state and private forest lands, regulates surface mine reclamation and provides technical assistance for forestry and mining.



Public Counsel

The Public Counsel Unit represents the customers of Washington's investor-owned telephone, electric and natural gas utilities regulated by the state Utilities and Transportation Commission (UTC), including Qwest, Verizon Northwest, Puget Sound Energy, Avista, and Pacific Power. Public Counsel emphasizes the interests of residential and small business consumers, on issues such as rates, service quality, conservation, business practices, mergers, and competition.

Public Counsel advocates for the interests of consumers by presenting evidence and legal argument in major rate cases, mergers, and other cases and rulemakings before the UTC. In addition, Public Counsel makes presentations at the UTC Open Meeting on consumer issues and participates in industry advisory and study groups reviewing utility resource planning and conservation programs. Public Counsel may appeal UTC decisions in appropriate cases. The office also provides information to the Legislature and other state policy makers.

The unit maintains contact with the public through a citizen advisory committee, community organizations, public hearings, personal contact, and letters and telephone calls from consumers in major cases.

Legal Divisions

Regional Services

The Regional Services Division has offices in Yakima, Wenatchee, Vancouver, Port Angeles, Kennewick, Everett, and Bellingham. The division litigates and provides legal advice on behalf of state agencies and institutions in the areas surrounding each office. 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 in the local communities and court systems.

Attorneys in these offices generally represent multiple agencies and are adept in a wide variety of practice areas. Regional Services represents several agencies, including the Department of Social and Health Services, Department of Labor and Industries, Employment Security Department, Department of Early Learning, Department of Licensing, and 15 state educational institutions.

Revenue

The Revenue Unit of the Revenue, Bankruptcy and Collections 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, assessment of operating property owned by public utilities and administration of the state's estate tax and unclaimed property laws. The unit's primary legal activity involves defending DOR against excise tax refund claims. The unit also handles property and miscellaneous tax litigation and advises DOR on tax and general governmental matters.

In addition, the unit continues to play an important role in the implementation of the historic tobacco litigation master settlement agreement (MSA) by enforcing the escrow statute adopted by the Legislature that applies to cigarette manufacturers selling tobacco products within the state that have not joined the MSA.

Social and Health Services - Olympia

The Social and Health Services Division in Olympia provides legal services to the Department of Social and Health Services, which administers a variety of federally and state-funded programs to protect the general public and assist those who are unable to provide for themselves. Programs include income assistance, children's services, child support, medical assistance, mental health services, developmental disabilities, juvenile rehabilitation, alcohol and drug rehabilitation, vocational rehabilitation, nursing home surveys, adult protective services, home and community care services, and other related community social service program activities. The division also provides legal support to the Department of Veterans' Affairs and Department of Services for the Blind.



Social and Health Services - Seattle

The Social and Health Services Division in Seattle provides legal representation to the Department of Social and Health Services and Department of Early Learning before appellate and superior courts and administrative tribunals, primarily in King County. The work of the division is focused on the protection of children and vulnerable adults.

The division handles a high volume of juvenile dependency, adult protective services, and day care, foster home and adult family home licensing cases.



Solicitor General

The Solicitor General's Office provides the following services within the Attorney General's Office:

- Coordinates the office's involvement with cases in the U.S. Supreme Court.
- Assists AGO attorneys in preparing and presenting appellate cases in state and federal court, and directly handles select appeals.
- Prepares and issues Attorney General Opinions.
- Coordinates the office's involvement with amicus curiae "Friend of the Court" briefs in all courts.
- Carries out the Attorney General's duties with respect to the preparation of ballot titles and explanatory statements and represents the state in litigation involving powers of initiative and referendum.
- Coordinates legal advice on issues of statewide significance.
- Serves as legal counsel to the Secretary of State, Lieutenant Governor and Administrative Office of the Courts.



Spokane

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, Eastern Washington State Historical Society, Spokane Intercollegiate Research and Technology Institute, and various institutions of higher education, including Eastern Washington University, Big Bend Community College and the Community Colleges of Spokane. Employees in the division also handle Medicaid fraud criminal cases, provide consumer protection services, provide a number of state agencies with advice and representation on labor and personnel matters, and defend tort actions against the state.

Legal Divisions

Tacoma

The Tacoma Division provides a wide range of legal services in matters arising out of Pierce and Kitsap counties to many agencies of state government, including the departments of Labor and Industries, Licensing, Employment Security, and Social and Health Services in cases involving child abuse and neglect, licensing of care providers and protection of vulnerable adults. This year juvenile dependency filings in Pierce County remained high.

The division also defends personal injury lawsuits filed against the state in Pierce and Kitsap counties and represents state agencies in labor and personnel matters.

In addition, employees in Tacoma handle consumer protection functions including enforcement, mediation, and outreach and education.

Torts

The Torts Division defends tort claims and lawsuits against all state agencies, officers and employees. These claims and cases are based upon widely variable theories of liability and include highway design, the release of inmates, injuries on state property, medical malpractice, employment, child care and custody, auto accidents, and maritime injuries. The division has a caseload of more than 200 claims and 400 lawsuits, and uses early evaluation and early resolution processes to resolve appropriate claims and cases.

The Torts Division also includes the Complex Litigation Unit which assists AGO divisions with complex or sensitive litigation such as class actions, multi-party lawsuits and multi-claim lawsuits.

Torts attorneys also provide legal and risk management advice to the Office of Financial Management and state agencies on torts matters.

Transportation and Public Construction

The Transportation and Public Construction Division represents and advises the Washington State Department of Transportation as it designs, constructs, operates, and maintains Washington's highway system and other multi-modal transportation operations, including ferries and rail. In addition, the division represents and advises other state agencies such as the Department of Corrections, Department of General Administration, and University of Washington in eminent domain, contracts, construction, land use, and environmental matters. Other client agencies include several transportation-related boards and commissions such as the Washington Transportation Commission, Board of Pilotage Commissioners, County Road Administration Board, Transportation Improvement Board, and Washington Traffic Safety Commission.

The division's workload includes a mix of moderate to complex litigation and client advice on a wide range of issues. In addition to a steady condemnation caseload, division attorneys handle construction claims, environmental litigation, regulatory compliance, hazardous waste claims, and land use issues that arise in connection with state construction projects and operation of state facilities. Division attorneys also handle a number of tort cases seeking recovery for property damage allegedly caused by floods and landslides. Client advice topics range from land use and environmental permitting issues to construction contracting and constitutional issues on the use of state gas tax revenue.



University of Washington

The University of Washington Division provides legal services to the University of Washington that includes campuses in Seattle, Bothell and Tacoma, more than 47,000 students, 29,000 employees, and a healthcare system of four major medical centers.

The division provides legal advice and representation across many specialized areas, including employment and labor relations, student relations, real estate, business transactions, intercollegiate athletics, public finance, intellectual property, tax, benefits, constitutional law, gifts and trusts, international operations, and health care law. The division's mission is to provide the University of Washington with legal services that meet the highest professional standards in support of its educational, research and community service programs.



Utilities and Transportation

The Utilities and Transportation Division provides legal services to the Washington Utilities and Transportation Commission. 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
- Bus companies

New market conditions, technology, federal and state laws, and consumer expectations make for an ever-changing policy and legal landscape.



Washington State University

The Washington State University Division provides a full range of legal services to the state's land grant university. The division provides advice on a host of legal issues, many of which are unique to an academic environment.

Attorneys provide assistance relating to:

- University research and intellectual property
- The university's statewide Extension Program (including 4-H programs)
- Athletics and NCAA compliance
- Student rights and various student programs
- State residency for tuition purposes
- All aspects of personnel/employment law, including faculty tenure and promotion
- University fundraising/development
- Environmental health and safety
- Public contracting
- Constitutional rights
- Veterinary training and services
- Real estate and other transactional work
- Capital planning and development
- International programs

Administrative Units

Along with the 26 legal divisions, there are several administrative units that make up the Attorney General's Office. These units provide non-legal, yet essential, services to the office.

Facilities and Office Services

The Facility and Office Services Division provides a wide range of services through three units:

Facility Services oversees the management of AGO facility needs as well as archiving, surplus property and vehicles. Facilities provides a broad array of assistance that includes development and implementation of the agency six-year facility plan, oversight and management of agency leases and janitorial contracts, monitoring of prevailing wage documentation and payments, support for inner-office moves and office design, as well as staffing to perform office repair projects. Additionally they provide mail and delivery services for Thurston County.

General Services - Tumwater provides a number of centralized services, including reception, mail services, support for facility needs, conference room management, and scheduling and maintenance of agency vehicles located in Tumwater. In addition, the unit prepares ID badges for all AGO employees and maintains security access for the Tumwater office.

Document Services is a central unit that provides delivery and production services statewide. The unit's variety of services includes:

- Document printing and copying services
- Litigation support services, including reproduction of court documents and public records
- Scanning, imaging and creating a variety of print and electronic materials used internally and outside the agency
- Video and audio recording, mastering and copying

Financial Services

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



General Services – Seattle

The Seattle office General Services Unit manages a fleet of 27 vehicles, schedules and maintains conference rooms, makes equipment reservations and assists with room/equipment setup, orders and distributes supplies, and performs clerical functions for copy projects, scanning and preparation of trial exhibits and manuals. The unit also provides reception and centralized mail services, coordinates facility matters and maintains security access for the Seattle office. The unit maintains the Seattle libraries and manages the agency's Commute Trip Reduction Program.



Human Resources

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 AGO by assisting managers in recruiting, developing and retaining a well qualified and highly competent workforce.

Some of the programs and services offered by human resources staff include:

- Strategic planning
- Workforce planning
- Performance management
- Policy development and compliance
- Recruitment and retention
- Classification and compensation
- Personnel records maintenance
- Training and development
- Employee/manager relations
- Consulting and facilitation
- Mediation/conflict resolution
- Executive coaching
- Ergonomics

The office also conducts accommodation studies for candidates/employees with disabilities, monitors employee injuries and Labor and Industries claims, and investigates complaints.



Information Services

The Information Services Division manages the delivery of all AGO computer and telephone network infrastructures and the operation of all network hardware and software platforms. Data security and disaster recovery are key to the maintenance and operations of the AGO's voice and data systems. The division ensures compliance with state governance policies and standards to assure that all electronic services delivered function properly and securely.

Administrative Units

Public Affairs

The Public Affairs Unit develops and implements agency-wide internal and external communications strategies. The unit conducts proactive and responsive media relations, provides AGO media training, researches and drafts Attorney General McKenna's speeches, staffs internal and external committees and task forces, and drafts and designs publications and other AGO materials for the public, internal audiences and the Legislature. The unit also publicizes the work of the AGO both internally and externally through news releases, guest columns, audio and video, the AGO intranet, external web site, social media sites, blogs, presentations, newsletters, and the annual report.

Public Records and Constituent Services

The Public Records and Constituent Services Unit oversees five major functions for the office:

- Processing and responding to all public records requests made to the AGO
- Processing all garnishments served by statute on the AGO and guiding state agency payroll staff through wage withholding procedures
- Reviewing and distributing all mail addressed to the Attorney General, as well as email sent through the AGO web site
- Assigning and calendaring all constituent correspondence received by the AGO
- Assisting with service of process by assigning the cases served at their location and providing advice as to the proper assignment of new cases served upon other AGO locations

Research Center

The AGO Research Center assists AGO staff with their reference and research needs. This includes reference and research support, system administration, completing and cataloging legislative history requests, providing training in specialized legal research areas, acquiring and cataloging research materials, tracking expense data, generating reports, and negotiating contracts for online research services.



Office Locations

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103 E Holly St, #310
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(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
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Tacoma

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Tumwater

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Wenatchee

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