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**SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR WALLA WALLA COUNTY**

LINDA ROBB,

Plaintiff,

vs.

BENTON COUNTY, a State public body,

and

FRANKLIN COUNTY, a State public body,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES,
INJUNCTIVE AND DECLARATORY
RELIEF AND DEMAND FOR A JURY
TRIAL

I. PARTIES, JURISDICTION, AND VENUE

1.1 The Plaintiff, Linda Robb, is a woman over 40 years of age. At all times relevant to this complaint she was a citizen of the United States residing in Benton County, Washington. Ms. Robb was employed by Defendants Benton and Franklin Counties as Director of the Department of Human Services from July 2014 to August 6, 2015.

1.2 The Defendant, Benton County, is a state public body under Washington

1 law and a body corporate within the meaning of RCW 36.01.010.

2 1.3 The Defendant, Franklin County, is a state public body under Washington
3 law and a body corporate within the meaning of RCW 36.01.010.

4 1.4 This Court has jurisdiction over this matter pursuant to RCW 4.28.020,
5 RCW 4.96.010 and 4.96.020.

6 1.5 Walla Walla County is a proper venue for this matter pursuant to RCW
7 36.01.050.

8 **II. FACTS**

9 2.1 Defendant Benton and Franklin Counties Department of Human Services
10 (hereinafter "Human Services") is a department administered by both Benton and Franklin
11 counties. Offices are physically located in Prosser, Benton County. Most administrative
12 services, including payroll, are handled by Benton County, but the Board of
13 Commissioners for both counties have an equal vote in all matters, including personnel
14 matters. There is no interlocal agreement on file for the operation and administration of
15 this bicounty Department, although there are interlocal agreements for some specific
16 functions of the Department of Human Services.

17 2.2 Ms. Robb was offered the position as Director of the Department of Human
18 Services on May 14, 2014 and was officially hired on or about July 7, 2014.

19 2.3 Prior to working for Benton and Franklin Counties Department of Human
20 Services, Ms. Robb worked for 15 years as Clinical Director at Catholic Family & Child
21 Services in Richland.

22 2.4 In her position as Department of Human Services Director, Ms. Robb
23 reported to the Board of Commissioners of both Counties, and interacted directly with the
24 respective County Administrators on a regular basis. Franklin County Commissioner
25 Robert Koch and Defendant Benton County Commissioner Shon Small were the

1 Commissioners for their respective counties with regular responsibilities for matters
2 concerning the Department of Human Services.

3 2.5 During her employment, the practice was that Benton County handled all
4 administrative matters for the Department, including personnel and payroll matters, and
5 provided 70% of the administrative funding, while Franklin County provided 30%. At the
6 same time, each county had an equal say in all Department's decisions.

7 2.6 Human Services had over 30 employees. Ms. Robb was responsible for
8 overseeing all programs and personnel associated with providing human services to Benton
9 and Franklin Counties. Ms. Robb had more than eight direct reports, and provided
10 oversight to all activities in the county involving Medicaid, chemical dependency
11 treatment, developmental disabilities treatment, mental health, housing services (including
12 grant application and administration), and the Crisis Response Center.

13 2.7 Ms. Robb reported to two separate boards: The Benton County Board of
14 Commissioners, and the Franklin County Board of Commissioners.

15 2.8 Each commissioner was assigned to a particular department. Mr. Small
16 (from Benton County) and Mr. Robert Koch (from Franklin County) were assigned to
17 oversee Human Services. During Ms. Robb's employment, Ms. Robb interacted with Mr.
18 Small and the other commissioners on a weekly basis.

19 2.9 One of Ms. Robb's job responsibilities was to attend Board meetings. It
20 was Ms. Robb's job to keep both Boards apprised of human services issues and
21 developments at that Counties and at the state level to the extent that changes in state laws
22 or court decisions affected the administration of human services in the Counties.

23 2.10 Benton and Franklin County Boards met separately, so Ms. Robb attended
24 meetings for each to provide the Boards with information related to Human Services. For
25 example, Human Services had 20-25 contracts with service providers or venders, so one of

1 Ms. Robb's roles at the Board meetings was to present issues that needed to be addressed
2 regarding those contracts. Ms. Robb had to make the same presentation separately and get
3 majority approval from both Boards to approve Ms. Robb's actions. Other examples
4 included, Ms. Robb needed approval from both Boards to hire new positions for personnel,
5 to lease equipment (such as copy machines), office space leasing, decisions regarding the
6 awarding of contracts to third parties, and other administrative and oversight functions.

7 2.11 At the time of Ms. Robb's hire, Benton County Administrator David Sparks
8 and Franklin County Administrator Fred Bowen jointly told Ms. Robb that, "whenever you
9 communicate with one commissioner, you must communicate with all commissioners and
10 us, so you don't get into trouble," or words to that effect.

11 2.12 On August 12, 2014, Ms. Robb sent an email to Benton and Franklin
12 County Commissioners, and to their respective county administrators, raising concerns
13 about an ongoing deficit in the Crisis Response Unit (CRU) administered under the
14 Department. Ms. Robb expressed fears that it may need to be closed due to serious
15 funding issues. Ms. Robb also informed them of recent court rulings and the status of
16 Departmental communications with health care providers in an effort to obtain more
17 mental health beds for the community.

18 2.13 On August 14, 2014, Commissioner Small responded with an email
19 criticizing Ms. Robb for sending this email to all of the Commissioners, stating: "if you
20 have concerns please contact Commissioner Koch or myself prior to a blanket email goes
21 out that projects we have a "BROKEN ARROW!" that is now view for public."

22 2.14 It was Ms. Robb's duty to keep the Commissioners apprised of programs
23 under Ms. Robb's supervision.

24 2.15 The Crisis Response Unit financial issue had been raised by Commissioner
25 Small at the July 15, 2014 Board meeting.

1 2.16 Ms. Robb called Commissioner Small and asked if everything was okay
2 between himself and Ms. Robb. Small responded: “we are good” or words to that effect.

3 2.17 Ms. Robb raised concerns about Commissioner Small’s email response to
4 both Benton County Administrator David Sparks and Deputy County Administrator
5 Loretta Smith Kelty. Mr. Sparks informed Ms. Robb that Ms. Robb did not make any
6 mistakes in sending the email. Mr. Sparks told Ms. Robb that, “Small can be mean to
7 strong women like you.” Mr. Sparks further told Ms. Robb that a former commissioner we
8 both knew was crazy but that Shon Small was mean. Mr. Sparks described Commissioner
9 Small’s behavior on several occasions saying that Commissioner Small, “was sexist and
10 did not respect women.” Ms. Smith Kelty told Ms. Robb that Small does not like her, that
11 there had been 2 executive sessions initiated by Small about her, but that Mr. Sparks had
12 defended her. On information and belief, Ms. Smith Kelty was fearful of her job because
13 she feared Commissioner Small.

14 2.18 On several other occasions, when Ms. Robb complained to Ms. Smith Kelty
15 about Commissioner Small, Ms. Smith Kelty stated that he was “very sexist.” Ms. Robb
16 told her that she felt like you had to have a penis in order to survive working at Benton
17 County, and that it was a hard core “Old Boys club”. Ms. Smith Kelty expressed her
18 agreement with Ms. Robb’s comments.

19 2.19 Throughout 2014, Ms. Robb’s Department and the Commissioners
20 continued to deal with problems with various providers of mental health, crisis response
21 and substance abuse services based in part on recent court decisions regarding how these
22 services are provided. Further, the contractor running the Detoxification Center indicated
23 that they were losing money and could not make changes required by changes in state law.
24 Ms. Robb continued to bring those issues to the Commissioners’ attention and proceed as
25 they instructed. For example, Ms. Robb attempted to set up meetings with Small in

1 February 2015 about DSHS issues with their providers and audits of their programs.

2 During this time, all of their facilities passed their audits.

3 2.20 On or about March 25, 2015, Gordon Cable, CRU Director, reported that
4 six weeks earlier Small had confirmed a rumor that the Crisis Response Unit would be
5 closed down, and those functions would be privatized and handled by Lourdes Counseling
6 Center. Small told Cable not to tell Ms. Robb about the CRU privatization. At this time,
7 Ms. Robb confronted Linda Ivey, Fiscal person for the department of human services, as to
8 whether she knew about this issue. Ms. Ivey reported that she knew about it and that it had
9 been a discussion for a long time. Ms. Ivey had been working in the county for some time
10 in the commissioner's office and had first heard it there. Ms. Ivey further stated that she
11 had been trying to give Ms. Robb hints about it for some time. When asked why she
12 simply did not just tell Ms. Robb, Ms. Ivey reported that commissioner Small had told her
13 not to tell Ms. Robb and she was unwilling to go up against a commissioner, saying that
14 she needed her job. Ms. Robb then called Commissioner Small, who stated he had been
15 working on this issue since August 2013. Ms. Robb expressed concern at not being
16 informed of this change to a major program in Ms. Robb's department. Commissioner
17 Small stated that he did not want it blabbed all over the counties before he was ready.
18 Commissioner Small instructed Ms. Robb to discuss privatization at the April 7, 2015
19 Board Meeting. The April 7, 2015 agenda item, "Crisis Response Unit Discussion ~ L
20 Robb" was submitted as scheduled business, and approved for the agenda by
21 Commissioner Small.

22 2.21 Ms. Robb then asked David Sparks and Loretta Smith Kelty about the
23 rumor, who told Ms. Robb that everyone else knew and that they had repeatedly advised
24 Commissioner Small to tell Ms. Robb about it. This rumor had also been confirmed by
25 Sparks who had recommended that Small tell Ms. Robb, but Small declined. Sparks said

1 that he believed the Department staff knew and recommended that Ms. Robb speak to the
2 other Benton County Commissioners about it. Ms. Robb was also informed by Department
3 Finance Manager, Linda Ivey that Small had asked her for financial information regarding
4 CRU privatization, and that he told her not to tell Ms. Robb. Ms. Robb was Cable and
5 Ivey's direct supervisor.

6 2.22 On March 27, 2015, Ms. Robb met with Benton County Commissioner
7 Beaver about CRU privatization, where Ms. Robb told him what she knew about the
8 finances and potential liabilities. He told Ms. Robb to gather more information and let him
9 know what Ms. Robb learned. He believed that Ms. Robb should have been informed
10 from the beginning.

11 2.23 At the April 7, 2015 Benton County Board Meeting, Cable and Ms. Robb
12 presented information about the costs and liabilities if CRU was privatized. Ms. Robb
13 presented information to the entire board that privatization would cost the Counties a
14 considerable amount of money in administrative and other costs, potential loss of state and
15 federal funding, and that money recently spent on renting and upgrading the CRU facility
16 and upgrading the electronics medical records would have been wasted. Ms. Robb also
17 provided the Board with a document entitled "Fiscal Picture" that laid out the issues in
18 detail. Ms. Robb expressed concerns that there could be liability issues as the counties
19 contracted for delivery of mental health services without having full oversight of the
20 services which could have effects on the health and safety of the community. Both Benton
21 County Commissioners Beaver and Chair Delvin indicated that this was their first
22 discussion of the privatization issue. An executive item on the agenda regarding
23 performance of a public employee was not held. Ms. Robb was later told by Loretta Smith
24 Kelty that this executive session had been placed on the agenda by commissioner Small in
25 case he wanted to "deal with Ms. Robb at that time".

1 2.24 On April 8, 2015, Ms. Robb made the same presentation to the Franklin
2 County Board meeting as she had made at the Benton County Board meeting. Chairman
3 Peck stated that this was the first time that the Franklin County Board had heard of the
4 issue and would not make any decisions at this time about their support or non-support for
5 the CRU privatization issue.

6 2.25 On April 9, 2015, Benton County Commission Chair Delvin requested that
7 Ms. Robb get input from other providers and the public on the CRU issue. He also
8 expressed concerns about potential liabilities.

9 2.26 On April 13, 2015, Franklin County Commissioner Miller expressed
10 appreciation about Ms. Robb's work and how well informed Ms. Robb was and stated that
11 he did not understand why Ms. Robb was kept out of discussions.

12 2.27 On April 14, 2015, at the direction of Commissioner Delvin, who
13 specifically asked Ms. Robb to gather information for him on the issues of privatization
14 from the other providers of mental health in the area, Ms. Robb requested a discussion of
15 the CRU privatization issue with the Greater Columbia Behavioral Health (GCBH)
16 Regional Clinical Directors' meeting as they represented the providers that receive
17 referrals from CRU and provide services to CRU patients and would be affected or
18 involved in privatization. At that time Ms. Robb was the chairperson of the committee and
19 had served in that capacity for many years. Because GCBH is the agency established by
20 the DSHS Regional Support Network (RSN) for our counties under WAC 388-877 and
21 RCW 70.02, to administer the contracts for mental health, these clinical directors would
22 need to be involved in any changes to the Crisis Response Unit. Ms. Robb presented
23 Commissioner Small's proposal and asked for the Directors' input. Most of the providers
24 were against privatization.

25

1 2.28 On April 22, 2015, Smith Kelty set up a meeting with Ms. Robb to discuss
2 issues raised at an executive session at the April 21, 2015 Benton County Commissioner
3 meeting. Ms. Smith Kelty told Ms. Robb that Small was upset that Ms. Robb provided
4 information regarding CRU privatization to the Regional Clinical Directors and that Ms.
5 Robb should not have done so. She told Ms. Robb that Commissioner Small was very
6 angry at Ms. Robb because Ms. Robb had been one-sided in Ms. Robb's presentation, and
7 that Ms. Robb needed to understand that if Ms. Robb was going to make it, Ms. Robb
8 needed to support the Benton County commissioner no matter what Ms. Robb's personal
9 beliefs were. Ms. Robb expressed to her Ms. Robb's frustration at having to report equally
10 to two boards who had exact opposite opinions and therefore different directions for Ms.
11 Robb to follow. Ms. Robb expressed to Ms. Smith Kelty Ms. Robb's concerns about the
12 two boards not meeting together during Ms. Robb's time in this position on a regular basis.
13 Ms. Smith Kelty advised Ms. Robb to tell the board this during the upcoming executive
14 session where Ms. Robb was forced to appear and that had been called into session by
15 Commissioner Small.

16 2.29 On April 28, 2015, prior to the April 28, 2015 meeting, Ms. Robb sent an
17 email with attachments responding to concerns about public discussions regarding CRU
18 privatization, where Ms. Robb indicated that Ms. Robb had only discussed the issue at the
19 Board meetings and with the GCBH Directors at the direction of Commissioner Delvin.

20 2.30 On April 28, 2015 Ms. Robb was called into an executive session of the
21 Benton County Board of Commissioners attended by Sparks, Smith Kelty, and all three
22 commissioners. For the majority of the session, Commissioner Small reprimanded and
23 berated Ms. Robb for bringing the CRU privatization before the Regional Clinical
24 Director's meeting on April 14, 2015. Ms. Robb told the Commissioners that Ms. Robb
25 had done so at the direction of Commissioner Delvin. Small accused Ms. Robb repeatedly

1 of “calling him out”. Small also expressed anger that Ms. Robb followed the direction
2 from the Franklin County Commissioners, even though Ms. Robb reminded him that Ms.
3 Robb reports to them as well. This executive session lasted 45 minutes, but is listed as no
4 action taken. In this executive session Commissioner Delvin and Commissioner Beaver
5 expressed no concerns with Ms. Robb’s behavior or actions. On information and belief,
6 this session was not recorded.

7 2.31 Following these meetings, Commissioner Small and other County staff
8 members at his direction began to find fault with Ms. Robb for every action by Ms. Robb’s
9 Department and tried to assign blame to Ms. Robb for ongoing issues with providers, even
10 though many of these began before Ms. Robb was hired, or were a result of very recent
11 Court opinions changing the way that mental health services could be provided. Some
12 examples follow.

13 2.31.1 Before a May 7, 2015 RSN meeting, Commissioner Small took Ms.
14 Robb aside and made several accusations, including that Ms. Robb had coached
15 members of the public to criticize CRU privatization at a NAMI forum at which he
16 presented; that Ms. Robb had encouraged letters against CRU privatization; and
17 that Ms. Robb had directed that a letter be sent to the Detox facility informing them
18 that it would be closing. Ms. Robb responded that Ms. Robb had not been involved
19 in these issues. Further, Ms. Robb told Commissioner Small that a crisis response
20 unit staff member had mistakenly sent an internal memo to the Detox unit; that Ms.
21 Robb instructed her to write a retraction once Ms. Robb found out; and that Ms.
22 Robb had followed up with an email instructing all of Ms. Robb’s employees that
23 no documents could go to the public without authorization. Ms. Robb also
24 informed Commissioner Small that within a couple of hours of the incident having
25 occurred Ms. Robb had talked to the director of the Detox center, Dell Anderson,

1 and had apologized for the misunderstanding. Ms. Robb also informed
2 Commissioner Small that Ms. Robb had talked to the leadership at the Crisis
3 Response Unit and had talked directly to the employee involved. All of this
4 occurred on a Sunday afternoon. Commissioner Small thanked Ms. Robb for
5 sending the email to staff and copying him. He ended this discussion by stating,
6 “Ms. Robb’s done” or words to that effect.

7 2.31.2 A county employee tried to raise an inference of wrongdoing on Ms.
8 Robb’s part for providing a client a housing voucher. This incident had been fully
9 vetted by the county auditor and found to have no merit. Ms. Robb was in contact
10 with the Commissioners about this issue as well as Lexi Wingfield, director of
11 Human Resources. All matters were unfounded. Ms. Robb was then accused of
12 not keeping the Commissioners up to date on the termination of the unit by the
13 Detox unit contractor, even though Ms. Robb had done so throughout the year. Ms.
14 Robb responded to every accusation with information about the issue raised.

15 2.31.3 Shortly thereafter, two different news articles appeared in the Tri-
16 City Herald, with a set of quotes by Commissioner Small about privatization. In
17 one of the articles Commissioner Small stated that “he might ask to go into
18 executive session to discuss an ‘employee performance’ issue related to Crisis
19 Response.”

20 2.31.4 During this time frame, the Bi-County meeting Agenda regarding
21 executive sessions contained the agenda items, “Review the Performance of a
22 Public Employee” and “Possible Management Decision Regarding a Public
23 Employee.”

24 2.32 Ms. Robb sent an email to the Franklin County Deputy Prosecuting
25 Attorney (“DPA”) Janet Taylor. Ms. Taylor was at the time in charge of human resources

1 matters. Ms. Robb asked Ms. Taylor if the agenda items, mentioned above, were referring
2 to Ms. Robb, and also told her, “this is starting to feel like a hostile work place situation”.
3 Ms. Robb also discussed Ms. Robb’s concerns with Franklin County Commissioners Peck
4 and Koch, and Benton County Commissioner Devlin. The executive session did not occur
5 because it had not been properly noticed in Franklin County. There was considerable
6 discussion at the Bi-County meeting and a request for more information and public
7 hearings on the CRU privatization issue.

8 2.33 At the May 19, 2015 Board meeting, Commissioner Small wrongfully
9 accused Ms. Robb of not keeping him informed of issues with Detox. Ms. Robb
10 approached Small to privately explain about the issues raised. In an incident (“the
11 incident”), which occurred right before a GCBH Fiscal Committee Meeting,
12 Commissioner Small stated to Ms. Robb:

13 You don't need to explain anything to me ... as far as I am concerned you
14 are a pathetic liar and human being and I will never trust anything you say.
15 You are a miserable liar and person and I do not want to ever see or listen to
 you again.

16 Ms. Robb wrote a note outlining the incident to Penny Bell, director of a chemical
17 dependency agency in the health services community who held a contract for which the
18 Department of Human Services was responsible.

19 2.34 After the meeting, Ms. Robb reported the incident to Franklin County PDA
20 Janet Taylor. Ms. Robb then reported the incident to Gordon Cable, Kyle Sullivan and
21 Gloria Caldwell from CRU. Caldwell suggested Ms. Robb contact Benton County
22 Personnel Director Lexi Wingfield. Ms. Robb called and requested a meeting about the
23 hostile work environment. Ms. Robb later cancelled this meeting because Ms. Robb was
24 very fearful of her going to Commissioner Small and of Ms. Robb getting fired because of
25 it. Ms. Robb then decided that it would be safer to report the incident to Franklin County,

1 because the commissioners had been very supportive of Ms. Robb. Franklin County
2 Commissioners had told Ms. Robb that Ms. Robb was “doing a really good job” or words
3 to that effect.

4 2.35 In a conversation with Benton County PDA Andy Miller, Ms. Robb asked
5 him about the incident and about why Commissioner Small hated Ms. Robb so much. Mr.
6 Miller responded in part by telling Ms. Robb that Small told him in November 2014 that
7 Commissioner Small did not like Ms. Robb, that he wanted Ms. Robb gone, and that he
8 made comments to the effect that Ms. Robb was a stupid woman.

9 2.36 On information and belief, Commissioner Small stated on one or more
10 occasion that, “he does not like Ms. Robb, that he wanted Ms. Robb gone, and that Ms.
11 Robb is a stupid woman,” or words to that effect.

12 2.37 Mr. Miller reported to Ms. Robb that he had shared that he had never
13 experienced anything like Ms. Robb being stupid, and that he did not support any sort of
14 termination. Miller went on to say that he was the attorney for the Commissioners so he
15 had to be careful but that he suggested Ms. Robb start working on a housing project that no
16 one in the county wanted to take on so that Ms. Robb would make herself seem more
17 indispensable to Benton County. Ms. Robb reported her concerns to Mr. Miller about the
18 hostile work environment, and Mr. Miller responded that he had certainly seen that in the
19 board meeting earlier that week when Ms. Robb had made her presentation about the
20 Detox Center. Mr. Miller stated that everyone in the room could see the hostility that
21 Commissioner Small had for Ms. Robb. In these discussions with Mr. Miller, Ms. Robb
22 provided notice of violations of civil law, and they exchanged facts. None of these
23 discussions were subject to attorney client privilege.

24 2.38 On May 22, 2015, Ms. Robb met with DPA Janet Taylor in regard to Ms.
25 Robb’s hostile work environment complaint, at which time Ms. Robb provided her with a

1 handwritten chronology and other documents. Ms. Robb notified Ms. Taylor about Ms.
2 Robb's belief that Small's harassment and discriminatory treatment was based on Ms.
3 Robb's sex, and based on her having provided information on CRU privatization
4 implications. Ms. Taylor listened to Ms. Robb at length and took copious notes, and she
5 explained Ms. Robb's rights under the law. She apologized on behalf of Franklin county
6 and told Ms. Robb she would present the issues at executive session at the May 27, 2015
7 Franklin County Board meeting. In these discussions with Ms. Taylor, Ms. Robb provided
8 notice of violations of civil law, and they exchanged facts. None of these discussions were
9 subject to attorney client privilege.

10 2.39 On June 9, 2015, Ms. Robb sent an email to Franklin County Commissioner
11 Koch, expressing concerns about Rick Weaver, executive director of Comprehensive
12 Mental Health in Yakima WA, presenting information about dissolving and privatizing
13 CRU, as Weaver had a conflict of interest.

14 2.40 Ms. Robb then reported the same issues in separate conversations with
15 Benton County Commissioner Beaver and Benton County Deputy Administrator Smith
16 Kelty on June 5, 2015. Both commented that they have noticed Small's behavior toward
17 Ms. Robb. Commissioner Beaver stated that Commissioner Small should be assigned
18 responsibility for a different department. Commissioner Beaver told Ms. Robb that he will
19 contact Benton county attorneys and recommend the change be made to Commissioner
20 Delvin representing the Department of Human Services. He further stated that he thought
21 that the executive sessions and the harassment had to stop and that he was on Ms. Robb's
22 side all the way. Ms. Smith Kelty later agreed with Commissioner Beaver's statement, and
23 that the constant harassment needs to stop.

24 2.41 Following these reports to commissioners and administrators, the
25 harassment and retaliation against Ms. Robb increased. Despite his prior assurances,

1 Benton County Commission Beaver via email informed Ms. Robb that he refused to
2 reassign Small. He further stated that he would not help Ms. Robb harm one of his brother
3 commissioners. At around this time Ms. Robb had been informed that a position was open
4 in the Sheriff's department for Benton County. Linda Ivey, fiscal person for the
5 Department of Human Services, informed Ms. Robb that she was going to apply for this
6 position. At the time Ms. Smith Kelty informed Ms. Robb that she had approached
7 Commissioner Small with wanting to be the next administrator for Benton county as she
8 was aware that the current administrator David Sparks was considering retirement. Ms.
9 Smith Kelty had been the deputy director for years and had been groomed for the job by
10 Sparks. Ms. Smith Kelty told Ms. Robb that she had been informed by Commissioner
11 Small that she would not be getting the position because they had someone else in mind (a
12 man). Ms. Smith Kelty then told Ms. Robb that based on this information she was afraid
13 that she would not have a job after David left, because of Commissioner Small's dislike for
14 her, so she had applied for the open position in the Sheriff's office as well. Ms. Smith
15 Kelty has a background in finance and was well qualified for the job, however she did not
16 get the job. The position was given to Linda Ivey. This meant that Ivey would move up
17 three steps in the payment schedule.

18 2.42 On information and belief, Commissioner Small and Ms. Ivey are friends,
19 and she was given the job as a favor and to get her out of a department, which Small
20 wanted abandoned as a bi-county program. Several times Commissioner Small would
21 come into the Human Services Department and meet behind closed doors with Ms. Ivey
22 during the year. Neither Ms. Ivey nor Commissioner Small would disclose what these
23 meetings were about except to say they were just chatting about personal things.

1 2.43 Upon Ms. Ivey getting the position and moving on, Benton County initially
2 declined to replace the Human Services Finance Manager, a much needed position at
3 Human Services.

4 2.44 On July 10, 2015, Ms. Robb was forced to terminate Ms. Robb's assistant
5 even though he had done nothing wrong ("assistant termination incident"). Ms. Robb was
6 told that Ms. Robb's assistant had not disclosed past criminal history when in fact Ms.
7 Robb produced a document that the county had in his file, even giving the case number of
8 his previous offense and a background check run by Benton county that showed no
9 offenses or problems listed. Ms. Robb had also talked to Personnel Director Lexi
10 Wingfield at length about the criminal history of Ms. Robb's assistant before bringing him
11 on because, if it was a problem, Ms. Robb wanted to know about it before moving forward.
12 Ms. Wingfield told Ms. Robb that it was fine as long as the offense had not occurred in the
13 last seven years.

14 2.45 At the time Ms. Wingfield told Ms. Robb to fire Ms. Robb's assistant she
15 denied that Ms. Robb had disclosed the assistant's criminal past to her, but later said that
16 she vaguely remembered something that Ms. Robb had said but couldn't quite remember
17 it.

18 2.46 Ms. Robb contacted Commissioner Brad Peck about the assistant
19 termination incident. Commissioner Peck informed Ms. Robb that he felt this was a
20 retaliatory move by Commissioner Small to hurt Ms. Robb. PDA.

21 2.47 On July 16, 2015, Benton County placed Ms. Robb on administrative leave
22 for "misconducts". Ms. Robb's termination was then discussed at two Bi-County meetings
23 (7/29/15 and 8/5/15) and two separate Board meetings on 8/4/15 and 8/5/15. Despite
24 discussions that termination would be premature as the PDA of Franklin County was
25 awaiting further information, the Commissioners voted on August 5, 2015 to terminate Ms.

1 Robb's employment by a vote of 5-1 (Franklin County Commission Chair Peck voting
2 against) and discussed Ms. Robb's termination in the press in an article that appeared that
3 same day. Ms. Robb received notice of Ms. Robb's termination on August 6, 2015. In an
4 article appearing on August 11, 2015, Delvin, "reiterated statements he made to the Herald
5 last week that Benton County officials had lost confidence in Robb to lead the
6 department".

7 2.48 Ms. Robb timely served a tort claim on Benton County and waited more
8 than sixty days before filing this lawsuit.

9 2.49 The defendants are responsible for the acts of their agents under the doctrine
10 of respondent superior.

11 2.50 Ms. Robb engaged in the following protected activities:

12 2.50.1 Ms. Robb argued at both Benton and Franklin county board
13 meetings in April 20, 2015 that privatizing the Crisis Response Unit was a conflict
14 of interest due to the fact that it would create a monopoly at Lourdes Counseling
15 Center or whatever local county contracted entity the contract is privatized with,
16 based on the fact that it would allow that provider to take in clients and the referral
17 point in Crisis Response and then only refer cases to themselves for outpatient
18 treatment including therapy, case management, medication and community services
19 such as housing programs. It would also give that entity the power to refer court
20 ordered patients who had violent or aggressive tendencies to other agencies that
21 were less equipped to handle them, because the referral agency did not want to put
22 themselves in that type of liability situation, or put their staff at any risk of harm.

23 2.50.2 Ms. Robb reported to the Boards her opposition to the plan to
24 privatize the CRU on the ground that it would cost the taxpayers hundreds of
25 thousands of dollars to get out of the seven year lease of the facility; Crisis was

1 recently moved to provide centralized consolidated services at a new facility. A
2 lease was signed at that time with a private contractor to house the Crisis Response
3 Unit. That new lease is set to expire on April 30, 2021 and cost approximately
4 \$118,000/year.

5 2.50.3 Ms. Robb reported to the Boards her opposition to the issue of
6 wasting county dollars that had been spent on the required update of the Crisis
7 Response Unit, at the new location, to electronic medical records that was required
8 by the state of Washington. This system would not be transferable to another
9 agency should the Crisis Response Unit move to a private entity. The counties had
10 already spent \$302,000 on the electronic records medical program as of April 2015.

11 2.50.4 Ms. Robb reported to the Boards her opposition to wasting the
12 \$60,000 spent on new furniture for the new Crisis Response building and wasting
13 \$75,000 on remodeling that building that had been spent to customize the space for
14 the specific use of the Crisis Response Unit. Furniture bought by the counties must
15 remain with the counties and cannot be sold or given away outside of county
16 entities per public policy.

17 **III. CAUSES OF ACTION**

18 3.1 Plaintiff realleges all preceding paragraphs of the complaint, and hereby
19 incorporates the same by reference.

20 3.2 The facts set forth above state a claim against Defendants for wrongful
21 discharge in violation of public policy in that Plaintiff reported and opposed improper
22 governmental actions that could result in a gross waste of public funds or danger to public
23 health and safety, and where Plaintiff was terminated for her reporting.

24 3.3 The facts set forth above state a claim against the Defendants for intentional
25 discrimination against the Plaintiff in violation of the Washington Law Against

1 Discrimination, RCW 49.60 *et seq.* for disparate treatment and the creation of a hostile
2 work environment on the basis of gender.

3 3.4 The facts set forth above state a claim against the defendants for retaliation
4 in violation of RCW 49.60.210.

5 **IV. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays for relief as follows:

7 4.1 Damages for back pay, front pay, lost benefits, and medical expenses in an
8 amount to be proven at trial;

9 4.2 Prejudgment interest in an amount to be proven at trial;

10 4.3 Damages for loss of enjoyment of life, pain and suffering, mental anguish,
11 emotional distress, injury to reputation, and humiliation;

12 4.4 Damage to reputation;

13 4.5 Reasonable attorney's fees and costs;

14 4.6 A permanent injunction;

15 4.7 Declaratory relief;

16 4.8 Compensation for the tax penalty associated with any recovery; and

17 4.9 Whatever further and additional relief the court shall deem just and
18 equitable.

19 **V. DEMAND FOR JURY**

20 5.1 Plaintiff hereby demands that this case be tried before a jury of twelve.
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Respectfully submitted this 10th day of June, 2015.

SHERIDAN LAW FIRM, P.S.

By: _____


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