



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE • PO Box 40100 • Olympia, WA 98504-0100

May 11, 2018

Dmitri Iglitzin
Schwerin Campbell Barnard Iglitzin & Lavitt LLP
18 West Mercer Street, Suite 400
Seattle, WA 98119

Dear Dmitri:

Recently, my office learned of an open letter circulated by Working Washington. The stated purpose of the letter is to urge me to investigate and prosecute Amazon for the crime of Intimidating a Public Servant under RCW 9A.76.180.

As you know, under Washington law, the elected prosecuting attorney for each county has jurisdiction to enforce the criminal code. As Attorney General, I lack such criminal jurisdiction. As you know, I require a written request from a county prosecutor or the Governor in order to investigate and prosecute felony crimes. RCW 43.10.232. I have received no such written request in this case. For this reason, your letter is more appropriately directed to Dan Satterberg, Prosecuting Attorney of King County, where the alleged actions described in the letter took place.

As the chief law officer of the state, I do have authority to provide official opinions on questions of law at the request of designated public officials on issues arising in the course of their duties. RCW 43.10.030(5). I have not received a request to review the statutory provision cited in the letter.

I generally refrain from publically analyzing a statute outside of an Attorney General Opinion, but because this matter has received significant public attention, I asked my team to provide an initial analysis. This analysis is not a substitute for a formal Attorney General Opinion.

It is paramount to a well-functioning government and democracy that we protect public servants from threats and intimidation lodged against them as they execute their duties. Consequently, the Legislature found that certain threats in certain circumstances should subject a person to a felony conviction.



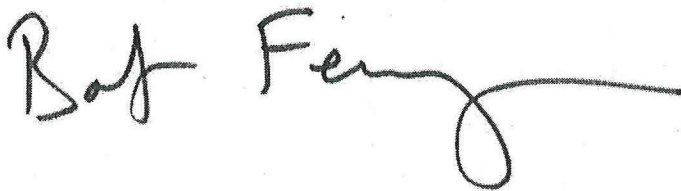
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After an initial assessment, we find there is no legal basis for invoking the "Intimidating a Public Servant" provision of the Washington criminal code in this instance, based on facts set forth in the letter, nor would the facts meet the burden of proof and test of culpability necessary to support a criminal prosecution.

I hope this message is helpful to you and your counsel.

Sincerely,

A handwritten signature in black ink that reads "Bob Ferguson". The signature is written in a cursive style with a long horizontal flourish at the end.

BOB FERGUSON
Attorney General

RWF/jlg