

Claim for Damages Pierce County

Risk Management Department
Ph: 253-798-7462

This Box is For Official Use Only.

Notice: No damages can be paid by Pierce County unless a claim complying with Washington State Law is presented to Risk Management. After filing a claim, please direct all questions to Risk Management at (253) 798-7462 (Office Hours 8:00am - 4:30pm). Pursuant to RCW 42.56 any documents submitted with this claim form are public records subject to disclosure.

Instructions: (1) Complete this form giving specific details about your damage or loss. Include dates, times, witnesses and supporting documents. (2) Sign the form and have it notarized. (3) Return completed form with original signature to Pierce County Risk Management, Suite 303, 955 Tacoma Avenue S., Tacoma, WA 98402. **Explanation of claims process:** After this Claim for Damages form is submitted to the Pierce County Risk Management Department, a claim number will be assigned to your claim. An investigator will conduct an investigation and be in contact with you.

Name: Sally Marie Barnes
First, Middle, Last (or business name)

Address: c/o Connelly Law Offices, 2301 N. 30th St. Tacoma, WA 98403
(Home or business) City State Zip

Business Phone: 253-593-5100

Home Phone: _____

Message / Cell Phone: _____

Date of Birth 7-11-52

Address at time loss / incident occurred: 9747 46th Ave NE Olympia WA 98516
Address City State Zip

Date of Incident: see attachment Time of Incident: _____ Amount Claimed: \$ see attachment

Location of loss/incident: see attachment

Description of Details (Describe how the loss / incident occurred): see attachment

Pierce County's Involvement (if possible, please identify employee, department and/or vehicle involved):
see attachment

(Attach additional pages if necessary).

Witnesses (please provide addresses and phone numbers):

(1) see attachment (2) _____ (3) _____

Property Damage (please describe the value and extent of the damage to your home, automobile or personal property. Attach estimates, bills, photographs and whatever documentation of damages you may have): _____

Model _____ Make _____ Year _____ License _____ Insurance _____ Policy _____
Number Name Number

Were you injured? No Yes If yes, then complete the following: Are you still receiving medical treatment? Yes No

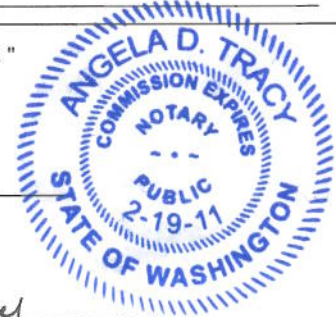
Are you currently on Medicare/Medicaid? Yes No
Describe your injury (Identify your doctor(s)/healthcare provider(s)): see attachment

"I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct."
Sally M. Barnes 12-28-2010
Signature of Claimant or Authorized Agent (RCW 4.96.020 (3)) Date

Subscribed and sworn to before me this 28th day of December, 2010

(SEAL)

Angela D. Tracy
NOTARY PUBLIC in and for the State of Washington,
residing at Puyallup, WA



Tort Claim Against Pierce County - Attachment

- **Date(s) of Injury:** On or about January 22, 2009 and afterward.
- **Place Injuries Occurred:** Pierce County Assessor-Treasurer's Office, 2401 South 35th Street, # 142, Tacoma, WA 98409-7498. The injuries initially occurred at the this address, but also occurred throughout Washington State, including everywhere newspaper articles and web postings about the subject matter giving rise to this lawsuit were distributed or read.
- **Amount Claimed:** \$800,000 to \$1,500,000. The amount of general damages is within the province of the jury to determine. Juries in cases involving defamation, false light, constructive discharge, and negligent and intentional infliction of emotional distress have awarded amounts in this range or higher as damages. Plaintiff reserves the right to increase or decrease this amount as the evidence warrants.
- **Attorney for Claimant:** John R. Connelly, Jr., Connelly Law Offices, 2301 N. 30th St., Tacoma, WA. 98403; (253) 593-5100.
- **Circumstances which brought about the injury or damages:**

On or about January 22, 2009 Pierce County, through its agents, representatives and employees at the Assessor-Treasurer's Office ("the Office"), began to ostracize, marginalize, retaliate against, and remove supervisory duties from Sally Barnes, a dedicated 30-year employee of the Office. Dale Washam ("Washam") was elected Pierce County Assessor-Treasurer in 2008 and took office in January 2009. Since that time, he has been obsessed with the alleged malfeasance of the prior Assessor-Treasurer, Ken Madsen, and has spent considerable County resources avoiding his Assessor-Treasurer duties and intimidating, humiliating, publicly discrediting and retaliating against employees, including Ms. Barnes. Washam has targeted Ms. Barnes and other employees, and has done everything in his power to create an intolerable working environment.

Shortly after taking office, Washam held an office meeting to discuss the alleged illegal acts of the Madsen administration. Washam became angry and accusatory toward those in attendance, prompting some employees, including Ms. Barnes, to contact Pierce County Human Resources ("HR") anonymously, citing Washam's hostility and inappropriate religious references. The following day, Washam returned to the office and told Ms. Barnes that he wanted to put his past battle with the Madsen administration behind him and move forward.

Despite Washam's promise to move forward, tensions flared again on January 29, when Pierce County Executive Pat McCarthy and HR director Betsy Sawyers informed Washam that office employees were uncomfortable with his use of religious references in the workplace. Presuming that Ms. Barnes had made the HR complaint, from that point onward, Washam made it his personal mission to target, chastise and illegally retaliate against her. Ms. Barnes was removed from some of her supervisory duties and Washam became outwardly hostile toward Ms. Barnes, sometimes yelling at her during meetings, and eventually plotted to fire her behind closed doors with employees at the Office, the Pierce County Prosecutor's Office and HR, among others.

Washam met with Labor Relations Manager Joe Carrillo in early 2009 to discuss demoting or firing Ms. Barnes. Washam alleged that he should not have to work with Ms. Barnes because she drafted a declaration in support of Ken Madsen during the 2005 recall campaign, which Washam had spearheaded. When Mr. Carrillo informed Washam that Ms. Barnes' declaration alone would be insufficient to take any adverse employment actions against her, Washam became visibly angry and left the meeting. Throughout the following weeks, Washam repeatedly and publicly cast blame upon Ms. Barnes for the alleged missed inspections and stated that he couldn't "get rid of anybody because of the friggin' union."

Based on Washam's escalating hostility and public disparagement, Ms. Barnes filed an Equal Employment Opportunity (EEO) complaint on March 11, 2009, asserting that she believed Washam was retaliating against her for not supporting Washam during the 2005 recall campaign, and other actions. After Washam was made aware of the complaint in April, he used the office's web site to proclaim that the allegations in the complaint were "bogus." These targeted attacks against Ms. Barnes continued throughout the EEO investigation.

On May 11, 2009, Alberto Ugás was appointed Chief Deputy of the Office and informed Ms. Barnes that she was being removed from her position as Administrative Officer and assigned to a "special project." She was relocated from her private office in the front office to "a remote and inferior worksite" upstairs, completely separated from the rest of her former department. Ms. Barnes was also stripped of all supervisory, coordination and oversight duties, prevented from attending management meetings, supervised by a manager who had a lower job classification than she, and denied access to all but the most basic files in the office. In short, Ms. Barnes was retaliated against and effectively demoted without notice to a phony lower-level position and forced to work under intolerable working conditions. Such a drastic change in positions was not only retaliatory, but also an act of poor management that resulted in Ms. Barnes' skills and experience being completely underutilized. In the following weeks and months, the working conditions at the office and Ms. Barnes' treatment by Washam and Ugás continued to deteriorate.

Around this time, the investigative report from Ms. Barnes EEO complaint was published, and concluded that Washam had unlawfully retaliated against her. Pierce County HR Director Betsy Sawyers warned Washam that he needed to cease all retaliatory actions against employees, stating, "I do not believe that I can overemphasize how important it is that no further retaliation occurs to the complainant or any other employee. Such behavior would not only again, violate the law, but it would again place the County under increased liability." Despite this warning, Washam and Ugás continued to retaliate against Ms. Barnes, publicly proclaimed that the findings were "bogus" and baseless.

After acquiring a copy of Ms. Barnes' original complaint against him, Washam posted the findings of his personal investigation on the County's web site, in which he specifically defamed Ms. Barnes and cast her in a false light. While the report alleged that falsified documents and entries were rampant throughout the office during the Madsen administration, Washam targeted Barnes and implied that she was the perpetrator of the alleged fraud by relying on her emails, memoranda, notes and meeting minutes to support his findings. At this point, Washam was well on his way to meeting his goal of getting rid of Ms. Barnes "the dirty way."

In November 2009, Ms. Barnes was informed that she was to be laid off due to budgetary shortfalls. Upon learning that Billie O'Brien, the other senior manager at the office, was not facing termination despite the fact that Ms. Barnes had seniority over her, Ms. Barnes exercised her bumping rights and was able to avoid the lay off. Ms. O'Brien never received a similar lay-off notice. On November 30, 2009, Washam and Ugás again colluded to force Ms. Barnes out of

her position by filing a whistleblower complaint against her, alleging a litany of unsubstantiated criminal acts. By March 2010, Ms. Barnes could no longer work in the intolerable conditions that Washam and Ugás had created for her at the Office and resigned before a number of reports were published that vindicated her actions and further confirmed that she and other employees at the Office were facing unlawful retaliation.

On May 24, 2010, Kent Nakamura provided HR with an investigation report that was created in response to a complaint of improper governmental action. Mr. Nakamura concluded that Washam and Ugás abused their authority, violated state and federal employment laws, misused public funds and specifically targeted employees within the Assessor-Treasurer's Office in their never-ending grudge against the prior administration. On August 12, 2010, Donald Heyrich provided HR with the most recent investigative report on EEO complaints against the Assessor-Treasurer's Office. This report concluded, yet again, that Washam unlawfully retaliated against his employees, prompting HR to send a second letter to Washam, warning "how critical it is that no further retaliation occurs to the complainant or any other employee."

Despite these repeated warnings, and the multiple investigations that have concluded Washam and Ugás have retaliated against employees, abused their power and misused public funds, they have relentlessly continued their unlawful behavior, subjecting Ms. Barnes to stress, anguish, disparagement, defamation, false light, emotional distress and further substantial injury and damage to her reputation. Ms. Barnes has been portrayed as a fraudulent criminal on the Assessor-Treasurer's Office's web site, she had all of her job responsibilities taken away, and was left with no other choice but to resign due to the intolerable working conditions at the office, after working for 30 years as a dedicated, trusted and hard-working Pierce County employee. These targeted attacks against Ms. Barnes continued after she left the Office, and will likely continue into the foreseeable future. Based on the facts listed above, as well as others, Ms. Barnes files this tort claim against Pierce County.

▪ **Description of Injuries or Damages:**

As a result of the actions listed above, as well as others, Ms. Barnes has suffered lasting physical injury and extreme mental anguish. Ms. Barnes' professional reputation and standing within her career field has been irreparably damaged. Her ability to pursue meaningful career alternatives has been significantly limited. In addition, as a result of the intolerable working conditions at the Pierce County Assessor-Treasurer's Office, and her subsequent constructive discharge, she has lost rightfully earned retirement benefits and wages.

▪ **Claimed Damages:**

Ms. Barnes has incurred lost wages, retirement benefits, and enduring damage to her professional and personal reputation within the community.

▪ **Pierce County's Involvement:** Pierce County Assessor-Treasurer, Dale Washam; Deputy Assessor-Treasurer, Albert Ugás; Assistant to the Assessor-Treasurer, Gretchen Borck.

▪ **Witnesses:**

- **Gretchen Borck** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111

- **Debbie Brammer** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Billie O'Brien** – 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Chris Case** - Contact information not available
- **Jim Hall** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Cheri Harrison** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Mike Johnson** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Cindy O'Neill** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Shellie Pollitt** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Albert Ugás** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Dale Washam** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111
- **Mark Williams** - 2401 South 35th Street, # 142, Tacoma, WA 98409-7498; 253-798-6111