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

STATE OF WASHINGTON, ex. rel.
WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION,

Plaintiff,

v.

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

Defendant.

NO. 00 2 01837 9

COMPLAINT FOR
VIOLATION OF RCW 42.17.760

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

PARTIES

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

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

COMPLAINT FOR
VIOLATION OF RCW 42.17.760

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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

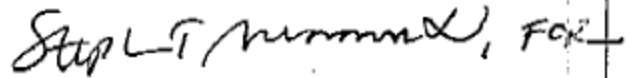
5. For such other relief that the Court deems appropriate.

DATED THIS 9th day of October, 2000.

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