



ANNUAL REPORT | 2018



Washington State Attorney General's Office



AG Ferguson speaks with guests at the 2018 Legal Foundation of Washington Goldmark Luncheon. The Attorney General's Office and the Northwest Immigrant Rights Project won the 2018 Charles A. Goldmark Distinguished Service Award.

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Mission

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

Vision

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

Values

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

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



AG Ferguson speaks with media after a hearing in a case challenging the Trump Administration's deregulation of downloadable 3D-printed guns. At the hearing, the office obtained a temporary restraining order (see p. 19 for more information).

Letter from AG Ferguson

With each passing year at the Attorney General's Office, I continue to be inspired by the hard work and dedication of the office's devoted public servants. This year in particular, that work exemplified our mission to represent all Washingtonians.

Our office continued to challenge the Trump Administration when it refused to follow the law and harmed Washingtonians and our environment. Every court to rule on one of our lawsuits against the federal government ruled in favor of Washington.

While these important cases garner a lot of attention, they represent a fraction of the important work the Attorney General's Office does every day.

We made a difference in the lives of Washingtonians in a multitude of ways. We provided excellent legal counsel to our clients, protected low-wage workers from unfair franchise agreements, made progress in identifying and reducing the backlog of unsubmitted sexual assault kits around the state, and shut down a prolific tech-support scammer to protect Washington consumers.

We also reached a landmark agreement with the Department of Energy in our ongoing efforts to protect workers from hazardous vapor exposures at the Hanford Nuclear Reservation.

At any given time, the more than 600 attorneys and 700 professional staff at the Attorney General's Office are handling approximately 20,000 legal matters. We continue to work diligently to improve public safety, fight for civil rights, defend the environment, protect consumers, and provide legal counsel to state agencies.

This Annual Report highlights our accomplishments in 2018 – both the high-profile work that receives public attention and the critical behind-the-scenes public service we do every day on behalf of our clients and the people of Washington state.

These accomplishments are a testament to the employees of the Attorney General's Office, who are dedicated to continuing the office's tradition of excellence and independence.

As a fourth-generation Washingtonian, I am honored to lead this team of devoted, talented public servants.

Bob Ferguson, Attorney General



ATTORNEY GENERAL'S OFFICE BY THE NUMBERS



13 office locations around
Washington state



200+ The Attorney General's Office
represents more than 200 state
agencies, boards and commissions



20 THOUSAND Approximately 20,000 open legal
matters at any given time



1,300 1,300 dedicated public servants



MILLIONS Millions of dollars recovered on behalf
of Washingtonians

AG Ferguson and staff from the Attorney General's Office accept the 2018 Charles A. Goldmark Distinguished Service Award. Staff pictured: AAG Mitchell Riese, Legal Assistant Chamene Woods, Policy Director Kate Kelly, Civil Rights Unit Chief Colleen Melody, Chief Deputy AG Shane Esquibel, AAG Kelly Paradis, Deputy Solicitor General Anne Egeler, AAG Patricio Marquez, Law Clerk Derek Frank, Paralegal Kathy Kindberg, AAG Marsha Chien, AAG Andrea Brenneke, AAG LaRond Baker, AAG Dave Horn

Standing up for Civil Rights

Launched in 2015, the Wing Luke Civil Rights Unit continued its work investigating discrimination in employment, housing, credit, insurance and public accommodation. The unit also led multiple high-profile lawsuits against the federal government.



AG Ferguson, joined by Gov. Inslee, Solicitor General Noah Purcell, Civil Rights Unit Chief Colleen Melody and other stakeholders, announces a lawsuit against the Trump Administration's family separation policy outside of the Federal Detention Center in SeaTac.

Challenging the Trump Administration's Family Separation Policy

In June, the Attorney General's Office led a multistate lawsuit challenging the Trump Administration's policy of forced family separation on the U.S. southern border. The states' lawsuit alleges the Administration violated the constitutional due process rights of the parents and children by separating them without any finding that the parents pose a threat to the children. The states also argue that the Administration has violated federal asylum laws by turning away families that show up at ports of entry seeking asylum.

In April, then-U.S.-Attorney General Jeff Sessions announced a new "zero tolerance" policy on the United States' southern border. As part of this enforcement policy, U.S. Immigration and Customs Enforcement (ICE) detained immigrants and asylum seekers, and separated parents from their children. Dozens of women held in the federal prison in SeaTac were separated from their children upon entering the U.S. At the time the lawsuit was filed, many had not spoken to their children in weeks and did not know where their children were.

In July, the office asked the court to expedite the case. The judge granted that order a few weeks later, pointing to the "chaotic and disorganized nature of the Government's practice of separating children from their parents and moving them around the country" as proof that "good cause exists to move swiftly to address the issues they have raised." The case is ongoing.

Standing up for Dreamers

In February, a federal judge granted Washington and 16 other states' request for a preliminary injunction to block President Trump's effort to end the Deferred Action for Childhood Arrivals program (DACA). That injunction stopped the cancellation of DACA for current grantees and required the Department of Homeland Security to accept and process renewal applications. In March, the same judge ruled that the case could move forward, denying the federal government's motion to dismiss.



AAG Colleen Melody and AAG Laura Clinton speak with a reporter after the office announced its family separation lawsuit.



AG Ferguson speaks to media after the office announced its family separation lawsuit.



AG Ferguson discusses the office's efforts to protect DACA with Graciela Pargas, a Dreamer from Venezuela.



Wing Luke Civil Rights Unit Chief Colleen Melody, joined by AG Ferguson, Gov. Inslee and a group of Dreamers, discusses a lawsuit challenging the Trump Administration's effort to end the DACA program.

In 2012, President Barack Obama created the DACA program to allow Dreamers — who were brought to the country as children — to remain in the country as long as they meet certain criteria. Those criteria include that they don't have a criminal record or otherwise pose a threat to public safety. Nearly 18,000 Dreamers live in Washington state, contributing to their local communities, working for Washington companies and attending the state's universities.

On Sept. 5, 2017, the Trump Administration announced it was ending the program within six months. The next day, the states filed their lawsuit to halt the Administration's decision.

In the lawsuit, the attorneys general assert that the Administration's decision violates the Equal Protection Clause of the Fourteenth Amendment, among other claims. Washington's case was consolidated with two others before the Second Circuit.

Combating Motel 6 Privacy Violations

In January, the Attorney General's Office filed a lawsuit against national hotel chain Motel 6 for voluntarily providing guest lists to agents of U.S. Immigration and Customs Enforcement (ICE) on a routine basis for at least two years. In the lawsuit, the office asserted that Motel 6 violated the Consumer Protection Act and the Washington Law Against Discrimination by releasing the personal information of at least 9,151 guests without their knowledge or consent.



Northwest Immigrant Rights Project Executive Director Jorge Barón discusses the DACA lawsuit with reporters.

The Attorney General's Office began to investigate Motel 6 locations in Washington after two Motel 6 locations in Arizona made national news for voluntarily providing guests' personal information to ICE. Motel 6 admitted that at least six of its Washington state locations shared personal information of its guests with ICE without requiring a warrant or other lawful basis. Each time Motel 6 released a guest list, it included the name and private information of every guest at the hotel. This led to significant consequences, including the detention of at least six individuals.

“Horning Brothers received, and ignored, multiple notices over several years that sexual harassment was a problem at its company. Today's result forces a culture change at Horning Brothers by bringing justice to the women who were harassed and protecting future employees.”

- Attorney General Bob Ferguson



AG Ferguson and staff from the Wing Luke Civil Rights Unit after garnering a \$525,000 resolution on behalf of farmworker women who were sexually harassed by the foreman of a Central Washington onion packing plant. Staff pictured: AAG LaRond Baker, Investigator Alma Poletti, Civil Rights Unit Chief Colleen Melody, Legal Assistant Caiti Hall, Paralegal Judy St. John, Legal Assistant Vanessa Salinas, AG Ferguson, AAG Patricio Marquez, Litigation & Admin. Manager Keely Tafoya

Combating Workplace Discrimination

In October, the Attorney General's Office reached what it believes to be the largest-ever civil rights resolution for the state with Horning Brothers, LLC, a Quincy-based agricultural company, for alleged sexual harassment, discriminatory hiring and sex-segregated employment practices and retaliation against workers who reported the improper conduct. Horning Brothers will pay \$525,000 in the resolution. The multiple female agricultural workers affected by this conduct will receive compensation for their harms.

The office filed a case against the company in 2017 asserting that the operation and policies of Horning Brothers allowed its foreman, Hermilo Cruz, to sexually harass and discriminate against female employees for several years. Cruz and the company retaliated against employees who rejected Cruz's advances or complained about his conduct.

In addition to the payment, Horning Brothers must prohibit Cruz from holding any supervisory position at Horning Brothers, implement employee complaint procedures, adopt a non-discrimination and anti-retaliation policy approved by the Attorney General's Office and provide annual training to management, among other requirements.

Defending the Integrity of the 2020 U.S. Census

In April, the Attorney General's Office joined a multistate lawsuit challenging the Trump Administration's decision to include a question about citizenship status in the 2020 U.S. Census on constitutional and statutory grounds. The states sent a letter in February, in which the attorneys general argued that the addition of the question “would significantly depress participation, causing a population undercount that would disproportionately harm states and cities with large immigrant communities.”

Roughly one in seven Washington residents is an immigrant, and one in eight native-born U.S. citizens in Washington lives with at least one immigrant. In 2015, Washington received more than \$650 million in federal highway money and nearly \$460 million in school funding and federal special education grants directly tied to the Census count. That same year, the state received nearly \$4 billion under the Medicaid program, some of which could also be in jeopardy if the state's population is undercounted.



Complex Litigation Division Chief Jeff Rupert, joined by AG Ferguson and Deputy AG Todd Bowers, discusses the office's 3-D printed guns case with reporters.

Federal Litigation

Beginning with the office's successful lawsuit to block the Trump Administration's first travel ban in January of 2017,

our office has continued to take a leading role in challenging unlawful and unconstitutional actions by the federal government.

Since the travel ban litigation, the office has filed a total of 33 lawsuits against the Trump Administration over subjects ranging from immigration, health care access and the environment. Fourteen of those cases were filed in 2018.

Every court to rule on one of these lawsuits has ruled in favor of Washington state. Our office has been successful in 17 lawsuits without losing a single case. In 2018, those successes included reversing several unlawful decisions on environmental protections to winning a preliminary injunction blocking the Administration's attempt to end the Deferred Action for Childhood Arrivals (DACA) program. (See p. 7 for more details on the DACA case).

Highlights From Federal Cases Filed in 2018

California, et al. v. EPA ("Glider" trucks)

On his last day with the agency, outgoing Environmental Protection Agency Administrator Scott Pruitt suspended strict limits on "glider" trucks instituted in 2016. Glider trucks are new heavy-duty trucks manufactured with highly polluting, refurbished engines that do not comply with modern emissions standards.

Pruitt's action would have allowed manufacturers to put thousands more of the high-polluting trucks on the road before any formal process to modify or repeal the strict limits could be completed.

In July, Washington joined 16 other attorneys general to file a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit challenging Pruitt's action. Just seven days later, the EPA's new Acting Administrator Andrew Wheeler reversed course, withdrawing Pruitt's action suspending glider truck limits.

Washington v. Federal Energy Regulatory Commission (FERC FOIA)

In January, Washington filed a lawsuit claiming that the Federal Energy Regulatory Commission failed to respond to the Attorney General's Office's Freedom of Information Act request, seeking communications among FERC commissioners. The state's November 2017 FOIA request asked for emails and other written communications during a tumultuous time at FERC, including periods in which the Commission failed to have a quorum, failed to hold any public meetings, and considered a proposal from the Department of Energy that would have upended the energy markets. As a result of Washington's lawsuit, FERC has provided hundreds of pages of documents and paid the Attorney General's costs and fees, resolving the case as of November.



“Allowing powerful special interest to act as the internet’s gatekeepers harms consumers, innovation and small businesses. We believe the FCC acted unlawfully when it gutted net neutrality, and I look forward to holding the FCC accountable to the rule of law.”

- Attorney General Bob Ferguson ”

New York et al. v. Department of Justice (Law Enforcement Grants)

In July, Washington and five other states filed a lawsuit in U.S. District Court for the Southern District of New York challenging the Department of Justice’s decision to restrict certain law enforcement grant funds only to those jurisdictions that assist the federal government with its civil immigration priorities. The government’s decision to condition the funds on whether states and localities provide access and information to federal immigration enforcement authorities jeopardizes nearly \$3.3 million awarded to Washington state through the Edward Byrne Memorial Justice Assistance Grant program. The case is currently pending in federal court.

In November U.S. District Court Judge Edgardo Ramos granted the states’ motion for partial summary judgment, ruling that the Department of Justice’s conditions on the grants were unlawful, and enjoined the department from imposing the conditions for the grants. The Department of Justice appealed the ruling to the 2nd Circuit Court of Appeals.

New York, et al. v. Federal Communications Commission (Net Neutrality)

In February, Washington, 21 other states and the District of Columbia sought review of the Federal Communications Commission’s Restoring Internet Freedom Declaratory Ruling, Report and Order. The states contend the FCC’s decision to repeal Obama-era “net neutrality” rules violates the U.S. Constitution, the Administrative Procedure Act and the Communications Act of 1934. The states also seek to vacate the portion of the FCC’s order preempting state and local regulation of broadband service.

New York v. Pruitt (Hydrofluorocarbons)

In June, Washington and 10 other Attorneys General filed a lawsuit accusing the Environmental Protection Agency of violating the Clean Air Act by improperly reversing a rule that prohibited the use of hydrofluorocarbons, or HFCs, in response to a narrow DC Circuit ruling. HFCs are a powerful type of greenhouse gas used in air conditioning, refrigeration, aerosols and fire retardants. Their global warming potential is 300 to 1,000 times greater than carbon dioxide.

New York et al. v. Department of Labor (Association Health Plans)

In July, Washington and 11 other attorneys general filed a lawsuit challenging a Department of Labor rule that allows small businesses and self-employed individuals to join association health plans, which could significantly draw healthy people out of state health care exchanges. According to the lawsuit, the rule, published June 21, 2018, unlawfully expands the definition of “employer” as passed by Congress. This conflicts with the clear statutory structure Congress set up when it passed the Affordable Care Act. The states’ lawsuit argues that expanding this definition requires an act of Congress, meaning the Trump Administration cannot do it unilaterally.

Washington v. EPA (Waters of the U.S.)

In February, Washington joined 10 other Attorneys General to file a lawsuit in the Southern District of New York challenging the Environmental Protection Agency’s decision to suspend the “waters of the United States” rule. The rule provides much-needed clarity about which waters qualify for protection under the Clean Water Act, and which waters are only regulated by sometimes inconsistent state laws.



Solicitor General Noah Purcell discusses our office’s family separation case with a reporter outside of the Federal Detention Center in SeaTac.

The “waters of the United States” rule applies the Clean Water Act to both navigable waters and upstream waters that impact the chemical, physical and biological integrity of navigable waters, providing uniformity for state and federal regulators and project managers alike.

New York et al. v. Pruitt (Oil & Gas Facilities)

Nearly a decade ago, the Environmental Protection Agency determined that methane and other greenhouse gases endanger public health and welfare by contributing to climate change. However, the EPA’s former administrator, Scott Pruitt, is delaying a rule that would limit methane emissions from the largest industrial emitters in the nation — oil and natural gas facilities.

Without explanation in 2017, Pruitt abruptly ordered the EPA to halt the process for establishing guidelines for existing oil and gas facilities without notice or opportunity for comment. Washington joined several other states to send a notice to the EPA warning Pruitt that if

the EPA did not implement the rule, they would sue. The agency still refused, so Washington joined 13 other states to file a lawsuit in April to force the EPA to put these important limits in place.

State of Washington v. Environmental Protection Agency (EPA FOIA)

After the Environmental Protection Agency issued a new policy barring scientists who receive EPA grants from serving on advisory committees, Washington filed a Freedom of Information Act request for communications between the EPA and committee members. After the EPA failed to respond to the FOIA request, Washington filed a lawsuit seeking to force the EPA to disclose its communications about the new policy.

Other cases:

- 3D-printed guns, see p. 19
- Family Separation, see p. 7
- Census citizenship question, see p. 9
- Vehicle emissions, see p. 16



Deputy AG Kristen Mitchell and Counsel for Environmental Protection Unit Chief Bill Sherman talk before a press conference on the Trump Administration's proposal to allow offshore drilling off Washington's coast.

Protecting the Environment

Protecting Washington's environment continued to be a top priority of the office. The office engaged in a range of actions to protect the environment and hold accountable those who commit environmental crimes. Much of the office's environmental work in 2018 continued to focus on defending federal environmental rules and standards that the Trump Administration has vowed to roll back.



AG Ferguson, joined by Gov. Jay Inslee and Commissioner of Public Lands Hilary Franz, discusses President Donald Trump's proposal to allow oil and gas drilling off Washington's coast.

Combating Harmful Pesticides

In August, the U.S. Court of Appeals for the Ninth Circuit agreed with the Attorney General's Office, seven other attorneys general and several nonprofit organizations that the EPA improperly halted a scientific safety review of the neurotoxic pesticide chlorpyrifos, allowing the continued use of the pesticide at potentially dangerous levels.

Chlorpyrifos is widely used in numerous pesticide products on more than 80 food crops nationwide. Scientific evidence has documented the harmful effects chlorpyrifos has on human health, such as lower IQ and attention deficit disorders. Children are at the highest risk of exposure, as well as pregnant women.

The EPA halted the safety review for this pesticide in March 2017 without indicating any level at which its use is safe, violating the Federal Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act. The court reversed the agency's decision to allow the continued use of chlorpyrifos and ordered the agency to revoke all of the pesticide's use on food within 60 days.

Standing up Against Offshore Drilling

In February, the Attorney General's Office sent a letter to then-Interior Secretary Ryan Zinke to express opposition to President Trump's proposal to allow oil and gas drilling off Washington's coast. The Trump Administration planned to open more than 90 percent of all federal waters to offshore drilling, but granted the state of Florida an exemption in January. The office argued that every reason Zinke identified in his Florida exemption also applied to Washington. In the letter, the office also asserted that drilling off Washington's Pacific coast would harm the state's economy and ecosystem, and violate state law.

In 2014, Washingtonians took an estimated 4.1 million trips to Washington's coast, generating \$481 million for the economy. Commercial fishing and seafood processing added another \$117 million that year, not to mention the intangible benefits generated by the coast's diverse and unique ecosystems and the communities and tribes that rely on the coast. The Attorney General's Office asked Zinke to provide an exemption for Washington and threatened litigation if the Administration put Washington's coastal communities at risk.

“Washingtonians have first-hand experience with the types of disasters this rule was designed to prevent. I won’t allow the Trump Administration to ignore the law to advance the interests of the oil and chemical industry, at the expense of worker safety.”

- Attorney General Bob Ferguson



Aerial footage of an illegal dump and wrecking yard in Renton. After the office brought legal action, a King County Superior Court judge found the dump owner guilty of multiple felony charges.

Defending the Chemical Disaster Rule

In response to a lawsuit from the Attorney General’s Office and 10 other states, the U.S. Court of Appeals for the District of Columbia Circuit ruled in August that the Trump Administration’s delay of the Chemical Disaster Rule violated the Clean Air Act. The court wrote that the Administration’s reasoning for the delay “makes a mockery of the statute” and “delayed life-saving protections.”

The Chemical Disaster Rule was prompted by a number of high-profile accidents around the nation, including the 2010 Tesoro refinery explosion in Anacortes that claimed the lives of seven workers. The rule updates important safety requirements for large industrial facilities that handle hazardous chemicals.

The attorneys general filed the lawsuit in July 2017 after the Trump Administration delayed implementation of the rule for nearly two years. The Clean Air Act only allows a 90-day delay of finalized rules in response to litigation.

Fighting for Fuel Efficiency Standards

In May, the Attorney General’s Office joined 16 other states in a lawsuit challenging then-EPA chief Scott Pruitt’s decision to roll back emissions and fuel efficiency standards for certain vehicles. The standards, put in place for car and light-duty truck models produced between 2022 and 2025, ensure that new vehicles have better fuel economy and lower greenhouse gas emissions.

The EPA estimates that these standards will cut greenhouse gas emissions by approximately 2 billion metric tons over the lifetimes of vehicles sold between 2017 and 2025 — the equivalent of the annual emissions of 422 million cars currently on the road.

After completing a required midterm review, the EPA determined in January 2017 that vehicle emissions standards for model year 2022 to 2025 vehicles were viable. Pruitt reversed that determination in April 2018 without citing any evidence that the standards were unachievable. The attorneys general allege Pruitt’s decision was arbitrary and capricious in violation of the Administrative Procedure Act.

Cleaning up Hazardous Waste

In April, a King County Superior Court judge found a Renton man guilty of multiple felony charges for his illegal dump and wrecking yard in a case brought by the Attorney General’s Office in September 2016.

Piles of household, industrial and construction waste were spread and buried over a large portion of Charles Pillon’s 10-acre property, in some places five stories high. Water and soil samples from the site included multiple dangerous and hazardous wastes at levels exceeding ground or surface water quality standards, such as lead, chromium, cadmium and arsenic. The site drains into May Creek and Lake Washington, which the court ruled placed both bodies of water in imminent danger of harm. Pillon was convicted of two felony counts and one gross misdemeanor.

In June, a King County Superior Court judge sentenced Pillon to pay \$15,000 in fines, serve 30 days in jail and cooperate with authorities’ efforts to clean up the environmental hazards from his illegal dump and wrecking yard.



Crime & Public Safety

The office continued its work to reduce crime and enhance public safety around Washington state. This work spans multiple divisions within the office, from Complex Litigation to Criminal Justice. Work in this area included an expanded effort to test sexual assault kits, a new website to provide resources for human trafficking victims, and criminal charges against a prison inmate who attacked a state corrections officer.



Seattle Police Chief Carmen Best announces her support for the office's lawsuit on 3D-printed guns at a press conference.

Combating Undetectable, 3D-Printed "Ghost" Guns

In July, the Attorney General's Office led a multistate lawsuit against the Trump Administration to ensure that downloadable files for 3D-printed "ghost" guns are not freely available for distribution on the internet. This action was in response to the Administration's unexpected reversal of the Obama-era position that firmly opposed the free availability of downloadable 3D gun files. The Trump Administration abruptly agreed to settle a case against Defense Distributed, an organization dedicated to global distribution of open-source, downloadable 3D-printed gun files. The Obama Administration twice successfully defended this case in federal court.

The settlement between the Trump Administration and Defense Distributed would have allowed these downloadable gun files to be widely available, and required the government to lift export restrictions. The Attorneys General of multiple states argued that the settlement violated states' constitutional right to regulate firearms, protected by the Tenth Amendment. For example, the settlement jeopardized Washington's robust regulatory system that keeps firearms out of the hands of dangerous individuals. Additionally, the states argued, the government failed to follow proper procedures with both Congress and the Department of Defense before lifting export restrictions, in violation of the Administrative Procedure Act.

Judge Robert Lasnik of the U.S. District Court for the Western District of Washington agreed, granting a nationwide temporary restraining order in July and a preliminary injunction in August, effectively extending the ban on the sharing of these 3D gun files for the duration of the case.

The case would also prompt 2019 Attorney General-request legislation prohibiting the manufacture or possession of untraceable, undetectable 3D-printed guns in Washington.

Providing Resources for Human Trafficking Victims

The Attorney General's Office launched the Washington Trafficking Help website to help provide a resource to victims of human trafficking in Washington state. This was an important step in the fight against human trafficking in Washington, consolidating available resources for survivors in a centralized hub.

According to the National Human Trafficking Hotline, the number of human trafficking cases reported in Washington doubled between 2012 and 2017. The hotline has taken nearly 3,500 calls from the State of Washington since 2007, identifying nearly 1,800 potential victims of human trafficking in the state. This website provides a way for survivors, who are often faced with incredibly difficult situations, to access the help and support they need to escape their trafficker and rebuild their lives.

Standing up for Victims of Sexual Assault

In October, the Attorney General's Office completed its inventory of Washington state's unsubmitted sexual assault kits, finding 6,460 kits that had not yet been submitted for lab testing by local law enforcement agencies. These kits are incredibly valuable for cold case units and could provide key DNA evidence for sexual assault investigators.

There are two types of sexual assault kit backlogs, those that have been submitted and not yet tested, and those that are sitting in law enforcement evidence storage facilities because a DNA analysis was never requested. The inventory process was the first step in addressing the latter and is a part of the office's Sexual Assault Kit Initiative (SAKI) project. The inventory process was made possible by a \$3 million grant from the U.S. Department of Justice to assist law enforcement in testing and investigating untested sexual assault kits. Testing backlogged kits has already provided new information on cold cases with a suspect being charged with child rape more than 10 years after the crime.

Protecting Washington's Corrections Officers

In June, the Attorney General's Office filed second-degree attempted murder charges against state prison inmate Abdinjib Ibrahim in response to his alleged attack on Corrections Officer Terry Breedlove in 2016. Officer Breedlove was left with sustained concussive syndrome and a traumatic brain injury after Mr. Ibrahim allegedly attacked him with a 6-pound metal stool seat in a prison unit day room. The office is prosecuting the case after referral from and with the cooperation of the Clallam County Prosecutor's Office, and remains committed to protecting Washington state Corrections employees who put their lives on the line to watch over some of the state's most dangerous individuals.

Protecting Servicemembers & Veterans

The Attorney General's Office is proud to support our military service members, veterans, and their families. In 2018 the office filed lawsuits against veteran-related charities that scammed consumers. The office also launched an updated version of its Veterans Resource Guide.



Korean War Memorial: Olympia, Washington.

Combating Scam Charities

In July, the Attorney General's Office investigated two charities that were actively deceiving consumers. These charities falsely informed potential donors that their donations would benefit veterans, when, in fact, little to none of the money raised served this purpose. The office filed two lawsuits: one against Spanaway-based Fallen Hero Bracelets and another against Florida nonprofit Healing Heroes Network for violating the Consumer Protection Act and the Charitable Solicitations Act.

The lawsuit against Fallen Hero Bracelets and its director, Michael Friedmann, was filed after the Attorney General's Office received 11 complaints referencing illegal behavior by Friedmann and the organization. Fallen Hero Bracelets did not direct any revenues from the sale of bracelets to the scholarship programs, trained service dogs or veterans' family assistance that they promised on their website. Additionally, Friedmann often threatened to sue customers who complained and harassed consumers with threats of lawsuits and collection agencies.

A separate lawsuit against the Healing Heroes Network and its directors, Stacey and Alan Spiegel, alleged similar deceptive conduct. This organization raised around \$20 million in the nearly 10 years it operated. The organization spent less than 1 percent of its \$2.5 million revenues in both 2016 and 2017 on direct services to wounded veterans. This was in opposition to their promises to help veterans receive medical treatments not readily provided by the Department of Veterans Affairs.

These actions were part of Operation Donate with Honor, a nationwide sweep joined by Attorney General Ferguson and Washington Secretary of State Kim Wyman to combat veterans' fundraising fraud through education and enforcement.

Providing new Legal Resources for Military Veterans

In November, the Attorney General's office announced new resources aimed at helping military veterans deal with legal issues. These resources were a direct response to a survey of current and former military personnel conducted by the office. Sixty percent of respondents indicated that they experienced at least one legal issue in the past year, but most did not seek legal help, primarily due to financial constraints.

The program is for current service members and seeks to address the financial obstacles faced by military personnel as they attempt to access adequate legal resources.

This program connects Washington's military families to volunteer attorneys that the office has been actively recruiting.

Upholding the Servicemembers Civil Relief Act

The Servicemembers Civil Relief Act (SCRA) is a federal law that requires companies to obtain a court order before seizing and selling property belonging to a service member. In 2014, the Washington State Legislature passed the Washington State Servicemembers' Civil Relief Act which expanded the SCRA into state law.

The Attorney General's Office enforced this law in September to protect the rights of Petty Officer 2nd Class Alex Vaughn after his car was towed and illegally auctioned off by Burns Towing Inc. When Mr. Vaughn returned home from active duty and realized what had happened, he contacted the Attorney General's Office. The office filed a lawsuit asking for full restitution, including damages resulting from the sale of the car, a civil penalty and injunctions to prevent future violations of the law.

Updating the Military & Veteran Legal Resource Guide

In November, the office released an updated version of its Military & Veteran Legal Resource. Originally created in 2013, the guide is designed to improve knowledge and understanding about a number of federal and state laws specifically applicable to military service members.

Updates to the guide include explanations of new or recently amended laws, a fresh visual redesign, and restructured chapters to make it easier for veterans to locate information about the various legal issues they may face. Keeping this resource updated is an essential part of the ongoing effort to protect and enhance the wellbeing of our service members, and the Attorney General's Office continues to build partnerships with other members of the legal community throughout the state to meet this shared duty.





AG Ferguson greets volunteer leaders in the AARP Fraud Fighter program after taping a video on behalf of the program. Photo courtesy of AARP Washington.

Protecting Consumers

Every Washington consumer and business benefits from the vital role our office plays in ensuring fair market competition by enforcing consumer protection and antitrust laws. The office also provides a range of complaint mediation, and delivers education and outreach services designed to inform Washingtonians about their legal rights.

“Uber kept this massive data breach secret for more than a year, and jeopardized the personal information of thousands of drivers. Uber’s conduct was inexcusable and unlawful.”

- Attorney General Bob Ferguson

Holding Uber Accountable for a Massive Data Breach

In 2017, Attorney General Bob Ferguson filed a multi-million dollar consumer protection lawsuit against ride sharing company Uber, alleging thousands of violations of the state’s data breach notification law. Uber failed to adequately safeguard the personal data of Uber drivers during a 2016 data breach.

The breach affected more than 57 million drivers and passengers worldwide, including nearly 13,000 Uber drivers in Washington. Uber waited more than a year before it revealed the breach publicly or notified the Attorney General’s Office. Washington law requires notification within 45 days of a breach.

On Sept. 26, 2019, Ferguson announced that he will return more than \$2.2 million to Uber drivers affected by the breach. Most Washingtonians who drove for Uber in 2013 and 2014 will each receive \$170.

Standing up to Discriminatory Advertising

As a result of an Attorney General’s Office investigation, Facebook signed a legally binding agreement to make significant changes to its advertising platform nationwide by removing the ability of third-party advertisers to exclude ethnic and religious minorities, immigrants, LGBTQ individuals and other protected groups from seeing their ads.

This action concluded a 20-month investigation by the Washington State Attorney General’s Office that began after nonprofit ProPublica published an article regarding Facebook’s ad platform that allowed businesses to discriminate against users based on race. The office discovered that the social network service’s platform allowed advertisers to exclude African-American, Latinx and other ethnic affinities from seeing ads. Facebook did not offer exclusion options for Caucasians.

Investigators in the Attorney General’s Office successfully used the platform to create 20 fake ads that excluded one or more ethnic minorities

from receiving their advertising for nightclubs, restaurants, lending, insurance, employment and apartment rentals. For example, AGO investigators posed as a restaurant. The restaurant ad excluded African-American, Asian-American and Latinx ethnic affinity groups.

Despite discriminatory exclusions and language, Facebook’s advertising platform approved all 20 ads. As a result of this investigation, Facebook will no longer provide advertisers with tools to discriminate based on race, creed, color, national origin, veteran or military status, sexual orientation and disability status.

Keeping Healthcare Providers Accountable

In March 2018, Ferguson announced that affiliated health care providers, Providence Health & Services and Swedish Health Services, will pay more than \$1.4 million as a result of an investigation by the Attorney General’s Office.

Providence and Swedish failed to disclose use of a pathology lab that was out-of-network for many of their patients, resulting in hundreds of thousands of dollars in unexpected charges for more than 6,400 Washingtonians who received pathology testing in 2015 and 2016.

Providence’s Western Washington facilities and Swedish facilities exclusively use CellNetix for pathology testing. From January 2015 to February 2016, Premera Blue Cross, a health insurer for many Providence and Swedish patients, pulled CellNetix from its network. Despite having advance notice of the change, Swedish and Providence failed to inform their patients that an out-of-network lab would be providing their pathology testing. Consequently, Premera-insured patients received substantially higher medical bills than they expected.

For more than a year, Providence and Swedish did not notify their patients of their use of CellNetix, despite many complaints from patients, including their own employees. In that timeframe, individual Premera patients paid CellNetix between \$7 and \$7,000 for testing.



AG Ferguson, joined by AARP WA Director Doug Shadel and Microsoft President Brad Smith, announces a consumer protection lawsuit against iYogi in 2015. The case resolved in 2018 after a court issued a \$6.3 million judgment against the company's parent company and subsidiary.

This resolution requires Providence and Swedish to pay full restitution to all consumers who were overcharged.

Fighting a Tech Support Scam

When Ferguson filed a lawsuit against iYogi in 2015 accusing it of scamming consumers, it was one of the largest independent tech support providers in the world. The company essentially shut down by April 2018, when the King County Superior Court entered \$6.3 million in judgments against iYogi's international parent company in India and its U.S. subsidiary.

Ferguson's lawsuit accused iYogi of using deception and scare tactics to pressure consumers into buying unnecessary tech support services. The company deceived consumers into believing it was part of major computer software and hardware companies like Norton, Microsoft, Apple and others to gain access to their computers.

The company then used its proprietary software to misidentify "infected files" to persuade consumers to purchase iYogi support plans and antivirus software.

Attorney General's Office investigators posed as consumers and had iYogi scan their computers, which were brand new. Even on these new computers with newly installed operating systems,

iYogi supposedly identified "infected files."

Stopping a "Trust Mill" Scheme

On March 8, Ferguson filed a lawsuit against CLA Estate Services, Inc., CLA USA, Inc., and Mitchell Johnson, a former CLA agent. The suit asserts that CLA operated a "trust mill" scheme targeting hundreds of Washington consumers.

The company held misleading estate-planning seminars and sold financial products to Washington seniors without adequately disclosing that these products could lock up their assets for years and carried hefty penalties for early withdrawal. These products made CLA millions in commissions at substantial cost to consumers.

For example, after falsely representing that he was an investment advisor, a CLA agent convinced a senior to transfer \$600,000 held in stocks and an IRA to purchase an annuity. The agent lied about the senior's assets on her annuity application and failed to advise her of the surrender penalties and tax consequences she would incur if she withdrew funds early. She was ultimately charged over \$37,500 in surrender penalties for withdrawals she made to pay her living expenses and help her family.

In August 2018, a King County Superior Court judge issued a preliminary injunction ordering the estate-planning company to immediately halt its deceptive conduct.

“Foreclosure can be a confusing and vulnerable time for homeowners. Surplus funds from a foreclosure sale can be the lifeline a person needs to get back on their feet. I will hold companies accountable for preying on homeowners facing foreclosure.”

- Attorney General Bob Ferguson

Combating a Scam targeting Foreclosed Homeowners

On May 18, Ferguson filed a lawsuit against Kirkland- and Portland-based Real Estate Investment Network, LLC (REIN), which had been scamming foreclosed homeowners out of equity in the form of surplus funds remaining after the sale.

These surplus funds can amount to tens of thousands of dollars. The charged excessive fees are often more than 50 percent of the surplus funds homeowners are entitled to following the foreclosure of their home. This is much more than the 5 percent allowed under Washington law.

With the real estate market booming, more and more foreclosure sales bring in more money than is owed on the mortgage. These additional funds are called surplus funds. Homeowners can recover the surplus funds through a relatively simple process that most consumers can handle themselves or with minimal assistance from an attorney.

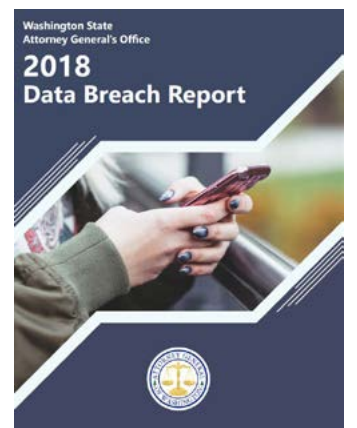
According to the lawsuit, the company deceived homeowners with a high-pressure sales pitch that created a false sense of urgency and misrepresented the process for recovering surplus funds. REIN's sales tactics included repeated calls and visits to the homeowner, talking to neighbors, and in at least one instance, approaching the nine-year-old child of a foreclosed homeowner as she got off the school bus.

On May 30, 2018, a judge ordered the company to halt its deceptive practices while the state's lawsuit progressed. This blocked the company from collecting surplus funds from Washington homeowners.

Protecting Washingtonians' Personal Information

Ferguson's third annual Data Breach Report finds that data breaches affected nearly 3.4 million Washingtonians between July of 2017 and July of 2018 — an increase of 700,000, or 26 percent, over the previous year, and an increase of nearly 3 million, or more than 700 percent, compared to two years ago.

The law requires notice to the Attorney General when a breach impacts 500 or more Washingtonians, and the Attorney General's Office received 51 such notices in fiscal year 2018. Ferguson's report finds that malicious cyberattacks continue to be the leading cause of data breaches affecting Washingtonians.



Ferguson's report makes the following recommendations to strengthen Washington's data breach notification law:

- Reduce the deadline to notify affected individuals of a breach to 30 days after the breach is discovered;
- Require preliminary notification to the Attorney General's Office of a breach within 10 days after the breach's discovery; and
- Expand the definition of personally identifiable information to include full dates of birth, usernames in combination with passwords, digital signatures, DNA profiles or other forms of biometric data, and identification numbers from passports and other sources.



Jimmy John's employee Merlee Sherman talks about how the company's "no-poach" clause limited her mobility and made it impossible for her to receive better pay at another Jimmy John's location.

Antitrust

The Antitrust Division ensures a level playing field for businesses and consumers by enforcing the antitrust provisions of Washington's Unfair Business Practices-Consumer Protection Act.

“Companies must compete for workers just like they compete for customers. They cannot manipulate the market to keep wages low. My goal is to unrig a system that suppresses wages in the fast food industry.”

- Attorney General Bob Ferguson

Ensuring a Level Playing Field for Washington's Workers

In January 2018, Attorney General Bob Ferguson's Antitrust Division launched an investigation into no-poach clauses. No-poach clauses appear in franchise agreements between owners of franchises and corporate headquarters. The clauses prohibit employees from moving among stores in the same corporate chain, a practice that economists believe stagnates wages. For example, the clauses would prohibit an employee at one Ben & Jerry's location from accepting employment from another Ben & Jerry's franchise location for higher pay.

The initiative began with a September 2017 article in the New York Times that focused on the downward pressure no-poach agreements among fast-food franchises place on wages. After reading the article, Solicitor General Noah Purcell referred the subject to Ferguson. The article cited research by Princeton economists Alan Krueger and Orley Ashenfelter highlighting the harms to workers caused by the practice. The economists assert that "no-poach" clauses reduce opportunities for low-wage workers and stagnate wages, harming workers in Washington and across the nation.

Ferguson's Antitrust Division negotiated an end to no-poach practices with 46 corporate chains in 2018, including McDonald's, Anytime Fitness, Sport Clips and La Quinta. All of the chains have agreed to end this practice nationwide.



No poach contracts were between corporate headquarters and franchise owners. Most workers were not aware of these when they started employment.

Holding Electronics Companies Accountable for a Price-Fixing Scheme

On Sept. 4, 2018, Ferguson announced the resolution of his lawsuit asserting seven multinational electronics manufacturers engaged in a price-fixing scheme to drive up the cost of cathode ray tubes, or CRTs, a technology once ubiquitous in television screens and computer monitors.

From 1995 to 2007, the companies engaged in a price-fixing conspiracy that caused Washington consumers to be overcharged for their CRT televisions and computer monitors. The seven defendant companies — including Samsung, LG, Panasonic, Hitachi, Chunghwa, Toshiba and Philips — are paying Washington a total of \$39.65 million to resolve the claims brought by the Attorney General.

Ferguson's lawsuit asserts the companies held secret meetings, known internally as "glass meetings," in which they agreed to fix prices of CRTs. For example, the lawsuit alleges the companies agreed to artificially restrict supply to keep prices high and share information with competitors regarding capacity, production, prices and customer demands for CRTs.

The lawsuit alleges the companies' scheme allowed them to keep CRT prices high, even as liquid crystal display, or LCD, screens were introduced to the market.

Until the late 2000s, CRTs were the primary technology for television screens and computer monitors. In 1999, CRT monitors accounted for over 90 percent of the retail market for computer monitors in North America.

The technology has largely fallen out of use in recent years, as flat-screen televisions and computer monitors made with LCD screens became more popular. The companies no longer produce CRTs.



AG Ferguson speaks with a Hanford Nuclear Reservation worker after a press conference.

Standing up for Hanford Workers

The Attorney General's Office has a longstanding record of going to bat for workers when their rights have been violated or they are put in harm's way. In 2018, the office continued its fight on behalf of Hanford workers who have been getting sick due to exposure to hazardous tank vapors at Hanford.



AGO Hanford Case Team: Deputy AG Kristen Mitchell, Counsel for Environmental Protection Unit Chief Bill Sherman, AAG Andy Fitz, AAG Kelly Wood, Ecology Division Chief Laura Watson, AAG Emily Nelson, AG Bob Ferguson, Chief Deputy AG Shane Esquibel

Worker Safety Lawsuit Leads to Big Win at Hanford

In 2015, the Attorney General's Office filed a lawsuit against the U.S. Department of Energy after 20 years of workers at the Hanford Nuclear Reservation getting sick from hazardous vapor exposures.

Despite multiple studies and reports, the federal government took little action. Some 1,500 different volatile chemical gases — many of which are highly toxic and known carcinogens — have been found in underground tanks storing nuclear waste at Hanford. Exposure to these chemicals causes numerous harmful health impacts, including lung disease, central nervous system suppression, nerve damage and several types of cancer.

On Sept. 19, the office announced that Energy will conduct testing and, if successful, begin implementing a new system to treat or capture hazardous tank vapors at Hanford within the next three years, under the terms of an agreement submitted to a federal court. The resolution also required Energy to pay Washington state and nonprofit watchdog and advocacy organization Hanford Challenge \$925,000.



AG Ferguson speaks with Hanford workers at a town hall in the Tri-Cities.

This agreement places the lawsuit on hold while the testing takes place.

In exchange for the Attorney General's Office agreeing to suspend its case, the federal government has entered into a legally binding agreement to complete multiple rounds of testing on a system that will destroy or capture tank vapors before they can harm workers. If testing is successful, Energy must implement the successful technology. Energy has roughly three years to complete this process.

The Attorney General's Office can resume the case if Energy fails to follow through with the terms of the agreement.

Legislative Priorities

Attorney General Ferguson's 2018 legislative priorities included keeping tobacco and vaping products away from teens, expanding legal services for veterans & military service members and advocating for stricter firearm laws.



2018 Legislative Session Team: AG Bob Ferguson, Legislative Director Yasmin Trudeau, Deputy Legislative Director Brittany Gregory, Legislative Fellow Bryan Russell, Legislative Fellow Jonathan Nichols, Chief of Staff Mike Webb.



Military Consumer Protection

This bipartisan legislation expands protections for military consumers who are relocated or called to active duty. The bill, sponsored by Sen. Fain, R, and Rep. Kilduff, D, amends the state Service Members Civil Relief Act to allow service members to cancel or suspend contracts for gym memberships, TV and internet services and more when they are relocated or called to active duty.

The legislation prevents service members from being charged penalties or fees when canceling or suspending a contract, and permits the reinstatement of the contract under previous or generally favorable terms. It also expands the definition of "service member" in the act so protections also apply to members of the National Guard.



Student Loan Bill of Rights

This legislation implements and defines minimum servicing standards for third-party student loan servicers and requires servicers to obtain a license from the Director of the Department of Financial Institutions. It also creates a student loan advocate in the Washington Student Achievement Council tasked with receiving, reviewing and referring complaints from student loan borrowers. Lastly, it funds a study examining viability of a statewide refinancing program.

The legislation, sponsored by Sen. Liias, D, and Rep. Stonier, D, was signed into law on March. 15.



Medicaid Fraud Control Unit False Claims Penalties

This legislation brings Washington in compliance with the Federal Deficit Reduction Act and allows the state to obtain an additional 10 percent state share of state False Claims Act penalties.

The legislation, sponsored by Sen. Keiser, D, and Rep. Ryu, D, was signed into law on March 15.



Medicaid Fraud Control Unit Enabling Statute

This legislation creates an enabling statute for Washington's Medicaid Fraud Control Unit in RCW 74.67. The change provides additional investigatory resources by authorizing the unit to have Limited Commission status.

The legislation, sponsored by Sen. Dhingra, D, and Rep. Goodman, D, was signed into law on March 22.



SVP Unconditional Statutory Release Fix

This legislation clarifies interpretation of RCW 71.09.090, relating to the release of Sexually Violent Predators.

This legislation, sponsored by Rep. Muri, R, and Sen. Dhingra, D, was signed into law on March 21.

Other Legislation

Assault Weapons Enhanced Background Checks

This legislation increases the purchase age of assault-style weapons to 21 and requires an enhanced background check and license for people seeking to purchase these weapons and large-capacity magazines.

Legislation to be Reintroduced

Banning the Sale of Assault Weapons & High Capacity Magazines

This legislation bans the sale, manufacture, transfer, transport, and import of assault weapons and high-capacity magazines in Washington state

Ban on the Sale of High Capacity Magazines

This legislation bans the sale, manufacture, transfer, transport, and import of high-capacity magazines in Washington state.

Establishing a Cooling Off Period

This legislation establishes a one-year "cooling-off" period for elected officials, agency heads, and senior-level officials by prohibiting lobbying activity directly following public service.

Mandatory use of the Prescription Monitoring Program

This bill would require medical practitioners to review a patient's controlled substance history in the prescription monitoring program before prescribing an opiate or benzodiazepine.

Limits on initial Opioid Prescriptions

This bill limits providers from prescribing more than a seven-day supply of opiates for patients 21 years old and older, and no more than a three-day supply for patients under 21 years old, per CDC guidelines. Discretion remains available if the provider documents the reason for a larger prescription.

Tobacco 21

This legislation increases the minimum legal purchase age from 18 to 21 for all tobacco and vapor products.



AG Ferguson, joined by Public Disclosure Chair Anne Levinson and AAG Walter Smith, announces a campaign finance lawsuit against initiative promoter Tim Eyman and for-profit signature gathering firm Citizen Solutions.

Campaign Finance

In the 2018 legislative session, the Legislature changed how campaign finance enforcement is conducted in Washington. Beginning June 7, 2018, campaign finance violations must be reported to the Public Disclosure Commission, which can then investigate, and choose whether to pursue its own enforcement action, or refer the case to the Attorney General's Office. The office no longer has the authority to independently pursue campaign finance violations.

Continuing to Combat Improper Pocketing of Campaign Funds

In 2018, the Attorney General's Office continued to pursue transparency for Washington voters in its lawsuit against initiative promoter Tim Eyman and for-profit signature gathering firm Citizen Solutions.

In 2017, the office filed a lawsuit accusing Eyman of improperly using \$308,000 in contributions made to political committees for his personal expenses, concealing contributions totaling \$490,185, and misleading reporting.

The lawsuit also accuses Citizen Solutions and its principal, William Agazarm, of participating in a scheme to conceal campaign money the company funneled to Eyman.

When it referred the case to the Attorney General's Office, the chair of the Washington State Public Disclosure Commission (PDC) described the case as "one of the most egregious the PDC has seen."

A 2002 agreement permanently barred Eyman from serving as treasurer for political committees. Yet, the lawsuit alleges Eyman still managed to weave an elaborate web of financial transactions to hide his receipt of campaign funds, enriching himself while keeping initiative committee contributors and the public in the dark.

This scheme duped contributors who thought they were donating to one initiative, but instead were supporting Eyman's personal expenses and a completely different initiative.

The defendants have continued to refuse to comply with court orders in the case. Even before the office filed its lawsuit, they failed to comply with multiple civil orders to turn over information in the course of the office's investigation.

In 2017, the court appointed a special discovery master to oversee the discovery process. Yet, the defendants continue to refuse to turn over documents, even after the court ordered them to do so.

The court held Eyman and Citizen Solutions in contempt on Feb. 16, levying fines of \$250 each for every day they continued to fail to comply with the court's orders.

On Sept. 9, the court doubled those sanctions to \$500 per day per defendant, a total of \$1,000 per day.

At the close of 2018, Eyman, his company, Tim Eyman Watchdog for Taxpayers, and Citizen Solutions had collectively amassed \$217,500 in contempt fines, in addition to the Attorney General's costs and fees associated with bringing the contempt motions.

Facebook, Google pay More Than \$400K over Violations

On June 4, the office filed campaign finance lawsuits against Facebook and Google, accusing them of failing to maintain legally required information for Washington state political advertising placed on their platforms since 2013. These requirements have been in place since 1972, when Washington voters approved the original initiative on campaign finance transparency.

Washington state campaign finance laws require political advertisers to maintain information about those who purchase advertising and make that information available to the public. According to the lawsuits, Google and Facebook did not obtain, maintain, or provide any of the legally required information associated with Washington state campaigns.

Washington state law provides the public the right to visit a commercial advertiser during normal business hours and see who is paying for the political advertising they run, and how much the campaign committee is spending. Neither company provided this access.

According to documents filed with the state Public Disclosure Commission, in the last decade, Washington candidates and political committees reported about \$5.1 million in payments to Facebook and \$1.5 million to Google related to advertising.

Under the judgment signed by the court, Facebook will pay \$200,000 and an additional \$38,500 in attorney's costs and fees to the state. Under its judgment, Google will pay \$200,000 and an additional \$17,000 in attorney's costs and fees to the state.

The recoveries in both cases will go to the state Public Disclosure Transparency Account, created as part of campaign finance legislation in the 2018 legislative session.



In 2018 the AGO launched an “Infants in the Workplace” program. Staff pictured: Annie Yu

Supporting Our Employees

The Attorney General’s Office is committed to being an outstanding employer. Recognizing employees as its most valuable asset, the office promotes diversity, supports employee training, fosters wellness, ensures workplace safety and cultivates a culture of integrity, professionalism, civility, and transparency.

Employees have access to a wide variety of agency groups and committees with goals ranging from making the AGO a better place to work to supporting veterans and service members. The following are just a few of the options available to AGO staff.

Infants in the Workplace Program

In 2018, the Attorney General’s Office introduced the Infants in the Workplace program, allowing employees to bring their infants to work when the infants are between six weeks and nine months of age and not yet crawling. The program also allows parents to assign two co-workers as designated caregivers to trade off watching the baby if the parent needs to go to a meeting.

Research shows that well-structured infants in the workplace programs result in numerous benefits, including higher morale, increased teamwork and lower employee turnover. Parent-child bonding, especially in the very early stages of life, is extremely influential on how a child views themselves, other people and the world for the rest of their life. Our Infants in the Workplace program acknowledges that when infants are able to stay with their parents for a greater period of time it benefits both the family and our office.

This program has been highly successful at the Attorney General’s Office. The program helps the office attract and retain talented staff, but more importantly, it gives parents the flexibility and support they need in the first months of their child’s life.

Training and CLE

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

The Attorney Training Committee provides in-house CLE programs to enhance the knowledge and development of attorneys at all experience levels.

Experts from both within and outside the agency present interesting, varied, and practical programs focused on government law and topics of interest to public employees.

AGO Affinity Groups

In 2018, the office expanded its affinity group program, initially launched in 2015. These groups allow employees to share ideas about matters that affect their professional development and work. The groups support the office’s commitment to diversity and inclusion, strengthen networking and cohesiveness across the agency and promote career development. Affinity groups are an important resource to the office in other ways, as well. They provide important feedback to management and assist with efforts to attract and retain highly qualified job candidates.

Staff Mentoring Program

The office’s Staff Mentoring Program matches mentor/mentee partners from different divisions and job classifications across the agency based on each participant’s interests and skills. The goal of the program is to develop and retain quality attorneys and professional staff through growth and leadership opportunities, career guidance and advancement within the AGO workforce.

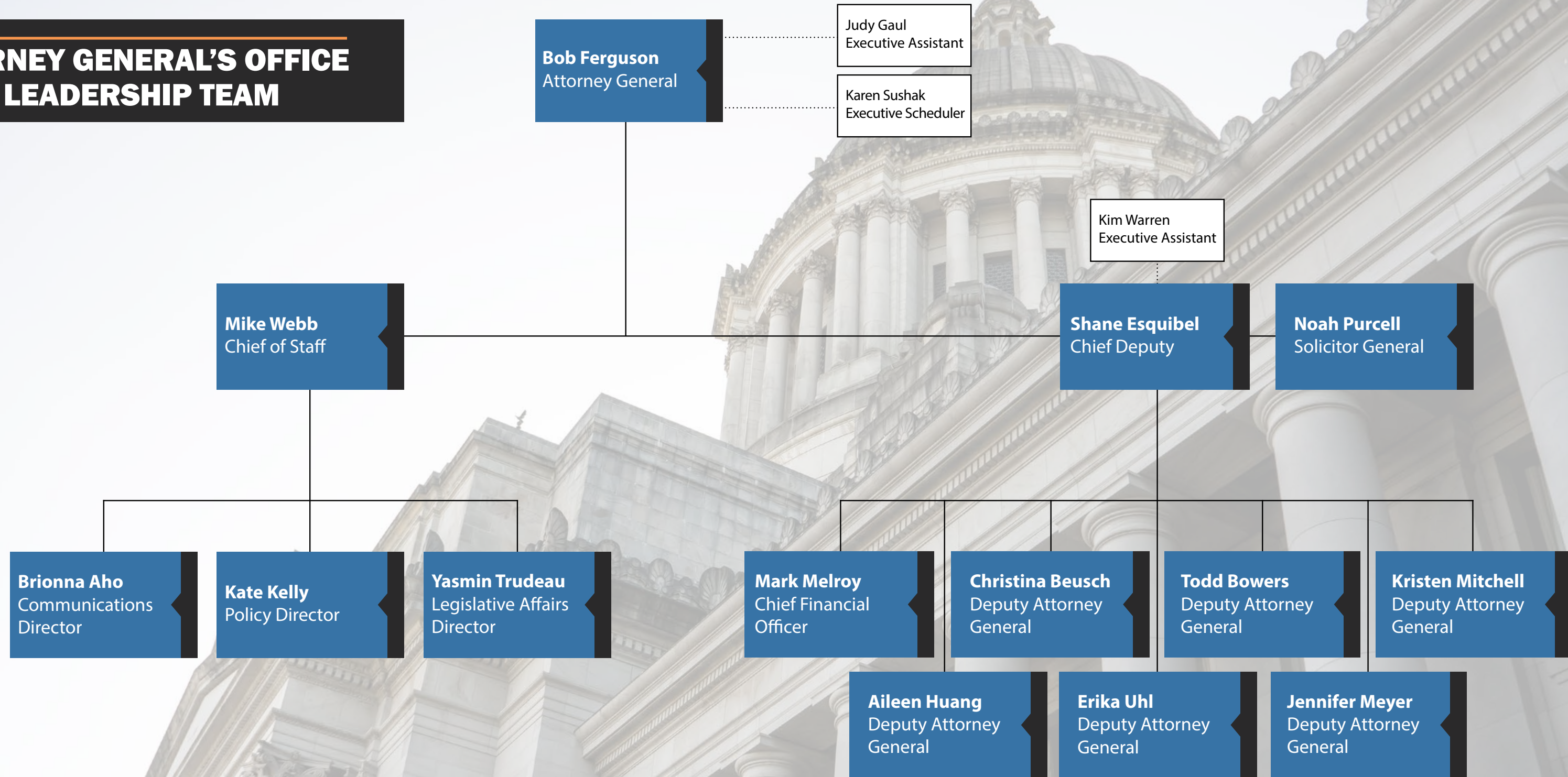
AGO Academy

The AGO Academy is a comprehensive attorney training and orientation program designed to acquaint newly-hired attorneys with the practice of law in our office. The three-day course immerses attorneys in the Attorney General’s Office culture and covers the office’s Mission, Vision & Values. It also highlights the agency organization, case and witness preparation, client interaction, depositions, media relations, public records, professionalism, ethics and more.



Every year, AG Ferguson challenges Governor Inslee and his staff to a softball game. Staff pictured: Sean Waite, Kent Liu, Alex Foster-Brown.

ATTORNEY GENERAL'S OFFICE CORE LEADERSHIP TEAM





Washington State Attorney
General's Office
Olympia, WA 98504
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OFFICE DIVISIONS 2018



WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

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The Attorney General's Office is organized into a number of key divisions that collectively represent more than 230 state agencies, boards and commissions.

Under state law, the specific duties of the Office of the Attorney General include:

- Representing the State of Washington before the Supreme Court, the Court of Appeals and trial courts in all cases that involve the state's interest.
- 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 anticompetitive business practices, representing the public interest in utility matters, and serving as Counsel for the Environment in the siting of energy facilities.
- Investigating and prosecuting persons accused of crimes if requested.



AG Ferguson and staff from the Wing Luke Civil Rights Unit after garnering a \$525,000 resolution on behalf of farmworker women who were sexually harassed by the foreman of a Central Washington onion packing plant.

CONSUMER PROTECTION & CIVIL RIGHTS

Civil Rights Unit

Unit Chief: Colleen Melody, Senior AAG

Overview: The Civil Rights Unit investigates and files affirmative enforcement actions to protect and defend the state and federal civil rights of Washingtonians. The unit administers and enforces the pregnancy accommodation provisions of the Healthy Starts Act and the employment provisions of the Fair Chance Act. The unit also serves as enforcement counsel to the Washington State Human Rights Commission.

Legal Highlights: The unit took enforcement action in an array of civil rights matters in 2018, including in the areas of employment, housing, commercial transactions, government services, education and health care. The unit also took a lead role in protecting the rights of Washingtonians against unlawful actions of the federal government, including obtaining an order protecting Dreamers in a case challenging the Trump Administration's termination of Deferred Action for Childhood Arrivals (DACA) and an order blocking implementation of



Civil Rights Unit Chief Colleen Melody speaks with a reporter outside a federal detention center in Sea-Tac.

President Trump's ban on military service by transgender individuals. Under state law, the unit continues to advocate for vulnerable workers in its litigation against the private contractor that operates the Northwest Detention Center and initiated litigation against Motel 6 for discriminating against guests and violating their privacy rights. In addition to prosecuting these lawsuits, the unit resolved a number of matters favorably for the people of Washington in 2018, including a record-setting \$525,000 settlement for farmworker women who were sexually harassed by the foreman of an onion packing plant in Central Washington.



AG Ferguson announces the first sweep of no-poach resolutions at a press conference.

Antitrust

Division Chief: Jonathan Mark, Senior AAG

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

Legal Highlights: In July 2018, the Antitrust Division announced a first-of-its-kind settlement with seven fast-food franchises requiring them on a nationwide basis to stop enforcing and eliminate provisions in their franchise agreements that prohibit employees from moving among stores in the same corporate chain. Through 2018, the division secured agreements with 46 nationwide franchisors with more than 100,000 locations nationwide, expanded the investigation into new industries and filed the first lawsuit by a state attorney general against a fast-food franchisor for its use of these "no poach" provisions. In addition, the division recovered \$39 million from its lawsuit against seven foreign manufacturers of cathode ray tubes (a component of television screens and monitors) for engaging in a wide-ranging price-fixing conspiracy. The division also has continued to litigate its federal lawsuit against CHI Franciscan healthcare system, alleging that it entered into two anticompetitive transactions that have raised healthcare prices and decreased competition for healthcare on the Kitsap Peninsula.



Members of the AGO Consumer Protection Division talk after a press conference.

Consumer Protection

Division Chief: Shannon Smith, Senior AAG

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

Legal Highlights: The division addressed a wide range of consumer protection cases in 2018 to protect consumers and businesses. The division resolved a lawsuit it filed against Uber in November 2017 for waiting over a year to notify drivers that their personal information was compromised in a data breach. Washington law requires that notice to be provided within 45 days of a breach. The division also filed and resolved a lawsuit against Providence and Swedish Hospitals for failing to disclose to thousands of patients that a pathology lab they used was out of their insurance network, resulting in hundreds of thousands of dollars in unexpected charges for those patients. The division sued EGP Investments, JPRD Investments and their owner Brian Fair for buying millions of dollars in old debt and suing to collect on it without being licensed as collection agencies in Washington. Following a joint investigation by the Consumer Protection Division and the Civil Rights Unit, Facebook agreed to change its platform so that third-party advertisers cannot exclude ethnic minorities and other protected groups from seeing their ads. The legally binding agreement will prevent advertisers from discriminating against consumers on the basis of race, creed, color, national origin, veteran or military status, sexual orientation and disability status.

PROTECTING THE ENVIRONMENT & NATURAL RESOURCES

Natural Resources

Division Chief: Patricia O'Brien, Senior AAG

Overview: The Natural Resources Division represents the Commissioner of Public Lands, Department of Natural Resources (DNR), Board of Natural Resources, Forest Practices Board and other related boards and commissions. The division provides a broad spectrum of client advice, dispute resolution and litigation services to DNR, which manages more than 5.6 million acres of forest, range, commercial, agricultural, conservation and aquatic lands, including 3 million acres of state trust land. The division supports DNR's role in regulating surface mine reclamation, regulating forest practices, suppressing fires on forestland and removing derelict vessels from state-owned aquatic lands. The division also provides legal services to the Forest Practices Board, which adopts rules and standards for forest practices, such as timber harvest.

Legal Highlights: The division had several significant cases in 2018. In *Pope Resources and Olympic Property Group v. DNR*, the state Supreme Court sided with DNR on all issues in this Model Toxic Control Act contribution suit brought by the successor of a former sawmill facility in Port Gamble Bay for approximately \$23 million in cleanup costs. The court held that DNR is not an "owner" of state-owned aquatic lands for liability purposes under MTCA and did not exercise sufficient control over the site to be an "operator." In *Chelan Basin Conservancy v. GBI Holding Co., et al.*, the state Supreme Court issued a new opinion involving disputed fills in Lake Chelan, holding that the state Legislature consented to the disputed fill's impairment of navigable waters when it enacted the Savings Clause of the Shoreline Management Act (RCW 90.58.270), and that the Savings Clause does not violate the public trust doctrine. Ongoing litigation, *Lighthouse Resources, Inc., et al. v. Insee, Bellon, and Franz*, involves the state's denials of various permits for Millennium's proposed coal terminal in Longview. Commissioner Franz was dismissed on summary judgment based on the Eleventh Amendment. In *Sumas Mountain Community for Landslide Awareness and Kennard v. Forest Practices Board and Washington Forest*

Protection Association, the Washington Court of Appeals (Division One) affirmed the King County Superior Court's dismissal of an action challenging the Forest Practices Board guidance for the forest practices slope stability rules, finding the guidance advisory and non-reviewable under the Administrative Procedure Act. In *Fire Cost Recovery Matters: In DNR v. Klickitat County Public Utility District (KPUD)*, DNR recovered \$1,565,863 in suppression costs from KPUD for the 26,000-acre Mile Marker 28 fire that started when branches of a tree contacted a distribution line on the Yakama Indian Reservation. In *DNR v. Ellensburg Tire Center*, DNR recovered \$140,000 in suppression costs associated with the 45-acre Hart Road Fire. The Gore Road Fire started from a poorly maintained brush cutter pulled in an agricultural field behind a tractor, burning 175 acres in Lewis County. DNR recovered \$85,000 in suppression costs. The Lookout Mountain Fire was started in a vacant garage in Spokane County by a 14-year-old boy. DNR spent about \$100,000 suppressing the fire. DNR released the boy's family and Liberty Mutual for 80 percent of the costs. South Wenas Fire: The Yakima Police Department's SWAT Team was conducting shooting exercises on a property near Selah; a fire that burned over 2800 acres started when a bullet ricochet severed a power line. The City of Yakima agreed to pay DNR \$130,000 in fire suppression costs.

Fish, Wildlife and Parks

Division Chief: Joseph Shorin, Senior AAG

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

Legal Highlights: The division provided extensive assistance to WDFW in its implementation of the Wolf Conservation and Management Plan. In the Washington Supreme Court, the division successfully defended WDFW's authority to require hydraulic project approvals (HPA) conditioned to protect fish life for projects located above the Ordinary High Water Line, if they will use, divert, obstruct or change the natural flow or bed of state waters. The division also successfully defended WDFW's HPA rules and decisions concerning regulation of suction dredge mining.

For State Parks, the division obtained dismissal of a quiet title claim involving the Milwaukee Road/cross-state trail. We also filed a successful amicus brief in the Washington Supreme Court in *Lockner v. Pierce County*, supporting the application of recreational immunity for landowners that make land available for public recreation, even if the land may also be available for other uses, such as public transportation.

Ecology

Division Chief: Laura Watson, Senior AAG

Overview: The Ecology Division represents the Department of Ecology, the Energy Facility Site Evaluation Council, the Puget Sound Partnership, the Pollution Liability Insurance Agency and the State Conservation Commission. The division resolves disputes, provides advice and represents the state before courts and administrative tribunals on permitting, legislation, rulemaking and enforcement matters. The largest areas of practice are water resource 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 radioactive and hazardous waste at the Hanford Nuclear Reservation.

Legal Highlights: The division advised and represented the Department of Ecology on hundreds of matters, including defense of a no-discharge zone to protect Puget Sound from raw sewage discharges, natural resource damage assessments to restore water and land damaged by pollution, successful mediation of water rights with the Spokane Tribe and defense of several lawsuits challenging Ecology's decision to deny an environmental permit to a proposed coal-export facility. Division attorneys handled complex litigation in federal and state courts, reached a \$28 million settlement with Volkswagen for air pollution violations, advised Ecology on implementation of a new law to provide water in rural regions and negotiated a landmark settlement with the federal Department of Energy to protect workers from harmful toxic vapors at the Hanford site.

Counsel for Environmental Protection

Division Chief: Bill Sherman, AAG

Overview: The Counsel for Environmental Protection brings affirmative civil and criminal actions to protect Washington's environment, natural resources and human health, using the Attorney General's independent authority under state and federal law.

Legal Highlights: AG Ferguson created the Counsel for Environmental Protection in October 2016. Since that time, it has brought a wide range of civil and criminal cases. Working with outside counsel, it has litigated the nation's first statewide case against the Monsanto Corporation for PCB contamination, securing favorable rulings on removal from the U.S. District Court and the Ninth Circuit Court of Appeals. In 2018, the unit litigated five cases against the federal government, including cases against the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Interior to defend environmental protections, and against EPA and the Federal Energy Regulatory Commission to enforce the Freedom of Information Act on behalf of Washingtonians.

Two of those cases, one dealing with the pesticide chlorpyrifos and the other with EPA's improper attempt to delay a chemical safety rule, have resulted in favorable court rulings, pending appeal. A third case was settled to the office's satisfaction, and two remain pending. In addition, the unit served as the lead drafter of three amicus briefs in support of other similar actions, including a successful case against the National Marine Fisheries Service for its failure to properly adopt a rule protecting endangered species from drift gillnets in the Pacific fishery. The unit also contributed significantly to the State of Washington's civil lawsuit related to worker exposure to harmful tank vapors at the Hanford nuclear site, which resulted in a favorable settlement in 2018. The unit also prosecuted seven environmental criminal cases, including two that concluded, bringing the total number of convictions since the Attorney General's establishment of the environmental crimes program in 2013 to 27. These 27 convictions brought the unit's total funds ordered in restitution, fines and costs to nearly \$5 million. One 2018 conviction of a man for running an illegal dump that threatened state waters has resulted in a multiagency cleanup process that promises significant mitigation of environmental harms at the site, which drains into Lake Washington.



AG Ferguson speaks at a press conference on 3D-printed guns.

PROTECTING TAXPAYER DOLLARS

Complex Litigation

Division Chief: Jeff Rupert, Senior AAG

Overview: The Complex Litigation Division pursues complex affirmative cases for the state on a variety of subject matters and defends agencies against class actions, multi-party lawsuits, multi-claim lawsuits and lawsuits against elected officials. The division often works in conjunction with other divisions.

Legal Highlights: In 2018, the division litigated a wide range of cases in conjunction with numerous other divisions. The division continued to represent the state in its lawsuit against Purdue Pharma, which seeks recovery and abatement for the opioid crisis, and the division has worked with many other divisions to gather responsive information. The division began representing the state in a number of actions against the federal government, including those related to child separation at the southern border, the Census and 3D-printed guns. The division represented the state at the tobacco diligent enforcement arbitration hearing regarding the holdback amount and potential offset issues in the Master Settlement agreement. The division also defends the state and successfully represented the state in litigation in numerous cases, such as the litigation related to the removal of homeless encampments in Seattle.

Bankruptcy and Collections Unit

Section Chief: Susan Edison, AAG

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

Legal Highlights: BCU collected a total of \$4,822,827.03 for its clients in 2018. Contributions of \$2,474,389.82 came from the contractor bond program in which 515 cases were opened, primarily to collect delinquent taxes owed to the Departments of Revenue, Labor & Industries and Employment Security. The unit also opened 169 bankruptcy files, primarily for cases under Chapters 11 and 13, recovering \$1,544,355.35 for client agencies. The unit's participation in 95 other legal cases resulted in recoveries totaling \$804,081.86.



AGO Torts Division

Torts

Deputy Attorney General: Jennifer S. Meyer

Overview: The Torts Division defends tort claims and lawsuits against all state agencies, officers and employees. These claims and cases can be based on highway design, natural disasters, supervision of inmates and parolees, injuries on state property, medical malpractice, employment, childcare and custody, auto accidents, and maritime injuries. The division has an annual caseload of more than 300 claims and 450 lawsuits. Almost 50 percent of the division's cases are resolved with a zero payout. In addition, division lawyers use early evaluation and resolution processes and mediation to resolve appropriate claims and cases prior to, or early in litigation, thereby reducing litigation costs and fees. Torts attorneys also provide legal and risk management advice on torts matters to the state Office of Risk Management and other state agencies.

Legal Highlights: On behalf of the Department of Natural Resources (DNR), Torts division lawyers obtained dismissal of claims brought by more than 390 plaintiffs for damages caused by the Carlton Complex fires that burned more than 256,000 acres in 2014. The court determined DNR did not owe a legal duty under statutes or the common law wildfire fighting responsibilities. On behalf of the Department of Corrections, Torts division lawyers obtained a unanimous decision before the Washington Supreme Court that reversed the Court of Appeals and gave real meaning and effect to the gross negligence standard that is applicable in cases regarding supervision of offenders.

Revenue and Finance

Division Chief: Cam Comfort, Senior AAG

Overview: The Revenue and Finance Division provides legal services to the Department of Revenue, Department of Retirement Systems, State Investment Board, Office of Administrative Hearings, Office of Financial Management, Office of State Actuary and Office of the State Treasurer, as well as other boards and commissions. The division's range of legal work is broad, challenging and complex, encompassing most aspects of state government operations involving finance. For example, the division provides legal advice and litigation services on matters involving excise and property taxes, public pensions and deferred compensation, investment of state trust funds and financing, budgeting and accounting. The division's Revenue Unit also plays an important role in implementing the historic 1997 tobacco litigation master settlement agreement.

Legal Highlights: The division successfully handled a significant lawsuit filed in federal district court by the Tulalip Tribes and the Consolidated Borough of Quil Ceda Village challenging the state's authority to impose and collect various taxes with respect to sales of goods and services at Quil Ceda Village, a federal enclave located on the Tulalip reservation. The U.S. Department of Justice intervened in the lawsuit on behalf of the Tulalip Tribes. The Tulalip Tribes and DOJ have filed an appeal in the U.S. Court of Appeals for the Ninth Circuit. The Revenue Unit also successfully represented the Department of Revenue in seven out of eight decisions issued by the Washington Court of Appeals.

SUPPORTING HEALTHY COMMUNITIES & COMBATING MEDICAID FRAUD

Medicaid Fraud Control

Division Chief: Larissa Payne, Senior AAG

Overview: The Medicaid Fraud Control Division (MFC) criminally and civilly prosecutes the theft and fraudulent use of Medicaid funds by health care providers. The MFC recovers losses to the Medicaid program and assesses civil penalties against the perpetrators of fraud. The division also works with local prosecutors to investigate and prosecute abuse and neglect of vulnerable residents of Medicaid-funded facilities. In the 2012 session, the Washington Legislature enacted the Medicaid Fraud False Claims Act, Chapter 74.66 RCW (FCA). The act expands on the MFC's criminal authority by authorizing the division to prosecute fraud civilly. Based on a favorable recommendation by the Joint Legislative Audit & Review Committee, the 2016 Legislature reauthorized the FCA. The five whistleblower sections of the FCA have had sunset review extended to 2023.

Legal Highlights: In 2018, the MFC secured 4 criminal convictions and 14 civil FCA resolutions. The division had two seminal cases. A case against company RTS - the first litigated false claims act matter in Washington state — resulted in a \$2.7 million dollar verdict, including full treble damages and a penalty. The division had its first criminal conviction for a care plan violation in a skilled



AG Ferguson poses with AGO staff who helped pass legislation that creates an enabling statute for Washington's Medicaid Fraud Control Unit.

nursing facility that resulted in a patient's death. In June 2018, the Medicaid Fraud enabling statute, RCW 74.67, went into effect, consolidating the division's existing powers into a single source document and giving its investigators a limited law enforcement commission. This greatly expanded the division's ability to fight provider fraud, abuse and neglect in residential facilities.

Social and Health Services Olympia

Division Chief: Paige Dietrich, Senior AAG

Overview: The Social and Health Services Olympia (SHO) division represents six state agencies in their missions to provide benefits, protection and care to some of our state's most vulnerable and disenfranchised residents. The division's 50 attorneys and 35 professional staff provide legal services, advice and representation to the Department of Social and Health Services' many programs and functions, including mental health services and the state psychiatric hospitals, adult protective services, home and community services for elderly and disabled individuals, service to individuals with developmental and intellectual disabilities, income assistance, revenue recovery and child support, vocational rehabilitation and the Special Commitment Center. We provide legal services to Health Care Authority programs, such as public employee benefits, school employee benefits, Medicaid and other medical assistance programs, alcohol and drug rehabilitation and behavioral health. We assist the Department of Children, Youth and Families with a broad range of state provided services to children, including child abuse and neglect litigation in Thurston, Mason and Lewis counties, coordination with the five divisions that handle juvenile litigation statewide and the operation of institutions for juvenile offenders. Other clients include the Health Benefits Exchange, the Department of Veterans Affairs and the Department of Services for the Blind.

Legal Highlights: Division litigation ranges from federal court class action cases involving thousands of individuals

to administrative appeals involving a single individual. Recent cases include a challenge to the adequacy of the state's mental health services and a challenge to the adequacy of services provided to foster children. Other examples of cases include: contract disputes with medical providers and managed care organizations, appeals related to eligibility for certain medical services, lawsuits brought by legal advocacy organizations on behalf of Medicaid recipients and disabled individuals, complex civil rights challenges by residents of the Special Commitment Center for sexually violent predators, civil and felony commitment hearings and trials, guardianship petitions on behalf of children or vulnerable adults and appeals of abuse or neglect findings.

Social and Health Services: Seattle

Division Chief: Mary Li, Senior AAG

Overview: The Social and Health Services, Seattle Division represents the Department of Social & Health Services (DSHS) and the Department of Children, Youth, and Families (DCYF) in King County. The work primarily involves abused, neglected, and at-risk children; vulnerable adults and licensed facilities, including childcare, foster homes, adult family homes and assisted living facilities.

The division represents the state in dependency cases where it has been determined that a child is in dangerous circumstances and/or has no parent capable of providing care. The goal of dependency cases is to safely and timely return children home, by addressing issues including drug and alcohol abuse, domestic violence, mental illness and poverty. If a child cannot safely be reunified with his or her parents, the division represents the state in permanency litigation, including termination of parental rights and guardianship cases. In 2018, the division opened new dependency matters on 731 children. 514 permanency cases were opened and the division filed 381 termination and guardianship petitions. The division also represents DCYF and provides docket coverage on nine dependency calendars per week.

The division represents Adult Protective Services (APS) in cases involving vulnerable adults alleged to be abused, neglected and/or financially exploited. This involves approximately 80 to 100 cases per year, including guardianships, protection orders and guardianship fee disputes. The division's work involving licensed facilities includes administrative litigation

that usually arises from allegations of abuse, neglect, maltreatment or other issues concerning the care of children and adults in licensed facilities.

Agriculture and Health

Division Chief: Eric Sonju, Senior AAG

Overview: The Agriculture and Health Division provides legal counsel to the Department of Health, the Board of Health, and 28 health professional regulatory boards and commissions and advisory committees; the Department of Agriculture and 21 agricultural commodity commissions; the Department of Commerce; the Department of Archaeology and Historic Preservation; and several other entities. Division attorneys, with the assistance of division professional staff, provide client advice and representation, primarily in administrative litigation, in a wide variety of areas, including the regulation of health professionals and facilities; the protection of environmental and public health; the regulation of agricultural activities, food processing and pest eradication; the preservation of historic and archaeological resources; and the promotion of renewable energy and the state's economy and infrastructure.

Legal Highlights: In 2018, the Agriculture and Health Division responded to countless requests for legal advice on a diverse array of issues and represented its client agencies in many new cases. The division opened more than 170 disciplinary cases against licensed health professionals for engaging in unprofessional conduct. Division attorneys helped combat the opioid crisis by advising a workgroup of health professional boards and commissions on the development of opioid prescribing rules and assisting the Department of Health in drafting opioid legislation. A division attorney advised the Department of Health on the implementation of the nation's first state-administered drug take-back program. Division attorneys successfully defended decisions of the Department of Health granting certificates of need to open new healthcare facilities, providing much needed beds for mental health care. A division attorney prevailed in a disciplinary proceeding against a licensed pesticide applicator who unlawfully sprayed pesticide on dozens of agricultural workers. A division attorney secured a settlement with a shellfish harvester that agreed to a substantial fine and corrective action for harvesting on beaches closed due to pollution.

SUPPORTING GOOD GOVERNMENT

Government Compliance and Enforcement

Division Chief: Stacia Hollar, Senior AAG

Overview: On a daily basis, Government Compliance and Enforcement (GCE) staff serve and protect Washingtonians by regulating health care providers, insurers, liquor and marijuana establishments, gambling, ethics, campaign finance and financial institutions and providing legal advice to a wide range of state entities. The division advises on issues related to anti-discrimination laws, audit and whistleblower programs, campaign finance, the insurance industry and numerous Secretary of State programs. GCE staff provide legal representation to three statewide-elected official's offices: State Auditor, Insurance Commissioner and Secretary of State. The division advises more than 30 state agencies, boards and commissions, including the Ethnic and Minority Affairs Commissions, the Public Disclosure Commission, the Department of Financial Institutions, the Gambling Commission and the Office of Minority and Women's Business Enterprises. GCE attorneys also serve as the AGO representatives on the state and local records committees.

Legal Highlights: In 2018, the division's 26 attorneys and 20 professional staff litigated nearly 1,000 matters before state and federal trial and appellate courts and administrative tribunals. In the past year, GCE staff contributed to public safety by successfully prosecuting a neurosurgeon for disruptive behavior in a very high profile case; prosecuting a number of health care providers for sexual misconduct and boundary violations; handling opioid over-prescription cases and working with the Pharmacy Commission to create a new process for prosecution of pharmacies. GCE staff obtained monetary recoveries for the state through ethics, gambling, financial regulation, campaign finance and liquor and marijuana enforcement. Public safety and financial wellbeing was protected through revoking the liquor license of a repeat offender that refused to abide by laws restricting the use of marijuana, revoking the certification of a law enforcement officer related to his on-duty harassment of an ex-partner

and prosecuting numerous individuals for selling unregistered securities among many other enforcement actions. Additionally, the division provided client advice regarding a wide variety of issues, including insurance coverage of transgender augmentation services, appropriate management of state-owned historical property, rulemaking for implementation of new campaign finance laws and negotiation of seven tribal gaming compact amendments.

Labor and Personnel

Division Chief: Valerie Petrie, Senior AAG

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

Legal Highlights: Interest arbitrations are hearings in which an employer and employee union present cases to an arbitrator to resolve disputes over the final terms of a collective bargaining agreement. In 2018, the division handled seven interest arbitration hearings to settle the contract terms for the 2019-2021 state collective bargaining agreements. Another 12 union contracts eligible for interest arbitration reached agreement on contract terms just prior to hearing. The division served as the primary AGO resource after the U.S. Supreme Court's decision in *Janus v. AFSCME Council 31*, issued on June 27, 2018, which held that the U.S. Constitution prohibits public employers and unions from entering into agreements that require bargaining unit members to pay an agency fee or a representation fee. The division also has been involved in defending the state in multiple lawsuits relating to exclusive bargaining



AG Ferguson discusses a lawsuit the federal government filed against Washington over a state law that makes it easier for Hanford Nuclear Reservation workers to access the benefits they deserve if they become ill due to their work.

representation and union dues deduction provisions.

Labor and Industries

Division Chief: Lionel Greaves IV, Senior AAG

Overview: The Labor and Industries Division, together with partners in the Tacoma, Spokane and Regional Services Divisions (collectively "LNI"), represents and advises the Department of Labor & Industries (DLI). Specific DLI responsibilities include Washington's state-funded and self-insured workers' compensation programs, the collection of premiums to fund workers' compensation, wage and hour requirements, industrial safety and health enforcement, the regulation of contractors and building trades and crime victim claims. LNI has a high-volume litigation practice, as exemplified by the fact that it opened over 10,000 matters in 2018, representing nearly one third of the approximately 32,000 matters opened by the entire Attorney General's Office.

Legal Highlights: A short summary of legal highlights from 2018 includes the following. From July 1, 2017 to June 30, 2018, LNI went 20-0 in appellate cases in all forums across all programs. LNI and the Solicitor General's Office successfully defended portions of the Washington Family Care Act from a preemption challenge in a 6-5 en banc decision at the U.S. Court of Appeals for the Ninth Circuit. LNI completed a

significant advice project that lasted over a year to advise DLI in launching the new Paid Sick Leave and Minimum Wage laws and regulations. This results in new legal protections and rights for millions of Washington workers.

In addition, the division is responsible for advising and representing DLI in a wide range of legal work that protects Washington workers, promotes public safety and supports the economy, including:

- Being a fiduciary of the \$17.35 billion industrial insurance trust account that provides workers' compensation benefits for 2.91 million eligible Washington workers and 176,000 Washington employers, including handling over 7,200 state-funded workers' compensation appeals.
- Ensuring worker safety at 300,000 worksites under the Washington Industrial Safety & Health Act.
- Implementing Washington's Wage Payment Act, Industrial Welfare Act, Prevailing Wage and other laws, resulting in \$3.5 million in wages returned to workers.
- Enforcing public safety laws in the areas of electricity, contractor registration, plumbing, boilers, factory-assembled structures, elevators and amusement rides, to include the issuance of over 2,000 construction underground economy violations.

INFRASTRUCTURE & LICENSING

Transportation and Public Construction

Division Chief: Bryce Brown, Senior AAG

Overview: The Transportation and Public Construction Division represents and advises the Department of Transportation, Transportation Commission, County Road Administration Board, Transportation Improvement Board, Traffic Safety Commission, Department of Enterprise Services, Military Department, WaTech, Recreation and Conservation Office, State Building Code Council, Public Employment Relations Commission and Personnel Resources Board. The division's workload includes a mix of litigation and client advice on a wide range of issues, including contract development and enforcement, real property acquisition and leasing, condemnation, bid protests, construction claims, environmental litigation, regulatory compliance, hazardous waste claims, land use issues that arise from state construction projects and the operation of state facilities, state purchasing of goods and services, complex IT acquisitions, constitutional issues related to activities on the Capitol Campus and emergency management preparation and response activities. Division attorneys also handle tort cases seeking recoveries for property damage allegedly caused by floods, erosion and landslides.

Legal Highlights: In 2018, the division provided legal support for the multi-billion dollar Alaskan Way Viaduct replacement project, SR 520 floating bridge replacement project, the state's highway tolling program, implementation of WSDOT's \$17 billion "Connecting Washington" program, the Capital Lake project in Olympia and state building transactions, including construction of the new Olympic College Instruction Center, resolution of many construction contract disputes in the state Department of Enterprise Services public works projects and transfer of the North Cascades Gateway Center property. The division also served as legal advisor to the Governor's Subcabinet on Business Diversity and continued assisting with implementation of the new ESI-net for statewide NG911 services.

Licensing and Administrative Law

Division Chief: Eric Peterson, Senior AAG

Overview: The Licensing and Administrative Law Division prosecutes administrative actions against individuals and businesses under the state's licensing and regulatory laws governing drivers and approximately 45 professions, businesses and occupations, and handles unemployment benefit and tax and recreational marijuana issues. It provides legal advice and representation to clients, including the Departments of Licensing and Employment Security and the Boards of Accountancy, Liquor and Cannabis, Executive Ethics, Certified Professional Guardianships, Industrial Insurance Appeals, Pollution Control Hearings, Shorelines Hearings and Growth Management Hearings. Other clients include the Lottery, Judicial Conduct and Columbia River Gorge Commissions, the Environmental Land Use Hearings Office and the Public Records Exemption Accountability (Sunshine) Committee. Division attorneys also advise those same agencies on administrative matters such as public records, open meetings and contract issues.

Legal Highlights: In *Cougar Den, Inc. v. Department of Licensing*, the U.S. Supreme Court accepted review of the state's petition from a ruling that the Yakama Treaty "right to travel" provision preempts assessment of taxes on fuel imported to the state by a tribal-member-owned business. The case was argued in October 2018 and has implications on other taxes and regulation of business activities. For our Employment Security Department client, division members are advising on implementation of the paid family and medical leave law, which went into effect for employers in 2019, with employee benefits claims starting in 2020. This includes assisting with writing rules, developing operational processes and vendor contract issues. Division members assisted the Liquor and Cannabis Board with regulation of the production and sale of marijuana, including negotiating multiple state-tribal marijuana compacts, which protect health and safety while providing economic benefits. Agreements have been reached or are being negotiated with more than half of Washington's tribes. Division members also helped prepare adjudicative orders suspending or revoking the licenses and seizing the product of marijuana businesses who engaged in black market activity.

Utilities and Transportation

Division Chief: Sally Brown, Senior AAG

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

The division's work focuses primarily on administrative and judicial regulatory litigation, including rate cases, merger proceedings and conservation and energy efficiency proceedings.

Legal Highlights: In 2018, the division advised and represented the UTC in energy rate cases brought by Puget Sound Energy, PacifiCorp, Avista Corporation and Cascade Natural Gas. 2018 brought Avista's proposed merger with Hydro One and Puget Sound Energy's proposed acquisition by Alberta Investment Management Corporation, British Columbia Investment Management Corporation, OMERS Administration Corporation and PGGM Vermögensbeher B.V.



AGO Utilities and Transportation Division

Public Counsel Unit

Unit Chief: Lisa W. Gafken, Senior AAG

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

Legal Highlights: In 2018, Public Counsel represented consumers in major rate cases before the UTC involving Avista, Puget Sound Energy and Cascade Natural Gas. The unit also addressed a utility merger (Hydro One's acquisition of Avista) and the planned sale of a utility's non-majority, ownership shares (Puget Sound Energy's sale of their Macquarie interest). The unit prevailed in its appeal of the UTC's order in Avista's 2015 general rate case in Division II of the Court of Appeals. Public Counsel also represented customers in a complaint matter involving CenturyLink's obligations to provide a line extension and serve a customer requesting service. This case resulted in a rulemaking to evaluate telecommunication companies' obligations as a carrier of last resort in Washington.



AGO Public Counsel Unit

SUPPORTING EDUCATION



AG Ferguson poses with advocates and AGO staff who helped pass the Student Loan Bill of Rights legislation.

Education Division

Division Chief: Dave Stolier, Senior AAG

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

Legal Highlights: Two significant education cases were resolved in 2018. In *McCleary v. State*, the Washington Supreme Court terminated its continuing jurisdiction over the case, concluding that the State had achieved compliance with its constitutional duty to make ample provision for the education of children in the state. In *El Centro de la Raza v. State*, the Washington Supreme Court concluded that the state's charter school law is constitutional. Education attorneys helped shepherd colleges and universities through a wide variety of legal issues associated with business, labor relations and student services in 2018. Attorneys worked with the Office of the Superintendent of Public Instruction in exercising its general supervisory authority over the K-12 school system.

Washington State University

Division Chief: Danielle Hess, Senior AAG

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

University of Washington

Overview: The University of Washington Division provides comprehensive legal services to the University of Washington (UW), which is one of the world's preeminent public universities. The UW maintains three campuses (Seattle, Tacoma, and Bothell), and operates three major hospitals as part of a larger medical enterprise. The UW annually enrolls more than 55,000 undergraduate, graduate, and professional students and employs more than 45,000 faculty, professional exempt staff, civil service staff (union and non-union), and students in academia, health care, administration, research,



AGO University of Washington Division

skilled trades and law enforcement. In addition to providing high caliber educational programs with 16 colleges and schools, the UW also has a Division I athletics program. It is one of the few universities in the U.S. with total research funding of over \$1 billion and consistently places among the top five for total funding for all public and private universities in the country.

The Division's 20 attorneys are organized into three teams – the General Practice Team, the Employment Team, and the Healthcare Team – and provide legal advice and representation across a wide variety of subject matter areas, including employment and labor relations, student conduct, real estate, public records and open public meetings, business transactions, construction, land use, environmental law, insurance coverage, intercollegiate athletics, public finance, intellectual property, taxes, benefits, constitutional law, gifts and trusts, international operations, health care law and regulatory compliance.

Legal Highlights: The Division provided legal advice to the Board of Regents, the President, the Bothell and Tacoma campus Chancellors and various UW officers and administrators on an exceptionally broad range of legal issues in 2018. Just a few examples illustrate the scope and breadth of the Division's work over the course of the year:

- Provided legal services in connection with UW's successful hosting of the Special Olympics.
- Advised UW Medicine as it undertakes the complex integration of Northwest Hospital into the UW Medical Center.
- Advised on environmental remediation and cost recovery efforts in connection with the continuing development of UW Tacoma campus.
- Advised on a number of complex, multi-party real estate transactions and construction projects, including a ground lease transaction that will result in the construction of an affordable housing and homeless shelter development on University-owned land in the University District, the development of an office building above the University District light rail station, and the development of a new interdisciplinary Population Health facility on the UW Seattle campus.
- Provided advice and representation in connection with a number of complex public records cases, including a case involving records relating to union organizing, and a case involving assertions of individual rights of privacy and association in connection with certain requested records.
- Advised on a wide variety of labor and personnel matters, including faculty grievance procedures, collective bargaining issues and personnel classification matters.

AROUND THE STATE



AGO Tacoma Division

Tacoma

Division Chief: Julian Bray, Senior AAG

Overview: The Tacoma Division provides a wide range of legal services in matters arising primarily out of Pierce and Kitsap counties. The division represents a number of state agencies, including the Departments of Labor and Industries (L&I); Licensing; Employment Security; Children, Youth and Families (DCYF); and Social and Health Services (DSHS). The division also contains a torts section defending a variety of state agencies in both state and federal courts and houses members of the Labor and Personnel and Complex Litigation Divisions. L&I cases include appeals of workers' compensation claims and occupational safety and health citations (DOSH). Licensing and Employment Security cases include appeals of administrative decisions and DCYF and DSHS cases involving child abuse and neglect, licensing of care providers and the protection of vulnerable adults. Tacoma Division members are widely recognized for their community service work, including pro bono legal services and service on non-profit or government boards and commissions.

Legal Highlights: Division attorneys continue to provide high-level client advice and handle significant appellate cases in the areas of termination of parental rights, workers' compensation, occupational safety and health, employment standards and tort law. In 2018, the division's DCYF section was involved in filing nearly 800 new dependency matters and almost 300 new termination of parental rights actions. The section also continues to be a leader in Family Recovery Court programs in Pierce and Kitsap counties and was a recipient of the prestigious Lee Ann Miller Award for the innovative Infant-Mental Health court in Pierce County (also known as "Baby Court"). Paralegals in the L&I Section resolved nearly half of the over 1,000 workers' compensation appeals they received in 2018, while attorneys in the section continued leadership roles in the statewide Superior Court trial program, the appellate program and workgroups relating to the implementation of statewide minimum wage provisions mandated by the passage of I-1433. Division attorneys in the torts section include the primary risk management advisor for the state Department of Corrections and the chair of the Tacoma-Pierce County Bar Association's judicial qualification committee. Division staff includes 2018 recipients of the AGO Marian R. Graham award and William V. Tanner award, the co-chair of the 2018 AGO Conference and two members of the statewide AGO Diversity Advisory Committee.

Regional Services

Division Chief: Michael Shinn, Senior AAG

Overview: The Regional Services Division has offices in Yakima, Wenatchee, Vancouver, Port Angeles, Kennewick, Everett and Bellingham that serve state agencies and institutions in surrounding communities. With over 120 employees, the division is one of the largest in the office. By having attorneys and professional staff in the communities where these state agencies operate, the office is able to conserve costs and deliver excellent legal services with expertise and knowledge about the local communities and court systems. The division began in the mid-1970s. Attorneys in these offices represent multiple agencies and attorneys and professional staff are adept in a wide variety of practice areas. The division's clients include the Departments of Children, Youth and Families; Labor and Industries; Social and Health Services; Employment Security and Licensing, as well as 17 state educational institutions.

Legal Highlights: Along with a significant amount of client advice, division attorneys and professional staff handled a great number of litigation matters both in court and in administrative settings. In Fiscal Year 2018, more than 600 children who had been in the care of the state were returned to parents who remedied their deficiencies and had their cases dismissed and more than 1,000 children were freed for adoption through the juvenile courts. In that same period, the attorneys and professional staff of the division resolved the industrial insurance appeals of more than 900 workers. This was a typical year of the division's work affecting the citizens in our communities.

Spokane

Division Chief: Antoinette ("Toni") Ursich, Senior AAG

Overview: The Christine O. Gregoire Spokane Division provides a wide range of legal services in Eastern Washington to many agencies and institutions of state government. Clients served include the Departments of Social & Health Services, Labor & Industries, Transportation, Licensing, Employment Security and Corrections; the Eastern Washington State Historical Society (known locally as the Museum of Arts and Culture, the "MAC") and various institutions of higher education, including Eastern Washington University, Big Bend Community College and the Community

Colleges of Spokane. The division also handles Medicaid fraud criminal cases, provides consumer protection investigation services and consumer protection education, provides state agencies with advice and representation on labor and personnel matters and defends lawsuits filed against the state.

Legal Highlights: In the 2018 calendar year, Spokane Division personnel filed 1,025 child welfare cases protecting children from abuse or neglect and freeing them to move into permanent homes. It also filed 45 matters on behalf of Adult Protective Services, seeking to protect vulnerable adults alleged to have been abused, neglected or financially exploited. Division attorneys and staff handled 25 administrative appeals and fair hearing appeals; 13 appeals to the Court of Appeals and eight developmental disability, mental health and program challenges, for a total of 1,116 matters handled in the Social and Health Services Section. During this same time period, the paralegals in the Labor and Industries Section (LNI), who mediate claims before the Board of Industrial Insurance Appeals, received 830 new cases for mediation, and the Labor and Industries Section attorneys received 419 new cases for litigation. The Spokane Division LNI section continued to assist people in the Kennewick office in 2018, and 105 matters out of that office were assigned to Spokane Division AAGs in 2018, something that the LNI Section attorneys were happy to do to assist colleagues with their heavy workload.



AG Ferguson speaks to a reporter in Spokane.

KEEPING COMMUNITIES SAFE



Governor Inslee signs the AG-request SVP Unconditional Release Statutory Fix bill into law.

Criminal Justice

Division Chief: John Hillman, Senior AAG

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

Legal Highlights: The division handled a wide range of criminal cases across the state, resolving 46 cases, obtaining 23 new convictions and favorable appellate rulings and opening 30 new criminal referrals. The Sexually Violent Predator Unit obtained the civil commitment of 3 new high-profile sex offenders, opened 19 new referrals, filed 6 new cases, conducted 40 annual review hearings of previously committed sexually violent offenders and handled 79 active appeals.

Corrections

Division Chief: Tim Lang, Senior AAG

Overview: The Corrections Division advises and represents the Department of Corrections (DOC), the Indeterminate Sentence Review Board, and the

Governor's Clemency & Pardons Board. The work of the division includes defending the lawfulness of criminal convictions and sentences in habeas corpus, personal restraint, and post-sentence review proceedings. The division also provides legal advice and defends the state in litigation concerning prison operations and other aspects of the state corrections system.

Legal Highlights: The division litigated hundreds of matters in 2018 (approx. 375 new cases opened and 350 cases closed). Highlights included three decisions from the Washington Supreme Court on sentencing-related issues: affirming DOC's ability to maintain community custody conditions for sex offenders (Petterson), determining the state's standard of proof in Drug Offender Sentencing Alternative (DOSA) revocation hearings (Schley) and confirming the state's release date calculation for consecutive sentences (Gronquist). The division represented the state in two federal habeas evidentiary hearings in cases involving murder on a fishing boat (Rieman) and a federal jury trial of civil rights claims alleging deliberate indifference to a prisoner's medical needs (Choquette). The Corrections Division defended the state's position in a U.S. Supreme Court certiorari petition on a case addressing whether prisoners have First Amendment right to use abusive language in grievances (Richey). The division defended DOC in a federal ADA lawsuit challenging DOC's placement of mentally ill individuals at the Washington State Penitentiary. The division successfully argued for the dismissal of Public Records Act lawsuits brought by an inmate against the Washington Legislature (Matthews).

SOLICITOR GENERAL'S OFFICE

Solicitor General: Noah Purcell

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

Legal Highlights: In 2018, the division worked with other divisions across the office to help the state secure important victories in many cases before the Washington Supreme Court, including successfully defending school funding legislation in the McCleary case. In addition, the division represented the state in cases involving charter school funding, campaign finance, state constitutional limits on state legislative authority, and the right to counsel at state expense in civil proceedings. At the United States Supreme Court, the Solicitor General argued two cases and filed numerous amicus briefs. Over the course of the year, the division also drafted 115 ballot titles, coordinated roughly 145 moot courts, and issued 10 formal and 3 informal Attorney General Opinions.



Solicitor General Noah Purcell addresses media at a press conference on family separation.

Amicus Briefs

The Attorney General's Office weighs in on important cases where Washington is not a party by filing amicus curiae, or "Friend of the Court" briefs, to advise the court of the State's views on the issues in the case. The office joined 78 amicus briefs, 11 of which Washington drafted. The following briefs are a few highlights from 2018:

Associated Press v. Washington State Legislature, Thurston Cty. Superior Ct., No. 17-2-04986-34 (Attorney General's amicus brief filed Jan. 10, 2018, at the request of the court), arguing that Washington's Public Records Act, as currently written, applies to individual legislative offices and officers in the same way it applies to other elected state officers in Washington.

State of New York v. United Parcel Service, 2nd Cir., No. 17-1993 (multistate amicus brief filed Feb. 28, 2018), arguing that United Parcel Service is subject to the Prevent All Cigarette Trafficking Act's prohibition on illicit tobacco products.

Brackeen v. Zinke, U.S. Dist. Ct., N.D. Tex., No. 4:17-cv-00868 (multistate amicus brief filed May 25, 2018), defending the constitutionality of the Indian Child Welfare Act.

Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC, U.S. Ct. Apps., 9th Cir., No. 17-35898 (Washington's amicus brief filed May 21, 2018), explaining the "business necessity" defense a housing provider may claim to avoid liability under the federal Fair Housing Act, the Washington Law Against Discrimination, and the fair housing provisions of the Seattle Municipal Code.

The Wilderness Society v. Trump and Grand Staircase Escalante Partners v. Trump, U.S. Dist. Ct., D.D.C., Nos. 17-cv-02587 and 17-cv-02591 (multistate brief written by Washington, filed Nov. 19, 2018), arguing that the President exceeded powers granted to him by Congress when he issued proclamations removing most of the land area protected in the Grand Staircase-Escalante and Bears Ears National Monuments in Utah.

ADMINISTRATIVE DIVISIONS

Public Records & Constituent Services

Director: LaDona Jensen

Overview: The Public Records and Constituent Services Unit (PRCS) handles many programs for the AGO. Three Public Records Officers process and respond to all records requests made to the Office. The Constituent Correspondence Liaison reviews, distributes and responds to AG Bob Ferguson's mail and e-mail. Garnishments, served by statute on the office, are reviewed by the Garnishment Liaison who also guides state agency payroll staff through wage withholding procedures. PRCS also manages records retention for the AGO and is leading the Office's work on the legislatively mandated public records data reporting project.

Financial Services

Chief Financial Officer: Mark Melroy

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

Facilities and Office Services

Facilities and Records Director: Karen Cowan

Overview: The Facilities Division oversees the management of the office's facility needs that include 16 leased buildings statewide as well as managing its surplus and reuse center. The division develops and implements the agency's six-year facility plan, manages agency leases, facilities-driven contracts, space allocations, and provides support for office design. They are also responsible for providing ergonomics assessments and adjustments, office moves and rearrangements, and managing the ACE Reuse Center. The Facilities team focuses on providing the highest level of customer service possible, working in an efficient manner and being good stewards of the states' resources.

Human Resources

Human Resources Director: Rochelle LaRose

Overview: The Human Resources Division provides comprehensive human resources-related programs and services to managers, employees and candidates for employment. The division's goal is to promote



Chief Deputy Shane Esquibel congratulates Fiscal Analyst Can Truong for winning an office award.

effective and efficient human resource management throughout the office by assisting managers in recruiting, developing and retaining a well-qualified and highly competent workforce.

Information Services

Chief Information Officer: Rick Griffith

Overview: The Information Services Division provides support and consulting for legal technologies including litigation software, eDiscovery and legal research. Additionally, the division manages the delivery of all AGO computer and telephone network infrastructure and the operation of all network hardware and software platforms to provide AGO staff access to their work products and communications. The division provides IT business analysis, IT project management, custom software development, business intelligence and data management services. 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, and ensures that all electronic services function properly and securely.

Public Affairs

Director of Communications: Brionna Aho

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

Office Locations

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EVERETT

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Everett, WA 98201
(425) 257-2170

PORT ANGELES

115 E Railroad, #306
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PULLMAN

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Pullman, WA 99164
(509) 335-2636

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1116 W Riverside Ave
Spokane, WA 99201
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139 S. Worthen
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(509) 664-6385

YAKIMA

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

Policy

Policy Director: Kate Kelly

Overview: The Policy Team supports the development and implementation of the Attorney General's policy priorities and initiatives. The policy work of the AGO is accomplished through the issuance of reports, guidance, white papers, and other key deliverables, the convening of stakeholders and participation in events and meetings, and the drafting and support of legislation. Policy initiatives and projects in 2018 included such issues as veterans and military legal assistance, student debt, the opioid epidemic, data breaches, and worker protection.

General Services

General Services Director: Karen Cowan

Overview: The General Services Division supports the Olympia, Seattle and Tumwater office staff by providing facility and office support, including copying, scanning, digital file conversion, audio/

video conversion and editing, booklet making and binding, and preparation of trial exhibits; reception and centralized mail services; law library maintenance and upkeep; and security access system maintenance. The Division also manages the agency's fleet of 105 vehicles and the Commute Trip Reduction Program.

Legislative Affairs

Legislative Director: Yasmin Trudeau

Overview: The Legislative team leads the effort to define and advance the Attorney General's legislative priorities by cultivating relationships with legislative members, stakeholders, state agencies and internal division staff to pass them into law. The team also collaborates with the policy staff, public affairs, and other appropriate office contacts to ensure external messaging is informed by policy and legislative development.

