FILED
Court of Appeals
Division II
State of Washington
1/31/2018 9:04 AM

NO. 50660-2-II

COURT OF APPEALS FOR DIVISION II
STATE OF WASHINGTON

MAGDALENE PAL,

Appellant,

v.

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES,

Respondent.

BRIEF OF RESPONDENT DEPARTMENT

ROBERT W. FERGUSON
Attorney General

JODY LEE CAMPBELL
Assistant Attorney General
WSBA #32233
OID#91012

Attorney for Respondent
Office of the Attorney General
Regional Services Division
8127 W. Klamath Court, Suite A
Kennewick, Washington 99336
(509) 734-7285

TABLE OF CONTENTS

I. INTRODUCTION 1

II. COUNTERSTATEMENT OF THE ISSUES 2

A. Did the Department properly interpret and apply the statutory definition of neglect when it followed the wording in the statute and interpreted that wording according to established canons of statutory interpretation? 2

B. Did Ms. Pal's abrogation of her duty to physically assist Timothy constitute neglect when she left Timothy open to self-harm? 2

C. Are the facts found by the Department in its Final Order supported by substantial evidence because they closely summarize the evidence presented at the administrative hearing? 2

D. Would an award of attorney's fees be erroneous because the Department's action was substantially justified? 2

III. COUNTERSTATEMENT OF THE CASE 2

A. The Department Has Authority to Investigate and Issue Findings Regarding Neglect of Vulnerable Adults 2

B. Substantive Facts 3

1. Timothy Is a Vulnerable Adult Who Requires Assistance With His Medications 4

2. Timothy Overdosed When Ms. Pal Left Him in Charge of His Own Medications. 6

3. The Purpose of Ms. Pal's Contract With the State Was to Keep Timothy Safe 7

4. Ms. Pal Made Admissions During the Department's Investigation. 7

5. The Department Made Credibility Findings at the Hearing Due to Inconsistencies in the Statements by Ms. Bournival and Ms. Pal. 8

IV. ARGUMENT 10

A. Standard of Review 10

B. The Department Properly Interpreted and Applied the Statutory Definition of Neglect. 12

1. The Department Used the Correct Definition of Neglect. 12

2. Ordinary Rules of Statutory Construction Suffice to Implement the Legislature's Purpose in Enacting the Abuse of Vulnerable Adults Act. 14

3. The Department Properly Applied the Law to These Facts. 16

4. Ms. Pal Cannot Abrogate Her Duty to Physically Assist Timothy with His Medications by Citing His Right to Retain His Own Medications 18

C. Considering the Actual Harm to Timothy Is Part of the Department's Mandate to Investigate. 20

D. Substantial Evidence Supports the Findings of Fact 22

1. Finding of Fact 23 is Supported by Timothy's Care Plan. 23

2. Finding of Fact 28 Is Supported by Timothy's Medical Records and Ms. Pal's Admission 23

3. Findings of Fact 44-46 Are Supported by the Testimony of Timothy's Case Manager. 24

4. Finding of Fact 49 Summarizes the Testimony of Timothy's Case Manager. 25

5. The Review Judge Properly Supplemented the Findings of Fact. 25

E. On appeal, this Court Does not Disturb the Department's Credibility Determinations.....27

F. The Department's Actions were Substantially Justified, and Therefore, No Attorneys' Fees Should Be Awarded. 28

V. CONCLUSION 29

TABLE OF AUTHORITIES

Cases

Adkisson v. City of Seattle,
42 Wn.2d 676, 258, P.2d 461 (1953) 16

Ancier v. Dep't of Health,
140 Wn. App. 564, 166 P.3d 829 (2007) 19

ARCO Prods. Co. v. Wash. Utils. & Transp. Comm'n,
125 Wn.2d 805, 888 P.2d 728 (1995) 11

Brown v. DSHS,
190 Wn. App. 572, 360 P.3d 875 (2015) 13, 16, 21

Burns v. City of Seattle,
161 Wash.2d 129, 164 P.3d 475 (2007) 15

Cornelius v. Dep't of Ecology,
182 Wn.2d 574, 585, 344 P.3d 199 (2015) 11

Cowiche Canyon Conservancy v. Bosley,
118 Wn.2d 801, 828 P.2d 549 (1992) 22

Crosswhite v. DSHS,
197 Wn. App. 539, 389 P.3d 731 (2017) 14, 28

Erection Co. v. Dep't of Labor & Indus.,
121 Wash.2d 513, 852 P.2d 288 (1993) 26

Hardee v. DSHS,
152 Wn. App. 48, 215 P.3d 214 (2009) 26

Heinmiller v. Dep't of Health,
127 Wn.2d 595, 903 P.2d 433 (1995) 11

In re Interest of Mahaney,
146 Wn.2d 878, 51 P.3d 776 (2002) 11

Karanjah v. DSHS,
199 Wn.App. 903, 401 P. 3d 381 (2017) 14

Kraft v. Dep't of Social and Health Services,
145 Wn. App. 708, 187 P.3d 798 (2008) 3

Lee v. DSHS,
200 Wn. App. 414, 404 P.3d 575 (2017) 21

Marcum v. DSHS,
172 Wn. App. 546, 290 P.3d 1045 (2012) 13

Mowat Const. Co. v. Department of Labor and Industries,
148 Wn. App. 920, 201 P.3d 407 (2009). 12

Pal v. DSHS,
185 Wn. App. 775, 342 P.3d 1190 (2015) 3

Port of Seattle v. Pollution Control Hr'gs Bd.,
151 Wn. 2d 568, 90 P.3d 659 (2004) 11, 22, 27

Postema v. Pollution Control Hr'gs Bd.,
142 Wn.2d 68, 11 P.3d 726 (2000) 10

Raven v. DSHS,
177 Wn. 2d 804, 306 P.3d 920 (2013) 18, 26

Regan v. Dep't of Licensing,
130 Wn. App 39, 121 P.3d 731 (2005) 26

Smith v. King,
106 Wn.2d 443, 722 P.2d 796 (1986) 22

Spokane County v. E. Wash. Growth Mgmt. Hr'gs Bd.,
176 Wn. App. 555, 309 P.3d 673 (2013),
review denied,
179 Wash.2d 1015, 318 P.3d 279 (2014) 12

State v. Ross,
141 Wn.2d 304, 4 P.3d 130 (2000) 11

Tapper v. State,
122 Wn.2d 397, 858 P.2d 494 (1993) 27

Tesoro Refining and Manufacturing Company v. Department of Revenue,
164 Wn.2d 310, 190 P.3d 128 (2008) 15

William Dickson Co. v. Puget Sound Air Pollution Control Agency,
81 Wn. App. 403, 914 P.2d 750 (1996) 11

Statutes

RCW 13.34 21

RCW 26.44.020 13

RCW 26.44.020(14) 13

RCW 26.44.020(16) 13

RCW 34.05 10

RCW 34.05.464(4) 25, 26

RCW 34.05.570 10

RCW 34.05.570(1)(a) 10

RCW 34.05.570(3) 10

RCW 34.05.570(3)(e) 11

RCW 4.84.350 28

RCW 74.34.020(12) 12, 14, 15

RCW 74.34.020(20) 19

RCW 74.34.063 3

RCW 74.34.068 3

RCW 74.34.110 14

RCW 74.39A.051 3

RCW 9A.42.100 12

WAC 388-71-0100-01280 3

WAC 388-71-0105 28

Other Authorities

Webster's Third New International Dictionary (1981) 15

I. INTRODUCTION

On August 18, 2011, Magdalene Pal left for vacation, allowing Timothy,[1] a developmentally disabled vulnerable adult to self-administer his medications while she was away, even though that violated his care plan. Timothy's care plan required Ms. Pal, his caregiver, to assist with his medications because of his inability to read, tell time and dates, or understand dosages. Ms. Pal's only effort to retrieve the medication was a ten-minute conversation with Timothy. She knew that if she was unable to follow the care plan, she should call Timothy's case manager, but she did not. Instead, she left town. Later that evening, Timothy took all of his medications at once, overdosed, and ended up unresponsive in the Intensive Care Unit of the local hospital.

The Department of Social and Health Services, Adult Protective Services (Department) found that Ms. Pal neglected Timothy by allowing him to self-administer his medications. The Department found that "the Appellant's failure to take action to insure Timothy did not under-dose or overdose on his medications was an omission that demonstrated a serious disregard of the consequences of such a magnitude as to constitute a clear and present danger to Timothy's health, welfare, or safety." AR 37-38.

Ms. Pal now argues the Department did not properly interpret or apply the law, and that the facts the Department found were not supported by substantial evidence. Ms. Pal bears the burden of showing the neglect

[1] For the vulnerable adult's confidentiality, only his first name will be used in this brief.

finding is incorrect. But the Department used the proper standard found in the Abuse of Vulnerable Adults Act, and correctly applied it in accordance with established case law regarding neglect and the Department's mandate to protect vulnerable individuals from abuse and neglect. Further, the facts found by the Department are supported by substantial evidence in the administrative record. Because Ms. Pal has not met her burden to show the Department's finding is incorrect, this Court should affirm the Department's final order.

II. COUNTERSTATEMENT OF THE ISSUES

A. Did the Department properly interpret and apply the statutory definition of neglect when it followed the wording in the statute and interpreted that wording according to established canons of statutory interpretation?

B. Did Ms. Pal's abrogation of her duty to physically assist Timothy constitute neglect when she left Timothy open to self-harm?

C. Are the facts found by the Department in its Final Order supported by substantial evidence because they closely summarize the evidence presented at the administrative hearing?

D. Would an award of attorney's fees be erroneous because the Department's action was substantially justified?

III. COUNTERSTATEMENT OF THE CASE

A. The Department Has Authority to Investigate and Issue Findings Regarding Neglect of Vulnerable Adults.

The Washington legislature has determined that vulnerable adults are in particular need of protection from abuse, neglect, abandonment, or exploitation. *Kraft v. Dep't of Social and Health Services,* 145 Wn. App.

708, 717, 187 P.3d 798 (2008). The Department is mandated to investigate allegations of abandonment, abuse, exploitation, or neglect of vulnerable adults and make civil findings when the evidence supports them. RCW 74.34.063-.0683, . If the Department concludes that the allegation is founded, on a more likely than not basis, the Department notifies the alleged perpetrator of an initial finding and the right to contest the finding in an administrative hearing. *See* WAC 388-71-0100-01280. The Department uses substantiated findings to review the qualifications of persons applying for licenses or contracts to care for, or be employed in positions requiring unsupervised access to the Department's vulnerable child, elderly, or disabled clients. RCW 74.39A.051.

B. Substantive Facts

The Department served Ms. Pal with a neglect finding in December, 2011. AR 224. She requested a hearing, but the Department denied the request for lack of timeliness. *Pal v. DSHS*, 185 Wn. App. 775, 780, 342 P.3d 1190 (2015). After the Superior Court upheld the denial, she appealed to this Court, which reversed. *Pal*, 185 Wn. App. at 775. The matter was remanded for a hearing before the Office of Administrative Hearings. AR 181. Administrative Law Judge (ALJ) Lea Dickerson presided over the hearing in January 2016, and issued an initial order affirming the finding of neglect in May 2016. AR 70-93. Ms. Pal filed a Petition for Review to the

Department's Board of Appeals. AR 57. Review Judge James Conant issued a Review Decision and Final Order (Final Order) on August 4, 2016, affirming the Initial Order while amending and supplementing the findings of fact and conclusions of law. AR 01-38. Ms. Pal requested judicial review in the Clark County Superior Court, which affirmed the finding of neglect. Ms. Pal now appeals from that order.

1. Timothy Is a Vulnerable Adult Who Requires Assistance With His Medications

Timothy rents a mother-in-law unit of Ms. Pal's home. He has lived there since January 2011. Vol. II, 121, ll. 19-21. The State of Washington, Department of Social and Health Services, Developmental Disabilities Administration (DDA) contracted with Ms. Pal to provide care for Timothy. As part of that care, DDA provided Ms. Pal with a written care plan, also called an Individual Support Plan (ISP or "care plan").

Ricki Bournival, Timothy's DDA case manager created the care plan during an assessment that she performed when he still lived at his previous care facility. Vol. I, 193-94. Ms. Bournival knew Timothy was going to rent a separate mother-in-law unit from Ms. Pal at the time she did the assessment. Vol I, 194, ll. 18-20. Ms. Pal was present during Ms. Bournival's assessment. Vol I, 212, l. 8. The purpose of the care plan was to instruct the care provider regarding what assistance and services Timothy would need to remain safe and healthy. Vol. I, 195-96. Ms. Bournival

provided the care plan to Ms. Pal when she became an individual provider for Timothy. Vol. I, 213, ll. 22-24; Vol. II, 124, ll. 12-19.

A primary component of Timothy's care plan was his medications and their management. AR 242. Ms. Bournival looked at Timothy's medications, medication management, and considered his needs at the time of the assessment as well as over the previous seven days. Vol I, 195-96. Per Timothy's care plan, his medications were to be kept in a locked cabinet. AR 243. The care plan instructed Ms. Pal to "physically assist" Timothy with his medications. AR 235; *see also* AR 243 ("IP will assist Tim with meds.") It further required Ms. Pal to remind Timothy to take them. AR 243. These provisions were included in the care plan because Timothy "[d]oes not follow frequency or dosage," "[f]orgets to take medications," is "[u]nable to read/see labels," and is "[u]naware of dosages." AR 243. The care plan informed Ms. Pal that Timothy requires reminders, cues, and supervision in planning and organizing his daily routines. AR 232-37, 240, 243, 246-47, 249-57. It emphasized that Timothy cannot read, read a calendar, or tell time. AR 233, 235, 241, 246. Further, the care plan told Ms. Pal that Timothy had problems with poor judgment and impulsivity, and he needed extensive support to prevent serious problems like paranoia. AR 239. It told her that Timothy makes poor decisions and is unaware of consequences. AR 235-37, 241, 246. Specifically, the plan states: "Tim has had great difficulty keeping himself safe." AR 235.

In practice, Ms. Pal kept the medications above her own refrigerator and gave Timothy the appropriate dose at the right time. Vol I, 214, ll. 8-9.

Timothy thought the medications were normally "locked up in the main part of the house." AR 217.

2. Timothy Overdosed When Ms. Pal Left Him in Charge of His Own Medications.

On August 18, 2011, Ms. Pal left for a weekend trip to visit relatives. Vol. II, 135. She arranged for her mother, Raj Pal, to assist Timothy. Vol II, 135. When Timothy saw his medication organizer on the kitchen counter, he grabbed it and kept it. Vol. II, 138-142. After a ten-minute discussion during which Timothy became more upset and argumentative than Ms. Pal had ever seen him, she gave in and allowed him to keep the organizer. Vol. II, 141-143. Ms. Pal left for her trip, with a plan to call Timothy to remind him to take his medicine at the correct times and to have her mother check on him to see if he had taken his medicine. Vol. II, 143.

Later that day, according to the hospital records, Timothy "took excessive amounts of carbamazepine and was found to be in altered mental status." AR 301. He was admitted to the hospital for "altered mental status with possible overdose." AR 301. The lab results showed that 4-12 ug/mL is the therapeutic range for carbamazepine, and Timothy's value was 25 ug/mL when he was admitted. AR 298, 304. Timothy was "completely unresponsive at [that] time." AR 304.

During the hospital psychological consultation, Timothy informed the consulting provider "I took too many pills and almost killed myself cause I was agitated and upset." AR 308. Ms. Pal admitted to hospital

personnel that Timothy had informed her "he was feeling really paranoid and wanted to take his own medications." AR 315.

3. The Purpose of Ms. Pal's Contract With the State Was to Keep Timothy Safe.

Ms. Pal contracted with DDA to provide care as an Individual Provider for clients of DDA. AR 267-282. The focus of Ms. Pal's contract with DDA was to provide for the client per the service plan in a manner consistent with "protecting and promoting the client's health, safety, and well-being." AR 279. In her contract with DDA, Ms. Pal agreed: (1) that she had "the ability and willingness to carry out [her] responsibilities related to the client's service plan;" (2) "to perform all services in a manner consistent with protecting and promoting the client's health, safety, and well-being;" (3) "to comply with the requirements of the Service Plan;" and (4) she certified "that [she] understand[s] [she] may contact the client's case manager if at any time [she has] any concerns about [her] ability to perform the responsibilities of this Contract." AR 279.

4. Ms. Pal Made Admissions During the Department's Investigation.

While Timothy was still in the hospital, the Department received a referral alleging that Ms. Pal had neglected Timothy by letting him take his own medicines. AR 212. The Department assigned Max Horne to investigate. Vol. I, 57. Ms. Pal explained to him that Timothy's "medications are normally kept inside the main house in [her] medication cabinet." AR 219. Ms. Pal told Mr. Horne "Tim has the mentality of a four year old." AR 219. And also, "Oh, Tim isn't able to read or write and can

only count to 10, and he can't tell time." AR 219. She went on to explain "when [she] was talking with [Timothy] about leaving, Tim [. . .] started to argue 'I'm not retarded and you treat me like a kid.' [Ms. Pal] finally 'gave in.'" and let him keep his medications. AR 219. Ms. Pal told Mr. Horne that Timothy "got paranoid and it wouldn't stop, so Tim [. . .] took all of his meds." AR 219. She also told him "It was just a terrible misunderstanding. It was a mistake and I would never do it again." AR 219. When Mr. Horne asked her whether Timothy had a history of suicidal behavior, Ms. Pal responded, "I don't see why else they would prescribe anti-depressants. I just assumed if he [. . .] was prescribed those he must be." AR 219. Ms. Pal also told him that she usually calls Timothy's case manager when she goes out of town. AR 219.

Timothy told Mr. Horne: "I couldn't believe she [. . .] gave me my meds because she knows I don't know how to take them." AR 217.

5. The Department Made Credibility Findings at the Hearing Due to Inconsistencies in the Statements by Ms. Bournival and Ms. Pal.

In the Final Order, the Department found, "Ms. Bournival confirmed during testimony that she accurately noted that Timothy does not follow frequency or dosage, is unaware of dosages, and is unable to read or see labels." AR 44. Ms. Bournival testified that Timothy's needs regarding medication management had not changed during the years that she was his case manager. Vol. I, 202, ll. 5-8. Specifically, Timothy needed "extensive support for prevention of other serious behavior," which was "paranoia." Vol I, 198, ll. 2-7; AR 239. Ms. Bournival testified that "partial physical

assistance" in the care plan is a defined term meaning that the care provider would have to use their body in some way to assist Timothy with his medications. Vol I, 196, ll. 15-17. Ms. Bournival also confirmed that she and Ms. Pal "went through the assessment together and talked a lot about the various types of support Tim would need." Vol I, 212, ll. 2-12.

Ms. Bournival testified that Timothy had trouble keeping his placements due to his behavior. Vol. I, 229, ll. 19-24. She went on to say that if Ms. Pal had called her to explain the situation, Ms. Bournival would have approved her plan to allow Timothy to self-administer his medication that weekend. Vol I, 232, ll. 11-17. When weighing Ms. Bournival's testimony, the Department noted:

> It cannot be ignored that Ms. Bournival's testimony in this matter could have been affected by her role in recommending Timothy be initially placed in the Appellant's care, her desire to retain the Appellant Timothy's caregiver based on past difficulty in placing him, and future special waiver requirements if he is to be moved again.

AR 34.

During her testimony at the hearing, Ms. Pal explained that her argument with Timothy lasted ten minutes. Vol. II, 141, ll. 9-10. She testified that Timothy has "never gotten upset with us before and this is, like, the first time I've seen him – seen arguing about things." Vol. II, 140-41. She finally said, "If, uh, you're not going to give them [the medications] back, then go ahead and take them." Vol. II, 143, ll. 8-9. Ms. Pal's attorney asked her "so, you do agree that you told Max [the APS investigator] that –

that Tim was feeling paranoid?" Ms. Pal responded: "Yeah, I did mention to [sic] that." Vol II, 156, ll. 11-13. She also agreed that she was supposed to call the DDA case manager if she could not follow the care plan. Vol II, 180, ll. 11-19. It is undisputed that she did not do so after Timothy insisted on keeping his medications and before leaving on her trip.

Though Ms. Pal's testimony at the hearing differed from what she told the APS investigator, the Department determined:

> This initial admission had a high *indicia of reliability,* as it constituted a statement against self-interest and was made when the Appellant may not have been completely cognizant of the ramifications of admitting she failed to secure the medications and had made a mistake.

AR 37 (emphasis in original).

IV. ARGUMENT

A. Standard of Review

The Administrative Procedure Act (APA), RCW 34.05, governs review of the Board's decision. RCW 34.05.570; *Postema v. Pollution Control Hr'gs Bd.*, 142 Wn.2d 68, 76–77, 11 P.3d 726 (2000). Ms. Pal bears the burden of proving the invalidity of the Board's decision. RCW 34.05.570(1)(a). Because this case stems from adjudicative proceedings, the court can grant relief only if the agency has erroneously interpreted or applied the law, or if the Board's order is unconstitutional, outside the statutory authority of the agency, not supported by substantial evidence, or is arbitrary or capricious. RCW 34.05.570(3).

The court reviews questions of law and the agency's application of the law to the facts de novo, but affords "great weight" to the agency's interpretation of law "where the statute is within the agency's special expertise." *Cornelius v. Dep't of Ecology*, 182 Wn.2d 574, 585, 344 P.3d 199 (2015).

"Unchallenged findings are treated as verities on appeal." *In re Interest of Mahaney*, 146 Wn.2d 878, 895, 51 P.3d 776 (2002), *citing State v. Ross*, 141 Wn.2d 304, 309, 4 P.3d 130 (2000). Challenged findings must be upheld if they are supported by "evidence that is substantial when viewed in light of the whole record before the court." RCW 34.05.570(3)(e), *William Dickson Co. v. Puget Sound Air Pollution Control Agency*, 81 Wn. App. 403, 411, 914 P.2d 750 (1996). Courts have interpreted this phrase as meaning "evidence in sufficient quantum to persuade a fair-minded person of the truth of the declared premises." *See Heinmiller v. Dep't of Health*, 127 Wn.2d 595, 607, 903 P.2d 433 (1995). This standard is highly deferential to the agency fact finder. *ARCO Prods. Co. v. Wash. Utils. & Transp. Comm'n*, 125 Wn.2d 805, 812, 888 P.2d 728 (1995).

Reviewing courts do not substitute their judgment for that of the Board with regard to the credibility of witnesses or the weight to be given conflicting evidence. *Port of Seattle v. Pollution Control Hr'gs Bd.*, 151 Wn. 2d 568, 588, 90 P.3d 659 (2004). Rather, in reviewing the entire record, courts will uphold the findings even if they would have made a different finding based on their reading of the record, so long as there are sufficient facts in the record from which a reasonable person could make the same

finding as the agency. *Id.* The court determines whether sufficient evidence exists to persuade a fair-minded person of the truth or correctness of the order. *Spokane County v. E. Wash. Growth Mgmt. Hr'gs Bd.*, 176 Wn. App. 555, 565, 309 P.3d 673 (2013), *review denied*, 179 Wash.2d 1015, 318 P.3d 279 (2014); *Mowat Const. Co. v. Department of Labor and Industries*, 148 Wn. App. 920, 925, 201 P.3d 407 (2009).

B. The Department Properly Interpreted and Applied the Statutory Definition of Neglect.

1. The Department Used the Correct Definition of Neglect.

Ms. Pal argues that the Department applied the wrong standard of neglect. The applicable statutory definition of neglect here is former RCW 74.34.020(12), which defines neglect as

> (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
> (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

The Department's finding follows this statutory definition of neglect. The Department concluded, "[b]ased on Timothy's unique individual needs and limitations, the Appellant's failure to take action to insure (sic) Timothy did not under-dose or overdose on his medications was an omission that demonstrated a serious disregard of the consequences of such a magnitude as to constitute a clear and present danger to Timothy's health, welfare, or

safety." AR 37-38. The Department did not just parrot the Act's definition of neglect, but also properly interpreted the definition in applying these to the facts.

Ms. Pal argues that this Court should narrow the meaning of the words of the statute so that her conduct falls outside of it. Relying on *Brown v. DSHS*, 190 Wn. App. 572, 360 P.3d 875 (2015) and *Marcum v. DSHS*, 172 Wn. App. 546, 290 P.3d 1045 (2012), both of which address abuse or neglect of a child under RCW 26.44.020, Ms. Pal contends that the Department applied the wrong standard of neglect. In *Brown*, the court held that the Department had erred in applying a "reasonable person" standard to the finding of neglect. The court concluded that the statutory definition of "negligent treatment" in RCW 26.44.020(16) required a higher standard of misconduct than simple negligence. This case is distinguishable because the Department did not apply a simple negligence or "reasonable person" standard. Rather, it applied the higher standard set forth in the applicable statute, a standard approved of by the court in *Brown*.

In *Marcum*, the Department of Early Learning (DEL) applied a "per se" definition of neglect without requiring a clear and present danger to the child's safety, as required by the relevant statute. *Marcum*, 172 Wn. App. at 559-60. The court vacated DEL's finding of negligent treatment of a child, concluding that DEL had exceeded its authority in applying a "strict liability regime" rather than the plain language of RCW 26.44.020(14). *Marcum*, 172 Wn. App. at 561. In this case, the Department did not apply a

"per se" definition of neglect, but instead concluded that Ms. Pal's actions "demonstrated a serious disregard" for Timothy's health and safety. AR 38.

The Department appropriately evaluated the evidence and determined that Ms. Pal's conduct put Timothy at serious risk of harm—harm, which did in fact occur as a direct result of Ms. Pal's actions. While Ms. Pal argues the Department did not follow the appropriate standard for "neglect," that is precisely the standard the Department used in this case. Unlike *Brown* and *Marcum*, the Department's finding of neglect of a vulnerable adult was based on the application of the standard set forth in RCW 74.34.020(12) and approved by established case law.

2. Ordinary Rules of Statutory Construction Suffice to Implement the Legislature's Purpose in Enacting the Abuse of Vulnerable Adults Act.

Ms. Pal urges this Court to narrowly construe the definition of neglect due to the punitive nature of the Abuse of Vulnerable Adults Act. No narrowing of the standard is necessary. "The Legislature enacted the Abuse of Vulnerable Adults Act (AVA) to protect vulnerable adults from abuse, financial exploitation, and neglect." *Karanjah v. DSHS*, 199 Wn.App. 903, 914, 401 P. 3d 381 (2017), citing RCW 74.34.110. In light of the legislature's express purpose in enacting the statute, no narrowing of the statutory definition of neglect is appropriate in this case.

This Court and Division III, in two cases last year, provided clarification of the meaning of "willful" in the Act's definition of "abuse." *Karanjah v. DSHS*, 199 Wn. App. 903, 401 P.3d 381 (2017); *Crosswhite v. DSHS*, 197 Wn. App. 539, 389 P.3d 731 (2017). Neither case addresses the

statutory definition of "neglect." Nor do the rulings in those cases require any narrowing of the elements of "neglect" under RCW 74.34.020(12).

The goal of statutory interpretation is to carry out the legislature's intent. *Tesoro Refining and Manufacturing Company v. Department of Revenue*, 164 Wn.2d 310, 317, 190 P.3d 128 (2008), *citing Burns,* 161 Wash.2d at 140, 164 P.3d. If the meaning of the statute is plain, the court determines legislative intent from the ordinary meaning of the words. *Id.* The court also considers the subject, nature, and purpose of the statute as well as the consequences of adopting one interpretation over another. *Tesoro Refining and Manufacturing Company*, 164 Wn.2d at 318 (*citing Burns,* 161 Wash.2d at 140, 164 P.3d 475).

Here, the Department used the plain and ordinary meanings of "serious disregard" and "clear and present" danger, citing to Webster's Third New International Dictionary (1981) in doing so. AR 38. The Department also noted the slippery slope that may result from a narrowing of the statutory definition of "neglect," as suggested by Ms. Pal. Her argument undermines not only the purpose of the care plan, but also the purpose of the AVA, which is to protect vulnerable adults from harm. And if her argument is adopted "allows the creation of a situation abetting potential serious self-harm to the vulnerable adult." AR 35. The Department concluded: "A contracted individual care provider of a vulnerable adult cannot absolve themselves of necessary care duties by simply stating: 'it is what the vulnerable adult wants.'" AR 35.

Because the Department properly interpreted the definition of neglect, using accepted canons of statutory interpretation, this Court should uphold the Department's final order.

3. The Department Properly Applied the Law to These Facts.

Ms. Pal argues that by requiring her to fulfill the terms of the care plan and her provider contract with DDA, the Department holds her to an "impossible standard." Contradicting herself, she goes on to argue that the Department did not consider her omission to be serious enough to fulfill the seriousness requirements discussed in *Brown,* which held:

> An actor's conduct is in "reckless disregard" of the safety of another if he or she intentionally does an act or fails to do an act that it is his or her duty to the other to do, knowing or having reason to know of facts that would lead a reasonable person to realize that the actor's conduct not only creates an unreasonable risk of bodily harm to the other but also involves a high degree or probability that substantial harm will result to him or her.

Brown, 190 Wn. App. at 590, *citing Adkisson v. City of Seattle*, 42 Wn.2d 676, 685, 258, P.2d 461 (1953).

There is no dispute in this case that Ms. Pal had a duty of care to Timothy. She was his individual provider, charged by the care plan with providing "partial physical assistance" in taking his medications. AR 235. The language in Timothy's care plan as well as the testimony of Ricki Bournival demonstrate that Timothy's limitations required that his caregiver provide him with physical assistance in taking his medications. The Department concluded that Timothy's care provider had to be present

physically to "monitor that he is taking the correct dosage at the correct time." AR 32.

> Allowing Timothy to retain multiple dosages of his medication and then using phone calls from a distant location to remind him to take his medications did not meet the specific requirements of the ISP. Nor did having the Appellant's mother check to see if Timothy had taken his medications when he was allowed to retain the mediset containing multiple medication dosages.

AR 32-33. Because his care plan laid out Timothy's need for protection in detail, Ms. Pal should have known that leaving Timothy in charge of his medications under the circumstances here resulted in a high degree of risk that serious harm would befall him.

Ms. Pal's contract with DSHS tells Ms. Pal to call Timothy's case manager "at any time [she has] any concerns about [her] ability to perform the responsibilities of this contract." AR 279. Ms. Pal even testified, "if you can't do something you – then you have to call the case manager." Vol II, 180 ll. 14-19. Yet Ms. Pal did not contact Ms. Bournival or anyone else at DDA when Timothy took his medication organizer and insisted on administering his own medications. Instead, she abrogated her responsibilities under the care plan and her contract with DSHS. The Department was correct to find that she acted with a disregard of such magnitude as to present a clear and present danger to Timothy's health, safety, and welfare.

4. Ms. Pal Cannot Abrogate Her Duty to Physically Assist Timothy with His Medications by Citing His Right to Retain His Own Medications.

Ms. Pal relies on *Raven v. DSHS*, 177 Wn. 2d 804, 306 P.3d 920 (2013), to support her position that she was relieved of her obligation to follow the care plan because Timothy had the right to retain his own medications. *Raven* is distinguishable from this case. The court in *Raven* addressed the issue of a guardian's substitute decision making regarding placement for a legally incapacitated individual. When the ward in *Raven* was still competent, she chose not to be placed in a long-term or nursing care facility. Once appointed, the guardian honored that decision. The court noted that the legislature has a "clear mandate against placing incapacitated persons against their will." *Raven*, 177 Wn. 2d 809.

Timothy was neither incapacitated, nor is the issue in this case related to medicating him against his will. In fact, he chose to rent the mother-in-law unit of Ms. Pal's home, and he agreed to contract for his care services and agreed to his care plan. Ricki Bournival noted "he gave verbal approval" to his care plan. AR 264, 265. However, at the relevant time, Timothy was demonstrating agitation and paranoia, which should have required Ms. Pal to pay more attention to his needs, rather than leaving him alone to self-administer medications when she knew he was not capable of doing so. In fact, his care plan warned Ms. Pal he needed "extensive support" to prevent paranoid behaviors. AR 239. A ten-minute conversation at the end of which Ms. Pal "gave in" does not constitute "extensive support."

Possession of prescription medications poses risks to adults who are not vulnerable. "Mere possession of a medication, provided under the authority of a prescribing physician, creates a risk that even the skeptical recipient will sample the drug or even take the complete prescription." *Ancier v. Dep't of Health*, 140 Wn. App. 564, 577, 166 P.3d 829 (2007). Those risks would have been much greater for a vulnerable individual like Timothy, who requires assistance with dosages and frequency of medication. The Board appropriately found that the risk of under or over dose posed a clear and present danger to Timothy's need for assistance in those areas.

Ms. Pal has not provided any authority for her argument that Timothy's right to refuse care relieved her from her duty to physically assist Timothy in taking his medications. Timothy's care plan warned his provider that he needed assistance because he "[d]oes not follow frequency or dosage," and was "[u]naware of dosages." AR 243. The care plan also warned the care provider that he had been "[r]esistive to care" in the past. AR 248. He had previously resisted showers and changing clothes as well as foot soaks, AR 248, but a resistance to medication assistance, in light of his inability to follow dosages or frequency, would place him at much higher risk of harm.

Although a vulnerable adult has a role in their care, such a right does not relieve a contracted care provider of her duty to prevent self-neglect or self-harm. In fact, the statutory definition for self-neglect does not excuse caregivers from their duty to provide adequate care. RCW 74.34.020(20).

While the Act specifically defines self-neglect, this definition does not apply when the neglect is a result of inaction by the provider. *Id.* Accordingly, self-neglect or self-harm becomes neglect by the individual care provider when that care provider has failed to take action to provide care and prevent self-harm. In this case, such inaction occurred. Timothy did not end up in the ICU of the local hospital due to his self-neglect, he got there due to his caregiver's failure to provide him with "partial physical assistance" with his medications. AR 37-38.

C. Considering the Actual Harm to Timothy Is Part of the Department's Mandate to Investigate.

Ms. Pal argues that the Department's findings regarding the actual harm that befell Timothy constitute an inappropriate "hindsight analysis." First, she provides no authority for her argument that the Department cannot take note of the actual harm that occurred. The Department properly found that the neglectful action occurred when Ms. Pal allowed Timothy to self-administer his medications contrary to the provisions of his care plan and her failure to take further steps to prevent Timothy's self-inflicted harm.

The Department's findings regarding the real harm that occurred demonstrate the seriousness of the risk to Timothy. See AR 12-13. The Department cannot and should not ignore such serious harm because of the Department's mandate to investigate complaints of abuse and neglect under Chapter 74.34 RCW and the Legislature's stated purpose of protecting vulnerable adults in enacting the statute. Moreover, the type of harm that befell Timothy was the exact type of harm that Ms. Pal should have

anticipated in light of his care needs and the risks inherent with prescription medications.

Second, the cases cited by Ms. Pal regarding the impropriety of a hindsight analysis are distinguishable. In *Lee v. DSHS*, 200 Wn. App. 414, 404 P.3d 575 (2017), Division I indicated disapproval of what it called the trial court's hindsight analysis when the trial court concluded two parents neglected and abused their minor child in a dependency action under Chapter 13.34 RCW. *Lee*, 200 Wn. App. at 436. But *Lee* is distinguishable on its facts from this case. In *Lee*, the parents consulted with two ethicists at different times when deciding not to place a feeding tube for their child. Because both ethics consultations approved of the parents' planned course of action, the court found, "there is no basis for concluding that the parents were acting in an abusive or negligent manner by withholding consent for the medical procedure." *Lee*, 200 Wn. App. at 440. In this case, however, Ms. Pal did not consult with the DDA case manager, which she admitted she was supposed to do if she could not fulfill the terms of the care plan.

In *Brown*, the Department used a "reasonable person" standard in finding that Ashley Brown neglected her child by not seeking immediate medical treatment for a burn. The review judge in that case specifically referred to hindsight in making the neglect finding on a reasonable person basis. *Brown*, 190 Wn. App. at 582. Furthermore, the Department failed to identify what else could have been done for the child that was not done by Ms. Brown at the time of the injury. Id at 584-85. In this case, the Department did not refer to hindsight in drawing its conclusion that Ms. Pal

neglected Timothy by not following the care plan or her contract with DDA. In addition, the Department identified several other things Ms. Pal could have done, rather than leave Timothy alone to self-administer his medications. AR 36.

Ms. Pal then provides a hindsight analysis of her own, stating that if Ms. Pal had called Timothy's case manager, Ms. Bournival would have approved Ms. Pal's plan to allow Timothy to self-administer his medications. However, that did not actually happen. The Department found Ms. Bournival's testimony regarding what she would have done to be not credible. AR 34. Such a credibility determination should not be disturbed on appeal. *Port of Seattle v. Pollution Control Hr'gs Bd.*, 151 Wn. 2d 568, 588, 90 P.3d 659 (2004).

D. Substantial Evidence Supports the Findings of Fact.

Findings of Fact 23, 28, 44-46, and 49 summarize the exhibits admitted at the hearing and the testimony taken at the hearing. Ms. Pal asserts that they are not supported by substantial evidence, but does not explain what specific portions of those findings of fact are in error. An assignment of error is waived if it is not addressed in the opening brief. *Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992), *citing Smith v. King*, 106 Wn.2d 443, 451-52, 722 P.2d 796 (1986). Because the findings are accurate summaries of the evidence admitted without objection from Ms. Pal, they substantially support the findings. Further, to the extent Ms. Pal does not explain how these findings are in error, she waives her assignments of error.

1. Finding of Fact 23 is Supported by Timothy's Care Plan.

Finding of Fact 23 addresses the written care plan regarding Timothy's medications. The written care plan, also called the Individual Support Plan or ISP, was admitted in the administrative record. AR 230-264. Finding of Fact 23 quotes directly from the care plan in evidence. AR 242-243. Because this finding of fact simply re-states evidence in the record, and Ms. Pal did not object to the evidence itself, the finding is supported by substantial evidence.

2. Finding of Fact 28 Is Supported by Timothy's Medical Records and Ms. Pal's Admission.

Finding of Fact 28, addresses Timothy's medical records from his hospital stay, along with an admission from Ms. Pal at the hearing. The medical records were admitted as an exhibit at the hearing. AR 297-329. The medical records are clear that Timothy was admitted to the ICU due to an overdose of carbamazepine. AR 301. While he was at the hospital, he was "completely unresponsive." AR 304. Ms. Pal made an admission to hospital staff that Timothy "was feeling really paranoid and wanted to take his own medications." AR 315. She also admitted during the hearing that she told the APS investigator that "Timothy was feeling paranoid at the time of the incident." Vol II, 156, ll. 11-13. The Review Judge found that those initial admissions were more reliable than Ms. Pal's subsequent statements. AR 37. Because this finding summarizes the hospital records admitted at the hearing as Exhibit 12 (AR 297-329), and Ms. Pal's admission during her testimony, there is substantial evidence to support the finding that

"Timothy was in an agitated paranoid state of mind, and the Appellant was aware of this, at the time Timothy took possession of his medications and would not return them." AR 12.

3. Findings of Fact 44-46 Are Supported by the Testimony of Timothy's Case Manager.

Finding of Fact 44 is based on the testimony of Ricki Bournival. She testified she completed her care assessment in January 2011, when Timothy was residing at Elahan place. Vol I, 193, ll. 11-20, 194, l. 6. She completed the assessment because "[h]e was going to leave the facility." Vol I, 194, l.12. "He was going to rent the mother-in-law suite at Ms. Pal's home." Vol I, 194, ll. 18-20. Within the care assessment, Ms. Bournival notes "IP will assist Tim with meds. in his new living situation." AR 243. The care assessment also notes "Meds at EP are kept in the medication room. Tim goes to the med. room during med. pass times . . ." AR 243. This finding accurately summarizes and quotes from Ms. Bournival's testimony and the care assessment.

Finding of Fact 45 is also based on the testimony of Ricki Bournival and the care plan in evidence. She testified the section titled "Medication Management" "shows the type of assistance that he required during the lookback period" which was "seven days." Vol I, 199-200. Ms. Bournival testified that Timothy "needs assistance" with his medication. Vol I, 200, l. 21. Timothy could open containers and put medications in his mouth. Vol I, 201, ll. 9-10. But, she testified his "ability fluctuates." Vol I, 201, l. 21. He "does not follow frequency or dosage [...] [is] unaware of dosages." Vol

I, 201, ll. 21-23. When asked if his limitations changed at all "in the time that you've been his case manager?" Ms. Bournival stated: "Um, I wouldn't really say it's changed a lot." Vol I, 202, ll. 5-8.

Finding of Fact 46 is based on the written care plan in evidence, and quotes directly from it. AR 235, 243. It also refers to the testimony of Ms. Bournival, who testified that Ms. Pal was present during her assessment, and that Timothy agreed for Ms. Pal to keep his medications "in her home in a cabinet above her refrigerator." Vol I, 212, 214.

4. Finding of Fact 49 Summarizes the Testimony of Timothy's Case Manager.

While Ms. Pal challenges Finding of Fact 49 as unsupported by the evidence, the Department in this Finding was merely summarizing the contradictory testimony that Ms. Bournival gave. Later in the Final Order, the Department makes a credibility finding regarding Ms. Bournival's testimony, but that credibility finding does not undermine the evidence that supports the finding of fact regarding the testimony.

5. The Review Judge Properly Supplemented the Findings of Fact.

Ms. Pal argues that the Review Judge should not have made findings different from the Administrative Law Judge regarding Timothy's history regarding his medications. Appellant's Opening Brief, 41-42. Under the APA, "[t]he reviewing officer shall exercise 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." RCW 34.05.464(4). The APA requires review officers to give "due regard" to the presiding

officer's opportunity to observe the witnesses. *Regan v. Dep't of Licensing*, 130 Wn. App 39, 59, 121 P.3d 731 (2005), *citing* RCW 34.05.464(4).

> This rule [does] not mean, however, that the statute required the Director to defer to the ALJ's credibility determinations. Rather, the statute authorized the Director to make his own independent determinations based on the record. [. . .] [t]he Director did not act arbitrarily or capriciously in reviewing and rejecting that finding of credibility and entering his own findings based on the record in light of [the evidence].

Regan, 130 Wn. App. at 59. The court in *Hardee v. DSHS*, 152 Wn. App. 48, 215 P.3d 214 (2009), *aff'd on other grounds* 172 Wn.2d 1, 256 P. 3d 339 (2011), again upheld the reviewing officer's authority to change the findings and credibility determinations, stating:

> The court in *Regan v. State, Dep't of Licensing,* held that a reviewing officer has the authority "to modify or replace an ALJ's findings, including findings of witness credibility" and stated that the statute does not require a reviewing judge to defer to the ALJ's credibility determinations, but rather authorizes the reviewing judge to make his or her own independent determinations based on the record.

Hardee, 152 Wn. App. at 59.

The plain and unambiguous language of RCW 34.05.464(4) states that the review judge "shall exercise all the decision-making power" the ALJ has to decide and enter the initial order. Unless a contrary legislative intent is clear, the use of the word "shall" in a statute is a mandatory directive, *Erection Co. v. Dep't of Labor & Indus.,* 121 Wash.2d 513, 518, 852 P.2d 288 (1993). Because the ALJ has the authority to enter findings of

fact, the review judge "has the power to make his or her own findings of fact and in the process set aside or modify the findings of the ALJ." *Tapper v. State,* 122 Wn.2d at 404, 858 P.2d 494. Therefore, it was not error for the review judge in this matter to supplement the findings of fact made by the administrative law judge. Ms. Bournival testified that Timothy's care needs with respect to his medications had not changed during all the years that she was assigned to his case. Vol. I, 202, ll. 5-8. Furthermore, the Review Judge noted that Ms. Bournival's testimony that Timothy had access to his medications in his past was contradicted by the testimony of Timothy's mother, and care needs set forth in the care plan, which the Review Judge found the most germane evidence to the issue. AR 34. Conclusion of Law 16 is supported by substantial evidence in the record.

E. On appeal, this Court Does not Disturb the Department's Credibility Determinations.

Ms. Pal assigns error to the Department's Conclusion of Law 16, which is a credibility determination of Ricki Bournival, and Conclusion of Law 20, which weighs the comparative reliability of Ms. Pal's differing statements over time. On judicial review of an agency decision, the court does "not weigh witness credibility or substitute [. . .] judgment for the agency's findings of fact." *Port of Seattle v. Pollution Control Hearings Board,* 151 Wn.2d 568, 588, 90 P.3d 659 (2004). Because Conclusion of Law 16 deals with the credibility of Ricki Bournival, and Conclusion of Law 20 weighs the reliability and credibility of Ms. Pal's own statements, this Court should not disturb the Department's judgment on those issues.

F. The Department's Actions were Substantially Justified, and Therefore, No Attorneys' Fees Should Be Awarded.

In 1995 the Legislature enacted the Equal Access to Justice Act (EAJA), thereby waiving the sovereign immunity of the state of Washington with respect to attorney's fees and other expenses in some judicial review cases. Laws of 1995, ch. 403, §§ 901-905[2]. The EAJA allows a qualified party who prevails on judicial review of an agency action to obtain attorney's fees unless the agency was substantially justified in its action or the award is unjust. RCW 4.84.350.

The attorneys' fees issue in this case is analogous to the *Crosswhite* case in that it deals with an APS investigation and finding. In *Crosswhite*, the Department issued its founded finding pursuant to its definition of "mental abuse" in WAC 388-71-0105. In *Crosswhite*, the Court of Appeals noted:

> [W]e should hold that its actions were nonetheless substantially justified because it investigated Ms. Crosswhite only after receiving a complaint; it was statutorily required to investigate; it has a duty to put the interests of vulnerable adults above the interests of caregivers; and it relied on language in Washington cases that was supporting of its position. [...] It was also following a duly-adopted rule interpreting a statute that it enforces and interprets.

Crosswhite, 197 Wn.App. at 540. In this case, the Department investigated Ms. Pal only after it received a referral. As in *Crosswhite*, the Department was statutorily required to investigate and similarly required to put Timothy's interests above those of Ms. Pal. In addition, the Department issued the finding

---

[2] Since the EAJA is both a partial waiver of sovereign immunity and an exception to the American rule on attorney's fees, it should be "held to its terms." *Rettkowski v. Dep't of Ecology*, 76 Wn. App. 384, 389, 885 P.2d 852 (1994), *rev'd in part on other grounds*, 128 Wn.2d 508, 910 P.2d 462 (1996).

of neglect pursuant to the proper statutory definition. The court in *Crosswhite* found that the Department "should not be chilled from investigating incidents in the future out of fear that we will find its actions to be erroneous and award attorney fees." *Crosswhite*, 197 Wn.App. at 540. A similar chilling effect may occur with respect to neglect cases in this matter if fees are awarded. The *Crosswhite* court found substantial justification and denied an award of attorney fees, as would be proper in this case for the same reasons.

V. CONCLUSION

Substantial evidence supports the Department's findings of fact and the Department applied the correct statutory definition of neglect when making the conclusions of law in its Final Order. Because the Department was substantially justified in making its finding, attorneys' fees should not be awarded. Therefore, the final order should be affirmed.

RESPECTFULLY SUBMITTED this 31st day of January, 2018.

ROBERT W. FERGUSON
Attorney General

JODY LEE CAMPBELL
Assistant Attorney General
WSBA #32233
OID#91012

NO. 506602

COURT OF APPEALS FOR DIVISION II
STATE OF WASHINGTON

IN RE: MAGDALENE PAL, Petitioner, v. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	DECLARATION OF ELECTRONIC FILING AND DISTRIBUTION

Teri Salo declares as follows:

That she is now. and was at all times hereinafter mentioned, a citizen of the United States and of the State of Washington, over the age of majority, and not a party to this action.

On January 31, 2018, I filed the Department's original Response Brief on behalf of the Washington State Department of Social and Health services with the Washington State Court of Appeals, Division II web portal, as follows, http://ac.courts.wa.gov/index.

A copy of the same was provided to all involved parties or their counsel, as follows:

AMY McCULLOUGH
Northwest Justice Project
500 W. 8th Street Suite 275
Vancouver WA 98660-3086

Email: amym@nwjustice.org

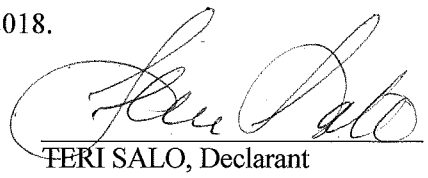
///

///

///

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

DATED this 31st day of January, 2018.



TERI SALO, Declarant

WASHINGTON STATE ATTORNEY GENERAL

January 31, 2018 - 9:04 AM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	50660-2
Appellate Court Case Title:	Magdalene Pal, Appellant v. D.S.H.S., State of Washington, Respondent
Superior Court Case Number:	16-2-01694-8

The following documents have been uploaded:

- 506602_Briefs_Plus_20180131090136D2428077_0043.pdf
  This File Contains:
  Affidavit/Declaration - Service
  Briefs - Respondents
  The Original File Name was 506602ResponseBrief.pdf

A copy of the uploaded files will be sent to:

- amym@nwjustice.org
- cindyg@atg.wa.gov
- cindyt@atg.wa.gov

Comments:

Sender Name: Teri Salo - Email: Teris@atg.wa.gov
Filing on Behalf of: Jody Lee Campbell - Email: jodyc@atg.wa.gov (Alternate Email: rsdkenfax@atg.wa.gov)

Address:
8127 W. Klamath Court, Suite A
Kennewick, WA, 99336
Phone: (509) 734-7474

Note: The Filing Id is 20180131090136D2428077