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**FILED**  
OCT 09 2000  
SUPERIOR COURT  
BETTY J. GOULD  
THURSTON COUNTY CLERK

6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

7 IN AND FOR THE COUNTY OF THURSTON

8 STATE OF WASHINGTON, ex. rel.  
9 WASHINGTON STATE PUBLIC  
10 DISCLOSURE COMMISSION,

11 Plaintiff,

12 v.

13 WASHINGTON EDUCATION  
14 ASSOCIATION (a Washington Non-  
15 Profit Corporation),

16 Defendant.

NO. 00 2 01837 9

COMPLAINT FOR  
VIOLATION OF RCW 42.17.760

16 The plaintiff, for causes of action against the defendant, alleges as follows:

17 **PARTIES**

18 1.1 The Washington State Public Disclosure Commission (Commission) was established  
19 by RCW 42.17.350 and is charged by RCW 42.17.360-.370 with, *inter alia*, the responsibility of  
20 enforcing RCW 42.17.760. The Commission office is in Olympia, Washington. The  
21 Commission investigated a complaint against the defendant. The Commission referred this  
22 matter to the Attorney General's Office under RCW 42.17.395(3) for review and potential legal  
23 action under RCW 42.17.390 and RCW 42.17.400. The Attorney General also received a  
24 citizens' complaint letter against the defendant under RCW 42.17.400(4).

25 1.2 The defendant Washington Education Association (WEA) is a labor organization  
26 representing public school and educational employees in Washington. The WEA is a non-profit

1 corporation in Washington, headquartered in Federal Way, Washington with offices in Olympia  
2 and Spokane, Washington.

3 **JURISDICTION AND VENUE**

4 2.1 This Court has subject matter jurisdiction over the defendant under RCW 42.17.400.

5 2.2 The defendant has carried out the violations alleged, in whole or in part, in Thurston  
6 County. Venue is proper in this Court pursuant to Chapter 4.12 RCW.

7 **LAW**

8 3.1 RCW 42.17.760 requires that: "A labor organization may not use agency shop fees  
9 paid by an individual who is not a member of the organization to make contributions or  
10 expenditures to influence an election or to operate a political committee, unless affirmatively  
11 authorized by the individual."

12 **FACTUAL ALLEGATIONS**

13 4.1 On September 25, 2000, the WEA, through its legal counsel, signed a "Stipulation of  
14 Facts, Violations and Penalty" in the Commission case *In the Matter of the Enforcement Action*  
15 *Against the Washington Education Association, Respondent,* Commission case number 01-002  
16 ("Stipulation"). A true and correct copy of the Stipulation is attached to this Complaint and  
17 incorporated by reference. Upon accepting the Stipulation, the Commission voted unanimously  
18 to refer the case to the Attorney General's Office because it found an apparent violation of RCW  
19 42.17.760, based on the actual violations agreed to by the WEA. The Commission also found  
20 that its penalty authority was insufficient given the stipulated facts in this case and that a referral  
21 was warranted.

22 4.2 The WEA is a labor organization. Stipulation ¶1.

23 4.3 The WEA has approximately 68,000 current dues paying members. Dues received  
24 by the WEA from its members, or portions thereof, are deposited in the WEA general treasury.

25 4.4 The WEA also collects "agency shop fees" from those public school and educational  
26 institution employees whom it may legally charge with the cost of union representation and

1 negotiation, but who choose not to become members of the labor organization ("agency fee  
2 payers"). See RCW 41.59.100.

3 4.5 The WEA collects agency shop fees from approximately 4,407 agency shop fee  
4 payers. These funds are deposited in the WEA's general treasury. Stipulation ¶2.

5 4.6 During the past five years, the WEA has expended funds from its general treasury for  
6 political contributions described in RCW 42.17.760. A portion of these expenditures is  
7 attributable to agency fee payers in proportion to their contributions into the WEA general  
8 treasury.

9 4.7 The WEA stipulated that it did not have affirmative authorization from agency fee  
10 payers to use their money to make contributions and expenditures to influence an election or  
11 operate a political committee. Stipulation ¶¶ 3 - 4.

12 **CLAIM**

13 Based on the foregoing allegations, plaintiff makes the following claim:

14 5.1 The WEA committed multiple violations of RCW 42.17.760. Stipulation, page 2.

15 **REQUEST FOR RELIEF**

16 WHEREFORE, the plaintiff requests the following relief as provided by statute:

- 17 1. For a civil penalty against the defendant in an amount to be determined at trial.
- 18 2. For an award of treble damages, if the violations are proven to be intentional.
- 19 3. For all costs of investigation and trial, including reasonable attorney's fees;

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- 4. For injunctive relief; and
- 5. For such other relief that the Court deems appropriate.

DATED THIS 9th day of October, 2000.

CHRISTINE O. GREGOIRE  
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