

January 7, 2022

CONFIDENTIAL AND PRIVILEGED
ATTORNEY WORK PRODUCT

Ms. Shannon M. Ragonesi
Keating Bucklin & McCormack, Inc., P.S.
801 Second Avenue, Suite 1210
Seattle, WA 98104

Re: October 14, 2021 Incident

Dear Ms. Ragonesi:

You retained me to investigate a complaint against Mr. Eric Durpos, who is the director of the public works department in the City of Lake Stevens. In the complaint, a crew worker named Mr. Mike Bredstrand alleged that Mr. Durpos threatened him during a meeting that occurred on City property on October 14, 2021.

This is my investigative report.

I. Investigative Procedure—Persons Interviewed.

I formally interviewed the following people on the specified dates.

1. Mr. Tyler Eshleman, Operations Manager, Public Works Department, City of Lake Stevens, Washington (11/3/21);
2. Mr. Chris Macdonald, Equipment Mechanic, Public Works Department, City of Lake Stevens, Washington (12/8/21);
3. Mr. Mike Bredstrand, Crew Worker II, Public Works Department, City of Lake Stevens, Washington (1/3/22); and
4. Mr. Eric Durpos, Director, Public Works Department, City of Lake Stevens, Washington (1/3/22).

II. Investigative Procedure—Evidence Reviewed.

I reviewed the following evidence.

1. City of Lake Stevens Employee Handbook (2.05, 2.07, and 3.10);
2. Mr. Durpos' Personnel Records;
3. Mr. Bredstrand's Personnel Records; and

4. Snohomish County District Court Case No. U21-142.

III. Findings of Fact.

The facts are not in material dispute unless noted otherwise.

A. Relevant Background Information.

This information provides context for the facts documented below.

1. City of Lake Stevens Workplace Violence Policy.

The City of Lake Stevens Workplace Violence Policy governs this investigation. It provides, in relevant part:

2.05 WORKPLACE VIOLENCE

Prohibition of Workplace Violence. The City of Lake Stevens strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment:

- Threatening or causing injury to a person
- Fighting or threatening to fight with another person

...

2. City of Lake Stevens Civility in the Workplace Policy.

The City of Lake Stevens Civility in the Workplace Policy also governs this investigation. It provides, in relevant part:

2.07 CIVILITY IN THE WORKPLACE

Incivility, defined as deviant behavior with ambiguous intent to harm another person, violates our workplace norms for mutual respect and will not be tolerated. Employees will conduct themselves in an orderly, courteous, and civil manner toward others and not engage in behavior that generally tends to adversely affect or impair the efficiency of a co-worker, jeopardize working relationships with other employees, customers, business partners, or the general public.

The following are provided as examples, and not an inclusive list, of uncivil behaviors that employees are expected to refrain from:

...

- Physical aggression such as throwing objects, violent outbursts (i.e., hitting the wall, pounding on desks, damaging property, etc.); any physical act that a reasonable person would consider menacing or threatening behavior

...

Id.

3. City of Lake Stevens Standards of Conduct Policy.

The City of Lake Stevens Standards of Conduct Policy also governs this investigation. It provides, in relevant part:

As a general matter, employees should conduct themselves in a professional manner, use good judgment, and take personal responsibility in performing their job duties. Conduct that interferes with City operations, is detrimental to the City, and/or is offensive to co-workers or clients will not be tolerated. The following are examples of behavior that is inconsistent with City expectations and/or policies and that may result in disciplinary action, up to and including termination of employment:

- Failure to treat co-workers, clients, vendors and others in a courteous and respectful manner;

...

- Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any other person;

...

- Engaging in workplace violence or threats of violence;

...

- Incivility (see Section 2.07);

- Dishonesty;

...

Id.

See Exhibit A (City of Lake Stevens Employee Handbook–Relevant Excerpt).

4. Mr. Eric Durpos, Director, Department of Public Works.

On March 6, 2017, the City hired Mr. Durpos to be the director of its public works department. As relevant here, the City has previously investigated and reprimanded Mr. Durpos for mistreating and threatening employees.

Between January 23-24, 2018, Mr. Durpos allegedly threatened and mistreated staff members in the public works department. This alleged conduct included the use of profanity, yelling, and verbal threats as well as an instance in which Mr. Durpos slammed a water bottle on a table and stood up in a threatening manner. At least two of the staff members complained about Mr. Durpos' conduct.

The City investigated the complaints. The City's human resources department interviewed eight staff members and Mr. Durpos. During the City's investigation, Mr. Durpos continued to perform his duties at work.

On March 29, 2018, the City concluded its investigation. It concluded that Mr. Durpos reacted unprofessionally toward the staff members. Based on that conclusion, the City gave Mr. Durpos a letter of reprimand. *See* Exhibit B (ED-LOR).

The letter of reprimand provided in relevant part:

As a member of the management team you are expected to de-escalate situations, but due to a high level of frustration you let the matter get out of hand.

...

EXPECTATIONS

I expect you to work professionally with all of your direct reports. This includes not raising your voice in an angry or frustrated manner, keeping your physical movements in check (e.g. not using confrontational stances or slamming your hand on a table top), not using profanity or making derogatory comments, and not making retaliatory comments or actions toward your subordinates.

Id.

The City also required Mr. Durpos to complete several trainings about effectively supervising staff members. *Id.* Mr. Durpos completed those trainings. *See* Exhibit C (ED-Training Synopsis).

I questioned Mr. Durpos about this letter of reprimand. Mr. Durpos indicated that he read it carefully and took it seriously.

I also questioned Mr. Durpos about the trainings. Mr. Durpos indicated that the training provided him guidance on how to "remain in control" and setting the "proper example."

B. October 2021: The Incident between Mr. Durpos and Mr. Bredstrand.

On October 14, 2021, Mr. Durpos and Mr. Bredstrand attended a meeting to process a grievance that the City did not compensate Mr. Bredstrand for all his hours worked. This meeting occurred during work hours in the Sawyer Room of The Mill, which is a City property.

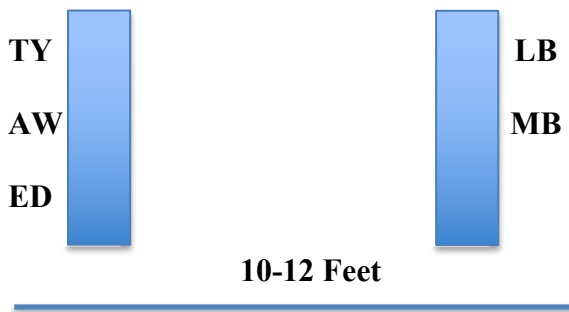
The following people also attended the meeting:

Ms. Anya Warrington, Director of Human Resources;

Mr. Tyler Eshleman, Operations Manager; and

Ms. Liz Brown, Business Agent, Teamsters Local 763.

The parties/witnesses sat at tables and were approximately 10-12 feet apart.



The meeting was not amicable or productive. Neither side really listened to the other side nor moved forward with a substantive exchange of information contemplated under the grievance procedure. Instead, there was a lot of “cross talk.” According to Mr. Durpos, he actually tried to stop the meeting at least twice.

The following incident then occurred. In that incident, Mr. Durpos made a gesture toward Mr. Bredstrand. Beyond that, the witnesses provided contradictory accounts of this incident.

1. Mr. Bredstrand’s Account.

Mr. Bredstrand began to realize that the parties were not going to resolve the dispute about his compensation for his hours worked. He addressed everyone at the meeting and stated, “It’s not even necessarily about the time or hours or pay, it’s about how I am being treated. Other people are being treated better. If this [his situation] had been someone on the favored side, this would have been paid and not even questioned.”

Mr. Bredstrand then looked directly at Mr. Durpos. Mr. Bredstrand then stated, “I’m not afraid anymore. I am tired with how I am being treated.” Mr. Durpos then looked at Mr. Bredstrand.

Ms. Warrington and Ms. Brown then began talking to each other. While they were talking, Mr. Durpos made a fist with his left hand and put his right arm up in a blocking motion as he slightly rose out of his chair and over the table for a second.

The following exchange and conduct then ensued:

Warrington: Whoa. (Puts her arm in front of Durpos.) We need to stop. We need to take a break. You (Durpos) need to cool off.

Brown: We are done. (Stands up and holds Bredstrand.) Let's go.

Bredstrand: Yeah. I'm done. I am done being treated like this. I cannot believe you (Durpos) just did that. You two (Warrington and Eshleman) just witnessed this. Don't lie.

Eshleman: I did not see anything.

Mr. Bredstrand and Ms. Brown then walked out of the room.

2. Mr. Durpos' Account.

Mr. Bredstrand kept raising issues outside of the scope of the grievance. He also talked over Mr. Durpos and the other City representatives.

When Mr. Bredstrand looked at Mr. Durpos, he mouthed something under his breath. Mr. Durpos then leaned forward and held out each of his hands with open palms. Mr. Durpos engaged in his gesture as if to say "What?" to Mr. Bredstrand. When Mr. Durpos made that gesture, he did not rise out of his chair.

Mr. Bredstrand then leaned back in his chair, pointed a finger at Mr. Durpos, and stated, "I've got you now. You just threatened me."

Ms. Warrington then addressed everyone. She stated, "We need to take a break." Around the same time, Ms. Brown stated, "Whoa. What just happened?"

Mr. Durpos told me that he did not remember Ms. Warrington telling him to "cool down."

3. Mr. Eshleman's Account.

Mr. Bredstrand was confrontational throughout the meeting. During part of the meeting, Mr. Bredstrand also "stared down" Mr. Durpos. When that occurred, Mr. Durpos stated, "What are you staring at, Mike?" Mr. Eshleman did not remember if Mr. Bredstrand replied to that question.

The following exchange then ensued:

Durpos: (Raises both hands with open palms.) I don't understand what you're looking at, Mike.

Bredstrand: I'm not going to be intimidated. Did you just see what happened? He threw his fists at me.

Mr. Eshleman never saw Mr. Durpos raise his fist(s) at Mr. Bredstrand.

Mr. Bredstrand then stood up from his chair and began walking out of the room. As Mr. Bredstrand was leaving, he stated, "I'm going to bury you. You're done. You're not going to work here anymore. I'm not going to be intimidated by anyone."

Mr. Eshleman thought that Mr. Bredstrand seemed scared when he made that last statement.

4. Other Witness Accounts.

Neither Ms. Warrington nor Ms. Brown saw Mr. Durpos' gesture. *See* Exhibit D (Warrington Statement) and Exhibit E (Brown Email).¹

C. Ensuing Events: Mr. Bredstrand's Alleged Statements about the Incident.

On October 15, 2021, Mr. Bredstrand went on vacation in Eastern Washington. On October 16, 2021, Mr. Bredstrand was driving down a logging road and encountered an equipment mechanic named Mr. Chris Macdonald, who also was on vacation. Mr. Macdonald and Mr. Bredstrand briefly discussed the October 14, 2021, incident.

Beyond that, Mr. Bredstrand and Mr. Macdonald provided contradictory accounts about this conversation.

1. Mr. Macdonald's Account.

Mr. Bredstrand initially said he could not talk about the incident. But, he then told Mr. Macdonald about it. Mr. Bredstrand stated, "I finally got the fucking guy fired. I purposely stared at him to get a reaction out of him. He stood up, came across the table and took a swing at me."

Mr. Macdonald did not think this account was very believable. *See* Exhibit F (Macdonald Incident Report).

¹ At the most, Ms. Powers saw Mr. Durpos "jab his arm in Mr. Bredstrand's direction."

2. Mr. Bredstrand's Account.

Mr., Bredstrand told Mr. Macdonald what happened during the incident. *See* Section III(B)(2), pages 5-6, *supra*. *Compare* Exhibit G (Bredstrand LOA Letter with Directives).

Mr. Bredstrand did not say any of the statements that Mr. Macdonald attributed to him.

D. Ensuing Events: The Restraining Order Proceedings.

After the incident, Mr. Bredstrand petitioned a Snohomish County District Court to issue a temporary anti-harassment order against Mr. Durpos. *See* Exhibit H (SCDC Case No. U21-142). The Court granted this petition. *Id.*

On November 10, 2021, the Court held a hearing to determine whether to issue a continuing order. Mr. Durpos testified at this hearing. During Mr. Durpos' testimony, the following exchange occurred between Mr. Durpos and Ms. Kristi Favard, who represented him:

Favard: Have you even been subject to—have you been under investigation?

Durpos: No. Not in 22 years of doing this job have I ever been under investigation until this (inaudible).

Exhibit I (Audio File—SCDC Case No. U21-142). *Compare* Exhibit B.

I asked Mr. Durpos about this apparent contradiction. Mr. Durpos indicated that the 2018 investigation was not an investigation. Mr. Durpos stated, “It was a discussion between me and my supervisor. He just said to sign it [the letter of reprimand]. I do not believe that was a full-blown investigation. I did not get a letter telling me that I was under investigation. My testimony was truthful and not misleading.”²

Later in the interview, I noted that dishonesty was a basis for discipline under the City's standards of conduct policy. I asked Mr. Durpos if his testimony was truthful. Mr. Durpos then admitted to me that his testimony was not “crystal clear.” Mr. Durpos also stated, “It could be looked at in different ways. I did not understand the question. I did not think about 2018. It did not come to my mind.”

Based on the evidence before it, the Court issued a restraining order against Mr. Durpos. The order prohibits Mr. Durpos from, *inter alia*, contacting Mr. Bredstrand or being within 15 feet of him. The order will expire on November 10, 2022. Exhibit H.

² There is not any evidence that Ms. Favard knew about this prior discipline. I am not suggesting or even implying that she knowingly permitted Mr. Durpos to mislead the court.

E. Ensuing Events: Mr. Durpos' Statement to Me about His Attorney.

On January 3, 2022, I interviewed Mr. Durpos. At the start of the interview, Mr. Durpos indicated that an attorney represented him. Mr. Durpos added that he might not answer some of my questions.

I asked Mr. Durpos if this was the same attorney who represented him at the restraining order hearing. Mr. Durpos indicated it was. Mr. Durpos added that his attorney told him it was okay for him to meet with me. Based on that information, I told Mr. Durpos that his attorney needed to communicate that to me. *See* RPC 4.2(a). I then explained to Mr. Durpos why that was necessary. I then dismissed Mr. Durpos.

I then contacted Ms. Favard.³ Ms. Favard indicated that she did not currently represent Mr. Durpos. Ms. Favard related that Mr. Durpos terminated her representation after the restraining order hearing. Ms. Favard was disappointed (to put it lightly) that Mr. Durpos claimed she still represented him. I then asked the City to direct Mr. Durpos to return and participate in this investigation.

When Mr. Durpos returned, I asked him about this contradiction. Mr. Durpos indicated that he attempted to terminate Ms. Favard. Mr. Durpos related that Ms. Favard did not reply to his message terminating her. According to Mr. Durpos, this lack of a reply led him to believe that Ms. Favard still represented him.

F. The Impact and Significance of the Alleged Conduct.

I questioned Mr. Bredstrand and Mr. Durpos about the impact and significance of the alleged conduct. They provided the following accounts.

1. Mr. Bredstrand's Account.

Mr. Durpos' conduct "blew away" Mr. Bredstrand. He could not believe that Mr. Durpos engaged in that conduct in front of people.

Mr. Bredstrand felt, and continues to feel, that Mr. Durpos may assault him. This conduct made Mr. Bredstrand mentally and physically fearful and unsafe.⁴

I asked Mr. Bredstrand to rate his level of fear during the incident on a scale of 1 (not afraid) to 10 (very afraid). Mr. Bredstrand rated it a 10. Mr. Bredstrand stated, "I was blown away. I did not know what would happen next."

³ Before the interview, I had emailed and called Ms. Favard, who did not respond to my messages. Due to Ms. Favard's failure to respond to my messages, I determined that she did not represent Mr. Durpos, which was why I arranged to interview him on January 3.

⁴ Mr. Bredstrand told me that he is 6'1" and approximately 220 pounds. In contrast, Mr. Durpos told me that he is 5'5" and 172 pounds.

Mr. Bredstrand did not think he was responsible for the October 14, 2021, incident.

I asked Mr. Bredstrand if he could work with Mr. Durpos. Mr. Bredstrand answered, “No. Trust, respect, fear, my mental health is all gone. There is none.”

I asked Mr. Bredstrand what he would say to Mr. Durpos. Mr. Bredstrand answered, “I don’t have anything to say to that man.”

Mr. Bredstrand thinks that Mr. Durpos has violated each of the governing employee handbook policies cited in this report.⁵

2. Mr. Durpos’ Account.

Mr. Durpos told me that he did not know what else he could have done to de-escalate the October 14, 2021, meeting. Mr. Durpos related that he tried twice to end it. I challenged that assessment. Mr. Durpos admitted to me that he allowed Mr. Bredstrand to get under his skin. Mr. Durpos also admitted to me that he lost his cool a “little bit.”

I asked Mr. Durpos whether his decision to raise his hands escalated the meeting. Mr. Durpos answered, “The situation was already escalated. It did not de-escalate it. It did not make it worse.”

Mr. Durpos ultimately admitted to me that his conduct played into Mr. Bredstrand’s hands. Mr. Durpos stated, “I should have taken the high road.” Mr. Durpos admitted to me that he had other options besides raising his hands.

I asked Mr. Durpos who was responsible for the incident. Mr. Durpos answered, “I am responsible for how I acted. I know that I am held to a higher standard. I should have insisted on ending the meeting.” I then asked Mr. Durpos what percentage of responsibility he would take for the incident. Mr. Durpos answered, “50%.”

I asked Mr. Durpos if he was in control of himself during the incident. Mr. Durpos answered that he was in control of himself.

I asked Mr. Durpos how the incident reflected on his proficiency as the director of public works. Mr. Durpos answered, “I know it has impacted it. But, I am good and professional at what I do. I have a good track record.”

I asked Mr. Durpos how the incident reflected on his proficiency as a supervisor. Mr. Durpos answered, “That day was blown out of proportion. It reflects poorly on me as a supervisor—that I would allow myself to engage like that. People like me.”

⁵ I did not ask Mr. Bredstrand if Mr. Durpos was dishonest.

CONFIDENTIAL AND PRIVILEGED
ATTORNEY WORK PRODUCT

January 7, 2022

Page 11

I asked Mr. Durpos if he abused the City's trust. Mr. Durpos answered, "It impacted that. But how many other situations have I been in where I do not let him get under my skin? Probably like 100."

I asked Mr. Durpos how he would continue to work for the City and comply with the Court's restraining order. Mr. Durpos answered, "It would be easy. 15 feet of separation. I never see him. There are four levels of supervision between us. I could easily move my office. I don't need to contact him."

I asked Mr. Durpos if he complied with the following directive in the City's March 29, 2018, written reprimand to him.

I expect you to work professionally with all of your direct reports.

Mr. Durpos answered, "I did not comply with that guideline. Well, I did comply with most of it. My voice was not raised. I did not slam my hands on the table, etc. So, I mostly complied with it."

Mr. Durpos admitted to me that he violated the following provision of the City's Code of Conduct Policy:

- Failure to treat co-workers, clients, vendors and others in a courteous and respectful manner;

Exhibit A.

Mr. Durpos denied violating the other provisions of the employee handbook policies cited in this report.

Mr. Durpos also indicated that Mr. Bredstrand had been a "problem" for years. Mr. Durpos related that he had repeatedly reported his concerns about Mr. Bredstrand. Mr. Durpos added that the City never investigated his reports, which he provided to me in a Word document. *See Exhibit J (Durpos Allegations).*

I asked Mr. Durpos what he would say to Mr. Bredstrand. Mr. Durpos answered, "I am sorry if things got out of control and out of hand. It should not have ended like that."

G. Present Status.

After the incident, the City placed Mr. Durpos and Mr. Bredstrand on a paid leave of absence.

The City is currently evaluating its response to this investigation and the Snohomish County District Court's restraining order against Mr. Durpos.

CONFIDENTIAL AND PRIVILEGED
ATTORNEY WORK PRODUCT

January 7, 2022

Page 12

IV. Conclusion.

This concludes my investigation. Please let me know if you need me to make any credibility determinations or additional findings of fact.

Sincerely,

LAW OFFICE OF RICHARD H. KAISER



Richard H. Kaiser

RHK/td

Enclosures

EXHIBIT A



EMPLOYEE HANDBOOK

Updated: August 1, 2021

All complaints will be investigated thoroughly and promptly. To the extent possible, complaints will be handled confidentially. Refusal to cooperate in an investigation will be grounds for discipline up to and including termination.

The City prohibits retaliation or adverse action against employees because of their good faith report of harassment or participation in the investigation of alleged harassment.

Discipline. If the investigation shows the accused individual engaged in harassment, appropriate action will be taken, as in the case of any other serious misconduct. Such actions may include warnings, verbal and/or written reprimands, suspension or termination.

2.05 WORKPLACE VIOLENCE

Prohibition of Workplace Violence. The City of Lake Stevens strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment:

- Threatening or causing injury to a person
- Fighting or threatening to fight with another person
- Using or threatening to use a weapon while on City premises
- The possession, custody, storage, or control of a firearm on City premises (unless the employee has advance written permission from the City)
- Abusing or damaging property
- Using obscene or abusive language or gestures in a threatening manner
- Raising voices in a threatening manner (e.g., yelling or screaming)
- Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited

“City premises” Definition. The term “City premises” means all areas under City ownership and/or control including, but not limited to buildings, offices, vehicles, work areas, lounges, desks, cabinets, lockers, and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for workplace safety.

Reporting Violent Conduct. Any workplace violence incidents, or incidents presenting a potential for violence, are to be reported to a supervisor or other member of management (and/or Human Resources) as soon as possible. If the supervisor and Human Resources are implicated in the complaint, a report may be made to the Mayor. Incident reports are to be completed as appropriate. If management determines that an employee has violated this section, the employee will be subject to discipline up to and including discharge, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

Imminent Danger/Violence Incident Procedure. Any employee who reasonably believes that a situation with an aggressive employee, guest, citizen, contractor, vendor, or other party may immediately become violent and may put the employee or others in imminent danger at the work site, should promptly leave the work area and report to their supervisor or other member of management (and/or Human Resources). Depending on the circumstances, the employee may first call 911 and/or try and secure the area and see that no other individuals are potentially at risk. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The supervisor should take immediate action

by calling 911 (if warranted) and contacting Human Resources. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with City management.

Security Precautions. Staff security is one of the City's highest priorities. All City security policies and rules must be adhered to at all times. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

Safety Accommodations for Victims of Domestic Violence, Sexual Assault or Stalking. The City will make reasonable safety accommodations for any employee who is a victim of domestic violence, sexual assault or stalking. Accommodations may include, for example, modification of a telephone number or email address, modified work schedule or implementation of safety procedures. If you are a victim in need of safety accommodations, please contact Human Resources.

2.06 CODE OF ETHICS/CONFLICTS OF INTEREST

The City of Lake Stevens is committed to achieving the highest standards of professionalism and ethical conduct in its operations and activities, and to complying with all applicable laws. This section is intended to increase awareness of potential conflicts of interest and establish a procedure for reporting them.

Conflict of Interest: The City prohibits all employees from using their position with the City or the City's relationship with its clients, vendors, or other business affiliates for private gain or to obtain benefits for themselves or members of their family. For purposes of this section, a potential conflict of interest occurs when an employee's outside interests (e.g., financial or personal) interfere with the City's interests or the employee's work-related duties. If you have a question about whether a situation is a potential conflict of interest, please contact Human Resources. By way of example, employees shall not:

- Use or give the appearance of using their positions for personal gain for themselves or for those with whom they have family, business or other personal interests
- Receive, accept, take, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity or favor from any person or from any officer or director of such person, if they have reason to believe the donor would not give the gift, gratuity or favor but for their position with the City
- Receive, accept, take, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity or favor from any person or from any officer or director of such person, if they have reason to believe such person:
 - Has or is seeking to obtain contractual or other business or financial relationship with the City; or
 - Conducts operations or activities that are regulated by the City; or
 - Has interests which may be substantially affected by the performance or non-performance of official duties
- Have a beneficial interest, directly or indirectly, in any contract, sale, lease or purchase that may be made by, through or under their authority, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any such person beneficially interested therein

- Use any person, money, equipment or property under their official control, custody or direction for their own private gain or benefit.

Outside Employment: Outside employment can create a conflict of interest. Employees may engage in another job outside their employment with the City if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job. Specifically, outside activities may not:

- Interfere with City job responsibilities;
- Be conducted during the employee's work hours;
- Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
- Involve employment with or the provision of consulting to a firm that contracts with or does business with the City; or
- Be reasonably perceived as a conflict of interest or raise a reasonable appearance of a conflict of interest

Before accepting outside employment, an employee must disclose the work to their supervisor and obtain a determination that the outside job would not constitute a conflict of interest.

Consensual Relationships Between Employees: At times, consensual romantic and/or sexual relationships may develop between co-workers. When such a relationship arises between an employee who has supervisory authority and one who does not, an actual or perceived conflict of interest may exist. Accordingly, these situations must be disclosed to Human Resources. The City will carefully consider the circumstances and may take appropriate action to address any conflict of interest. A supervisor's failure to disclose a relationship pursuant to this section may be grounds for discipline, including demotion or termination.

Employee Relationships with Citizens, Vendors and Other Business Affiliates. Employees are expected to maintain a courteous, business-like, and professional relationship with citizens, vendors and other business affiliates.

2.07 CIVILITY IN THE WORKPLACE

Incivility, defined as deviant behavior with ambiguous intent to harm another person, violates our workplace norms for mutual respect and will not be tolerated. Employees will conduct themselves in an orderly, courteous, and civil manner toward others and not engage in behavior that generally tends to adversely affect or impair the efficiency of a co-worker, jeopardize working relationships with other employees, customers, business partners, or the general public.

The following are provided as examples, and not an inclusive list, of uncivil behaviors that employees are expected to refrain from:

- Backstabbing
- Bullying, defined as deliberate and focused mistreatment of a person
- Making, publishing or repeating false, vicious or malicious statements concerning a co-worker or client
- Hazing
- Hurtful gossip

- Mobbing, defined as an impassioned, collective campaign by two or more people to exclude, punish and humiliate an individual
- Physical aggression such as throwing objects, violent outbursts (i.e., hitting the wall, pounding on desks, damaging property, etc.); any physical act that a reasonable person would consider menacing or threatening behavior
- Unconstructive talk, such as rude comments or crude jokes; profanity

2.08 CONFIDENTIAL INFORMATION

In the course of your employment with the City of Lake Stevens, you may have access to sensitive personal and medical information about co-workers and those we serve, as well as access to confidential information about City operations. This confidential information (whether in verbal, written or electronic format) may not be disclosed to anyone, except where required for a business purpose. The disclosure of confidential information (whether purposefully or inadvertently through casual conversation) not only violates City policy, but may also violate applicable state or federal law. Any unauthorized disclosure of confidential information may result in disciplinary action up to and including discharge.

2.09 WORKPLACE SAFETY/REPORTING OF INJURIES

Every employee is responsible for maintaining a safe work environment. Employees must promptly report all unsafe or potentially hazardous conditions to their supervisor. The City of Lake Stevens will make every effort to remedy problems as quickly as possible. If an employee endangers other employees or the public, the action may result in immediate suspension or other disciplinary action up to and including termination.

If an employee is injured while on the job, no matter how minor, the employee must immediately notify their supervisor or Human Resources about the injury. The supervisor should promptly confer with Human Resources to ensure appropriate forms are completed.

In the event of an emergency, such as an employee's need for immediate medical care or an imminent safety threat such as fire or other hazard, employees should first address the immediate need by calling 911 or otherwise seeking assistance. As soon as possible thereafter, employees should report the situation to their supervisor or Human Resources.

Please refer to the city's Accident Prevention Plan (Health and Safety Manual) for more safety information and requirements.

2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV), HEPATITIS B AND C EXPOSURE

The City will comply with all Centers for Disease Control & Prevention recommendations and current Washington State regulations regarding HIV, Hepatitis B and Hepatitis C risk and exposure. Any employee exposed to the HIV, Hepatitis B and/or Hepatitis C virus will receive baseline and follow-up studies. For procedures and protocols regarding exposure, please contact your direct supervisor or Human Resources.

2.11 WHISTLEBLOWER PROTECTION

The City of Lake Stevens, in compliance with the Local Government Whistleblower Protection Act, RCW 42.41, encourages employees to disclose any improper governmental action of local

- Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the interests of the City.

For purposes of this section, the term "relative" encompasses spouses, domestic partners, a parent/child relationship (including in-laws or step); grandparent/grandchild (including in-laws or step); siblings (including in-laws or step); nieces and nephews; and any other relative residing in the same household as the employee.

If two current employees become relatives and, in the City's judgment, the potential problems noted above exist or reasonably could exist, the City may in its discretion determine that only one of the employees will be permitted to stay with the City, unless appropriate changes can be made by the City to eliminate the potential problem. In such case, the decision as to which employee will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the City may terminate either employee.

3.10 STANDARDS OF CONDUCT

The City of Lake Stevens seeks to ensure that employees are afforded the opportunity to work in an environment that is civil, respectful and courteous. Also, the City strives to provide outstanding customer service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill those expectations.

It is important to establish certain expectations regarding employee conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner, use good judgment, and take personal responsibility in performing their job duties. Conduct that interferes with City operations, is detrimental to the City, and/or is offensive to co-workers or clients will not be tolerated. The following are examples of behavior that is inconsistent with City expectations and/or policies and that may result in disciplinary action, up to and including termination of employment:

- Failure to treat co-workers, clients, vendors and others in a courteous and respectful manner;
- Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- Unauthorized absence, or excessive tardiness or absences;
- Misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any other person;
- Engaging in any form of bullying towards another employee, a client, a vendor or other third party;
- Engaging in workplace violence or threats of violence;
- Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a client, a vendor or other third party;

- Falsifying or altering any City record or report, such as an employment application, production records, time records, expense records, absentee reports, financial documents, or the like;
- Misusing City communication systems, including electronic mail, computers, internet access, and telephones;
- Refusing to follow management's instructions concerning a job-related matter, or otherwise being disrespectful or insubordinate;
- Smoking or vaping where prohibited by City policy or local ordinance;
- Using profanity or abusive or offensive language;
- Sleeping on the job;
- Disclosing confidential information regarding the City or City client(s);
- Willful negligence or improper conduct resulting in injury or damage to City property;
- Failure to fully cooperate with a City investigation;
- Violating safety procedures or policies, or otherwise endangering the safety of an employee, co-workers or other third party;
- Reporting to work under the influence of alcohol; legal or illegal drugs; controlled substances or narcotics; or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises, provided that use of legal medications is not improper where use is consistent with the applicable instructions or prescription and the medication does not impair safety or performance;
- Failing to report an invalid driver's license in a timely manner if you are required to drive for City business;
- Engaging in political activity during working hours or using City facilities or resources to promote a political cause;
- Representing or implying that the employee is speaking on behalf of the City when communicating with the media or elected officials when the employee does not have such authority;
- Incivility (see Section 2.07);
- Dishonesty;
- Fighting; or
- Engaging in off-duty misconduct that interferes with an employee's ability to do their job or reflects negatively on the City.

This list contains examples only and is not exhaustive. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action. The City, in its sole discretion, will determine the appropriate disciplinary response to misconduct or unsatisfactory performance.

Depending on the nature of the behavior at issue, the City may place an employee on paid administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, security cards, etc.), and/or remain away from City facilities without prior permission and escort.

3.11 PROFESSIONAL APPEARANCE

The City strives to maintain a professional atmosphere that is conducive to our business environment and projects an image of efficiency and professionalism to visitors, customers and other business contacts. The City relies on employees to exercise common sense and good

EXHIBIT B

CITY OF LAKE STEVENS
EMPLOYEE INVESTIGATION/DISCIPLINARY ACTION FORM

Employee Name:	Eric Durpos, Public Works Director	Date:	03/29/2018
Supervisor Name:	Gene Brazel, City Administrator		
<input type="checkbox"/> Investigation Notice			
Disciplinary Action:			
<input checked="" type="checkbox"/> Reprimand <input type="checkbox"/> Suspension <input type="checkbox"/> Demotion <input type="checkbox"/> Termination			

1. Your behavior/actions noted below warrant <input type="checkbox"/> investigation or <input type="checkbox"/> disciplinary action:		
<input type="checkbox"/> Tardiness	<input type="checkbox"/> Insubordination	<input type="checkbox"/> Failure to follow procedure
<input type="checkbox"/> Damaged Equipment	<input checked="" type="checkbox"/> Rudeness/Incivility	<input type="checkbox"/> Quantity of work produced
<input type="checkbox"/> Refusal to work overtime	<input type="checkbox"/> Fighting	<input type="checkbox"/> Quality of work produced
<input type="checkbox"/> Attendance	<input type="checkbox"/> Language	<input checked="" type="checkbox"/> Policy violation – P-10-95.A.6 and 21
<input type="checkbox"/> Safety Violation		
<input type="checkbox"/> Other:		

2. The following documents the situation/complaint:

BACKGROUND:

On January 23, 2018, two members of the Public Works maintenance crew filed a statement with the police department regarding your behavior toward them at your daily meeting that morning. The employees were informed by the police officer taking their statement that the behavior did not rise to a criminal matter. The employees were advised that the statements would be forwarded to Human Resources. Teri Smith, Human Resources Director received the statements from the police department later in the afternoon of January 23. Teri began the investigation that afternoon by speaking with the two employees with their union representation present. The following morning, January 24, you held a group meeting with all the maintenance crew. Allegations of retaliatory statements made by you toward the crew during that meeting surfaced during the investigation of the original incident from the prior day. The investigation included conversations with eight employees and you.

It is noted that in the year you've been here, there have been many challenges presented to you. You've been given a very aggressive list of complex projects, your maintenance crew is being stretched beyond their previous city work experiences and training, you're increasing the level of equipment and tools for the crew, and you've lacked assistance in the daily supervision of your large department. You also reported during the investigation that you've been the intended recipient of several pranks from members of the maintenance crew, though you chose to accept the "hazing" at that time as a way of gaining acceptance by your subordinates.

SITUATION/COMPLAINT:

There are three allegations that have been reported by some members of the maintenance crew about your behavior.

1. On January 22, 2018, you made a disrespectful comment about women during a lunch time stop at the shops when you went to pick up some keys to a new door at city hall. Several employees stated they heard the comment.
2. On January 23, 2018, you used profanity, yelled, slammed your water bottle down on the table and stood up in a threatening manner toward one of the Crew Leads during your morning "check-in" meeting. One employee witnessed the interaction first-hand and two others overheard your raised voice.
3. On January 24, 2018, you threatened the jobs and work schedules of employees at an all-team morning meeting by changing their schedules and following them around in order to write them up by finding fault in their work. Further, you "chewed out" the two crew leads in front of everyone for an overtime situation on January 19 and for not ensuring two new employees attended the city council meeting on January 22.

The investigation did not find . . . the allegations rose to a level of a hostile work environment as defined in state and federal laws as the allegations, except one, did not occur on the basis of a protected class. The allegation about the derogatory comment was found to be offensive by those who heard it, but the single comment was not pervasive or egregious to create a hostile or harassing environment.

The investigation did conclude that you reacted unprofessionally in your actions toward the crew lead on January 23. You stood before your subordinate in a confrontational manner, slammed your water bottle on the table in a high level of frustration, raised your voice and used profanity. It is more likely than not that you both had raised voices and both were standing at some point. As a member of the management team you are expected to de-escalate situations, but due to a high level of frustration you let the matter get out of hand.

You further exacerbated the situation in the meeting with the crew the following morning. Through corroborating statements, the investigation found you made statements that the crew reasonably felt retaliated against for exercising their right to speak with their union representative, threatened of having their schedules changed and denial of leave, and making a threatening statement about not allowing an employee to return from leave as soon as he'd requested.

EXPECTATIONS:

I expect you to work professionally with all of your direct reports. This includes not raising your voice in an angry or frustrated manner, keeping your physical movements in check (e.g. not using confrontational stances or slamming your hand on a table top), not using profanity or making derogatory comments, and not making retaliatory comments or actions toward your subordinates.

To help you be successful in your leadership and supervisory style, I expect you to participate in and be engaged with a selected leadership development consultant, including any supervisory tools and resources required by them. You will also be required to attend the attached WCIA classes, as well as at least one future training session on workplace civility. Please provide me with your certificates of completed courses for inclusion in your file.

While I appreciate the stress and frustration you've been under with the high demand to get a great many projects completed with limited resources, we need to work together to find a constructive solution to prevent this from happening in the future. You've shown over the past year your excellent knowledge, skills and abilities to get projects of these magnitudes completed. We still firmly believe you are the right person to keep us moving forward on these projects and are willing to commit to helping you succeed in improving your professional management style.

SIGNATURES:

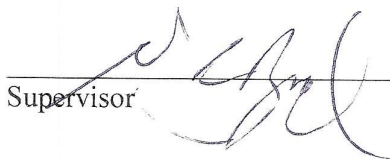


Employee

3-29-18

Date

Note: Your signature on this form acknowledges receipt of the document and that the contents were discussed with you.



Supervisor

3/29/18

Date

Cc: Employee
Human Resources

EXHIBIT C

Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
Building Supervisory Skills 101

Tuesday, October 8, 2019
Burlington Council Chambers
5.50



A handwritten signature in black ink that reads "Patti H. Crane". The signature is written in a cursive style and is positioned above a horizontal line.

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

Gene
here are copies
of the last of
my trainings hours
there is one cert
from yesterday
I will forward when
I get it

ertificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
**Best Practices for Coaching, Counseling and Transitioning to
Discipline**

Thursday, July 12, 2018
Richland City Shops
5.50



Patti H. Crane
Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
**Best Practices for Coaching, Counseling and Transitioning to
Discipline**

Thursday, April 18, 2019
Snohomish County Fire District #4
5.50



A handwritten signature in black ink that reads "Patti H. Crane". The signature is written in a cursive style and is positioned above a horizontal line.

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
Employment Law for Supervisors

Tuesday, September 17, 2019
Burlington Council Chambers
5.50



A handwritten signature in black ink that reads "Patti H. Crane". The signature is written in a cursive style and is positioned above a horizontal line.

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
Building Supervisory Skills 201

Tuesday, September 24, 2019
Burlington Council Chambers
5.50



A handwritten signature in black ink that reads "Patti H. Crane".

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

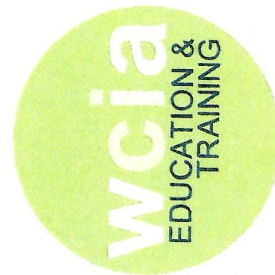
Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
Building Supervisory Skills 301

Tuesday, October 1, 2019
Burlington Council Chambers
5.50



A handwritten signature in black ink that reads "Patti H. Crane". The signature is written in a cursive style and is positioned above a horizontal line.

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

Certificate of Training

This certifies that

Eric Durpos
Lake Stevens, City of

Has successfully completed:
**Best Practices for Coaching, Counseling and Transitioning to
Discipline**

Thursday, July 12, 2018
Richland City Shops
5.50



A handwritten signature in black ink that reads "Patti H. Crane". The signature is written in a cursive style and is positioned above a horizontal line.

Patti H. Crane, Member Services Manager
Washington Cities Insurance Authority

EXHIBIT D

10/14/2021

PW Director Eric Durpos, PW Operations Manager Tyler Eshleman, and I were meeting with Crew Worker II Michael Bredstrand and Teamsters Union Representative Liz Brown for a grievance meeting at the Mill. I was sitting in between Ty and Eric, Eric being on my right side; Liz and Mike were sitting at a table across from us about 8 feet away. The meeting began shortly after 10:00am. Ms. Brown presented the union's perspective of the contract language, then Mike provided additional information. There was some back and forth conversation and questions asked in order to get all the information needed. The topic of the grievance was regarding whether or not callback pay should for transferring the standby phone. Mike attempted to bring other issues forward and we kept redirecting him back to the reason for the meeting. Management was not agreeing with Mike's version or events or how he handled it. Mike was tense and upset, which is pretty typical in these types of conversations I've been involved in. I was in the middle of talking to Liz and saw that Mike was staring at Eric pretty intently but was wearing a mask, so it was hard to see his expression. All of a sudden, I hear Eric's jacket made a loud swishing noise like he made a quick movement. Since he was directly to my right, I didn't see what he did. Mike instantly reacts with "really? You're gonna do that?" Liz stops talking and says "wait, what just happened" and I said "I have no idea." Mike and Eric then start getting heated and arguing, I can't remember exactly what was said, but they were talking in a threatening manner and unprofessionally towards each other. They were both shouting and angry. I stepped in and said "that's enough, stop" but Mike and Eric continued to argue. I again said, "that's enough, I think we need a break." I told Liz and Mike to step out and get collected, but they said they were done. Mike and Eric continued to shout back and forth at each other as Mike and Liz got up to leave, and again I said, "that's enough." After Mike and Liz exited the room, I asked Eric what happened. He said that Mike was staring at him, so he raised both of his arms a little bit to nonverbally say "what?" (like, what are you staring at). I told him that he shouldn't have let Mike get to him and that he should not have reacted the way he did since he is the Director. Eric agreed. We then got up to leave since I had another meeting.



Anya Warrington, HR Director

EXHIBIT E

Anya Warrington

From: Liz Brown <Liz.Brown@Teamsters763.org>
Sent: Friday, October 15, 2021 1:39 PM
To: Anya Warrington
Subject: Fwd: Incident during a grievance meeting today

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

Hi Anya: I sent this to Gene yesterday. I am planning to send it to the Mayor, who I understand put Mike on paid admin leave today for alleged misconduct. I assume that is connected with yesterday's grievance meeting.

I sincerely hope that Eric is placed on leave and investigated for his conduct in the meeting. Best, Liz

Sent from my iPhone

Begin forwarded message:

From: Liz Brown <Liz.Brown@teamsters763.org>
Date: October 14, 2021 at 5:42:25 PM PDT
To: Gene Brazel <gbrazel@lakestevenswa.gov>
Cc: Scott Sullivan <Scott.Sullivan@teamsters763.org>, Chad Baker <Chad.baker@teamsters763.org>
Subject: Incident during a grievance meeting today

Gene: I am contacting you because in a grievance meeting today Eric Durpos lost control of his temper and made a physically aggressive move toward one of our members, Mike Bredstrand.

I was next to Mike. We were seated across from Anya, Ty and Eric. I witnessed Eric jab his arm in Mike's direction, at which point I immediately stopped the meeting and said, "Whoa, what just happened?!" Eric tried to deny that he made any physical motion with his arm, but I saw it. It was clear throughout the meeting that Eric was physically agitated, fidgety and restless, then he just lost it.

Eric Durpos should be placed on administrative leave and investigated. You of course are well aware of Eric's history of substance abuse and domestic violence. You required him to attend anger management training. With the behavior he displayed today, I have serious concerns that Eric may physically act out against one or more of our members. I've been a union representative for 20 years and I have never seen a manager behave like Eric did today.

The tone of every organization starts at the top. Eric has to own his inability to control himself. But Gene, as the City Manager, if you continue to tolerate this, you own Eric's behavior, the toxicity in Public

Works and the liabilities Eric's behavior creates for the City. Lake Stevens should be better than this.
Best, Liz

EXHIBIT F



Incident Report/Concern

Name: S.Chris macdonald Title: pw mechanic

Date of Incident: 10/16/2021 Time of Incident 2:30pm

Location of Incident: eastern washington

Witnesses to Incident: _____

Description of Incident:

(Who was involved, what took place, how did it happen, description of any injuries, damage, etc.)

I was leaving from a spot that i hunt in eastern washington on the 16 of October. when i encountered Mike Bredstrand who hunts close to where i do. he stopped and spoke with me and told me that he wasnt supposed to talk about the grevance meeting he was in. But he did inform me that in his words that he had got that #@!#! fired. i asked him what that meant?he had told me that Eric Durpos came across the table and took a swing at him.and that he had provoked him by staring at him. mike had also made mention that he had got a restraining order,and contacted the news paper. mike had told me he was going to meet with the mayor, but the mayor had showed up with Gene Brazel. mike said he didnt want to talk to the mayor with Gene present.

Immediate Action Taken:

(Was there anything you did to take action following the incident)

Empty rectangular box for immediate action taken.

Is there any other information you feel is relevant to this situation?

Empty rectangular box for other relevant information.

11/17/2021

Employee Signature

Date

Internal Use Only		
Date Received	Time	Received by

EXHIBIT G



One Community Around the Lake

October 15, 2021

CERTIFIED MAIL

Mike Bredstrand
1030 102nd Dr SE
Lake Stevens, WA 98258

RE: Just Cause Investigation & Home Assignment Notification

Dear Mike:

This letter is to notify you a just cause investigation is being initiated regarding your alleged misconduct in the workplace. The city will appoint an external investigator who will contact you in the near future and will notify you when this occurs.

Additionally, effective immediately, you are reassigned to your personal residence and are being placed on paid administrative leave until further notice, pending the outcome of such investigation.

Your schedule will remain the same, 6:30 a.m. to 5:00 p.m., Tuesday through Friday, excluding holidays.

You are to immediately surrender the following city items, as is standard procedure for administrative leave:

- Identification badge/key access card
- Department Keys
- City issued cell phone
- Any other City property issued to you

You may not act in your official capacity as an employee during this administrative leave. You shall remain available by telephone and able to respond to the city within a one-hour notice during your scheduled work time. Further, any leave requests that have already been granted and which occur while you are on paid administrative leave, will be deducted from your applicable leave balances; you will not be expected to be available while on pre-approved leave. Any other leave requests during this time must be approved by your supervisor.

The City is committed to conducting careful and thorough investigations of any complaints or knowledge of employee misconduct. Accordingly, our employees are required to cooperate to the fullest extent possible, answering all questions truthfully and providing accurate information as requested in the investigative process. If you refuse to answer the City's questions or omit

City of Lake Stevens
City Administrator

1812 Main Street | PO Box 257 | Lake Stevens, WA 98258-0257
www.lakestevenswa.gov



One Community Around the Lake

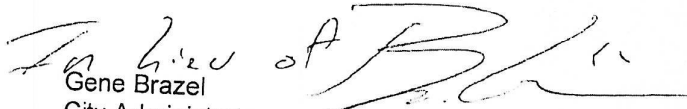
information, you may be considered to be insubordinate and/or interfering with an investigation, in addition to the findings resulting from this investigation.

While on administrative leave, you must abide by any and all city policies and directives, are not allowed on city property without prior permission, nor are you allowed to contact city employees while they are on duty. Please understand that due to the sensitive nature of the process, this investigation will be conducted in a manner that protects the privacy of all involved to the greatest extent possible. You are not to discuss this investigation with anyone except for Human Resources, your union representation or anyone you may have legally privileged relationship with. If you become aware of any city employees discussing the investigation, or attempting to talk with you about the investigation, please notify me or Human Resources right away.

The City prohibits retaliation or adverse action against any complainant(s), witnesses, or other participants in this investigation. Your failure to abide by the directives contained herein may be considered insubordination and may subject you to disciplinary action separate from that which is currently being considered. This directive is being provided to all participants in the investigation.

If you have any questions regarding the investigation process, please feel free to contact me. Thank you for your cooperation.

Respectfully,


Gene Brazel
City Administrator

cc: Liz Brown, Union Representative
Administrative File

City of Lake Stevens
City Administrator

1812 Main Street | PO Box 257 | Lake Stevens, WA 98258-0257
www.lakestevenswa.gov

EXHIBIT H

FILED

OCT 14 2021

District Court
Cascade Division

State of Washington

Snohomish County District Court

Cascade Evergreen Everett South

Mike Bredstrand

Petitioner,

vs.

Eric Durpos

Respondent.

No. U21-142

Petition for an Order for Protection -

Harassment (PTORAH) and/or

Stalking (PTORSTK)

➤ This is a Petition for an Order for Protection against Harassment and/or Stalking as checked in the caption.

I believe:

I am a victim of stalking.

_____ (name) is the victim of stalking and he/she is a minor or vulnerable adult.

The respondent has been

- stalking the victim either in person or cyber stalking, and
- repeatedly contacting the victim or attempting to contact or monitor the victim for no lawful purpose and his/her actions caused the victim to feel intimidated, frightened or threatened.

I am a victim of unlawful harassment.

_____ (name) is a victim of unlawful harassment and he/she is a minor.

The respondent's actions toward the victim have seriously alarmed, annoyed or harassed the victim, or are detrimental to the victim and serve no legitimate or lawful purpose. The respondent's actions have caused substantial emotional distress to the victim or caused me to fear for the well-being of my child.

How do the victim and respondent know each other? Employer/Employee

I have given a detailed explanation below.

At a work meeting he became aggressive, made a fist, put up an arm in defense, came out of his chair with the intent to intimidate/assault me.

1. Who is the petitioner?

My name is (please print) Mike Bredstrand. I am the petitioner.

I am 18 or older and I am petitioning on my own behalf.

I am 16 or 17 and I am petitioning on my own behalf.

I am the parent or guardian of child/ren under age 18 and I am petitioning on their behalf:

Children's Name/s (First, Middle Initial, Last)	Age
<u>Keira Bredstrand</u>	<u>12</u>

I am not the parent or guardian, but the child/ren live/s with me; and I am petitioning on their behalf; and the respondent is not a parent.

Children's Name/s (First, Middle Initial, Last)	Age

I am filing this petition on behalf of petitioner, (name) _____, a vulnerable adult as defined in RCW 74.34.020, who is a victim of stalking. I am an interested person as defined in RCW 74.34.020(10). My relationship to this petitioner is _____.

2. Is the respondent 18 years of age or older?

Yes No

(If no, use the Petition for Order for Protection Harassment/Stalking Respondent Under Age 18, instead of this petition.)

3. Where do the parties live?

Petitioner lives in Snohomish county.

Did the petitioner leave their residence because of stalking conduct and that is the county of their new residence?

Yes No

Children named above live in _____ county.

Respondent lives in Snohomish County county.

4. Where did the Conduct take place?

The conduct took place in Snohomish county.

Statement describing the victim/s need for protection from the respondent

- Write clearly. If you need more space below, attach additional page/s. Do not write on the back.

5. Describe what the Respondent did or said that you think is harassment or stalking.

- You must describe what the respondent actually said.
- You must describe what the respondent actually did.

The respondent has committed acts of harassment or stalking as follows:

A. Describe the most recent incident of harassment or stalking.

Date and time (on or around): 10/14/21 around 10:30 Am

Location: City of Lake Stevens "Mill" Building

What did the respondent do or say that you believe to be harassing or stalking behavior?

Eric Durpas Became Very Irrate During a Grievance meeting. He was sitting at a table across from me in the meeting after several seconds of looking at each other ~~that~~ in a very fast and aggressive motion he raised his right arm in front of himself as for defense, made a fist with his left hand, leaned back in his chair then quickly came forward off the chair and almost half over the table in an attacking manner

How did the respondent make these statements? in person mail/written notes
 e-mail text phone social media (such as facebook and twitter)
 other (describe): _____

B. Describe other incidents of harassment or stalking. For each incident, include the date, time (on or about), location, what was said, how statements were made, and what was done to a victim.

There have been several incidents reported to the city. I would need to look up in notes dates and times for details. Eric Darpos has been through Anger Management provided by the city. All incidents have been at the Shop or City Hall

May 13, 2021

Put on 5 week paid admin leave for investigated and want turnover results of investigation last year

Been under investigation twice for creating toxic work environment ~~but~~ with no findings either time

4-5 years

Threatened Job, Change Schedule so I couldn't be home when child got off the bus

July 1, 2021

Changed work schedule this summer for suspicion of turning city into labor or Industries

6/1/2020

retaliated for turning in employee for theft of materials. Warned me but they thought.

~~Reported that I wore a sk. mask~~

4 years

Threatened if I file a complaint with union or any other State agency we will see who's near at the end of the day

6. How did the incidents you describe above make you, the minor, or the vulnerable adult feel?

Afraid of a physical attack while at work, and at home. We live close together in Lake Stevens

7. Has the respondent used, displayed, or threatened to use a firearm or other dangerous weapon in a felony? Please describe:

He has threatened to smash the headlights out of a coworkers truck before.

8. Has the respondent previously committed an offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040? Please describe:

?

9. Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of a victim? Please describe:

?

10. Do you have any evidence of the harassment or stalking conduct other than testimony?

No

Yes. I have attached the following evidence:

- Copy of mail or written notes
- Copy of text messages
- Copy of emailed messages
- Copy of social media messages
- Police report
- Declaration or Affidavit from the following witness: _____
- Other (describe): can provide

11. Has/have the victim/s or the respondent ever requested or obtained protection from the other person in a restraining order, civil protection order, or criminal no-contact order?

If yes, list the type of order, the name of the court and the approximate date, and whether the request was granted:

No

12. Is there any other litigation between the victim/s and the respondent? This includes all matters - pending or past - such as parenting plans, landlord-tenant disputes, employment disputes, or property disputes. If yes, provide case number/s if known, type of case, and name of court:

Yes an open Grievance filed with the City for hours not paid

➤ **Requests**

13. I ask the Court for an order approving the following requests for protection:

I Request an **Order for Protection** following a hearing that will:

<input checked="" type="checkbox"/> No-Contact: restrain the respondent from making any attempts or having any contact, including nonphysical contact, with the person/s to be protected, directly, indirectly, or through third parties regardless of whether those third parties know of the order, except for mailing of court documents.
<input checked="" type="checkbox"/> Surveillance: prohibit or restrain the respondent from making any attempt to keep or from keeping the person/s to be protected under surveillance, including electronic surveillance.
<input checked="" type="checkbox"/> Exclude from places: exclude the respondent from the <input type="checkbox"/> residence, <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected.
<input checked="" type="checkbox"/> Stay Away: Prohibit or restrain the respondent from entering or being within, or from knowingly coming within, or knowingly remaining within <u>500'</u> (distance) of the <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care of the person/s to be protected. <input checked="" type="checkbox"/> other locations: <u>Childs school / Wifes work</u>
<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Evaluation: Order the respondent to have a <input checked="" type="checkbox"/> mental health, <input checked="" type="checkbox"/> chemical dependency evaluation. <input type="checkbox"/> other: _____
<input checked="" type="checkbox"/> Pay Fees and Costs: Require the respondent to pay fees and costs of this action, which may include administrative court costs and service fees and petitioner's costs including attorneys' fees.
<input type="checkbox"/> Surrender Firearms: Require the respondent to surrender any firearm or other dangerous weapon, or any concealed pistol license and prohibit the respondent from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.
<input checked="" type="checkbox"/> Duration: Remain effective longer than one year because respondent is likely to resume acts of unlawful harassment or stalking conduct against the persons to be protected if the order expires in a year.

Emergency temporary protection (up to 14 days) until the court hearing:


- An emergency exists as described below. I request that a **Temporary Protection Order** granting the relief I requested above for a no-contact, surveillance, exclude from places, or stay away order be issued immediately, without prior notice to the respondent, to be effective until the hearing.
- I also request a temporary surrender of a firearm or other dangerous weapon without notice to the other party because irreparable injury could result if an order is not issued until the hearing.

What irreparable harm would result if an order is not issued immediately without prior notice to the respondent?

possible assault in the workplace
or around my home

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

Dated: 10/14/21 at _____ Washington.


Petitioner

Mike Bredstrom
Print or type name

I agree to receive legal documents at this address:

1030 102nd Dr SE Lake Stevens WA 98258

This address is not my home address because my family, household or I would be at risk of abuse by respondent if I disclosed my home address.

STATE OF WASHINGTON:

COUNTY OF SNOHOMISH: } ss.

The undersigned Clerk of the Court does hereby certify that this instrument is a true and correct copy of the original on file in this court.

Dated this _____ day of _____, 20_____

Cascade Division, Clerk of Court

By _____
Snohomish County District Court Cascade Division

State of Washington	
Snohomish County District Court	
<input checked="" type="checkbox"/> Cascade <input type="checkbox"/> Evergreen <input type="checkbox"/> Everett <input type="checkbox"/> South	
<u>MICHAEL R BREDSTRAND</u>	<u>6/15/1975</u>
<u>KARRIE J BREDSTRAND</u>	<u>6/11/1977</u>
Petitioner,	
	vs.
<u>ERIC DURPOS</u>	<u>10/15/1966</u>
Respondent.	

No. U21-142

Temporary Protection Order and Notice of Hearing – Harassment (TMORAH) (Clerk’s action required)
Next Hearing Date and Time:
 OCTOBER 28, 2021 at 8:30 AM am / pm
 Snohomish County District Court – Cascade Division
 415 E Burke
 Arlington, WA 98223

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex
K R B	12	WHITE	FEMALE

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment as defined in RCW 10.14.080, and that great or irreparable injury to the protected person/s will result if this order is not granted. **It is therefore ordered that:**

No Contact: Respondent is **restrained** from making any attempts to contact petitioner and any minors named in the above table.

Surveillance: Respondent is **restrained** from making any attempts to keep under surveillance petitioner and any minors named in the above table.

Stay-Away: Respondent is **restrained** from entering or being within 300 feet (distance) of petitioner's residence place of employment school

 The address is confidential Petitioner waives confidentiality of the address which is: _____

Respondent is restrained from being upon the property of the Petitioner.

Other: Respondent restrained from being within 15 feet of Petitioner or listed protected minor.

Surrender and Prohibition of Weapons Order

The court finds that:

Irreparable injury could result if the order to surrender weapons is not issued.

Respondent's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

Irreparable injury could result if the Respondent is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

The Respondent must comply with the **Order to Surrender Weapons (and Prohibit Weapons if checked below) Issued Without Notice**, filed separately, which states:

Respondent shall immediately surrender all firearms, other dangerous weapons, and any concealed pistol licenses.

Respondent is prohibited from accessing, obtaining, or possessing any firearms or other dangerous weapons, or obtaining or possessing a concealed pistol license.

(Note: Also use form number All Cases 02-030.)

Washington Crime Information Center (WACIC) Data Entry

It is ordered that the clerk of the court shall forward a copy of this order, and any order to surrender and prohibit weapons, on or before the next judicial day to: SNOHOMISH County Sheriff's Office Police Department **where petitioner lives** which shall enter it into WACIC.

Service

The clerk of the court shall also electronically forward a copy of this order, and any order to surrender and prohibit weapons, on or before the next judicial day to: County Sheriff's Office Police Department **where Respondent lives** which shall personally serve the Respondent with a copy of this order and shall promptly complete and return to this court proof of service.

Lake Stevens

Or

(Only if surrender of weapons not ordered) Petitioner shall make private arrangements for service of this order.

The **Respondent** is directed to appear and show cause why the court should not enter an order for protection effective for one year or more and order the relief requested by the petitioner or other relief the court deems proper, which may include payment of costs.

Failure to appear at the hearing or to otherwise respond will result in the court issuing an order for protection pursuant to RCW 10.14 effective for a minimum of one year from the date of the hearing. The next hearing date and time is shown below the caption on page one.

A copy of this Temporary Protection Order and Notice of Hearing - Harassment has been filed with the clerk of the court.

This Temporary Order for Protection is effective until the next hearing date and time shown below the caption on page one.

Dated 10/14/21 at 445 am pm



Judge / Court Commissioner

I acknowledge receipt of a copy of this Order:

➤ _____
Signature of Respondent/Lawyer WSBA No.

Print Name Date

➤ _____
Signature of Petitioner/Lawyer WSBA No.

Print Name Date

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

STATE OF WASHINGTON;
 COUNTY OF SNOHOMISH;} ss.
 The undersigned Clerk of the Court does hereby certify that this
 instrument is a true and correct copy of the original on file in this court.
 Dated this _____ day of _____, 20____
 Cascade Division, Clerk of Court

By _____
 Snohomish County District Court Cascade Division

State of Washington Snohomish County District Court <input checked="" type="checkbox"/> Cascade <input type="checkbox"/> Evergreen <input type="checkbox"/> Everett <input type="checkbox"/> South	
<u>MICHAEL R BREDSTRAND</u> <u>KARRIE J BREDSTRAND</u> Petitioner,	<u>6/15/1975</u> <u>6/11/1977</u>
vs.	
<u>ERIC DURPOS</u> Respondent.	<u>10/15/1966</u>

No. U21-142

Order for Protection - Harassment (ORAH)
 Court Address:
 Snohomish County District Court –
 Cascade Division
 415 E Burke
 Arlington, WA 98223
 (Clerk’s action required)

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under RCW 10.14 and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under RCW 7.21.

1. Full Faith and Credit: The court has jurisdiction over the parties, the minors and the subject matter. This order is issued in accordance with the Full Faith and Credit provisions of VAWA.18 U.S.C. § 2265.
2. Notice of this hearing was served on the Respondent by [] personal service [] service by publication pursuant to court order [] other _____.
3. Minors addressed in this order:

Name (First, Middle Initial, Last)	Age	Race	Sex
K R B	12	WHITE	FEMALE

Based upon the petition, testimony, and case record, the court finds that the Respondent committed unlawful harassment, as defined in RCW 10.14.080, and was not acting pursuant to any statutory authority, and **it is therefore ordered that:**

No Contact: Respondent is **restrained** from making any attempts to contact Petitioner and any minors named in the table above.

Surveillance: Respondent is **restrained** from making any attempts to keep under surveillance Petitioner and any minors named in the table above.

Stay Away: Respondent is **restrained** from entering or being within 300 feet (distance) of Petitioner's residence place of employment other: _____

The address is confidential. Petitioner waives confidentiality of the address which is:

Other: Respondent restrained from being within 15 feet of petitioner or listed protected minor.

Respondent is restrained from going upon the property of the Petitioner.

Pay Fees and Costs: Judgment is granted against _____ in favor of _____ in the amount of \$ _____ for costs incurred in bringing the action and \$ _____ for attorneys' fees. **Form WPF UH 04.0700, Judgment Summary, is required for entry of judgment.**

Prohibit Weapons and Order Surrender

The Respondent must:

- not access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses; and
- comply with the **Order to Surrender and Prohibit Weapons** filed separately.

(Note: Also use form All Cases 02.050.)

Findings – The court (check all that apply):

must issue the orders referred to above because the court finds by clear and convincing evidence that the Respondent:

- has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

may issue the orders referred to above because the court finds by a preponderance of evidence, the Respondent:

- presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
- has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
- is ineligible to possess a firearm under RCW 9.41.040.

Washington Crime Information Center (WACIC) Data Entry

It is further ordered that the clerk of the court shall forward a copy of this order, and any Order to Surrender and Prohibit Weapons, on or before the next judicial day to SNOHOMISH [] County Sheriff's Office [] Police Department, **where Petitioner lives** and shall enter it into WACIC.

Service

[] The clerk of the court shall also electronically forward a copy of this order, and any order to surrender and prohibit weapons, on or before the next judicial day to: _____ [] County Sheriff's Office [] Police Department, **where Respondent lives** which shall personally serve the Respondent with a copy of this order and shall promptly complete and return to this court proof of service.

[] Respondent appeared and was informed of the order by the court; further service is not required.

Or [] (Only if surrender of weapons not ordered) Petitioner has made private arrangements for service of this order.

Or [] Respondent did not appear. The restraint provisions in this order are the same as those in the temporary order. The court is satisfied that the Respondent was personally served with the temporary order. Further service is not required.

This Anti-harassment protection order expires on 11/10/22

If the duration of this order exceeds one year, the court finds that Respondent is likely to resume unlawful harassment of the Petitioner when the order expires.

Other: _____

Dated 11/10/21 at 944 a.m./p.m.

[Signature]
Judge/Court Commissioner

I acknowledge receipt of a copy of this Order:

Signature of Respondent/Lawyer WSBA No.

Print Name Date

Signature of Petitioner/Lawyer WSBA No.

Print Name Date

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

Petitioner: The law allows you to register for certain notifications regarding this protection order and its status. Visit www.RegisterVPO.com or call 1-877-242-4055 for more information, or to sign up. If you feel that you are in danger, call 9-1-1 immediately.

EXHIBIT I

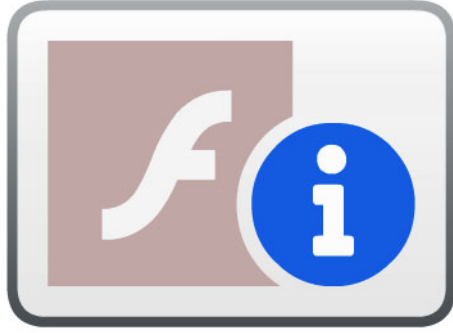


EXHIBIT J

- In May of 2017, the crew ran a fishing line through Mr. Durpos' clothing and jacket to tangle him up when he changed.
- In June of 2017, Mr. Durpos' City car was taken without permission, driven offsite, and hidden.
- That same month, Mr. Durpos noticed he was being followed by City of Lake Stevens police on a regular basis. One former Public Works crew member was a police officer before he joined Public Works, Mr. Bredstrand is close friends with a police officer, and another crew member's wife works for the police department. Mr. Durpos is routinely followed by Lake Stevens Police wherever he goes. The police also drive by his home on a frequent basis.
- In July of 2017, Mr. Durpos sat down in his work chair and immediately felt his pants get wet. His skin began to burn. Mr. Bredstrand and other Public Works employees had doused his chair with an unidentified liquid substance.
- In August of 2017, Mr. Durpos' City vehicle was again tampered with (when he got in the car, he was startled by the stereo turned all the way up, heat turned on high, and windshield wipers on).
- In February of 2018, Mr. Durpos requested new hires on the crew attend the City council meeting so he could introduce them. Mr. Bredstrand told the new hires not to attend the meeting. Mr. Durpos was humiliated when no one attended the meeting as the introductions were on the agenda.
- In March of 2018, Mr. Bredstrand filed a false police report stating he believed Mr. Durpos was responsible for the horrific beating of an elderly Lake Stevens resident. Mr. Durpos was investigated for attempted murder, deposed twice about his involvement, and followed by police on a regular basis. His fiancé (now wife) was also questioned about his whereabouts the day the assault occurred. Mr. Durpos had absolutely nothing to do with the beating and was ultimately cleared. The stress of being wrongfully accused of attempted murder and under investigation for several months took a serious toll on his health.
- That same month, Mr. Bredstrand and other members of the crew submitted a false complaint to Human Resources alleging Mr. Durpos had been violent and threatened them. The HR Director investigated the allegations, which were not substantiated.
- The day after the findings were released, the crew submitted a list of Public Works projects to the City Administrator in which they alleged Mr. Durpos misused City funds and engaged in theft. An outside investigation was performed on all 33 listed items and found that Mr. Durpos had done nothing wrong.
- In April of 2018, Mr. Bredstrand sent a letter to the City and the Everett Herald claiming that Mr. Durpos was violent. The letter called for his termination.

- A similar letter was sent to you later that month and the City launched another investigation into allegations of theft, corruption, and violence by Mr. Durpos, for which no evidence was found.
- In May of 2018, Mr. Durpos was driving his City vehicle and was once again being followed by police. The police officer eventually pulled him over and accused him of using his cell phone while driving. Mr. Durpos was not on his cell phone. He refrains from using his cell phone when driving his City vehicle because of City policy prohibiting the same.
- In June of 2018, the crew dumped a pile of gravel in Mr. Durpos' driveway and then called a City council member and accused him of "exchanging favors" with a developer. Mr. Durpos was questioned by City Council regarding the allegations. An investigation into his relationship with the developer uncovered that the gravel was placed in the driveway by a Public Works employee.
- In August of 2018, Mr. Durpos pulled his truck into a friend's driveway and was grabbing items out of the back when a City police officer pulled into the driveway behind him and told him he had been speeding. Mr. Durpos was surprised by this accusation given that he had been parked in the driveway for several minutes before the police officer arrived. The police officer told him he knew who he was and threatened his job. He told Mr. Durpos he would be reporting the incident to the City Administrator, whom the police officer obviously did not know because he was standing next to Mr. Durpos the entire time.
- In July of 2019, Mr. Durpos attended Aquafest and drank a couple of beers in the beer garden. Unfortunately, he made a poor decision to drive home. As soon as he left the event, he was followed by a City police officer and eventually pulled over. The police officer called State Patrol to take over the DUI arrest given Mr. Durpos' position with the City. The State Patrol officer who showed up at the scene and performed the arrest was a City police officer's daughter. It was later reported to Mr. Durpos that the State Patrol officer called the City police officer after the arrest. He and others were standing with a group of citizens, when he publicly boasted after the phone call, "guess who we finally tagged for DUI? Eric Durpos!" which was met with celebratory reaction. When Mr. Durpos' driver's license was suspended, another City employee warned him that the police knew when his license status would change and wanted to catch him driving while suspended.
- Mr. Durpos recently purchased a new truck. It was keyed while parked at work.
- At various times over the past five years, letters have been received from Mr. Bredstrand, the Public Works crew, and anonymously, which accuse Mr. Durpos and others in City administration of corruption, violence, and self-dealing. Mr. Durpos has been investigated several times, with none of the allegations ever being substantiated.