

1 **SUPERIOR COURT OF THE STATE OF WASHINGTON**  
2 **FOR SAN JUAN COUNTY**  
3

Plaintiffs,

THE LAW OFFICE OF JAMES P.  
GRIFO, LLC; a Washington State  
Limited Liability Company; and, THE  
LAW OFFICE OF NICHOLAS  
POWER PLLC, a Washington State  
Professional Limited Liability  
Company,

v.

AMERICAN FEDERATION OF STATE,  
COUNTY, AND MUNICIPAL  
EMPLOYEES, a labor union; WALTER  
BLAIR, as purported administrator of  
Local 114; COLIN MAYCOCK, as a  
member of Local 1849, President of Local  
1849, and as a member of American  
Federation of State, County, & Municipal  
Employees; JAEK KOMAC, a member of  
Local 114, as former President of Local  
114, and a member of American  
Federation of State, County, & Municipal  
Employees; LOCAL 1849, a Labor Union  
operating in the State of Washington; and  
LOCAL 114, a labor union operating in  
the State of Washington,

Defendants.

COUNTY CLERK OFFICE  
FILED COPY

DEC 09 2019

LISA A. HENDERSON  
SAN JUAN COUNTY, WASHINGTON

Case No. 19-2-0517928

**DECLARATION OF  
JAEK KOMAC**

4  
5 I, Jael Komac, hereby declare as follows:

6           1.1    I am a Defendant in the above-captioned matter. I am of legal age, and  
7   I have personal knowledge of each fact stated in this declaration, to which I could  
8   and would competently testify if called as a witness in this matter. I am a dues-  
9   paying member in good standing of Local 114, AFSCME, AFL-CIO, and I am also  
10   the former President of Local 114, AFSCME, AFL-CIO.

11           1.2    I submit this declaration in response to the Plaintiff's Case.

12           1.3    I believe that both Local 114's and my personal interests are adverse  
13   and distinct from AFSCME's.

14           1.4    In April 2019, Local 114, Local 1849, Colin Maycock and I filed Case  
15   NO. 2:18-cv-562 in the UNITED STATES DISTRICT COURT WESTERN  
16   DISTRICT OF WASHINGTON. Since that filing and subsequent dismissal of the  
17   case by Judge Zilly, my Local and I have been retaliated against by both the State  
18   Affiliate of AFSCME International which is named Washington State Council of  
19   City and County Employees, Council 2 (WSCCCE) and representatives of  
20   AFSCME International. This has resulted in my plans to seek relief from the courts  
21   against AFSCME International and Washington State Council of City and County  
22   Employees, Council 2 (WSCCCE). I consider the release of this file to the future  
23   defendants very detrimental to my upcoming case. Releasing my protected  
24   attorney-client information will have an adverse effect on other individuals, me, and  
25   would harm the potential legal claims that I am planning to pursue.

26           1.5   AFSCME International Union has improperly and illegally taken over  
27 the administration of Local 114 without following due process and protections  
28 afforded to me by AFSCME's own constitution. Please see the attached a copy of  
29 the appeal of this Administratorship that is currently in process. What  
30 Administratorship means is that AFSCME International has unilaterally done the  
31 following: a) Local 114 officers have been stripped of their authority to act and  
32 speak on behalf of the union; b) AFSCME International has raided our treasury  
33 and taken all of our dues money; c) AFSCME International Union has  
34 exterminated democracy by declaring that local union members no longer have  
35 voting rights at meetings; d) AFSCME International Union has illegally  
36 communicated to our employer, the City of Bellingham, that they (not WSCCCE,  
37 Council 2) are the Local's representative; and e) AFSCME International Union has  
38 assigned one of their employees to act as the Local 114 administrator.

39           1.6   I consider all of my communication with my attorneys, Mr. Grifo and  
40 Mr. Power confidential and subject to attorney-client privilege. I would never have  
41 communicated freely with my attorneys if I had known the AFSCME International  
42 Union would have knowledge of or future access to all my attorney-client privileged  
43 communications. Now, through the International Union's unilateral declaration of  
44 administratorship over Local 114, they are claiming to be a client of Power and  
45 Grifo. The court should not be fooled by this disgusting move to assume the identity

46 of my local and disguise themselves as a client. Since the International Union and  
47 WSCCCE Council 2 have undertaken retaliatory actions against me, I believe the  
48 release of this file to them will only result in more attempts to discredit me and my  
49 union brothers and sisters.

50 1.7 I have the utmost confidence in the legal skills and abilities of my  
51 attorneys Grifo and Power and was completely satisfied with their representation of  
52 me. As the President of Local 114 at the time the lawsuit was filed and up through  
53 its conclusion, I was completely satisfied with their representation of our local  
54 bargaining unit. This opinion is shared by the majority of local members. It is  
55 unfortunate Judge Zilly placed his trust in AFSCME International and Council 2  
56 when they led him to believe that the information we requested was available to us.  
57 Clearly, the Defendants in that case lied to Judge Zilly. The judge dismissed our  
58 case based on the false representation that the plaintiffs in that case (2:18-cv-562)  
59 had or has access to financial information about our national Union and the  
60 Washington State affiliate, Council 2. This was, is and remains a complete lie. I  
61 and other members of Local 114 have repeatedly requested access to the  
62 information. These the requests are either ignored or denied. I would be interested  
63 in what Judge Zilly thinks about the latest denial response to my request for  
64 information. The AFSCME International Union and Local State Affiliate Council  
65 2 appear to be in direct defiance of the Court and only look to their internal "Judicial

Panel”. They state that despite what the Court said, dues-paying members are not entitled to information because members not to be trusted. On Wednesday, Dec 4, 2019, Council 2 Staff Representative Joe Downes sent the following message to me when I again asked him for an appointment to view the financial information that was requested almost a year ago:

“Hi Jael, it’s my understanding that seeing the information listed on the information request is built on the idea that that information will be used for the betterment of the union. Your current activities on behalf of the Guild and against the interests of the union are directly opposite to that idea. The judicial panel decision talks about making the information available provided that appropriate precautions are taken to protect confidential information. “Moreover, it is appropriate to qualify the provision of financial information with an assurance that the requesting member will maintain the confidentiality and proprietary nature of the information.” What assurances can you provide that you will maintain the confidentiality of the proprietary information you requested?”

1.8 Now we are purportedly under an Administratorship where the International Union is supposed to help us. Instead of helping to enforce the Union Members Bill of Rights, being truthful to Judge Zilly’s court and helping us view

85 the information we have requested, they are now using trickery to pretend to be  
86 Local 114 and seek access to our client legal files. This is so wrong.

87 1.9 The information that our Local was and is requesting is not an  
88 unreasonable request for a member of any non-profit organization. We would  
89 simply like to know if our dues money is being spent prudently and, in a manner  
90 consistent with the goals of our union. The fact that this information is being  
91 withheld from us raises deep suspicion that there is greed, self-dealing,  
92 incompetence, and perhaps, fraud.

93 1.10 Clearly, Attorney Ed Younglove is masquerading as the Local 114  
94 representative. Younglove has been hired by an employee of the AFSCME  
95 International Union. His hiring was NOT done with the consent of the members of  
96 Local 114, who likely vehemently oppose his hiring. Please be advised that it was  
97 Younglove himself who represented the defendants (AFSCME International Union  
98 and WSCCCE Council 2) in our federal lawsuit. Now, all of a sudden, Younglove  
99 has switched sides and is pretending to be acting in the interests of the membership  
100 of Local 114? This conduct is an outrageous conflict of interest and strains the  
101 limits of acceptable ethical conduct. Let's not be fooled, the AFSCME International  
102 Union's actions here are clearly a retaliatory move to discover, strike back against,  
103 and suppress dissenters. The reason they want this file is so they can find out who  
104 among their membership in the State of Washington has contributed money or

105 information to the federal lawsuit so they can retaliate against them too. These  
106 actions are slimy and bring discredit to the union movement and the legal  
107 profession. Please, Your Honor, do not allow this to happen.

108 1.11 To permit the release of the client file will have a chilling effect on all  
109 future Union members who have the courage to voice dissent and pursue legitimate  
110 claims in the future. I urge the court to protect the file.

111

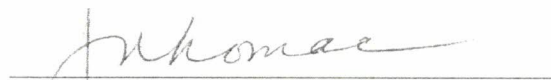
112 I declare under penalty of perjury under the laws of the State of Washington that  
113 the foregoing is true and correct.

114 DATED Monday, December 9, 2019.

115

116

117

  
Jael Komac

December 8, 2019

Appeal to Executive Board  
Administratorship of Local 114

From undersigned Local 114 members

We are appealing the decision of the Judicial Panel over the decision to place our Local under the administrative control of AFSCME. Deputy Administrator Kruse stated that we have no ability to vote as a membership, so we are appealing this administratorship as individual members.

We are fully aware there is a challenge to AFSCME representation occurring within our Local. There is plenty of membership disgust over to the actions of Christopher Dugovich, J. Pat Thompson and Richard Ableson: Here is a short list of events leading up to this challenge:

1. Christopher Dugovich, refuses to provide his executive board and our membership with a full accounting of union funds and other vital information;
2. J. Pat Thompson, Deputy Director of Council 2 threatening to abandon our local mid-contract;
3. AFSCME Judicial Panel Chairperson Abelson was suckered by Dugovich into believing we were agents of the anti-union Freedom Foundation. Abelson led other panel members to decide to ignore our own International constitution and forsake the membership,
4. Ableson prevented our Local from intervening in the Maycock judicial panel appeal, but then allowed President Lee Saunders to intervene.
5. A rigged Council 2 election, where Dugovich's opponent and his supporters were not allowed to speak or distribute literature at a convention held on a date not allowed under the Council 2 constitution;
6. Dugovich withheld our local's share of AFSCME dues for approximately three months, stating they would remain "in my account";
7. Lee Saunders has not enforced his own order to release information to dues-paying members of this Union and he has subsequently ignored our numerous requests for information made directly to him;
8. A pattern of the suppression of our rights, willful ignoring of the AFSCME International constitution, retaliation and attacks against the membership by Abelson, Dugovich, and Thompson;

9. Dugovich ignoring the order of President Saunders to provide us with the information we requested by refusing to schedule appointments with members seeking review of the information;
10. Allowing Dugovich to continue his outrageous self-dealing while local members are being audited, charged, and stripped of authority and now placed under administratorship.
11. Deputy Administrator Kruse under the direction of Administrator Blair has engaged in slanderous and libelous conduct, opening accusing past officers of theft when they know and have proof that the exact opposite is true; thus exposing the International and state affiliate to legal liability.

We request that the Executive Board investigate this matter by talking to us personally and other Council 2 members who, by simply asking a few questions, find themselves in harm's way. We respectfully ask you NOT rely on the information fed to you by paid staff and others who wish to conceal their involvement in this sordid cover-up of self-dealing and trickery.

Since AFSCME is now spending resources on attorneys to keep us in AFSCME, we welcome the extended opportunity to continue our internal challenges. We will not back down because the truth is on our side.

Our reasons for the appeal are as follows:

**Defective Notice:**

The Judicial Panel Chairperson failed to notify the members of Local 114 of the date, time and location of the hearing. None of the acting officers of the Local received any notice. Not verbal, not email, not US mail. Proper notice as set out in the constitution is required.

**Discriminatory Notice:**

Several of our members, however, did receive notice. One member falsely testified in favor of the administratorship. Apparently the very few supporting administratorship are given notice, this event is "by invitation only", yet those who are falsely accused are not given notice. This flies in the face of justice.

The single witness from our large membership that Deputy Administrator Kruse could dredge up was Sister Copeland who herself has admitted exploring decertification on her own (see attached). Apparently, she is not only anti-AFSCME but anti-Union.

**False Testimony:**

The so-called depletion of our treasury was for legitimate union-related purposes. Our biggest expense was legal fees incurred in our attempt to compel AFSCME to follow its own constitution. Only after we filed the lawsuit did Saunders intervene and reverse the unanimous appeal of the rigged Judicial Panel decision against us.

### **False and Libelous Accusation**

The so-called cash withdrawal is knowingly false. What Kruse fails to tell you is the membership of the Local authorized a \$3,000 cashier's check for the hardship suffered by the family of a local member who a) committed suicide and b) was somehow found not eligible for the Council 2 life insurance benefit of \$10,000. As previous participants in the Council 2 Dental Trust program here in Washington where Chris Dugovich is the president, we have intimate knowledge of the fact that Dugovich can and does intervene in insurance matters when he deems it necessary. Benefits have been paid out to our members in the past even though they haven't properly enrolled (if this was the case here, which we aren't convinced it was). Bottom line, the communication from Council 2 to our members regarding the life insurance benefit is that if you are a member, you have the insurance. Period.

The blatant insinuation that our past President Komac went to the bank and took out \$3000 in cash for any other purpose is a flat-out lie and is slander.

### **Unethical Conduct**

AFSCME Administrator Walter Blair and Deputy Administrator Kruse knowingly hired an attorney to represent Local 114 who has a direct and disturbing conflict of interest (see attached). Why attorney Younglove in particular agreed to take this case raises serious ethical questions.

### **Incompetent Administrator**

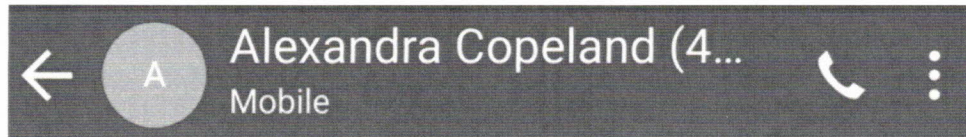
Jeremy Kruse has no experience as a union representative, does not understand Washington State labor law, does not understand the grievance process and has done nothing except cause problems. At the November meeting of our Local he referred to himself as the Dictator of our Local. Bottom line, you would not want him as your representative – for anything. Walter Blair has not bothered to attend any meetings of the Local.

Please schedule the hearing in Bellingham and please send proper notice using correct mailing addresses. It would be appreciated if you would follow up by sending notification to email addresses.

Thank you,

 12/8/2019

|                |                    |                |
|----------------|--------------------|----------------|
| Kirk Juneau    | Andy Wojciechowski | Shayla Francis |
| Anne Boerner   | Tami Miller        | Donna Grasdock |
| Nick Leininger | Amy Lathrop        | Tom Veitch     |
| Nik Alexander  | Tyler Rouse        | Kelly Costello |
| Trisha Lee     | Corey Schaitzer    | Troy Cummings  |



10/12/19 9:56 AM

Hey Jael, I am (as usual) behind on checking email. Sorry to see your resignation. I think that even though things have gotten contentious recently you were a good President.

9:56 AM

Thanks Allie

9:58 AM

10/12/19 11:21 AM

Of course.

11:21 AM

I'm not sure if you'll feel like sharing but would you mind sharing what the plan is for decerting? I was researching it about a year and half ago and had let it drop because the prolonged fight seemed like it would hurt the members. Post-Janus is the assumption that there won't be a fight?

11:23 AM

We are not decerting.

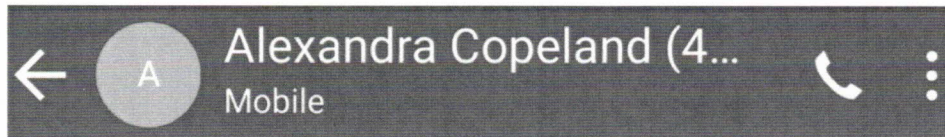
11:23 AM

No?

11:24 AM

No.

11:24 AM



What's with the flyer circulating around then?

11:24 AM

We are petitioning for a change in representation.

11:25 AM

It's very different.

11:25 AM

Very much so. Who would represent 114?

11:25 AM

The Guild of Pacific Northwest Employees. Its all on the flyer. Have you read it?

11:26 AM

I can't get my hands on one. So I've only had second hand information.

11:26 AM

I would be happy to discuss the plan with you or anyone from Police Records. The second hand information is a killer.

11:26 AM

If you could send me one that  
would be grand

11:26 AM

Are you working today? I can drop  
one off to you.

11:27 AM

Right?! Second hand (especially  
here in records) is a nightmare

11:27 AM

Yes. I know.

11:28 AM

I am working today until 4pm

11:29 AM

If you could drop one off i would  
love that.

11:30 AM

I will

11:30 AM

Delivered

Thank you so much

11:30 AM

To: Kirk Juneau From: Jeremy Kruse Date: 11/22/19

Re: Correspondence to Ed Younglove

Dear Brother Juneau:

Attorney Edward Younglove forwarded to me a letter you sent to him regarding his representation of Local 114. As Local 114's Deputy Administrator, I retained Mr. Younglove to represent Local 114 to retain its role as the representative of Bellingham employees, despite the PERC petition you are pursuing to change the representative. Contrary to your letter, I do not believe you have the best interests of Local 114 in mind. Because both Council 2 and Local 114 have an interest in fighting your effort to destroy the local, I see no conflict in Mr. Younglove's representation of both Council 2 and Local 114.

Your letter also indicates you believe the administratorship over Local 114 is unlawful. President Saunders believed an emergency situation existed due to the failure of Local 114's leadership to fulfill its fiduciary duties to the membership and threatened the dissipation of Local 114's assets, and was necessary to protect and preserve Local 114's status. These are all proper reasons to impose an administratorship under Article IX, Section 37 of AFSCME's International Constitution, as well as under the Labor Management Reporting and Disclosure Act, a statute you cite in your letter even though it does not apply here.

It is important that any election is fair and free from improper interference, and that Local 114 and Council 2 have strong representation to protect and preserve their membership's right to make an informed decision about their future. We look forward to Bellingham employees having that opportunity.

I trust this answers your questions. If you have further concerns please direct them to me and not to Mr. Younglove.

In solidarity,

