

FEB 03 2022

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

The State of Washington,

Plaintiff,

No. 22-1-00183-2 SEA

vs.

AFFIDAVIT OF PROBABLE CAUSE

DERRICK BOSS

Defendant.

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am an Assistant Attorney General for the State of Washington and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances. This information is not based upon any independent or personal knowledge of these events, unless specifically noted.

The follow is based on sworn reports, statements, and items provided by law enforcement, and not on personal knowledge. The purpose of this affidavit is to establish probable cause for the crime charged, not to summarize the entire case.

Summary

In October of 2016, Derrick Boss, and his then girlfriend Annemari Kallai, formed Above and Beyond Asbestos Removal LLC (ABAR), ABAR is an asbestos abatement company in which Boss was the 70% owner and Kallai was the 30 % owner. According to Boss, ABAR was officially dissolved on September 30, 2020. Despite dissolving the company, Boss continued to perform asbestos abatement projects under the ABAR name without a contractor's license or an asbestos contractor certificate.

On October 3, 2018, Department of Labor and Industries informed ABAR that their contractor registration was expired. Since October of 2018, ABAR has not been licensed to be a contractor in the State of Washington. On October 5, 2018, ABAR was informed that their asbestos contractor certificate was expired and that they were no longer eligible to bid or conduct asbestos abatement work. To this date, ABAR has never reinstated that certification.

Due to multiple, ongoing, serious violations, the Washington State Department of Labor and Industries sought an injunction from King County Superior Court. On May 24, 2019, King County Superior Court entered an injunction against ABAR and Derrick Boss to cease

1 advertising, contact for, and performing asbestos work without a valid asbestos contractor
2 certification or contractor license. Neither ABAR, nor Boss, complied with the injunction. In
3 fact, on June 26, 2021, Boss signed a declaration admitting to repeatedly violating that court
4 order and agreed to pay \$190,000 for his continued and repeated violations. Below are five of
5 the properties that Boss and/or ABAR performed asbestos abatement work on without a
6 contractor's license or an asbestos contractor certificate and in violation of the injunction.

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9703 Mercerwood Dr., Mercer Island Washington

On February 18, 2020, Isabel Peres, the owner of the property above, contacted ABAR via their website to request a quote for removing flooring which contained asbestos. Ms. Peres received a reply email from Derrick Boss. The two began exchanging emails, which included Peres sending ABAR the test results showing the tile flooring contained asbestos.

On February 19, 2020, Derrick Boss submitted a quote for asbestos abatement of flooring in the kitchen and breakfast area totaling approximately 230 square feet. The bid indicated that work was to be performed in strict compliance with all federal, state, and local regulations and the total cost was \$2,250. On July 13, 2020, Ms. Peres paid ABAR half of the agreed price of \$1,238 via PayPal.

On August 17, 2020, a technician from ABAR arrived in a white box truck and worked for approximately eight hours removing the asbestos containing flooring. The following day Derrick Boss contacted Ms. Peres and stated "I spoke with Devin (Boss) and he said everything went well". Boss provided an invoice for the remaining payment. Ms. Peres paid the remaining amount due of \$1239 to ABAR.

On August 18, 2020, ABAR sent a certification of abatement for the Peres property certifying that all asbestos containing material was removed and disposed of and the work was performed in strict compliance with all federal state and local regulations. The letter was signed Annemari Kallai.

On December 1, 2020, Ms. Peres contacted Boss about damage to a brick wall in her home that she believed to be damaged by ABAR during their removal of the tile flooring. After Boss refused to look at the damage in person, Ms. Peres requested ABAR insurance information to begin to process of filing a clam. Boss did not respond to her. Ms. Peres then discovered via the Department of Labor and Industries website the company license was suspended. Ms. Peres then contacted Labor and Industries regarding the work performed by Boss and ABAR.

2562 Thorndyke Ave. W. Unit 404, Seattle, Washington

William Lipscombe is the owner of the above property and his daughter Daniela Eng manages the property for him. In February of 2020, they contracted with ABAR to remove 1,000, square feet of sprayed acoustic ceiling that contained highly friable asbestos. On February 18, 2020, ABAR was paid \$3,200 for removal of the asbestos containing material which was to be performed in strict compliance with all federal, state, and local regulations. ABAR removed the material in February of 2020.

10335 14th Ave NW., Seattle, Washington

1 Jonathan Kurth is part of several construction and remodeling companies in the
2 Seattle area and occasionally needs asbestos removal work done. On January 19, 2021, he
3 had an asbestos survey conducted on the above property. The survey indicated that asbestos
4 was present in window seals that needed removal. After receiving the asbestos survey, Kurth
5 called a friend who recommended ABAR for the asbestos removal work. Kurth
6 communicated with ABAR via phone and email. Kurth sent ABAR a copy of the asbestos
7 survey.

8 On February 23, 2021, ABAR submitted a bid to remove and dispose of ten windows
9 containing asbestos materials. The bid indicated that all the work would be performed in
10 strict compliance with all federal, state, and local regulations. The agreed upon price for the
11 asbestos abatement was \$3,000.

12 Between February 23, 2021, through March 4, 2021, ABAR removed and disposed of
13 the windows which needed abatement. Kurth paid ABAR \$3,000. Kurth never met anyone
14 from ABAR and paid the fee through phone calls.

15 On February 26, 2021, ABAR sent a certification of abatement for the Kurth property
16 certifying that all asbestos containing material was removed and disposed of and the work
17 was performed in strict compliance with all federal, state, and local regulations. The letter
18 was signed Annemari Kallai.

19 On March 24, 2021, Department of Labor and Industries Inspector Tyler Remington
20 called Derrick Boss at 425-563-4774. Boss answered the phone "Above and Beyond".
21 Inspector Remington asked if he was speaking to Derrick. Boss confirmed that Remington
22 was speaking with Derrick Boss. As soon as Inspector Remington introduced himself to
23 Boss, Boss hung up the phone and did not answer when Inspector Remington called again.

13604 2nd Ave. S., Burien, Washington

24 On May 24, 2021, Gary Soland, the owner of the above property, received a bid from
25 ABAR to remove and dispose of the following asbestos containing materials; approximately
26 325 square feet of vinyl tiles, approximately 325 square feet of black mastic, and
approximately 150 square feet of sheet vinyl. The bid indicated that all the work would be
performed in the strict compliance with all federal, state, and local regulations. The agreed
upon price for the asbestos abatement was \$4,900 if Soland paid in cash. The following day
Soland received an invoice from ABAR for \$4,900 and paid the invoice.

Later, Derrick Boss told Mr. Soland that he had a recent cancellation and they would
begin working on the property as early as May 26, 2021. Derrick Boss and his son Devin
arrived to begin the work on May 26, 2021. Together, they did prep work and began to
remove the flooring which lasted two days. On May 28, 2021, Devin Boss was scheduled to
complete the removal of the mastic, the remainder of the floor, and bag out the debris to
complete the project.

On the May 28, 2021, inspectors from the Department of Labor and Industries arrived
at the house and saw a white box truck, with teal abatement tape wrapped around the right
mirror of the vehicle, parked outside the above property. A small amount of fibrous debris
was observed on the rear bumper area of the box truck, located near the right side of the
partially open roll-up door. The inspectors were met by Devin Boss, who emerged from the
front door of the site location in street clothes to meet a lunch delivery courier that had

1 arrived to drop off lunch for Boss. Devin Boss was not wearing protective clothing or
respiratory protection when exiting the front of the residence.

2 The inspectors ask Devin Boss if he could produce a certified abatement worker card.
3 Devin Boss explained that he had an abatement card in the past, and had taken the required
4 training, but does not have one anymore. When asked about his methods of removal, he
5 stated that he was removing the flooring manually with a pry bar, snapping the wood
6 subflooring with the layered flooring and mastic attached, and bagging the waste. Devin Boss
explained that he was breaking the pieces by smashing down the pieces with a pry bar so
they would be small enough to fit into the bags. Devin then quickly left the site in the box
truck that was parked outside the Soland residence.

7 One of the inspectors obtained two samples from the debris inside the regulated area.
8 The first sample was taken from a black contractor bag inside the regulated area, which
9 consisted of a remnant piece of paper backing associated with the sheet vinyl flooring. The
10 second sample was taken from inside the kitchen area debris pile, which consisted of black
mastic over paper backing. It was later determined through lab testing that the first sample
contained 20% chrysotile (asbestos) in the paper backing. The second sample also contained
20% chrysotile in the paper backing, as well as 2% chrysotile in the black mastic.

11 ABAR and Derrick Boss never completed the removal of asbestos material or
12 returned the \$4,900 which was paid to Boss. Later, Gary Soland contracted with American
Environmental Construction LLC to remove ten gallons of mastic material that was left
behind at his residence by ABAR.

13 **14307 SE 200th St., Kent, Washington**

14 On May 26, 2021, Kristen Pickett, the owner of the above address received an email
15 from ABAR. The email was to submit a bid to remove approximately 900 square feet of
16 asbestos containing sprayed acoustic ceiling material and to determine dates the asbestos
17 abatement could be performed. The email was signed "Derrick" and explained that the work
18 was to be performed in strict compliance with all federal, state, and local regulations. The bid
19 was in the amount of \$4,050 plus tax if paid via credit or debit card. If the owner was to pay
20 cash, the amount was \$3,800 and there would be no tax.

21 On June 4, 2021, two workers from ABAR arrived at the property driving a brown
22 Ford truck. One of the workers, who Ms. Pickett presumed to be the owner of the company,
23 was on crutches and told her that the work would most likely extend to the next day as a
24 result of his injury. ABAR received a cash payment in the amount of \$3,800 and the key to
25 the property so they could perform the agreed upon asbestos abatement work.

26 Later that morning, inspectors from the Department of Labor and Industries arrived at
the property and noticed that the property appeared to be unoccupied. Poly sheeting was
visible through multiple windows indicating the presence of potential asbestos work being
performed. They entered the house through the front entrance and noticed the plastic
sheeting had been attached to the walls of the work area, and light fixtures in the hallway
were removed. Plastic sheeting had also been rolled out through the hallway but nothing had
been removed. No scraping of popcorn ceiling in any areas had been performed prior to
asbestos workers leaving the site.

After the Department of Labor and Industries informed Ms. Pickett that ABAR was
not licensed, she called Derrick Boss and left him a message. She informed him that she did

1 not want an unlicensed asbestos contractor working on her house. Boss texted her back and
2 said he will issue her a full refund via PayPal and leave the key under the rock by the front
door. Derrick Boss did later refund the money.

3 **Statement of Annemari Kallai**

4 Annemari Kallai was never married to Derrick Boss, but was in a romantic
5 relationship with him. In approximately December of 2016, she and Derrick Boss started
6 ABAR. Ms. Kallai was a 30% owner of the company. Initially she started off as the office
7 manager, but after a time thought it would be a good idea to get into the asbestos field to
8 better understand how the workers did the jobs she was bidding and billing. She became
9 frustrated with the job and left the company in the early part of 2018 and took a job with a
10 bank. She has asked Boss several times to take her name off of the company licenses and
11 records and Boss had assured her that he would remove her name, but has not. She has asked
12 for help from the State of Washington but has been told that she cannot remove herself
because she is only a 30% owner and it will have to be completed by Boss.
13 Ms. Kallai reviewed the asbestos abatement certification for both the 9703 Mercerwood Dr.,
14 Mercer Island property and the 10335 14th Ave NW, Seattle property. Although this is her
15 signature on these document, these have been clearly copied on to the documents. She used
16 to scan and copy documents when she worked with ABAR, so Boss may have copied one of
17 her signatures and placed it on these documents. She did not alter nor did she sign either of
18 these documents.

13 **Bail/Conditions of Release**

14 If the defendant appears out of custody at his arraignment, then the State has no
15 objection to releasing him on his personal recognizance provided he notify State of any
change of address and have no new criminal law violations.

16 Based upon a review of databases maintained by the state and federal agencies, the
17 Prosecutor's understanding of the defendant's criminal history is set forth in Appendix A
attached hereto and incorporated herein by reference.

18 I certify (or declare) under the penalty of perjury under the laws of the State of Washington
19 that the foregoing is true and correct.

20 ROBERT W. FERGUSON
21 Attorney General

22 *s/Robert Grant*
23 Robert K. Grant, WSBA #40449
Assistant Attorney General

24
25 DATED this 21st day of December, 2021 at the Attorney General Office in Snohomish
26 County, Washington

SUPERFORM

CCN/JCN NUMBER	B/A NUMBER	PCN NUMBER
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AGENCY: DEPT OF LABOR AND INDUSTRIES
 CITY OF

CASE NUMBER	FILE NUMBER
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S U S P E C T D A T A	DATE OF ARREST/TIME N/A.	BOOKING DATE/TIME N/A	ARREST LOCATION N/A.						
	NAME (LAST, FIRST, MIDDLE/JR., SR., 1 ST , 2 ND) Boss, Derrick D			ALIAS, NICKNAMES Collins, Derrick D					
	IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 12-30-1977	SEX M	RACE BLK	HGT 6'2"	WGT 175	EYES Haz	HAIR BLK	SKIN TONE
	SCARS, MARKS, TATTOOS, DEFORMITIES							ARMED/DANGEROUS YES <input type="checkbox"/> NO <input type="checkbox"/>	
	LAST KNOWN ADDRESS 18704 24 th AVE SE			CITY Bothell	SATE	ZIP	RESIDENCE PHONE 425-563-4774	BUSINESS PHONE	CITIZENSHIP
	OCCUPATION Unknown		EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER) Unknown				SOCIAL SECURITY NUMBER		
	DRIVER'S LICENSE #		STATE WA	AFIS #	FBI # 520186WC8	STATE ID # WA2020018			
	VEHICLE LICENSE #	STATE	YEAR	MAKE	MODEL	VEHICLE LOCATION		TOW COMPANY	
	PERSON TO BE CONTACTED IN CASE OF EMERGENCY			RELATIONSHIP	ADDRESS		CITY	STATE	PHONE
	O F F E N S E D A T A	1) OFFENSE <input type="checkbox"/> DV Second Degree Theft		RCW/ORD# RCW 9A.56.040	COURT/CAU#	CITATION #			
2) OFFENSE <input type="checkbox"/> DV Second Degree Theft		RCW/ORD# RCW 9A.56.040	COURT/CAU#	CITATION #					
3) OFFENSE <input type="checkbox"/> DV Second Degree Theft		RCW/ORD# RCW 9A.56.040	COURT/CAU#	CITATION #					
4) OFFENSE <input type="checkbox"/> DV Second Degree Theft		RCW/ORD# RCW 9A.56.040	COURT/CAU#	CITATION #					
ANY OTHER ADDITIONAL CHARGES yes			CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input type="checkbox"/>	ACCOMPLICES					
P R O P E R T Y	LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL								
	LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES DESCRIBE: (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)								
	TOTAL CASH OF ARRESTEE \$	WAS CASH TAKEN INTO EVIDENCE? YES <input type="checkbox"/> NO <input type="checkbox"/> AMOUNT: \$			SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #				
	ARRESTING OFFICER/SERIAL #			TRANSPORTING OFFICER/SERIAL #			SUPERVISOR SIGNATURE/SERIAL #		
O F F	SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #)			CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE) Bryan Abejon, 206-342-6416					
	MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides. OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.								
	C O U R T F I L E	SUPERIOR COURT <input type="checkbox"/>		IN CUSTODY		COURT CAUSE (STAMP OR WRITE)			
FILING INFO. <input type="checkbox"/>		AT LARGE							
		OUT ON BOND <input type="checkbox"/>							
COURT/DIST.		DIST. CT.	SUP. CT. DATE		WARRANT NUMBER				
CT.NO.		BOND \$							
W A R R A N T I N F O / E X T R A D I T E	WARRANT DATE		OFF CODE OFFENSE		AMOUNT OF BAIL \$	FELONY <input type="checkbox"/>	BENCH <input type="checkbox"/>		
						MISD <input type="checkbox"/>	ARREST <input type="checkbox"/>		
	POLICE AGENCY ISSUING		COURT		WARRANT RELEASED TO: SERIAL UNIT DATE TIME				
	PERSON APPROVING EXTRADITION		SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ALL 50 STATES <input type="checkbox"/>			
	CCN# _____	DOE _____	C L E A R A N C E		DOC _____				
WAC# _____	TOE _____			TOC _____					
NIC# _____	OP# _____			OP# _____					

SUSPECT NAME: Boss, Derrick D

CASE NUMBER

STATEMENT OF PROBABLE CAUSE: NON-VUCSA FELONY

CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPON INVOLVED. (DRUG CRIME CERTIFICATE BELOW.)

ON _____ AT _____, WITHIN THE _____, COUNTY OF KING, STATE OF WASHINGTON, THE FOLLOWING DID OCCUR:

NON
DRUG
CRIME
PROBABLE
CAUSE

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

REQUEST 72-HOUR RUSH FILE?	
YES <input type="checkbox"/>	NO <input type="checkbox"/>
ANTICIPATED FILING DATE	

DATE AND PLACE

SIGNATURE/AGENCY _____

DRUG CRIME CERTIFICATE

Part I: On (DATE) the suspect (SUSPECT'S NAME) DELIVERED POSSESSED WITH INTENT TO DELIVER/MANUFACTURE POSSESSED what the undersigned officer (OFFICER'S NAME) based on training and experience, believes to be (approximate quantity and type of controlled substance) (QUANTITY AND TYPE OF SUBSTANCE). Approximate street value of the controlled substance is (value of drug) \$

DRUG
CRIME
CERTIFICATE

Part II: FACTS INDICATING THE SUSPECT DELIVERED POSSESSED WITH INTENT TO DELIVER/MANUFACTURE or POSSESSED THE CONTROLLED SUBSTANCE:

On (date) at (time) within the _____, County of King, State of Washington,

My source of information about this crime (e.g., myself, other person with firsthand knowledge)

Other Facts:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date and Place:

Signature/Agency:

REQUEST 72-HOUR RUSH FILE? YES <input type="checkbox"/> NO <input type="checkbox"/>	SODA ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>	DRUG FREE ZONE? Exact location is required: YES <input type="checkbox"/> NO <input type="checkbox"/>
ANTICIPATED FILING DATE	LAB WORK REQUESTED? (Date/Type)	

LAW ENFORCEMENT OBJECT TO RELEASE? YES NO . IF YES, EXPLAIN WHY SAFETY OF INDIVIDUAL OR PUBLIC WILL BE THREATENED IF SUSPECT IS RELEASED ON BAIL OR RECOGNIZANCE (CONSIDER HISTORY OF VIOLENCE, MENTAL ILLNESS, DRUG DEPENDENCY, DRUG DEALING, DOCUMENTED GANG MEMBER, FAILURE TO APPEAR, LACK OF TIES TO COMMUNITY). INCLUDE FARR GUIDELINES. DESCRIBE TYPE OF WEAPON. BE SPECIFIC.

OBJECT
TO
RELEASE

TIES TO COMMUNITY (MARITAL STATUS, TIME IN COUNTY, ETC.)

CONVICTION RECORD:

SUBJECT ARMED/DANGEROUS

SUSPECT IDENTITY IN QUESTION

WARRANT(S) FOR FTA

HISTORY OF FTA'S (LIST)

DATA

PRELIMINARY APPEARANCE DATE	JUDGE	BAIL AMOUNT \$		
RETURN DATE	CONDITIONS	P.R. Y/N	RETURNED Y/N	EXCUSED Y/N

APPENDIX A TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)

DATE: DOB: 12/30/1977
 DEFENDANT: **Boss, Derrick** RACE: Black
 ALIAS(ES): Boss, Derrick D; Boss Derrick Deshawn; GENDER: Male
 Collins, Derrick D, Collins, Derrick Deshaun;
 Collins, Derrick Deshawn

SID: WA2820018 and FBI: 520186WC8 DOC:
 OR21298299
 DNA taken: Y

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
ADULT FELONIES:			
Selling Military Property over \$500 (x11)	05/08/2008	Military/ID	221-C-132-A-28861060931625
Second Degree Theft	02/23/2017	King	15-1-05845-9

ADULT MISDEMEANORS:	<u>DATE OF VIOLATION</u>	<u>COURT CASE #</u>
Larceny Military Property (x 7)	05/08/2008	Military/ID
Attempted Selling Military Property Over \$500	05/08/2008	Military/ID
Attempted Theft 2	08/31/2015	Oregon
Attempted Theft 2	04/06/2017	Snohomish
DWLS 3	11/15/2017	Edmonds

JUVENILE FELONIES: DATE OF CONVICTION

NONE

JUVENILE MISDEMEANORS: DATE OF VIOLATION

NONE

DROSE, ANTHONY CARL

AFFIDAVIT BY CERTIFICATION

I am a Senior Investigator employed by the Washington State Attorney General's Office, and make this affidavit in that capacity. I have reviewed the following databases maintained by federal and state agencies to determine the above named defendant's criminal history: NCIC (maintained by the FBI), WWCIC (Washington State Patrol Criminal History Section), JIS (Judicial Information System). I may have reviewed the following databases or other sources, including but not limited to: DOL (Washington State Department of Licensing) and DOC (Washington State Department of Corrections). A review of those sources indicates the defendant's criminal history is as listed above.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Senior Investigator

DATED this ____ day of _____, _____, at the _____ Office