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HUMAN RESOURCES

**INVESTIGATIVE REPORT**

Investigation of Discrimination and Retaliation  
Pierce County Assessor/Treasurer's Office

Dale Washam, Assessor/Treasurer

August 7, 2009

**COPY**

Investigator  
Diane Hess Taylor  
DianeHessTaylorLaw@comcast.net  
206 227.1554

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**I. SUMMARY OF THE COMPLAINTS**

On March 11, 2009, a written Equal Employment Opportunity (EEO) Complaint was filed with the Pierce County Human Resources (HR) Office alleging discrimination and retaliation by the newly elected Assessor/Treasurer (A/T) Dale Washam. This formal complaint was preceded by phone calls and in-person meetings in January and February 2009 with Joe Carrillo and Martha Keogh (Human Resources Labor Relations and EEO personnel).

This investigation reviews the complainant's allegations of sex and age discrimination and retaliation (boxes checked on complaint form), as well as allegations contained in the body of her complaint alleging retaliation for her participation in a complaint to Human Resources based on religion about Mr. Washam referring to God, prayer and requesting moments of silence at work. While the investigation was in progress, additional allegations of retaliation based upon the filing of the EEO complaint came to light and were also reviewed in this investigation.

The complainant, Sally Barnes, is one of two Administrative Officers at the A/T office and has been employed with the office since 8/6/79. She started in the office as a Clerk 1, promoted through the series of appraisal levels, 1 through 5, and was promoted to Administrative Officer in 2003. Her personnel file reflects good evaluations and no disciplinary actions, warnings or performance plans.

Barnes alleges she was treated differently than other managers in that she was singled out for harsher treatment, criticism and blame; subjected to angry outbursts, intimidation and hostility; excluded from her normal duties, excluded from communication, excluded from decisions related to her Division, isolated, ostracized, and removed from her job and office

and placed on a special project as a pretext for stripping her of her position.

## SUMMARY OF THE FINDINGS

a. Discrimination

Complainant was treated differently than other similarly situated managers and was singled out for harsher treatment in the way of public blame, ostracism and criticism. There was insufficient evidence to support a finding that this disparate treatment occurred because of age or sex.

b. Retaliation

Washam retaliated against the complainant based upon her participation in complaints against him based on religion (1/22/09), and discrimination and retaliation (3/11/09). Washam may have had mixed motives for the retaliation, but complainant's participation in complaints of discrimination and retaliation were a substantial factor motivating the actions outlined below:

The following events were retaliatory:

- 1) Ostracism which included exclusion from communication, decision-making, and information about the Appraisal Division, which complainant oversaw;
- 2) Requests for Investigation posted on Washam's public website directed to the Pierce County Prosecuting Attorney, aimed at finding complainant "guilty;" Exh. 15.
- 3) 3/27/09 change in vacation policy, expressed in an email to the ATR office that the change was "due to

abuse,” and also publicly stating the change was “because a manager was abusing the policy,” and “there’s a manager who feels she can take two hours here, and four hours there,” clearly referring to the complainant; Exh. 9.

- 4) Removal of complainant’s job duties (supervising nearly half the offices’ staff, overseeing the Appraisal side of the office, participating as an office coordinator on the CAMA system upgrade, attendance at management team meetings, and access to several sections on the office database;
- 5) 5/11/09 assignment of complainant to a special project to remove her from her job, where she was assigned a lower level of work, and not provided sufficient direction to complete such projects; and
- 6) 5/12/09 removal of complainant from her office to a remote and inferior worksite.

c. Gretchen Borck, and Dale Washam violated the Pierce County Policy requiring that employees “participate in and cooperate fully in the investigation of complaints . . .” by refusing to participate in an interview (Washam and Borck), refusing to provide requested documents (Washam and Borck), and refusing to permit a tour of the office (Washam).  
3.16.080(A)

## II. INVESTIGATIVE PROCESS

This investigator conducted interviews with all three managers (Sally Barnes, Billie O’Brien, Mike Johnson), four supervisors (Jim Hall, Mark Williams, Shelly Pollitt, Phil Anderson), two appraisers (Gary Foreman and Albert Ugas), office assistants Barbara Stevenson OA2 and Tami Johnson, IT personnel Jon Hawkes DITS3 (shop steward), Mae Shepard, Levy Specialist 2 and Tami Johnson OA2 (records management), Project analyst Cindy O’Neill, Accounting Assistant Debbie Brammer, and witnesses outside the A/T Department: Denise Booth, Joe Carrillo, and Betsy

Sawyers, all from HR; Matt Temmel, (Pierce County Council, Performance Audit Coordinator), Maryann Brennan, (Business Representative for Teamsters Local No. 117, the union to which most employees belong); and Hunter George (Pierce County Executive's Office, Director of Communication). In addition, this investigator reviewed notes from HR personnel related to employees who called that office, including two additional appraisers.

A number of attempts were made to interview Mr. Washam and his assistant Gretchen Borck. Borck<sup>1</sup> came to an initial interview, but challenged questions early on as not relevant and eventually refused to participate. This investigator summarized the interview and provided her with the notes at her request. Despite contacting her several times, she never responded to comment on the notes or reschedule the interview. Human Resources staff Sue Wahlberg contacted Borck via email on May 18. Borck responded that she "declined to be interviewed."

Washam did not respond at all to attempts to schedule an interview with him. This investigator spoke with Washam on April 20, calling him on his direct line. The purpose of the call was introduction and discussion of the process. When this investigator mentioned (questioned the wisdom of) Washam's website posting calling the EEO complaint "bogus," he strenuously objected. He was told I would be in touch with him to schedule his interview. Human Resources sent an email on 5/5/09 requesting that Washam choose from among May 12, 13 or 14 to schedule an interview. I called and left a message on May 7 (his direct line voicemail) reiterating the dates/times and requesting that he call. Human Resources staff Sue Wahlberg called Washam's assistant, Borck, on May 7 concerning Washam's interview on May 12, 13 or 14. Exh. 19.

Hearing nothing, I sent a letter on May 13, offering additional dates for interview (May 19 and 21) and requesting a response. To date, Washam has not responded. In addition, I have made requests for documents through Washam's assistant, and have received no response. Exh. 20.

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<sup>1</sup> One ground for her refusal was that she was an exempt confidential assistant to Mr. Washam. This argument could be a valid assertion, but only in confidential situations where no third parties were present. There is much relevant information available through Borck that did not occur in a confidential setting.

For the most part, witnesses will be referred to with numbers because of substantial concern expressed about retaliation. Outside observers confirmed that it was reasonable for employees to fear Washam and what actions he might take in connection with their employment. (Temmel, Brennan, HR staff). Witnesses were concerned about Washam connecting them to specific information outlined in the report. Witnesses expressed they were afraid to provide documents. During interviews, several witnesses were visibly shaken. Washam's assistant told HR that, "if he [Washam] knew I was talking to you, I'd be fired on the spot."

The following documents were requested in a letter to Washam dated May 8, 2009:

- All department meeting minutes of management team meetings held between January 20, 2009 and present;
- Gretchen Borck's meeting minutes of all meetings, whether group or held one-on-one, where the topic discussed was the lack of physical inspections during the Madsen administration;
- Gretchen Borck's meeting minutes of Dale Washam's May 4, 2009 meeting with Albert Ugas [Note, Washam met with Ugas for over an hour after Ugas returned to the office from his interview in this investigation].

See Exh. 22.

No documents were provided; Neither Borck nor Washam responded to this request.

In addition, through Joe Carrillo, Labor Relations in HR, this investigator requested a tour of the offices to compare Sally Barnes' new work space and conditions with her prior work space and conditions. After reviewing the request with Washam, Ugas said a tour would not be permitted. Exh. 21.

### III. FACTUAL BACKGROUND

#### Office Staffing

The complainant is a female manager over the age of 40, one of three employees at the office called "managers." Complainant and Billie O'Brien are the only two Administrative Officers. O'Brien is also female and over 40.

The other "manager" is Michael Johnson, male under 40,<sup>2</sup> who heads up the Information Technology (IT) Section. Although Johnson is called a manager, his classification of DITS3, is a couple of levels lower than the Administrative Officers. Johnson supervises 9 employees, two of which are classified at his same level, DITS3.

#### November 2008 Election of Dale Washam Pierce County Assessor/Treasurer (A/T)

In Pierce County, the Assessor and Treasurer functions are combined in the Assessor/Treasurer's Office, headed up by an elected official. In November 2008 Dale Washam was elected to the position of Assessor/Treasurer (A/T). Described as a long-time local political activist, Washam had filed a recall action against his predecessor A/T Ken Madsen in 2005. In the recall litigation, Washam argued that statutorily mandated physical inspections (PI) for appraising properties were not done. Two employees who worked for Madsen at the time, one of which was Sally Barnes, signed declarations supporting Madsen in that litigation. Her declaration described the process used to assess properties, including using computer modeling for some properties. The Pierce County Superior Court dismissed the recall action.

#### Assessor/Treasurer's Office Organizational Chart

In April 2009:

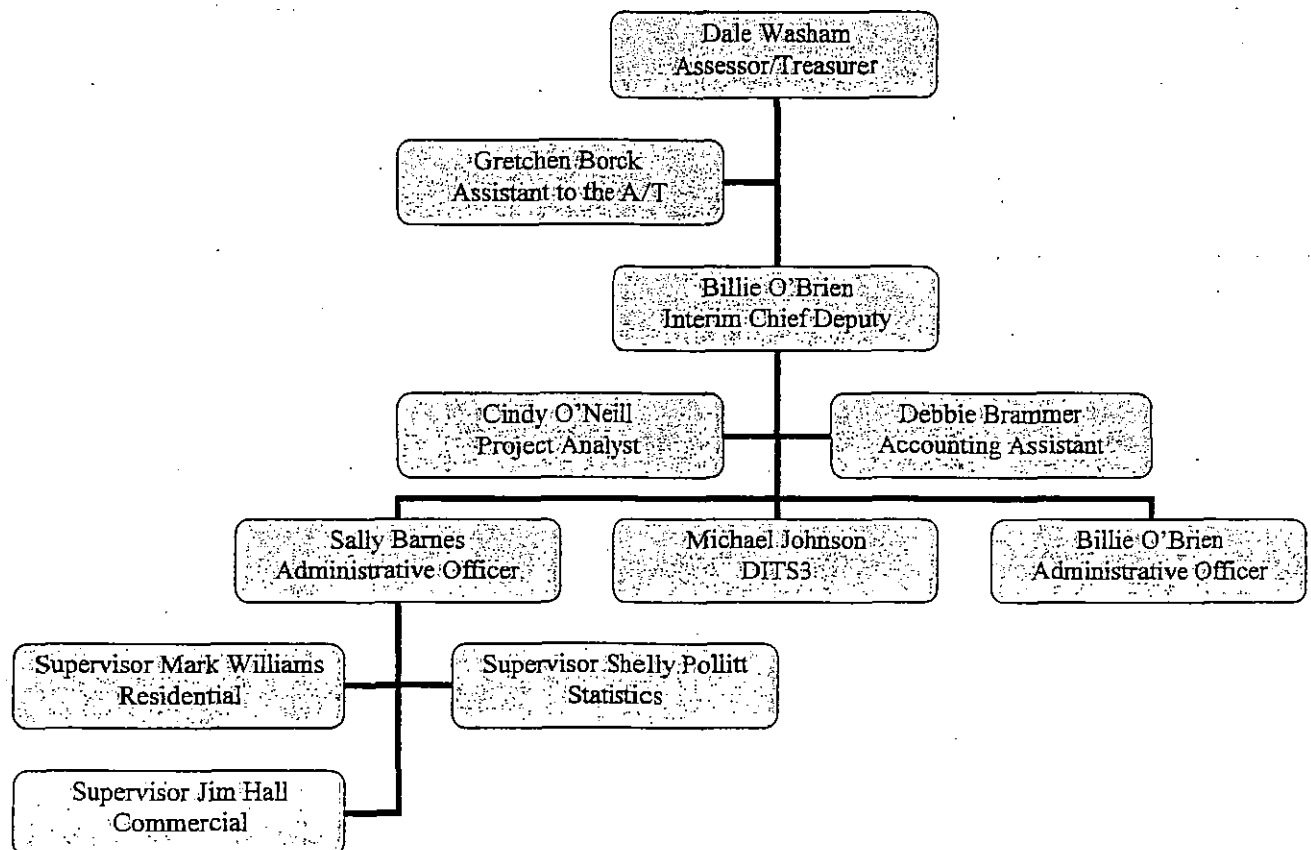
The two Administrative Officers oversee the two sections: Sally Barnes oversees the Assessor side (approximately 40 employees), while Billie O'Brien oversees the Treasurer side (approximately 35 employees). The

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<sup>2</sup> Johnson turned 40 in June 2009.

third manager is Mike Johnson, who oversees the Information Technology section (IT), (approximately nine employees). O'Brien was chosen by Washam to serve as Interim Chief Deputy until May 11, 2009, when Albert Ugas was promoted to the position. Washam did consider Barnes for the interim position as well. (Witnesses Barnes, 18, 2, 3)

The "front office" is headed by the A/T, and at the time of Washam's election, it included the two Administrative Officers, Accounting Assistant (Debbie Brammer), and Project Analyst Cindy O'Neill. When Washam took office the position of Chief Deputy had not been filled since August 2007 (formerly Kathy Fewins), and the Assistant to the A/T was also unfilled. A Project Analyst, Cindy O'Neill, had been moved from IT to the front office to assist in HR functions during this time. When Washam took office in January 2009, he hired Chris Case as his Assistant, but replaced him with Gretchen Borck shortly thereafter (2/20/09). He designated Billie O'Brien as Interim Chief Deputy. Below is the organizational chart for the front office and supervisors on the Assessor side as of March 2009:

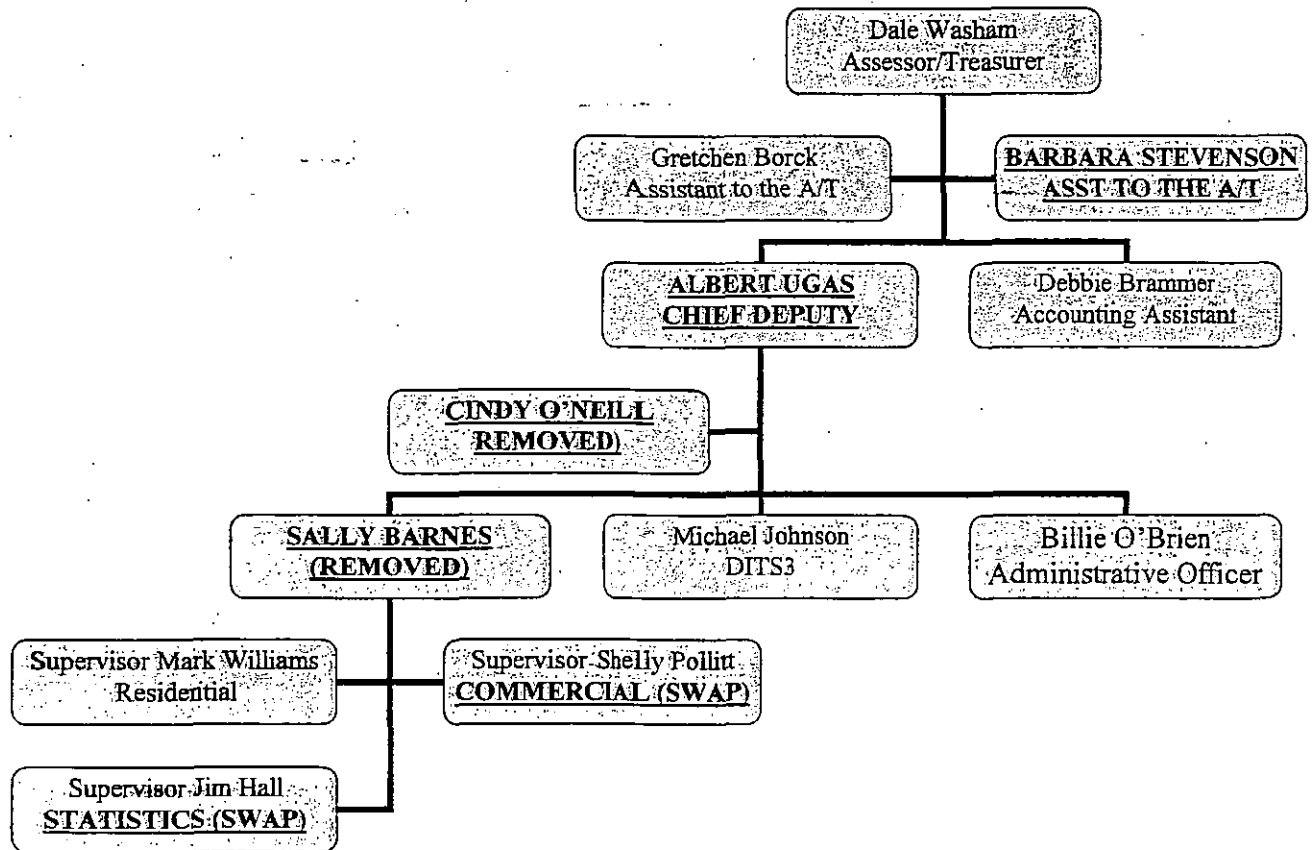


After May 2009

On May 11, 2009 Washam announced his selection of Albert Ugas, Commercial Appraiser 3, to fill the permanent Chief Deputy position. Shortly after the Chief Deputy selection, Washam moved Barbara Stevenson (OA2) from the Statistics Section support staff to the front office as a second exempt assistant.

Manager Sally Barnes was removed from the front office and assigned to a special project, along with Project Analyst Cindy O'Neill. Johnson was assigned lead of this project. Barnes and O'Neill were also moved from the front office, to a remote site upstairs past the loading dock where there was temporary office space for an IT employee and a lunchroom/conference room. Also in May, Supervisors Jim Hall (Commercial) and Shelly Pollitt (Statistics) "swapped" places, taking over each other's jobs.

Below, in bold all capitals, the changes are shown.



January 22, 2009 Management Team Meeting—  
Admonishment of Staff For Physical Inspection Policy  
During the Madsen Administration

Washam met with his managers in the morning to discuss “a serious issue” regarding the “lack of physical inspections” during the Madsen administration. Washam told his managers, “I prayed to God last night. I don’t know your religion, but you’d better pray to God on this one.” They broke so they could invite additional staff to the meeting. Attendees at the larger meeting were Dale Washam, Billie O’Brien, Sally Barnes, Mike Johnson, Chris Case, Cindy O’Neill, Mark Williams, Jim Hall, and Debbie Brammer. Washam started with a moment of silence, during which he said he would be praying. Washam berated the group for the practice of not completing physical inspections (PI’s) of properties as required by law, and using the initials “KMP” on properties not inspected, making it look as though an inspector with the initials “KMP” had inspected such properties. He accused them of fraud and not having integrity. He chastised employees for not quitting their jobs or blowing the whistle on then A/T Ken Madsen and Chief Deputy Kathy Fewins because of this policy. Those present described Washam as visibly angry, almost yelling, during this meeting. Washam explained his sudden focus on the issue by saying he knew the information would get leaked to the Tacoma News Tribune (TNT) and the office would need to explain<sup>3</sup>. Most were skeptical that anyone in that meeting would leak such information as it would only shed a bad light on the office and its reputation. In addition, the issue had already been covered by the press during the recall action in 2005, where Washam had raised this same issue (and the court dismissed his recall action). Washam stressed that he did not want to cover anything up, and encouraged employees to be up front about what had occurred. (Witnesses, see next paragraph).

Washam went around the room asking each individual what they knew, and all those present admitted some knowledge of the lack of PI’s. Employees explained that the introduction of a new computer system (CAMA) and a substantial increase in new construction made it impossible for existing staff to PI properties on schedule, every 6 years. CAMA did not save the Appraisers’ time as expected because more data had to be entered. So, Madsen chose to focus on appraising the new construction, which brought in

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<sup>3</sup> The only employees with access to the meeting notes that were ultimately leaked, were Washam, Gretchen Borck, Chris Case, and Cindy O’Neill. O’Neill denied leaking the notes, saying it was not in the office’s best interests because it would damage the good reputation of the office.

more revenue (potentially reducing the tax rate for individuals overall). Other upgrades were inspected by tracking building permit applications. Properties not inspected by “Boots on the ground inspection<sup>4</sup>” were valued by computer models using comparable sales. Those not PI’d received computer entries of “KMP,” which stood for Ken Madsen Physical Inspection.<sup>5</sup> Washam asked employees to provide written responses to him on this question, “how was the taxpayer impacted by not doing PI’s?” The meeting broke so IT Manager Mike Johnson<sup>6</sup> could run some data for Washam. (Witnesses Barnes, 3, 22, 12, 11, 18, 2, 14).

Most employees at the meeting were upset by Washam’s anger, accusatory tone and request for written responses on the question about taxpayer impact, a question they felt they couldn’t answer. One supervisor asked if he needed a lawyer. Some were also offended by Washam’s references to God and his request for a moment of silence at the outset of the meeting. That day a group of employees called Pierce County HR<sup>7</sup> to complain about Washam’s threatening conduct, the “taxpayer” question, and Washam’s religious references. Barnes was one of these complainants. The religious references had occurred prior to this date as well, for example, “God put me here,” or “God put me in this position for a reason,” “after prayerful consideration,” or “after praying last night . . . .” (Witnesses Barnes, 3, 22, 12, 11, 18, 14).

#### 1/23/09 Washam’s Change of Heart, and Input From Pierce County Executive and Prosecuting Attorney

First thing the next morning Washam met with his two Administrative Officers, this time assuring them that he had prayed about the PI issue, and had decided to put it to rest and move forward. He said he would tell the Executive that it was “Madsen’s doing” and that staff followed Madsen’s

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<sup>4</sup> Madsen was quoted by the Tacoma News Tribune as admitting they did not conduct “Boots on the ground” inspections for all properties, but used computer modeling. There is no dispute among witnesses that Madsen admitted this was the policy during his administration.

<sup>5</sup> Only Gary Dill (IT) and Jim Hall (Commercial Appraisals supervisor) are on record as openly objecting to this process.

<sup>6</sup> When they reconvened, Johnson provided a spreadsheet with the requested data. Washam was described as “enraged” at the data (not as large a number as he expected) and accused staff of giving him inaccurate data. He wanted managers to sign statements saying it was accurate. IT Manager Johnson was able to convince Washam that the data was accurate.

<sup>7</sup> They spoke with HR Director, Betsy Sawyers and Labor Relations Manager, Joe Carrillo.

direction. He told O'Brien and Barnes they had handled it well. Later that morning, he met with the Pierce County Executive and Prosecuting Attorney (PAO) to alert them to the situation and seek their advice. When he returned from these meetings, he reported back to his managers and appraisal supervisors that the PAO would write an opinion exonerating him of the previous administration's actions, and that they could move forward and not worry about making up the missed PI's in prior years. He said "God gave us new life," "the issue and dead and gone," "this is no longer a problem," and "I told you God provides." When asked if employees would be exonerated as well, he answered they "would not have to worry" as we can all move forward. See Exh. 2, Case Meeting Notes. (Witnesses Barnes, 2, 22, 12, 11, 18, 14).

Washam was advised by the PAO that he would not be held responsible for what occurred in the prior administration, and did not have the authority to "re-do" past PI's because it would be impossible to go back in time and determine the accurate value. A written opinion was provided by the PAO on January 26, 2009. That opinion is referenced in an Audit Report Excerpt, Exh. 11. (Witnesses 2, 4).

January 29, 2009<sup>8</sup> Washam Is Counseled Not To Make Religious References (God and Prayer, or Request Moments of Silence) in the Workplace

HR Director Betsy Sawyers and the Pierce County Executive met with Washam and counseled him to stop making references to God and requesting that employees participate in moments of silence at his office. They told him that a number of employees had complained about this. Washam became very upset. After heated discussion, he agreed to comply with their request. He requested a copy of the law, which was provided to him later by Sawyers. Employees noticed a reduction in the number of references to God, and Washam no longer made such comments at large meetings. On occasion he would say something like, "God put me here [in this job] for a reason," and then follow with a comment that he knew he shouldn't be doing that. On a couple of these occasions where Washam used a reference to God or prayer after the admonishment, two employees

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<sup>8</sup> Betsy Sawyers found calendar notes of meetings with the Executive on 1/23, 2/2 and 2/27, and recalled that this meeting occurred 1.5 to 2 weeks after the group complaint, which would make 2/2 the closest date; however an employee had a more specific note that this meeting occurred on 1/29, so this investigator finds that this is the most reliable date.

told Washam that the religious references did not bother them. These were Mike Johnson, IT Manager, and Barbara Stevenson, Office Assistant 2. Stevenson, also an applicant for the Chief Deputy job, was moved to the front office in May as an exempt assistant or secretary to Washam. Johnson, the only male manager, is the only manager who did not have job duties taken away (responsibilities have been added) and the only manager with whom Washam has continued to have regular communication<sup>9</sup>. (Witnesses Barnes, 10, 2, 3, 5, 6, 7).

2/4/09 Management Team Meeting—  
Washam Chastises Staff for Complaining to HR

Washam criticized staff for taking the “religion” complaint to HR, and appeared visibly angry.<sup>10</sup> He opened the management meeting by passing out Pierce County Council agendas on which “moment of silence” appeared as an agenda item.<sup>11</sup> Employees interpreted this gesture as Washam asserting that he had not done anything wrong in requesting moments of silence. He told his staff they should not have gone to HR, and repeated this at least two times. He also said something like, “You would have to sue me because the County won’t do anything,” and “anything I do and you have to sue me.” Washam noted that because he is an elected official he cannot be fired. He said they should have brought the matter directly to him, and could have used the suggestion box<sup>12</sup> to bring the matter to his attention. (Witnesses Barnes, 3, 12, 2, 11, 18, 15, 14).

Washam continued to mention to a number of employees in February that “someone had gone to HR against me,” or a “manager had turned him into HR.” Some described him as “very agitated” about this. He made these comments in one-on-one meetings and also causally in the hall as he walked through the work areas. He was heard saying, “somebody was offended . . . .” One employee heard him say, “I’m not quite sure who, but I’ve got it narrowed down.” Employees understood that Washam “felt it was his right”

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<sup>9</sup> O’Brien had an assignment removed the day she returned from her interview in this matter—that of monitoring the website email.

<sup>10</sup> Prior to 2/4, this same message was given at an all-staff meeting (between 1/29 and 2/4).

<sup>11</sup> HR Director Sawyers explained that the Council’s use of a moment of silence is for remembrance of American service men and women, not to further or celebrate a religion.

<sup>12</sup> One staff member said Washam tried to determine who wrote suggestions placed in the box that were not signed. Others noted observing times when Washam disagreed with and criticized suggestions placed in the box.

to refer to God and prayer. Front office employees were sure that he suspected Barnes of making this complaint because the friction between them was palpable and no one else stood out as a possibility. He said at least once that he thought it was Sally Barnes who complained. Employees knew Barnes was one of those offended by the religious comments. (Witnesses 23, 12, 22, 5, 18, 14).

Communications Director for the Pierce County Executive, Hunter George, had a conversation with Washam in the first week or two following 2/2/09, when George started work for Pierce County. George contacted Washam to follow up on Washam's meeting with the Executive about PI on January 23. George said he wanted Washam to be prepared and think things through as Washam contemplated publicity about the PI issue. He told Washam that the press may not be satisfied with simply blaming Ken Madsen and asked him if there was a head that was going to roll? Washam said there were two managers at the same level and he wanted one of them to be the "head" that rolled. George asked if the other manager knew, and Washam said something like, "yes but she's good and I want to keep her." (George)

#### Treatment of Barnes in February and March 2009

Witness accounts were consistent that Barnes was singled out for negative treatment and ostracized by Washam by late February. Employees noted that Washam did not talk to some supervisors, tending to talk to line staff more, but the evidence was overwhelming that how Barnes is treated "stands out." There was so much tension surrounding Barnes that several employees said they were afraid to be seen with her, or seen talking with her, so they avoided her for a few weeks. Sally told one employee she supervised, "keep your head down, they're watching." Barnes warned employees about providing her with documents unless they cleared it first with Washam, or his assistant Borck. When they did ask to share documents with Barnes, even routine information from or about her Division, they were told, "not at this time." (late February). O'Brien was given "appraisal" issues that Barnes had previously handled which would require O'Brien bringing such matters to Barnes for her input and review. Front office staff observed that "He doesn't deal with her [Barnes] at all." Barnes was not provided documents related to her Department; examples include questionnaires given to employees under her supervision, and projects completed by employees under her supervision.

Barnes reported that Washam avoided eye contact with her, often diverting his eyes and changing direction when he saw her coming. One employee observed that Barnes greeted Washam in a cheerful tone, but he returned an angry look that surprised this employee (2/24). Another example described by a couple of employees occurred in April. These employees happened to be with Barnes in one office, but when they noticed Washam coming in their direction everyone got nervous so Barnes abruptly left. By April 6, when he learned of the EEO complaint, Washam had stopped communicating with Barnes altogether unless they were in a management meeting. (Witnesses 12, 14, 5, 2, 22).

On February 20, Interim Chief Deputy O'Brien set up a meeting to discuss the budget and potential layoffs. Because of the sensitive nature of the conversation, O'Brien scheduled it in an upstairs conference room. After this meeting, he admonished Barnes for holding a "secret" meeting on 2/20, but did not mention his concern to Johnson or O'Brien, even though it was O'Brien who set up the meeting. After this, he directed the managers to implement strict new meeting rules requiring all staff to send a meeting notice and agenda to Borck in advance, hold meetings in the conference room closest to Washam's office, and send meeting minutes to Borck afterward. Many employees reported that they avoided having meetings altogether because of the fear of accusation and suspicion. (O'Brien, Johnson, Barnes, 14, 12, 18, 11, 5, 22)

On February 24, Washam came to Barnes and asked her to meet with him. She described him as physically upset, or visibly angry. He told her he was mad at her for interfering with questionnaires he had given to her staff. He had not discussed these with her or provided her a copy. Some staff had apparently attached their job descriptions to the questionnaire and this made him angry. Barnes told him she did not direct anyone on how to respond to the questionnaire. In addition, Barnes reported that in an angry tone, he asked her point blank "who went to HR about the moment of silence?" She told him she would not disclose that. He did not ask this of any other supervisor or manager. He yelled during this meeting and other employees heard it. (Barnes, 14, 18, 12, 3, 2, 22).

On February 27, Barnes took 2.10 hours vacation time in the morning to meet with Joe Carrillo in HR about what was happening in the office. That

afternoon Washam asked if she were "OK," in reference to her morning absence.

On March 2, Barnes took a long lunch (supplemented with .5 vacation) with Mary Ann Brennan, the union business representative, to discuss her work situation, and Washam's failure to provide her with a document.

On March 3, Washam met with Barnes to discuss an email request for an interview by the Tacoma News Tribune about failure to do PI during the Madsen administration. When Barnes asked if the meeting might lead to discipline, he said, "No, I got the information from the union . . . your time there was well spent." Washam discussed the newspaper's request for interview, telling her that most employees say the information came from her, and wants her explanation in writing.

Washam had commented about Barnes contacting the union, stating that Sally was "busy" and that her "time was well spent," in connection with her communications with the union. Washam knew of her contact with the union because the union's business representative requested documents that Washam had refused to provide to Barnes. He complained to some that people "went screaming to the union."

On March 4, Barnes provided Washam with the written explanation he requested on PI to assist in his response to the newspaper's inquiry. This contains the same information she provided verbally on January 22. Exh. 5.

#### March 2009 Washam Contemplates Layoff, Termination or Demotion for Manager Sally Barnes

Washam met with Labor Relations Manager Joe Carrillo to discuss taking action against Manager Barnes, saying, "he might have to" demote or fire Barnes. He showed Carrillo the declaration signed by Barnes in 2005 as potential grounds for the action. Carrillo told Washam the statements in the declaration were either true or opinion, and were not sufficient to establish just cause for disciplinary action. Washam was angry at this advice, and said, "I know what side you're on," and left saying, "this meeting's over." He told employees that he had "gone to HR to see if he could fire someone," and that he "couldn't get rid of employees because of the 'frickin' union." Washam stated he did not trust Barnes. (Witnesses 2, 4, 5, 22, 1, 18, 11).

### March 11, 2009 Pierce County Council's Budget Hearing with Washam

Due to the recession in 2008-2009, and resulting decrease in tax revenue, Pierce County was contemplating significant budget cuts. At a hearing before the Pierce County Council to discuss the proposed budget cut for the A/T office, Washam testified that Ken Madsen's administration had "cooked the books" for years by using the "KMP" initials and not conducting PI's on those properties, arguing that the A/T Office could not tolerate a budget cut (loss of Appraisers) because they needed to catch up on prior years' lost PI's. The council assigned performance audit coordinator Matt Temmel to review the PI issue as it relates to the proposed A/T budget cut.

### March 17, 2009 Washam Holds Public Meeting to Discuss PI

Washam set up a public meeting to field concerns about the PI issue, but only six citizens attended. After the story broke in the Tacoma News Tribune, there was some blog chatter about the issue, and the customer service section geared up to respond to public complaints, but there was not much public response. On April 24, Washam took over the monitoring of the website email comments from Billie O'Brien. When O'Brien asked why, he said he said he'd been posting a lot of stuff on the website, but hadn't received any emails. O'Brien told him, and Borck confirmed, that she'd forwarded PI emails to him, there just weren't that many. (2, 3)

### 3/19 and 3/24 Meetings with the Pierce County Council's Performance Audit Coordinator, Matt Temmel

Washam requested that Barnes be excluded from early meetings with the Matt Temmel because she was "guilty." Temmel met with a larger group of managers and supervisors that included Barnes on March 24. Most attendees reported that Washam was openly hostile towards Barnes during this meeting. When asked "who pushed the button," with regard to labeling computer files with "KMP" initials, Washam responded by pointing at Sally Barnes and saying, "I thought it was Sally." In fact, it was Mike Johnson who had done the computer input. Washam also suggested it was Barnes who selected the properties to be inspected (and therefore which properties not to inspect), but it was not Barnes. Shelly Pollitt, Statistics Supervisor,

had run the search based on factors provided by the administration. To attendees it was "glaringly apparent" that Washam was trying to lay the blame on Barnes. (11, 4, 5, 12, 2, 22, 14).

Washam told Temmel that everyone was being cooperative and trying to get the office back on track, except Barnes. And "someone needed to be held accountable, and that's Sally." He told Temmel to "get rid of Sally Barnes." Washam told employees that the "auditor" was "looking for someone to blame." Temmel said Washam did not trust Barnes and felt she had lied in her declaration, which had caused him to lose the recall. Washam was unhappy with the audit results. (Temmel, 18, 2, 1, 14). Exh. 11.

On March 25, Washam wrote identical requests to the State Attorney General and State Auditor requesting investigation of the PI issue. These issues had already been discussed and clarified more than once in staff meetings and with the audit staff. Washam specifically asked for investigation of violations of state law, and included this statement that appears to be directed at Sally Barnes, "There is also the issue of someone having directed that the initials KMP be entered into official records at the Pierce County Assessor-Treasurer's office indicating those said 228,140 physical inspections had been done, when in fact, they had not been done." Exh. 7, letter to Rob McKenna, State Attorney General; Exh. 8, 3/25/09 letter to Brian Sonntag, State Auditor. [the State Auditor responded that the Division of Revenue was aware of the issue and would be working with the office to ensure future compliance, Exh. 13; the AG's office responded 4/1 referring Washam to his local counsel, the Pierce County PAO, Exh. 12]. (5, 22, 3).

#### Washam's Investigation of PI Policy and use of KMP initials

Information & Technology Manager Mike Johnson prepared a number of CD's for Washam loaded with data related to the use of the KMP initials, and physical inspections. Johnson described the information as overwhelming, and that Washam requested that the information be pulled a number of different ways. Washam specifically directed some employees to outline in writing their involvement in the PI/KMP issue. Washam held one-on-one meetings with employees, threatening most with an admonishment that the meeting was strictly confidential and that disclosing information could lead to termination. In many of these meetings Washam asked

employees more details about the PI issue, including who directed the use of the initials in the computer system and/or who input the initials. He asked some directly whether Barnes had directed the use of the KMP initials. At his request, Johnson and others provided Washam with emails from Sally Barnes instructing employees to update the database with the KMP initials. Washam has continued with questioning employees until at least June, saying at that time that he was only continuing to pursue the PI issue because of the EEO complaint, that he was still "fighting" the EEO complaint. (Barnes, 3, 19, 20, 22, 5)

Washam shared with employees the declarations that were prepared on Madsen's behalf in the recall action, asking for impressions of Barnes's declaration. Washam has never questioned Barnes herself about her declaration, but did talk with other employees about the declarations and gave another employee an opportunity to explain and defend their declaration. He ultimately accepted that employee's explanation. (Barnes, 5, 18, 14).

When Washam asked employees to answer how taxpayers were impacted by the lack of PI, he told employees they could answer that they didn't know if that was the case. Most employees answered this way, but Barnes was called, "uncooperative," for her answer. Others were not criticized for their failure to answer this question. (Witnesses 14, 2, 18).

Every manager and appraisal supervisor told Washam that Barnes acted on the direction of prior A/T Madsen and his deputy Fewins, that she did not act on her own, and it was unfair to blame Barnes. (Johnson, O'Brien, Williams, Pollitt, Hall).

#### Barnes' Vacation Use

On March 24, Barnes sent a general email alerting staff that she'd be out of the office from 2:30 to 4pm that day. She used the time to meet with Martha Keogh, EEO specialist at HR to discuss her March 11, written EEO complaint. That afternoon, March 24, Washam went to different work areas and told employees he had to change the vacation policy because someone was abusing use of vacation. He told employees that someone felt they could take "two hours here and four hours there." He mentioned to some that a "manager" had been abusing the policy. He told some employees not

to worry, that this “won’t apply to you,” “I’ll approve anything you want.” Employees discussed this among themselves and agreed he was referring to Sally Barnes. (Witnesses 13, 14, 21, 18).

Barnes had taken incremental vacation hours on 2/27/09, 3/2/09 and 3/24/09; on these dates she met with Joe Carrillo (HR), Denise Booth (HR), Mary Ann Brennan (Business Representative for her union) and Martha Keogh (HR, EEO specialist)—in each case to discuss her concerns about Washam’s conduct towards her. Exh. 6. (Barnes, Booth, Carrillo, Keogh, Brennan).

At a management meeting on March 25, Barnes reported that Washam was openly angry and hostile towards her, while in contrast he was collegial with everyone else at the meeting. He chastised Barnes because Commercial Appraisers were not going to make their deadline of 5/31/09. [Later, although Commercial was still behind, Washam removed Jim Hall as supervisor and put Shelley Pollitt in place. Pollitt had supervised Statistics but had no experience with Commercial]. (Pollitt, Barnes, Hall)

#### March 27, 2009 Change in Vacation Policy

When Washam came into the office in January he relaxed the vacation policy by removing the 30-day advance notice requirement for requesting vacation. On March 27, 2009, Washam’s assistant sent an email to all employees, stating, “Due to some abuse of the new vacation policy, therefore [sic] the old vacation policy in its entirety will be back in effect as of 3/27/09.<sup>13</sup>” Exh. 9.

Barnes said she was never counseled about her use of vacation, and she has never taken vacation that wasn’t pre-approved. Cindy O’Neill who approved managers’ vacation up until Borck took it over on March 30, said taking vacation by the hour was not a violation of the policy. O’Neill said all of Barnes’ vacation had been approved, and that no one had questioned her about Barnes’ use of vacation. Barnes was not the only one to take incremental vacation time. (Barnes, O’Neill).

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<sup>13</sup> Billie O’Brien’s draft of this email did not include the “abuse” language when she forwarded it to Gretchen Borck for distribution to all staff.

### March 30, 2009 Council's Audit Report

The audit report was issued, citing the PAO advice to Washam that he did not have the authority to "re-do" assessments in prior years after the appeals were exhausted. Washam was angry at this assertion. The audit also said the office could absorb a certain cut (but was spared from the larger proposed cut) if they didn't fill the Chief Deputy position (which had been vacant since August 2007; the Assistant to the A/T had been vacant as well). See Exh. 11, Audit Summary Key Points.

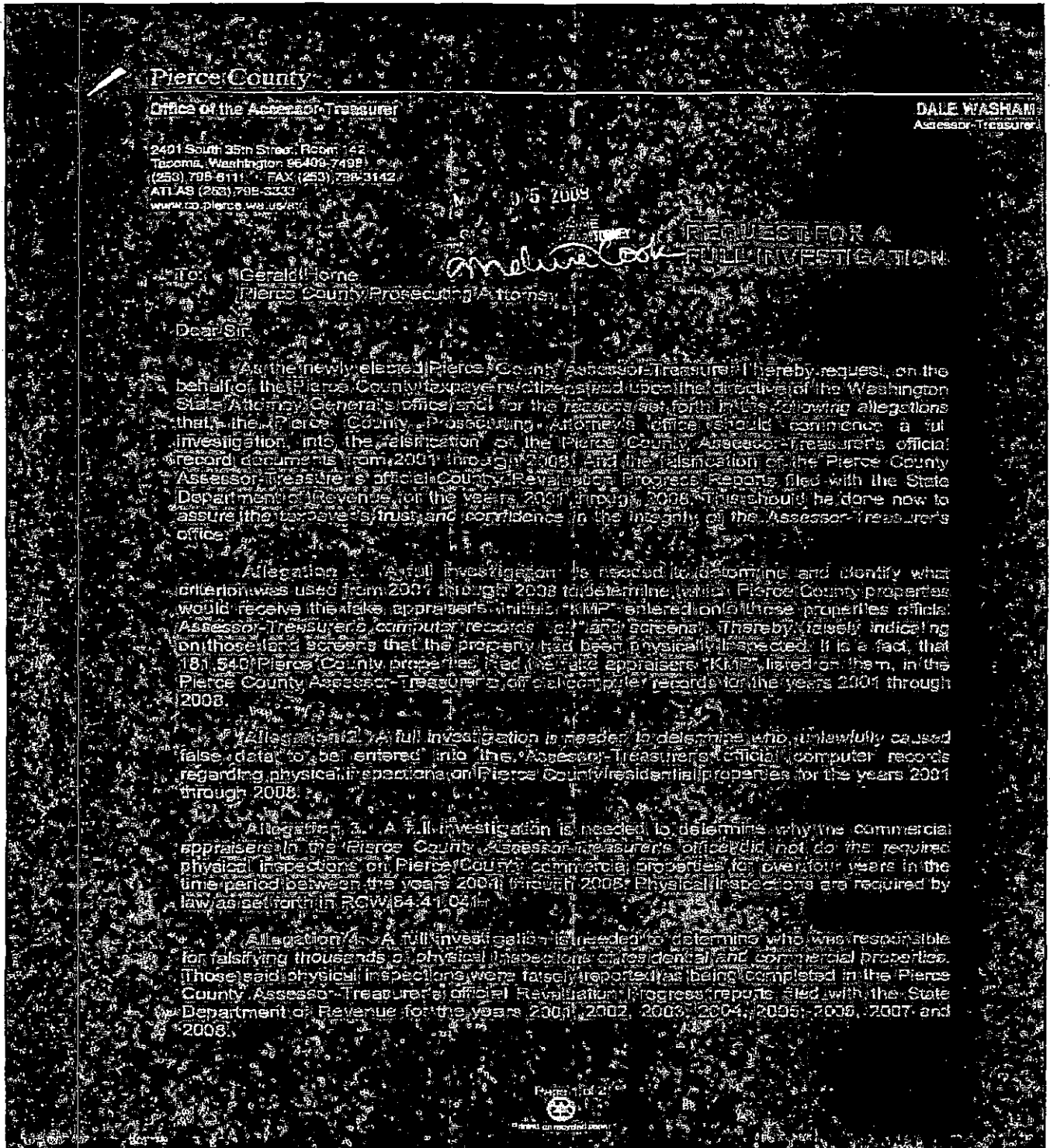
### April 6, 2009 Washam Notified of EEO Complaint

April 6, 2009 Washam received notice that an employee had filed a formal EEO complaint against him for discrimination and retaliation. On April 16, he posts on his website that he received notice from HR of an EEO discrimination complaint filed by an un-named person, which may cost between \$15,000 and \$30,000. He further states:

"Human Resources, a County Division appears to have the authority to commence an EEO investigation against an elected official costing the taxpayer 'approximately \$15,000 to \$30,000' on an un-named person's bogus complaint." Exh. 16.

This posting was known and discussed widely in the office, and was described by almost every witness as surprising, offensive and shocking.

On May 5, Washam requested an investigation from the Pierce County PAO, as follows:



..... Exh. 14.

Postings on the Website;  
Requests for Investigation of PI, and  
Calls EEO complaint "Bogus"

Washam wrote in his April 16 posting (which remained at least into July) that on April 6, he received notice of an EEO complaint from Human Resources and criticized the state's lack of interest in investigating the PI issue compared to Pierce County's potentially expensive investigation of a "bogus" EEO complaint.<sup>14</sup> Exh. 16.

Washam asked a couple of employees to read the EEO complaint letter from HR and watched their reaction. He told Borck, "did you see that? They know who it is." Washam told employee(s) that the person who filed the EEO complaint only did so because they knew they were going to be fired. When someone filed an anonymous suggestion supporting the EEO process, Washam criticized the comment and showed the suggestion to other employees (one employee said they suspected it was to gauge their reaction). Washam openly complained to employees in various sections of the office about the cost of the investigation. He misrepresented that the investigation had "already cost \$60,000.00." (In reality, less than \$3000.00 had been billed at that point). He warned that the cost might make more furloughs necessary. (Witnesses 2, 22, 15, 18, 14, 21).

May 11, 2009 Barnes's Reassignment, Loss of Duties, Change in Work  
Location

On May 11, 2009, Washam appointed Appraiser 3 Al Ugas to the Chief Deputy position. Near close of business that day, Ugas advised Barnes that she was being removed from her job as Administrative Officer and assigned to a "special project." Ugas told her, "I have no reason to dislike you . . . I haven't really worked with you." She would be moved from her private office in the front office to an office upstairs the next day, separated from the rest of the Department. Project Analyst Cindy O'Neill (also moved

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<sup>14</sup> On April 1, Washam had posted his requests for investigation to the AG and State Auditor; he posted the replies from these offices on April 16.

upstairs), and IT Manager Mike Johnson were assigned to this special project as well.

On May 14, Johnson asked Barnes who she was reporting to, and she told him she wasn't clear. When Johnson asked Ugas, he said, "to you (Johnson) for now, we're still working things through." When the union requested details of the project and expected duration (on May 18), Deputy Ugas responded "we haven't thought that far ahead." This change came without prior notice to Barnes, O'Neill, or even Mike Johnson who was eventually named lead on the project. Barnes had to request a meeting to identify the details about the project. On May 19, 2009 Barnes met with Mike Johnson, Ugas and O'Neill. (Johnson, O'Neill, Brennan).

The following projects were identified by Ugas as Barnes' new assignment:

- 1) Enhanced management report (Johnson said this was already in the works, almost done, and he hoped it could be completed by 5/28<sup>15</sup>);
- 2) Automated Vehicle Locator (AVL)/Routing (GPS system or similar tracking for appraisers in the field—Ugas wanted a scanning system like UPS to track where appraisers are in the field);
- 3) CAMA software update/conversion (Barnes had already been the coordinator for this, but was now removed; conversion is largely completed by IT Division, but training would be needed and might be done by this group);
- 4) Incorporate Administrative and Management Reporting.

Exhibits 17 and 18.

Project (1) had been developed as a spreadsheet requiring separate data input by IT staff Gary Dill (overseen by Barnes). To improve on the spreadsheet, Johnson said a report could be developed that would automatically run from the system, daily or weekly as desired. Ugas said "pie charts" or something easy to read showing progress on PI's was the desired product. Since the type and scope of desired information was not identified by Washam or

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<sup>15</sup> As of July 8, this project has not been completed because Washam and Ugas have not responded to questions that need to be answered before the project can be finalized.

Ugas, Johnson described the direction on this as "fairly generic." He asked his team to throw everything (different scenarios and options) at the administration and let them choose what they wanted.

Barnes and O'Neill completed a booklet outlining project (1), providing examples of options that could be included, and requesting that the administration make choices about format and data to be included so they could proceed with the project. The booklet was provided to Ugas on June 8. On June 9, without answering the inquiries posed in the materials, or providing any direction in writing, Ugas directed the team to simply go back to what they had at the beginning and put this on the computer system so that it can be pulled up (the project as it existed on May 11, was handed over to IT for completion on June 9). Since then, the IT team has had questions, but cannot proceed because answers have not been provided from Ugas or Washam (as of July 8). (Barnes, Johnson, O'Neill).

Johnson described the GPS system idea as Washam's and he's "not sure they know what they're looking for." He also said they described a UPS style of tracking, but "what we do is different," so not a good fit. Johnson said the CAMA conversion is mostly done by the IT team, but might require new SOP's. Barnes said she was already the contact on this (but was removed as contact shortly after). Other miscellaneous projects would follow. Johnson said these ideas (tracking, GPS, wireless internet) had been on the "wish list" they had "talked about for years, but never had the budget to do."

One employee described this new office location as "the hinterlands," and another described Barnes' new assignment as "being put out to pasture." One employee commented that "our current systems can do what she's been asked to do" [re the enhanced report]. Barnes says she cannot control the temperature in her office, which varies widely from freezing cold to hot and is so uncomfortable there are times she has to leave and work elsewhere. She's been told by maintenance that the temperature control might be located in the shop. The office location and amenities (furniture, size) are inferior to her former office. She no longer has a private office. (Witnesses Barnes, 21, 17, 14).

These changes to Barnes' job accompanied the special assignment:

- She no longer supervises anyone

- She no longer attends management meetings
- She no longer has oversight of the Assessor side of the office or the job duties related to that oversight
- She no longer has authority to approve leave for others, and has to track her own time on "Time Track"
- She is supervised by Ugas, with Johnson (lower classification) assigned as her lead
- She was removed as coordinator for the CAMA conversion/upgrade (even though this was assigned to her as a special project)
- Her access to files was removed for Management Team, Commercial Team and Statistical Team

The union's business representative, Mary Ann Brennan, met with Borck, Ugas and Joe Carrillo (HR) on May 18. Borck asserted Washam was planning to create a new job description and new rates of pay for Barnes. Brennan reminded Borck and Ugas of the labor contract and told them they couldn't do that. Borck mistakenly referred to Barnes as a "project employee" and an "Appraiser 5," also during this meeting. Brennan's opinion is that Barnes' assignment is a lower level of work. She believes this reassignment of Barnes is retaliatory. She said a number of employees from the A/T Office have complained to her about what is going on in the office and every single one of them has used the word, "retaliation." (Barnes, Brennan, Carrillo, Johnson, 2, 14, 18).

#### Budget Concerns in 2009

The A/T Department had been slated for a large budget cut, as had all Pierce County departments due to the economic crisis (2008-2009). The union and employees agreed upon furloughs to absorb the cut without layoffs. In reviewing the budget, Washam was overheard saying he wished those with longevity pay would just retire, because that would go a long way in cutting the budget. Prior budget shortfalls had been absorbed by not filling the Chief Deputy position and the Assistant to the A/T. (4, 18).

The performance audit result found that Washam could avoid layoffs by not filling the Chief Deputy position. Exh. 11. But Washam has filled that position, and two others that were previously unfilled. He filled the Assistant to the A/T position (Gretchen Borck) and added another exempt assistant position (Barbara Stevenson). He reassigned two supervisors to

“swap” jobs (Jim Hall and Shelly Pollitt), expressing this was for “cross training.” At this time Commercial was still not on target to complete PI’s on time (Washam had chastised Barnes at a management meeting in late February for Commercial’s failure to complete PI’s by the deadline). Both supervisors had to learn new jobs, Pollitt never having learned the commercial side made additional training necessary at a time when Commercial was burdened with complex appeals. Employees are also concerned about improvements Washam has made to the office, including removing a wall to enlarge his office, requiring overtime weekend electrician work, carpet, paint, etc. Employees are aware he requested an SUV, so a new Ford Escape was purchased. Ugas and Stevenson were internal hires, so their positions, one in appraisals and one in statistics, are now vacant. Barnes has been removed from her position, further reducing the number of staff on the appraisal side. In swapping the supervisor responsibilities, productivity is further reduced due to needed training during a time when Commercial was under extreme deadline pressure. Employees worry that Washam is using the current budget shortfall to create a crisis so he can justify cutting positions of those he doesn’t like. (Witnesses 14, 18, 6, 4, 2, 22).

### Office Climate

From his “first day” in office, Washam has informed employees that since “I’m elected, I can’t be fired.” He has also said that someone would have to sue me, and in passing he’s mentioned a female litigant who sued Pierce County and won, only to give most of her judgment to her lawyers after a lengthy appeal. An employee remarked that Washam says such things in passing to send a message. Employees have observed that Washam has no respect for the rules. Front office employees report they hear paper shredders (an extra shredder was purchased by Borck) shredding papers for about 20 minutes to an hour everyday.

Employees describe the office as an “armed camp;” you can “hear a pin drop” even though there are 90 people in the building. People are afraid to hold meetings, and there is tension everywhere. Even Washam’s assistant told HR “if he knew I was talking to you I’d be fired on the spot.” Witnesses related instances where Washam has purposely tried to intimidate them by yelling and pointing his finger in their within 7-8 inches of their face. (Barnes, 18, 2, 15, 5, 8, 22, 12, 14, 11, 6).

Employees feel they have no recourse but to seek personal legal counsel, because they are afraid the County will have no authority to discipline Washam because he's an elected official. Washam has made that fact clear by making statements that employees will have to sue him personally because the County can't do anything to him. Temmel and Brennan noted that employees are afraid, and reasonably so. A number of employees have gone to HR and/or the union to let them know what's going on and express their concerns about the workplace.

#### IV. ANALYSES

##### POLICIES

Pierce County's Equal Employment Opportunity Policy, Chapter 3.16.010, states as follows:

Pierce County is committed to maintaining an environment free from discrimination, harassment and intimidation on any status protected herein. The policy references Washington's Law Against Discrimination (WLAD), RCW 49.60 and "other applicable laws." Both disparate treatment and "harassment" types of discrimination are prohibited on the basis of protected classes including religion, sex and age. The policy also requires that all employees must participate in and cooperate fully in the investigation of complaints. 3.16.080.

Disparate treatment is different treatment based upon a protected class (sex, age, etc).

The elements of disparate treatment are:

- Complainant belongs in a protected class;
- Complainant was treated less favorably in the terms and conditions of employment than a similarly situated employee (adverse action analysis), and

- Complainant and comparator(s) were doing substantially the same work (work sufficiently similar to support at least a minimal inference that the difference of treatment may be attributable to discrimination).

The Pierce County policy defines harassment as follows:

Harassment is behavior that is objectively offensive to another person which is motivated by a misguided, and often malicious point of view embracing offensive sexual, racial, gender-based, national origin, religious, age-based or other class associated stereo-types and perceptions of social behaviors.  
3.16.030 (A)

Sexual harassment is harassment that is sex-based and unwelcome, and either unreasonably interferes with one's work performance or creates an intimidating, hostile or offensive working environment.

The policy prohibits retaliation under 3.16.090, and states as follows:

Retaliation is an adverse employment action, taken against an individual because they have exercised a right protected under the law such as complaining about discrimination or harassment or assisting with or participating in the resolution or investigation of such a complaint in the workplace. Any form of retaliation against a person who participates in a complaint or investigation is specifically prohibited, will not be tolerated, and will be subject to severe disciplinary action up to and including termination of employment.

Note, the applicable Collective Bargaining Agreement (CBA) also prohibits discrimination based on protected class and also for "upholding lawful Union activities" . . . ." Article 2—Nondiscrimination.

The elements of retaliation are:

- Protected activity—exercising a right protected under the law such as complaining about discrimination or harassment or assisting with or participating in the resolution or investigation of such a complaint in the workplace,

- Adverse action (although trivial annoyances are not actionable, more significant retaliatory treatment that is reasonably likely to deter the charging party and others,
- Causal connection between the protected activity and the adverse action (absent direct evidence of motive, an inference of retaliatory motive is raised if the timing of the adverse action is shortly after the protected activity. Other considerations include whether similarly situated employees were treated the same, whether there was heightened scrutiny after the complaint(s), or whether there were legitimate reasons for the employer's actions. Retaliation should be found even if it was not the only motive for the action (mixed motive), as long as it is was a "substantial factor." A factor supporting the decision is substantial if it so much as tips the scales one way or the other.

## DISCRIMINATION

As a female over the age of 40, Barnes is a member of two protected classes. The other two managers were the most similarly situated to Barnes: Michael Johnson (male under 40), and Billie O'Brien (female over 40). Of the three, Barnes was the only one initially to receive negative treatment from Washam—the other female over 40 was given more responsibility (as Barnes' responsibilities diminished). Barnes' position had direct oversight of Appraisal, where the policy on PI was executed, and the emails carrying out that policy bore her name. These emails were collected by Washam as he investigated the PI issue.

Johnson created the program and completed system-wide updates that placed the "KMP" initials on the computer system which laid the ground work for the (allegedly fraudulent) reports that were created from these records. Washam had investigated these issues extensively and would have known Johnson's participation. But despite Johnson's hands-on involvement, he was not targeted for blame as was Barnes. Johnson's explanation that he only knew part of the story was accepted by Washam, and this could be interpreted as reasonable given the emails from Barnes directing his work.

In comparing Washam's treatment towards supervisors at the next level below Barnes (in Appraisal), perceived PI "guilt" seems to be the motivating

factor more than sex or age. Jim Hall (sought out by Washam for counsel and advice) and Mark Williams (cut out of the loop), both male supervisors, were as likely to have been treated differently because Hall actively opposed the PI policy during the Madsen administration.

Washam said something to the effect that he wished those with longevity pay would simply retire, because that would go a long way in reducing the budget, but this appears to be a stray remark. At the same time, Washam promoted a female over 40, Barbara Stevenson, to an exempt position at the front office. He named Billie O'Brien Interim Chief Deputy, and considered Barnes for this position as well (both women, both over 40).

There is insufficient evidence of disparate treatment based upon sex or age to support a finding of discrimination. For the same reasons, discrimination based upon hostile work environment - harassment cannot be proven. Retaliation is a more likely motivation for adverse treatment of Barnes, which is discussed below.

## RETALIATION

### Washam's Conduct Towards Barnes After the Complaint About Religious References and Moments of Silence

#### **Findings of Fact**

On January 23, 2009 Washam had decided to abandon his quest to investigate current employees on the PI issue and move forward to implement the 6-year plan that already incorporated the required PI's. His decision was affirmed by the Executive and Prosecuting attorney. He told Barnes and O'Brien they had handled the matter well, and told staff that they were exonerated and had nothing to worry about.

On January 29, Washam learned that employees had complained about his requests for moments of silence and references to God. He was angered by the complaint and criticized staff for taking the issue to HR. Washam formed the belief that Barnes was one of the complainants: he publicly announced that he had "narrowed down" who had complained; told others he knew that a manager had complained; and on February 24, Washam asked Barnes directly in an angry voice, "Who complained to HR about the

moments of silence?" There is no evidence he asked any other employee this question. Washam was so upset he yelled loudly enough for others to hear him. Employees in a position to observe regular contact between Washam and Barnes believed Washam knew Barnes was one of the people who complained about the moments of silence.

Washam's treatment of Barnes became progressively worse during the month of February. She was ostracized by exclusion from issues and decisions involving her Department. Interim Chief O'Brien took on some of Barnes' Division's work at Washam's direction. The hostility towards her was so obvious to other employees, that they avoided being seen with her.

Washam's admonishments to Barnes and criticism of her work performance with respect to holding "secret" meetings, and interfering with the employee questionnaire, were not supported by the facts.

After January 29, Washam renewed his "investigation" of the PI issue, reversing his January 23 decision to move on from the PI issue.

Washam tried to pin the blame on Barnes even though he was told by every Appraiser 5 Supervisor and the other two managers that Barnes had only followed directions and did not deserve to be blamed. There is also no dispute that Madsen had admitted this was his policy.

When Washam asked employees to put in writing "the impact on the taxpayer," of not doing PI, most employees answered that they did not know or could not answer. When Barnes answered this way, Washam called her "uncooperative," although he accepted that same answer from everyone else.

Washam said there were two managers at the same level, both who knew about PI, but he only wanted one of them to be the "head" that rolled.

By March, Washam was scrutinizing the Declaration Barnes had filed in 2005, and tried unsuccessfully to argue that it demonstrated cause for demotion or termination. He never spoke to Barnes about the Declaration, or asked for her side of the story. Another employee prepared a Declaration defending Madsen in the same litigation, and was afforded an opportunity to explain and was forgiven.

On the other hand, those who told Washam that they didn't mind his references to God (Barbara Stevenson and Michael Johnson) received positive treatment from Washam (new position in the front office, new responsibilities, oversight of Barnes and the special project; and Johnson is the only manager or supervisor that has not been "cut out" by Washam).

Washam expressed animosity towards those who complained about his use of religious references and requests for moments of silence in the workplace because he publicly criticized the complaint and made numerous references to the complaint and how it was made; he continued to mention God after he was counseled not to, gauging the reaction of employees.

**Barnes engaged in protected activity when she participated in the 1/23/09 complaint regarding Washam's references to God, Prayer and requests for moments of silence at the workplace**

**The ostracism of Barnes was severe and obvious enough to the workforce that it constituted an adverse action because it would be reasonably likely to deter complainant and others from participating in protected activity**

**Barnes' participation in the complaint against Washam regarding religion was a substantial motivating factor in his treatment of her, although Washam may have had mixed motives including blaming Barnes for PI policy implementation; (the ostracism occurred in close proximity to the complaint, criticisms of Barnes' workplace conduct were pre-text because others similarly situated were not treated the same and the issues raised were not supported by the facts, Washam expressed animus about the religion complaint and believed Barnes to be a complainant)**

**CONCLUSION:**

**Ostracism—Washam Retaliated Against Barnes By Ostracizing Her Since February 2009**

## Washam Changed the Vacation Policy "Due to Abuse"

### **Findings of Fact**

This change was related to Barnes because Washam was aware of the vacation time she had taken in increments of days (hourly), and had commented on it to her and to others. Barnes had taken two hours of vacation earlier the same day that Washam told a work group that he had "an administrator who felt they could take 2 hours here and 4 hours there," and that he had to change the vacation policy because of "abuse."

Washam specifically knew Barnes had used some incremental vacation time to discuss work conditions with her union. ("Sally's been busy," "Your time at the union was well spent.") When asking if she was "OK," after Barnes took two hours of vacation that morning, Washam was sending a message that he was aware of her absence and perhaps knew she had not taken sick leave.

Washam did not investigate or criticize the use of incremental vacation by other employees.

Washam did not counsel Barnes on her use of vacation.

Use of incremental vacation hours is not a violation of policy.

Barnes' vacation requests had been approved in advance.

Reinstating the requirement for 30 days advance notice was not rationally related to the stated concern—use of incremental vacation time.

This policy change occurred within 2 months of Washam learning of the complaint about religion.

**Barnes engaged in protected activity when she participated in the 1/23/09 oral complaint regarding Washam's references to God, prayer and requests for moments of silence at the workplace**

**The change in policy constituted an adverse action because it would be reasonably likely to deter complainant and others from participating in**

protected activity because it was publicly announced and discussed by Washam in an effort to publicize his animosity towards Barnes

Barnes' participation in the complaint against Washam regarding religion was a substantial motivating factor in his decision to change the policy (the policy change occurred in close proximity to the complaint, Washam expressed animus about the complaint, testing and rewarding those who said they did not mind religious references, there was no legitimate non-retaliatory reason for the change, the change was not rationally related to the stated concern about use of incremental time, the accusation of "abuse" was false, or pretext, because taking vacation in increments of hours was not a violation of the policy, others who had used incremental time were not reviewed or investigated)

#### **CONCLUSION:**

**Vacation Policy--Washam Retaliated Against Sally Barnes  
When He Changed The Vacation Policy On 3/27/09  
Publicly Stating The Change Was Made "Because Of Abuse"**

#### **Washam's Efforts to Demote or Terminate Barnes**

##### **Findings of fact**

In February or March 2009 Washam consulted Labor Relations Manager Joe Carrillo about demoting or firing Barnes based upon the declaration she filed in 2005 supporting then A/T Ken Madsen. When Carrillo advised Washam that the declaration was not a basis for discipline or termination because it was either true or opinion, not misconduct, Washam became angry. Washam ended the meeting and said, "I know which side you're on." Washam has avoided contact and communication with HR since that meeting.

Washam complained that he couldn't fire anybody because of the "frickin' union."

In March, Washam attempted to use the Pierce County Council's audit process to find fault with Barnes, asked the auditor to "get rid of Sally Barnes," and was unhappy with the audit report when it failed to label Barnes as a bad actor.

Washam's Conduct Towards Barnes After the EEO Complaint April 6, 2009

**Findings of fact**

Washam expressed animus about the EEO complaint and investigation process when he posted on the Pierce County Assessor-Treasurer public website a statement calling the EEO complaint "Bogus." Washam criticized an anonymous suggestion placed in the suggestion box that supported the EEO process.

Washam showed HR's letter about the complaint to other employees and asked them what they thought to gauge their reaction. He told Borck on one such occasion, "do you see that?" "they know who it is."

Washam told an employee that the complainant only brought the EEO complaint because she was about to be fired. The only employee that Washam had tried to fire was Sally Barnes. The overwhelming consensus of employees is that Barnes is the complainant in the EEO matter. He told employees on June 10, 2009 that he was only continuing to pursue the PI issue because of the EEO complaint; that he had to continue to "fight" the EEO matter.

The May 5, 2009, request for investigation directed to the Pierce County PAO was aimed at establishing "evidence" against Barnes so he could justify removing her from her job. Washam knew the answers to the issues he was requesting be investigated because he had conducted significant review of the issues by that time.

Washam had no legitimate non-retaliatory reason to pursue his investigation to find employees "guilty" in the PI matter after the Department of Revenue, State Auditor, State Attorney General, Pierce County Executive, Pierce County Council, and Pierce County Prosecuting Attorney had all endorsed leaving the issue behind and moving forward with the 6-year plan to bring the office back on track. No witness supported Washam's continued effort to investigate the PI issue.

### Barnes' Reassignment on May 11, 2009

Changes to Barnes' job commenced after Washam formed the belief that Barnes had complained to HR about his references to God, prayer and moments of silence. This effort turned toward removing Barnes from her job through HR (Declaration), and Council Audit (PI). After Barnes' filed her EEO complaint, Washam's efforts escalated and became more public in his requests for investigations of state and agencies and the Pierce County PAO.

Washam reassigned Barnes to a special project on May 11, 2009, removing nearly all of her former job responsibilities.

On May 19, 2009 Borck told Mary Ann Brennan, Union Business Representative, that Washam was planning on rewriting Barnes' job description and assigning her different pay.

Barnes was removed from overseeing the Appraisal side of the office, which includes about half of the employees in the A/T office; she no longer supervises three supervisors (appraiser 5's) and approximately 33 appraisers (appraisers 1-4) and 4 office assistants. She no longer supervises any employees

There is no legitimate non-retaliatory reason for Barnes' assignment to the special project. The assignment was comprised of tasks that were not significant to the operation of the office and did not warrant the assignment of an Administrative Officer, a Project Manager, and the IT Manager, given the lack of complexity and urgency of the project. The loss of productivity resulting from removal of a Manager with over 30 years experience made no sense when the Department was not on target to meet deadlines in appraisals, and the promotions of Ugas and Stevenson had already left vacancies in Barnes' division.

Barnes' work space and location are inferior to her prior work space in the front office.

Barnes is now required to track her time, something she had not done as a manager (the supervisors under her did not track time either).

The project work is a lower level of work, more typical of the kind of work for a project analyst or IT personnel.

The volume of work assigned is significantly less than Barnes' prior assigned work.

Barnes and O'Neill are largely ignored and given insufficient direction.

**Barnes engaged in protected activity when she complained to HR on about 1/23/09 about Washam's religious references in the workplace, and filed a formal written EEO complaint alleging discrimination based on sex and age, and retaliation on 3/11/09 (known to Washam on 4/6/09). While disparate treatment based upon age and sex could not be established by a preponderance of the evidence, there was a reasonable basis for the complaint because of Johnson's (male manager under 40) preferable treatment during that time.**

**The removal of Barnes' job duties, change in work location, and reassignment to a special project were adverse actions because they were reasonably likely to deter employees from engaging in protected activity (all of Barnes' supervisory and managerial duties were taken away which created a substantial change in her job duties, and employees commonly referred to this action as retaliatory)**

**There is a causal connection between Barnes' protected activity and the reassignment because the continuing and escalating efforts to remove her from her job were proximate in time to the complaints, Washam believed Barnes filed both complaints, Washam expressed animus about the EEO complaint, and there was no legitimate non-retaliatory reason for the special assignment. Even if these actions were motivated in part by Washam's concern about Barnes' role in the PI issue, the protected activity was a substantial factor motivating Washam in the job changes and reassignment.**

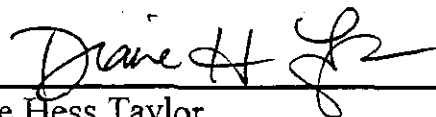
**CONCLUSION:**

**Washam retaliated against Barnes when he removed her job duties, reassigned her to a special project on May 11, 2009, and changed her work location to a remote and inferior office upstairs**

## CONCLUSION

There was insufficient evidence to find Discrimination based upon sex or age. The evidence did support several findings of Retaliation based on both the 1/23/09 complaint about Washam's religious conduct and the 3/11/09 complaint of discrimination and retaliation as outlined above.

This report is submitted on the 7<sup>th</sup> day of August, 2009



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Diane Hess Taylor

Attorney at Law, WSBA #15972

## LIST OF EXHIBITS

1. 1/22/09 Management Team Meeting minutes (C. Case)
2. 1/23/09 Management Team Meeting minutes (C. Case)
3. 1/23/09 "Response to Dale's Question" email from Jim Hall
4. 1/26/09 **OMITTED** [Opinion by Pierce County Prosecutor re:  
Physical Inspections]
5. 3/4/09 Sally Barnes memo to Dale Washam responding to request  
for information about PI
6. 3/24/09 Vacation notice email by Barnes (out 2:30 to 4pm), and  
record of Barnes' vacation requests
7. 3/25/09 Dale Washam letter to Rob McKenna, State Attorney  
General, requesting full investigation of lack of physical inspections and the  
"issue of someone having directed that the initials KMP be enter [sic] into official  
records at the Pierce County Assessor-Treasurer's office . . . ."
8. 3/25/09 Dale Washam letter to Brian Sonntag, State Auditor,  
requesting full investigation of lack of physical inspections and the "issue of  
someone having directed that the initials KMP be enter [sic] into official records  
at the Pierce County Assessor-Treasurer's office . . . ."
9. 3/27/09 Gretchen Borck email to ATR announcing "due to some  
abuse of the new vacation policy," putting old vacation policy back in place
10. 3/30/09 Billie O'Brien email announcing Borck taking over  
approval of manager's vacation requests
11. 3/30/09 Excerpt from Council's Audit Report on the PI issue as it  
relates to proposed budget cut; "Summary of Key Points"
12. 4/1/09 Response to Washam from Attorney General's Office
13. 4/6/09 Response to Washam from State Auditor

14. 5/5/09 Dale Washam letter to Gerald Home, Pierce County Prosecuting Attorney, "REQUEST FOR FULL INVESTIGATION," of lack of physical inspections and "who was responsible for falsifying thousands of physical inspections of residential and commercial properties . . . ."
15. 5/11/09 Response to Washam from Pierce County Prosecutor
16. 5/7/09; 4/16/09; 4/1/09 Postings to Washam's Website about EEO complaint, Requests for investigation
17. 5/19/09 Barnes' memo to Mike Johnson identifying projects in "Special Project"
18. 5/19/09 Johnson's email of meeting minutes to Borck regarding outlining special project tasks
19. 5/5/09 Sue Wahlberg's email to Borck suggesting dates/times for Washam's interview
20. 5/13/09 Investigator's letter to Washam following up on requests for interview, and offering additional dates
21. 6/12/09 Albert Ugas email string including his response to investigator's request for tour of the Assessor-Treasurer Office
22. 5/8/09 Investigator's letter to Washam requesting documents

Management Meeting January 22, 2009

11:00am - 12:00pm

Conference Room - Front Office

Attendees: Assessor-Treasurer Dale Washam, Billie O'Brien, Sally Barnes, Cindy O'Neill, Debbie Brammer, Chris Case, Mike Johnson, Jim Hall, Mark Williams

Topic: 6 years of physical inspections (PI) have been filed as completed when they in fact were not.

Assessor-Treasurer Dale Washam discussed the topic of the problem and that this procedure was to stop immediately. This is an illegal act and should not have been done. We need to rectify and correct the problem and succeed as an office together. We will no longer sign anything that isn't true and correct. Dale refuses to sign the records as accurate unless we can ensure the lists are true and correct including the missed PI's from 2008. Dale will not be an accomplice to the malfeasance of the previous administration. We cannot cover this problem up. We must acknowledge it and change it. No coverups!

Dale asked for an explanation of how this problem came about.

Sally Barnes - It started after we went in to the new system by Assessor-Treasurer Ken Madsen and his Chief Deputy Cathy Fewins. While converting data to the new system, Stat team would identify properties and the assessors would go out. The properties we didn't go to we put Ken's initials on as KMP. A person was fired that went to DOR to discuss this. Didn't have the time or man power to get the job done under the new system. We did what we could to get the job done. The Chief Dept said they talked to DOR and had given us the okay.

Jim Hall - 2001: Inspections were done by Use type. When the new C.A.M.A. system [Realware] came in 2002 we were told no to do PI on commercial property. Did fit gap analysis. We were constantly putting out fires and were on overload after the new system. I submitted action plans for 3 years that called for PI's and they were all denied. We weren't allowed to look at exempt properties because they didn't generate revenue. In 2005 they finally allowed PI. March - May 2005 we completed 1100 properties in downtown Tacoma. 24,000 properties need to be inspected to clean up the records. 2,400 in area 4.

Sally - Cama system actually hurt the process. It became much more labor intensive. It was sold to us as a time saver and would cut back the need for Full Time Employees (FTE).

Jim - We were prohibited from talking to DOR staff.

Dale Washam - The courts and the news knew about this problem. I had depositions and evidence but they did nothing.

Dale stated that the Assessor-Treasurer has the ability to ask for help if the job cannot be completed with the resources allocated to him.

Jim – Ken just got the money for the new system and to go back to the County Council to ask for help would have been seen as a failure.

Dale – What is the definition of a physical inspection? Is it just a look? Can we fly over the property? Maybe the law should be amended to clarify? We need to know exactly where we are at with the numbers. Dale asked the assessor office to come up with the exact number of properties with KMP and return at 1:30 for another meeting on how we will solve this problem.

Meeting adjourned until 1:30pm.  
(meeting time changed to 2:30pm at the request of Mike and Jim)

2:30pm – 3:30pm

Conference Room – Front Office

Attendees: Dale Washam, Billie O'Brien, Sally Barnes, Cindy O'Neill, Debbie Brammer, Chris Case, Mike Johnson, Jim Hall, Mark Williams

Sally prepared a spreadsheet with the numbers of properties that were inspected and those that were not inspected but labeled KMP. The total number of properties requiring inspections over the previous six years in Pierce County is 297,867. There are 154,186 properties that have truly been physically inspected. 133,681 properties were not inspected but signed off as being inspected with the initials KMP.

What effect did the KMP have on the Tax payers?  
Remodel spreadsheet and state accurate dates.

Jim Hall – 9,510 that don't have current PI. 755 exempt have new construction permits which would require a PI. Total of 10, 263 commercial properties need to be inspected to get us up to date.

Dale asks for some ideas on the steps we should take to solve the problem.

Mark Williams – "I'm worried about the tax payers." If we announce that there was a problem, we would be overrun with calls and appeals and we couldn't get our jobs done. We should just keep going with the six year cycle and fill in the KMPs as we go along. Eventually every property will be physically inspected.

Jim – The exact amount of people that were actually harmed is unknowable. However, only one in 50, to maybe one in 10 properties that are inspected actually have their values changed. And if they are changed, the value is usually increased. The tax payers have most likely been paying less than they would if the PI was completed. Jim stated that the volume of appeals increased after the new CAMA system was put into place. He said

that any of the properties where the value would have been lowered most likely was corrected through the appeals process.

Mark, Sally and Billie address their concerns for the problem being made public. They said that the office would be a mess and we wouldn't be able to get our jobs done for the tax payers if we had a rush of calls and appeals.

Dale – He is not going to announce this problem to the press. However, they will find out. Someone will talk and the information will get out. We need to focus on finding the right solution to this problem. How do you earn the tax payers' trust?

Mark – “You do a good job.”

Dale – Integrity builds trust, not doing a good job. You can do a bad job next year, but if you don't have integrity you won't make it right. We need to be an office of integrity. I will never ask you to do something illegal. If I do, you have the right to call me on it. I expect you to. But I will never do that. And, I will never do anything illegal for you. I won't lie for you but I will fight for you. If we can't get the job done that is required of us then I have the right to ask for help from the state and the county.

Dale and Billie have a meeting tomorrow morning (January 23<sup>rd</sup>, 2009) with County Executive Pat McCarthy to inform her of the situation. They will also meet with the County Prosecuting Attorney to get his recommendations on the next steps.

Meeting adjourned.

Note Taker: Chris Case

Management Meeting January 23, 2009

10:46am – 11:00am

Conference Room – Front Office

Attendees: Dale Washam, Billie O'Brien, Sally Barnes, Cindy O'Neill, Debbie Brammer, Chris Case, Mike Johnson, Jim Hall, Mark Williams

Topic: Results from Assessor-Treasurer Dale Washam and Chief Deputy Billie O'Brien meetings with Pierce County Executive Pat McCarthy and Pierce County Prosecutor Attorney David Prather about the illegal practice of marking physical inspections as completed when they were not.

Dale said that the problem was solved and we would move forward with the 6 year cycle. We will not have to make up last years missed physical inspections (PI). The prosecuting Attorney will write an opinion exonerating me of the previous administrations actions and we can move forward.

A question was raised as to whether the opinion will protect the staff as well as the Assessor-Treasurer. Dale said they don't need to worry about anything and that we can all move forward.

Note Taker: Chris Case

**Re: Response to Dale's Question**

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**From:** Jim Hall  
**To:** Chris Case  
**Date:** 1/23/2009 10:14 AM  
**Subject:** Re: Response to Dale's Question

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Mr. Washam,

**Q. What effect does this have (not doing a PI) on re-valuation of property in Pierce County?**

The question is based on a false premise. We did do Physical inspection(s). We conducted statistical analysis to identify where and on what property types we could do the most to improve uniformity with limited resources.

It is impossible to definitively answer the question. The Real Estate Market has many variables and is in a state of constant change.

Respectfully Submitted,

Jim Hall

>>> Chris Case 1/22/2009 4:06 PM >>>

Dale would like to have your response to his question by 10am tomorrow if you can. Thank you.

Chris  
x7144

- Exhibit 3 -

NO EXHIBIT 4

- Exhibit 4 -

MEMO

DATE: March 4, 2009

TO: Dale Washam, Pierce County Assessor-Treasurer

FROM: Sally Barnes, Administrative Officer

SUBJECT: Request from Dale Washam, to supply information regarding Residential Physical Inspection process during the last administration. (Ken Madsen & Kathy Fewins)

Dale, you stated in a meeting on 03-03-09 that you were not directing me to give this information to you regarding physical inspection. I am voluntarily providing the information about physical inspection process and how I was directed to implement physical inspection during the last administration. This is provided to the best of my knowledge.

On February 4, 2003, I was appointed as the Administrative Officer in the Assessor-Treasurer's Office. I was the manager over the Residential and Statistical Teams of the office. My immediate supervisor was Kathy Fewins, Chief Deputy. Ken Madsen was the Assessor-Treasurer. Mr. Madsen's term expired December 2008.

In a meeting in Ken Madsen's office, I was directed by Ken Madsen and Kathy Fewins on how they wanted the Physical Inspection done. In the meetings with Kathy and Ken, they instructed me to identify those properties that did not fit the model, which included parcels that had conversion adjustments, views, sales, and land characteristics that needed to be verified.

I then instructed the Statistical Team to identify those properties in the physical inspection area based on the criteria set by Ken Madsen and Kathy Fewins. These accounts were then scheduled for inspection.

Ken Madsen also requested a map showing the dots for all the parcels that were to be inspected. He requested this map every year he was in charge. The map was requested and created for him by Deborah L'Amoureux on the Statistical Team.

In preparation for physical inspection, land model(s) are built and applied by the statistical team. During this process land sales and some improvement sales are identified. The sales are inspected to verify and update the property characteristics on file and to validate the sale. This is to ensure there is a large enough sample that covers the major land characteristics for developing new land rates. Once the land models are completed, the statistical team applies the model to the properties in the physical inspection area and recalculates the value.

On March 17, 2003, the Assessor-Treasurer's Office converted to a new Computer Assisted Mass Appraisal (CAMA) system. Moving data from an old system to a new system was very challenging. In the old legacy system, some land data characteristics were grouped under one heading which only allowed for a single adjustment. In the new system, each characteristic could be coded with its own adjustment. In order to complete the conversion in a timely manner, we created a conversion adjustment with the idea these adjustments would be corrected over time. The plan was to correct

these conversion adjustments during the physical inspection cycle. As stated above, this was one of the criteria for identifying the properties to be inspected.

Kathy Fewins disclosed to me during a conversation that she and Mr. Madsen had talked to the Department of Revenue about how they were conducting Physical Inspection. This was also confirmed by Jim Hall in a management meeting on January 22, 2009.

Kathy Fewins left employment with Pierce County in August 2007. My direct supervisor was now Ken Madsen. Ken did not fill the position of Chief Appraiser for the remainder of his term.

The preparation and planning work for the Physical Inspection cycle (2008) was well under way when Kathy Fewins left the Office. The Statistical Team was scheduled to have everything in place for the Physical Inspection to start in September. At this point, Ken Madsen was still directing how Physical Inspection was to be done and was still requesting to see the map with the dots identifying those parcels to be inspected. I was following the direction of my supervisor, the Assessor-Treasurer. This was not my decision. Again, even after Kathy Fewins left employment with Pierce County, Ken Madsen was still directing how he wanted the physical inspection done.

During the last year of Mr. Madsen's term as the Assessor-Treasurer, I went to him concerned over the number of properties that had been identified to inspect. I told him that given the sheer numbers it would be better to do a full Physical Inspection. Mr. Madsen still wanted to see a map displaying the dots with the properties to be inspected. After consideration, he agreed to a full physical inspection for the 2008/2009 cycle.

Properties that were not physically inspected had the initials KMP applied to them. These initials were used to identify the properties that had the land model applied and were not inspected. At no time were the KMP initials used as an indication that the property had been inspected or that Ken Madsen was an accredited appraiser. These initials were used to identify those properties that had not been inspected.

During this time, new construction was at an all time high. According to our permit log we were averaging from 2004 to 2007 approximately 8,200 building permits a year. It was Ken Madsen and Kathy Fewins decision to move some appraisers off physical inspection and on to new construction year round. This was done in order to capture all the new construction in a timely manner. This new construction boom really slowed down in late 2007 at which time we were able to move the new construction appraisers back on to physical inspection. More emphasis was placed on new construction than physical inspection by Ken Madsen and Kathy Fewins.

Every year during Ken Madsen's administration, the residential properties were statistically updated based on the real estate market. In some cases the values were raised substantially. New land models were developed and applied to residential property during the physical inspection cycle.

Dale, I would like some further clarification on what you said to me earlier today about the 2008 physical inspection and something to the effect that it "being on my shoulders". Could you please clarify for me if I have sufficiently addressed this concern of yours?

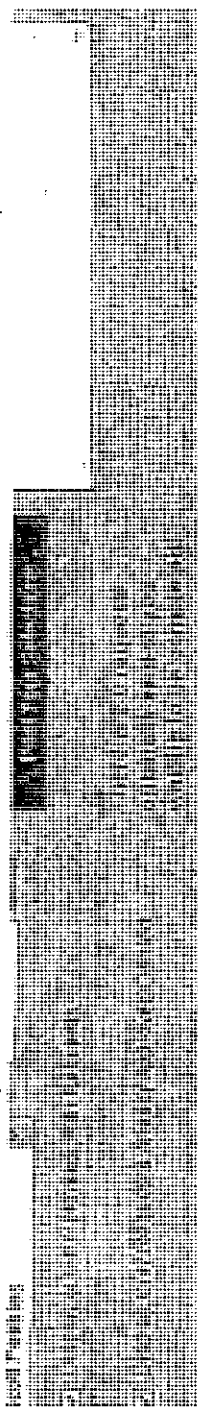
Sally Barnes

Administrative Officer

From: Sally Barnes  
To: ATR  
Date: 3/24/2009 2:21:46 PM  
Subject: Out of the Office 2:30 to 4:00

I will be out of the office today from 2:30 to 4:00.

- Exhibit 6 -



**YOU ARE VIEWING REQUESTS THAT HAVE ALREADY BEEN APPROVED OR DENIED**

**Process** **Return to Data Entry** **View Cheat Sheet**

Approve	Days	Mgr. Request?	DELETE?	Employee	Team	Category	Activity	Date	Hours	Employee Comments	Supervisor	Supr. AD	Supr. Date	Supervisor Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Sick	02/25/2009	3.30	Dr. Appt in Turnwater Out of the office 7:00 to 10:20	amhmit	Approved	01/13/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Vacation	02/27/2009	2.10	Personal business Time to be determined EA 2:00 to 4:00	conall	Approved	02/27/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Vacation	03/02/2009	1.60	Personal Business 1:20 to 2:00 - 2.5 hrs Includes 1/2 hr lunch time. Actual VT time 2.0 hrs	conall	Approved	02/27/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Holiday (Birthday)	03/02/2009	8.00	2 day vacation	conall	Approved	02/27/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Holiday (Birthday)	02/05/2009	8.00	2 day vacation	conall	Approved	02/27/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Sick	03/16/2009	3.00	Dr Appointment 1:00 to 4:00 - 2.5 hrs (no 1/2 hr lunch)	conall	Approved	03/13/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Vacation	03/24/2009	1.50	2:30 to 4:00 Personal Business	conall	Approved	03/23/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Sick	05/22/2009	3.00	1:20 to 4:30 Dr. Appt	conall	Approved	02/25/2009	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delete	Sally Barnes	Managers	Time Off	Sick	07/20/2009	2.50	7:30 - 10:00 Dentist	conall	Approved	02/25/2009	



## Pierce County

Office of the Assessor-Treasurer

2401 South 35<sup>th</sup> Street, Room 142  
Tacoma, Washington 98409-7498  
(253) 798-6111 • FAX (253) 798-3142  
ATLAS (253) 798-3333  
[www.piercecountywa.org/atr](http://www.piercecountywa.org/atr)

DALE WASHAM  
Assessor-Treasurer

March 25, 2009

To: Rob McKenna, Attorney General  
State of Washington

RE: Request for full investigation .

As the newly elected Pierce County Assessor-Treasurer, I hereby, on the behalf of the Pierce County Citizens / Taxpayers request that the office of the Washington State Attorney General, commence a full investigation, as to any violations of state law, as it pertains to the 228,140 physical inspections for the years 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 that were never done. State law RCW 84.41.041 requires that physical inspections be done.

And to any violations of state law, as it pertains to the former Pierce County Assessor Treasurer filing County Revaluation Progress Reports with the State Department of Revenue in 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Stating those said 228,140 physical inspections had been done when in fact, they had not been done. There is also the issue of someone having directed that the initials KMP be enter into official records at the Pierce County Assessor-Treasurer's office indicating those said 228,140 physical inspections had been done, when in fact, they had not been done.

I would respectfully ask that your office take prompt action on the above request, so that the Pierce County Citizens / Taxpayers will not lose their trust in their government. The Pierce County Assessor-Treasurer's office will cooperate fully with any investigation and requests thereof.

Respectfully submitted,

*Dale Washam*

Dale Washam  
Assessor-Treasurer  
Pierce County, Washington State

WE WORK FOR YOU, THE TAXPAYER.

- Exhibit 7 -



## Pierce County

Office of the Assessor-Treasurer

2401 South 35<sup>th</sup> Street, Room 142  
Tacoma, Washington 98409-7498  
(253) 798-6111 • FAX (253) 798-3142  
ATLAS (253) 798-3333  
[www.piercecountywa.org/atr](http://www.piercecountywa.org/atr)

**DALE WASHAM**  
Assessor-Treasurer

March 25, 2009

To: Brian Sonntag, State Auditor  
State of Washington

RE: Request for full investigation

As the newly elected Pierce County Assessor-Treasurer, I here by, on the behalf of the Pierce County Citizens / Taxpayers request that the office of the Washington State Auditor, commence a full investigation, as to any violations of state law, as it pertains to the 228,140 physical inspections for the years 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 that were never done. State law RCW 84.41.041 requires that physical inspections be done.

And to any violations of state law, as it pertains to the former Pierce County Assessor Treasurer filing County Revaluation Progress Reports with the State Department of Revenue in 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Stating those said 228,140 physical inspections had been done when in fact, they had not been done. There is also the issue of someone having directed that the initials KMP be enter into official records at the Pierce County Assessor-Treasurer's office indicating those said 228,140 physical inspections had been done, when in fact, they had not been done.

I would respectfully ask that your office take prompt action on the above request, so that the Pierce County Citizens / Taxpayers will not lose their trust in their government. The Pierce County Assessor-Treasurer's office will cooperate fully with any investigation and requests thereof.

Respectfully submitted,

*Dale Washam*

Dale Washam  
Assessor-Treasurer  
Pierce County, Washington State

WE WORK FOR YOU, THE TAXPAYER.

- Exhibit 8 -

## Mail Message

N

 **Reply**  **Read Later**    

Mail Properties

**From:** Gretchen Borck

Friday - March 27, 2009 4:11 PM

**To:** ATR**Subject:** Vacation Policy - as of 03/27/09

Vacation Policy - as of 03/27/09

Due to some abuse of the new vacation policy, therefore the old vacation policy in its entirety will be back in effect as of 03/27/09.

Employees must request and receive approval for the use of vacation and/or personal leave from their Supervisor at least one month in advance of use. Any request for vacation with less than 30 days notice will have to be approved by both the Supervisor and Manager. Approval will be based on workloads and operational requirements. These requests will not be unreasonably denied.

Any disputes regarding approval of vacation may be informally taken to the Assessor-Treasurer whose determination is final.

Gretchen Borck  
Assistant to the Assessor-Treasurer

— Exhibit 9 —

**From:** Billie O'Brien  
**To:** Cindy O'Neill; Debbie Brammer; Mike Johnson; Sally Barnes  
**Date:** 3/30/2009 8:15:54 AM  
**Subject:** Time track

Gretchen has been added to time track as approver for all requests for leave for the management team per Dale.

Billie

**CC:** Dale Washam; Gretchen Borck

## SUMMARY OF KEY POINTS

1. Appraisers in the Assessor-Treasurer's Office have high workload compared with their colleagues in other jurisdictions. However, they are managing to complete the 2009 residential physical inspections in a timely manner.
2. There is no need to increase the number of appraisers at this time because the Assessor-Treasurer's Office does not have to conduct physical inspections in 2009 that were scheduled but not conducted in 2008.
3. The Department of Revenue encourages submission of a new county revaluation plan. This report recommends that the Assessor-Treasurer propose to the state a new six-year county revaluation plan for 2010 to 2015 that re-schedules physical inspections.
4. There is no reason to believe that individual property taxpayers were harmed by missed physical inspections of their homes in the past. Tax revenues are likely to have been lower than if all physical inspections had been conducted as scheduled.
5. The Assessor-Treasurer's Office could absorb a budget reduction of \$150,000 without layoffs.

### Note on Compliance with Audit Standards

We conducted this special study in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit work to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained in the short time available for the study provides a reasonable basis for our findings and conclusions based on the audit objectives.

Time was not available for a technical review of a draft report by the Assessor-Treasurer, but the Council chair has indicated that the Assessor-Treasurer will have an opportunity to testify at the March 31 public hearing on the supplemental budget ordinance.



Rob McKenna  
**ATTORNEY GENERAL OF WASHINGTON**  
1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

April 1, 2009

Dale Washam  
Assessor-Treasurer  
Office of the Pierce County Assessor-Treasurer  
2401 South 35<sup>th</sup> Street, Rm 142  
Tacoma, WA 98409-7498

Dear Mr. Washam:

I am aware that you spoke to Attorney General McKenna several days ago concerning the process by which property appraisals were performed in Pierce County over the past several years. I am also in receipt of your letter, addressed to General McKenna and dated March 25, 2009, addressing these same concerns. As the Attorney General's Chief Deputy, I wanted to respond personally to your concerns.

As a jurisdictional matter, the Office of the Attorney General is limited to providing legal advice to "state officers" and such other duties as may be prescribed by law. See Washington State Constitution, Article III, §21. While the matters you raise are indeed concerning on their face, I am unaware of any statutory authority that would grant this office jurisdiction to act on your behalf, as a county official, to rectify the issues you raise. Because this appears to involve matters of local concern, appropriate legal guidance should be sought from the Office of the Pierce County Prosecutor. In the same way that we serve as the lawyers for state officers and agencies, the Pierce County Prosecuting Attorney's Office is charged with providing legal advice on all legal matters arising out of actions or omissions by county officials, employees and agencies.

In the meantime, I am sorry that I am unable to assist you as you request. But I am familiar with Pierce County Prosecutor Gerry Horne and his staff and I have every confidence that they will be able to provide you with the legal advice you need as you work through this issue.

Sincerely,

  
BRIAN T. MORAN  
Chief Deputy Attorney General

BTM:kw

- Exhibit 12 -



**Washington State Auditor**  
**Brian Sonntag**

April 6, 2009

Dale Washam  
Pierce County Assessor-Treasurer  
2401 South 35<sup>th</sup> St., Room 142  
Tacoma, WA 98409-7498

Dear Mr. Washam:

Thank you for your letter of March 25 regarding property inspections in Pierce County.

We have contacted the state Department of Revenue officials, who told us they are aware of the issue. They said the Department is working with your office and the Pierce County internal auditor to bring the County into compliance with state law. Therefore, we will not be opening an investigation into this matter.

Please contact me at (360) 902-0363 if you have further questions.

Sincerely,

A handwritten signature in black ink that reads "Jan M. Jutte".

Jan M. Jutte, CPA, CGFM  
Director of Legal Affairs



2401 South 60th Street, Room 142  
Tacoma, Washington 98408-7108  
Phone: 798-6111 • FAX: (253) 798-8142  
ATLAS (253) 798-6665  
www.co.pierce.wa.us/atr

*Indicate Cook*  
**REQUEST FOR A  
FULL INVESTIGATION**

To: Gerald Horne  
Pierce County Prosecuting Attorney

Dear Sir:

As the newly elected Pierce County Assessor-Treasurer I hereby request, on the behalf of the Pierce County taxpayers/citizens and upon the directive of the Washington State Attorney General's office and for the reasons set forth in the following allegations that, the Pierce County Prosecuting Attorney's office should commence a full investigation, into the falsification of the Pierce County Assessor-Treasurer's official record documents from 2001 through 2008. And the falsification of the Pierce County Assessor-Treasurer's official County Revaluation Progress Reports filed with the State Department of Revenue for the years 2001 through 2008. This should be done now to assure the taxpayer's trust and confidence in the integrity of the Assessor-Treasurer's office.

**Allegation 1.** A full investigation is needed to determine and identify what criterion was used from 2001 through 2008 to determine, which Pierce County properties would receive the fake appraiser's initials "KMP" entered onto those properties official Assessor-Treasurer's computer records i.e. "land screens". Thereby, falsely indicating on those land screens that the property had been physically inspected. It is a fact, that 181,540 Pierce County properties had the fake appraisers "KMP" listed on them, in the Pierce County Assessor-Treasurer's official computer records for the years 2001 through 2008.

**Allegation 2.** A full investigation is needed to determine who, unlawfully caused false data to be entered into the Assessor-Treasurer's official computer records regarding physical inspections on Pierce County residential properties for the years 2001 through 2008.

**Allegation 3.** A full investigation is needed to determine why the commercial appraisers in the Pierce County Assessor-Treasurer's office did not do the required physical inspections on Pierce County commercial properties for over four years in the time period between the years 2001 through 2008. Physical inspections are required by law as set forth in RCW 84.41.041.

**Allegation 4.** A full investigation is needed to determine who was responsible for falsifying thousands of physical inspections of residential and commercial properties. Those said physical inspections were falsely reported as being completed in the Pierce County Assessor-Treasurer's official Revaluation Progress reports filed with the State Department of Revenue for the years 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.



## Summary

This request for a full investigation is being made to protect the interest of the Pierce County taxpayer from any future unlawful wrongdoing in the Assessor-Treasurer's office such an investigation will expose the unlawful and wrongful actions, as set forth in said Allegations One, Two, Three and Four.

A full investigation is needed now, to assure the taxpayer's trust and confidence in the integrity of the Assessor-Treasurer's office. It is a fact, that there is substantial evidence in the Assessor-Treasurer's official records to support each of the four allegations set forth herein. Falsification of official public record documents is a violation of both federal and state law.

Dated May 5<sup>th</sup>, 2009

Respectfully Submitted,

*Dale Washam*

Dale Washam  
Assessor-Treasurer

Pierce County

# Memo

Gerald A. Horne  
Prosecuting Attorney



**To:** Dale Washam, Pierce County Assessor Treasurer  
**From:** Gerald Horne, Pierce County Prosecuting Attorney *Gerry Horne*  
**Date:** 5/11/2009  
**Re:** Your Request for Investigation

In your undated letter received May 5, 2009, you state that you request "upon the directive of the Washington State Attorney General's office . . . [that] the Pierce County Prosecuting Attorney's office should commence a full investigation, into the falsification of the Pierce County Assessor-Treasurer's official record documents from 2001 through 2008." You then list "allegations" concerning three matters occurring during that time frame: the entry of the initials "KMP" upon certain Assessor-Treasurer computer records, the failure to conduct physical inspections of property, and false reports to the Department of Revenue that such inspections had occurred.

The Attorney General's Office did not issue any "directive" concerning the commencement of an investigation by this office. In his April 1, 2009 letter to you, Chief Deputy Attorney General Brian Moran stated:

Because this appears to involve matters of local concern, appropriate legal guidance should be sought from the Office of the Pierce County Prosecutor. In the same way that we serve as the lawyers for state officers and agencies, the Pierce County Prosecuting Attorney's Office is charged with providing legal advice on all legal matters arising out of the actions or omissions by county officials, employees and agencies. (Emphasis added.)

My office has previously responded to your request for legal advice concerning the physical inspections issue; in a January 26, 2009 memorandum you have since made public, Deputy Prosecutor David Prather advised that you have no obligation to correct assessments made in your predecessor's administration that may have been based upon valuations determined without required physical inspections, and, indeed, you "have no legal authority to do so." After reviewing the matter from a somewhat different perspective, Performance Audit Coordinator Matt Temmel concluded as follows in a March 30, 2009 report to County Council: "There is no reason to believe that individual property taxpayers were harmed by missed physical inspections of their homes in the past. Tax revenues are likely to have been lower than if all physical inspections had been conducted as scheduled."

In 2005 you were one of four citizens who brought a recall petition against your predecessor, raising the same three issues: the initials, the failure to conduct physical inspections, and the reports to the DOR. *In re Ken Madsen*, Pierce County Superior Court Case No. 05-2-05329-7.

After a full evidentiary hearing, Judge William Thomas McPhee on April 22, 2005 entered written findings against petitioners in all respects. Of particular interest, in regard to any potential criminal investigation now, is the specific finding on page 2: "The Court further finds that there is a 'legally cognizable justification' for Mr. Madsen's actions and therefore Charge #2 is not legally sufficient." Charge #2 involved the alleged false reports to DOR, and so included elements of both the use of KMP initials and the failure to make the physical inspections. Judge McPhee's order was not appealed. The burden of proof in a criminal case is, of course, much higher than that in a recall matter.

In any event, my office (like other prosecutor offices in this state) relies upon local police agencies to conduct criminal investigations, and we make charging decisions based upon the detectives' investigative work. When the issues involve former and present county elected officials, I would have the option of requesting that another prosecutor's office review a police investigation. However, as per the above discussion, I frankly do not believe that the use of further investigative resources is warranted.

Should you wish to discuss this further please contact me.

Cc: Douglas Vanscoy, Chief Civil Deputy Prosecutor; Roger Bush, Pierce County Council Chair; Executive Pat McCarthy

Dale Washam, Assessor-Treasurer

**"Our office works for you, the taxpayer"**

Dale's Bulletin Archive

**May 7th, 2009**

The Pierce County Code (3.12.010) states that the County Council  
"...recognizes the need for integrity in government and recognizes that the  
people of Pierce County consider governmental service to be a public trust."  
I agree with that premise.

I believe it becomes the responsibility of the citizens and every public  
official to ensure this integrity is preserved and respected in all government  
offices.

With this responsibility in mind and because of the trust you have placed in  
me, I sent this document to the Pierce County Prosecuting Attorney on  
5/5/2009, requesting an investigation be made into alleged falsification of  
the Assessor-Treasurer's office records and County Revaluation Progress  
Reports regarding physical inspections for the years 2001 through 2008.

As your Assessor-Treasurer, I have no control over what actions, if any,  
county authorities take from here. However, I believe I have done my duty  
as your Assessor-Treasurer in requesting that the above investigation be  
done.

I want you to know I have implemented an expedited plan of action that will  
allow the Assessor-Treasurer's office to meet its ongoing property  
inspections obligation. I will continue to work honestly and diligently on  
your behalf.

.....  
**April 16th, 2009**

On April 3, 2009, I received a reply from the State Attorney General's office  
that states "*Because this appears to involve matters of local concern,  
appropriate legal guidance should be sought from the Office of the Pierce  
County Prosecutor.*"

On April 9, 2009, I received a reply from the State Auditor's office that  
states "*We have contacted the state Department of Revenue officials, who  
told us they are aware of the issue. They said the Department is working  
with your office and the Pierce County internal auditor to bring the County  
into compliance with state law. Therefore, we will not be opening an  
investigation into this matter.*"

On April 6, 2009, I received a notice from the Human Resource Director  
that an Equal Employment Opportunity (EEO) Discrimination Complaint  
had been filed against me by an un-named person. Said notice states "*Please*  
<http://www.co.pierce.wa.us/text/abtus/ourorg/at/bulletinarchive.htm>

- Exhibit 16 -

*be advised that the Human Resources Department has retained a contracted investigator, ... , to conduct this investigation. Please also be advised that it is County practice that the Department in which the complaint arose bears the entire cost of the investigation. Typically, an EEO investigation will cost approximately \$15,000 to \$30,000, depending on the complexity and length of the investigation."*

Human Resources, a County Department appears to have the authority to commence an EEO investigation against an elected official costing the taxpayer "approximately \$15,000 to \$30,000" on an un-named person's bogus complaint.

While a state agency seems to have very little authority to investigate wrong doing against the taxpayers.

You the taxpayers are my employer - please email me at my office and give me your thoughts on the above. ([dwasham@co.pierce.wa.us](mailto:dwasham@co.pierce.wa.us))

**April 1st, 2009**

On 03-25-2009 I sent to the Washington State Attorney General - Rob McKenna and Washington State Auditor - Brian Sonntag, on the behalf of the Pierce County Citizens /Taxpayers, a request for full investigations into any violations of law regarding Physical Inspections and the actions thereto. You can click the following links to view copies of my requests to [Attorney General Rob McKenna](#) and [State Auditor Brian Sonntag](#).

---

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## Project Team

DATE: May 19, 2009

TO: Mike Johnson, Project Lead

FROM: Sally Barnes & Cindy O'Neill

SUBJECT: Identify the projects from the meeting with Albert Ugas this morning.

The following is the list of Projects that were identified during the meeting with Albert Ugas this morning and includes additional projects identified previously by Mike's team:

Project #1: Management / Production Reporting  
Project #2: Automated Vehicle Locator (AVL) / Routing  
Project #3: RealWare Version 5 Conversion  
Project #4: Incorporate Administrative with Management Reporting

### Additional Duties:

1. Testing Coordination / Implementation
  - o Ascend – Fall Release / HP1
  - o RealWare – 4.17
2. METADATA
3. Workflows:
  - o Destroyed Property
  - o 3 Year Exemptions
  - o Sales Questionnaires
  - o Protest Letters
  - o Contact Tracking

- Exhibit 17 -

Project Meeting - Message (Plain Text)

Message

Reply Reply Forward Delete Move to Create Other Block Categorize Follow Mark as to All to All Folder Rule Actions Sender Up Unread Select Responses Actions Unread mail Options Find Related Select Find

From: Mike Johnson  
To: Gretchen Bork  
Cc: Albert Ugas; Cindy O'Neill; Sally Barnes  
Subject: Project Meeting

Sent: Tue 5/19/2009 3:39 PM

At 10:00 AM on May 19th a meeting was held to discuss the Management Reporting project, as well as other special projects. In attendance were:

Albert Ugas  
Sally Barnes  
Cindy O'Neill  
Mike Johnson

3 main projects were identified:

- 1) Management/Production Reporting
- 2) AVL/Routing
- 3) RealWare version 5 conversion

Mike was identified as the lead for the project(s), and Albert as the management representative.

A copy of the physical inspection report that Gary Dill was presented. This will replace the Excel spreadsheets currently being used and should be in production by May 27th.

It was decided that we would try to have Linda Gerull for IT/GIS out next week to give a demo of the vehicle location/routing technology that she can provide.

An update on the status of the RealWare wireless connectivity project was given.

**From:** Sue Wahlberg [swahlbe@co.pierce.wa.us]  
**Sent:** Tuesday, May 05, 2009 8:44 AM  
**To:** Gretchen Borck  
**Subject:** Mr. Washam's Interview

Gretchen,

Diane is ready to schedule Mr. Washam for an interview. She has suggested the following:

Tues. (May 12<sup>th</sup>) 9:30 – noon; or 10-2 with lunch break

Wed. (May 13<sup>th</sup>) 9:30 –noon; or 10-2 with lunch break

Thurs (May 14<sup>th</sup>) 9:30 – noon, or 10-2 with lunch break

Please let me know what works the best for his schedule and I will send the appointment through Outlook.  
Thank you for your assistance. Sue

Sue Wahlberg  
Administrative Assistant  
Human Resources Department

Pierce County, Washington  
*"Window to Northwest Grandeur"*

Telephone: (253) 798-6174  
Fax: (253) 798-7489

8/6/2009

— Exhibit 19 —

**Diane Hess Taylor**  
**Employment Law Consultant**  
DianeHessTaylorLaw@comcast.net ; 206 227-1554

May 13, 2009

Dale Washam  
Pierce County Assessor-Treasurer  
Pierce County Assessor-Treasurer's Office

Via Email and  
Pierce County Routing

Re: Investigation of Complaints of Discrimination and Retaliation

Dear Mr. Washam:

I am writing to request that you contact me or Sue Wahlberg in Pierce County Human Resources to confirm an interview time. So far, we have not received a response from you in our attempts to schedule your interview. Most recently, I left a message on your voicemail last Thursday, May 7, providing 3 possible dates, with 6 possible timeframes. Several days prior to that, your assistant Ms. Borck was provided with the same dates and times to confirm with you (May 12, 13, or 14).

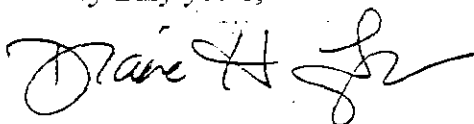
Your response to the allegations is important to the investigation, and I'd prefer to have your input before concluding the investigation. Please confirm one way or another whether you intend to participate in an interview. Sue Wahlberg can be reached at (253) 798.6174.

I can offer these dates/times next week for your interview:

Tuesday May 19, a 3-hour block anytime between 9:30 and 3:30;  
Thursday May 21, a 3-hour block anytime between 9:30 and 2:00.

Thank you in advance for cooperation.

Very truly yours,



Diane Hess Taylor

**Diane Hess Taylor**

---

**From:** Martha Keogh [mkeogh@co.pierce.wa.us]  
**Sent:** Friday, June 12, 2009 10:40 AM  
**To:** 'Diane Hess Taylor'  
**Cc:** Sue Wahlberg; Betsy Sawyers  
**Subject:** FW: Diane Taylor Office Tour

Diane,

In the E-Mail sequence below, is the department's response - denial to allowing the tour of the AT's Office for the investigation.

Thought you should know. Thanks! Martha

---

**From:** Debbie Young  
**Sent:** Friday, June 12, 2009 10:00 AM  
**To:** Martha Keogh  
**Subject:** FW: Diane Taylor Office Tour

FYI—I also forwarded to Sue Wahlberg since Joe and Betsy are not in this morning.

Debbie Young  
Human Resources  
x7762

---

**From:** Albert Ugas  
**Sent:** Friday, June 12, 2009 9:23 AM  
**To:** Joe Carrillo; Dale Washam; Gretchen Borck  
**Cc:** Betsy Sawyers; Debbie Young; Denise Booth  
**Subject:** RE: Diane Taylor Office Tour

Good morning Joe, we find that such tour has no relevance whatsoever to whatever the original EEO complaint might have been; therefore we will respectfully deny such request.

We can all agree this process has already dragged far too long, we look forward to its expeditious resolution.  
Thx, AU

---

**From:** Joe Carrillo  
**Sent:** Thursday, June 11, 2009 1:42 PM  
**To:** Albert Ugas; Dale Washam; Gretchen Borck  
**Cc:** Betsy Sawyers; Debbie Young  
**Subject:** FW: Diane Taylor Office Tour

Dale,

Is there anything else you need in order to respond to my question? We need to get this investigation completed. Thank you.

7/20/2009

— Exhibit 21 —

joe

**From:** Joe Carrillo  
**Sent:** Tuesday, June 02, 2009 4:32 PM  
**To:** Albert Ugas  
**Cc:** Dale Washam; Gretchen Borck  
**Subject:** RE: Diane Taylor Office Tour

No problem. Diane Taylor has asked if she could get a tour of the office in order to give her a frame of reference when people describe a location or a work site or changes to work sites. Thanks.

joe

**From:** Albert Ugas  
**Sent:** Tuesday, June 02, 2009 2:50 PM  
**To:** Joe Carrillo  
**Cc:** Dale Washam; Gretchen Borck  
**Subject:** Diane Taylor Office Tour

Good afternoon Joe, this message is in regards to our phone conversation of a few minutes ago, whereby you inquired whether or not it would be possible to allow Ms. Diane Taylor a tour of the Assessor-Treasurer's office. In order for Dale to properly consider such request, I need to ask you to please submit it in writing first, an email would be fine. It facilitates the process when Dale has a document he can review prior to discussion.

Sincerely,

Alberto Ugas  
Deputy Assessor-Treasurer

7/20/2009

**Diane Hess Taylor**  
**Employment Law Consultant**  
DianeHessTaylorLaw@comcast.net ; 206 227-1554

May 8, 2009

Gretchen Borck, Assistant to the Assessor/Treasurer  
Pierce County Assessor/Treasurer's Office

Conveyed by Email  
and Pierce County Routing

Dear Ms. Borck,

I look forward to receiving your response to my summary of our interview on Monday, April 27, 2009. Please schedule our follow up interview through Sue Wahlberg.

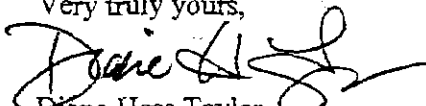
I am writing to request documents to assist in my investigation. Please forward the following documents to Sue Wahlberg at Pierce County Human Resources. Electronic copies are fine if that's easiest for you.

1. All department meeting minutes of management team meetings held between January 20, 2009 and the present;
2. Gretchen Borek's meeting minutes of all meetings, whether group or one-on-one, where the topic discussed was the lack of physical inspections during the Madsen administration;
3. Gretchen Borck's meeting minutes of Dale Washam's May 4, 2009 meeting with Albert Ugas.

Please include all handwritten notes taken at the time and any updated or typed notes prepared after such meetings.

Thanks in advance for your help on this.

Very truly yours,

  
Diane Hess Taylor

*Invest in your Best Resource--People*

- Exhibit 22 -