

**From:** Jim Raymond <jraymond@franklincountywa.gov>

**Sent:** Wednesday, February 23, 2022 1:16 PM

**To:** kevin@wesleygroup.net

**Cc:** Jack Holland <Jack@rmbllaw.com>; Eric Wyant <ewyant@franklincountywa.gov>; Jesus Alvarez <team839\_jalvarez@outlook.com>

**Subject:** Re: [EXTERNAL] RE: Local 839 / FCSO / Union's second request for information re Union Access

Nothing to hide I'll funnel all the emails and memorandums to the prosecutors office first thing in the morning.

My directive and orders stand. See ya all in superior court. I'll make sure I bring and audience of Franklin county citizens. So all can view the outcomes.

Again the prosecutor, arbitrators or teamster is not going to get their meat hooks into me on this topic.

So bring out all the big guns. Let's get rolling

Sent from my iPhone

On Feb 23, 2022, at 11:12, [kevin@wesleygroup.net](mailto:kevin@wesleygroup.net) wrote:

**CAUTION:** This email originated from outside of Franklin County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jack,

I am in receipt of your email. I will forward your request to the County for direction from the Prosecutor's office. I will let the County Prosecutors office respond regarding the matter of attorney client privilege of the email in question.

Kevin Wesley  
The Wesley Group  
PO Box 7164  
Kennewick, WA 99336  
509-939-2647 (Cell)  
509-735-6075 (Office)

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**From:** Jack Holland <Jack@rmbllaw.com>

**Sent:** Wednesday, February 23, 2022 10:59 AM

**To:** 'kevin@wesleygroup.net' <[kevin@wesleygroup.net](mailto:kevin@wesleygroup.net)>

**Cc:** Jesus Alvarez <[team839\\_jalvarez@outlook.com](mailto:team839_jalvarez@outlook.com)>

**Subject:** Local 839 / FCSO / Union's second request for information re Union Access

Kevin,

Yesterday, at approximately 10:30am, while visiting the Franklin County Jail to meet with a new member, Local 839 business agent Jesus Alvarez approached Commander Stephen Sultemeier in his office to inquire whether the Union's ability to visit the employees' workplace had been restored following Arbitrator Robin Romeo's arbitration decision and award (issued Feb. 18, 2022) – which included an order requiring the County to rescind the rules limiting Local 839's access to the employees' workplace. In response, the Commander told Alvarez that he was waiting for direction via email from Sheriff Jim Raymond. Moments later, the Commander received an email from the Sheriff and the Commander opened the email and read pertinent parts aloud to Jesus Alvarez. The email described the Sheriff's directive to the Commander not to comply with Arbitrator Romeo's order. The Commander also indicated that other recipients of the Sheriff's email were yourself and Franklin County Prosecuting Attorney Shawn Sant.

Subsequently, at 11:24am, Alvarez sent you an email requesting that you provide a copy of the email that the Sheriff sent to the Commander (and which the Commander read aloud) related to the Union's access to the employees' workplace. Ten minutes later, you responded to Alvarez's initial email indicating that the email may be privileged and that Alvarez would need to make the request for the email via the PRA or under the PECBA. (See attached.) You did not provide the email as requested.

Pursuant to RCW 41.56, please consider this email the Union's second request for the email from Sheriff Raymond to Commander Sultemeier sent at approximately 1030am on 2/22/22 regarding Local 839's access to the employees' workplace. (Alvarez's email dated 2/22/22 at 11:24am was the first request.) Please provide the requested email by c.o.b., today.

To be clear, there is no form or formal method by which collective bargaining partners must submit a request for information pursuant to RCW 41.56 (PECBA). So long as the requested information is related to the wages, hours and working conditions of the bargaining unit (which this request undoubtedly is), the requested information is presumptively relevant and must be disclosed.

As to your claim of potential attorney-client privilege due to the Sheriff having included Mr. Sant as a recipient of the email, this assertion is without merit. It is the Union's understanding that the content of the email was not aimed at obtaining legal advice, but rather the policy direction that the County would implement following Arbitrator Romeo's decision. Further, the inclusion of Mr. Sant as a recipient does not automatically cloak the communication with privilege; the communication must still be for the purpose of obtaining legal advice. Because the communication was not for the purpose of obtaining legal advice, no privilege attached to the email. *See Hangartner v. City of Seattle*, 151 Wn.2d at 452 (2004). (Moreover, even assuming that the email was privileged, the privilege was arguably waived when the Commander read aloud the contents of the email to Alvarez.) In any event, the Sheriff's email to the Commander is not protected by attorney-client privilege and must be disclosed pursuant to the Union's second request for information.

The Union appreciates your prompt attention to this request.

Sincerely,

Jack

Jack Holland

**Reid, McCarthy, Ballew & Leahy, L.L.P.**

100 West Harrison Street

North Tower, Suite N-300

Seattle, WA 98119

(206) 285-3610, ext. 235

(206) 285-8925

[jack@rmbllaw.com](mailto:jack@rmbllaw.com) | [www.rmbllaw.com](http://www.rmbllaw.com)