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Helena, MT

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Washington, DC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 11, 2019

Chris Dugovich
P.O. Box 750
Everett, WA 98206

Jael Komac
4745 Neptune Circle
Ferndale WA 98248

Re: JUDICIAL PANEL CASE NO. 19-83
Dugovich & Stemler v. Komac et al

GREETINGS:

This is to give you formal notice that the Judicial Panel has assumed original jurisdiction pursuant to Articles X and XI of the International Constitution. A copy of the charges is enclosed.

Pursuant to Article XI, Section 8, of the International Constitution, a member of the AFSCME Judicial Panel will be appointed to preside over the trial. **A Trial Officers Selection list is enclosed.** Each side has the right to delete up to two names from the list. Before exercising this right, each should consult with the person or persons on his side of the case. This should then be returned to me with deletions, if any, by **January 2, 2019**. It is not necessary to serve a copy of the response on the other side. If I do not hear from the parties by then, I will assume that all names are acceptable.

The persons bringing the charge and the accused should provide their email addresses so that the decision can be sent electronically in conformance with Article X, Section 18 of the International Constitution. The email addresses may be sent to JudicialPanel@AFSCME.org.

The trial will be conducted pursuant to the International Constitution and the Rules of Procedure of the Judicial Panel. I call your attention to Article X of the International Constitution, and Article IV, Section 8 of the Rules of Procedure of the Judicial Panel. If you intend to have a lawyer represent you at the hearing, you must provide the lawyer's (and firm) name to the undersigned and the other party to this matter, within 15 calendar days of this letter. Any objections concerning the lawyer selected must be raised with the Judicial Panel within one week of learning the name of the selected lawyer (by email to JudicialPanel@AFSCME.org), and should include the basis for the objection.

In Solidarity,

A handwritten signature in black ink, appearing to be 'Richard Abelson', with a long horizontal line extending to the right.

Richard Abelson
Judicial Panel Chairperson

RA:spp

cc: Lee Saunders, President
Elissa McBride, Secretary-Treasurer
Walter Blair, Regional Director O&FS
Jeremy Kruse, AFSD
Ed Stemler (charging party)
Shayla Francis (accused party)
Andrew Wojciechowski (accused party)
Tom Veitch (accused party)

AFSCME CONSTITUTION VIOLATION CHARGES

Local 114 is currently placed under Administratorship by the International. Pursuant to Article X, Section 3 these charges against members who have been removed as officers during an administratorship shall be filed and heard by the Judicial Panel. The charging parties request that the judicial panel accept jurisdiction, and that this matter be expedited as a decertification petition for Local 114 is currently pending and time is of the essence.

Charge 1- Jael Komac, Shayla Francis and Kirk Juneau did violate AFSCME Constitution Article X, section 2 (E) by assisting, or intending to assist, the Guild of the Pacific Northwest a competing labor organization within the jurisdiction of the union.

-Jael Komac resigned as president of Local 114 on October 11, 2019 and in her letter to membership after criticizing AFSCME Council 2 stated, "There is something better for all of us out there and I am going to actively pursue it, starting this moment. Please join me."

-The next day, on October 12, 2019 The Guild of the Pacific Northwest registered agent and former AFSCME staff representative, Dean Tharp, filed a change of representation petition seeking to decertify the union and have the Guild take over representation of City of Bellingham employees.

-Kirk Juneau appears as one of four principles for the Guild of the Pacific Northwest.

-Jael Komac and Shayla Francis while members of local 114, solicited union members to sign representation cards to have the Guild of the Pacific Northwest oust the union from representing City of Bellingham employees.

-Many of these facts have already been determined as part of Judicial Panel case #19-70 upholding the decision of President Saunders placing Local 114 in administratorship. That decision discusses testimony about Komac and Francis handing out forms to current union members in order to get union members to designate the Guild as the exclusive bargaining agent, and for members of the union to become members of the Guild.

Charge 2-Jael Komac while acting as president of Local 114 did violate AFSCME Constitution Article X, section 2 (B) by presenting a \$3,000.00 check from the local for cash. That \$3,000.00 check for which Jael Komac received cash had only one signature, hers. Both actions violate the AFSCME Financial Standards Code. These violations were already proven in Judicial Panel case #19-70 decision,

"Brother Kruse testified that on October 11, 2019, prior to her resignation as president of Local 114, Komac appeared at the financial institution where Local 114 kept its funds and withdrew \$3,000.00 in cash with only one signature, her own. The cash withdrawal of funds is absolutely prohibited pursuant to the AFSCME Financial Standards Code. Also, the withdrawal

of any funds with only one signature of an authorized officer is absolutely prohibited pursuant to the AFSCME Financial Standards Code."

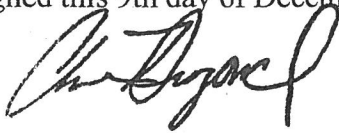
Charge 3- Jael Komac, Shayla Francis, Andrew Wojciechowski, and Tom Vietch did violate AFSCME Constitution Article X section 2 (A)&(B) while acting in their capacity as officers of Local 114 of the Washington State Council of County and City Employees (Council 2), by conducting business and spending Local 114 funds without proper authorization.

-Due to concerns about the lack of members showing up to meetings where Local 114 conducted business without a quorum, WSCCCE President/Executive Director Chris Dugovich, ordered an affiliate review/audit pursuant to Article IX section 31 of the AFSCME Constitution. During the time period covered by the audit starting January 1, 2017 the documentation provided by Local 114 demonstrated that numerous expenditures totaling approximately \$43,000.00 of Local 114 funds were not properly authorized. The 2018 and 2019 budgets were approved at meetings where there was not a quorum present. Expenditures for attending conventions or trainings were not approved at meetings where a quorum of members were present. Other examples of unauthorized actions include cashing in Certificates of Deposit for thousands of dollars, and paying outside attorneys.

Relief Requested

1. Expulsion from membership pursuant to Article X, Section 15(H)
2. Full Restitution pursuant to Article X, Section 15 (C)

Signed this 9th day of December, 2019 by members brining charges



Chris Dugovich
President/Executive Director



Ed Stemler
General Counsel

Washington State Council of County and City Employees
AFSCME Council 2