

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

Case No. 3:17-cv-05806-RJB

**DEFENDANT AND COUNTER PLAINTIFF
THE GEO GROUP, INC.'S MOTION FOR
IN CAMERA REVIEW AND TO ORDER
THE STATE TO FILE GEO'S EXHIBIT 231
IN NATIVE FORMAT WITHOUT FULL
PAGE REDACTIONS FOR USE AT TRIAL**

**NOTE ON MOTION CALENDAR:
September 25, 2020**

1 Should this Court find it appropriate to reopen discovery in response to the State’s recently
 2 filed motion, ECF 396, Defendant and Counter-Plaintiff The GEO Group, Inc. moves for in
 3 camera review of GEO’s Trial Exhibit A-231 - NWDC Memo (Dkt 300 at 102-113 at App. A) so
 4 that the Court may order the State to substitute a clean copy of the Exhibit in native format
 5 revealing the content that will otherwise be hidden from the jury behind full page redactions. The
 6 State has erroneously characterized the entire "NWDC Memo" attorney-client privileged. GEO
 7 asks the Court to decide the Exhibit is not privileged and order the redactions removed. This
 8 motion is brought under Fed. R. Civ. P. 26 (b)(5)(B), FRE 501, and the common law.

9 I. FACTS

10 Washington’s Attorney General Bob Ferguson (“AG”) created a separate Civil Rights
 11 Division in January 2015 with public resources not specifically appropriated by the Legislature for
 12 civil rights advocacy of his choosing.¹ Private sector civil right advocates lobbied his office to
 13 enforce Washington’s Minimum Wage Act (“MWA”) at the Northwest ICE Processing Center
 14 (“NWIPC”) Voluntary Work Program (“VWP”) so that detainee participants would receive
 15 minimum wages or higher when carrying out tasks for the common good like meal preparation and
 16 housekeeping chores while awaiting the outcome of their removal proceedings.² In response, the
 17 AG’s Civil Rights Division crafted this lawsuit against The GEO Group, Inc. to enforce the MWA
 18 and to disgorge its profits using an unjust enrichment claim in equity.³

19 Up to 2011, Performance Based National Detention Standards (PBNDS) standards dictated
 20 VWP pay rates of \$1.00 per day.⁴ After that, PBNDS required “at least” \$1.00 per day.⁵ The
 21 advocates had previously lobbied Washington’s Governor and his Director of Labor and Industries
 22 (“L&I”) in 2014 to enforce the MWA against GEO.⁶ Washington’s Governor and L&I Director
 23

24 ¹ Mell Dec. Ex. 1 at 16 (Dep. of Colleen Melody) and Ex. 2 (Washington State Budget 2015 and 2020 E-mail
 25 Regarding Cy Pres distributions).

² *Id.* Ex. 2 at page 21 (last page of exhibit).

³ Dkt. 1-1 at 2 (Complaint).

⁴ Dkt. 189-9 at 2 (National Detainee Handbook).

⁵ Dkt. 1-1 at 19 (Voluntary Work Program Compensation).

⁶ Dkt. 300 at 139-145 (Chazaro 5/11/14 e-mail to Mullins).

1 declined to enforce the act citing the State's lack of jurisdiction over federal detainees.⁷ The federal
 2 government, not GEO, was the legal custodian of detainees at NWIPC.⁸ Historically, the State has
 3 never enforced the Minimum Wage Act at the federal level.⁹ Federal employees were not
 4 covered.¹⁰ Federal detainees were not covered.¹¹ Even state and local detainees were not covered.¹²
 5 ICE has consistently approved VWP operations at \$1.00 per day.¹³ The federal government filed a
 6 Statement of Interest in these proceedings opposing application of the MWA or other inflated and
 7 arbitrary amounts for detainee VWP participant pay rates on jurisdictional grounds.¹⁴

8 The advocates' arguments about "at least" \$1.00 per day was precisely the same in 2014 as
 9 it was in 2017 when the advocates convinced the AG to file suit.¹⁵ Labor and Industries Secretary
 10 Joel Sacks has been the one official with statutory authority to enforce the MWA.¹⁶ Yet he and the
 11 Governor relied upon legal advice from the Attorney General's office to refuse enforcement.¹⁷
 12 GEO concurs with the advice given to the Governor and Director back in 2014, and has asserted
 13 those jurisdictional defenses in this case.

14 Two days before filing this lawsuit, an assistant attorney general La Rond Baker from the
 15 AG's Civil Rights Division e-mailed Labor and Industries Legislative Director Tammy Fellin in
 16 the Government Affairs & Policy Division.¹⁸ The subject line read: "ATTORNEY-CLIENT
 17 PRIVILEGED - NWDC Memo."¹⁹ The e-mail content was as follows: "Tammy, If you have any
 18 questions or would like to discuss this further please do not hesitate to give me a call."²⁰ The e-

20 ⁷ Dkt. 300 at 122 (Fellin 3/11/14 e-mail) and Dkt. 300 at 150 (4/15/14 Fellin e-mail "For Wage an hour L & I does not
 21 have any jurisdiction").

⁸ Dkt. 91 at 3(Dec. of Tae Johnson) and Dkt. 300 at 49 (Grice Dep).

⁹ Dkt. 300 at 49 (Grice Dep).

¹⁰ Mell Dec. Ex. 3 at B6 (Grice Dep).

¹¹ Dkt. 300 at 63 (Grice Dep).

¹² RCW 49.46.010(k).

¹³ Dkt. 91 at 4-5 (Johnson Dec.).

¹⁴ Dkt. 298 (Statement of Interest).

¹⁵ Dkt. 300 at 63 (Grice Dep).

¹⁶ Mell Dec. Ex. 3 (Grice Dep).

¹⁷ Mell Dec. Ex. 3 at 33 (Grice Dep).

¹⁸ Dkt. 300 at 101 (Baker e-mail to Fellin).

¹⁹ *Id.*

²⁰ *Id.*

1 mail was dated September 18, 2017 at 6:08:16 p.m., which was about 10 business hours prior to
 2 AG Ferguson’s press conference announcing his lawsuit against GEO on September 20, 2017.²¹
 3 AG Ferguson’s lawsuit did not name the Department of Labor and Industries nor its director as the
 4 party plaintiff even though MWA enforcement matters were typically captioned in the name of the
 5 agency.²² The State has successfully argued that L&I is not its client.²³ This Court agreed with the
 6 State, to GEO’s detriment, finding that this case does not involve L&I, and is not brought under
 7 the authority of L&I, but instead is brought purely as a *parens patriae* action.²⁴ The Civil Rights
 8 Division does not consider L&I its client agency.²⁵ Different deputy attorney generals from
 9 another division of the AG’s office represent L&I, and as of the time this case was filed, had not
 10 changed their advice that state wage and hour laws could not be enforced at NWIPC for detainee
 11 VWP participants.²⁶

12 The “NWDC Memo” was later referenced in an e-mail communication between L&I’s
 13 David Johnson and Victor Jabri on Tuesday August 14, 2018.²⁷ At that time, nearly a year after
 14 this case was filed, the Department was debating whether to investigate individual MWA claims at
 15 NWIPC.²⁸ Wage and Hour Technical Specialist Dave Johnson at the direction of Deputy Director
 16 Elizabeth Smith instructed Investigator Jabri to pursue individual complaints only with the
 17 understanding that if GEO raised preemption as a defense, L&I would ask its assigned attorneys
 18 for legal advice based upon the specifics of any individual claim.²⁹ L&I never investigated any
 19 individual claims because it never received any complaints.³⁰ L&I never chose to enforce the
 20 MWA at NWIPC, despite the ongoing litigation and the AG’s Civil Rights Division’s position.³¹

21 _____
 22 ²¹ Dkt. 1-1 at 83 (Press Release).

23 ²² Dkt. 1-1 at 2 (Complaint). See, *L&I v. Common Carriers, Inc.* 111 Wn.2d 586, 762 P.2d 348(1988).

24 ²³ Dkt. No. 118 at 5 and Dkt. 114-3 (AGO Letter).

25 ²⁴ Dkt. No. 133 at 6.

26 ²⁵ Mel Dec Ex. 4. (AAG Timesheets).

27 ²⁶ Dkt. 300 at 101 (Johnson e-mail).

28 ²⁷ *Id.*

29 ²⁸ *Id.*

30 ²⁹ *Id.*

31 ³⁰ Mell Dec. Ex. 3 at 11 (Grice dep).

³¹ *Id. at 84.*

1 Obviously L&I did not consider the NWDC Memo to be legal advice to it about enforceability of
2 the MWA at NWIPC.³²

3 GEO intends to show the NWDC Memo and associated e-mails to the jury in defense of the
4 State's MWA and unjust enrichment claims. The NWDC Memo likely shows an identity of facts
5 and legal issues between 2014 and 2017 specific to the presenting question in this case as to the
6 enforceability of state minimum wage laws at NWIPC, including whether the State viewed
7 detainees as "employees" under the MWA. The jury will be asked to decide whether GEO should
8 have increased VWP participant pay rates to conform with State minimum wage laws, whether
9 detainees fell within an exception to the MWA, or whether it was just for GEO to have followed
10 federal law - the same law the attorney general's office had advised controlled. If the State has
11 been aligned with GEO as to the limitations of state law at NWIPC based on sound legal advice,
12 then GEO too had a reasonable good faith basis for not applying the MWA to detainees.

13 The State has refused to produce the NWDC Memo in its native format.³³ Eleven pages in
14 Exhibit 263 are entirely redacted with all of the content hidden behind a black boxes.³⁴ The State
15 has claimed the entire NWDC Memo is privileged and work product.³⁵ GEO seeks in camera
16 review of the NWDC Memo so that the Exhibit may be unredacted and shown to the jury in its
17 entirety at trial. The NWDC Memo provide direct proof that the Attorney General's Office
18 initiated suit in contravention to past practices and recognized legal principles that GEO and the
19 federal detainees it protected were not amenable to state wage and hour enforcement. These facts
20 show GEO had no state wage and hour obligations to detainees. The State's wage claims for past
21 income have no merit and should be summarily dismissed as will be shown at the time of trial.

22 II. LEGAL ARGUMENT

23 A. State Has Not Met Its Burden

24 The party asserting an evidentiary privilege such as attorney-client confidentiality or work

25 _____
26 ³² Dkt. 300 at 101 (Johnson e-mail).

27 ³³ Dkt. 131 Mell Dec (10/01/2018)

³⁴ Dkt. 300 at 103-113 (Redacted Baker Memo).

³⁵ Mell Dep. Ex. 5 (Exemption Log Reference ID 3).

1 product carries the burden of proving application of the privilege and the absence of any
 2 exception.³⁶ The assertion of privilege impedes full and free discovery of the truth, which then
 3 necessitates strict construction of the doctrine.³⁷ Attorney-client privilege is “narrowly and strictly
 4 construed.”³⁸ The party asserting the privilege must prove that it has not waived the privilege even
 5 unintentionally or implicitly.³⁹ The attorney-client privilege only protects communications
 6 between a client and a lawyer for the purpose of obtaining legal advice.⁴⁰

7 The State cannot meet its burden because the NWDC Memo is not a confidential attorney-
 8 client communication and it is not protected work product. Indeed, the State itself has conceded
 9 that L&I is not its client. Additionally, the State waived any privilege when it filed suit in
 10 contravention to past practices and competent legal advice that the MWA did not apply to ICE
 11 detainees at NWIPC and wherein the State has claimed in error that GEO should have acted in
 12 opposition to such past practice and legitimate advice.

13 B. NWDC Memo Not Attorney Client Privileged Nor Protected Work Product

14 1. Not a Confidential Communication Attorney-client privilege protects confidential
 15 communications between attorneys and clients made for the purpose of giving legal advice.⁴¹
 16 Cross agency communications have no expectation of privacy because communications between
 17 agencies are public records for which there are limited exemptions.⁴² An eight part test applies to
 18 determining whether information is attorney-client privileged:

- 19 1) Where legal advice of any kind is sought 2) from a professional legal adviser in his
- 20 capacity as such, 3) the communications relating to that purpose, 4) made in confidence 5)
- 21 by the client, 6) are at his instance permanently protected 7) from disclosure by himself or
- 22 by the legal adviser, 8) unless the protection be waived.⁴³

23 The NWDC Memo was not prepared in response to L&I seeking legal advice from the Civil Rights

24 ³⁶ *Weil v. Investment/Indicators, Research and Management, Inc.*, 647 F.2d 18, 25, (9th Cir. 1981).

25 ³⁷ *Id.* at 24.

26 ³⁸ *Dolby Laboratories Licensing Corporation v. Adobe, Inc.*, 402 F.Supp. 3d 855 (N.D. Cal. 2019).

27 ³⁹ *Id.*

⁴⁰ *See United States v. Martin*, 278 F.3d 988, 1000 (9th Cir.2002).

⁴¹ *Upjohn Co. v. United States*, 449 U.S. 383, 389, 101 S. Ct. 677 (1981).

⁴² RCW 42.56.010.

⁴³ *United States v. Sanmina Corp.*, —F.3d—, 2020 WL 4558285 at 5 (9th Cir. 2020).

1 Unit. L&I was not questioning its enforcement authority nor otherwise seeking to litigate the
 2 MWA.⁴⁴ The Civil Rights Division initiated the litigation on its own behalf, not on behalf of
 3 L&I.⁴⁵ AAG Baker did not bill L&I for preparation of her Memo.⁴⁶ She did not consider L&I her
 4 agency client when she disseminated the NWDC Memo to Ms. Fellin.⁴⁷ Ms. Fellin disseminated
 5 the memo to others, and those others disseminated the memo to additional recipients over time,
 6 making any claim of privilege even less tenable.⁴⁸ The fact that the memo was marked attorney-
 7 client privileged does not change the outcome.⁴⁹

8 In order to receive the protection of attorney-client privilege, a communication must, *inter*
 9 *alia*, be made for the purpose of securing primarily either (i) an opinion on law, (ii) legal services,
 10 or (iii) assistance in some legal proceeding.⁵⁰ The privilege does not extend to the provision of
 11 business or other non-legal advice simply because a lawyer happens to be involved.
 12 Communications with a lawyer that relate primarily to non-legal purposes, for example, business,
 13 technical or corporate public relations purposes, are not privileged.⁵¹

14 In house counsel are not afforded the presumptive protections that outside counsel are

15
 16 ⁴⁴ Mell Dec. Ex. 3 (Grice Dep at 84).

17 ⁴⁵ Dkt. 118 at 5 (State of WA Response to The GEO Group Inc. MTN to Compel).

18 ⁴⁶ Mell Dec. Ex. 4 (AAG Time Sheets).

19 ⁴⁷ *Id.*

20 ⁴⁸ Dkt. 300 at 101 (Johnson e-mail).

21 ⁴⁹ *Marceau v. I.B.E. W.*, 246 F.R.D. 610, 613 (D.Ariz.2007) (“The fact that attorneys were retained to prepare the
 22 Report and that the Report is marked as an attorney-client privileged document are not dispositive of the issue. Rather
 23 what controls is the purpose of the activity.”); *See also HSS Enterprises, LCC v. Amco Ins. Co.*, 2008 WL 163669
 24 (W.D.Wash. Jan.14, 2008) (holding that attorney-client privilege did not attach where attorneys were acting as couriers
 25 of factual information rather than as legal advisors).

26 ⁵⁰ *In re Sealed Case*, 737 F.2d 94, 98-99 (D.C. Cir. 1984).

27 ⁵¹ *U.S. v. Chevron Texaco Corp.*, 241 F.Supp. 2d 1065 (2002)(Privilege does not protect business advice); *See also*,
 e.g., *Am. Civil Liberties Union of N. California v. Dep't of Justice*, No. 13-CV-03127-MEJ, 2015 WL 4241005, at *4
 (N.D. Cal. July 13, 2015); *Riverkeeper v. U.S. Army Corps of Engineers*, 38 F. Supp. 3d 1207, 1223 (D. Or. 2014)
 (communication between two government attorneys not privileged where no legal advice was provided but instead just
 the general policies of the agency); *Riverkeeper v. U.S. Army Corps of Engineers*, 38 F. Supp. 3d 1207, 1223 (D. Or.
 2014) (government’s claim that certain documents were “provided to agency attorneys [among other, non-attorney
 Corps personnel] in confidence seeking their legal review and advice, in their capacity as legal advisors to the agency,
 and w [ere] not disclosed to parties outside the agency” was insufficient to establish privilege.); 48 *Fine v. Facet
 Aerospace Prods. Co.*, 133 F.R.D. 439, 444 (S.D.N.Y. 1990) (report not privileged where communications by in-house
 counsel were likely made for general business purposes and the report contained no legal advice); *United States Postal
 Service v. Phelps Dodge Ref. Corp.*, 852 F.Supp. 156, 163 (E.D.N.Y. 1994) (communications relating to lobbying and
 legislative activities between in-house counsel and law firm retained to lobby not privileged).

1 entitled.⁵² Likewise, in Washington, under Washington Rule of Professional Conduct 1.13(h)
 2 “when a lawyer who is not a public officer or employee represents a discrete governmental agency
 3 or unit that is part of a broader governmental entity, the lawyer’s client is the particular
 4 governmental agency or unit represented, and not the broader governmental entity of which the
 5 agency or unit is a part.” AAG Baker has no presumptive protections simply because she was an
 6 attorney. She was not working as an attorney for L&I at the time she sent the Memo to Ms. Fellin.
 7 Ms. Baker identified her client as the Civil Rights Division of the Attorney General’s Office.⁵³
 8 Thus, under the professional conduct rules, she represented only that division. As such, she was
 9 authorized only to act in an advisory role for the Civil Rights Division. Ms. Fellin was not acting
 10 in a legal role either, she was L&I’s Legislative Director. The Memo educated a Legislative
 11 Director about “NWDC” so that she could speak competently with constituents, Legislators, and
 12 media. These reasons are business related to her communications and lobbying duties.

13 2. Waiver

14 Because the NWDC Memo is not privileged, the Court needs to address waiver. But, if it
 15 does, the redactions remain improper. Waiver is a mixed question of law and fact, typically
 16 necessitating in camera review.⁵⁴ The privilege that protects attorney-client communications may
 17 not be used both as a sword and a shield, and any effort to use the privilege unfairly results in a
 18 waiver. Where a party raises a claim which in fairness requires disclosure of the protected
 19 communications, the privilege may be implicitly waived.⁵⁵ The State claims the NWDC Memo
 20 was protected even though the Civil Rights Division used the Memo to educate a different agency
 21 spokesperson about NWDC. The Attorney General’s Office waived its claimed privilege in two
 22 ways.

23 First, e-mailing the Memo to Ms. Fellin for business reasons and not litigation purposes

24
 25 _____
 26 ⁵² *Id.* at 1076.

27 ⁵³ Mell Dec. Ex. 4 (AAG Time Sheets).

⁵⁴ *Sanders*, 169 W. 2d at 131.

⁵⁵ *Chevron Corp., v Pennzoil Co.*, 974 F.2d 1156, 1162 (9th Cir. 1992).

1 where the Memo then circulated around L&I for years waived any confidentiality protection.⁵⁶
 2 Second, the State implicitly waived any privilege when in its lawsuit the AG claimed that GEO
 3 should have known the law was something other than what the involved agency had interpreted it
 4 to be for years based upon legal advice from the AG's office. The fact that an agency acted upon
 5 legal advice is not privileged.⁵⁷ Where a party puts legal advice directly at issue work product
 6 privilege is waived.⁵⁸ An attorney's mental impressions are not protected from discovery under the
 7 attorney work product doctrine if what the attorney knew and when he knew it is directly at issue
 8 in the litigation.⁵⁹ It is relevant that the AG's office has had two contradicting opinions about the
 9 application of the MWA and had so informed L&I, L&I considered both opinions, and after
 10 consideration of both opinions, L&I took no enforcement after receiving both opinions. L&I has
 11 never taken any enforcement action for wage and hour laws for detainees due to the legal advice
 12 received.

13 It is reasonable for a jury to find then that GEO had a reasonable good faith belief that as
 14 has been the case for decades, detainees are not "employees" under either federal or state law. The
 15 fact that GEO was not acting in violation of the law as L&I understood the law to be based upon
 16 sound legal advice will be convincing proof that GEO has not intentionally nor negligently
 17 violated the law or acted inappropriately. GEO should not have to disgorge its profits to the AG's
 18 Civil Rights Unit for political reasons when the AG's Labor and Industries Unit has advised L&I
 19 and the Governor that the State federal detainees at NWIPC could not be considered "employees"
 20 under state law.

21 While the fact that L&I never enforced the MWA against GEO is no secret, the content of
 22 the NWDC Memo adds affirmative or direct proof that the State's case is unfair and politically

23 _____
 24 ⁵⁶ Dkt. 300 at 101 (Johnson e-mail) and Mell Dec. Ex. 6 (Sept. 18, 2017 Fellin e-mail forwarding Baker's Memo). See
Morgan v. City of Federal Way, 166 Wn. 2d. 747, 213 P3d596 (2009).

25 ⁵⁷ *Aspex Eyewear, Inc. v. E'Lite Optik, Inc.*, 276 F.Supp.2d 1084 (D. Nev. 2003); *State Farm Mut. Auto. Ins. Co.*, 203
 Fed. Appx. 827 (9th Cir. 2006).

26 ⁵⁸ *Hearn v. Rhay*, 68 F.R.D. 574, 583 (E.D. Wash. 1975); *McCarthy v. Barrett*, No. C09-5120RBL, 2013 WL 12416487,
 at *1 (W.D. Wash. Jan. 2, 2013) ("Permitting the City to both rely on the advice it obtained and to shield the substance
 27 of that advice from further inquiry would be manifestly unfair.").

⁵⁹ *Soter v. Cowles Pub. Co.*, 131 Wn. App. 882, 895, 130 P.3d 840 (2006).

1 motivated. The identity of facts and legal issues between the AG Civil Rights Division’s advice
 2 and the AG Labor and Industries Division’s advice are relevant to show nothing changed between
 3 2014 when the Governor and L&I first declined to enforce the MWA at NWIPC’s VWP and 2017
 4 when the AG decided to enforce the MWA at NWIPC’S VWP on his own. If L&I declined
 5 enforcement of the MWA based upon sound legal advice historically that mirrors factually and
 6 legally what the Civil Rights Unit used to reach its contrary conclusion in 2017, GEO has direct,
 7 not just circumstantial proof, that GEO like L&I had legitimate reasons for not classifying
 8 detainees as “employees” under the MWA through 2017 and up to the time L&I determined
 9 otherwise. Obviously, the NWDC Memo contains factual information and assumptions about what
 10 L&I knew that informed its historical position against enforcement and whether there were any
 11 new reasons to change course later when the Civil Rights Division elected to pursue enforcement
 12 on its own. GEO will argue the MWA was sufficiently vetted in 2014 and the only change with
 13 respect to enforcement was the political motivations of the Attorney General.

14 Presumably the State intends to use the common interest doctrine to argue like it did in
 15 *Sanders v. State* that it had not waived the privilege when sharing privileged communications with
 16 a non-client agency.⁶⁰ *Sanders* was a Public Records Act case that did not finally decide all the
 17 privilege issues here specific to waiver. Former Justice Sanders made the point effectively that
 18 only communications pertaining to legal advice should be privileged; otherwise, he maintained
 19 “every phone call” from an AGO to a government agency would be privileged.⁶¹ The Court never
 20 finally resolved this question, saving the ultimate legal determination for another day. Instead the
 21 *Sanders* court focused on analyzing the specific documents presented. The Court held that
 22 privilege may be asserted under the Public Records Act (“PRA”) for communications between
 23 agencies where there exists a common interest. The Court explained that the common interest
 24 doctrine should be treated as an exception to the waiver doctrine. The Court looked at whether the
 25 two agencies were multiple parties to the same litigation sharing confidential communications

26 _____
 27 ⁶⁰ *Sanders v. State*, 169 Wn. 2d 827, 240 P.3d 120 (2010).

⁶¹ *Sanders*, 169 Wn. 2d at 853.

1 pertaining to their common claims or defenses.⁶²

2 Here we have two distinct State agencies. One agency has chosen to initiate litigation and
 3 the other agency has not. The Executive and his agency with express authority to enforce the
 4 MWA chose not to enforce it, while a competing elected public official opted to use his separate
 5 general powers to enforce it. Both agencies were state agencies, relying upon internal legal
 6 opinions that were inapposite. The AG's Civil Rights Division formulated an opinion to benefit the
 7 AG while the AG's Labor and Industry Division lawyers formulated an opinion for the L&I
 8 Director and Governor, which they relied upon to forgo litigation.⁶³ The separate representation of
 9 each agency is consistent with WRPC 1.13(h). Additionally, the AGO put at issue whether the
 10 legal arguments of its Civil Rights Unit were superior to those of its L&I Unit when the AG opted
 11 to sue GEO in his *parens patriae* capacity and not on behalf of or in the name of the Director of
 12 L&I. There is no common interest between L&I and the AGO's Civil Rights Unit. They will not be
 13 sharing the proceeds of this litigation, if any, nor the costs of it. L&I has expressly taken no
 14 position in the AG's lawsuit.⁶⁴ The common interest doctrine does not protect the NWDC Memo.

15 3. Not Work Product

16 The State has entirely redacted the content of the NWDC Memo as if all eleven pages and
 17 all lines and words on every page contain the thought processes of an attorney in anticipation of
 18 litigation. Work product rarely protects ALL content in a Memo. Work product does not protect
 19 materials that are not prepared in anticipation of litigation. Whether an AAG prepared the memo in
 20 anticipation of litigation is not apparent from the face of the document produced. Timing wise the
 21 memo was circulated sufficiently close to the lawsuit filing date that GEO assumes the actual
 22 content will reveal that the Memo has nothing to do with preparation of the State's case, but rather
 23 was created to convince the Governor, Director of L&I, Legislators, media and the public why the
 24 AG should take it upon himself to sue GEO using public resources.

25 _____
 26 ⁶² *Id.*

27 ⁶³ Mell Dec. Ex. 3 (Grice Dep).

⁶⁴ *Id.* at 84.

1 a. Facts Typically Not Work Product

2 Fact work product may be distinguished from opinion work product.⁶⁵ To the extent the
 3 Memo sets forth facts, those facts should not be redacted where there is a showing of substantial
 4 need for the information and the information cannot be otherwise obtained without undue
 5 hardship. For example, if the NWDC Memo has facts about whether detainees live and sleep at the
 6 facility, that would be highly relevant to GEO's defense to this action. As set forth previously,
 7 GEO has a substantial need for the information - to defend its good faith belief that the MWA did
 8 not apply to it, and the AG's suit is politically motivated. GEO cannot otherwise obtain the same
 9 information from any other source without undue hardship. GEO attempted to depose agency
 10 officials who had such direct knowledge who actually read the Memo. But the Court granted the
 11 State's motion to quash, and GEO was denied access to Tammy Fellin, Dave Johnson, Elizabeth
 12 Smith, and Director Sacks the senders and recipients.⁶⁶ L&I's speaking agent could not answer
 13 questions about the Memo because he had not read it and did not know how it had been used.⁶⁷

14 b. Opinions Must Relate to Analysis for Anticipated Litigation.

15 Simply labeling a Memo protected "work product" or "attorney client privileged" does not
 16 protect the document from production.⁶⁸ Work product must be prepared "by or for another party
 17 or by or for that other party's representative."⁶⁹ The AAG's civil rights unit where AAG Baker
 18 worked was the client. AAG Baker did NOT prepare that Memo to inform herself or her division
 19 of the merits of the lawsuit she and her civil rights division colleagues had just prepared. She and
 20 her colleagues were likely convinced already of their own strategies. Instead, the AG's office
 21 prepared that Memo to convince others that the AG's lawsuit was righteous. A Memo that urges
 22 others to support the AG's use of public resources on a controversial lawsuit to extend wage and
 23 hour protections to detained non-citizens is not work product. The Memo is a public relations and

24 _____
 25 ⁶⁵ *California Sportfishing Protection Alliance v. Chico Scrap Metal, Inc.*, 299 F.R.D. 638 (E.D. Cal. 2014); *McKenzie*
Law Firm, P.S. v. Ruby Receptionists, Inc., 333 F.R.D. 638 (D. Or. 2019).

26 ⁶⁶ ECF 3:17-cv-05769 Dkt. 205 (Order on States MTN for Protective Order Quashing Subpoenas for Dep.).

27 ⁶⁷ Dkt. 300 at 51 (Grice Dep) and Mell Dec. Ex. 3 at 112 (Grice Dep.).

⁶⁸ *In re Application of Republic of Ecuador*, 280 F.R.D. 506 (N.D. Cal. 2012).

⁶⁹ *United States v. Richey*, 632 F.3d 559, 567 (9th Cir. 2011).

1 lobbying piece intended for business purposes and to facilitate government operations.

2 Even if work product, as previously argued the work product opinions of the AG's office
3 are directly at issue in this litigation and should be disclosed. The AG's office advised L&I not to
4 enforce the MWA at NWIPC's VWP. Opinion or core work product is discoverable when mental
5 impressions are at issue in a case and the need for the material is compelling.⁷⁰ Whether or not
6 GEO knew or should have known that the State believed that detainees were "employees" under
7 the MWA is the focal point of the State's case. Without question the State's position on the
8 application of the MWA to NWIPC's VWP is direct objective proof that GEO's good faith belief
9 that state law did not apply was reasonable. The same entity prosecuting the case has agreed
10 historically with GEO that detainees at the NWIPC were not covered by the MWA. If others
11 within the same entity thought otherwise those facts and why are discoverable.

12 4. In Camera Review is Proper.

13 In order to correctly apply attorney-client privilege and work product doctrine the court
14 may examine in camera the documents at issue.⁷¹ In camera review to determine whether the
15 documents are in fact privileged is appropriate.⁷² In camera review is particularly appropriate
16 where the volume of records to be reviewed are limited. Here, GEO asks the Court to review in
17 camera an eleven page memorandum. In camera review is the only way to properly apply any
18 applicable privilege and corresponding exception because there is little to no apparent privileged
19 purpose for the Memo on the face of the document other than the title AAG Baker gave to it,
20 which was "attorney-client privileged". In contravention to that title, she e-mailed the purportedly
21 confidential communication to a non-client agency where it circulated among staff over time. In
22 camera review is appropriate.

23 III. CONCLUSION

24 _____
25 ⁷⁰ *McKenzie Law Firm, P.S. v. Ruby Receptionists, Inc.*, 333 F.R.D. 638 (D. Or. 2019).

26 ⁷¹ *In re Grand Jury Investigation*, 810 F.3d 1110 (9th Cir. 2016); *Federal Sav. and Loan Ins. Corp. v. Ferm*, 909 F.2d
372, (9th Cir. 1990).

27 ⁷² *See, e.g., In re Fish and Neave*, 519 F.2d 116, 118 (8th Cir. 1975); *Continental Coatings*, 50 F.R.D. at 384; 5 Moore
¶45.05(2), at 1723-24. (A documents which are claimed to be privileged should normally be produced for inspection by
the judge in camera.)

1 For the reasons previously stated, GEO's motion for in camera review should be granted,
2 and the State should ultimately be ordered to file the Exhibit without full page redactions so that
3 the trier of fact may examine the Exhibit in full in its native format.

4 Dated this 4th day of September, 2020 at Hamilton, MT.

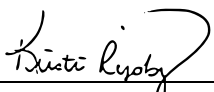
5 III Branches Law, PLLC

6
7 
8 _____
9 Joan K. Mell, WSBA # 21319

PROOF OF SERVICE

I Kristi Rigsby, hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED this 4th day of August, 2020 at Fircrest, Washington.



Kristi Rigsby, Legal Assistant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Appendix

From: "Baker, La Rond (ATG)" <LaRondB@ATG.WA.GOV>
Date: September 18, 2017 at 6:08:16 PM PDT
To: "Fellin, Tammy (LNI)" <fellu235@LNI.WA.GOV>
Subject: ATTORNEY-CLIENT PRIVILEGED - NWDC Memo

Tammy,

If you have any questions or would like to discuss this further please do not hesitate to give me a call.

Thank you,

La Rond Baker

Assistant Attorney General

Wing Luke Civil Rights Unit

Office of the Washington Attorney General

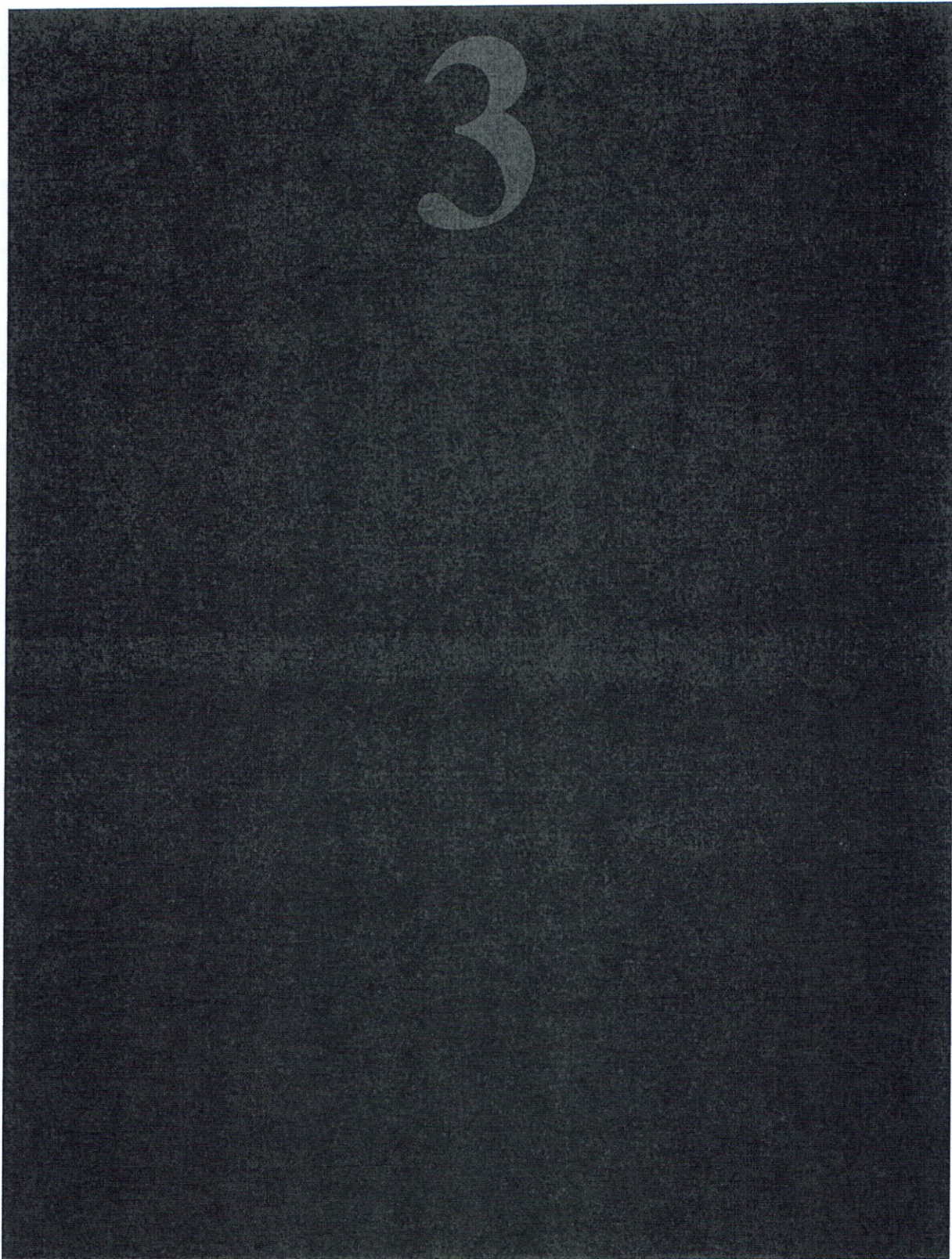
800 Fifth Avenue, Suite 2000

Seattle, WA 98104

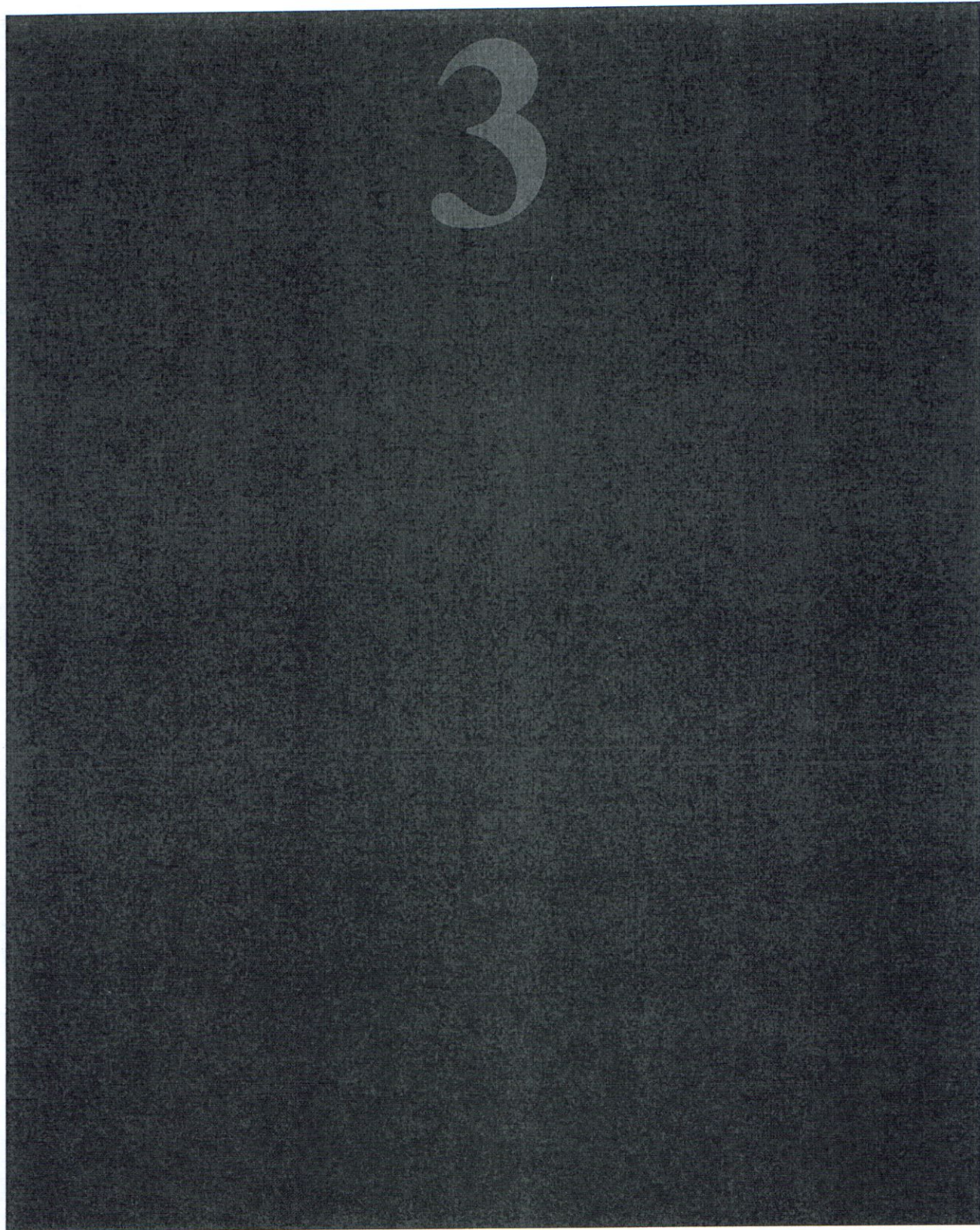
206.516.2999

206.464.6451 (fax)

ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS



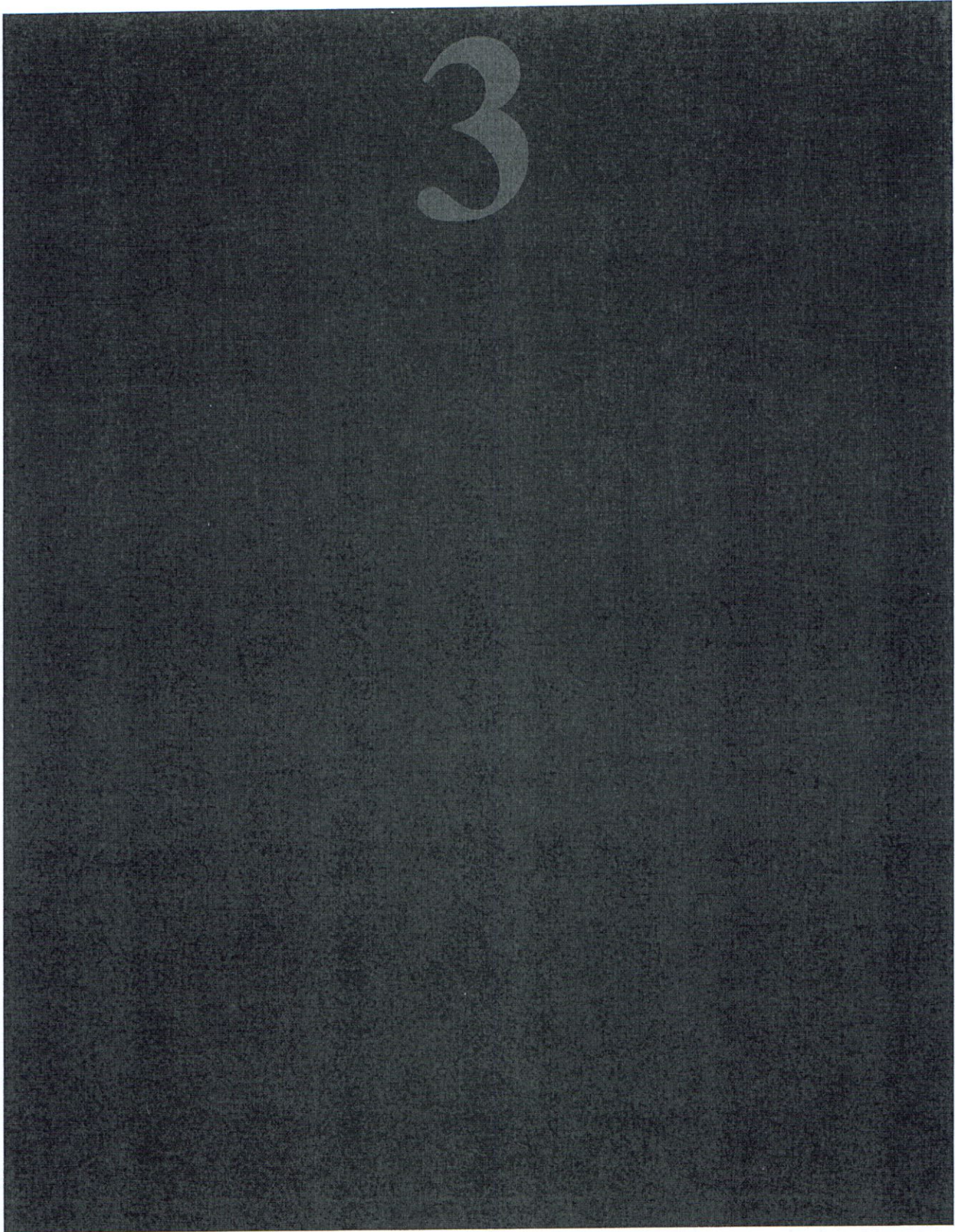
3

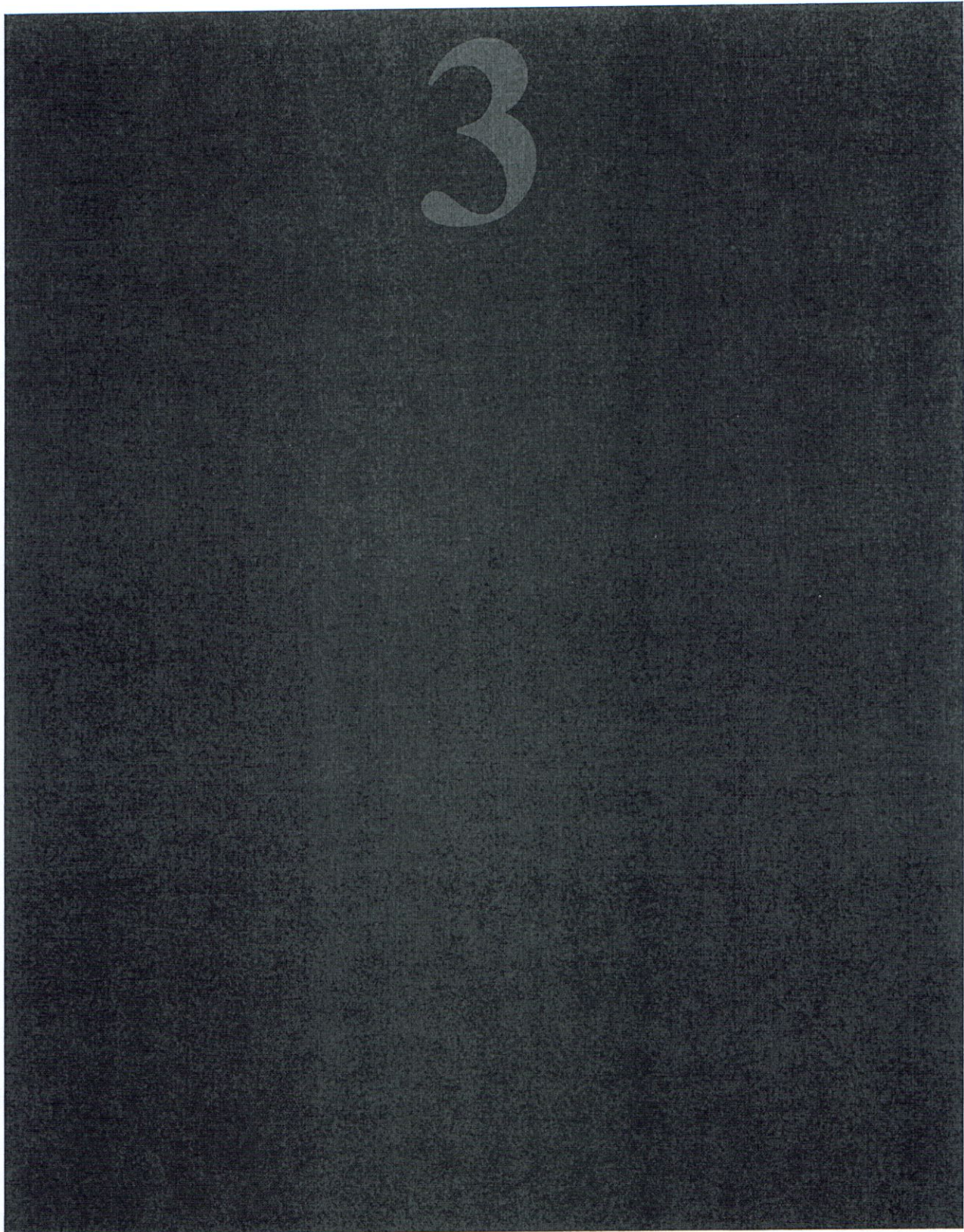


3

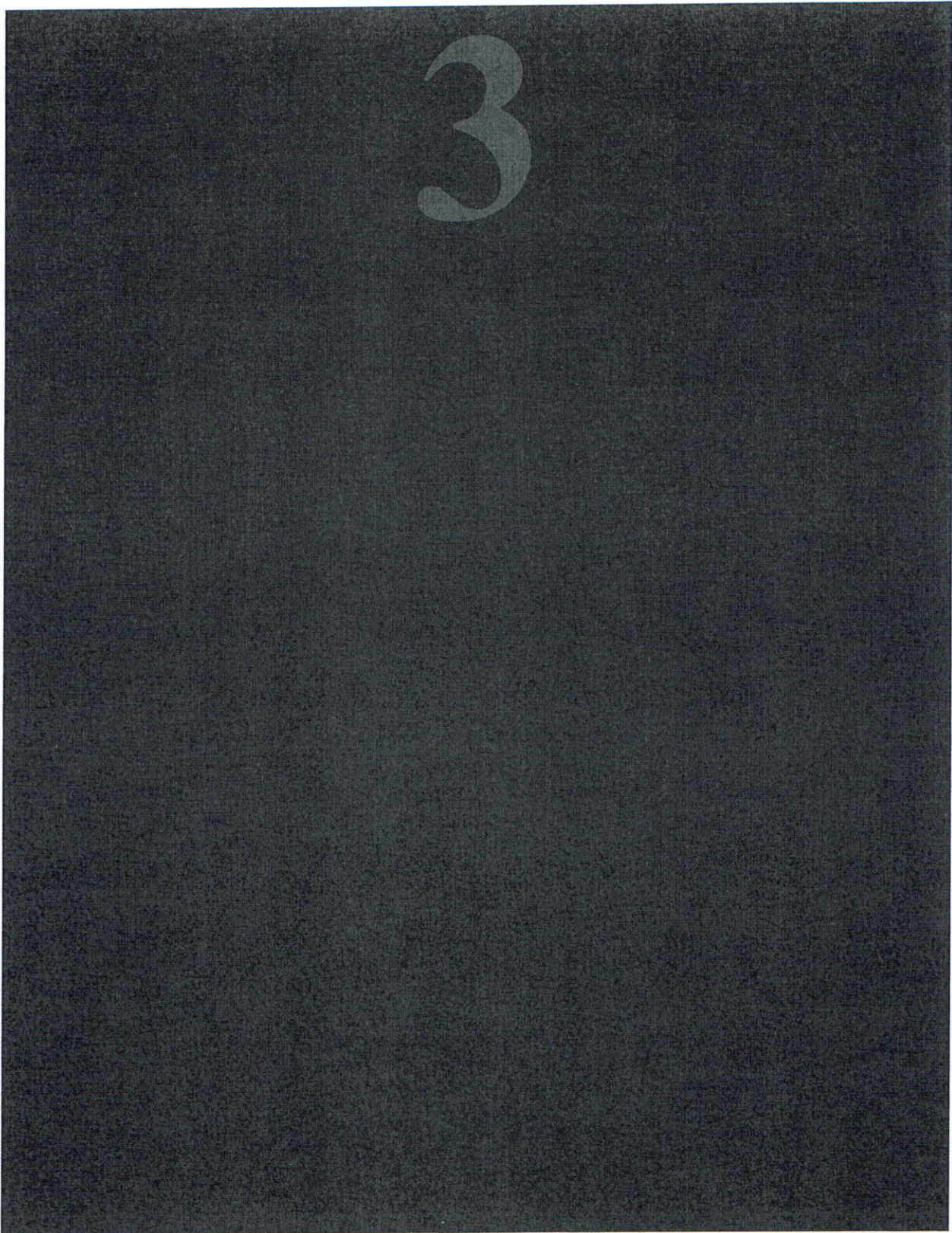
3

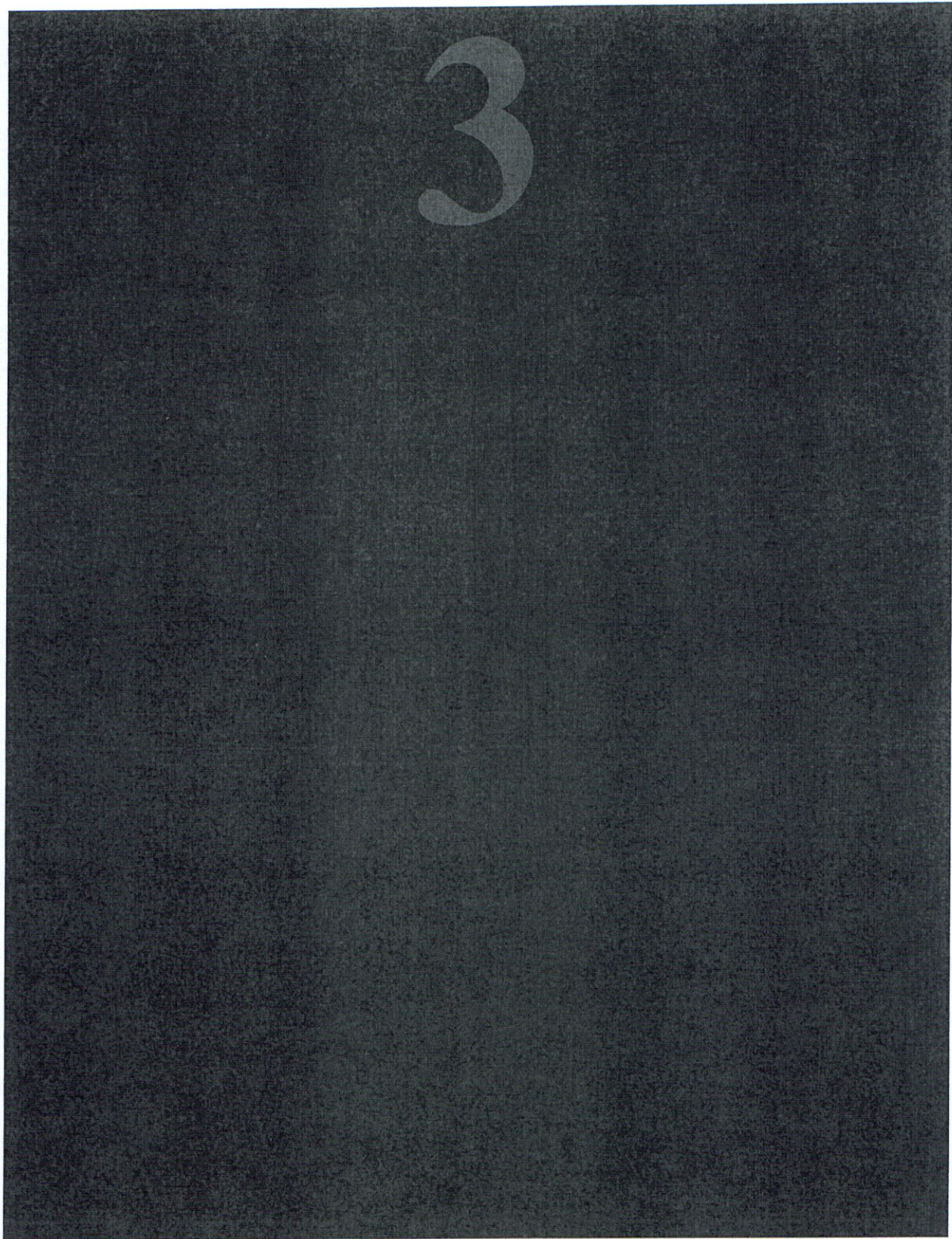
3



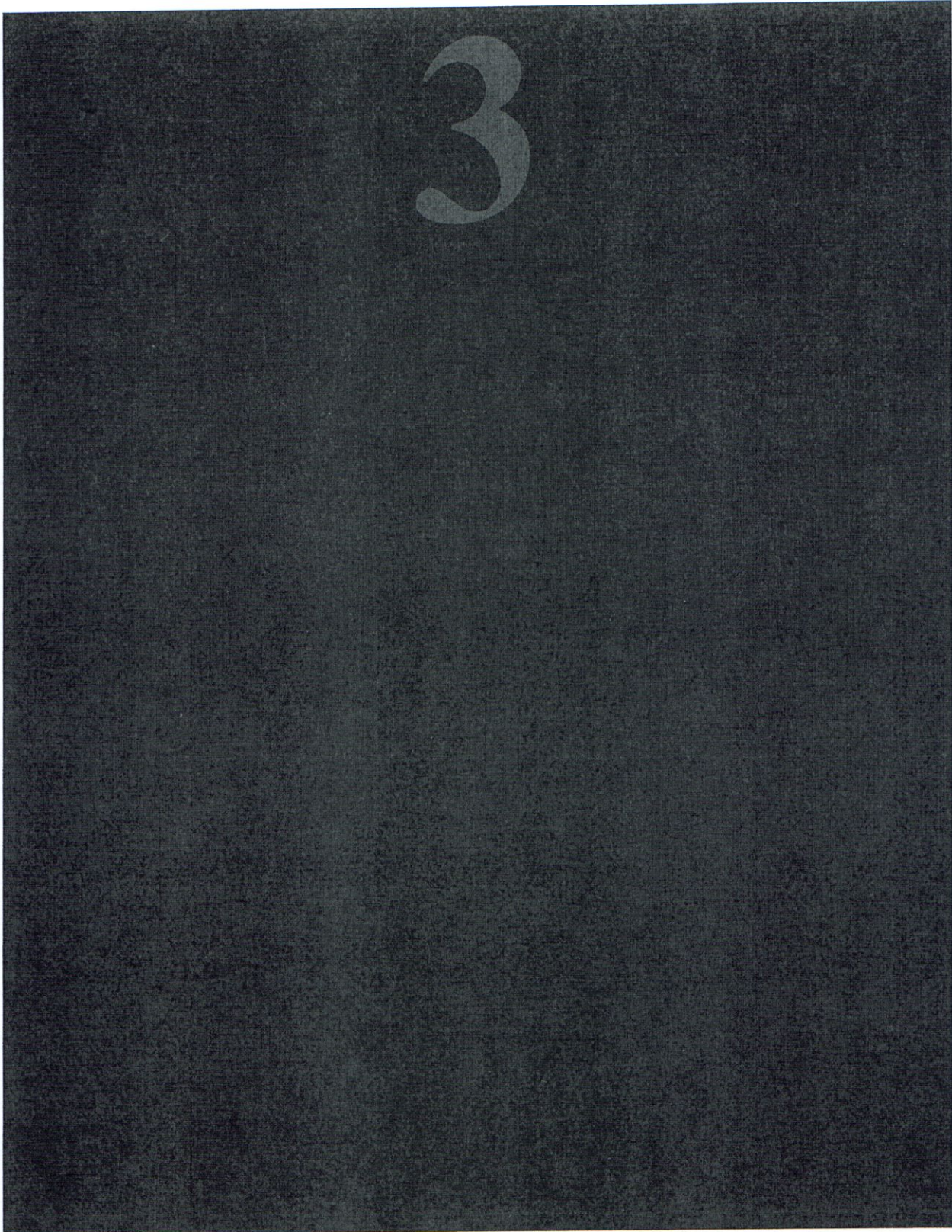


3





3



The Honorable Robert J. Bryan
Hearing Date: September 25, 2020

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

Case No.: 3:17-cv-05806-RJB

DECLARATION OF JOAN K. MELL IN SUPPRT OF DEFENDANT AND COUNTER PLAINTIFF THE GEO GROUP. INC.'S MOTION FOR IN CAMERA REVIEW AND TO ORDER THE STATE TO FILE GEO'S EXHIBIT 231 IN NATIVE FORMAT WITHOUT FULL PAGE REDACTIONS FOR USE AT TRIAL

NOTE ON MOTION CALENDAR:
September 25, 2020

I, Joan K. Mell, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. I am the attorney for The GEO Group, Inc. in the above-captioned matter. I am over the age of eighteen (18), and I am competent to testify in this matter.

2. Attached are true and correct copies of the following documents:

EXHIBIT 1: Excerpted Deposition Transcript of Colleen Melody Unit Chief Civil Rights Unit.

DECLARATION OF JOAN K. MELL IN SUPPRT OF DEFENDANT AND COUNTER PLAINTIFF THE GEO GROUP. INC.'S MOTION FOR IN CAMERA REVIEW AND TO ORDER THE STATE TO FILE GEO'S EXHIBIT 231 IN NATIVE FORMAT WITHOUT FULL PAGE REDACTIONS FOR USE AT TRIAL Case No.3:17-cv-05806-RJB-1 of 3

III BRANCHES LAW, PLLC
Joan K. Mell
1019 Regents Blvd. Ste. 204
Fircrest, WA 98466
253-566-2510 ph

1 **EXHIBIT 2:** Washington State Budget 2015 and 2020; E-mail Regarding Cy Pres distributions.

2 **EXHIBIT 3:** Excerpted Deposition Transcript of Joshua Grice Employment Standards Program
3
4 Manager for Fraud Prevention and Labor Standards With the Department of Labor and Industries
5 (30(b)(6) designee.

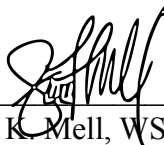
6 **EXHIBIT 4:** AAG Time Sheets.

7 **EXHIBIT 5:** Exemption Log Reference ID 3.

8 **EXHIBIT 6:** September 18, 2017 Fellin e-mail forwarding Baker's e-mail with Baker memo.
9

10
11 Dated this 4th day of September, 2020 at Hamilton, MT.

12
13 III Branches Law, PLLC

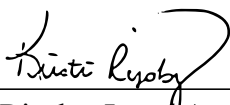
14
15 

16 _____
17 Joan K. Mell, WSBA No. 21319
18 Attorney for The GEO Group, Inc.,
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF SERVICE

I Kristi Rigsby, hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED this 4th day of September, 2020 at Fircrest, Washington.



Kristi Rigsby, Legal Assistant

Exhibit 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 17-cv-05806-RJB
Plaintiff,)	
)	
vs.)	
)	
THE GEO GROUP, INC.,)	
)	
Defendant.)	
)	

30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF
COLLEEN MELODY
August 10, 2018
Fircrest, Washington

Taken Before:

Laura A. Gjuka, CCR #2057
Certified Shorthand Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BE IT REMEMBERED that on the 10th of August, 2018, 9:06 a.m., at 1019 Regents Boulevard, Fircrest, Washington, before LAURA A. GJUKA, CCR# 2057, Washington state certified Court Reporter residing at University Place, authorized to administer oaths and affirmations pursuant to RCW 5.28.010.

WHEREUPON the following proceedings were had, to wit:

* * * * *

COLLEEN MELODY, having been first duly sworn by the Court Reporter, was examined and testified as follows:

EXAMINATION

BY MS. MELL:

Q State your name for the record.

A colleen melody.

Q what's your address?

A My business address is [REDACTED]
[REDACTED]

Q okay. what's your personal address?

MS. CHIEN: Objection. Is there a reason you need her personal address?

MS. MELL: Not if you're going to accept

1 service if I need to --

2 THE WITNESS: Yes, we accept service
3 through our --

4 MS. CHIEN: Through the business address.

5 BY MS. MELL:

6 Q When you say "we accept service," if you're not there
7 and I need to subpoena you, the Attorney General's
8 office will accept service for you?

9 A Yeah.

10 MS. CHIEN: Yes.

11 BY MS. MELL:

12 Q Okay. And your phone number?

13 A [REDACTED]

14 Q And that's work?

15 A That's my direct line at work.

16 Q What is your position?

17 A I'm a unit chief for the civil rights unit at the
18 Washington State Attorney General's office.

19 Q How many people are in the civil rights unit?

20 A Thirteen.

21 Q And who are those people comprised of? I don't need to
22 know their names, I just need to know what they do.

23 A They're attorneys and support staff that include
24 investigator, paralegal, legal assistant, staff members.

25 Q Who is the investigator?

1 that commonly come up at these outreach meetings that
2 are sometimes connected to and sometimes wholly
3 unconnected to the Northwest Detention Center.

4 BY MS. MELL:

5 Q Is there a standing outreach meeting for the Northwest
6 Detention Center?

7 A No. That our office is involved in, no.

8 Q So what outside attorneys have you had an outreach
9 meeting with specific to this matter?

10 MS. CHIEN: Objection, work product and
11 common interest privilege. You can answer to the extent
12 not privileged.

13 THE WITNESS: I don't know that we have
14 had an outreach meeting specific to the Northwest
15 Detention Center where our attorneys have sought out or
16 created a meeting specific to this matter, at least
17 before the investigation started. Certainly once we
18 started investigating we were asking more specific
19 questions about the practices at NWDC. But prior to
20 that we wouldn't have had specific outreach meetings
21 about NWDC. We do take meetings with groups, as part of
22 their portfolio, represent or advocate for the rights of
23 immigrants and also the rights of workers, and in those
24 outreach meetings NW comes up a fair amount.

25 BY MS. MELL:

1 Q okay. so with regard to this case, who did you meet
2 with prior to opening the matter?

3 MS. CHIEN: objection, work product and
4 common interest. You can answer to the extent not
5 privileged.

6 THE WITNESS: so prior to opening this
7 case, we didn't have a case to meet with them about. We
8 would have done outreach meetings that would have
9 invited them to share with us issues of concern in the
10 areas in which they work.

11 so, for example, when we take outreach meetings at
12 the request of Disability Rights Washington, we invite
13 them to tell us the issues of concern to Disability
14 Rights Washington, and then we talk with them to see if
15 there is any role that the state may have in improving
16 conditions for people with disabilities in Washington
17 state. So it's not an outreach meeting about the
18 Northwest Detention Center, it's an outreach meeting
19 about the work of the organization with whom we're
20 meeting.

21 BY MS. MELL:

22 Q All right. who did you meet with and have any
23 communications with about minimum wages at the Northwest
24 Detention Center prior to opening a number in
25 Timekeeping in this case?

1 A We met with lots of organizations about concerns about
2 labor practices at the Northwest Detention Center or
3 those concerns were raised as part of the meeting. They
4 include legal aid organizations in Washington that
5 represent detainees or former detainees or their
6 families, or they advocate for detention condition
7 improvements. So those would be the Northwest Justice
8 Project, Columbia Legal Services, Disability Rights
9 Washington, the ACLU of Washington, the Northwest
10 Immigrants Right Project. And attorneys in the private
11 bar who, either just as a private representational
12 matter or through their membership in the American
13 Immigration Law Association, represent people who are
14 current or former detainees at NWDC.

15 On the nonlegal side, there are a number of groups
16 that raise concerns about the Northwest Detention
17 Center, including One America, the Northwest Detention
18 Center Resistance, and the UW and Seattle U Human Rights
19 Clinics, which do legal and nonlegal work. We've met
20 with Consejo Latino, the Commission on Hispanic Affairs,
21 the Washington State Human Rights Commission, the
22 Washington Defender Association Immigration Project, and
23 probably a number of others. It's a large detention
24 facility in Tacoma, and it affects a lot of folks in
25 Washington state.

Exhibit 2

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6052

64th Legislature
2015 3rd Special Session

Passed by the Senate June 29, 2015
Yeas 38 Nays 10

President of the Senate

Passed by the House June 29, 2015
Yeas 90 Nays 8

Speaker of the House of Representatives
Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6052** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6052

Passed Legislature - 2015 3rd Special Session

State of Washington 64th Legislature 2015 2nd Special Session

By Senate Ways & Means (originally sponsored by Senator Hill)

READ FIRST TIME 06/27/15.

1 AN ACT Relating to fiscal matters; amending RCW 28B.15.069,
2 28B.50.140, 28B.115.070, 28C.04.535, 38.52.540, 41.26.802, 41.60.050,
3 43.08.190, 43.09.475, 43.43.839, 43.79.480, 43.101.200, 43.101.220,
4 43.155.050, 43.320.110, 43.325.040, 43.330.250, 43.350.070,
5 46.66.080, 61.24.172, 66.08.170, 69.50.540, 70.96A.350, 74.13.621,
6 77.12.203, 82.08.160, 82.08.170, 83.100.230, 86.26.007, 88.02.650,
7 and 86.26.007; amending 2014 c 221 ss 924, 925, 101, 102, 105, 107,
8 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122,
9 125, 126, 127, 129, 130, 134, 135, 136, 140, 141, 143, 146, 148, 201,
10 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216,
11 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308,
12 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509,
13 511, 512, 513, 514, 515, 604, 605, 606, 607, 608, 609, 610, 611, 612,
14 614, 615, 616, 617, 619, 701, 704, 706, 708, 709, 710, 711, 801, 802,
15 803, 804, and 805 (uncodified); amending 2013 2nd sp.s. c 4 ss 712
16 and 718 (uncodified); reenacting and amending RCW 41.50.110 and
17 70.105D.070; adding new sections to 2015 1st sp.s. c 10 (uncodified);
18 creating new sections; repealing 2015 1st sp. sess. c 10 s 501
19 (uncodified); repealing 2014 c 221 s 707 (uncodified); making
20 appropriations; providing an effective date; providing expiration
21 dates; and declaring an emergency.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

(b) Assess (i) whether the bundled rates result in payment of fees by ratepayers for services that they may not receive or need, and (ii) the amount of such excess payments; and

(c) Assess whether ordinances establishing bundled rates result in de facto regulation of commercial source-separated recycling collection services by local governments in violation of state law.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2016)	\$146,000
General Fund—State Appropriation (FY 2017)	\$185,000
TOTAL APPROPRIATION	\$331,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2016)	\$11,408,000
General Fund—State Appropriation (FY 2017)	\$11,740,000
General Fund—Federal Appropriation	\$6,930,000
New Motor Vehicle Arbitration Account—State Appropriation	\$1,039,000
Legal Services Revolving Account—State Appropriation	\$225,029,000
Tobacco Prevention and Control Account—State Appropriation	\$273,000
Medicaid Fraud Penalty Account—State Appropriation	\$3,065,000
Public Services Revolving Account—State Appropriation	\$2,217,000
Child Rescue Fund—State Appropriation	\$500,000
TOTAL APPROPRIATION	\$262,201,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide

1 overhead and a breakdown by division of division administration
2 expenses.

3 (2) Prior to entering into any negotiated settlement of a claim
4 against the state that exceeds five million dollars, the attorney
5 general shall notify the director of financial management and the
6 chairs of the senate committee on ways and means and the house of
7 representatives committee on appropriations.

8 (3) The attorney general shall annually report to the fiscal
9 committees of the legislature all new *cy pres* awards and settlements
10 and all new accounts, disclosing their intended uses, balances, the
11 nature of the claim or account, proposals, and intended timeframes
12 for the expenditure of each amount. The report shall be distributed
13 electronically and posted on the attorney general's web site. The
14 report shall not be printed on paper or distributed physically.

15 (4) \$2,228,000 of the public service revolving account—state
16 appropriation is provided solely for the work of the public counsel
17 section of the office of the attorney general.

18 (5) \$353,000 of the general fund—state appropriation for fiscal
19 year 2016 and \$353,000 of the general fund—state appropriation for
20 fiscal year 2017 are provided solely for a grant to the Washington
21 coalition of crime victim advocates to provide training,
22 certification, and technical assistance for crime victim service
23 center advocates.

24 (6) \$1,196,000 of the legal services revolving fund—state
25 appropriation is provided solely for the implementation of chapter
26 70, Laws of 2015 (Second Substitute Senate Bill No. 5052) (cannabis
27 patient protection).

28 (7) \$14,000 of the legal services revolving account—state
29 appropriation is provided solely for implementation of chapter 240,
30 Laws of 2015 (Substitute Senate Bill No. 5740) (extended foster
31 care).

32 (8) \$182,000 of the legal services revolving account—state
33 appropriation is provided solely for implementation of chapter 274,
34 Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil
35 transportation safety).

36 (9) \$71,000 of the legal services revolving account—state
37 appropriation is provided solely for implementation of Engrossed
38 Second Substitute House Bill No. 1472 (chemical action plans), Second
39 Substitute Senate Bill No. 5056 (safer chemicals/action plans),

1 Substitute Senate Bill No. 6131 (safer chemicals), or any of these.
2 If none of these bills are enacted by July 10, 2015, the amount
3 provided in this subsection shall lapse.

4 (10) Pursuant to chapter 247, Laws of 2015 (Second Substitute
5 House Bill No. 1281) (sexual exploitation of a minor), the office of
6 the attorney general may expend \$500,000 from the child rescue fund—
7 state appropriation, or an amount not to exceed actual revenues into
8 the account.

9 NEW SECTION. **Sec. 127. FOR THE CASELOAD FORECAST COUNCIL**

10	General Fund—State Appropriation (FY 2016)	\$1,378,000
11	General Fund—State Appropriation (FY 2017)	\$1,454,000
12	TOTAL APPROPRIATION.	\$2,832,000

13 The appropriations in this section are subject to the following
14 conditions and limitations: \$55,000 of the general fund—state
15 appropriation for fiscal year 2016 and \$55,000 of the general fund—
16 state appropriation for fiscal year 2017 are provided solely for
17 Substitute Senate Bill No. 5999 (caseload forecast council). If the
18 bill is not enacted by July 10, 2015, the amounts provided in this
19 subsection shall lapse.

20 NEW SECTION. **Sec. 128. FOR THE DEPARTMENT OF COMMERCE**

21	General Fund—State Appropriation (FY 2016)	\$60,162,000
22	General Fund—State Appropriation (FY 2017)	\$61,103,000
23	General Fund—Federal Appropriation.	\$264,872,000
24	General Fund—Private/Local Appropriation.	\$8,149,000
25	Public Works Assistance Account—State	
26	Appropriation.	\$7,905,000
27	Drinking Water Assistance Administrative	
28	Account—State Appropriation.	\$487,000
29	Lead Paint Account—State Appropriation.	\$181,000
30	Building Code Council Account—State Appropriation.	\$15,000
31	Home Security Fund Account—State Appropriation.	\$26,493,000
32	Affordable Housing for All Account—State	
33	Appropriation.	\$12,023,000
34	Financial Fraud and Identity Theft Crimes	
35	Investigation and Prosecution Account—State	
36	Appropriation.	\$1,776,000
37	Low-Income Weatherization and Structural	

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1109

66th Legislature
2019 Regular Session

Passed by the House April 28, 2019
Yeas 57 Nays 41

Speaker of the House of Representatives

Passed by the Senate April 28, 2019
Yeas 27 Nays 21

President of the Senate
Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1109** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

1 The appropriations in this section are subject to the following
 2 conditions and limitations:

3 (1) \$1,585,000 of the performance audit of government account—
 4 state appropriation is provided solely for staff and related costs to
 5 verify the accuracy of reported school district data submitted for
 6 state funding purposes; conduct school district program audits of
 7 state-funded public school programs; establish the specific amount of
 8 state funding adjustments whenever audit exceptions occur and the
 9 amount is not firmly established in the course of regular public
 10 school audits; and to assist the state special education safety net
 11 committee when requested.

12 (2) Within existing resources of the performance audits of
 13 government account, the state auditor's office shall conduct a
 14 performance audit or accountability audit of Washington charter
 15 public schools to satisfy the requirement to contract for an
 16 independent performance audit pursuant to RCW 28A.710.030(2).

17 (3) The state auditor must conduct a performance and
 18 accountability audit of practices related to awarding, tracking, and
 19 reporting contracts with outside entities and contracts between the
 20 University of Washington and affiliated entities. Utilizing the
 21 information gathered under section 606(1)(z) of this act, similar
 22 provisions from prior biennia, and best practices in contract
 23 management and oversight, the auditor must recommend a plan to make
 24 contract information, including those for contracted services and
 25 consulting, available in a centralized and searchable form. The
 26 recommendations of the auditor must be reported to the fiscal
 27 committees of the legislature and the office of financial management
 28 no later than December 30, 2020.

29 NEW SECTION. **Sec. 126. FOR THE CITIZENS' COMMISSION ON SALARIES**
 30 **FOR ELECTED OFFICIALS**

31	General Fund—State Appropriation (FY 2020).	\$226,000
32	General Fund—State Appropriation (FY 2021).	\$243,000
33	Pension Funding Stabilization Account—State Appropriation. . .	\$30,000
34	TOTAL APPROPRIATION.	\$499,000

35 NEW SECTION. **Sec. 127. FOR THE ATTORNEY GENERAL**

36	General Fund—State Appropriation (FY 2020).	\$14,972,000
37	General Fund—State Appropriation (FY 2021).	\$14,940,000

1	General Fund—Federal Appropriation.	\$15,992,000
2	Public Service Revolving Account—State Appropriation. . .	\$4,195,000
3	New Motor Vehicle Arbitration Account—State	
4	Appropriation.	\$1,693,000
5	Medicaid Fraud Penalty Account—State Appropriation. . . .	\$5,556,000
6	Child Rescue Fund—State Appropriation.	\$500,000
7	Legal Services Revolving Account—State Appropriation. . .	\$276,544,000
8	Local Government Archives Account—State Appropriation. . . .	\$348,000
9	Local Government Archives Account—Local.	\$330,000
10	Pension Funding Stabilization Account—State Appropriation.	\$1,602,000
11	Tobacco Prevention and Control Account—State	
12	Appropriation.	\$273,000
13	TOTAL APPROPRIATION.	\$336,945,000

14 The appropriations in this section are subject to the following
 15 conditions and limitations:

16 (1) The attorney general shall report each fiscal year on actual
 17 legal services expenditures and actual attorney staffing levels for
 18 each agency receiving legal services. The report shall be submitted
 19 to the office of financial management and the fiscal committees of
 20 the senate and house of representatives no later than ninety days
 21 after the end of each fiscal year. As part of its by agency report to
 22 the legislative fiscal committees and the office of financial
 23 management, the office of the attorney general shall include
 24 information detailing the agency's expenditures for its agency-wide
 25 overhead and a breakdown by division of division administration
 26 expenses.

27 (2) Prior to entering into any negotiated settlement of a claim
 28 against the state that exceeds five million dollars, the attorney
 29 general shall notify the director of financial management and the
 30 chairs of the senate committee on ways and means and the house of
 31 representatives committee on appropriations.

32 (3) The attorney general shall annually report to the fiscal
 33 committees of the legislature all new cy pres awards and settlements
 34 and all new accounts, disclosing their intended uses, balances, the
 35 nature of the claim or account, proposals, and intended timeframes
 36 for the expenditure of each amount. The report shall be distributed
 37 electronically and posted on the attorney general's web site. The
 38 report shall not be printed on paper or distributed physically.

1 (4) \$58,000 of the general fund—state appropriation for fiscal
2 year 2020 and \$58,000 of the general fund—state appropriation for
3 fiscal year 2021 are provided solely for implementation of Second
4 Substitute House Bill No. 1166 (sexual assault kits). If the bill is
5 not enacted by June 30, 2019, the amounts provided in this subsection
6 shall lapse.

7 (5) \$63,000 of the legal services revolving account—state
8 appropriation is provided solely for implementation of Substitute
9 House Bill No. 1399 (paid family and medical leave). If the bill is
10 not enacted by June 30, 2019, the amount provided in this subsection
11 shall lapse.

12 (6) \$44,000 of the legal services revolving account—state
13 appropriation is provided solely for implementation of Engrossed
14 Second Substitute House Bill No. 1224 (rx drug cost transparency). If
15 the bill is not enacted by June 30, 2019, the amount provided in this
16 subsection shall lapse.

17 (7) \$79,000 of the legal services revolving account—state
18 appropriation is provided solely for implementation of House Bill No.
19 2052 (marijuana product testing). If the bill is not enacted by June
20 30, 2019, the amount provided in this subsection shall lapse.

21 (8) \$330,000 of the local government archives account—local
22 appropriation is provided solely for implementation of Engrossed
23 Substitute House Bill No. 1667 (public records request admin). If the
24 bill is not enacted by June 30, 2019, the amount provided in this
25 subsection shall lapse.

26 (9) \$161,000 of the general fund—state appropriation for fiscal
27 year 2020 and \$161,000 of the general fund—state appropriation for
28 fiscal year 2021 are provided solely for the civil rights unit to
29 provide additional services in defense and protection of civil and
30 constitutional rights for people in Washington.

31 (10) \$88,000 of the general fund—state appropriation for fiscal
32 year 2020, \$85,000 of the general fund—state appropriation for fiscal
33 year 2021, and \$344,000 of the legal services revolving account—state
34 appropriation are provided solely for implementation of Substitute
35 Senate Bill No. 5297 (assistant AG bargaining). If the bill is not
36 enacted by June 30, 2019, the amounts provided in this subsection
37 shall lapse.

38 (11) \$700,000 of the legal services revolving account—state
39 appropriation is provided solely for implementation of Engrossed

1 Second Substitute Senate Bill No. 5497 (immigrants in the workplace).
2 If the bill is not enacted by June 30, 2019, the amount provided in
3 this subsection shall lapse.

4 (12) \$592,000 of the public service revolving account—state
5 appropriation and \$47,000 of the legal services revolving account—
6 state appropriation are provided solely for implementation of
7 Engrossed Second Substitute Senate Bill No. 5116 (clean energy). If
8 the bill is not enacted by June 30, 2019, the amounts provided in
9 this subsection shall lapse.

10 (13) \$108,000 of the legal services revolving account—state
11 appropriation is provided solely for implementation of Engrossed
12 Second Substitute Senate Bill No. 5740 (retirement savings program).
13 If the bill is not enacted by June 30, 2019, the amount provided in
14 this subsection shall lapse.

15 (14) \$200,000 of the general fund—state appropriation for fiscal
16 year 2020 is provided solely for a work group to study and institute
17 a statewide program for receiving reports and other information for
18 the public regarding potential self-harm, potential harm, or criminal
19 acts including but not limited to sexual abuse, assault, or rape. Out
20 of this amount:

21 (a) The work group must review the aspects of similar programs in
22 Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin,
23 and Wyoming; and must incorporate the most applicable aspects of
24 those programs to the program proposal;

25 (b) The program proposal must include a plan to implement a
26 twenty-four hour hotline or app for receiving such reports and
27 information; and

28 (c) The program proposal and recommendations must be submitted to
29 legislative fiscal committees by July 31, 2020.

30 (15) \$75,000 of the general fund—state appropriation for fiscal
31 year 2020 is provided solely for the attorney general to develop an
32 implementation plan to collect and disseminate data on the use of
33 force by public law enforcement agencies and private security
34 services.

35 (a) The plan must identify how to effectively collect data on the
36 occasions of justifiable homicide or uses of deadly force by a public
37 officer, peace officer, or person aiding under RCW 9A.16.040 by all
38 general authority Washington law enforcement agencies and the
39 department of corrections. The plan must address any necessary

1 statutory changes, possible methods of collection, and any other
2 needs that must be addressed to collect the following information:

3 (i) The number of tort claims filed and moneys paid in use of
4 force cases;

5 (ii) The number of incidents in which peace officers discharged
6 firearms at citizens;

7 (iii) The demographic characteristics of the officers and
8 citizens involved in each incident, including sex, age, race, and
9 ethnicity;

10 (iv) The agency or agencies employing the involved officers and
11 location of each incident;

12 (v) The particular weapon or weapons used by peace officers and
13 citizens; and

14 (vi) The injuries, if any, suffered by officers and citizens.

15 (b) The implementation plan must also identify how to effectively
16 collect data on the occasions of the use of force requiring the
17 discharge of a firearm by any private security guard employed by any
18 private security company licensed under chapter 18.170 RCW. The plan
19 must address any necessary statutory changes, possible methods of
20 collection, and any other needs that must be addressed to collect the
21 following information:

22 (i) The number of incidents in which security guards discharged
23 firearms at citizens;

24 (ii) The demographic characteristics of the security guards and
25 citizens involved in each incident, including sex, age, race, and
26 ethnicity;

27 (iii) The company employing the involved security guards and the
28 location of each incident;

29 (iv) The particular weapon or weapons used by security guards and
30 citizens; and

31 (v) The injuries, if any, suffered by security guards and
32 citizens.

33 (c) The attorney general must compile reports received pursuant
34 to this subsection and make public the data collected.

35 (d) The department of licensing, department of corrections,
36 Washington state patrol, and criminal justice training commission
37 must assist the attorney general as necessary to complete the
38 implementation plan.

39 (16) \$4,220,000 of the general fund—federal appropriation and
40 \$1,407,000 of the medicaid fraud penalty account—state appropriation

1 are provided solely for additional staffing and program operations in
 2 the medicaid fraud control division.

3 (17) \$4,292,000 of the legal services revolving account—state
 4 appropriation is provided solely for child welfare and permanency
 5 staff.

6 (18) \$141,000 of the legal services revolving account—state
 7 appropriation is provided solely for implementation of Engrossed
 8 Substitute Senate Bill No. 5035 (prevailing wage laws). If the bill
 9 is not enacted by June 30, 2019, the amount provided in this
 10 subsection shall lapse.

11 NEW SECTION. **Sec. 128. FOR THE CASELOAD FORECAST COUNCIL**

12	General Fund—State Appropriation (FY 2020)	\$1,907,000
13	General Fund—State Appropriation (FY 2021)	\$1,922,000
14	Pension Funding Stabilization Account—State Appropriation. .	\$168,000
15	TOTAL APPROPRIATION.	\$3,997,000

16 The appropriations within this section are subject to the
 17 following conditions and limitations: \$43,000 of the general fund—
 18 state appropriation for fiscal year 2020 and \$27,000 of the general
 19 fund—state appropriation for fiscal year 2021 are provided solely for
 20 the caseload forecast council to provide information, data analysis,
 21 and other necessary assistance upon the request of the task force
 22 established in section 952 of this act.

23 NEW SECTION. **Sec. 129. FOR THE DEPARTMENT OF COMMERCE**

24	General Fund—State Appropriation (FY 2020)	\$94,046,000
25	General Fund—State Appropriation (FY 2021)	\$92,285,000
26	General Fund—Federal Appropriation.	\$327,876,000
27	General Fund—Private/Local Appropriation.	\$9,107,000
28	Public Works Assistance Account—State Appropriation. . . .	\$8,207,000
29	Lead Paint Account—State Appropriation.	\$251,000
30	Building Code Council Account—State Appropriation.	\$16,000
31	Liquor Excise Tax Account—State Appropriation.	\$1,291,000
32	Economic Development Strategic Reserve Account—State	
33	Appropriation.	\$5,000,000
34	Home Security Fund Account—State Appropriation.	\$60,422,000
35	Energy Freedom Account—State Appropriation.	\$5,000
36	Affordable Housing for All Account—State Appropriation. .	\$13,895,000

From: Esquibel, Shane (ATG) <ShaneE@ATG.WA.GOV>
Subject: RE: Cy Pres
Date: March 20, 2019 at 4:45 PM
To: Murray, Julie <Julie.Murray@leg.wa.gov>, Webb, Mike (ATG) <MikeW@ATG.WA.GOV>
Cc: Scott, Sarian <Sarian.Scott@leg.wa.gov>



Hi Julie,

We distributed only one cy pres award since 2016. The AGO received \$390,000 and retained \$90,000 as costs and fees because we were on the executive committee of the multistate settlement. The \$300,000 was awarded to the Washington State Housing Finance Commission to fund housing counselors. As you know, housing counselors have been underfunded for years out of the FFA Account since foreclosures started going down around 2014.

Here's the details of the award.

- a. Name of the settlement: *The State of Alabama et al. v. PHH Mortgage Corp.*
- b. Case number of the settlement, 1:18-cv-00009 (TFH)
- c. Purpose/reason for the settlement/case, loan servicing violations
- d. The date of the settlement, May 10, 2018 and
- e. The date the funds were received by the AGO. May 18, 2018.

We held a public announcement along with the Washington Housing Finance Commissioners, Representative Tina Orwall, and counselors around the state. Here's the Twitter announcement. <https://twitter.com/AGOWA/status/1017435155458285568>

While it is not cy pres, we thought we would also share this recovery that went to the Washington State Department of Health in August 2018. This was result of a multistate action with Washington, California, and Texas. All three states agreed to send their share of the recovery to their respective health departments that administer breast cancer and cervical cancer screenings for uninsured and underinsured women, since the deceptive conduct involved a sham charity that led donors it was providing mammograms for underinsured and uninsured women. You can read more details here: <https://www.atg.wa.gov/news/news-releases/ag-recovers-500k-donated-washingtonians-bankrupt-sham-charity>

Thanks
Shane

From: Murray, Julie <Julie.Murray@leg.wa.gov>
Sent: Wednesday, March 20, 2019 10:26 AM
To: Esquibel, Shane (ATG) <ShaneE@ATG.WA.GOV>; Webb, Mike (ATG) <MikeW@ATG.WA.GOV>
Cc: Scott, Sarian <Sarian.Scott@leg.wa.gov>
Subject: Cy Pres

Hi Shane and Mike –

I was asked for a copy of the 2017 and 2018 Cy Pres report. Went to your website and it was last updated 3 years ago. Do you have reports to share? Maybe I went to the wrong link. Thanks

<https://www.atg.wa.gov/cy-pres-awards-and-grants>

Julie Murray
Senior Budget Counsel
Senate Ways & Means Committee
360-786-7711

Exhibit 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	NO. 3:17-CV-05806-RJB
)	
THE GEO GROUP, Inc.,)	
)	
Defendant.)	

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF JOSHUA GRICE

APPEARANCES:

FOR THE PLAINTIFF:	MR. JAMES S. MILLS
	MR. LANE POLOZOLA
	ASSISTANT ATTORNEYS GENERAL
	800 Fifth Avenue, Ste. 2000
	Olympia, WA 98104-3188

FOR THE DEFENDANT:	MS. JOAN MELL
	III Branches Law
	1019 Regents Blvd., Suite 204
	Fircrest, WA 98466

	MS. ASHLEY E. CALHOUN
	AKERMAN, LLP
	1900 Sixteenth Stret
	Suite 1700
	Denver, CO 80202

ALSO PRESENT:	MELODY SORENSEN, VIDEOGRAPHER
---------------	-------------------------------

Thursday, September 5, 2019
Olympia, Washington

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 BE IT REMEMBERED that on Thursday, September 5,
2 2019, at 9:39 a.m. at 7273 Linderson Way, Tumwater,
3 Washington, before DIXIE J. CATTELL, Certified Court
4 Reporter, appeared JOSHUA GRICE, the witness herein;

5 WHEREUPON, the following proceedings were had,
6 to wit:

7 THE VIDEOGRAPHER: We are now on the record.
8 This is the video-recorded 30(b)(6) deposition of Josh
9 Grice. Today's date is September 5, 2019, and the time is
10 now 9:39 a.m. My name is Melody Sorensen. I'm
11 subcontracted by Sound Vision Video Production, 4821 North
12 14th Street, Tacoma, Washington. This deposition is being
13 held at 7273 Linderson Way Southwest, Tumwater, Washington.

14 The case is the State of Washington versus The GEO
15 Group, Inc. Present for the plaintiff is James Mills and
16 Lane Polozola. Present for the defendants and giving
17 notice to this deposition is Joan Mell and Ashley Calhoun.

18 The court reporter is Dixie Cattell, who will now
19 swear in the witness.

20 JOSHUA GRICE, having been first duly sworn,
21 testified as follows:

22 EXAMINATION

23 BY MS. MELL:

24 Q State your name for the record.

25 A Joshua Grice.

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

- 1 Q Mr. Grice, what's your position?
- 2 A I'm the Employment Standards Program Manager at the
3 Department of Labor and Industries.
- 4 Q Employment Standards Program Manager?
- 5 A Correct.
- 6 Q Okay. Tell me where that is in the hierarchy at Labor and
7 Industries.
- 8 A The Employment Standards Program Manager reports to the
9 Assistant Director for Fraud Prevention and Labor
10 Standards.
- 11 Q And who is that?
- 12 A Christopher Bowe.
- 13 Q Is that B-O-W-E?
- 14 A B-O-W-E, yes.
- 15 Q Okay. And his title is what, Assistant Director of. . . ?
- 16 A Assistant Director for Fraud Prevention and Labor
17 Standards.
- 18 Q Fraud Prevention and Labor. . .
- 19 Is the Minimum Wage Act considered a labor standard?
- 20 A Yes.
- 21 Q Okay. So who does the Assistant Director report to?
- 22 A The Assistant Director for Fraud Prevention and Labor
23 Standards reports to the Deputy Director of Labor and
24 Industries, Elizabeth Smith.
- 25 Q Who does the Deputy Director report to?

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 respond to the issues in those complaints.

2 Q Were there any meal and rest break complaints by detainees?

3 A No.

4 Q Were there any Minimum Wage Act complaints by detainees?

5 A Not to my knowledge.

6 Q Did you look for them?

7 A Yes.

8 Q Do you know why there aren't any?

9 A To my knowledge, no complaints have been filed by detainees
10 held at the Northwest Detention Center.

11 Q Do you know why detainees don't complain about the minimum
12 wages --

13 MR. MILLS: Objection. Calls for speculation.

14 You can answer.

15 MS. MELL: Let me finish my -- I'll try to give
16 you time, but I do tend to ask slower questions, and I
17 sometimes even pause, so. . .

18 MR. MILLS: Understood.

19 MS. MELL: Can you read back the start of it? I
20 want to reask the question, but I don't remember how --

21 THE COURT REPORTER: "Do you know why detainees
22 don't complain. . ."

23 Q (By Ms. Mell) Okay. Do you know why detainees have not
24 complained about payments to them in the Voluntary Work
25 Program to the Department of Labor and Industries?

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 **investigators within the Department and the Attorney**
2 **General's Office.**

3 Q Okay. Who was missing from the discussion in what did
4 happen?

5 A To my knowledge, this was not considered in discussions of
6 how to utilize that enforcement and investigation resource.

7 Q Well, the AG's office was involved, correct?

8 A Was involved in what?

9 Q In whether or not the Minimum Wage Act applied to
10 detainees.

11 A The Department did seek advice, as it does with many
12 technical questions, about the applicability of the Minimum
13 Wage Act in this circumstance.

14 Q So there was -- there was AG advice given at the time,
15 correct?

16 A There was preliminary advice given in the context of
17 responding to a technical question.

18 Q Who told you to use the word "preliminary"? You keep using
19 that word, and I'm just -- did somebody tell you to use it?

20 MR. MILLS: Object to the form as argumentative.

21 You can answer.

22 A No.

23 Q (By Ms. Mell) Is that a word that you came up with?

24 A Yes.

25 Q How did you come up with that word?

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 filed.

2 Q Tammy Fellin didn't tell the Governor that it may not
3 apply, did she?

4 A Would you repeat the question.

5 Q Tammy Fellin did not inform the Governor's Office that the
6 Minimum Wage Act may not apply, did she?

7 A My recollection of the response to the Governor's Office is
8 that Tammy Fellin said that it is unlikely that the
9 Department would have jurisdiction over that circumstance.

10 Q You keep putting words in there. There's no "unlikely" in
11 her communication, is there?

12 MR. MILLS: Objection. Argumentative.

13 A I don't recall specifically what words.

14 Q (By Ms. Mell) Well, why don't we pull it out? It's in
15 your exhibits. Why don't you find it there?

16 A Okay. Can you provide the exhibit number?

17 Q Sure. Exhibit 271. "Do detainees fall under L&I's
18 jurisdiction for wage and hour issues? For wage and hour
19 purposes L&I does not have any jurisdiction over the
20 Federal Government or its instrumentalities. This would
21 include the detainees and work performed by GEO and its
22 employees under contract with the Federal Government."

23 There's no couching of any of that instruction, is
24 there? There's no "may not," there's no "might not,"
25 there's not "preliminary." She's saying it flat out,

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 straight up, it doesn't apply, correct?

2 A Tammy's answer, the first sentence of that answer states
3 the general principle that the Department operated on in
4 drawing that conclusion, but the full analysis of that
5 circumstance would have needed to occur as part of a
6 complaint or investigation.

7 Q You didn't answer my question.

8 MS. MELL: Move to strike.

9 Q (By Ms. Mell) Is there any couching language that you
10 suggested is in the communication in Tammy Fellin's e-mail
11 to the Governor's Office?

12 MR. MILLS: Objection as to form.

13 A The first sentence indicates that for wage and hour
14 purposes, L&I does not have jurisdiction over the Federal
15 Government or its instrumentalities. That statement
16 acknowledges that -- the general legal principle at work
17 here.

18 Q (By Ms. Mell) Does Tammy Fellin tell the Governor's
19 Office, "I hope this clarifies our jurisdiction in this
20 matter, please let me know if you have any additional
21 questions," after telling the Governor's Office's straight
22 up that the Minimum Wage Act doesn't apply to the
23 detainees?

24 MR. MILLS: Objection as to form.

25 Go ahead.

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

ROUGH DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Go ahead.

A I did not specifically ask the Department for a position related to this lawsuit.

Q (By Ms. Mell) Has the Department taken the position that the Minimum Wage Act applies to the detainees?

MR. MILLS: Objection to the extent it calls for a legal conclusion.

You can answer.

A The Department presumes that the Minimum Wage Act applies to an employer/employee relationship unless a specific exemption applies to that situation, but the Department has not specifically analyzed or concluded how the Minimum Wage Act would apply to detainees.

Q (By Ms. Mell) Well, the Department did back in 2014, and it concluded it didn't. So did the Department change its opinion?

A The Department in 2014 provided its analysis related to a technical inquiry from the Governor's Office, but did not take a position that resulted from a investigation or a complaint.

Q All right. But it still took a position that the Minimum Wage Act didn't apply in 2014, correct?

A The Department provided that conclusion in response to a technical inquiry from the Governor's Office.

Q Did the -- has the Department at any time changed its

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 it's a memo from the Attorney General's Office?

2 **A The relationship between the Department of Labor and**
3 **Industries and the Attorney General Office -- Attorney**
4 **General's Office involves seeking legal guidance for our**
5 **operations.**

6 Q Okay. So you're making an assumption? You don't know that
7 that's the case?

8 **A I don't know the specific circumstances that led to this**
9 **memo being transmitted to Labor and Industries.**

10 Q Do you even know if the memo gives the Department legal
11 advice?

12 **A I'm not certain the nature of the advice contained in the**
13 **memo.**

14 MR. MILLS: I'm going to object. It calls for a
15 legal conclusion and move to strike.

16 Q (By Ms. Mell) Okay. You don't even know if the memo is
17 authored by a lawyer?

18 **A I don't have specific knowledge about the contents of that**
19 **memo.**

20 Q But you've read it?

21 **A No.**

22 **Q Oh, you've never read the memo?**

23 **A I've not read that memo specifically.**

24 Q So you've never even seen it?

25 **A I have not read it specifically, no.**

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 regulations against the Federal Government?

2 MR. MILLS: Objection. Legal conclusion.

3 You can answer.

4 A It would generally be the position of the Department that
5 wage-and-hour requirements, that the Federal Government is
6 not subject -- federal employees are not subject to state
7 wage-and-hour requirements.

8 Q Okay. So if -- excuse me. If a federal employee at the
9 Northwest Detention Center complained about getting
10 sub-minimum wages, the Department would decline to
11 investigate that complaint?

12 MR. MILLS: Objection. Lack of foundation;
13 calls for speculation; legal conclusion.

14 You can answer.

15 A When the Department receives a complaint from a federal
16 employee according to its standard work process, that
17 complaint would typically not be accepted.

18 Q (By Ms. Mell) How would it be communicated to the
19 employee?

20 A The employee would receive likely a phone call and a letter
21 detailing the Department's finding.

22 Q And what would the letter contain? Is it there analysis
23 that says it doesn't apply?

24 A The letter would contain the Department's determination
25 that the complaint could not be accepted.

STATE OF WASHINGTON vs GEO GROUP
Joshua Grice, 09/05/2019

1 relates to detainees and, in fact, did?

2 MR. MILLS: Objection; calls for speculation.
3 Mischaracterizes the testimony.

4 You can answer.

5 A The Department would have to analyze -- fully analyze the
6 circumstances of the employee filing the complaint in order
7 to determine whether it had jurisdiction.

8 Q (By Ms. Mell) So does the Department assume that a
9 complainant is an employee?

10 A The Department would undertake an analysis to determine
11 whether an employer/employee relationship existed in order
12 to determine whether it could accept a complaint under the
13 Wage Payment Act.

14 Q And Tammy Fellin said that the Department doesn't have
15 jurisdiction over federal employees, correct?

16 A Tammy provided information in response to the Governor's
17 inquiry that L&I's jurisdiction may be limited or may not
18 be applicable to federal detainees -- to detainees at the
19 Northwest Detention Center.

20 MS. MELL: Move to strike.

21 Q That's not a correct answer, is it?

22 MR. MILLS: Objection. Argumentative.

23 Q (By Ms. Mell) Would you agree that there was no "may not"
24 in Tammy's advice?

25 MR. MILLS: Asked and answered.

Exhibit 4

<u>Last Name</u>	<u>First Name</u>	<u>Client</u>	<u>Rep Cat</u>	<u>Docket Number</u>	<u>Case</u>	<u>hours</u>	<u>date</u>	<u>decription</u>
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	1.4	5/4/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.9	5/4/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.5	5/4/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/9/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/9/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/9/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/9/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/9/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	5/9/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	5/9/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.8	5/9/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/10/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.5	5/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	3.1	5/17/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/17/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	3.5	5/17/2017	2b
Melody	Colleen	Civil Rights Division	General	10759047	NWDC	1	5/17/2017	2b
Melody	Colleen	Civil Rights Division	General	10759047	NWDC	2.5	5/17/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	5/18/2017	2b
Melody	Colleen	Civil Rights Division	General	10759047	NWDC	3.5	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	1.5	5/18/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	1	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/18/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	5/18/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	5/19/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	5/19/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	5/22/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	5/22/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.5	5/23/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.8	5/23/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.7	5/23/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	5/23/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	5/23/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	5/23/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.6	5/24/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	5/24/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.5	6/2/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.9	6/2/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	6/2/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	6/5/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	6/8/2017	2b
Melody	Colleen	Civil Rights Division	General	10759047	NWDC	0.5	6/8/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	1.2	6/8/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/8/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.2	6/15/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/16/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/16/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/16/2017	2b
Melody	Colleen	Civil Rights Division	General	10759047	NWDC	1.75	6/20/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/20/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/20/2017	2b

<u>Last</u> <u>Name</u>	<u>First</u> <u>Name</u>	<u>Client</u>	<u>Rep Cat</u>	<u>Docket</u> <u>Number</u>	<u>Case</u>	<u>hours</u>	<u>date</u>	<u>decription</u>
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/20/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.8	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.4	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/21/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.8	6/22/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/22/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/22/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.2	6/22/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	6/26/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	6/26/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	6/26/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	6/28/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/28/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.5	6/29/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/29/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	6/29/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	6/30/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	6/30/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	7/3/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.6	7/6/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	7/6/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	7/6/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	7/11/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.8	7/13/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1.5	7/17/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	1	7/18/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	1.5	7/19/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	3.5	7/20/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	7/20/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	7/20/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	0.8	7/20/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.5	7/20/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	7/20/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	3	7/21/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.9	7/21/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1.8	7/21/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	0.8	7/23/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	2.5	7/24/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.4	7/24/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	2.5	7/25/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	3.2	7/26/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	1.5	7/26/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.4	7/27/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	2.5	7/27/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.3	7/27/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	7/28/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	3.5	7/28/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	3.3	7/31/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.4	7/31/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	0.1	7/31/2017	2b
Marquez	Patricio	Civil Rights Division	General	10759047	NWDC	1.5	7/31/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1.5	7/31/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	1	7/31/2017	2b
Chien	Marsha	Civil Rights Division	General	10759047	NWDC	0.3	8/1/2017	2b
Baker	La Rond	Civil Rights Division	General	10759047	NWDC	2	8/1/2017	2b

Exhibit 5

EXEMPTION SECTION		
Reference ID	Exemption	Explanation of the Exemption
1	Accident Investigation Reports (Non-Party-of-Interest) RCW 49.17.260 and RCW 42.56.070(1)	Investigations of industrial catastrophes, hospitalizations for injuries, and fatalities occurring in a workplace are confidential and are only available to parties noted in this state law, which includes the injured worker, the employer, and the family of the deceased worker.
2	Applicant Information RCW 42.56.250(2)	All applications for public employment, including the names of applicants, resumes, and other related materials and information submitted with respect to an applicant for public agency employment are exempt and shall not be open to public inspection or copying.
3	Attorney-Client Work Product/Privileged Information RCW 42.56.290 and RCW 5.60.060(2)(a)	Communications between Department of Labor & Industries and the Attorney General's Office for the purpose of gathering information to obtain legal advice or to convey attorney-client communications is confidential and shall not be open to public inspection and copying. Including, but not limited to records prepared, collected, or assembled in litigation or in anticipation of litigation such as drafts, notes, memoranda, or research reflecting the opinions or mental impressions of an attorney or attorney's agent.
4	Autopsies or Post Mortems RCW 68.50.105	Reports and records of autopsies or post mortems are confidential. Only family members, the attending physician, and others noted in this state law may receive copies.
5	Business Records (Private Employer) RCW 51.16.070(2)	Business records kept by an employer and provided to the agency during an audit, are confidential unless the employer authorizes their release.
6	Claim File Records and Information Confidential RCW 51.28.070 and RCW 51.36.110(1)	Information contained in the claim files and records of injured workers are confidential and shall not be open to public inspection and copying. Disclosure of claim records or information obtained by the department of labor and industries is prohibited.
7	Complainant Information (DOSH) RCW 49.17.110	Under state law, to protect the identity of an individual who has reported a violation of a workplace law or standard and has asked to remain anonymous, we have redacted all information that could identify them.
8	Complainant/Witness Information (Non-DOSH) RCW 42.56.240(2)	Information revealing the identity of persons who are witnesses to, victims of a crime or who file complaints with an investigative agency is exempt from release; when disclosure would endanger any person's life, physical safety, or property. Therefore, we have redacted all information that could identify them.
9	Confidential License Plate RCW 46.08.066(2) and RCW 42.56.230 (7)	Information that is deemed confidential has been redacted that would identify the use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee of the state for investigative or undercover work of a state law enforcement agency.
10	Consultation Reports (DOSH) RCW 49.17.250(3)	Employer-requested consultation and training services are confidential and are not open to public inspection or copying.
11	Contracts RCW 39.26.030	Bid submissions and bid evaluations are exempt and shall not be open to public inspection and copying, until the agency announces the apparent successful bidder.
12	Copyright Infringement/Accurint Report U.S. Code, Title 17, Section 501	This record is being redacted in compliance with federal copyright laws which state in part, that any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity. This includes Accurint Reports from their secured and copyrighted website.
13	Crime Victim Identifiers RCW 7.68.140	Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection and copying.
14	Deliberative Process/Draft Documents Not Final RCW 42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated are exempt and shall not be open to public inspection or copying.
15	Driver's License Numbers/Identificard numbers RCW 42.56.230(7), RCW 9.35.005, and 18 USC 2721(a)(1)	This personal information is exempt from public inspection including an individual's full name and ID numbers in connection with personal information from State motor vehicle records
16	Employment test and interview questions and answers RCW 42.56.250(1)	Employment and licensing test questions, scoring keys and other information used to license, employ, or academically test, are exempt and shall not be open to public inspection and copying.
17	Family Medical Leave Act (FMLA) RCW 49.78.300(2)(b)	It is unlawful for any person to provide any information in connection with any inquiry or proceeding relating to the rights provided under the Family Medical Leave Act chapter.
18	Financial Account Information RCW 42.56.230(5)	Credit card numbers, debit card numbers, bank account numbers, card expiration dates, passwords, social security numbers and other bank and financial information are exempt and shall not be open to public inspection or copying.
19	Health Care Provider Residential Address & Phone Number RCW 42.56.350(2)	The residential address and telephone number of a health care provider maintained in agency files are exempt and shall not be open to public inspection or copying.
20	Insurance and Financial Institutions RCW 42.56.400 and RCW 7.68.110	Information maintained by the board of industrial insurance appeals concerning employers as parties to any settlement, appeal, or other action are exempt and shall not be open to public inspection or copying.
21	Invasion of Privacy RCW 42.56.050	Information in this document is exempt from disclosure and shall not be open to public inspection and copying to protect an individual's right to privacy.
22	Investigations - Pending (DOSH) RCW 42.56.240(1)	Pending investigations are confidential from release until the investigation is finalized.
23	Labor Information - Statistical Data RCW 43.22.290	Information gathered for reports by the department for the purpose of compiling labor statistics shall be deemed confidential and no use shall be made of the names of individuals, firms, or corporations supplying the information therefore not open to public inspection and copying.
24	Law Enforcement Reports RCW 42.56.240(1)	Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies is confidential.
25	Medical Records - Health Care Information RCW 42.56.360(2), RCW 70.02.005(4) & RCW 70.02.020	Personal health care records and patient information is exempt from public disclosure and shall not be open to public inspection or copying.
26	National Provider Data Bank (NPDB) 45 CFR 60.15	All information in the National Provider Data Bank (NPDB) is considered confidential and shall not be open to public inspection and copying per federal regulations.
27	Network Security Records RCW 42.56.420(4)	Information regarding telecommunication or computer network security information, such as passwords or security access codes, are exempt and shall not be open to public inspection or copying.
28	Non-Conviction Data RCW 10.97.060	These records contain criminal history record information which consists of non-conviction data, which by law, is confidential and shall not be open to public inspection or copying.

Exhibit 6

Rodriguez, Lisa L (LNI)

From: Fellin, Tammy (LNI)
Sent: Monday, September 18, 2017 6:27 PM
To: Leland, Maggie (LNI); Sacks, Joel (LNI)
Subject: Fwd: ATTORNEY-CLIENT PRIVILEGED - NWDC Memo
Attachments: 2017-09-18--Attorney Client Privileged NWDC Memo.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Baker, La Rond (ATG)" <LaRondB@ATG.WA.GOV>
Date: September 18, 2017 at 6:08:16 PM PDT
To: "Fellin, Tammy (LNI)" <felu235@LNI.WA.GOV>
Subject: ATTORNEY-CLIENT PRIVILEGED - NWDC Memo

Tammy,

If you have any questions or would like to discuss this further please do not hesitate to give me a call.

Thank you,
La Rond Baker
Assistant Attorney General
Wing Luke Civil Rights Unit
Office of the Washington Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
206.516.2999
206.464.6451 (fax)