

FILED
SUPREME COURT
STATE OF WASHINGTON
11/17/2020 8:00 AM
BY SUSAN L. CARLSON
CLERK

NO. 99123-5

SUPREME COURT OF THE STATE OF WASHINGTON

MATT THOMPSON,

Appellant

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
BOARD OF APPEALS

Respondents.

RESPONDENT'S ANSWER TO PETITION FOR REVIEW

ROBERT W. FERGUSON
Attorney General

COURTNEY VALE LYON
Assistant Attorney General
WSBA No.43226
PO Box 40124
Olympia, WA 98504-0124
360-586-6516
OID No. 91021

TABLE OF CONTENTS

I. INTRODUCTION AND IDENTITY OF ANSWERING PARTY 1

II. DECISION..... 2

III. ISSUES PRESENTED FOR REVIEW..... 2

IV. COUNTERSTATEMENT OF THE CASE 3

V. ARGUMENT WHY REVIEW SHOULD BE DENIED 8

 A. The Review Judge Did Not Err When He Concluded That
 Mr. Thompson Had Breached His Fiduciary Duty to His Mother 5

 B. The Review Judge Appropriately Deferred to the ALJ’s Credibility
 Determinations and No Substantial Public Interest Exists 13

 C. Mr. Thompson’s Constitutional Rights Were Not Violated 15

VI. CONCLUSION 18

TABLE OF AUTHORITIES

Cases

Crosswhite v. Dep’t of Soc. & Health Servs.,
197 Wn. App 539, 389 P.3d 731 (2017)..... 15

Haley v. Med. Disciplinary Bd.,
117 Wn.2d 720, 818 P.2d 1062 (1991)..... 2, 9

Hardee v. State, Dept. of Social & Health Services,
172 Wn.2d 1, 256 P.3d 339 (2011)..... 14

Mansour v. King Cnty.,
131 Wn. App. 255, 128 P.3d 1241 (2006)..... 16

Nichols Hills Bank v. McCool,
104 Wn.2d 78, 701 P.2d 1114 (1985)..... 12

Riss v. Angel,
131 Wn.2d 612, 934 P.2d 669 (1997)..... 12

Williams v. Shoudy,
12 Wn. 362, 41 P. 169 (1895) 12

Statutes

RCW 74.34.020(22).....2

RCW 74.34.020(7)..... 8, 10, 16, 17

RCW 74.34.020(7)(b) 10

Rules

RAP 13.4(b) 2, 10

RAP 13.4(b)(1) 10, 13

RAP 13.4(b)(4) 13

Regulations

WAC 182-513-1509.....	3
-----------------------	---

I. INTRODUCTION AND IDENTITY OF ANSWERING PARTY

The Department of Social and Health Services (DSHS) is the Respondent. Discretionary review is not warranted here because the Court of Appeals' decision correctly upheld the order entered by the DSHS Board of Appeals Review Judge. Matt Thompson financially exploited his mother, Janet¹, because he used his power of attorney to make multiple transfers out of her accounts for his own travel and pleasure. He did so without her prior knowledge or consent, while her assisted living facility rent was in arrears. The Review Judge appropriately found Mr. Thompson breached his fiduciary duties to Janet and exerted an undue influence over her that allowed him to obtain and use her assets for his own purposes. The Court of Appeals' decision was consistent with relevant case law, and this case raises neither a significant issue of constitutional law nor an issue of substantial public interest. The petition for review should be denied.

II. DECISION

Mr. Thompson seeks discretionary review of the decision of the Court of Appeals, dated July 23, 2020. That decision affirmed the DSHS Board of Appeals Review Judge's decision upholding DSHS's finding that Mr. Thompson financially exploited a vulnerable adult.

¹ The vulnerable adult is referred to in the record by her first name to preserve confidentiality. No disrespect is intended.

III. ISSUES PRESENTED FOR REVIEW

Mr. Thompson does not raise an issue that meets the criteria of RAP 13.4(b). If review were granted, the issues would be:

1. Did the Review Judge err by considering whether Mr. Thompson had breached his fiduciary duty to his mother?
2. Did the Review Judge give appropriate deference to the administrative law judge's (ALJ) credibility determinations?
3. Was Mr. Thompson on notice that his fiduciary duty as attorney-in-fact for his mother was at issue in the administrative proceeding?

IV. COUNTERSTATEMENT OF THE CASE

Mr. Thompson does not specifically assign error to any finding of fact. A petitioner challenging any findings of fact must show that the findings are clearly erroneous. *Haley v. Med. Disciplinary Bd.*, 117 Wn.2d 720, 728, 818 P.2d 1062 (1991). Unchallenged administrative findings of fact are accepted as verities upon review. *Id.*

Here, Janet, a vulnerable adult,² signed a power of attorney appointing her son, Matt Thompson as her attorney-in-fact on January 14, 2014. Clerk's Papers (CP) 321-26. The power of attorney specifically

² The statute defines "vulnerable adult" to include, in relevant part, a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself or a person admitted to any facility. RCW 74.34.020(22)

imposed a fiduciary duty on Mr. Thompson as the attorney-in-fact: “All powers granted to the Attorney-in-Fact herein shall be exercised by the Attorney-in-Fact in a fiduciary capacity.” CP 323. Though Mr. Thompson’s authority as attorney-in-fact allowed him reasonable fees for his services, the power of attorney explicitly prevented him from transferring assets of the estate to himself: “Under no circumstances may the Attorney-in-Fact exercise any of the powers herein, directly or indirectly, for a transfer to themselves, their estate, their creditors, or the creditors of their estate.” *Id.*

Janet suffered a stroke in 2014, at about 74 years of age. Report of Proceedings (RP) 196, l. 10. Upon her release from the hospital, she was admitted to a rehabilitation facility. RP 196, ll. 12-17. She moved to an assisted living facility, Brookdale, in May 2014. RP 25, l. 14. Janet received an income of about \$2,700 per month, which would automatically deposit into a banking account Janet held jointly with Mr. Thompson. CP 12. Janet used her income to pay a portion of the cost of her long-term care—between \$1,650 and \$1,800 per month. CP 12; *see also* WAC 182-513-1509 (determining a client’s financial participation in the cost of care for long-term care authorized by home and community services). Janet had other expenses too, “including TV, internet, storage facility, telephone, prescriptions, and 24/7 Oxygen.” CP 12.

///

Janet owned a home, which she and Mr. Thompson decided to sell. CP 12. The proceeds of the sale were deposited into Janet's banking account. CP 13. Mr. Thompson proceeded to spend those sale proceeds "to pay for a number of items which were used by [Mr. Thompson] and his family." CP 13. He bought tires, car washes, and auto repairs for his own car. *Id.* He used \$700 to pay for his own telephone bill. *Id.* He spent Janet's money for items exclusively for himself at numerous retail stores including Mirage Pool and Spa, Nordstrom, Sports Authority, Ace Hardware, Home Depot, and Lowes. *Id.* He bought hotel stays, fast food, and gas for the benefit of himself and his family. *Id.*

Even though these purchases explicitly contradicted the Durable Power of Attorney instrument Janet signed (CP 323), Mr. Thompson thought that he had Janet's permission because she told him to use the money "as he saw fit." CP 13. But "[t]here was no evidence presented to indicate that Janet specifically approved any of these payments or purchases or that any of these purchases were meant as a gift to Mr. Thompson or his family by Janet." *Id.* Kathie Lloyd, Janet's financial eligibility specialist told Mr. Thompson that "any expenditure of Janet's assets must be for the sole benefit of Janet." CP 14.

Additionally, Mr. Thompson admitted at the hearing that he did not keep track of his time or efforts. RP 221, ll. 5-8, RP 30, ll. 17-25. He further

testified that he never formally compensated himself for services provided to his mother or reimbursed himself for his expenses related to his mother. RP 221, ll. 1-8.

Sally Wilkins, an APS investigator, was assigned to investigate the allegation of financial exploitation.³ CP 14. When she interviewed Janet, she showed Janet copies of her bank records. *Id.* Janet said Mr. Thompson “should not have spent that money.” *Id.* Janet testified Mr. Thompson talked with her “one time” about spending the money from the sale of her home. RP 173, ll. 18-22. She never testified that she was aware of the purchases Mr. Thompson made out of her account either before they took place or contemporaneously. *Id.* When asked whether Mr. Thompson’s spending was for Janet’s benefit, she testified, “not always.” RP 176, ll. 8-10. Even at the time of hearing, Janet was not aware of the specific purchases Mr. Thompson had made out of her account. RP 182, ll. 3-4. When asked, “do you know what the allegations against Matt are?” Janet replied, “No, I don’t.” *Id.* Janet believed that Mr. Thompson was making sure her rent was paid. RP 170, ll. 7-9. He was supposed to “pay my bills, make sure I didn’t get overdue on anything.” RP 172, ll. 1-5. In fact, her rent was in arrears for over a year. CP 17, 214-18. A worker from her assisted living facility

³ Janet’s DSHS financial eligibility specialist referred the matter to APS. RP 74, ll. 12-13. APS first received Janet’s bank records from the financial eligibility worker. CP 174.

testified, “there’s always been a balance on this account since May 2014 to October 2015.” RP 87, ll. 17-18. Janet expressed to the APS investigator that she was “very distressed to think that Matt may be using her money for himself.” RP 95, ll. 16-23, CP 176. At the time the APS investigator interviewed her, Janet had little knowledge about her financial status. RP 94, ll. 14-15.

On August 11, 2016, Mr. Thompson came into the APS office to speak with the APS investigators. CP 182. During that meeting, Mr. Thompson admitted that he was the only one to use Janet’s debit card. CP 183; RP 98, ll. 3-4. The APS investigator confronted Mr. Thompson about a \$9,000 loan Janet received in May 2015. CP 183. Initially, he told the APS investigator that Janet had signed the note for the \$9,000 loan. CP 183. When confronted with a comparison of the signatures, Mr. Thompson admitted to the APS investigator that he himself had signed the note. CP 183-84. The APS investigator wrote in her notes:

I asked Matt if he used Janet’s money for his own benefit and he said yes, he did on occasion, but he always paid Janet back by depositing money in her account. In fact he said he pretty much commingled his own money with Janet’s in her account and in his own Bank of America account he has with his wife.

CP 184. The APS investigator testified when she examined the bank records, she “did not see direct, um, deposits to repay Janet any of the

money he spent.” RP 106, ll. 11-12. The APS investigator also asked Mr. Thompson “if he used [Janet’s] debit card for himself on occasion and he said he did” CP 184. During that conversation, the APS investigator “went over most of the debit charges on the account.” CP 185. Mr. Thompson admitted that he used the card for his own gas, for his pool, for charges at PetCo, tires, car washes, car repair, Beaverbark, AT&T, Nordstroms, and out of town travel including airfare, car rentals, and hotels. CP 185-86. The APS investigator also pointed out that there were overdraft charges to Mr. Thompson. *Id.*

The day after the APS investigator’s conversation with Mr. Thompson, Janet telephoned the investigator. CP 186. Janet told the APS investigator “if I [the investigator] was in front of her [Janet] right now she would wring my neck for what I have done to Matthew.” *Id.* The APS investigator explained to Janet that she “based [her] interview with Matthew on the facts that were in the bank statements [Janet] allowed [the APS investigator] to obtain [. . .]” *Id.* Janet then stated that “anything he has used, he had her permission to spend and she has seen the bank statements.” CP 187.

The APS investigator relied on Janet’s previous statements of surprise and dismay in making her finding that Mr. Thompson financially exploited Janet, determining the later statements to be less credible, since

the APS investigator believed Mr. Thompson influenced Janet to change her story. RP 147-48. The investigator explained, “a person can have undue influence over a person by being a loved one and being in a trusted position.” RP 149.

On August 25, 2016, APS mailed Mr. Thompson a notice stating its finding that he had financially exploited a vulnerable adult during the period of May 2014, through July 2016 under RCW 74.34.020(7). CP 166-69. He obtained a hearing, after which the ALJ reversed the APS finding of financial exploitation. CP 51-60. The Department timely appealed, and the Board of Appeals Review Judge reversed. CP 10-24. Mr. Thompson appealed. CP 1-3. The superior court affirmed the review decision and final order, CP 630-31, and on July 23, 2020, the Court of Appeals, in an unpublished decision, affirmed the APS finding of financial exploitation. On September 15, 2020, the Court of Appeals issued an order denying reconsideration.

V. ARGUMENT WHY REVIEW SHOULD BE DENIED

The Board of Appeals Review Judge did not exceed his authority or apply an incorrect legal framework, and did not disregard the ALJ’s credibility determinations. The Court of Appeals committed no error in its review, and its decision is consistent with published decisions of the Court

///

of Appeals. Mr. Thompson's constitutional rights were not violated, and this case presents no issue of substantial public interest.

First, Mr. Thompson does not challenge the findings that he used his mother's money for his own purposes. These are verities on appeal. *Haley*, 117 Wn.2d at 728. Instead, Mr. Thompson argues that where a vulnerable adult ratifies conduct after the fact, it is no longer exploitative. But when that ratification is brought about by undue influence in a fiduciary relationship, as in this case, that conduct remains financial exploitation.

Second, Mr. Thompson asserts there is a substantial public interest based on his assertion that the Review Judge ignored the ALJ's credibility determinations. However, independent, substantial evidence supported the Review Judge's conclusion that Mr. Thompson breached his fiduciary duty to his mother through his undue influence. Because substantial evidence supported the Review Judge's legal conclusions, the Court of Appeals did not err in affirming the Review Judge and there is no substantial public interest presented here.

Third, Mr. Thompson erroneously asserted constitutional challenges. He first claimed the Review Judge exceeded his legal authority, but provided no further argument. He also claimed he was not afforded due process because he was not informed that his fiduciary duty to his mother would be an issue in determining whether there was financial exploitation.

But the Department provided written notice to Mr. Thompson before the hearing that financial exploitation included a breach of fiduciary duty under RCW 74.34.020(7). CP 166-67.

Mr. Thompson has not satisfied any criterion under RAP 13.4(b), and his petition for review should be denied.

A. The Review Judge Did Not Err When He Concluded That Mr. Thompson Had Breached His Fiduciary Duty to His Mother

This Court should deny review under RAP 13.4(b)(1) because the Review Judge properly applied the correct legal framework based on RCW 74.34.020(7)(b), and the Court of Appeals decision affirming the Review Judge does not conflict with settled case law. RCW 74.34.020(7)(b) defines financial exploitation as a “breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney . . . that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult” As the Court of Appeals correctly explained, “a fiduciary is bound to act with the utmost faith and loyalty.” *Thompson vs. DSHS*, No. 36554-9-III, slip op. at 6, (Wash., July 23, 2020) (quoting *Bryant v. Bryant*, 125 Wn.2d 113, 118-19, 882 P.2d 169 (1994) (holding that gifts of community property by husband as attorney in fact were unauthorized in absence of specific consent by wife)). The Court

cited *McCutcheon v. Brownfield* for the legal principal that when a principal makes a gift to a fiduciary, there arises a presumption of undue influence and the burden falls on the fiduciary to prove the absence of undue influence by clear, cogent, and convincing evidence. *Thompson*, slip op. at 6 (citing *McCutcheon*, 2 Wn. App. 348, 356-57, 467 P.2d 868 (1970) (court held evidence supported finding that a mother's deed was obtained by exercise of undue influence by her daughter)). A "presumption of undue influence applie[d] even when the principal and fiduciary have a parent-child relationship." *Thompson*, slip op. at 6-7 (citing *McCutcheon* at 356). To carry the burden, the fiduciary must prove the gift was given "freely, voluntarily, and with a full understanding of the facts." *Thompson*, slip op. at 6 (quoting *McCutcheon* at 356 (quoting 38 Am. Jur. 2d *Gifts* § 106 (1968))). The Court of Appeals was correct in affirming the Review Judge.

Substantial evidence supported the Review Judge's conclusion that Mr. Thompson failed to rebut the presumption of undue influence. Mr. Thompson failed to present any evidence that he explained his self-gifting to his mother. Furthermore, there was no evidence presented to prove the mother specifically approved any of these payments or purchases, or that his mother meant any of Mr. Thompson's purchases as a gift to Mr. Thompson or his family. While Janet testified she approved the gifts after the fact, she previously stated the purchases were unauthorized, and

the Court of Appeals properly concluded that the Review Judge did not err by finding that this inconsistent evidence did not overcome the presumption of undue influence. *Thompson*, slip op. at 7.

Mr. Thompson suggests that where a vulnerable adult ratifies conduct after the fact, it is no longer exploitative. But, when that ratification is brought about by undue influence, as in this case, that conduct remains financial exploitation. Mr. Thompson erroneously relies upon *Williams v. Shoudy*, 12 Wn. 362, 368, 41 P. 169 (1895), and *Nichols Hills Bank v. McCool*, 104 Wn.2d 78, 85, 701 P.2d 1114 (1985), yet neither of these cases involves a familial relationship between the principal and fiduciary, which requires an additional consideration of an undue influence. Appellant's Brief at 7. He also relies on *Riss v. Angel*, 131 Wn.2d 612, 636, 934 P.2d 669 (1997), for the premise that a principle can ratify the unauthorized act of a fiduciary. Appellant's Brief at 7. But the facts in *Riss* are not analogous. In *Riss*, the facts included individual association members who participated and ratified an unreasonable decision to reject a construction plan violating restrictive covenants against the homeowners—which again did not involve the presumption of undue influence due to a familial relationship. *Riss* at 636-37. Mr. Thompson cites no case involving a gift giving between a principal
///

and fiduciary in a familial relationship, which requires a heightened presumption of undue influence.

It is settled law that a fiduciary who has a familial relationship with the principal must show any gift giving is free of undue influence when disproving financial exploitation. The Review Judge and the Court of Appeals applied that settled law. There is no conflict with any Court of Appeals decision and no basis for review under RAP 13.4(b)(1).

B. The Review Judge Appropriately Deferred to the ALJ's Credibility Determinations and No Substantial Public Interest Exists

Under RAP 13.4(b)(4), there is no issue of substantial interest because the Review Judge did defer to the ALJ's credibility determinations, but nevertheless found sufficient evidence to conclude that Mr. Thompson breached his fiduciary duty to his mother due to undue influence, and the Court of Appeals correctly found that substantial evidence supported that conclusion. The Court of Appeals applied the correct law, noting that Review Judges have the power and authority of a fact-finder but, because they do not conduct in-person hearings, they are expected to give due regard to an ALJ's opportunity to observe witnesses. *Thompson*, slip op. at 5 (citing RCW 34.05.464(4); WAC 388-02-0600(1)).”

Neither the Review Judge nor the Court of Appeals disregarded or specifically disagreed with the ALJ's credibility determinations. Instead,

they focused on a different legal issue than the ALJ did—on Mr. Thompson’s fiduciary duty to his mother and the burden he thus had, because of the familial relationship, to prove his self-gifting was not the result of undue influence. *Thompson*, slip op. at 4-6. The Review Judge found there was no evidence the mother approved the transfers at the time they were made, and there was no evidence she meant the transfers as gifts to Mr. Thompson or his family. CP 13, FOF 13. This finding is a verity on appeal. In light of the finding, the language of the power of attorney, and the law against gifting at the time, the credibility determinations made by the ALJ did not determine the outcome.

Mr. Thompson incorrectly argues that the Review Judge “ignore[d] or reverse[d] the credibility findings of the hearing officer, [and that] heightened scrutiny should apply to substantial evidence review of any substituted findings of fact.” Appellant’s Brief at 7. The facts of this case therefore are analogous to those in *Hardee v. State, Dept. of Social & Health Services*, 172 Wn.2d 1, 256 P.3d 339 (2011), in which “[t]he review judge did not replace any express credibility determinations made by the ALJ,” and “[f]or this reason, this case does not require us to determine the appropriate level of deference that a review judge owes the ALJ’s credibility determinations.” *Id.* at 8. Because the ALJ’s credibility determinations here did not affect the substantial evidence supporting either the Review Judge’s

or the Court of Appeals' conclusions of law, Mr. Thompson has identified no issue of substantial public interest warranting this Court's review.

C. Mr. Thompson's Constitutional Rights Were Not Violated

Mr. Thompson asserts he was denied due process because the Review Judge considered his fiduciary duty and affirmed the Department on that basis. He is mistaken.

First, the Review Judge did not exceed his authority when he applied the law in this case. In rejecting Mr. Thompson's argument, the Court of Appeals correctly explained that "[a] review judge has the power and authority of a fact-finder." *Thompson*, slip op. at 5 (citing RCW 34.05.464(4); WAC 388-02-0600(1)). As explained in *Crosswhite v. Dep't of Soc. & Health Servs.*, 197 Wn. App 539, 389 P.3d 731 (2017), which the Court of Appeals cited, "[t]he APA provides that a reviewing officer generally exercises 'all the decision-making power that the reviewing officer would have had to decide and enter the final order [had] the reviewing officer presided over the hearing'" *Id.* at 547-48 (quoting RCW 34.05.464(4)). As explained below, Mr. Thompson was on notice that his fiduciary duty was at issue in the administrative proceeding because he had his mother's power of attorney, and the Review Judge did not exceed his authority in ruling, based on the evidence presented to the ALJ, that Mr. Thompson breached the duty he owed under his power of attorney when he

admittedly self-gifted and failed to overcome the burden of undue influence within this familial relationship.

Second, Mr. Thompson alleges the Review Judge imposed a higher evidentiary burden, without notice, in determining Mr. Thompson breached his fiduciary duty. His argument fails—and the cases he cites are unavailing—because he was on notice from the outset that his fiduciary duty was at issue.⁴ On August 25, 2016, Adult Protective Services (APS) mailed the Appellant a notice stating that he had financially exploited a vulnerable adult during the period of May 2014, through July 2016 under RCW 74.34.020(7). CP 167. In this notice, APS specifically alleged that he acted under his power of attorney for his mother when he improperly used his mother's funds:

It is alleged that on or about May 2014 through July 2016, you, the vulnerable adult's Power of Attorney, improperly used her funds. It is alleged that you did not report the sale of the vulnerable adult's home to the State's financial department, which resulted in her not being eligible for services for a period of one month. It is alleged that you failed to pay the vulnerable adult's participation fees to the facility in which she resides and that she owes over \$4200.00. It is alleged that you paid 8 family members, including yourself, your wife and your children \$500.00

⁴ Compare, e.g., *Mansour v. King Cnty*, 131 Wn. App. 255, 128 P.3d 1241 (2006), which Mr. Thompson cites four times. Appellant's Brief at 11-12. In that case, the owner of a dog alleged to have attacked a neighbor's pet received insufficient notice because the County did not cite the ordinance it invoked as authority for removal, and thus did not provide notice of what the County was required to prove in order to remove the dog. *Id.* at 270-72. In contrast, as explained above, Mr. Thompson received sufficient notice that his role as attorney-in-fact was at issue, which specifically imposed on him a fiduciary duty to his mother.

each (for a total of \$4000) to move the vulnerable adult, which she was not aware of and did not authorize. It is alleged that you have used the vulnerable adult's funds to pay for the following which did not benefit her: tires, car washes and auto repairs for your vehicle; \$700 AT&T bill Beaverbark; Mirage Pool and Spa; Petco; Nordstrom and numerous other retail stores; Sports Authority; Ace Hardware; Home Depot and Lowes; as well as multiple hotel, fast food, and gas purchases made out of town. It is alleged that you took out two personal loans in the vulnerable adult's name and then used her funds to repay one of them, however none of the money from either of the loans was ever deposited into the vulnerable adult's account. There were a total of \$1120.00 in overdraft and return item fees charged to the vulnerable adult's account as well. When asked if you had used the vulnerable adult's money for yourself you admitted that you had and that you were the sole user on her account, including all debits and ATM withdrawals. When the vulnerable adult was made aware of all the spending and the outstanding facility bill she had an anxiety attack and was hospitalized for several days.

CP 166-67. The document conferring the power of attorney on Mr. Thompson specifically imposed a fiduciary duty on him and specifically precluded him from exercising that power to transfer his mother's funds to his own use. CP 323. Mr. Thompson was provided notice and an opportunity to be heard as to the allegation of financial exploitation of a vulnerable adult, particularly as to the breach of fiduciary duty towards his mother as her power of attorney under RCW 74.34.020(7). There was no due process violation, and there is no basis under RAP 13.4(b)(3) for this Court's review.

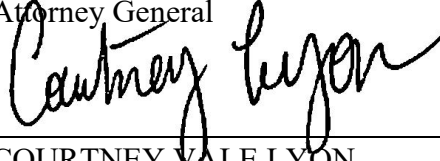
///

VI. CONCLUSION

Mr. Thompson's Petition for Review should be denied.

RESPECTFULLY SUBMITTED this 16th day of November, 2020.

ROBERT W. FERGUSON
Attorney General

A handwritten signature in black ink, reading "Courtney Vale Lyon", written over a horizontal line.

COURTNEY VALE LYON
Assistant Attorney General
WSBA No. 43226
P.O. Box 40124
Olympia, WA 98504-0124
(360) 586-6516
OID No. No. 91021

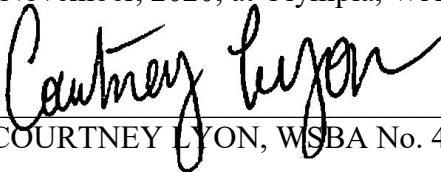
PROOF OF SERVICE

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

- US Mail Postage Prepaid via Consolidated Mail Service
- ABC/Legal Messenger
- State Campus Delivery
- E-delivered through court's portal

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16 day of November, 2020, at Olympia, WA.



COURTNEY LYON, WSBA No. 43226

SOCIAL AND HEALTH SERVICES DIVISION, ATTORNEY GENERALS OFFICE

November 16, 2020 - 5:03 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99123-5
Appellate Court Case Title: Matt Thompson v. Department of Social and Health Services, Board of Appeals
Superior Court Case Number: 17-2-02688-1

The following documents have been uploaded:

- 991235_Briefs_20201116170149SC708719_6321.pdf
This File Contains:
Briefs - Respondents
The Original File Name was ResponsePetitionforReview-FINAL-DW edits.pdf

A copy of the uploaded files will be sent to:

- arb@soslaw.com
- dawn.walker@atg.wa.gov
- shsappealnotification@atg.wa.gov

Comments:

Sender Name: Dawn Walker - Email: Dawn.Walker@atg.wa.gov

Filing on Behalf of: Courtney Vale Lyon - Email: CourtneyL@atg.wa.gov (Alternate Email:)

Address:
P.O. Box 40124
Olympia, WA, 98504-0124
Phone: (360) 586-6565

Note: The Filing Id is 20201116170149SC708719