Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

September 13, 2016

Dmitri Iglitzin
Laura Ewan
Schwerin Campbell Barnard Iglitzin & Lavitt LLP
18 W Mercer St, Suite 400
Seattle, WA 98119

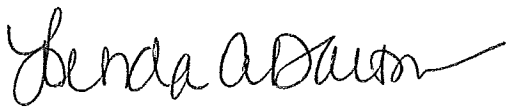
RE: Citizen Action Notice against Evergreen Freedom Foundation – Acknowledgement of Receipt

Dear Mr. Iglitzin & Ms. Ewan:

I am writing on behalf of the Attorney General's Office to acknowledge the citizen action notice and complaint received from you on behalf of the Campaign to Prevent Fraud and Protect Seniors. The notice was received on Tuesday, August 30, 2016. It alleges violations of the state campaign finance disclosure laws contained in RCW 42.17A. By this letter, I am also notifying the Freedom Foundation of the receipt of your notice and providing it a copy.

Pursuant to RCW 42.17A.765, the 45 days from receipt of the notice expires on October 14, 2016. Once this matter has been reviewed and addressed by the Attorney General's Office, I will provide you information concerning its resolution. Until then, if you have any questions, please advise. Thank you.

Sincerely,



LINDA A. DALTON
Senior Assistant Attorney General

LAD:sh
Enclosure
cc: Darwin Roberts, Deputy Attorney General
Tom McCabe, Evergreen Freedom Foundation - Respondent
Jon Tunheim, Thurston County Prosecuting Attorney
Bcc: Evelyn Fielding Lopez, Public Disclosure Commission

Schwerin Campbell Barnard Iglitzin & Lavitt LLP
ATTORNEYS AT LAW
Of Counsel Lawrence Schwerin

DMITRI IGLITZIN
iglitzin@workerlaw.com

Original via UPS Overnight Delivery

August 29, 2016

Bob Ferguson
Attorney General, State of Washington
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

Jon Tunheim
Thurston County Prosecuting Attorney
2000 Lakeridge Dr S.W., Building 2
Olympia, WA 98502

Re: Notice of Violations of RCW 42.17A
SCBIL File No. 6544-001

Dear Mr. Ferguson and Mr. Tunheim:

My firm is writing to you on behalf of the Campaign to Prevent Fraud and Protect Seniors to bring to your attention the fact that Evergreen Freedom Foundation, d/b/a Freedom Foundation ("the Foundation"), appears to have violated, and appears to be continuing to violate, several provisions of RCW 42.17A. Please consider this letter our 45-day notice pursuant to RCW 42.17A.765(4).

Summary of Notification

The Foundation has failed to comply with the reporting requirements called for under RCW 42.17A.255 and WAC 390-16-063(1), among other laws and provisions, applicable to entities that are not political committees that make independent expenditures in support of or in opposition to any candidate or ballot proposition.

These violations specifically include, but are not limited to, the requirement that such an entity file C-6 reports in relation to the in-kind support expended by it of a value of $100 or more in opposition to a state-wide ballot initiative, as well as failure to register as a political committee. As outlined herein, there is sufficient evidence to support this allegation.

If your office does not commence an action concerning this issue within forty-five days of the date of this letter, our clients intend to commence a citizen action as authorized under 42.17A.765(4).

Failure to File C-6 Reports Regarding Independent Expenditures In Opposition To State-Wide Ballot Propositions As Required By RCW 42.17A.255 And WAC 390-16-063(1)

18 West Mercer St, Ste 400 | (206) 285.2828 TEL
Seattle, Washington 98119 | (800) 238.4231 TEL
workerlaw.com | (206) 378.4132 FAX

The Foundation is obligated to comply with the reporting requirements called for under RCW 42.17A.255 and WAC 390-16-063(1) that apply to entities that are not political committees when they **make independent expenditures in support of or in opposition to any candidate or ballot proposition**—specifically, but not limited to, the requirement that it file C-6 reports in relation to the in-kind support expended by it of a value of $100 or more in opposition to a ballot initiative. RCW 42.17A.255(2) states:

> Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

Furthermore, WAC 390-16-063 states:

> Additional information regarding independent expenditures and C-6 report filing.
> (1) RCW 42.17A.255 requires a person not otherwise subject to the disclosure requirements of Chapter 42.17A RCW to disclose an independent expenditure of one hundred dollars or more that supports or opposes a candidate or ballot measure.

The Foundation has engaged in independent expenditures in opposition to I-1501, a statewide ballot initiative, through its substantial and continuing in-kind contribution of its staff time. The Foundation has not filed any C-6 reports to document those expenditures, in violation of Washington State law.

For example, Maxford Nelsen, the Foundation's Director of Labor Policy, appears in that capacity as one of the individuals writing the "no" statement in the Statewide Voters' Guide, along with several other Foundation-affiliated individuals.[1] *See* **Exhibit A**. The "committee" in opposition to I-1501—which is *not* registered as a political committee with the PDC, as discussed below—lists a contact phone number that just so happens to be Mr. Nelsen's contact number at the Foundation, a number he previously provided to the PDC.[2] The opposition

[1] The other committee members listed in **Exhibit A** include Brad Boardman, Mary-Jane Aurdal-Olson, and Tim Benn, stars of Foundation ads attacking SEIU 775. *See* **Exhibit B** (names highlighted for ease of reference). Mr. Boardman and Ms. Aurdal-Olson were also represented by the Foundation in litigation. Attached as **Exhibit C** is a PERC complaint where both were complainants, represented by the Foundation, in a challenge to SEIU 775's certification status as bargaining unit representatives. **Exhibit D** contains both declarations in support of the Foundation's position in litigation against SEIU 775. Mr. Boardman also sent out a letter, on Foundation letterhead, seeking to have union-represented employees renounce their membership in SEIU 775, which is attached as **Exhibit E**. Similarly, Mr. Benn was represented by the Foundation in litigation involving SEIU 925. *See* **Exhibit F**.
[2] *See* https://www.pdc.wa.gov/sites/default/files/compliance_case_files/15050.CUI.pdf at pg. 10.

statement itself reads exactly like the Foundation blog posts opposing the measure—which Mr. Nelsen and his coworker Jeff Rhodes authored. *See* **Exhibits G** and **H.**[3]

Additionally, the Foundation is representing the "no" side at the Seattle Times Editorial Board endorsement interviews. Mr. Nelsen has corresponded with the Times via his Foundation email account to coordinate his appearance in his capacity as the Foundation's Director of Labor Policy to speak in opposition to I-1501. *See* **Exhibit I.** His opposition interview is slated to occur on or about September 26, 2016.

Finally, there have been multiple "Freedom Update" video blog posts opposing the initiative that are posted on the Foundation's website. *See* **Exhibit J.**[4]

These expenditures, which clearly have a value of $100 or more, should have been reported to the PDC on a C-6 as independent expenditures, as they were not "contributions to a registered political committee," and were not made in coordination with such a committee. But there have been no C-6 reports filed to document the Foundation's expenditures in opposition to I-1501 to date.

Failure to Register As Political Committee In Violation of RCW 42.17A.205

Under RCW 42.17A.005, a "political committee" means any person "having the expectation of receiving contributions ***or making expenditures in*** support of, or ***opposition to***, any candidate or ***any ballot proposition***." Any such individual or group must file a "statement of organization" with the PDC, pursuant to RCW 42.17A.205. In addition, any such committee must fulfill the filing and reporting requirements of RCW 42.17A.225.

The Foundation has broadcasted its clear and undeniable opposition to I-1501, and has taken actions in preparation for, and made expenditures in furtherance of, their stance in opposition to this ballot proposition. It has set up a "committee" composed entirely of Foundation representatives to oppose I-1501, including a salaried employee of the Foundation, in order to draft opposition statements to I-1501—which was most likely drafted by Mr. Nelsen himself, in furtherance of the Foundation's opposition to the ballot proposition. It has reserved a

---

[3] **Exhibit G** is a post written by Jeff Rhodes titled "I-1501 isn't about privacy; it's about protecting the unions' monopoly over public information," published on July 22, 2016, which is available at http://www.freedomfoundation.com/blogs/liberty-live/i-1501-isn%E2%80%99t-about-privacy-it%E2%80%99s-about-protecting-the-unions%E2%80%99-monopoly-over-public. **Exhibit H** is a post written by Maxford Nelsen titled "Six Ways SEIU 775 Is Getting Around Harris v. Quinn," published on May 18, 2016, which is available at http://www.freedomfoundation.com/blogs/liberty-live/six-ways-seiu-775-is-getting-around-harris-v-quinn.

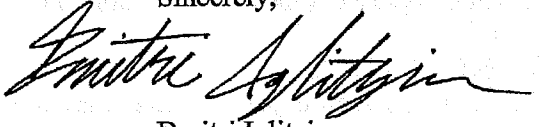
[4] **Exhibit J** shows both recent video posts in opposition to I-1501: "The Freedom Update – Episode 131" (opposing I-1501), available at https://www.freedomfoundation.com/blogs/the-freedom-update/the-freedom-update-episode-131; and "The Freedom Update – Episode 132" (in quoting Rob McKenna on his opposition to I-1501, "we couldn't have said it better."), available at https://www.freedomfoundation.com/blogs/the-freedom-update/the-freedom-update-episode-132.

web domain and set up an email address for the committee (in obvious preparation for its continued, and perhaps intensified, opposition to I-1501), which is an additional expenditure.[5]

The Foundation therefore should have *at least* registered its "1501 Truth" committee with the PDC. However, it has not filed a C-1pc and, as outlined above, it has not reported *any* of its expenditures to the PDC.

If you have any questions, or if there is anything we can do to assist you in complying with our request, please do not hesitate to contact us. We look forward to hearing from you.

Sincerely,



Dmitri Iglitzin
Laura Ewan

Enclosures

[5] The website creators have purchased additional security protections to mask their identity. Attached as **Exhibit K** is the publicly-available domain registry information for "1501truth.com," which shows that the entity that purchased the domain has also purchased the additional service that allows a proxy organization to appear as the registrant organization. "Domains by Proxy" is GoDaddy's proxy service to protect a domain's owner's identity.

EXHIBIT A

Laura Ewan

From:
Sent:
To:
Subject:
Attachments:

[redacted]

[redacted]

Begin forwarded message:

From: Info Yes On 1501 <info@yeson1501.com>
Date: August 12, 2016 at 7:08:28 PM PDT

[redacted]

Begin forwarded message:

From: Elections - Voters Pamphlet <voterspamphlet@sos.wa.gov>
Date: August 12, 2016 at 8:11:28 PM CDT
To: "vip.vera@hotmail.com" <vip.vera@hotmail.com>, "susysdaycare@hotmail.com" <susysdaycare@hotmail.com>
Cc: I-1501 campaign <info@yeson1501.com>
Subject: I-1501 Rebuttal of Voters' Pamphlet

Dear Ms. Corona and Ms. Kandrashuk,

Pursuant to RCW 29A.32.060, we are forwarding you a copy of the official argument opposition to I-1501. In cooperation with the other members of your committee, you are entitled to write a rebuttal to the argument.

Rebuttals may consist of up to 75 words. Only 1 paragraph is allowed with no headings. Your rebuttal may not include bold, underlining, or all caps. Only italics are permitted for emphasis. Websites are *not* permitted in the rebuttal. The rebuttal must deal only with matters referred to, or contained in, the initial argument; you may not interject any new issues.

Please note that the attached argument has not been formatted for the voters' pamphlet.

The deadline for submitting your rebuttal is **5:00 p.m.** on **August 19, 2016.** We appreciate receiving your rebuttal no later than this deadline. Please email the rebuttal to voterspamphlet@sos.wa.gov.

Please don't hesitate to contact me if you have any questions.

Thank you,

Jackie Wheeler | Voter Education & Outreach Specialist
Office of the Secretary of State
(360) 902-4143 | www.vote.wa.gov

Committee Roster:

Brad Boardman, in-home caregiver who left SEIU
Mary Jane Aurdal-Olson, in-home caregiver who left SEIU
Tim Benn, family child care co-owner and advocate
Deborah Thurber, Spokane area family child care provider and advocate
Toby Nixon, President of Washington Coalition for Open Government
Maxford Nelsen, Director of Labor Policy, Freedom Foundation

Committee Contact Information:

Committee telephone number: (360) 362-3991
Committee email address: info@1501truth.com
Committee website: 1501truth.com

I-1501 Con Statement for Voter's Pamphlet

Please vote no. Initiative 1501 isn't what it claims to be. It was given a title deceptive as to its true purpose. Initiative 1501 is an attack on vulnerable individuals by a powerful special interest that has poured over $1.2 million into funding it.

Initiative 1501 was written by Service Employees International Union (SEIU). Its goal is to rewrite the Public Records Act to prevent in-home caregivers and childcare providers from learning they can no longer can be forced to pay union dues.

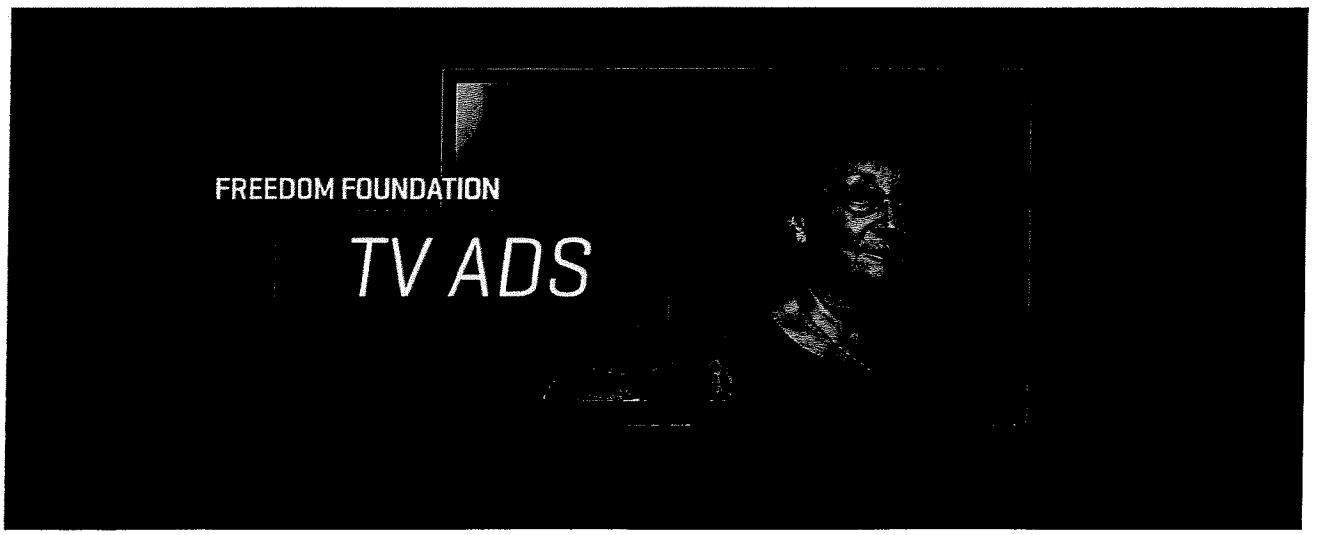
Through Initiative 1501, SEIU ensures that it, and only it, will still receive caregivers' information — even Social Security numbers — so it can continue capturing over $20 million in dues from these individuals every year. Caregivers have the right to stop paying SEIU, but the State isn't informing them of their right. If Initiative 1501 passes, caregivers will not even be able to contact each other to discuss issues of common concern.

Initiative 1501 is a shameless attempt by a powerful special interest to diminish government transparency and the rights of hard-working caregivers. Our strong government transparency laws should not be weakened to oppress low wage workers. Every person deserves to know his or her rights. Initiative 1501 empowers only the already-powerful.

Our Public Records Act, one of the best in the nation, shouldn't be manipulated for the enrichment of a wealthy special interest and for the purpose of keeping in-home caregivers and childcare workers in the dark.

EXHIBIT B

TV Ads | www.freedomfoundation.com



We tell the stories of individuals who would otherwise have no voice—we get to be their vessel and their advocate.

Educating captive union members and the public is critical to freeing these individuals from union tyranny. If we were to just say "unions don't care about their members" no one would believe us. But when share with you a real person with a real life and tell you their story, then you get it.

These are strong individuals. Their courage in going on camera to stand up to an oppressive and bullying union is remarkable. If it weren't for people like them, the unions would get what they want—unrivaled, unchallenged control. We need to end this and make unions accountable for their actions.

We are building awareness and making an impact—we are bringing this issue to light and letting union members know they are not alone.

Rosetta Horne

Brad Boardman

Waterville Teachers

Todd Hausman

Beverly Pearson

Mary Jane

Maria Bosworth

Andrea Henry

Sandra LaCelle

Lynn Navares

Search

Upload

Sign in

Tim and Shannon Benn

Tim and Shannon Benn

Freedom Foundation

Subscribe 1K

614 views

Add to Share More 6 2

Published on Aug 7, 2015

The Benns own and operate Little Precious Ones Daycare from their Spokane home, and have long believed the state's Department of Early Learning was far too heavy-handed in its regulations.

SHOW MORE

COMMENTS 4

Add a public comment...

Top comments

Jeremy McMahan 1 year ago

Great story. Thanks for sharing it and for helping the Benns.

Reply

NWGrassroots 1 year ago

Great story guys - Tim and Shannon are the perfect example of what Americans need to be like.

Reply

Josh Gilbert 11 months ago

Bless you courageous warriors!

Reply

John Sharp 1 year ago

STAY THE COURSE..To PRESERVE their rights to conduct their business as Independent Business Owners. John Sharp, Great Grandfather & Disabled Korean War Veteran.

Reply

Up Next Autoplay

Freedom Foundation Files Campaign
Freedom Foundation
317 views

The Freedom Update - Episode 136
Freedom Foundation
259 views NEW

We're Sorry
Freedom Foundation
6,236 views

Mary Jane's Story
Freedom Foundation
3,443 views

Daycare owner says new state rules go too
KXLY
121 views

2015 08 17 Spokane City Council Meeting
spokaneman68
101 views

The Freedom Update - Episode 135
Freedom Foundation
307 views

Global News Calgary - Daycare Concerns
Michele Serpanchy
431 views

Healthcare and Childcare
mbrocollegeofficial
394 views

The Freedom Update - Episode 83
Freedom Foundation
398 views

Wall Street Journal Telling Freedom
Freedom Foundation
166 views

Vote Tim Benn for State Representative
Tim Benn

Search

68 views Upload Sign In

Banned word sparks free speech debate at
KXLY
71 views

Toddler Time Home Daycare
T Diane
43 views

Ready in 3 for Child Care Providers
Missouri Health
1,497 views

Childcare Choices for Your Baby (Baby
Healthguru
16,465 views

Kansas Child Care Licensing Diapering
Idchealth
965,199 views

New daycare regulations
WIAT42
8 views

Wind in the Willows Childcare - After
Howard Jackson
44 views

Daycare Regulations
KIFI Local News 8
6 views

SHOW MORE

Language: English | Country: Worldwide | Restricted Mode: Off | History | Help

About Press Copyright Creators Advertise Developers +YouTube
Terms Privacy Policy & Safety Send feedback Try something new!

EXHIBIT C

STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION
MICHAEL P. SELLARS, EXECUTIVE DIRECTOR
112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax: (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

January 28, 2015

VIA EMAIL ONLY

Re: State – Office of the Governor
Case: 26973-U-15-6878

Dear Parties:

Enclosed is a copy of a case that was filed with our agency. This is a courtesy copy for your records and may not include a complete copy of the filing. All parties are responsible to serve the other parties under WAC 391-08-120.

You may contact our office by email at info@perc.wa.gov or by phone at 360.570.7300. Please reference the specific PERC case number in all correspondence.

Very Truly Yours,

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Michael P. Sellars
Executive Director

Enclosure

PUBLIC EMPLOYMENT RELATIONS COMMISSION

112 HENRY STREET NE SUITE 300
PO BOX 40919
OLYMPIA, WASHINGTON 98504-0919

NOTICE OF CASE FILING - ISSUED 01/28/2015

A case has been opened on the docket records of the Public Employment Relations Commission, as indicated below. You will be notified when a meeting or hearing is scheduled. Please refer to the case number in any correspondence or formal papers concerning the case.

Notices, correspondence and Commission's orders will be served by the agency only on the parties and their representatives as listed in the docket records. Any additions or corrections to the information set forth below should be forwarded to the Commission, in writing, as soon as possible.

CASE NUMBER:	26973-U-15-06878	FILED:	01/27/2015	FILED BY:	PARTY 2
DISPUTE:	UN MISC ULP				
DETAILS:	Against Union				
COMMENTS:					

EMPLOYER: STATE - OFFICE OF THE GOVERNOR
ATTN: GLEN CHRISTOPHERSON
210 11TH AVE SW STE 331
OLYMPIA, WA 98504-3113
labor.relations@ofm.wa.gov
Ph1: 360-902-7316

PARTY 2: BRADLEY BOARDMAN
ATTN:
808 CROWN DR
EVERETT, WA 98203
brblaptop@frontier.com
Ph1: 425-344-9151

REP BY: JAMES ABERNATHY
FREEDOM FOUNDATION
PO BOX 552
OLYMPIA, WA 98507
Ph1: 360-956-3482

REP BY: DAVID DEWHIRST
FREEDOM FOUNDATION
PO BOX 552
OLYMPIA, WA 98507
Ph1: 360-956-3482

PARTY 3: SEIU HEALTHCARE 775NW
ATTN: DAVID ROLF
215 COLUMBIA STREET
SEATTLE, WA 98104-1511
david.rolf@seiu775.org
Ph1: 206-538-5702

PUBLIC EMPLOYMENT RELATIONS COMMISSION
112 Henry Street NE, Suite 300, Olympia WA 98506
PO Box 40919, Olympia WA 98504-0919
Phone: 360.570.7300 Email: filing@perc.wa.gov
Web: www.perc.wa.gov

UNFAIR LABOR PRACTICE COMPLAINT

RECEIVED
OLYMPIA, WA
JAN 27 2015
PUBLIC EMPLOYMENT RELATIONS COMMISSION

☐ Amended Complaint in Case # _____ Applicable Rules: Chapters 10-08, 391-08, and 391-45 WAC

PARTIES Include information for all parties involved.

COMPLAINANT Bradley R Boardman
Contact
Address 808 Crown Drive
City, State, ZIP Everett, WA 98203
Telephone (425) 344-9151 Ext.
Email brblaptop@frontier.com

RESPONDENT SEIU Healthcare 775NW
Contact
Address 215 Columbia Street
City, State, ZIP Seattle, WA 98104
Telephone (866) 371-3200 Ext.
Email

EMPLOYER Governor Jay Inslee
Contact
Address PO Box 40002
City, State, ZIP Olympia, WA 98504-0002
Telephone (360) 902-4111 Ext.
Email

ALLEGED VIOLATION

Indicate if the alleged violation is against:

☐ Employer ☒ Union ☐ Both*

***Note:** If the violation is against both the union and employer, two separate complaints must be filed with two statements of facts describing the alleged violation against each.

STATEMENT OF FACTS and REMEDY REQUESTED

Attach on separate sheets of paper in numbered paragraphs a brief statement of the facts regarding the alleged unfair labor practice(s).

- Include times, dates, places, and participants of occurrences.
- Indicate statutes allegedly violated.
- State whether a related grievance has been filed.
- Describe the remedies requested.
- For more information refer to WAC 391-45-050.

BARGAINING UNIT

***Note:** If the alleged violation relates to more than one bargaining unit, a separate complaint must be filed for each unit.

Indicate Bargaining Unit: Individual Providers

Department or Division: Dep't of Soc. & Health Servic

Collective Bargaining Agreement:

☐ The parties have never had a contract.

☒ A copy of the most current contract is attached.

AUTHORIZED SIGNATURE FOR COMPLAINANT

Print Name Bradley R Boardman
Address 808 Crown Drive
City, State, ZIP Everett, WA 98203

Telephone (425) 344-9151 Ext.
Email brblaptop@frontier.com
Signature Bradley R Boardman Date 1/22/15

RECEIVED
OLYMPIA WA
JAN 27 2015
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

BRADLEY R. BOARDMAN, MARIA BOSWORTH, MARY JANE AURDAL-OLSON, and MARCIA RUBENSTEIN, COMPLAINANTS, v. SEIU HEALTHCARE 775NW, a labor organization, RESPONDENT.	No. **COMPLAINANTS' UNFAIR LABOR PRACTICE COMPLAINT AGAINST SEIU HEALTHCARE 775NW.**

Complainants, by and through their representatives, do hereby file this Unfair Labor Practice Complaint against SEIU Healthcare 775NW (filed concurrently with Complainants' Unfair Labor Practice Complaint against Jay Inslee as Governor of the State of Washington):

PARTIES

1. Complainants:

    a. Bradley R. Boardman: 808 Crown Drive, Everett, WA 98203; (425) 344-9151; an Individual Provider pursuant to RCW 74.39A.240;

    b. Mary Jane Aurdal-Olson: PO Box 407, Clinton, WA 98236-0407; (360) 341-2355; an Individual Provider pursuant to RCW 74.39A.240;

c. Marcia Rubenstein: 10569 Sirocco Circle NW, Silverdale, WA 98383; (360) 698-9483; an Individual Provider pursuant to RCW 74.39A.240;

d. Maria Bosworth: 750 Dusty Lane; Yakima, WA 90903; (509) 759-4527; an Individual Provider pursuant to RCW 74.39A.240.

2. Representatives for Complainants:

a. James G. Abernathy (Freedom Foundation); PO Box 552, Olympia, WA 98507; (360) 956-3482;

b. David M.S. Dewhirst (Freedom Foundation); PO Box 552, Olympia, WA 98507; (360) 956-3482.

3. Respondent: SEIU Healthcare 775NW (or "SEIU 775NW"). Since 2003, SEIU Healthcare 775NW has purported to "represent" Individual Providers in all matters statutorily reserved for the exclusive bargaining representative.

a. Address: 215 Columbia Street, Seattle, WA 98104;

b. Phone number: 66-371-3200;

c. President: David Rolf (David.Rolf@seiu775.org)

4. Respondent: Governor Jay Inslee.

a. Address: Office of the Governor, PO Box 40002, Olympia, WA 98504;

b. Phone number: 360-902-4111; Fax: 360-753-4110;

c. Governor: Jay Inslee.

PARTIES' RELATIONSHIP

5. Governor's principal business: RCW 74.39A.270(1) designates the Governor as employer of Individual Providers: "Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the

public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW."

6. Identification of the employer department or division in which the dispute arises: The Governor through the Department of Social and Health Services (or "DSHS").
7. [The parties' contractual relationship]
    a. Contractual relationship between complainant and each party: By definition, the complainants fall into the bargaining unit of Individual Providers. RCW 74.39A.270(2a): "The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers." SEIU 775NW purports to act as the exclusive bargaining representative of this bargaining unit.
    b. Collective Bargaining Agreement attached as Exhibit J.
8. Status of grievance proceedings, if any: N/A.
9. A description of the bargaining unit involved, specifying inclusions and exclusions: All Individual Providers as defined by RCW 74.39A.240(3), in accordance with RCW 74.39A.270(2a).
10. The number of employees in the bargaining unit: Approximately 33,000.

FACTS

11. In November of 2001, Washington voters approved Initiative 775, creating the Home Care Quality Authority (HCQA) and extending collective bargaining rights to all Individual Providers in the State of Washington.

12. On August 26, 2002, the state Public Employment Relations Commission (PERC) announced the results of an election which certified SEIU Local 6 as the exclusive bargaining representative of all Individual Providers in Washington. *Home Care Quality Authority, Decision #7823*; attached as Exhibit A. Of 25,501 eligible voters, 6,575 voted to be represented by SEIU Local 6 (or "SEIU 6") and 1,234 voted for "no representation."

13. SEIU 775NW came into existence in December 2002.

14. On March 19, 2003, SEIU 775NW submitted a request to PERC to transfer certification as the exclusive bargaining representative of Individual Providers from SEIU Local 6 to SEIU Healthcare 775NW. *See Union's Motion to Amend Certification*; attached as Exhibit B.

15. On April 11, 2003, PERC responded with a deficiency notice, noting that many of SEIU 775NW's claims in its petition were unsubstantiated. PERC also expressed concerns about the legality of SEIU 775NW's request. PERC requested clarification as well as submission of certain documents to substantiate SEIU 775NW's factual claims. *See PERC's Notice of Deficiency*; attached as Exhibit C.

16. On April 28, 2003, SEIU 775NW and SEIU Local 6 jointly requested a 31 day extension of the deadline to respond to PERC's notice of deficiency.

17. On May 1, 2003, PERC responded by issuing its Order on Motion for a Continuance (hereinafter "*Order*") granting a nine day extension and further expressing concerns about the legality of SEIU 775NW's request.

18. PERC stated in this *Order*, ex. K,

> . . . the purpose of representation case procedures in collective bargaining statutes is to have the *legitimacy* of bargaining relationships established or confirmed by an *impartial administrative agency*, based on the desires of the affected employees as evidenced *by the results of a confidential cross-check* of union employer records under Washington law (WAC 391-25-410) or by the *results of a secret-ballot election* (WAC 391-25-430, and -470 through -590). Although *no statute or rule expressly authorizes amendment of a certification to have one union replace another without going through an election or cross-check process*, Chapter 391-25 WAC generally authorizes the *Executive Director* to act on representation cases . . ."

Order, 3 (emphasis added).

19. In its *Order*, PERC cited *Skagit Valley Hospital*, et al., Decision 2509-A (PECB, 1987), which states,

> the continuity issue is relevant to the extent that displacement of a certified exclusive bargaining representative by a wholly separate and distinct entity would undermine our own authority to certify bargaining representatives under RCW 41.56.070 or .080 . . . [I]n an appropriate case, the "continuity" criterion would allow us to balance the policy against interference in union affairs with our interest in preserving the integrity of the *statutorily-sanctioned* representation case process.

Order, n. 2 (emphasis added).

20. In its *Order*, PERC also stated

> Although voluntary recognition can be lawful under RCW 41.56.050, the representation case procedures of the statute guard against illegitimate relationship. . . . In *City of Mukilteo*, Decision 1571-A (PECB, 1983), a voluntary recognition agreement signed by that employer's mayor requested but questioned by its city council was found invalid, *in the absence of actual proof that the union had the support of a majority of the employees in the bargaining unit.*

Order, n. 3 (emphasis added).

21. On May 8, 2003, SEIU 775NW and SEIU Local 6 filed their Response to Deficiency Notice and Amended Motion to Amend Certification (hereinafter "Response") attempting to respond to PERC's concerns noted in its Notice of Deficiency and Order. (Response attached as Exhibit D.)

22. In their response, the unions noted that, "No merger or affiliation is involved" between SEIU Healthcare 775NW and SEIU Local 6. *Response, ¶1* (ex. D).

23. On May 9, 2003, before PERC could rule on the sufficiency of the unions' Response, SEIU 775NW and SEIU Local 6 filed their Withdrawal of All Prior Motions to Amend Certification (attached as Exhibit E), thereby withdrawing all motions previously filed to transfer SEIU 6's certification as the exclusive bargaining representative for Individual Providers to SEIU 775NW.

24. Also on May 9, 2003, PERC issued its Order Closing Case, stating "The certification of Service Employees International Union, Local 6, stands as issued in Home Care Quality Authority, Decision 7823 (PECB, 2002)" and closed the case. *Decision 8064-A – PECB, "Order Closing Case."*

25. By withdrawing their Motion to Amend before PERC could rule, SEIU 775NW and SEIU 6 deprived PERC of its statutorily-required responsibility of insuring a legitimate relationship between Individual Providers, the Governor, and a union.

26. Yet, SEIU 775NW continually acted as the bargaining representative outside PERC's authority; and the Governor (including this Respondent as well as past Governors) purported to "recognize" SEIU 775NW outside PERC's authority and absent any showing of support (from Individual Providers) by SEIU 775NW.

27. SEIU 775NW has never shown it has majority support from Individual Providers, or *any* support whatsoever from Individual Providers.

28. To date, SEIU 775NW has never been certified as the exclusive bargaining representative for Individual Providers in the State of Washington.

29. Since 2002 and to date, SEIU Local 6 remains the only certified exclusive bargaining representative of Individual Providers in the State of Washington.

30. Since 2002 and to date, SEIU 775NW has negotiated seven collective bargaining agreements with the State of Washington on behalf of Individual Providers and has in all respects acted as the exclusive bargaining representative of Individual Providers.

31. Since 2002 and to date, SEIU Local 6 has not negotiated a collective bargaining agreement on behalf of Individual Providers with the State of Washington, nor acted as the exclusive bargaining representative of Individual Providers in any material fashion.

32. Since 2002 and to date, the State of Washington has not bargained with SEIU Local 6 on any collective bargaining agreement related to Individual Providers.

33. Initiative 775, passed by voters in 2001, established the Home Care Quality Authority as the legal employer of Individual Providers. SEIU 775NW initially bargained with the Home Care Quality Authority on behalf of Individual Providers.

34. Legislation passed in 2004 made the Governor the legal employer of Individual Providers. Washington State Legislature, HB2933, signed by the Governor on March 9, 2004. SEIU 775NW bargained with the Governor on behalf of Individual Providers following passage of this legislation.

35. The Home Care Quality Authority was eliminated entirely by the legislature in 2011. Washington State Legislature, HB1371, signed by the governor on June 7, 2011. Since

2002 and to date, the Governor, through the Department of Social and Health Services, has deducted dues from the pay of Individual Providers on behalf of SEIU 775NW pursuant to collective bargaining agreements bargained and executed by the Governor and SEIU 775NW.

36. On September 4, 2014, representatives of SEIU 775NW reached tentative agreement on a 2015-2017 collective bargaining agreement with Governor Inslee's negotiators. *See Article*[1] attached as Exhibit F; *see also* Tentative Collective Bargaining Agreement, attached as Exhibit G.

37. On December 5, 2014, the Office of Financial Management determined that the tentative collective bargaining agreement between SEIU 775NW and the State of Washington was "financially feasible," clearing it for submission to the legislature for approval. *See "2015-17 Financial Feasibility of CBAs and Arbitration Awards – OFM"* attached as Exhibit H.

38. On December 18, 2014, Governor Inslee released his proposed 2015-2017 budget, which included funding for the implementation of the tentative collective bargaining agreement between SEIU 775NW and the State of Washington. *See "Governor's 2015–17 Compensation Plan"* attached as Exhibit I.

39. Between 2003 and 2013, the Governors of Washington (through DSHS) deducted almost $140 million in dues and fees on behalf of SEIU 775NW, the vast majority of which was taken from the Individual Providers—individuals who never had an opportunity to

[1] Article on http://seiu775.org/clc2014/, last visited January 20, 2015.

approve or disapprove SEIU 775NW as their exclusive bargaining representative. *See LM-2 Forms*, attached as Exhibit L.[2]

40. SEIU 6 continued to independently operate (as it did before SEIU 775NW existed) after SEIU 775NW began to purport it was the exclusive bargaining representative for Individual Providers. To date, SEIU 6 still operates and represents other various public employees.

STATUTORY VIOLATIONS

41. All allegations in the above paragraphs are incorporated herein.

42. Through its acts cited above and below in this Complaint, and other acts not cited in this Complaint, SEIU 775NW also violated other statutes and committed other unfair labor practices not cited in this Complaint.

43. The unfair labor practices cited in this Complaint, and other unfair labor practices not cited in this Complaint, occurred under past collective bargaining agreements going back more than ten years, the current collective bargaining agreement within the past six months (ex. J), and the tentative collective bargaining agreement within the last six months (ex G).

RCW 41.56.150

44. RCW 41.56.150 states, in relevant part, "It shall be an unfair labor practice for a bargaining representative: (1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter. . . ."

45. SEIU 775NW committed, and continues to commit, unfair labor practices pursuant to the statutes cited in this Complaint.

[2] LM-2 forms are mandated by the federal government. The union is required to report revenue each year. The relevant portions of the LM-2 are attached. LM-2 forms are available online at http://kcerds.dol-esa.gov/query/getOrgQry.do.

RCW 41.56.040

46. RCW 41.56.040 states, "No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter." (Emphasis added.)

47. SEIU 775NW violated RCW 41.56.040 by agreeing with the Governor to "recognize"[3] itself as the bargaining representative for Individual Providers and/or bargaining on behalf of Individual Providers, because Individual Providers have never designated SEIU 775NW as the representative of their own choosing (SEIU 6 is the existing certified collective bargaining representative).

RCW 41.56.060(1)

48. RCW 41.56.060(1) reads, in part, "The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. . . . The commission shall determine the bargaining representative by: (a) Examination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards; or (c) conducting an election specifically therefor."

49. WAC 391-25-051(10) prohibits the use of cross-check procedures to determine the exclusive bargaining representative of the bargaining unit of Individual Providers. This provision prohibits the use of RCW 41.56.060(1)(a)-(b), cited immediately above, to determine the bargaining representative for Individual Providers.

[3] See Article I in the current collective bargaining agreement (ex. J) and Tentative Collective Bargaining Agreement (ex. G).

50. WAC 391-25-051(13) requires any representation election for the Individual Provider bargaining unit to be conducted by mail ballot under WAC 391-25-470.

51. SEIU 775NW violated RCW 41.56.060(1) by claiming to be, and acting as, the "sole and exclusive representative" of Individual Providers by "recognition" of itself in Article 1 of the current collective bargaining agreement (attached as Ex. J), as well as in the tentative 2015-2017 collective bargaining agreement, despite never winning a certification election to represent Individual Providers (ex. G.), and despite the Commission's prior (and currently existing) certification of SEIU 6 as the Individual Providers' exclusive bargaining representative (each reason is sufficient in itself to serve as an unfair labor practice).

RCW 41.56.080

52. RCW 41.56.080 states, "The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative . . ."

53. SEIU 775NW violated RCW 41.56.080 by negotiating and/or executing past and current collective bargaining agreements, including but not limited to the recently-negotiated tentative 2015-2017 collective bargaining agreement (ex. G), with the Governor, despite never winning a certification election to act as the exclusive bargaining representative for Individual Providers, or showing *any* support whatsoever to do so.

RCW 41.56.110

54. RCW 41.56.110 states, "Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative."

55. SEIU 775NW violated RCW 41.56.110 by instructing the Governor to deduct dues and fees from the pay of Complainant Maria Bosworth, as well as any and all Individual Providers, and accepting such payments because SEIU 775NW is not the certified exclusive bargaining representative of Individual Providers; nor has SEIU Healthcare 775NW made a showing of majority support from Individual Providers, or *any* showing of such support.

56. SEIU 775NW committed unfair labor practices pursuant to RCW 41.56.140 by interfering with Complainant's rights guaranteed in RCW 41.56.040, RCW 41.56.060(1), RCW 41.56.110, and RCW 41.56.080, and other acts not cited in this Complaint.

REMEDIES

57. All allegations in the above paragraphs are incorporated herein.

58. RCW 41.56.160(1) empowers this Commission to "prevent any unfair labor practice and to issue appropriate remedial orders." Once this Commission determines that any person has engaged in or is engaging in an unfair labor practice, the Commission "shall issue and cause to be served upon the person an order requiring the person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the

purposes and policy of this chapter . . ." RCW 41.56.160(2). (Emphases added.) This Commission is also empowered to award the payment of damages. Id.

59. Complainants seek an Order requiring SEIU 775NW to immediately cease and desist from negotiating, enforcing, or executing, any agreement on behalf of Individual Providers, or otherwise representing Individual Providers in any way.

60. Complainants seek an Order requiring SEIU 775NW to immediately instruct DSHS to cease and desist all deductions from Individual Providers' paychecks on SEIU 775NW's behalf.

61. Complainants seek a Declaration that SEIU 775NW has never been certified by PERC as the exclusive bargaining representative for Individual Providers.

62. Complainants seek a Declaration that SEIU 775NW is not the exclusive bargaining representative of Individual Providers.

63. Complainants seek damages in the amount of all payments deducted in violation of the statutes cited above; including but not limited to, all deductions from Individual Providers' paychecks on behalf of SEIU 775NW pursuant to any collective bargaining agreement bargained and executed by the Governor (any governor going back to 2002) and SEIU 775NW. This also includes amounts deducted from Complainant Maria Bosworth's paycheck, as well as any amounts deducted from Complainant Bosworth's pay since the filing of this Complaint.

    a. Alternatively, Complainants seek damages in the amount of all payments deducted in the last six months in violation of the statutes cited above; including but not limited to, all deductions from Individual Providers' paychecks on behalf of SEIU 775NW pursuant to any collective bargaining agreement bargained and

executed by the Governor (any governor going back to 2002) and SEIU 775NW. This also includes amounts deducted from Complainant Maria Bosworth's paycheck, as well as any amounts deducted from Complainant Bosworth's pay since the filing of this Complaint.

64. Complainants seek any and all other remedies PERC deems just.

Dated: January 27, 2015

Respectfully submitted,

By: _____

James G. Abernathy
Freedom Foundation
Representative for Complainants
PO Box 552
Olympia, WA 98507
(360) 956-3482

By: _____

David M.S. Dewhirst
Freedom Foundation
Representative for Complainants
PO Box 552
Olympia, WA 98507
(360) 956-3482

EXHIBIT D

☒ EXPEDITE
☐ No hearing set
☒ Hearing is set
Date: 10/16/14
Time: 10:00 a.m.
Judge/Calendar: Hon. Erik Price

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

SEIU HEALTHCARE 775NW, Plaintiff, vs. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), and FREEDOM FOUNDATION, Defendants.	No. 14-2-01903-1 **DECLARATION OF BRADLEY BOARDMAN**

I, Bradley Boardman, hereby declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct:

1. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify.

2. I am an individual provider in the State of Washington, as defined by RCW 74.39A.240.

3. Within the past six months, an unsolicited representative of SEIU Healthcare 775NW visited my home to try to get me to join and financially support the union.

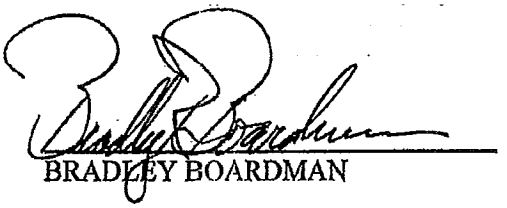
4. Within the past six months, I received an unsolicited letter in the mail from SEIU Healthcare 775NW, a true and accurate copy of which is attached as Exhibit A, seeking to induce me to join the union, authorize the state to deduct SEIU Healthcare 775NW dues from my paychecks, and contribute additional funds to the union political action committee.

ALLIED Law Group
P.O. Box 33744
Seattle, WA 98133
(206) 801-7510

5. Within the past year, I have received unsolicited phone calls from SEIU Healthcare 775NW for the purposes of getting me to join and financially support the union.

6. On September 10, 2014, I received an unsolicited email from SEIU Healthcare NW Health Benefits Trust, a true and accurate copy of which is attached as Exhibit B.

Signed this 10th day of October 2014, at Olympia, Washington.



BRADLEY BOARDMAN

ALLIED LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 801-7510

Declaration of Bradley Boardman

Exhibit A

SEIU Healthcare 775NW

David Rolf /President
Adam Glickman /Secretary-Treasurer
Sterling Harders /Vice President

Dear Bradley:

I'm writing you today, because it appears we don't have a membership card on file for you.

As you know, our union—SEIU Healthcare 775NW—represents individual home care providers like you and me. During the past decade, we've won critical victories for wage increases, affordable healthcare, professional training, workers' comp coverage and other benefits, because we've stood together when no one else would stand up for us. Won't you take a minute and join with us? By signing and returning the membership card on the back of this letter you'll truly be helping make us stronger.

Last year we showed how strong we are together—we won the best home care contract in the nation, including starting pay of $11/hour, a wage scale that increases to $15/hour and increased paid time off. We also won an improved process for clients to appeal to restore lost hours; already, hundreds of our clients have won back thousands of hours through this process.

This year, we're focused on winning additional funding to win back hours for our clients and negotiating a new contract that increases our starting wage to $13/hour.

You're already covered by our union contract, but by signing and returning the membership form on the back of this letter you'll be joining with more than 30,000 other home care workers across the state. You'll be adding your voice to our movement to transform Washington's long-term care system and ensure quality for our clients and the professional respect we deserve.

For no additional cost, signing and returning your membership card gives you a voice in how our union is run—including voting in union elections, running for union office, and accessing member-only benefits. But most important, by joining SEIU, you increase our strength as we fight to increase hours for our clients, improve wages for ourselves, and win affordable healthcare for all long-term care workers.

Please take just a few minutes to join with your fellow home care workers. Simply sign the membership form on the back of this letter, check that the contact information is correct and return it in the enclosed, postage-paid envelope.

Thank you for your hard work and for being a part of our ongoing efforts to improve the lives of home care workers and our clients.

Thank you,

Peggy Meyers

Peggy Meyers

Individual Provider, Tacoma

Join together for a stronger voice for living wages, good benefits and quality care

Yes, I want to join with other long-term care workers for a stronger voice for quality care, living wages and good benefits.

Bradley Boardman		**Snohomish Ip**
FIRST NAME/LAST NAME	GENDER (M/F)	EMPLOYER
br.boardman@verizon.net		
E-MAIL ADDRESS	CELL PHONE ☐ It's OK to send text messages (Std data/msg rates may apply	
(425) 344-9151		
PHONE (DAY)	PHONE (EVE)	BIRTHDATE
808 Crown Dr	**Everett**	**WA 98203-1801**
HOME ADDRESS	CITY	STATE/ZIP
		38

SOCIAL SECURITY# HIRE DATE REGISTERED VOTER LD

I want to join with other long-term care workers for a stronger voice for quality care, living wages and good benefits. I hereby request and accept membership in SEIU Healthcare 775NW. I authorize 775NW to act as my exclusive representative in collective bargaining over wages, hours and other terms and conditions of employment with my employer(s). I authorize my employer(s) to deduct from my wages all Union dues and other fees or assessments as shall be certified by 775NW under it Constitution and Bylaws and to remit those amounts to 775NW. This authorization is irrevocable for a period of one year from the date of execution and from year to year thereafter unless not less than thirty (30) and not more than forty-five (45) days prior to the annual anniversary date of this authorization or the termination of the contract between my employer and the Union, whichever occurs first, I notify the Union and my employer in writing, with my valid signature, of my desire to revoke this authorization. 775NW is authorized to use this authorization with my current employer(s) and with any other employer(s) in the event I change employers or obtain additional employment.

In addition, in order to build a more powerful Union, and in exchange for obtaining the rights and privileges of becoming a member of SEIU 775NW, I hereby knowingly release both SEIU 775NW and the State of Washington from any future legal claims or liability related to the State's past collection of agency fees from me pursuant to CBA Sec. 4.1 and/or RCW 41.56.113.

Contributions or gifts to 775NW are not tax deductible as charitable contributions for Federal Income tax purposes. However they may be tax deductible under other provisions of the Internal Revenue Code.

The invalidity or unenforceability of any particular provision hereof shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted. My signature shows that I agree with the terms above.

SIGNATURE **DATE**

NCS DM 1

LANGUAGE PREFERENCE:
☐ENG ☐SPA ☐RUS ☐VIE
☐KOR ☐Other: _____

SEIU Healthcare 775NW, 215 Columbia Street, WA 98104
Toll Free: (866) 371-3200 www.SEIU775.org Fax: (206) 623-3401

Declaration of Bradley Boardman

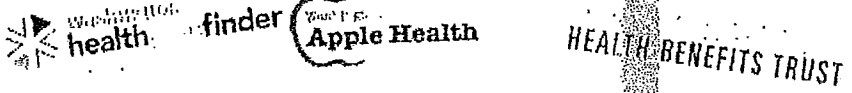
Exhibit B

Brad Boardman

From: SEIU Healthcare NW Health Benefits Trust <info@myseiubenefits.org>
Sent: Wednesday, September 10, 2014 3:05 PM
To: brblaptop@frontier.com
Subject: Complete a Health Insurance Survey - Enter to Win a $50 Gift Card

HEALTH BENEFITS TRUST

ANNOUNCEMENTS



Dear Home Care Aide,

SEIU Healthcare NW Health Benefits Trust is working to make sure all Home Care Aides have access to health insurance coverage. Please help us by completing this short online survey.

The survey will take less than 2 minutes of your time and your responses will be used to help us understand how we can help all Home Care Aides access quality health insurance.

CLICK HERE TO TAKE SURVEY

If you complete the survey by this Friday, Sept. 12, you will be entered to win one of ten $50 Kroger gift cards.

Thank you.

Sincerely,

SEIU Healthcare NW Health Benefits Trust

SEIU Healthcare NW Health Benefits Trust www.myseiubenefits.org

Forward this email

SEIU Healthcare NW Health Benefits Trust 635 Andover Park West Suite 200 Tukwila WA 98188

☒ EXPEDITE
☐ No hearing set
☒ Hearing is set
Date: 10/16/14
Time: 10:00 a.m.
Judge/Calendar: Hon. Erik Price

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

SEIU HEALTHCARE 775NW, Plaintiff, vs. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS), and FREEDOM FOUNDATION, Defendants.	No. 14-2-01903-1 **DECLARATION OF MARY JANE AURDAL-OLSON**

I, Mary Jane Aurdal-Olson, hereby declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct:

1. I am over the age of 18, have personal knowledge of the facts set forth herein, and am competent to testify.

2. I am an individual provider in the State of Washington, as defined by RCW 74.39A.240.

3. On August 12, 2014, I received an unsolicited letter in the mail from SEIU Healthcare 775NW, a true and accurate copy of which is attached as Exhibit A, seeking to induce me to join the union, authorize the state to deduct SEIU Healthcare 775NW dues from my paychecks, and contribute additional funds to the union political action committee.

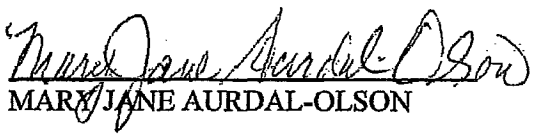
4. During the last eight years in which I have been an individual provider, I have

ALLIED LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 801-7510

received multiple unsolicited phone calls from SEIU Healthcare 775NW for the purposes of getting me to join and financially support the union.

5. On June 11, 2014, SEIU Healthcare 775NW sent me an unsolicited email for purposes related to my representation by SEIU Healthcare 775NW, a true and accurate copy of which is attached as Exhibit B.

Signed this 10th day of October 2014, at Olympia, Washington.



MARY JANE AURDAL-OLSON

ALLIED LAW GROUP
P.O. Box 33744
Seattle, WA 98133
(206) 201-7510

Declaration of Mary Jane Aurdal-Olson

Exhibit A

David Rolf /President
Adam Glickman /Secretary-Treasurer
Sterling Harders /Vice President

Dear home care provider,

We just got another 5% raise — it's effective July 1 and we'll see it in the checks we receive the first week of August.

This raise is **on top of the 5% hike we received last July** — all part of our the best homecare contract in the nation, a contract that includes an improved wage scale, a 30% increase when we reach 14,000 hours of experience, and 25 cents/hour increase for home care aide certification.

It's through SEIU that we've won back-to-back 5%raises, increased our benefits and receive professional training that is significantly reducing the turnover rate in our profession.

We've fought for more than a decade to create a long-term care system that provides quality care to seniors and people with disabilities, and professional dignity for workers like us—and all because we're standing together and building a strong network that advocates for caregivers in the Legislature and at the bargaining table with the state.

We want you standing with us.

Right now we're in negotiations for a new contract that will go into effect in July 2015. We have three priorities in this round of bargaining: **a pathway to $15/hour wages for all home care workers**, the first step in a meaningful retirement plan and improved access to healthcare benefits."

I'm more fired up than ever to work with my fellow caregivers and with Washington state officials to continue improving our home care program.

Please join with us and add your name to the thousands of caregivers who are standing with our bargaining team for better care for our clients, and for the professional respect, wages and benefits we deserve. ***Just fill out the enclosed membership form and return it in the postage-paid envelope.***

We are stronger together!

David Rolf
SEIU 775 president

SEIU Healthcare 775NW
215 Columbia St. – Seattle, WA 98104
Member Resource Center 1 (866) 371 3200

Our mission is to unite the strength of all working people and our families, to improve our lives and lead the way to a more just and humane world.

2012

We're Stronger Togeth

Join togeth. or a stronger voice for living wages, good benefits and quality care

1 **Yes,** I want to join with other long-term care workers for a stronger voice for quality care, living wages and good benefits.

Mary Olson

FIRST NAME/LAST NAME | GENDER (M/F) | EMPLOYER

czarina@whidbey.com

E-MAIL ADDRESS | CELL PHONE ☐ It's OK to send *text messages (Std data/msg rates may apply)*

PHONE (DAY) | PHONE (EVE) | BIRTHDATE

PO Box 407 | **Clinton** | **WA / 98236-0407**

HOME ADDRESS | CITY | STATE/ZIP

SOCIAL SECURITY# | HIRE DATE | REGISTERED VOTER | LD

I want to join with other long-term care workers for a stronger voice for quality care, living wages and good benefits. I hereby request and accept membership in SEIU Healthcare 775NW. I authorize 775NW to act as my exclusive representative in collective bargaining over wages, hours and other terms and conditions of employment with my employer(s). I authorize my employer(s) to deduct from my wages all Union dues and other fees or assessments as shall be certified by 775NW under its Constitution and Bylaws and to remit those amounts to 775NW. This authorization is irrevocable for a period of one year from the date of execution and from year to year thereafter unless not less than thirty (30) and not more than forty-five (45) days prior to the annual anniversary date of this authorization or the termination of the contract between my employer and the Union, whichever occurs first, I notify the Union and my employer in writing, with my valid signature, of my desire to revoke this authorization. 775NW is authorized to use this authorization with my current employer(s) and with any other employer(s) in the event I change employers or obtain additional employment.

I believe all workers represented by the Union should pay their fair share to support the Union's activities. In addition, in order to build a more powerful Union, and in exchange for obtaining the rights and privileges of becoming a member of SEIU 775NW, I hereby knowingly release both SEIU 775NW and the State of Washington from any future legal claims or liability related to the State's past collection of agency fees from me pursuant to CBA Sec. 4.1 and/or RCW 41.56.113.

Contributions or gifts to 775NW are not tax deductible as charitable contributions for Federal income tax purposes. However, they may be tax deductible under other provisions of the Internal Revenue Code.

The invalidity or unenforceability of any particular provision hereof shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted. My signature shows that I agree with the terms above.

SIGNATURE | DATE

2 Hold Politicians Accountable to Working Families

Yes! I want to hold politicians accountable to working families and I know we can only do that if we stand together. I hereby authorize my employer to withhold the indicated amount per month to forward to SEIU Healthcare 775NW as a contribution to SEIU Committee on Political Education (SEIU COPE). My signature shows that I agree with the terms below.

☐ **$20** ☐ **$15** ☐ **$10**

SIGNATURE | DATE

PRINT FIRST NAME/LAST NAME | EMPLOYER

I understand that: 1) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for contributing or not contributing to a political committee, or supporting or opposing a candidate, ballot measure or political party; 2) Contributions are not required as a condition of employment or union membership and I may refuse to contribute without any reprisal; 3) The amount of $20, $15 or $10 per month are merely suggested guidelines, and I am free to contribute more or less than these amounts by some other means; 4) SEIU COPE will use the money it receives to make political expenditures including addressing issues important to working families and contributing to and spending money in connection with federal, state, and local elections; 5) Only union members and staff who are U.S. citizens or lawful permanent residents are eligible to contribute to SEIU COPE. Contributions to SEIU COPE are not deductible as charitable contributions for federal income tax purposes. This authorization shall remain in effect until revoked by me in writing.

3 Yes! I want to get active in my union!

☐ **Yes!** I want to join the fight to lift caregivers out of poverty and volunteer my time to MY UNION!

LANGUAGE PREFERENCE:
☐ENG ☐SPA ☐RUS ☐VIE
☐KOR ☐Other: _____


157981

DM 1

0002

Declaration of Mary Jane Aurdal-Olson

Exhibit B

From: SEIU Healthcare 775NW <mrc@seiu775.org>
Sent: Wednesday, June 11, 2014 6:33 PM
To: Mary Olson
Subject: Your IP bargaining update, June 11

SEIU *Healthcare 775NW*
United for Quality Care

NEGOTIATIONS UPDATE: JUNE 11, 2014

Our union IP bargaining team is hard at work, negotiating our next contract with the state. Here's a quick update!

We met with the state for session 3 of IP Bargaining. The state had initial counter proposals to offer as counters for most of our proposals from the May 22 bargaining session.

- We made proposals on: Retirement, Wages, Paid Time Off (PTO), Overtime, and Holidays.
- We signed the Preamble (purpose of the agreement) and agreed to retain language for Duty to Bargain, Consumer Rights and Uninterrupted Home Care Services.

- Our members spoke about the meaningfulness of retirement, mileage and wages.

Your IP bargaining team

On the issue of retirement:

"I have been a caregiver for more than 20 years. I have a dream to retire one day. I am 72 years old and I still have to work to pay my bills. I am a professional and I have worked hard all my life and I deserve to have retirement benefits."

- Sharon Kitchel (Olympia, WA)

On the issue of Mileage:

" We are not compensated correctly for the actual amount of miles we drive – it's money out of our own pockets to make sure our clients get the clients get the services they need."

At our next session, we will be proposing language on healthcare insurance and on training, and we expect a response from the state on some of our key economic issues.

Next bargaining session: Friday, June 13

Stay tuned!

- Glenda Faatoafe (Olympia, WA)

On the Issue of Total Work Hours:

"It's called Long Term Care – but caregivers aren't being paid for their long term service. I have worked as a caregiver for five years – I have about 10,000 hours accumulated as a caregiver in Washington. My experience should be recognized by the state – I shouldn't have to start over."

- Darryl Johnson (Kent, WA)

SERVICE EMPLOYEES INTERNATIONAL UNION HEALTHCARE 775NW

215 Columbia St, Seattle WA 98104

EXHIBIT E

FREEDOM FOUNDATION

Our mission is to advance individual liberty, free enterprise, and limited, accountable government.

360.956.3482 | PO Box 552 Olympia, WA 98507

May 22, 2015

For more information, visit:

SEIUOptOut.com

Dear Individual Provider Home Care Aide,

My name is Brad Boardman. I live in Everett, Washington, and I'm a caregiver for my disabled sister-in-law.

Last June, the U.S. Supreme Court made a decision in our favor. For the first time, it recognized that we have a constitutional right to choose for ourselves whether or not to pay fees to Service Employees International Union (SEIU) Local 775 as a condition of being paid with state Medicaid funds.

For years, SEIU 775 has been taking 3.2 percent of our state reimbursements whether or not we consented. Last year, the average provider had $520 in fees for SEIU 775 withheld from their state checks, and I'm confident that some of us may not even have noticed these deductions are happening. But in *Harris v. Quinn*, the Supreme Court sided with home care providers who believe they should not be forced to give money to a private labor union as a condition of receiving state funds.

I recently opted out of paying SEIU fees and now keep the whole amount of my Medicaid funds. I did not want to join the union because I do not believe they sincerely represent my interests and I vehemently disagreed with how they spent my money.

If you wish to stop paying dues to SEIU, you can simply complete the attached form and send it to the union in the enclosed envelope.

You can find more information about opting out of SEIU dues, answers to frequently asked questions about how opting out works, and information about how SEIU spends your dues money at the website:

www.seiuoptout.com

I'm able to share this news with you thanks to an Olympia-based nonprofit organization called the Freedom Foundation. Max Nelsen and Jami Lund at the Freedom Foundation helped me get the SEIU to stop my dues deductions and they would be willing to answer any questions you might have. You can reach them at (360) 956-3482.

Over →

For more than a decade, SEIU 775 has been able to take us for granted. Now that we can make our own choices about whether to pay their fees, they are desperate to keep word from getting out, as you might well imagine. The union even hired high-priced Seattle attorneys, paid for with our dues money, to sue the Freedom Foundation to try stopping them from telling us about our constitutional rights.

Now that their efforts to keep us in the dark are failing, SEIU 775 has resorted to lies and scare tactics. In an email last month, Adam Glickman, SEIU 775's secretary-treasurer, called the Freedom Foundation an "extremist group" and claimed it is seeking to "take away your right to retire." Let me just say that nothing could be further from the truth. As a long-time advocate for individual liberty, the Freedom Foundation is simply seeking to inform us of our rights and get us the information SEIU doesn't want us to have.

Whether you opt out of SEIU or not is your decision, but I want to be sure you know that you now have a choice.

Sincerely,

Bradley Boardman

Bradley Boardman, Individual Provider

David Rolf, President
SEIU Healthcare 775NW
215 Columbia Street
Seattle, WA 98104

membership@seiu775.org

Mr. Rolf,

Effective immediately, I resign membership in all levels of the Service Employees International Union, including Local 775NW, the union designated to represent individual home care providers.

As a nonmember, I request that you immediately notify the State to cease the deduction of union dues or fees equivalent to dues from my provider payments as required by the U.S. Supreme Court's decision in *Harris v. Quinn*, 2014 WL 2921708 (Jun. 30, 2014). Please let me know when the deductions will cease.

Full name: _____

Home address: _____

City, State, Zip Code: _____

Contact phone: _____

Provider number: _____

_____
Signature & Date

EXHIBIT F

New Freedom Foundation Video Shows How SEIU Targets Its Own Members

August 7, 2015

> All the union leaders care about is keeping the dues money flowing in

Today, the Freedom Foundation released its latest video telling the story of family childcare providers Shannon and Tim Benn, whose experience starkly demonstrates the hypocrisy of SEIU 925 in harassing its own forcibly unionized "members."

During April, the union filed a lawsuit in Thurston County Superior Court against the state's Department of Early Learning (DEL) and Shannon Benn, seeking an injunction to prevent the agency from releasing contact information about the state's other family childcare providers – information Benn has been routinely obtaining since 2012.

The Benns own and operate Little Precious Ones Daycare from their Spokane home, and have long believed the state's Department of Early Learning was far too heavy-handed in its regulations. The Benns know other daycare operators who share their concerns, and since 2011 they have been publishing a newsletter for family childcare providers that included legislative updates, articles about prospective regulatory changes and advice on running their business.

And to make sure it was being mailed to the right people, the Benns requested from DEL a comprehensive list of the 10,000 or so providers in the state on a somewhat routine basis.

Since the names were public information, DEL willingly complied.

Last summer, however, the U.S. Supreme Court issued its *Harris v. Quinn* ruling, in essence declaring that contractors like the Benns cannot be considered full-fledged state employees and, thus, cannot be required to pay union dues.

In the months since, the unions representing not only daycare workers but also home healthcare workers like the Benns have done little or nothing to advise their dues-payers of their newly affirmed right to opt out.

The Benns, who have opted out of paying dues to SEIU 925 but are still forced by law to be represented by the union, in January made their standard request to DEL for an updated mailing list. This time, the union intervened by suing to prevent its disclosure.

Incredibly, DEL had not only notified SEIU 925 of the request but also provided the union with detailed instructions on how to sue the Benns – *and the agency itself* – to keep the contact list out of their hands, even though DEL gives the same information, and more, to SEIU 925 every month.

Backed into a corner and bullied by SEIU, the Benns sought assistance from the Freedom Foundation's legal team. Freedom Foundation attorneys immediately responded to SEIU 925's lawsuit by contacting SEIU's attorney, who attempted to get the Benns to either limit their use of the information or withdraw the request altogether, but the Benns stood strong.

If SEIU 925 was going to prevent the Benns from communicating with fellow providers, SEIU would have to fight for it by going up against the Freedom Foundation's attorneys in court—something unions have a track record of doing and losing. SEIU didn't. SEIU attorneys contacted the Freedom Foundation within only a few days and said they were dropping the case.

"The union cited all sorts of calamities that could happen if the names are released," said James Abernathy, general counsel for the Freedom Foundation, which is representing the Benns. "In the legal world we call it a

'parade of horribles.' Mostly, they claimed it would put kids who stay at these daycare centers at risk of being kidnapped or abused if it were possible for the average citizen to find out who owns the facility."

But apparently the union is exempt from such concerns, since SEIU 925 requested – and was given – the very same information in 2006 when it sought to unionize the care providers in the first place. And having been certified by the state, it now has access to even greater detail about the providers than what the Benns are seeking.

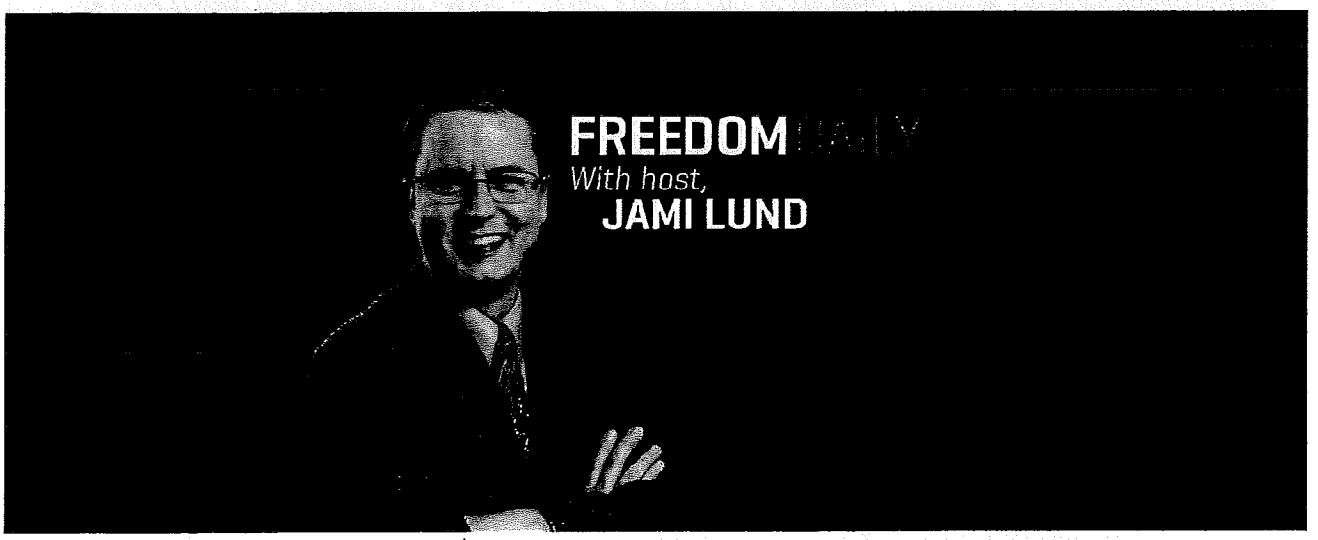
"All the union leaders care about is keeping the dues money flowing in," Abernathy said. "Family childcare providers are an $8 million-a-year goldmine for the union, and they're not going to give it up without a fight."

At the end of the day, he said, what the union wants most is to suppress is the truth.

"We knew we couldn't go to the union for help, because they were the ones suing us," Tim Benn says in the video. "So the Freedom Foundation stepped in and it was amazing how quickly the union pulled back and realized they had overstepped their bounds in attacking their own membership."

This video tells this courageous family's remarkable story of standing up to a powerful government union.

Freedom Daily January 14, 2015 - Host Jami Lund with Guest Tim Benn



January 14, 2015

Senior Policy Analyst

Education Policy Analyst Jami Lund discusses the problems created by excessive regulation of the child care and early learning field with Tim Benn, a child care provider advocate.

Listen to the show:

EXHIBIT G

I-1501 isn't about privacy; it's about protecting the unions' monopoly over public information

July 22, 2016

Jeff Rhodes *Managing Editor*

In 2001, Washington voters were deceived when they voted for Initiative 775. Now the same brain trust is back to bring you I-1501.

Voters were told Initiative 775 would create a 'homecare quality authority' to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded individual providers of in-home care services to elderly and disabled adults."

In fact, the measure cooked up by the AFL-CIO and Service Employees International Union (SEIU) was little more than a path to forced unionization for thousands of home healthcare providers.

Understand, these aren't people who go to work in a government building every day with hundreds of other government employees who share the same interests. In most cases, these are ordinary citizens voluntarily caring for a loved one in their homes so they won't have to be institutionalized, and the stipend they receive from Medicaid simply helps defray the costs of that care.

But to the unions, any pile of money is a target of opportunity.

Now flash ahead to 2014, when the U.S. Supreme Court, in *Harris v. Quinn*, ruled that IPs cannot be considered full-fledged state employees and, thus, cannot be forced to pay any dues or fees to a union.

The unions, not surprisingly, were reluctant to inform workers they no longer had to hand over their hard-earned money, so the Freedom Foundation—an Olympia-based free-market think tank—created a program in which paid canvassers would crisscross Washington, informing the IPs of their newly affirmed rights to opt out.

In response, the unions filed countless bogus lawsuits, smeared their opponents in the media and tried to pass legislation that would have exempted the workers' contact information from public records requests.

None of it worked, and within a year, SEIU 925, whose members the Freedom Foundation was able to inform, saw its paid membership cut in half.

That's where Initiative 1501 comes in.

I-1501 is a thinly veiled attempt to deny everyone else access to the same names, addresses and phone numbers SEIU was given when it filed its own Public Information Request back in 2002 pursuant to forming a new union.

At the end of the day, this measure has nothing to do with protecting anyone's privacy, and there are already laws on the books ensuring one's personal information cannot be used for commercial or inappropriate purposes.

The real problem is that, from the unions' point of view, nothing could be more "inappropriate" than having tens of thousands of hardworking home healthcare providers informed that they have the right to keep every dollar set aside by Medicaid for themselves and their clients rather than letting the unions wet their beaks by means of a Mafia-like protection racket.

I-1501 is a fraud and it deserves to be exposed for what it is.

EXHIBIT H

Six Ways SEIU 775 Is Getting Around Harris v. Quinn

May 18, 2016

Maxford Nelsen *Director of Labor Policy*

This post will be updated periodically to reflect the latest developments.

During the period of intense handwringing that went on throughout the labor movement as the U.S. Supreme Court considered the *Friedrichs v. California Teachers Association* case—which could have given public employees around the country the ability to choose for themselves whether to join and pay dues to a labor union—SEIU 775 president David Rolf advised his fellow labor leaders about how *not* to respond if the court ruled against the unions.

Writing for *The Nation* in February, Rolf warned,

> *"After Friedrichs, unions will be tempted to react in all of the wrong ways: engaging in non-strategic mergers, circling the wagons around current members and contracts, isolating themselves further from the larger non-union workforce, and desperately attempting to preserve yesterday's fading status quo in the few pockets of remaining union strength. These are the natural impulses of organizations and movements in crisis. But such fear-based, conservative, and restorationist impulses can only serve to hasten our already advanced decline."*

While Justice Antonin Scalia's unfortunate passing staved off a likely defeat for the unions in *Friedrichs*, Rolf's union of 35,000 state-paid individual provider home care aides (IPs) was already dealing with the fallout from a similar decision issued in June 2014. In *Harris v. Quinn,* the Supreme Court ruled it was unconstitutional to force "partial public employees"—like the IPs represented by SEIU 775—to pay union dues or fees against their will.

Interestingly, in the nearly two years since the *Harris* decision, Rolf doesn't seem to have taken his own advice. With substantial assistance from Gov. Jay Inslee's administration, SEIU 775 has "attempted to preserve yesterday's fading status quo" with an array of policies designed to lock down its membership and prevent IPs from learning of and exercising their constitutional right to leave the union.

SEIU 775 has employed six primary strategies in its attempt to skirt the *Harris* decision:

- Preventing IPs from learning of their First Amendment rights
- Taking dues from IPs without their permission
- Requiring IPs to attend coercive union meetings
- Limiting IPs' ability to resign from the union to a 15-day annual window
- Using state resources to promote union membership
- Signing IPs up for union membership electronically and telephonically

Despite its best efforts, the number of IPs leaving the union continues to gradually, but steadily, increase.

Preventing IPs from learning of their First Amendment rights

SEIU 775 knows IPs can't exercise a right they don't know they have. In the months following *Harris*, it quickly became clear that neither the state nor SEIU 775 were going to make any genuine, non-deceptive effort to inform caregivers of their right to leave the union.

Consequently, in July 2014, the Freedom Foundation requested the list of IPs from the Department of Social and Health Services (DSHS), which is disclosable under the state Public Records Act (PRA), in order to inform them directly of their new options regarding union membership. But rather than turn over the list, DSHS delayed the release of the records long enough to allow SEIU 775 to file a lawsuit seeking to block its release (*SEIU 775 v. DSHS and Freedom Foundation*, Case No. 46797-6-II).

A Thurston County judge ruled in October 2014 that, as the Freedom Foundation contended, the list was disclosable under the PRA. The union appealed the decision.

SEIU 775's efforts to "(keep) workers in the dark about their rights" drew the condemnation of former state Attorney General Rob McKenna, who described the union's lawsuit as "weak," "unseemly," "a stalling measure" and "silly."

Having lost the first round in court, SEIU 775 turned its attention to a stealthy attempt to simply re-write the PRA in its favor during the 2015 legislative session.

Touted as a measure to protect Department of Corrections (DOC) workers from retaliation, SB 5678 was introduced by three Republicans and a Democrat in the state Senate. A companion bill, HB 1349, was introduced by Rep. Sam Hunt (D-Olympia) in the House. While Teamsters 117, which represents DOC employees, took point lobbying for the bills, SEIU was nowhere to be seen, at least publicly.

The Freedom Foundation mobilized against both bills, which would have done nothing substantive to protect DOC staff. For practical purposes, the bills may as well have just said, "the Freedom Foundation shall not use lists of employees obtained from the state for the purpose of informing them of their ability to resign union membership."

Documents obtained by the Freedom Foundation from the governor's office via a public records request after the session confirmed SEIU 775 as the force behind both bills.

On Jan. 30, SEIU 775's general counsel, Judith Krebs, forwarded an email to SEIU 775 Secretary-Treasurer Adam Glickman, SEIU 775's lobbyists and Teamsters 117 lobbyist Brenda Wiest. The subject line read, "SEIU 775 / Proposed Legislation Consult," and the email included a legal analysis of a proposed amendment to SB 5678/HB1349 performed by the law firm Bean, Gentry, Wheeler & Peternell on behalf of SEIU 775 and Teamsters 117. Glickman then forwarded the email and analysis to Aisling Kerins, Gov. Inslee's director of external relations, requesting that the Office of Financial Management (OFM) weigh in supporting the amendment.

HB 1349 eventually passed out of the Democrat-controlled House on a party-line vote, with all Republicans voting against it, and died in the Senate. While Sen. Pam Roach (R-Auburn) spirited SB 5678 through her committee before it could be amended by the sponsor to address the Freedom Foundation's concerns, the bill never made it to the Senate floor for a vote.

While its appeal dragged on in court, SEIU 775 made another run at the PRA during the 2016 legislative session. This time, the union jettisoned the stealth approach in favor of a higher profile pressure campaign to pass SB 6542, introduced by Sen. Don Benton (R-Vancouver). In an email sent to IPs on Feb. 11, SEIU 775 pulled out all the stops in its attempt to make the situation sound as dire as possible and get caregivers to contact the Legislature in support of the bill, claiming:

> *"Believe it or not, our state's Public Records Act has a loophole that lets anyone obtain our personal contact information. And its happened. Caregivers across the state have been targeted by the Freedom Foundation, an extremist group that lobbied against funding the raises in our union contract and opposed caregivers getting a retirement benefit... The Legislature needs to close this dangerous loophole so that caregivers and other public service workers like us can do our jobs without fear of harassment."*

For the record, the Freedom Foundation has never opposed raises and retirement benefits for IPs and, at this point in time, the Freedom Foundation had still not done any comprehensive outreach to IPs. Additionally, the vast majority of IPs "personal contact information" is already exempt from disclosure under the PRA. The Freedom Foundation is seeking only a list of names. SEIU 775 also neglected to mention the fact that, in accordance with Article 5.1 of the collective bargaining agreement (CBA), the state provides SEIU 775 with monthly updates of all IPs' personal information, including not just names, but date of birth, physical and mailing addresses, email addresses, phone numbers, marital status, language preference and even Social Security Numbers, all in spite of the PRA's prohibition against the information's release.

Despite Sen. Benton's misguided insistence on standing by the legislation, the Freedom Foundation again blew the whistle on the bill. It died in the Senate without receiving a hearing.

The union's failed legislative efforts came with a high price tag. Between 2015 and 2016, SEIU 775 spent a total of $927,634.13 on lobbying and political contributions to advance its agenda.

In another setback, a state appeals court ruled unanimously against SEIU 775 in April 2016 and upheld the trial court's decision finding the list of IPs is disclosable to the Freedom Foundation under the PRA. The union is currently appealing the decision to the state Supreme Court. Federal records indicate that between 2014 and 2015, SEIU 775 paid the two Seattle law firms representing the union in the lawsuit (Schwerin, Campbell, Barnard, Iglitzen & Lavitt, and Frank, Freed, Subit & Thomas) a total of $788,100.

Having failed twice in the Legislature and twice in the courts, but successfully put off the day of reckoning for another two years, SEIU 775 appears to have now turned to the ballot box for relief.

Initiative 1501, filed in March, would reform the PRA to bar the release of IPs' names and reinforce the statutes already exempting the rest of their personal information from disclosure. It would also block the release of the names and contact information of SEIU 925-represented family child care providers, who also may stop paying union dues under *Harris*. Federal records indicate SEIU 775 paid the Seattle law firm that filed the initiative, Smith & Lowney, $21,532 in November 2015, likely to draft the initiative.

Unsurprisingly, Section 11(d) of I-1501 allows for all detailed personal contact information of IPs and family child care providers to be released to "a representative certified or recognized under RCW 41.56.080," the statute governing the unions that represent IPs and family child care providers. So while SEIU 775 and SEIU 925—both private organizations—will still be able to get caregivers' detailed personal information, groups like the Freedom Foundation and even other caregivers, will not be able to even get a list of names.

The rest of the initiative contains just enough window-dressing language and minor adjustments to identity theft laws to obscure the measure's real purpose and provide cover for a favorable ballot title:

> *"This measure would increase the penalties for criminal identity theft and civil consumer fraud targeted at seniors or vulnerable individuals; and exempt certain information of vulnerable individuals and in-home caregivers from public disclosure."*

So far, the so-called "Campaign to Prevent Fraud and Protect Seniors," run by SEIU 775's Adam Glickman, has received $1,201,763.02 in cash and in-kind contributions from SEIU 775, the measure's sole financial backer.

Between SEIU 775's litigation to block disclosure of the list of IPs, lobbying efforts to rewrite the PRA in its favor, and support for I-1501, the union has spent as much as $2.9 million to date on efforts to prevent the Freedom Foundation from informing IPs of their constitutional rights.

Taking dues from IPs without their permission

Prior to the June 2014 *Harris* decision, state law authorized the inclusion of a "union security" provision in SEIU 775's CBA with the state mandating that all IPs pay union dues or fees as a condition of employment. The language remains on the books, though the *Harris* decision effectively made it inoperative.

In the summer and fall of 2014, the state negotiated new CBAs with the four unions representing workers in Washington affected by the decision: SEIU 775 represented IPs, SEIU 925 represented family child care providers, Washington Federation of State Employees (WFSE) represented language access providers, and Washington State Residential Care Council represented adult family home providers. Each was approved by the Legislature and took effect on July 1, 2015.

Because of *Harris*, the union security provisions were removed from each of the new CBAs. Gov. Inslee's labor negotiators at OFM did the right thing for three of the four Washington unions affected by the decision. The new language covering dues deduction for family child care providers (Article 5.3A), language access providers (Article 12.1A) and adult family home providers (Article 13.1A) all specified that the state would only withhold union dues from providers who had authorized the deductions.

However, SEIU 775—the largest and most politically potent of the *Harris*-affected unions—received special treatment. While the state's initial bargaining position was that it would also only deduct SEIU 775 dues from IPs who had first provided "proper authorization," the final CBA required the state to automatically withhold dues from all IPs unless the caregiver demanded in writing that the deductions cease (Article 4.1).

According to a court declaration made by Adam Glickman, the union is currently taking money without permission from about 6,000 IPs who never signed a union membership card.

The union's arrangement is not only outrageous but violates both state and federal law. State law clearly states that, in the absence of a "union security" provision requiring mandatory dues payment, the state can only collect union fees from IPs who have provided written authorization. The Freedom Foundation is currently representing a group of IPs in litigation in state court seeking to end SEIU 775's illegal dues deduction practices (*Thorpe v. Inslee and SEIU 775,* Case No. 92912-2).

Additionally, the Freedom Foundation recently filed litigation against SEIU 775 in federal court on behalf of another group of IPs arguing that the union's dues deduction scheme violates IPs' First Amendment rights as recognized by *Harris v. Quinn* and *Knox v. SEIU Local 1000* (*Smith v. Inslee and SEIU 775,* Case No. 3:16-cv-05359).

No IP should have union dues withheld from their pay without their express permission.

Requiring IPs to attend coercive union meetings

In addition to requiring IPs to opt-out of union dues rather than opt-in, SEIU 775's latest CBA with the state contained several measures designed to assist the union in maintaining its membership. Most prominent is

the requirement that new IPs sit through two union presentations as part of their state-mandated training and certification process.

One of the first steps a person seeking to become an IP must complete is a DSHS-administered contracting appointment, where the individual signs their contract with the state and receives an orientation from DSHS staff about the steps involved in completing their training and certification. Article 2.3 of the current CBA directs DSHS to consolidate contracting appointments as much as possible and grants SEIU 775 "...fifteen (15) minutes for a Union representative to meet with the individual provider(s) participating in the contracting appointments."

After their contracting appointment, incoming IPs must complete 70 hours of state-required and funded training through the SEIU Healthcare NW Training Partnership, a non-profit organization established by, but legally separate from, SEIU 775 which state law specifies is the only entity permitted to provide IPs' training. State law also requires IPs to complete 12 hours of continuing education through the Partnership each year.

Article 15.13 of the CBA provides the union with access to both IPs' initial training and continuing education courses:

> *"The parties agree that the Training Partnership shall provide the Union with reasonable access to its training classes, including providing the Union with technical support for online learning, in order for the Union to make presentation on Union issues. The Employer agrees to compensate up to thirty (30) minutes of time for a presentation on Union issues to all individual providers receiving the Union portion of required basic training. The Employer agrees to compensate up to fifteen (15) minutes of time annually for a presentation on Union issues to all individual providers receiving the Union portion of required continuing education. Any additional time for a presentation on Union issues agreed upon between the Union and the Partnership shall not be paid by the Employer."*

Since implementation of the CBA, reports from IPs indicate SEIU 775 has used these mandatory union presentations to coerce IPs into signing membership cards and contributing extra funds to the national SEIU's political action committee (SEIU 775 admits that 40 percent of IPs' regular dues are already spent on political activity). IPs are left with the false impression that union membership is mandatory. In one case, an SEIU trainer was caught on tape falsely telling a class of IPs they had to be part of the union.

SEIU 775's illegal practice of deducting dues automatically from all IPs allows union organizers to tell incoming IPs that they may as well sign the membership card and have a voice in the union's internal affairs, since they're going to pay the same amount of money even if they refuse to sign.

The Freedom Foundation is currently representing a group of IPs in a federal lawsuit against SEIU 775 and the state on the grounds that the coercive "captive audience" meetings violate IPs' First Amendment rights (*Alvarez v. Inslee and SEIU 775*, Case No. 3:16-cv-5111-RJB).

In a clear admission of wrongdoing, SEIU 775 and the state negotiated a memorandum of understanding shortly after the lawsuit was filed which modified the terms of the CBA to make attendance at the union presentations optional, instead of mandatory, and specifying that the orientations shall not contain political content. It is unclear how the MOU has changed the practice on the ground, if at all. Multiple legal issues remain and the litigation is ongoing.

Limiting IPs' ability to resign from the union to a 15-day annual window

SEIU 775 recently placed a strict limitation on IPs' ability to resign from the union and cease paying dues. After the *Harris* decision, SEIU 775 altered the fine print on its membership cards to eliminate the ability of any card-signer to cease paying dues unless they submit a written demand during the 15 day period occurring between 45 and 30 days prior to the annual anniversary of the day the IP signed the card. The exact text reads:

> *"I authorize my employer(s) to deduct from my wages all Union dues and other fees or assessments as shall be certified by 775 under its Constitution and Bylaws and to remit those amounts to 775. This authorization is irrevocable for a period of one year from the date of execution and from year to year thereafter, regardless of my membership status, unless not less than thirty (30) and not more than forty-five (45) days prior to the annual anniversary date of this authorization or the termination of the contract between my employer and the Union, whichever occurs first, I notify the Union and my employer in writing, with my valid signature, of my desire to revoke this authorization."*

Beginning around March 2016, the Freedom Foundation started hearing from IPs who tried to opt out of paying dues and received a letter from the union stating,

> *"Because you have revoked your authorization outside the window period, Union dues and all other fees or assessments that SEIU 775 has certified under its Constitution and Bylaws will continue to be deducted from your paycheck until your window period even through you are no longer a member."*

The arbitrary window period is different for each IP and serves only to limit IPs' ability to exercise their constitutional right to cease paying dues to SEIU 775 against their will and give the union more time to talk them back into formal membership.

Article 4.1(C) of SEIU 775's current CBA with the state set the stage for the enforcement of the window period by providing:

> *"...the Union reserves the right to enforce the terms and conditions of each home worker's signed membership card with regard to when authorizations for deductions may be revoked. The Employer shall honor the terms and conditions of each home care worker's signed membership card."*

True, each IP bound to the window had signed a membership card. However, because of SEIU 775's misinformation and coercion, most IPs are under the false impression they have to sign the membership card and are unaware of their rights.

Using state resources to promote union membership

In addition to having access to IPs' mandatory training and certification classes and orientations, the CBA permits SEIU 775 to co-opt a host of state tools and resources to promote union membership, disseminate union information, boost the union's lobbying efforts and solicit contributions to the national SEIU PAC:

- Article 2.4 of the CBA gives the union "a right to bulletin board space in the offices of the Employer, its agencies, contractors, or subcontractors that individual providers necessarily frequent due to work-related business."
- Article 2.5 of the CBA requires all DSHS websites "that individual providers might reasonably access to seek employment-related information" to "contain a link to the Union's website."
- Article 2.6 requires the state to distribute "union membership applications and union orientation materials" to IPs. Copies of all such documents distributed since 2014 were obtained from the state by a Freedom Foundation public records request. The documents include an SEIU 775 membership card which includes a solicitation for donations to the national SEIU PAC to "hold politicians accountable to working families."
- Article 2.7 requires the state to include SEIU 775 materials in the pay envelopes mailed to IPs. The Freedom Foundation also obtained all such documents from the state. The documents tout the 2015-17 CBA as the "best home care contract in the nation" and call on the Legislature to "approve and fund our contract."
- Article 2.8 requires the new IP payroll website to include a link to the union's website. It also specifies that the union may send messages to IPs through the site and requires that, "When a home care worker logs into the payroll website, the initial screen will include a notification of new message(s) from the Union."

The Freedom Foundation is challenging the appropriateness of this use of state resources to promote a private special interest group in the same lawsuit that contests the constitutionality of the state-facilitated union presentations IPs attend as part of their mandatory certification and training (*Alvarez v. Inslee and SEIU 775*, Case No. 3:16-cv-5111-RJB).

Signing IPs up for union membership electronically and telephonically

While SEIU 775 specifies that requests to cease paying union dues must be submitted in writing during a 15-day annual window period, the union permits IPs to sign up for membership online, over the phone and in writing at any time. Documents obtained by the Freedom Foundation from Gov. Inslee's office in fall 2014 revealed that his administration was "cooperating with the unions' actions" to have the state recognize "electronic signatures" and "taped declarations" indicating union membership.

Since that time, the Freedom Foundation has heard from multiple IPs who claim they were misled into agreeing to union membership and dues payment electronically and over the phone. An anonymous letter recently sent to the Freedom Foundation by someone who claimed to work in SEIU 775's call center (known as the "Member Resource Center," or "MRC"), says employees are instructed to do anything necessary to sign up IPs for membership over the phone.

The author explains (errors in original):

> *"When SEIU775 call center hires, they never tell to the New Hires that job is not really to help union members with training and health benefits, but to record legal script on the phone to every member who calls for help; even if this member does not understand English or legal language. Most MRC employers understand it is wrong and disgusting... but employers afraid to say anything, because they will be fired same moment. SEIU775 fire quick if you disagree with their policy...* [SEIU775 MRC director Jennifer Rodgers forces] *call center employers, under the threat of being fired, to solicit and lie to members, to record membership messages and obtain signature over the phone using deceptive way."*

SEIU 775 is willing to use any means necessary to get an IP signed up for membership and prevent them from learning of their constitutional rights, but will only permit IPs to resign in writing during an arbitrary 15-day window period. Private businesses that employed such underhanded and legally questionable behavior would be widely and rightly condemned. So should SEIU 775.

Conclusion

Any IP who wishes to join a union should be free to do so. Thankfully, the U.S. Supreme Court has recognized that the First Amendment demands this same freedom to choose be extended to those IPs who do not want to join and pay dues to SEIU 775.

However, to paraphrase Winston Churchill, *Harris* was not the end of the battle to do away with compulsory unionism for Washington IPs, but it was perhaps the end of the beginning.

With Freedom Foundation assistance, increasing numbers of IPs are gradually learning of their rights, opting out of SEIU 775 and fighting back against the union's illegal and unethical practices. State payroll records obtained by the Freedom Foundation indicate that, despite SEIU 775's "Hotel California"-style arrangements, the number of IPs leaving the union is slowly, but steadily increasing.

SEIU 775 IP Membership				
	Paying Dues		Not Paying Dues	
Month	Number	Percent	Number	Percent
Jun-14	33360	99.9%	23	0.1%
Jul-14	33483	99.9%	48	0.1%
Aug-14	33558	99.5%	173	0.5%
Sep-14	33239	98.7%	421	1.3%
Oct-14	33193	98.1%	653	1.9%
Nov-14	33167	98.0%	678	2.0%
Dec-14	33232	97.9%	706	2.1%
Jan-15	33301	97.8%	741	2.2%
Feb-15	33121	97.8%	753	2.2%
Mar-15	33108	97.5%	844	2.5%
Apr-15	33400	97.4%	881	2.6%
May-15	33442	97.5%	862	2.5%
Jun-15	34901	97.5%	909	2.5%
Jul-15	33677	97.0%	1052	3.0%
Aug-15	33725	97.0%	1056	3.0%
Sep-15	33634	96.7%	1134	3.3%
Oct-15	33708	96.7%	1153	3.3%
Nov-15	33659	96.6%	1181	3.4%
Dec-15	33777	96.6%	1195	3.4%
Jan-16	33912	96.5%	1223	3.5%
Feb-16	33761	96.4%	1268	3.6%
Mar-16	33721	96.1%	1368	3.9%
Apr-16	31879	94.2%	1956	5.8%
May-16	32460	94.2%	1984	5.8%
Jun-16	32678	93.9%	2132	6.1%

Moving forward, the Freedom Foundation is committed to ensuring that SEIU 775's coercive, illegal, and abusive efforts to prevent IPs from learning of and exercising their constitutional rights are put to a decisive end.

EXHIBIT I

From: Monica Hinckley [mailto:mhinckley@seattletimes.com]
Sent: Wednesday, August 24, 2016 10:58 AM
To: info@yeson1501.com
Subject: FW: Seattle Times endorsement interview | I-1501 (Senior Rights)

Hello,
I have sent the following emails, but have yet to hear back from anyone on the YES on I-1501 side. See below.
-Monica

> **From:** Monica Hinckley
> **Sent:** Thursday, August 18, 2016 4:12 PM
> **To:** 'susysdaycare@hotmail.com' <susysdaycare@hotmail.com>; 'vip.vera@hotmail.com' <vip.vera@hotmail.com>; 'mnelsen@myfreedomfoundation.com' <mnelsen@myfreedomfoundation.com>
> **Subject:** RE: Seattle Times endorsement interview | I-1501 (Senior Rights)
>
> Thanks for the response, Maxford.
>
> Martha and Vera, I'm hoping to hear from one of you soon (see my original email below).
>
> We are now looking at scheduling something during the week of 9/26. Please send some dates that would work for you. I'd like to get this on the books soon!
>
> -Monica
>
> **Monica G. Hinckley**
> Editorial Page Assistant | Opinion
> **p:** 206.464.2496 | **f:** 206.493.0569
> **e:** mhinckley@seattletimes.com
>
> ---
>
> The Seattle Times
> **1000 Denny Way, Seattle, WA 98109**
> **P.O. BOX 70, Seattle, WA 98111**
>
> **From:** Monica Hinckley [mailto:mhinckley@seattletimes.com]
> **Sent:** Friday, August 12, 2016 11:56 AM
> **To:** susydaycare@hotmail.com; vip.vera@hotmail.com; czarina@whidbey.com; brblaptop@frontier.com
> **Subject:** Seattle Times endorsement interview | I-1501 (Senior Rights)
>
> To: Martha Corona, Vera Kandrashuk (In favor)
> Mary Jane Aurdal-Olson, Bradley Boardman (Opposed)
>
> Hello,

I am writing to try to schedule a time to have **one** representative from both sides of **I-1501** come in for an endorsement interview with the Seattle Times editorial board. We are asking a crew from TVW to come in as well to video the interview for broadcast on their channel.

Could you please send me some days/times that someone would be available to come to our offices in South Lake Union for a one-hour interview in the next few weeks? We typically do not schedule anything for Mondays or Fridays, and the week of 8/22-26 is already booked up.

Please respond as soon as you can so that we can get this scheduled before the other weeks fill up as well.

Thanks in advance,
-Monica

Monica G. Hinckley
Editorial Page Assistant | Opinion
p: 206.464.2496 | **f:** 206.493.0569
e: mhinckley@seattletimes.com

The Seattle Times
1000 Denny Way, Seattle, WA 98109
P.O. BOX 70, Seattle, WA 98111

EXHIBIT J

The Freedom Update - Episode 131

July 15, 2016

David Bramblett *Creative Director*

The Freedom Update - Episode 131

Hi and welcome to The Freedom Update

SEIU is desperate to stop the Freedom Foundation from contacting home healthcare and childcare providers to inform these folks of their constitutional rights. When the Freedom Foundation has been able to let providers know that the Supreme Court freed them from forced unionization, most choose freedom and leave the union.

Last week SEIU qualified a statewide initiative (I-1501) for this fall's ballot that would exempt home healthcare and childcare provider information from the Public Records Act. SEIU has spent $1.2 million to put this initiative on the ballot.

Because no one would support a ballot measure that promised to use the instrument of government to keep citizens in the dark about their legal rights, I-1501 was given a very deceptive title, claiming only that it "concerns seniors and vulnerable individuals.

SEIU over a decade ago used the initiative process to force home healthcare providers into the union. Now the union is using the initiative process again to create a monopoly on information received by those trapped

in these schemes, effectively keeping their union members in the dark.

In another victory for the Freedom Foundation, the Attorney General announced today a $9,000 penalty levied against the "Washington State Association for Justice" (WSAJ) — formerly known as the Washington State Trial Lawyers Association, for breaking campaign finance laws by failing to report contributions to a pair of political action committees.

The Freedom Foundation has worked hard to expose hidden election influence by government unions and their allies. Freedom Foundation analysts turned up the evidence against WSAJ and filed the initial complaint which the state could not ignore.

That's all for this week—until next week, I'm David Bramblett—stay informed.

The Freedom Update - Episode 132

July 22, 2016

David Bramblett *Creative Director*

The Freedom Update - Episode 132

Hi and welcome to The Freedom Update

Last week I reported SEIU qualified a statewide initiative (I-1501) for this fall's ballot that would exempt home healthcare and childcare provider information from the Public Records Act.

In a new blog posted this week at *SmarterGovWa.org*, former Washington Attorney General Rob McKenna writes this on the subject:

"I-1501 has a far different purpose. SEIU isn't spending a big chunk of money ($1.2 million so far) because it's suddenly concerned about identity theft. The union is actually just trying to ensure its members – home healthcare workers – don't find out that they can choose to leave the union and stop paying dues out of their paychecks."

"Shortly after the *Harris* ruling, the Freedom Foundation in Olympia filed a public records request for the names of home health care providers so it could send them mailers about the workers' new rights. It was a standard public records request and well within the scope of our open government laws. SEIU sued to prevent the release of the names, but has lost at every judicial step along the way."

"Keeping the dues money flowing into SEIU's bank accounts is what I-1501 is really about. Because it has lost in the courts, SEIU is trying to write into law new exemptions from disclosure so that it can prevent its members from finding out the truth – that they don't have to pay SEIU anything if they don't want to."

Rob McKenna nails it—we couldn't have said it better.

Read the whole post on SmarterGovWa.org

That's all for this week—until next week, I'm David Bramblett—stay informed.

EXHIBIT K

Home > Whois Lookup > 1501Truth.com

Whois Record for 1501Truth.com

Related Domains For Sale or At Auction

1 2 3 More >

WholeTruth.com ($2,500)
PowerOfTruth.com ($4,488)
CenterOfTruth.com ($1,695)
WayOfTruth.com ($4,688)
LifeOfTruth.com ($688)
TruthLove.com ($4,495)

Whois & Quick Stats

Registrant Org	Domains By Proxy, LLC was found in ~11,525,378 other domains	Reverse Whois
Registrar	GODADDY.COM, LLC	
Registrar Status	clientDeleteProhibited, clientRenewProhibited, clientTransferProhibited, clientUpdateProhibited	
Dates	Created on 2016-08-12 - Expires on 2017-08-12 - Updated on 2016-08-12	
Name Server(s)	NS05.DOMAINCONTROL.COM (has 40,452,773 domains) NS06.DOMAINCONTROL.COM (has 40,452,773 domains)	
IP Address	184.168.221.53 - 365,595 other sites hosted on this server	
IP Location	- Arizona - Scottsdale - Godaddy.com Llc	
ASN	AS26496 AS-26496-GO-DADDY-COM-LLC - GoDaddy.com, LLC, US (registered Oct 01, 2002)	
Domain Status	Registered And Active Website	
Whois History	2 records have been archived since 2016-08-12	
IP History	1 change on 2 unique IP addresses over 0 years	
Hosting History	1 change on 2 unique name servers over 0 year	
Whois Server	whois.godaddy.com	

Website

Website Title None given.

Response Code 200

SEO Score 0%

Whois Record (last updated on 2016-08-26)

```
Domain Name: 1501truth.com
Registrar URL: http://www.godaddy.com
Registrant Name: Registration Private
Registrant Organization: Domains By Proxy, LLC
Name Server: NS05.DOMAINCONTROL.COM
Name Server: NS06.DOMAINCONTROL.COM
DNSSEC: unsigned
```

You must Register or Log in to view the Whois record for this domain name

Tools

- Whois History
- Hosting History
- Monitor Domain Properties
- Reverse IP Address Lookup
- Reverse Name Server Lookup
- Network Tools
- Buy This Domain
- Visit Website

Preview the Full Domain Report

No Screenshot Available

View Screenshot History

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

1501Truth.com	View Whois
1501Truth.net	Buy Domain
1501Truth.org	Buy Domain
1501Truth.info	Buy Domain
1501Truth.biz	Buy Domain
1501Truth.us	Buy Domain

Schwerin Campbell Barnard Iglitzin & Lavitt LLP
ATTORNEYS AT LAW
Of Counsel Lawrence Schwerin

DMITRI IGLITZIN
iglitzin@workerlaw.com

Original via U.S. First Class Mail
and via email to pdc@pdc.wa.gov

September 20, 2016

Tony Perkins
PDC Compliance & Enforcement
711 Capitol Way #206
PO BOX 40908
Olympia, WA 98504-0908

Re: Supplement to Notice of Violations of RCW 42.17A
PDC Case No. 8336
SCBIL File No. 6544-001

Dear Mr. Perkins:

The purpose of this letter is to supplement the 45-day letter dated August 30, 2016 on behalf of the Campaign to Prevent Fraud and Protect Seniors. In that letter, we brought to light the fact that Evergreen Freedom Foundation, d/b/a Freedom Foundation ("the Foundation"), appears to have violated—and appears to be continuing to violate—several provisions of RCW 42.17A. An additional example of such violations has come to our attention and we wanted to be sure to bring it to your attention.

The Foundation has continued in its failure to comply with the reporting requirements called for under RCW 42.17A.255 and WAC 390-16-063(1) that apply to entities that are not political committees when they **make independent expenditures in support of or in opposition to any candidate or ballot proposition**—specifically, but not limited to, the requirement that it file C-6 reports in relation to the in-kind support expended by it of a value of $100 or more in opposition to a ballot initiative. The Foundation has engaged in independent expenditures in opposition to I-1501, a statewide ballot initiative, through its substantial and continuing in-kind contribution of its staff time. The Foundation has not filed any C-6 reports to document those expenditures, in violation of Washington State law.

As we previously stated in our 45-day letter, Maxford Nelsen, the Foundation's Director of Labor Policy, appears in that capacity as one of the individuals writing the "no" statement in the Statewide Voters' Guide. It has recently come to our attention that the Foundation's endeavors in this respect, via Mr. Nelsen, have continued. Notably, Mr. Nelsen has appeared in the Video Voter Guide[1] against I-1501, not only making statements against the initiative but outlining his employer's opposition to what it deems are the underlying issues that led to the initiative's creation. The full text of his statements in the video is attached for your convenience.

[1] Available at *http://www.tvw.org/video-voters-guide*, Ballot Initiatives and Referendums, No on Initiative 1501.

18 West Mercer St, Ste 400 | (206) 285.2828 TEL
Seattle, Washington 98119 | (800) 238.4231 TEL
workerlaw.com | (206) 378.4132 FAX

These expenditures—including Mr. Nelsen's paid time undoubtedly spent in drafting and working in opposition to I-1501 on behalf of his employer, the Foundation—which clearly have a value of $100 or more, should have been reported to the PDC on a C-6 as independent expenditures, as they were not "contributions to a registered political committee," and were not made in coordination with such a committee. But there have been no C-6 reports filed to document the Foundation's expenditures in opposition to I-1501 to date.

If you have any questions, or if there is anything we can do to assist you in complying with our request, please do not hesitate to contact us. We look forward to hearing from you.

Sincerely,

Dmitri Iglitzin
Laura Ewan

Enclosure

Transcription of video at *http://www.tvw.org/video-voters-guide/* →Ballot Initiatives and Referendums → No on Initiative 1501

Transcribed on 9/14/2016

MAXFORD NELSEN: No one opposes protecting seniors and the vulnerable from identity theft, but that's not what Initiative 1501 is really about. The truth is, 1501 is actually a backdoor attempt by a powerful special interest group, the Service Employees International Union, or SEIU, to rewrite Washington's Public Records Act for its own benefit. The campaign to pass 1501 is run by SEIU staff and the union has contributed every penny of the $1.2 million raised by the campaign. SEIU executives aren't spending that much money out of the goodness of their hearts. They have a hidden agenda. For years, state-paid in-home caregivers were legally required to pay union dues to SEIU, whether they wanted to or not, but in 2014, the Supreme Court struck down the law and established that caregivers could finally make their own choices about union membership. Instead of complying with the court's ruling, SEIU did its best to make sure that caregivers never learned of their rights. When the organization I work for asked the state for the list of caregivers in order to send out informational material about their right to stop financially supporting SEIU, the union sued to block its release. For two years, the courts have repeatedly ruled that the list should be disclosed, but the union keeps filing frivolous appeals. SEIU also tried to get the state Legislature to simply rewrite the Public Records Act in the union's favor, but the Legislature didn't buy it. Now, SEIU has resorted to bankrolling a harmless-sounding initiative to change the public records laws before caregivers learn they can tell the state to stop taking SEIU dues out of their paychecks. 1501 contains just enough lip service about the importance of protecting seniors and the vulnerable to get an innocent-sounding description in the voters' guide. Don't fall for it. 1501 won't help seniors. Identity theft is already illegal. The core of the initiative changes the state Public Records Act to prevent anyone but SEIU from communicating with in-home caregivers. Under 1501, SEIU, a private organization, would be able to receive detailed personal information about in-home caregivers from the state each month, down to their Social Security numbers, but no other organization would be able to receive even basic contact information. 1501 would even deprive caregivers scattered in homes across the state of their only means of communicating with each other about issues of common concern. This isn't about privacy. This is about SEIU controlling the information caregivers receive. Passing 1501 and allowing groups like SEIU to block the state from releasing records when it suits their agenda sets a terrible precedent that undermines the public's access to government records. Washington's Public Records Act is one of the best in the nation. It shouldn't be manipulated to enrich a wealthy special interest group and keep in-hone caregivers in the dark about their rights. Please vote no on Initiative 1501.

Schwerin Campbell Barnard Iglitzin & Lavitt LLP
ATTORNEYS AT LAW
Of Counsel Lawrence Schwerin

DMITRI IGLITZIN
iglitzin@workerlaw.com

Original via U.S. First Class Mail
and via email to pdc@pdc.wa.gov

September 27, 2016

Tony Perkins
PDC Compliance & Enforcement
711 Capitol Way #206
PO BOX 40908
Olympia, WA 98504-0908

Re: Second Supplement to Notice of Violations of RCW 42.17A
PDC Case No. 8336
SCBIL File No. 6544-001

Dear Mr. Perkins:

The purpose of this letter is to provide additional information to supplement the 45-day letter dated August 29, 2016 on behalf of the Campaign to Prevent Fraud and Protect Seniors. As you know, in that letter, we brought to light the fact that Evergreen Freedom Foundation, d/b/a Freedom Foundation ("the Foundation"), appears to have violated—and appears to be continuing to violate—several provisions of RCW 42.17A. We also submitted a supplemental letter to you on September 20, highlighting an additional example of such violations. Today, we wish to provide you with yet additional information that we believe to be important to your investigation of these claims.

As you know, our initial letter alleged that the Foundation failed to file C-6 reports in relation to the in-kind support expended by it of a value of $100 or more in opposition to a ballot initiative. The Foundation has engaged in independent expenditures in opposition to I-1501, a statewide ballot initiative, through its substantial and continuing in-kind contribution of its staff time.

The Foundation has now filed *one* C-6 report. For several reasons, this does not remedy the alleged failures to comply with Washington state law.

First and foremost, the C-6 (filed September 20, 2016, and attached for your convenience) does not comply with the requirement to report independent expenditures of $100 or more in the aggregate within five (5) days of making the expenditure, as required by RCW 42.17A.255. To the contrary, this C-6 provides proof positive of a violation by the Foundation of the Public Disclosure Act, i.e., that it failed to *timely* file a C-6 as required by the Act.

Second, there is no indication that this filing remedies the failure to report the substantial time spent by Maxford Nelsen, the Foundation's Director of Labor Policy, for his paid time spent writing the "no" statement in the Statewide Voters' Guide and his other endeavors in opposition

18 West Mercer St, Ste 400 | (206) 285.2828 TEL
Seattle, Washington 98119 | (800) 238.4231 TEL
workerlaw.com | (206) 378.4132 FAX

to I-1501 on behalf of his employer, the Foundation—which clearly have a value of $100 or more, as we have outlined in our previous correspondence.

Finally, this "website build" reported in the C6 further supports our contention that the Foundation should have registered its "1501 Truth committee" with the PDC. Under RCW 42.17A.005, a "political committee" means any person "having the expectation of receiving contributions ***or making expenditures in*** support of, or ***opposition to***, any candidate or ***any ballot proposition***." Any such individual or group must file a "statement of organization" with the PDC, pursuant to RCW 42.17A.205. In addition, any such committee must fulfill the filing and reporting requirements of RCW 42.17A.225.

As we previously outlined, the Foundation has broadcasted its clear and undeniable opposition to I-1501, and took actions in preparation for (and made expenditures in furtherance of) their stance in opposition to this ballot proposition—including setting up the "committee" composed entirely of Foundation representatives to oppose I-1501. In our 45-day letter, we noted that this "committee" had reserved a web domain ("1501truth.com") and set up an email address (in obvious preparation for its continued, and perhaps intensified, opposition to I-1501), which are expenditures.

"1501truth.com," the website identified as the internet presence for this "committee" opposing I-1501, is now up and running and informing site visitors that they should vote against the initiative. A print-out of the entire webpage as it exists today is also attached for your reference. This Foundation-run committee has not filed a C-1pc and it has not reported *any* of its expenditures to the PDC. The "website build" reported by the Foundation most likely does not take into account the expenditures related to reserving the domain name, the additional proxy protections to hide the identification of the website registrant, and other expenses related to reserving the website for its current use—expenses that have not been reported to the PDC.

If you have any questions, or if there is anything we can do to assist you in complying with our request, please do not hesitate to contact us. We look forward to hearing from you.

Sincerely,

Dmitri Iglitzin
Laura Ewan

Enclosures

cc: Beth Lindsay

PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

Form **C6** 1/12

6505

9/20/2016

Reporting Form for: (check one) **Instructions on Page 3**

- [x] **INDEPENDENT EXPENDITURES** (Occurring at any time) **— $100 or more**
- [ ] **INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) **— $1,000 or more**
- [ ] **ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) **— $1,000 or more**

1. Name and complete postal mailing address of sponsor:

FREEDOM FOUNDATION
P.O. BOX 552
OLYMPIA, WA 98507

E-mail: INFO@FREEDOMFOUNDAT

Telephone: (360) 956-3482

2. Itemize expenditures of more than $100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
09/05/16	08/26/16	TENET CREATIVE 2811 9TH ST. SE PUYALLUP, WA 98374	WEBSITE BUILD	1,500.00
			Expenditures $100 or less not itemized above	$ 1,722.22
			Total this report	$ 3,222.22
			Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.	$ 3,222.22

Amount or Value
*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

3. List of candidate(s) or ballot proposition(s) identified in the advertising.

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support	Check Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
CAMPAIGN TO PREVENT FRAUD AND PROTECT SE	1501	STATEWID	☐	☒	$ 1,500.00	$ 1,500.00
			☐	☐	$	$
			☐	☐	$	$
			☐	☐	$	$

Continued on attached sheet ☐

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

a) __ An individual using only personal funds.
b) __ An individual using personal funds and/or funds received from others.
c) X A business, union, group, association, organization, or other person using only general treasury funds.
d) __ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
e) __ A political committee filing C-3 and C-4 reports. (RCW 42.17A.205 - .240)
f) __ A political committee filing C-5 reports. (RCW 42.17A.250)
g) __ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of $250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
		Occupation	$
		Occupation	$
		Occupation	$
		Occupation	$
		Occupation	$
		Occupation	$
		Sub-Total	$ 0.00
	Continued on attached sheet ☐	Amount from attached pages	$ 0.00
		TOTAL FUNDS RECEIVED	$ 0.00

Sponsor of Independent Expenditure or Electioneering Communication

I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005. I further certify that the above information is true, complete, and correct to the best of my knowledge.

Signature	Printed Name: MAXFORD NELSEN
Street address: P.O. BOX 552	
City/State/Zip: OLYMPIA WA 98507	
Date Signed: 09/20/16	Place Signed (city and county): OLYMPIA THURSTON

*RCW 9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

The Truth About I-1501

What is I-1501 And Why Should You Vote Against It?

On Nov. 8, Washington voters will be asked in the general election to weigh in on a number of issues ranging from the presidential race to the makeup of their local sewer commission.

Somewhere tucked away in that blizzard of confusing verbiage there will also be a statewide ballot measure, Initiative 1501, which claims it will toughen penalties when identity thieves prey on elderly and vulnerable victims.

Or at least its authors want you to believe that's its purpose.

In fact, I-1501 is a cynically written Trojan horse whose sponsors are actually interested in keeping thousands of state workers from hearing about their legal and constitutional rights.

The measure was written and funded by Washington's government employee unions, which have no interest whatsoever in identity theft, but a huge financial investment to protect in the thousands of home-based healthcare and childcare providers currently represented by SEIU 775 and 925.

Unlike most U.S. states, Washington offers no right-to-work law protection, meaning virtually every taxpayer-compensated employee is required to pay dues or fees to a labor union every month. In 2014, however, the U.S. Supreme Court made an exception in the case of home healthcare and childcare providers, who no longer have to affiliate with the union at all.

Not surprisingly, the unions have made no effort to share this news with their "members." Even worse, they've used every means at their disposal to prevent anyone else from informing them, too.

Although it's clearly a matter of public record, the unions have spent millions of their members' dues money filing frivolous lawsuits to keep the contact information for these caregivers out of anyone's hands but their own.

They also tried unsuccessfully to pass a law during the 2016 Washington state legislative session that would have done the same thing.

Initiative 1501 is simply the unions' latest attempt to do what the courts and the Legislature have refused to do.

But the union leaders who wrote the measure know you'd never vote for a measure that admitted its objective was to keep caregivers – many of whom are low-income individuals just trying to keep their loved one at home rather than in an institution – from learning the truth.

So they threw in a lot of window dressing about protecting seniors from identity theft hoping to deceive you.

Don't let them. Identity theft is already a crime, and I-1501 would do absolutely nothing to weaken or strengthen the penalties against it.

What it would do – by design – is preserve the monopoly the unions have over the information that trickles down to the thousands of caregivers currently funding SEIU's operations and its extreme Leftist political agenda.

No one is seeking anything confidential. Like every other employee paid by the taxpayers, the contact information for home healthcare and childcare providers is already a matter of public record. I-1501 would change that and carve out a small exception to the state's public disclosure laws for union-represented workers in order to keep them in the dark about their rights.

If I-1501 was good for the whole state, it would be supported by a broad coalition of public interests. But it isn't.

The measure was created, funded and supported by one greedy special interest whose only objective is continuing to feather its nest with money set aside for others to use caring for their elderly and disabled loved ones.

Reject it.

The History of I-1501

There is more to I-1501 than meets the eye

Learn More >

The Truth About I-1501

History of I-1501

I-1501 is the culmination of a two-year campaign by one of the most influential special interest groups in the state, the Service Employees International Union (SEIU), to prevent in-home caregivers from learning of their constitutional right to cease financially supporting SEIU.

Through Medicaid, the State of Washington pays for elderly and disabled persons to receive in-home care services. The people providing these services, known as "individual providers" (IPs) are paid directly by the state. Similarly, through the Working Connections program, the state pays for low-income families to receive child care services. Like IPs, these home-based family child care providers are paid directly by the state on their clients' behalf.

I-1501 groups both IPs and family child care providers under the heading "in-home caregivers." For years, all state-paid in-home caregivers were legally required to pay union dues to SEIU whether they wanted to or not.

But in the 2014 *Harris v. Quinn* decision, the U.S. Supreme Court struck down the mandatory dues requirement as unconstitutional and established that caregivers could finally make their own choices about union membership.

But SEIU knows in-home caregivers can't exercise a right they don't know they have. Instead of complying with the court's ruling, SEIU did its best to make sure that caregivers never learned of their rights.

In the months following *Harris*, it quickly became clear that neither the state nor SEIU were going to make any sincere effort to inform caregivers of their right to leave the union.

Consequently, in July 2014, the Freedom Foundation, a nonprofit individual rights advocacy group based in Olympia, requested the list of caregivers from the Department of Social and Health Services (DSHS), which is disclosable under the state Public Records Act (PRA), in order to send out informational material about their right to stop financially supporting SEIU. But rather than turn over the list, DSHS delayed the release of the records long enough to allow SEIU to file a lawsuit

seeking to block its release (*SEIU 775 v. DSHS and Freedom Foundation*, Case No. 46797-6-II).

A Thurston County judge ruled in October 2014 that, as the Freedom Foundation contended, the list was disclosable under the PRA. The union appealed the decision.

SEIU's efforts to "(keep) workers in the dark about their rights" drew the condemnation of former state Attorney General Rob McKenna, who described the union's lawsuit as "weak," "unseemly," "a stalling measure" and "silly."

IP Michelle Peterson, who cares for her daughter, expressed the sentiments of many IPs when she explained, "It makes me angry that the union has been using my daughter's money to fund lawsuits to keep us in the dark about our rights."

Having lost the first round in court, SEIU turned its attention to a stealthy attempt to simply re-write the PRA in its favor during the 2015 legislative session.

Touted as a measure to protect Department of Corrections (DOC) workers from retaliation, SB 5678 was introduced in the State Senate and a companion bill, HB 1349, was introduced in the House. While Teamsters 117, which represents DOC employees, took point lobbying for the bills, SEIU was nowhere to be seen, at least publicly.

The bills would have done nothing substantive to protect DOC staff and were narrowly targeted at preventing the Freedom Foundation from using lists of employees obtained from the state for the purpose of informing state-paid workers of their right to resign union membership.

Documents obtained by the Freedom Foundation from the governor's office via a public records request after the session confirmed SEIU as the force behind both bills.

HB 1349 eventually narrowly passed out of the House but died in the Senate.

While its appeal dragged on in court, SEIU made another run at the PRA during the 2016 legislative session. This time, the union jettisoned the stealth approach in favor of a higher profile pressure campaign to pass SB 6542. In an email sent to IPs on Feb. 11, SEIU pulled out all the stops in its attempt to make the situation sound as dire as possible and get caregivers to contact the Legislature in support of the bill.

The union neglected to mention that the vast majority of IPs "personal contact information" is already exempt from disclosure under the PRA. The Freedom Foundation is seeking only a list of names. SEIU also failed to mention the fact that, in accordance with Article 5.1 of the collective bargaining agreement (CBA), the state provides SEIU with monthly updates of all IPs' personal information, including not just names, but date of birth, physical and mailing addresses, email

addresses, phone numbers, marital status, language preference and even Social Security numbers, all in spite of the PRA's prohibition against the information's release.

The Freedom Foundation again blew the whistle on the bill. It died in the Senate without receiving a hearing.

The union's failed legislative efforts came with a high price tag. Between 2015 and 2016, SEIU spent a total of $927,634.13 on lobbying and political contributions to advance its agenda.

In another setback, a state appeals court ruled unanimously against SEIU in April 2016 and upheld the trial court's decision finding the list of IPs is disclosable to the Freedom Foundation under the PRA. The union is currently appealing the decision to the State Supreme Court.

Federal records indicate that between 2014 and 2015, SEIU paid the two Seattle law firms representing the union in the lawsuit (Schwerin, Campbell, Barnard, Iglitzen & Lavitt, and Frank, Freed, Subit & Thomas) a total of $788,100.

Having failed twice in the Legislature and twice in the courts, but successfully put off the day of reckoning for another two years, SEIU has now turned to the ballot box for relief.

Initiative 1501, filed in March, would rewrite the PRA to bar the release of IPs' names and reinforce the statutes already exempting the rest of their personal information from disclosure. It would also block the release of the names and contact information of SEIU-represented family child care providers, who also may stop paying union dues under *Harris*. Federal records indicate SEIU paid the Seattle law firm that filed the initiative, Smith & Lowney, $21,532 in November 2015, likely to draft the initiative.

Unsurprisingly, Section 11(d) of I-1501 allows for all detailed personal contact information of IPs and family child care providers to be released to "a representative certified or recognized under RCW 41.56.080," the statute governing the unions that represent IPs and family child care providers. So while SEIU will still be able to get caregivers' detailed personal information, groups like the Freedom Foundation will not be able to even get a list of names.

Even other caregivers would be prevented from obtaining the list. Effectively, since they are scattered in homes around the state, this would shut down caregivers' only means of communicating with each other about issues of common concern.

The rest of the initiative contains just enough lip-service about the importance of protecting seniors from identity theft and minor adjustments to identity theft laws to obscure the measure's real purpose and provide cover for an innocent-sounding ballot title.

So far, the so-called "Campaign to Prevent Fraud and Protect Seniors," run by SEIU's Adam Glickman, has received $1,205,438.91 in cash and in-kind contributions from SEIU, the measure's sole financial backer.

Between SEIU's litigation to block disclosure of the list of IPs, lobbying efforts to rewrite the PRA in its favor, and support for I-1501, the union has spent as much as $2.9 million to date on efforts to prevent in-home caregivers from learning of their constitutional right to cease financially supporting SEIU.

Special interest groups should not be allowed to manipulate the state Public Records Act for their own benefit. Vote "no" on I-1501 and shut down SEIU's attempt to keep caregivers in the dark about their rights.