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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
PIERCE COUNTY, WASHINGTON,  
  
Defendant.

NO.  
  
**COMPLAINT**  
  
*JURY TRIAL DEMANDED*

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345. Venue is proper in this judicial district under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b) because it is where a substantial part of the events or omissions giving rise to the cause of action herein occurred.

1 3. Defendant Pierce County (“Pierce County” or “the County”) is a political  
2 subdivision of the State of Washington.

3 4. Pierce County is a “person” within the meaning of 42 U.S.C. § 2000e(a), and an  
4 “employer” within the meaning of 42 U.S.C. § 2000e(b).

5 5. The Pierce County Assessor-Treasurer Office (“ATO”) is a governmental  
6 subdivision of the County, and is led by the Assessor-Treasurer (“A/T”), an elected official and  
7 agent of Pierce County.

8 6. On or about November 30, 2009, Sally Barnes, who lives within this judicial  
9 district, filed a timely charge (Charge No. 846-2009-61053) against Pierce County with the  
10 Equal Employment Opportunity Commission (“EEOC”). Pursuant to Section 706 of Title VII,  
11 42 U.S.C. § 2000e-5, the EEOC investigated the charge of discrimination and retaliation filed by  
12 Barnes, found reasonable cause to believe Pierce County retaliated against Barnes in violation of  
13 Title VII, and unsuccessfully attempted to conciliate the charge. The EEOC subsequently  
14 referred the charge to the Department of Justice.

15 7. All conditions precedent to the filing of suit have been performed or have  
16 occurred.

17 **CAUSE OF ACTION**

18 8. Barnes was hired by Pierce County as a Clerk 1 in the ATO in 1979. Since that  
19 time, she has received several promotions and assumed the position of Administrative Officer in  
20 2003. She was one of two Administrative Officers at the ATO. Barnes oversaw the Appraisal  
21 Division of the ATO, while Administrative Officer Billie O’Brien oversaw the Treasurer  
22 Division of the ATO.

1 9. Dale Washam was elected to the position of A/T in November 2008 and took  
2 office in January 2009.

3 10. On or about January 20, 2009, during an all-staff meeting, Washam made several  
4 religious references to ATO staff, including “God put me here,” “God put me in this position for  
5 a reason,” “after prayerful consideration,” and “after praying last night.”

6 11. On or about January 22, 2009, Washam held a meeting and admonished his  
7 management team for allegedly failing to perform statutorily-mandated physical inspections  
8 (“PIs”) of properties during the prior administration under former A/T Ken Madsen. During this  
9 meeting, Washam made several additional religious references regarding the PI issue, including  
10 “I prayed to God last night” and “I don’t know your religion, but you had better pray to God.”  
11 Washam also asked for a moment of silence, during which he said he would be praying.

12 12. Following the meeting on or about January 22, 2009, Barnes and several other  
13 ATO employees contacted the Pierce County Human Resources Department (“HR”) to complain  
14 about Washam’s religious references in the workplace.

15 13. On or about January 23, 2009, Washam met with Barnes and O’Brien and assured  
16 them that he had prayed about the PI issue and decided to put it to rest and move forward.  
17 Washam also told Barnes and O’Brien that they had handled the PI issue well.

18 14. On or about January 23, 2009, Washam also met with Pierce County Executive  
19 Pat McCarthy and Pierce County Prosecuting Attorney David Prather regarding the PI issue.  
20 Subsequently, Washam reported to ATO staff that the Prosecuting Attorney would write an  
21 opinion exonerating him and ATO staff of the previous administration’s actions. Washam told  
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1 staff that “God gave us new life,” “the issue is dead and gone,” “this is no longer a problem,” and  
2 “I told you God provides.”

3 15. On or about January 29, 2009, McCarthy and HR Director Betsy Sawyers met  
4 with Washam and informed him that ATO employees had complained about his religious  
5 references in the workplace. They counseled Washam to stop making references to God and  
6 prayer and requesting that employees participate in moments of silence in the workplace.

7 16. After being counseled against it, Washam continued to make religious references  
8 in the workplace, albeit less frequently.

9 17. Several times in early February 2009, Washam told ATO staff that they should  
10 not have gone to HR with the religious complaint against him. During other discussions,  
11 Washam told a number of employees that “someone had gone to HR against me” and “a manager  
12 had turned me in to HR.” Washam said at least once that he thought it was Barnes who  
13 complained to HR. On at least one occasion, Washam asked Barnes point blank “who went to  
14 HR about the moment of silence?” Barnes declined to disclose the information.

15 18. By late February 2009, Washam singled out Barnes for negative treatment and  
16 ostracized Barnes. For example, Barnes was removed from some of her supervisory duties and  
17 excluded from meetings, communication, decision-making and information about the Appraisal  
18 Division, which she oversaw. Some of Barnes’s job duties were given to O’Brien. Washam also  
19 became outwardly hostile to Barnes, sometimes yelling at her during office meetings.

20 19. In or about March 2009, Washam met with Pierce County’s Labor Relations  
21 Manager, Joe Carrillo, and tried to terminate Barnes. As grounds for the termination action,  
22 Washam showed Carrillo a declaration relating to the PI issue that Barnes had signed in 2005 in

1 support of Madsen in a recall action filed by Washam in the Pierce County Superior Court.

2 Although Barnes was one of two ATO employees who wrote declarations in support of Madsen,  
3 Washam did not try to discipline or terminate the other employee. When Carrillo told Washam  
4 that the declaration was an insufficient basis for discipline or termination of Barnes, Washam  
5 abruptly ended the meeting.

6 20. On various occasions, Washam told ATO staff that he had “gone to HR to see if  
7 he could fire someone,” but that he was having trouble getting rid of the employee. Washam  
8 told one employee that he was going to have to fire Barnes “the dirty way.”

9 21. On or about March 11, 2009, Barnes filed a formal EEO complaint with HR  
10 against Washam on the basis of age, sex, religion and retaliation. Barnes’s EEO complaint was  
11 thereafter supplemented based on subsequent retaliatory actions. On or about April 6, 2009, HR  
12 notified Washam of Barnes’s EEO complaint.

13 22. On or about April 16, 2009, Washam made a posting on the public ATO website  
14 stating that he received notice of a “bogus” EEO complaint filed by an unnamed person. In the  
15 posting, Washam openly complained about the cost of the EEO investigation to the County, and  
16 ultimately to the ATO. Washam told an employee that the complainant only brought the EEO  
17 complaint because she was about to be fired.

18 23. On or about May 11, 2009, Washam and newly-promoted Deputy Assessor-  
19 Treasurer Albert Ugas removed all of Barnes’s Administrative Officer duties, reassigned her to a  
20 “special project” with lower-level duties and little to no work to do, stripped her of access to the  
21 office computer systems, and relocated her from a private office in a desirable location to a  
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1 remote and inferior worksite. After her reassignment, Barnes reported to a lower-level  
2 employee.

3 24. In or about May 2009, Washam made repeated calls for an investigation of  
4 Barnes's role in the PI issue to numerous state and local authorities, including the Pierce County  
5 Prosecuting Attorney, the Pierce County Executive, the Pierce County Council, the Pierce  
6 County Sheriff, the Department of Revenue, the State Auditor, the State Attorney General and  
7 the Governor. No authority endorsed any such investigation.

8 25. On or about June 10, 2009, Washam told at least one ATO employee that he was  
9 only pursuing the PI issue because of Barnes's EEO complaint.

10 26. On or about August 7, 2009, an independent investigator hired by Pierce County  
11 to investigate Barnes's EEO complaint found that Washam retaliated against Barnes based upon  
12 her participation in the oral and written complaints made to HR against him in January and  
13 March 2009.

14 27. On or about November 30, 2009, Ugas filed a whistleblower complaint against  
15 Barnes, alleging improper governmental action by Barnes regarding her role in the PIs. On or  
16 about March 19, 2010, an independent investigator hired by Pierce County to investigate the  
17 whistleblower complaint found that Barnes did not violate state law, but rather obeyed what she  
18 had been assured were the lawful orders of her supervisors.

19 28. In or about March 2010, because of the retaliatory treatment against her, Barnes  
20 resigned her position at the ATO, several years earlier than she had planned to retire from her  
21 employment.

1 29. Pierce County, through its agents, representatives and employees at the ATO, has  
2 subjected Barnes to discrimination in violation of Section 704 of Title VII, U.S.C. § 2000e-3(a),  
3 among other ways, by retaliating against her because she engaged in activity protected under  
4 Title VII. Specifically, as a result of her oral and written complaints of discrimination and  
5 retaliation, Barnes suffered several adverse actions, including but not limited to: losing her  
6 Administrative Officer and other supervisory duties; being required to report to a lower-level  
7 employee; being excluded from meetings, communication, decision-making and information  
8 about the Appraisal Division, which she oversaw; being reassigned to a “special project” with  
9 lower-level duties; being stripped of access to the office computer systems; and being relocated  
10 from her private office in a desirable location to a remote and inferior worksite.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, the United States prays that the Court grant the following relief:

13 (a) Enjoin Pierce County from discriminating and retaliating against  
14 employees who engage in activity protected under Title VII;

15 (b) Order Pierce County to develop and implement appropriate and effective  
16 measures designed to prevent and correct discrimination and retaliation, including but not limited  
17 to policies and training for all employees, as well as elected and appointed officials;

18 (c) Award make-whole remedial relief to Barnes, including back pay and  
19 interest, to compensate her for the loss she suffered as a result of the discriminatory and  
20 retaliatory conduct alleged in this Complaint;

1 (d) Award compensatory damages to Barnes to fully compensate her for the  
2 pain and suffering caused by Pierce County pursuant to and within the statutory limitations of  
3 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

4 (e) Award such additional relief as justice may require, together with the  
5 United States' costs and disbursements in this action.

6 **JURY DEMAND**

7 The United States hereby demands a trial by jury of all issues so triable pursuant to Rule  
8 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42  
9 U.S.C. § 1981(a).



1 Respectfully filed this 1st day of June, 2012.

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