Dear Fellow Washingtonians,

I am proud to present the Attorney General’s Office (AGO) annual report for FY 2012. Our vision at the AGO is to be the Best Public Law Office in America. I think we have achieved that vision, and submit this annual report as evidence. It highlights our work to support client agencies; protect children, vulnerable adults, local communities, the environment, workers, and access to government; and to defend Washington’s constitution, laws and voter-approved initiatives.

This report also summarizes the progress we have made on several top priorities, including fighting human trafficking, helping struggling homeowners and embracing LEAN governing principles to save time, money and resources. In addition, it features some of our legal accomplishments from Fiscal Year 2012 and awards and honors received by AGO staff.

It’s hard to believe my time as Attorney General is coming to an end, and that this is my last annual report. I have been privileged to serve as your Attorney General for the past eight years. It has been my great pleasure to work with dedicated state employees who are outstanding legal professionals. They are passionate about public service and committed to making our state a better place to live, work and raise a family.

Sincerely,

Rob McKenna
Attorney General
In addition to providing intangible benefits to the citizens of Washington such as 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.

**SAVINGS AND RECOVERIES FOR TAXPAYERS**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
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<td>FY 2012</td>
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*July 1, 2011 – June 30, 2012
AWARDS AND HONORS

DISTINGUISHED ALUMNI
Paralegal Clyde Klingenbeck received the 2011 Edmonds Community College (ECC) Distinguished Alumni Award, in recognition of his many years of service to the people of Washington, the practice of law and to the ECC Paralegal Program.

40 UNDER FORTY
Assistant Attorney General Zeb Madison was named one of The Business Examiner’s 40 Under Forty. This list recognizes outstanding South Sound business and community leaders under the age of 40 who have made great accomplishments and significant contributions to their businesses, industries and communities.

OUTSTANDING ALTRUSAN AWARD
Office Assistant Marian Graham was recognized with the Gwladys Brewster Outstanding Altrusan Award from District Twelve for outstanding community service and leadership during her 31 years of membership.

COMBINED FUND DRIVE AWARDS
Both the Seattle and Bellingham AG offices received awards for their efforts to raise funds during the Washington State 2011 Combined Fund Drive. The Seattle office won the Outstanding Team Award within King County, and the Bellingham office received an award for the Greatest Increase in Contribution for an agency location with less than 50 employees within Whatcom County.

ANGELO PETRUSS AWARD
Senior Counsel David Huey received the 2012 Angelo Petruss Award for Lawyers in Public Service from the Washington State Bar Association Board of Governors for his outstanding work on the national mortgage settlement. This 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.

LOCAL HERO AWARD
Assistant Attorney General Jennifer Meyer was recognized with the Washington State Bar Association’s Local Hero Award for her work providing access to justice through the Thurston County Volunteer Legal Clinic.

GOVERNOR’S LEADERSHIP AWARD
Senior Assistant Attorney General Rochelle Tillett received the 2012 Governor’s Leadership Award for Leadership in Management, which gives special recognition to managers who have demonstrated excellence in carrying out their responsibilities.

HUMANITARIAN AWARD
Senior Counsel Julian Bray was honored with the Holzman Humanitarian Award from the Tacoma Pierce County Bar Association in recognition of his role in organizing the now annual local fundraiser Lawyers Helping Hungry Children.

From top left: Humanitarian Award recipient Julian Bray, Outstanding Altrusan Award recipient Marian Graham, Angelo Petruss Award recipient David Huey, and 40 Under Forty designee Zeb Madison.
OFFICE ACHIEVEMENTS
FIGHTING HUMAN TRAFFICKING

Human trafficking is a $32 billion global industry driven by profit. This form of modern-day slavery is the fastest growing and second largest criminal activity in the world, tied with arms and drug dealing. As the 2011-2012 President of the National Association of Attorneys General (NAAG), Attorney General Rob McKenna chose the scourge of human trafficking as the focus of his presidential initiative.

PILLARS OF HOPE

“Pillars of Hope: Attorneys General Unite Against Human Trafficking,” centered on the nationwide epidemic of both labor and sex trafficking. The goal was to bring this heinous crime out of the shadows and in to the light, to bring hope and resources to victims, and to bring justice to traffickers and those who buy victims from them. The initiative was built on four pillars:

1. Making the Case by preparing a sound assessment of the problem in the U.S., encouraging states to participate in the FBI’s efforts to map and track state and national data, and helping support the launch of the FBI’s new business and training plan to fight human trafficking.

2. Holding Traffickers Accountable by analyzing existing state laws and civil statutes; assessing the effectiveness of prevention strategies, law enforcement and victim services; and providing regional trainings for first responders and prosecutors.

3. Helping Victims by identifying state and local service provider networks and grass-roots advocacy groups available to assist in raising community awareness, and creating new partnerships between law enforcement and service providers.

4. Reducing Demand by promoting zero tolerance for trafficking, identifying victims through widespread public awareness campaigns and promoting the National Human Trafficking Resource Center hotline, 1-888-373-7888.
SUPPORTING LEGISLATION
Forty four attorneys general signed a letter in support of the federal Trafficking Victims Protection Act Reauthorization. They requested additional funding for the U.S. Department of Justice’s trafficking prosecution unit; FBI investigations of trafficking crimes; federal task forces that train and collaborate with state and local law enforcement and prosecutors; and direct services to human trafficking survivors.

INCREASING AWARENESS
In February, AG McKenna joined Indiana AG Greg Zoeller to conduct a comprehensive public awareness, training and law enforcement campaign in Indianapolis during Super Bowl XLVI. Law enforcement, cab drivers, first responders, medical professionals, and others were trained to identify human trafficking victims and how to respond. A command center was established specifically to combat prostitution and human trafficking throughout the weekend.

As a result, law enforcement made 68 commercial sex arrests and recovered two human trafficking victims. (Two other potential human trafficking victims were identified and are part of an ongoing investigation.)

IDENTIFYING & SUPPORTING VICTIMS
The Polaris Project, the largest group focused on human trafficking in the U.S. and host of the human trafficking hotline, reported that hotline calls from those who identified themselves as victims jumped by nearly 61 percent during the initiative. During that same time period, 2,945 potential victims of human trafficking were connected to services and support through the hotline, and callers provided detailed information on 848 unique cases of potential human trafficking.

MOVING FORWARD
The initiative closed with a summit in Seattle, where it was decided this crucial work must continue. In response, the permanent NAAG Standing Committee on the Trafficking of Persons was created. A work plan was also adopted to explore a sustainable and ongoing social marketing campaign to develop a new social norm that recognizes the buying and selling of human beings as an affront to human dignity, a human rights violation and a serious crime.

Working together, the Attorneys General made significant progress as the Pillars of Hope were employed here in Washington and around the country. They made a difference by bringing hope to the victims of this terrible crime, and holding traffickers and their buyers more accountable.
HELPING STRUGGLING HOMEOWNERS

Despite the “mortgage meltdown,” homeownership is now and will always be essential to the prosperity of our country. With the housing crisis in its fourth year, foreclosures continue to drag down the housing market, and drive down home values across the country.

State Attorneys General have been involved in this issue since the first predatory lending problems of the late 90s and early 2000s. Here in Washington, the AGO has been working on many fronts to assist homeowners through education, enforcement and legislation.

LEGAL SERVICES FOR DISTRESSED HOMEOWNERS

In July, the AGO granted more than $1 million from a settlement with Wells Fargo to expand the Washington State Bar Association’s Home Foreclosure Legal Aid Project, which provides free legal services to homeowners facing foreclosure.

The state’s Foreclosure Fairness Act of 2011 provides distressed borrowers with the opportunity to be referred by a housing counselor or attorney to mediation with their lender. This project helps Washington get the most from the new law by deploying lawyers in counties with the highest foreclosure rates to represent homeowners and to train and mentor pro bono attorneys.

ILLEGAL FORECLOSURES

In August, the AGO sued ReconTrust, a subsidiary of Bank of America, for conducting illegal foreclosures on thousands of Washington homeowners. ReconTrust is a foreclosure trustee that is legally required to act as a neutral party on behalf of both the lender and the borrower while conducting foreclosure proceedings in good faith and in accordance with the law.

The company ignored the AGO’s warnings, repeatedly broke the law and refused to provide information requested during the investigation. ReconTrust failed to comply with the Washington Deed of Trust Act
in each and every foreclosure it conducted since at least June 12, 2008. Their illegal practices made it difficult, if not impossible, for borrowers who might have a shot at saving their homes to stop those foreclosures.

FREE HOUSING COUNSELORS
In September, the AGO continued its commitment to help Washington homeowners avoid foreclosures by providing $550,000 to offer free housing counseling to distressed homeowners. The money came from an agreement with Wells Fargo and was given to the Washington State Housing Finance Commission to fund services available through the Washington State Homeownership Hotline, 1-877-894-HOME.

Housing counselors are lifelines for borrowers on the brink of losing their homes. The work of these counselors is important because preventing foreclosures – and stabilizing home values – is key to helping kick-start our economy.

HISTORIC SETTLEMENT
In February, after more than a year of intense negotiations over mortgage servicing and foreclosure abuses, AG McKenna, 48 other state AGs and the federal government reached the largest consumer financial protection settlement in U.S. history.

This $25 billion settlement holds America’s five largest banks accountable for harms homeowners have suffered from shoddy loan servicing, illegal robo-signing and faulty foreclosure processing. It includes nearly $650 million in benefits for Washington state homeowners, and will help thousands of our state’s residents who have already lost their homes or are now struggling with mortgages that exceed their home’s value.

The settlement provides significant relief to homeowners harmed by the banks’ corner-cutting and implements strict new loan servicing and foreclosure standards to prevent future harm.

Bank of America, JPMorgan Chase, Wells Fargo, Citigroup, and Ally Financial (formerly GMAC) have agreed to an aggressive new effort to reduce monthly mortgage payments for millions of struggling homeowners, including some who are current with their payments but, because they owe more than their home is worth, don’t currently qualify for a refinance. One-time payments will go to many who already lost their homes. The settlement also puts in place a long list of new protections for mortgage-holders, especially those on the brink of foreclosure.

The AGO continues to work with the federal government and other states in fighting loan modification fraud. The goal is to create substantial changes in the way loans are serviced in this country to increase the likelihood that borrowers will stay in their homes, and, ultimately, stabilize the real estate market.
The AGO has adopted LEAN government, a collection of principles and methods that identify and eliminate activities that fail to add value to our mission. AG McKenna was first inspired to incorporate LEAN principles after visiting organizations such as Children’s Hospital in Seattle, where they have successfully adopted the systems based on the “kaizen” concept of continuous improvement which draws on staff member input.

The AGO’s goal is to rapidly identify ways to enhance our ability to complete the work of the office in a new budget environment with fewer employees. We started by collecting process improvement ideas from across the agency, giving everyone an opportunity to showcase their innovations.

An oversight committee vetted more than 450 staff suggestions to determine their viability, and then assigned them to a work group to analyze and implement the efficiencies. Each idea has saved the office time, resources or money.

**SAVING TIME AND RESOURCES**

Several work groups focused on AGO procedures. They value-streamed each process and developed best practices to share broadly across the agency resulting in substantial time savings.

- **Electronic Document Storage:** Developed an agency-wide standard for managing electronic records on shared drives which reduced data growth, is saving server space, and has increased efficiencies in records searches, saving time.
- **Case Files:** Conducted an assessment of the physical organization of legal case files and determined best practices for how to more consistently organize files across the agency.
- **Constituent Correspondence:** Analyzed the entire process from arrival of correspondence to a reply and closeout to identify waste, and developed best practices that reduce complexity, number of steps and time.
- **Email:** Prepared best practices to reduce the time spent handling email, which increased efficiency in the use and filing of emails.
SAVING MONEY

Some staff suggested ways for the office to save money such as changing our conference calling service and replacing key fobs with an application.

CONFERENCE CALLS:
The audio conferencing service we had been using cost 9 cents a minute, per scheduled participant. Calls had to be set up ahead of time and charges were based on the number of reserved lines and anticipated length of the conference call, not actual usage.

After looking at a few options, the AGO switched to a service that costs 3 cents a minute, per participant. Calls don’t need to be set up ahead of time and charges are based on actual number of participants and minutes used.

Between September 2011 and June 2012, the AGO saved $10,479.63 by using the new audio conferencing service.

MOBILE CREDENTIALS:
This year the AGO initiated a pilot project with Consolidated Technology Services (CTS) to offer “mobile” SecurID tokens. The primary method of obtaining secure access credentials to remotely connect to the AGO network had been to use a hardware token or “key fob,” a small hard plastic fob with a long-life battery that generates a code for use when logging in remotely to a secure network.

The usage is simple, however managing the devices required handling and shipping across the state for each new, terminated or exchanged device. When a key fob expires it must be destroyed appropriately, resulting in additional waste.

One of the distinct advantages of using the “mobile” token is that there is nothing to handle. The token itself is delivered via an email to the employee and used on their personal or agency-provided smartphone. No more physical waste, no more shipping costs.

The key fobs cost $17.45 per month per user, whereas the mobile tokens cost $9 per month per user. The AGO has more than 400 SecureID users, so moving to mobile tokens delivered via email has the potential to save significant amounts of staff time, and costs related to shipping key fobs and monthly service charges.

As the LEAN governing project continues, more work groups will develop across the agency to review a wide range of other AGO procedures in search of efficiencies to improve our ability to serve our clients, each other and the citizens of Washington.
Safeguarding Consumers

Abandoned Merger
The Antitrust Division joined seven other states and the U.S. Department of Justice in challenging the proposed ATT/T-Mobile merger. The merger would have significantly impacted Washington’s consumers due to T-Mobile’s large market share here. After months of investigation, litigation and attempts at a negotiated resolution, the parties abandoned the merger.

Deceptive Sales Practices
The Consumer Protection Division sued RealNetworks for engaging in deceptive marketing practices that caused consumers to purchase subscriptions for premium television, sports or game content without their knowledge. A settlement was reached with an order imposing injunctions on RealNetworks and requiring the company to pay up to $2 million in consumer restitution.

The Consumer Protection Division also joined 44 other states and the Federal Trade Commission in suing Skechers for making unsubstantiated claims that consumers would burn more calories and fat when wearing its “Shape Ups” athletic shoes. The parties agreed to settle the allegations with injunctions that prohibit Skechers from making health-related claims without adequate substantiation. Skechers will provide up to $40 million nationwide for consumer refunds.

Energy Rates
The Public Counsel Unit advocates for utility customers in rate making cases before the Utilities and Transportation Commission. Public Counsel, commission staff and other parties challenged electric and gas rate increase requests made by Puget Sound Energy (PSE), Avista and PacifiCorp. Negotiated settlements reduced the rate increases by at least half in each case.

In addition, the commission rejected PSE’s proposal for a “Conservation Savings Adjustment,” opposed by Public Counsel and other parties, which would have added a $12 million annual surcharge to customer bills to replace revenue lost due to customers’ conservation efforts.

Top 10 Consumer Complaints of 2011

<table>
<thead>
<tr>
<th>Category</th>
<th>Complaints</th>
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<td>1,581</td>
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<tr>
<td>Collections</td>
<td>1,577</td>
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<tr>
<td>Broadband Service Providers</td>
<td>1,363</td>
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<td>Retail</td>
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<tr>
<td>Auto Sales</td>
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<tr>
<td>Commercial Banking</td>
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<tr>
<td>Mortgage Lending</td>
<td>893</td>
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<tr>
<td>Books, Magazines, and Directories</td>
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<tr>
<td>Electronic Shopping</td>
<td>623</td>
</tr>
<tr>
<td>Health Care</td>
<td>500</td>
</tr>
</tbody>
</table>
**Not Above the Law**

Dennis McCarthy, a former Port Orchard police officer, was charged by the Criminal Justice Division with Domestic Violence Assault-1st and Assault-2nd (both committed while armed with a firearm) for pushing his girlfriend out of a second story window. He was convicted as charged by a jury and sentenced to 23 years in prison.

Pierce County Sheriff’s Deputies Rex McNicol and Jeffery Montgomery, were charged by the Criminal Justice Division with Perjury in the First Degree for making materially false statements under oath during a suppression hearing. They were convicted as charged by a jury, sentenced to 90 days in jail and were subsequently terminated from their law enforcement positions.

**Protecting Children**

At the end of FY 2012, the attorneys representing the Department of Social and Health Services had 5,800 open dependency cases, protecting more than 9,300 children from abuse or neglect in their home environments.

When it is not possible to safely reunite children with their parents, legal action is taken to permanently place children elsewhere. There were 800 open termination cases and 520 open guardianship cases at the end of FY 2012.

**Sexual Misconduct**

The Medical Quality Assurance Commission, assisted by the Government Compliance and Enforcement Division, charged a physician practicing on Vashon Island with sexual misconduct involving multiple patients. The commission ultimately sustained all of the charges, and imposed a five-year license suspension. Multiple conditions must be fulfilled (psycho-sexual evaluation, treatment and additional training) before the physician may request reinstatement of his license in three years.

**Life Sentence**

In 2000, a Skagit County jury convicted James Garnett of aggravated first-degree murder for the murder-robbery of Dino Dan Diorio, a mentally ill person who was known to carry $10,000 in cash and considered Garnett a friend. Garnett killed Diorio with two gunshots to the head and left his body – minus the cash – in a shallow grave. The state courts upheld Garnett’s conviction and sentence of life without parole.

In 2005, Garnett filed a federal habeas petition, which the district court granted in 2008. The Corrections Division appealed that decision and in 2009, the Ninth Circuit reversed the grant of the writ and remanded the case to the district court for further proceedings on Garnett’s one remaining habeas claim. That claim alleged the prosecutor suppressed evidence that a state’s witness was promised she would receive a $5,000 reward from a private foundation for her role in the criminal investigation and prosecution.

In March 2011, following an evidentiary hearing, the district court issued an order dismissing Garnett’s claim and he appealed. In December 2011, a three-judge panel of the Ninth Circuit affirmed the district court’s decision and denied habeas relief. The panel concluded that the non-disclosure was not “material” because an assessment of this particular state’s witness’s credibility was not central to the state’s case against Garnett.
IMPROVING PUBLIC HEALTH AND THE ENVIRONMENT

CLEANUP REQUIREMENTS
This long-running case, handled by the Ecology Division, relates to a cleanup site located in Yakima which culminated in a Court of Appeals decision this year. Cleanup requirements for the site were contained in a consent decree that was filed in Thurston County Superior Court in October 2004. In November 2009, Tiger Oil sought to be excused from certain requirements in the decree. The Court of Appeals affirmed the trial court’s decision not to allow Tiger Oil to change several requirements of the consent decree, except for one requirement related to property not owned by Tiger Oil. The Court of Appeals also affirmed the trial court’s finding that Tiger Oil was in contempt for not using air pollution control technologies when it operated cleanup technology on its property.

ROCKY REACH TRAIL
The Fish, Wildlife and Parks Division represented State Parks in litigation concerning the proposed Rocky Reach Trail—a pedestrian and bicycle trail along the Columbia River in Wenatchee. Opponents appealed the land use permit issued by Douglas County to the Growth Management Hearings Board and to the superior court. After the state prevailed in both suits, the appellants sought direct review by the Washington Supreme Court. The Supreme Court denied their request, transferring the matter to the Court of Appeals, Division III, who affirmed and awarded attorney fees to the state. The opponents again sought review by the Washington Supreme Court which ruled in State Parks’ favor on all issues in August 2011, bringing to an end nearly eight years of litigation.

NO CAMPING RULE
The Education Division assisted the Seattle Community College District in enacting an emergency no-camping rule in response to the Occupy Seattle encampment at Seattle Central Community College. The emergency rule was predicated on the local health department’s findings of health hazards at the encampment. A member of the Occupy Seattle movement challenged the rule in Thurston County Superior Court, alleging that the rule violated the First Amendment. The superior court upheld the rule as a valid time, place and manner restriction that was narrowly tailored to address a significant interest of the district.

PROTECTING WORKERS’ FAMILIES
The Labor and Industries Division was successful in arguing to the Court of Appeals that when a worker has voluntarily retired, and then develops and dies from an occupational disease (in this case asbestosis), the surviving spouse should receive benefits based on the worker’s wage rate as of the date of retirement rather than benefits set at the statutory minimum. This decision provides protections for the families of workers who die from occupational exposures or the residuals of injuries after they have left the workplace.
BANKRUPTCY
The Readers Digest Association failed to notify the Department of Revenue that it was in bankruptcy while being audited, and failed to pay post-petition taxes. The debtor then argued the bankruptcy barred any payment to the department. After intervention by the Bankruptcy and Collections Unit, the department was paid 80 percent of the pre-filing audit debt plus interest and all of the post-petition debt plus interest, for a total of $149,594.43.

CONTRACT DISPUTE
Agencies on the state contract for multifunction devices (printers and copiers) from Ricoh/Ikon received different charges for the same products/services. PricewaterhouseCoopers was engaged by both parties to the contract to conduct agreed auditing procedures. This gave the state, represented by the Government Operations Division, the information needed to negotiate a contract adjustment. The funds will be distributed to customer agencies per a formula developed by the Department of Enterprise Services.

DOUBLE BILLING
In March 2012, as the result of a joint effort involving the Medicaid Fraud Control Unit and the U.S. Attorney's Office, the U.S. and state of Washington resolved civil fraud claims against Bates Pharmacy for allegations that Bates double billed Medicare and Medicaid by re-dispensing and re-billing for drugs previously paid for by Medicare and Medicaid, but returned to Bates by patients. Washington’s Medicaid program received $117,442.87 as a result of the settlement.

FIRE SUPPRESSION COSTS
After lengthy settlement negotiations between Avista and the Natural Resources Division, an agreement was reached resolving litigation seeking recovery of fire suppression costs for the 2008 Doyle Complex, which included the Whispering Pines, Flat Creek and Doyle Creek 2 fires. These fires started when two separate double-topped trees failed during high winds and collapsed onto Avista’s power lines near Barstow. The Department of Natural Resources received $400,000 from Avista.
OFFICE OVERVIEW

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.

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 U.S., proudly contributing to the greatness of Washington.

AGO VALUES
Excellence and effectiveness through:

- Transparency
- Honesty
- Respect
- Innovation
- Competitiveness
- Ethics
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
- 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 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 waste. 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. The division also responds to complaints and inquiries and conducts outreach and education programs.

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.

BANKRUPTCY AND COLLECTIONS
The Bankruptcy and Collections Unit 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.

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 Center facilitates 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, the AGO’s All Consuming Blog, social media sites, and alerts and press releases that are sent out when consumers or businesses are targets of unfair or deceptive 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.

**CORRECTIONS**

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 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 mission of the Criminal Justice Division is to work with and support its partners in the criminal justice community and to work towards creating safe communities. The division investigates and prosecutes criminal cases throughout the state upon request from the Governor, local law enforcement or local prosecutors. The division also provides investigative and prosecutorial support to local law enforcement and prosecutors in several areas including homicide cases, sexual assaults, white-collar crime, and crimes involving official misconduct or public corruption.

The division has formally partnered with the Department of Revenue, Office of the Insurance Commissioner and Department of Labor and Industries to combat fraud and assist in the investigation and prosecution of crimes, which has resulted in the recovery of millions of dollars.

The division also civilly prosecutes previously convicted sexually violent predators who have served their criminal sentence and who still pose a serious threat to re-offend. The division provides state and nationwide investigative expertise and assistance through the office’s Homicide Investigation Tracking System (HITS). The division also represents and advises the Washington State Patrol, the Criminal Justice Training Commission and other criminal justice agencies.

**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, rulemaking, and enforcement matters.

The largest areas of the division’s practice are water resources 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 DIVISIONS

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, Student Achievement Council, 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 appear in a variety of student discipline and labor/employment proceedings on behalf of 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.

GOVERNMENT COMPLIANCE AND ENFORCEMENT
The Government Compliance and Enforcement Division is divided into two sections: 1) Advice and 2) Compliance and Litigation. Through the Advice Section, the division provides representation and legal advice to the State Auditor and State Insurance Commissioner, as well as the 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 Committee, and Tax Preference Board.


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)
- Department of Enterprise Services (purchasing of goods and services, technology brokering and leasing, construction, real estate, Capitol campus activities and visitors, and printing)
- Consolidated Technology Services (utility computing enterprise-wide such as networks, email and telecommunications)
- 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, Human Resources Director, and Chief Information Officer)
- Secretary of State (corporations, archives and library)
- Recreation and Conservation Office (grant money for recreation and conservation)

LABOR AND INDUSTRIES
The Labor and Industries Division represents and advises the Department of Labor and Industries regarding the state’s industrial insurance program, workers’ compensation
benefits, questions about fair wages and prevailing wage requirements, workplace conditions and safe work environments, contractor and building issues, crime victim claims, and other issues for 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 approximately 74 percent of the division’s workload, which is largely administrative litigation and defending appeals of agency orders in state courts. Advising client agencies accounts for the remaining workload. The division prosecutes administrative actions against individuals and businesses under licensing and regulatory laws governing approximately 40 professions, businesses and occupations. Division attorneys provide option-based advice on myriad issues including contracts and procurements, public records retention and disclosure, rulemaking, constitutional law, statutory construction, administrative investigations, and regulatory access to property.

**MEDICAID FRAUD CONTROL**

The mission of the Medicaid Fraud Control Unit is to ensure the integrity of the Medicaid program by investigating and criminally and civilly prosecuting theft and fraudulent use of Medicaid money by providers. With passage of the Washington False Claims Act in 2012, the unit has direct civil enforcement authority, allowing the Attorney General to recover losses to the Medicaid program caused by fraud, and to assess 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.
LEGAL DIVISIONS

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 more than 5.6 million acres of forest, range, commercial, agricultural, conservation, and aquatic lands. Much of this land (3 million acres) is state trust land that provides revenue to support public schools, universities and other state institutions, as well as county services. Since 1970, DNR-managed lands have generated more than $7 billion.

The division also provides legal services to the Forest Practices Board, which adopts rules that establish standards for forest practices such as timber harvest, forest road construction and forest chemical application, and to DNR as it implements and enforces these rules on approximately 9 million acres of state- and privately-owned forest lands. The division supports DNR’s role in regulating surface mine reclamation, suppressing fires on forestland, and removing derelict vessels from state-owned aquatic lands.

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 CenturyLink, Frontier, 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, utility business practices, mergers, and competition.

Public Counsel advocates for the interests of consumers by presenting evidence, legal arguments and policy recommendations 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.

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 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 in excise tax refund actions. The unit also handles property and miscellaneous tax litigation and advises DOR on tax and general governmental matters.

In addition, the Revenue Division 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 applying 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, 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 services to the Health Care Authority, Department of Veterans’ Affairs and Department of Services for the Blind.

SOCIAL AND HEALTH SERVICES - SEATTLE
The Seattle Social and Health Services Division provides legal services to the Department of Social and Health Services in King County. This is a high volume litigation division, handling Superior Court trials, administrative hearings and appeals, as well as providing client advice. The subject matter areas include child abuse and neglect; termination of parental rights; vulnerable adult guardianships and protection orders; and licensing of foster homes, day care facilities, adult family homes, and boarding homes.

SOLICITOR GENERAL
The Solicitor General’s Office:
• Coordinates the state’s participation in cases in the U.S. Supreme Court.
• Prepares and issues Attorney General Opinions.
• Directly represents the state in selected appeals, and assists AGO attorneys in preparing and presenting appellate cases in state and federal courts.
• Coordinates the state’s involvement with amicus curiae “Friend of the Court” briefs in all courts.
• Carries out the Attorney General’s duties in preparing ballot measure materials for the voters and represents the state in litigation involving powers of initiative and referendum.
• Serves as legal counsel to the Secretary of State, Lieutenant Governor, Administrative Office of the Courts, and Office of Public Defense.
• Coordinates legal advice on issues of statewide significance.

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, Innovate Washington, 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 numerous agencies of state government, including the departments of Labor and Industries, Licensing, Employment Security, and Social and Health Services (DSHS). The DSHS cases involve child abuse and neglect, licensing of care providers and protection of vulnerable adults. The Tacoma Division has been a leader in the Methamphetamine Family Treatment court in Pierce County and in the promotion of effective therapeutic courts in Pierce and Kitsap counties.

Tacoma’s torts unit defends personal injury lawsuits filed against the state in Pierce and Kitsap counties. Tacoma also handles consumer protection functions including enforcement, mediation, community 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 350 claims and 500 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 Department of Enterprise Services, Office of Risk 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, buses and rail. Other client agencies of the division include the Washington Transportation Commission, Board of Pilotage Commissioners, County Road Administration Board, Transportation Improvement Board, and Washington Traffic Safety Commission. In addition, the division represents and advises other state agencies and universities such as the Department of Corrections, Department of General Administration and the University of Washington in eminent domain, contract, construction, land use, and environmental matters as requested.

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 bid protests, construction claims, environmental litigation, regulatory compliance, hazardous waste claims, and land use issues that arise in connection with state construction projects and the operation of state facilities. Division attorneys also handle a number of tort cases seeking recovery for property damage allegedly caused by floods, erosion and landslides. Client advice topics range from land use, environmental permitting, and compliance with the National Environmental Protection Act and State Environmental Protection Act to construction contracting and the use of state gas tax revenue.

UNIVERSITY OF WASHINGTON

The University of Washington Division provides legal services to the University of Washington, which includes campuses in Seattle, Bothell and Tacoma, more than 48,000 students, 29,000 employees, and the region’s major academic medical center.

The division provides legal advice and representation across many specialized areas of the university’s academic, research and medical programs, 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 with legal advice and representation that meets the highest professional standards.
UTILITIES AND TRANSPORTATION
The Utilities and Transportation 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 utilities and transportation, 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.

The division is one of the few housed with its client. This allows frequent contact and interaction with the UTC’s vast array of experts, including economists, engineers, accountants, and other specialists. Quite often, policy issues interact with and even predominate over legal issues in UTC proceedings.

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.
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 calendarizing 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 library systems administration, completing and cataloging legislative history requests, providing training in specialized legal and non-legal research areas, acquiring and cataloging research materials, digitizing and providing access to historical data, tracking expense data, generating reports, and negotiating contracts for online and print research services and materials.