

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

3 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,

Plaintiffs,

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
and Municipal Employees; JAEL
KOMAC, a member of Local 114, as
Former President Local 114, and a
member Of American Federation of State
And 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.

Case No. 19-2-0517928

**DECLARATION OF
KIRK JUNEAU**

4
5 I, Kirk Juneau, hereby declare as follows: I am of legal age, and I have personal
6 knowledge of each fact stated in this declaration, to which I could and would
7 competently testify if called as a witness in this matter.

8 1.1 I was a dues-paying member in good standing of Local 114,
9 WSCCCE, AFSCME, AFL-CIO (“Local 114”), and I am also the former President
10 of Local 114, AFSCME, AFL-CIO.

11 1.2 **Local 114 Leaders Decline AFSCME’s Offer to Change**
12 **Representatives.** On October 12, 2019 The Guild of Pacific Northwest Employees
13 petitioned the Washington State Public Employment Relations Commission for a
14 “*Change in Representation Election*” to decertify WSCCCE Council 2 as its
15 exclusive bargaining representative. The Guild of Pacific Northwest Employees is
16 a newly formed employee-run labor union whose members and leaders are
17 comprised entirely of former Local 114 members. This election petition prompted
18 AFSCME to take steps to place Local 114 in “administratorship”.

19 1.3 On October 27 of 2019 three Local 114 leaders, including myself and
20 Jael Komac, met with two representatives of the AFSCME International Union:
21 Jeremy Kruse and Walter Blair. The purpose of this meeting was to meet AFSCME
22 International’s demand to hand over to them all of the possessions of Local 114 as
23 they were now the appointed “administrators”. The meeting took place at a
24 residence of one of the officers in Mount Vernon, Washington. In what I believe
25 was an effort to keep us from leaving AFSCME entirely, Kruse and Blair
26 acknowledged our differences with WSCCCE Council 2 and Walter Blair offered
27 as an alternative that they would remove us from under WSCCCE Council 2 and

proposed that Local 114 could “report” directly to AFSCME International Union and that AFSCME would be our new bargaining representative. The offer was conditional on the withdrawal of our petition for new representation. We declined.

1.4 Administratorship Imposed and Representative Changed. On October 16, 2019, the president of AFSCME sent a letter to our employer, the city of Bellingham, unilaterally declaring the AFSCME International Union as the Local 114 representative, replacing WSCCCE Council 2. The City appeared to go along with this and recognized them as our new representative. In fact, the City challenged the legitimacy of a grievance filed by a co-worker who had done so without the permission of the AFSCME International Union.

EXHIBIT A: Saunders Letter to City of Bellingham

1.5 This imposition of “administratorship” was done without the vote or approval of Local 114 members or officers.

1.6 Problems with Mr. Younglove’s Dual Representation. I was strongly opposed to the unilateral take-over of these out-of-state AFSCME representatives who were pretending to represent my interests. I wrote a letter to Mr. Younglove raising my concerns about the apparent conflict-of-interest issues raised by his representation of our bargaining unit AND other AFSCME entities. I also pointed out how the “administratorship” violated the LMRDA.

EXHIBIT B: Juneau Letter to Younglove.

1.7 I never received the courtesy of a response from Mr. Younglove. Instead, I received a response from Deputy “administrator” Jeremy Kruse dated November 11, 2019. He informed me that the International Union hired Mr. Younglove and our Local was not subject to the LMRDA and my objections were dismissed.

EXHIBIT C: Kruse Letter to Juneau.

1.8 **Constitutional Appeal of Administratorship Ignored.** Since the LMRDA did not apply, I studied AFSCME’s own rules governing “administratorship” and discovered a significant number of constitutional violations AFSCME made in establishing their “Administratorship”. On December 9, 2020 fourteen bargaining unit members joined me in filing an Appeal of Administratorship with the AFSCME International Executive Board. I received an email from Judith Rivlin, AFSCME International Union General Counsel, that my Appeal was to be scheduled in late March. As of this date, I have not received any correspondence or notice of hearing on my Appeal.

EXHIBIT D: Rivlin to Juneau

1.9 **FIVE Separate Locals: Local 114, Local 114-L (Library), Local 114-F (Fire) and Local 114-WD (Whatcom Water and Sewer District).** On August 12, 2019 I filed an Election Protest against Washington State Council of County and City Employees (WSCCCE) alleging President Chris Dugovich and his

68 supporters had rigged Dugovich's reelection to office. Other WSCCCE locals in
69 our region also filed similar charges. Among the many allegations was the
70 convention being held in August (a month not permitted by the constitution) and
71 objections to the proper division of delegate votes and proxy votes. I attended the
72 Election Protest Hearing conducted by AFSCME International Union Judicial Panel
73 Chair Richard Ableson on October 3, 2019. At this hearing, testimony was given
74 by Local 114 President Jael Komac, and Ken Zangari, President of Local 114-WD
75 specifically raising the question of the proper casting of Local 114, 114-L, 114-F
76 and 114-WD votes.

77 1.10 On October 15, 2019 Ableson issued a decision ordering a new
78 election. However, he apparently found no impropriety in dividing Local 114, 114-
79 L, 114-F and 114-WD votes separately because he did not list this charge as a
80 violation of the International Constitution. Ableson did rule that proxies from these
81 bargaining units were appropriately treated separate and thus were in compliance
82 with AFSCME International Constitution and election rules. This ruling confirmed
83 the separate identities of each local.

84 1.11 Ableson ruled it was permitted for WSCCCE to violate the
85 Constitution in holding the convention in a month not constitutionally allowed due
86 to "extenuating circumstances". Ableson went so far as to blame Colin Maycock,

another election protester, for not protesting soon enough to change the convention date.

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

RESPECTFULLY SUBMITTED this 15th day of June 2020.

A handwritten signature in black ink, appearing to read "Kirk Juneau", is written over a horizontal line.

Kirk Juneau

1804 Kaas Rd
Ferndale, WA 98248

Dear Mr. Younglove,

It has come to my attention that you have been retained on behalf of Local 114 for legal services regarding the current change in representation case that is before PERC. I am currently a dues-paying member of Local 114 in good standing. Since I am a member of the group who you are claiming to represent, I have questions for you as it appears that I am your client.

1. Who has given you authority to represent Local 114?
2. Who is paying your legal fees to represent Local 114?
3. How do you know the wishes of the body of Local 114?

I also have concerns that you have a conflict of interest as you are also representing Council 2 in the above-mentioned PERC case to seek different representation and the parties may not agree on what is the best interest for Local 114.

If your position is that the two entities are one and the same as Council 2 is the Primary and Local 114 is the subordinate, you may be interested to know that Local 114 has been involved in legal action against Council 2 in the recent past establishing that we are separate bodies.

If you have been given authority to act on Local 114's behalf by either Jeremy Kruse or Walter Blair from AFSCME they do not hold the authority to do so pursuant to the U.S. Department of Labor.

Unlawful Purposes	A trusteeship is unlawful if it is not established in accordance with the constitution and bylaws of the parent union or if it is not imposed for one of the specified purposes listed in section 302 of the LMRDA. The following examples, taken from court cases, illustrate some of the purposes that courts have held to be unlawful under certain circumstances: • A trusteeship imposed because a local was delinquent in paying a per capita tax increase it was challenging in court; • A trusteeship imposed to force a local to affiliate with a district council and to raise dues as a result of the affiliation; • A trusteeship established in bad faith primarily to maintain the status quo in the union and to keep the entrenched leadership in power, even though conditions that had existed in the union for some time would otherwise have been legitimate grounds for imposing a trusteeship; • A trusteeship established in fear that union members would elect officials who are incompetent or corrupt; • A trusteeship imposed for the sole purpose of preventing disaffiliation; and
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	A trusteeship established for the general purpose of safeguarding the best interests of the local union, its membership, and the international union. In addition, as discussed in the chapter Administering a Trusteeship, the LMRDA specifically prohibits certain delegate voting and financial activities during a trusteeship, and any trusteeship imposed for such purposes is unlawful.
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On October 16, 2019, AFSCME President Lee Saunders placed Local 114 under the administratorship of the International Union, removing the elected officers of the Local. This extraordinary action was taken in accordance with AFSCME International Constitution Article IX, Section 37 “in order to protect the local from an effort to decertify and dissolve your local. We are here to investigate and fix the circumstances that have led to the current situation.”

As such, the current trusteeship/administratorship that has been imposed by AFSCME international is challenged. The current PERC case into which you are intervening is not the dissolution of the bargaining unit but rather the seeking of different representation.

Decertifying a union or local is dramatically different than a change of representation.

At this time I would ask you to cease and desist on any further action regarding Local 114 as I am uncertain you will be compensated for your time in dealing with these matters and I am sure you have a conflict of interest in the clients you are representing.

Thank you for your time and I look forward to your quick response to my letter.

“Words Matter”.

Sincerely,

Kirk A. Juneau

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,



----- Original Message -----

From: Judith Rivlin <JRivlin@afscme.org>

To: "jrhi@comcast.net" <jrhi@comcast.net>

Date: December 12, 2019 at 12:18 PM

Subject: Appeal to IEB

Exhibit D

Brother Juneau,

This is in response to your December 9 email to President Saunders. Your request to appeal the imposition of the administratorship is acknowledged. The International Executive Board met last week and is not scheduled to meet again until late March. I will inform you of the date and time that the Executive Board will hear your appeal.

This message may be an attorney-client communication and/or attorney work product and as such is privileged and confidential.

Judy Rivlin

General Counsel, AFSCME

1101 17th St, NW; Suite 900/DC 20036

202-775-5900; Fax: 202-452-0556



October 16, 2019

Exhibit A

Lee Saunders
President

Elissa McBride
Secretary-Treasurer

Vice Presidents

Jody Barr
New Britain, CT

Se'Adoreia K. Brown
Miami Springs, FL

Richard L. Caponi
Pittsburgh, PA

Stacy Chamberlain
Portland, OR

Connie Derr
Albuquerque, NM

Greg Devereux
Olympia, WA

Daniel DiClemente
North Chili, NY

Danny Donohue
Albany, NY

Denise Duncan
San Dimas, CA

David R. Fillman
Harrisburg, PA

Henry A. Garrido
New York, NY

Johanna Puno Hester
San Diego, CA

Danny J. Homan
Des Moines, IA

Nicholas J. LaMorte
Commack, NY

John A. Lyall
Worthington, OH

Kathryn Lybarger
Oakland, CA

Roberta Lynch
Chicago, IL

Christopher Mabe
Westerville, OH

Glenard S. Middleton Sr.
Baltimore, MD

Douglas Moore Jr.
San Diego, CA

Frank Moroney
Boston, MA

Michael Newman
Chicago, IL

Henry Nicholas
Philadelphia, PA

Debbie Parks
Hamilton, NJ

Randy Perreira
Honolulu, HI

Steven Quick Sr.
Indianapolis, IN

Lawrence A. Roehrig
Lansing, MI

Joseph P. Rugola
Columbus, OH

Alan F. Shanahan
Los Angeles, CA

Paul Spink
Milwaukee, WI

Mary E. Sullivan
Albany, NY

Braulio Torres
San Juan, PR

Anthony Wells
New York, NY

John P. Westmoreland
South St. Paul, MN

KayCee Johnson, Human Resources Manager
City of Bellingham
104 W Magnolia Street
Bellingham, WA 98225

Re: Bellingham, Washington, City Employees Local 114, AFSCME,
AFL-CIO

Dear Manager Johnson:

We have found it necessary to place Bellingham, Washington, City Employees Local 114, AFSCME, AFL-CIO, under the administratorship of the International Union in accordance with the provisions of the AFSCME International Constitution. Pursuant to Article IX, Section 45 of the AFSCME Constitution, I have appointed AFSCME Western Regional Director Walter Blair to serve as the Administrator of AFSCME Local 114 and I have appointed AFSCME Area Field Services Director Jeremy Kruse to serve as the Deputy Administrator of AFSCME Local 114. Administrator Blair and Deputy Administrator Kruse have been designated to assume charge of the affairs and business of AFSCME Local 114, subject to the direction and approval of the International President, effective immediately.

It is the purpose of this communication to advise you that the authority to represent AFSCME Local 114 rests exclusively with Administrator Blair and Deputy Administrator Kruse and such representatives as they may designate for the period of the administratorship. No one else is authorized to so act.

Sincerely,



LEE SAUNDERS
President

LS/MAMcC:dch

cc: Elissa McBride, Secretary-Treasurer
Executive Staff
Judith Rivlin, General Counsel
Mike Sukal, Director, Organizing & Field Services
Walter Blair, Administrator, AFSCME Local 114
Jeremy Kruse, Deputy Administrator, AFSCME Local 114

American Federation of State, County and Municipal Employees, AFL-CIO

TEL (202) 429-1000 FAX (202) 429-1293 TDD (202) 659-0446 WEB www.afscme.org 1625 L Street, NW, Washington, DC 20036-5687