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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

COLIN MAYCOCK, as a member of
Local 1849, as President of Local 1849, as
a member of the Executive Board of
Council 2, Washington State Council of
County & City Employees, and as a
member of the American Federation of
State, County & Municipal Employees,
AFL-CIO; LOCAL 1849, an affiliate of
Council 2, Washington State Council of
County & City Employees, and a labor
union operating in the State of
Washington; JAEL KOMAC, as a member
of Local 114, as President of Local 114,
and as a member of the American
Federation of State, County, & Municipal
Employees, AFL-CIO; and, LOCAL 114,
an affiliate of Council 2, Washington State
Council of County & City Employees, and
a labor union operating in the State of
Washington;

Plaintiffs,

NO. 2:18-cv-562 SEA

**COMPLAINT FOR
DECLARATORY AND
EQUITABLE RELIEF**

v.

CHRISTOPHER DUGOVICH, President
and Executive Director of Council 2,
Washington State Council of County &
City Municipal Employees; COUNCIL 2,
WASHINGTON STATE COUNCIL OF
COUNTY & CITY EMPLOYEES, a
legal entity operating in the State of
Washington; AMERICAN
FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, AFL-
CIO, a labor union operating in the State
of Washington,

Defendants.

I. INTRODUCTION

1.1 This dispute concerns the right of union members to obtain financial information about their union. Plaintiffs contend that they are entitled to certain financial information pursuant to Item No. 6 of the AFSCME Bill of Rights for Union Members, which provides:

“Members shall have the right to a full and clear accounting of all union funds at all levels.”

1.2 Defendants have repeatedly refused to provide financial information requested by Plaintiffs.

1.3 Defendants considered whether Plaintiffs are entitled to the information they requested, but Defendants determined that Plaintiffs were not entitled to the

1 same. Defendants' determination was subsequently affirmed by AFSCME's Full
2 Judicial Panel.

3
4 1.4 This suit follows.

5 **II. PARTIES**

6 2.1 Plaintiff, COLIN MAYCOCK, is a member and serves as the President
7 of Local 1849, an affiliate of Council 2, Washington State Council of County and
8 City Employees ("Council 2"), AFSCME, and is a member of the Executive Board
9 of Council 2, and is a member in good standing of the American Federation of State,
10 County and Municipal Employees ("AFSCME"), (hereinafter "Brother Maycock").
11

12 2.2 Plaintiff, LOCAL 1849, an affiliate of Council 2, AFSCME, is a labor
13 union that consists of non-uniformed county employees of San Juan County,
14 Washington, (hereinafter "Local 1849").

15 2.3 Plaintiff, JAEL KOMAC, is a member and serves as the President of
16 Local 114, an affiliate of Council 2, AFSCME, and is a member in good standing of
17 the American Federation of State, County and Municipal Employees ("AFSCME"),
18 (hereinafter "Sister Komac").
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20 2.4 Plaintiff, LOCAL 114, an affiliate of Council 2, AFSCME, is a labor
21 union that consists of non-uniformed city employees of Bellingham, Washington
22 (hereinafter "Local 114").
23
24

1 2.5 Defendant, CHRISTOPHER DUGOVICH, serves as the President and
2 Executive Director of Council 2, Washington State Council of County & City
3 Employees, AFSCME, (hereinafter “Dugovich”).
4

5 2.6 Defendant, COUNCIL 2, WASHINGTON STATE COUNCIL OF
6 COUNTY & CITY EMPLOYEES, AFSCME, is an affiliation of local public
7 employee unions in Washington and Idaho, and a legal entity operating in the State
8 of Washington.
9

10 2.7 Defendant, AMERICAN FEDERATION OF STATE, COUNTY AND
11 MUNICIPAL EMPLOYEES, is an international labor union of which all parties are
12 affiliates and members, and a legal entity operating in the State of Washington.
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14 **III. JURISDICTION AND VENUE**

15 3.1 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §
16 1331 and § 301 of the Labor-Management Relations Act, 1947 (LMRA), 61 Stat.
17 156, 29 U.S.C. § 185, and pursuant to the Labor-Management Reporting and
18 Disclosure Act (LMRDA), 29 U.S.C § 401 *et. seq.*

19 3.2 Venue is properly before this Court pursuant to 28 U.S.C. § 1391.
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21 **IV. FACTUAL ALLEGATIONS**

22 4.1 On June 21, 2018, Brother Maycock wrote Dugovich requesting certain
23 information.
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4.2 Brother Maycock requested the following information concerning Dugovich, Executive Director of Council 2; J. Pat Thompson, Deputy Director of Council 2, Audrey Eide, Legal Counsel for Council 2, and Barbara Corcoran, Business Manager of Council 2:

- 1) *Gross wages paid in 2017;*
- 2) *2017 Monthly employer medical contribution;*
- 3) *The 2017 annual employer-paid amount of H.R.A. or H.S.A plans;*
- 4) *The 2017 annual value of employer-paid per diem;*
- 5) *The 2017 annual amount of employer-paid car allowance;*
- 6) *The 2017 annual amount of employer-paid pension contributions;*
- 7) *The 2017 annual amount of employer-paid contributions to deferred comp plan;*
- 8) *The 2017 annual amount of employer-paid contributions to 401-k (or equivalent) plan;*
- 9) *The 2017 annual amount of employer-paid post-retirement health plans.*

4.3 In the summer of 2018, Brother Maycock's request for this information was denied.

4.4 Brother Maycock then filed an internal appeal to Council 2, which in turn assigned the matter to AFSCME Judicial Panel Member Theodorah McKenna for consideration.

1 4.5 After hearing the matter on November 13, 2018, Judicial Panel Member
2 McKenna issued a written decision dated January 4, 2019, which denied Brother
3 Maycock's appeal with respect to the above-quoted requests.
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5 4.6 On December 21, 2018, Sister Komac made a substantially similar, if
6 not identical, request for information from Council 2.
7

8 4.7 On February 1, 2019, Brother Maycock appealed Judicial Panel
9 Member McKenna's decision to AFSCME's Full Judicial Panel.
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11 4.8 On February 25, 2019, Local 114 requested to intervene in Brother
12 Maycock's appeal. This request was denied. Sister Komac followed up on her own
13 behalf as a member of AFSCME and requested the rationale for the denial.
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15 4.9 A hearing of Brother Maycock's appeal occurred in New York City
16 before AFSCME's Full Judicial Panel on March 26, 2019.
17

18 4.10 On April 2, 2019, the Full Judicial Panel unanimously affirmed Judicial
19 Panel Member McKenna's decision and denied Brother Maycock's appeal without
20 explanation.
21

22 4.11 On April 15, 2019, Brother Maycock appealed the decision of the Full
23 Judicial Panel to the International Convention of AFSCME, which will not convene
24 until July of 2020.

 4.12 Having no other alternative, Plaintiffs now commence this action.

V. CAUSE OF ACTION

1 5.1 Plaintiffs hereby restate and incorporate by reference all preceding
2 paragraphs as if fully set forth herein.
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4 5.2 Union Constitutions are contracts between labor organizations and their
5 members.
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7 5.3 AFSCME's Constitution constitutes a valid, binding, and enforceable
8 contract between Plaintiffs and Defendants.
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10 5.4 AFSCME's Bill of Rights for Union Members, contained within the
11 AFSCME Constitution, states:
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13 *"Members shall have the right to a full and clear accounting of all union*
14 *funds at all levels."*
15

16 5.5 Plaintiffs are entitled to the information that Plaintiffs have requested.
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18 5.6 Defendants' refusal to provide the requested information constitutes a
19 breach of contract and is remedial by the LMRA and/or the LMRDA.
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21 **VI. PRAYER FOR RELIEF**
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23 6.1 Plaintiffs respectfully pray for a declaration that they are entitled to the
24 requested information and an order directing Defendants to produce said
information to Plaintiffs.

 6.2 Plaintiffs further pray for an award of costs and attorney's fees based
upon the common benefit doctrine or as may otherwise be allowed by statute, at

1 law, or in equity, and in an amount to be determined at a later date.

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3 6.3 Plaintiffs further pray for such further relief as this Court may deem
4 equitable and just.

5 DATED Monday, April 15, 2019.

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