

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/25/2023 4:26 PM  
BY ERIN L. LENNON  
CLERK

No. 101490-2

**IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON**

---

**KRISTIN MASTELLER**, an individual, and  
**AMANDA GONZALES**, an individual,

*Appellees,*

v.

**BRIAN JUTSON, JOHN PAIS, ALBERT “BUCK”  
WILDER,**  
Mason County Fire Protection District No. 12  
Commissioners

*Appellants.*

---

**BRIEF OF APPELLANTS COMMISSIONERS BRIAN JUTSON,  
JOHN PAIS, AND ALBERT “BUCK” WILDER**

---

Aaron T. Haynes, WSBA No. 54134  
Richard A. Davis, WSBA No. 20940  
CHMELIK SITKIN & DAVIS, P.S.  
1500 Railroad Avenue  
Bellingham, Washington, 98225  
Telephone: (360) 671-1796  
Facsimile: (360) 671-3781  
*Attorneys for Appellants Brian  
Jutson, John Pais, and Albert  
“Buck” Wilder*

TABLE OF AUTHORITIES .....	ii
I. INTRODUCTION .....	1
II. ASSIGNMENTS OF ERROR.....	3
III. STATEMENT OF THE CASE .....	6
IV. SUMMARY OF ARGUMENT.....	20
V. ARGUMENT .....	21
A. Standard of Review .....	21
1. On Appeal, the Sufficiency of a Recall Petition is Reviewed <i>De Novo</i> . .....	21
B. Because the Petitioners Lack the Necessary Knowledge of the Facts Underlying the Recall Petitions, the Recall Petitions Must be Dismissed. ....	24
C. The Recall Petitions Lack the Concise, Specific Language Required for Factual Sufficiency and Fail to Specify Legal Violations Sufficient to Warrant a Recall.....	27
D. As the Recall Petitions do not set Forth Facts That, as a Whole, Indicate That the Commissioners Intended to Violate the Law, the Recall Petitions Should be Dismissed. ....	33
E. Commissioner Wilder Allegedly Receiving \$693.00 in Misappropriated Payroll is Legally Insufficient to Warrant Recall and Commissioner Wilder did not Know of or Direct the Fire Chief to Issue him the Misappropriated Payments.....	35
F. Recall Petition Charge Nos. 3, 4, 7, 9, 14, and 15 Against Commissioner Jutson are Factually Insufficient as They Encompass Alleged acts Outside his Term of Office. ....	37
G. Recall Petition Charge Nos. 7, 8, 9, 10, 15, and 16 Against Commissioner Wilder are Factually Insufficient as They Encompass Alleged acts Outside his Term of Office. ....	40

H. Commissioner Wilder Receiving two (2) Monthly Payments in Excess of RCW 42.23.030(6)(a)'s Monthly Payment cap is not Legally Sufficient to Warrant a Recall..... 41

VI. CONCLUSION ..... 43

## Washington Cases

<i>Citizens for Des Moines, Inc. v. Petersen</i> , 125 Wn. App. 760, 106 P.3d 290 (2005).....	37, 42
<i>City of Seattle v. State</i> , 100 Wn.2d 323, 668 P.2d 1266 (1983).....	42
<i>Cole v. Webster</i> , 103 Wn.2d 280, 692 P.2d 799 (1984) .....	24
<i>In re Ackerson</i> , 143 Wn.2d 366, 20 P.3d 930 (2001) .....	34, 43
<i>In re Recall of Burnham</i> , 194 Wn.2d 68, 448 P.3d 747 (2019).....	35
<i>In re DeBruyn</i> , 112 Wn.2d 924, 774 P.2d 1196 (1989).....	22, 23
<i>In re Kelley</i> , 185 Wn.2d 158, 369 P.3d 494 (2016) .....	22, 24, 28, 35, 37
<i>In re Recall of Charges Against Feetham</i> , 149 Wn.2d 860, 72 P.3d 741 (2003).....	23
<i>In re Recall of Davis</i> , 164 Wn.2d 361, 193 P.3d 98 (2008).....	25
<i>Matter of Recall of Fortney</i> , 199 Wn.2d 109, 503 P.3d 556 (2022).....	35
<i>In re Recall of Inslee</i> , 194 Wn.2d 563, 451 P.3d 305 (2019) .....	22, 28, 34
<i>In re Recall of Piper</i> , 184 Wn.2d 780, 364 P.3d 113 (2015).....	25
<i>In re Recall of Reed</i> , 156 Wn.2d 53, 124 P.3d 279 (2005).....	25
<i>In re Recall of Sandhaus</i> , 134 Wn.2d 662, 953 P.2d 82 (1998).....	33
<i>In re Recall of Telford</i> , 166 Wn.2d 148, 206 P.3d 124 (2009).....	21
<i>In re Recall of Wasson</i> , 149 Wn.2d 787, 72 P.3d 170 (2003).....	28
<i>In re Recall of West</i> , 155 Wn.2d 659, 121 P.3d 1190 (2005) .....	22

*Janovich v. Herron*, 91 Wn.2d 767, 592 P.2d 1096 (1979).....25

*Matter of Recall of Morrisette*, 110 Wn.2d 933, 756 P.2d  
1318 (1988).....24, 32

*Matter of Ritter*, 194 Wn.2d 85, 448 P.3d 755 (2019).....31

**Statutes and Court Rules**

RCW 29A.56.110.....4, 23, 27

RCW 42.23.030 .....6, 16, 19, 31, 41, 42

RCW 52.14.100 .....31, 33

## I. INTRODUCTION

Elected officials should not be subject to recall based on Washington State Auditor’s (the “Auditor”) accountability audit and fraud investigation reports which contain no findings that the elected officials knowingly or intentionally violated state law. The Washington State Auditor’s Office recently published the results of an accountability audit and fraud investigation into Mason County Fire Protection District No. 12 (the “District”), a small, rural fire district with three (3) elected commissioners (the “Commissioners”), a fire chief (the “Fire Chief”), a district secretary (the “District Secretary”), and ten (10) volunteers. The Accountability Audit Report and Fraud Investigation Report (the “Reports”) detailed the Fire Chief’s financial mismanagement of District funds and concluded that an overly trusting work environment, as well as the Commissioners’ lack of knowledge regarding best practices and procedures, permitted the Fire Chief to mismanage District funds without

the Commissioners' knowledge. The publication of the Reports triggered the filing of three (3) recall petitions (the "Recall Petitions") against Commissioners Brian Jutson ("Jutson"), John Pais ("Pais"), and Albert "Buck" Wilder ("Wilder").

The Recall Petitions, each over five (5) pages long and containing over fifteen (15) individual charges, copy near verbatim the findings and recommendations in the Reports. The Commissioners appeal the Recall Petition Charges that the Mason County Superior Court (the "Trial Court") held to be factually and legally sufficient.

The Charges are overly broad, wordy, unconcise, lack specificity, and fail to cite to standards, laws, or rules that the Commissioners allegedly violated. The Charges address time periods that range outside Commissioner Jutson and Commissioner Wilder's respective terms of office. The Recall Petitions also do not allege that the Commissioners knew of or otherwise directed the Fire Chief to engage in the alleged financial mismanagement, and the Recall Petitions do not allege

nor indicate that the Commissioners' decision to delegate management of the District's finances to the Fire Chief was a manifest abuse of discretion.

The Recall Petitions do not allow the public to make an informed decision as to the allegations against the Commissioners. The Petitions are based solely on the facts set forth in the Reports and Kristin Masteller and Amanda Gonzales (the "Petitioners") offer nothing but conjecture as to whether the Commissioners intended to violate law. Ultimately, whether the Commissioners have done a satisfactory job of managing the District is a political issue that should be brought to the voters at a regular election, not through the recall process. The Commissioners respectfully request that this Court dismiss the Charges that the Trial Court, in error, determined were factually and legally sufficient.

## **II. ASSIGNMENTS OF ERROR**

1. Whether the Trial Court erred in concluding that the Petitioners have sufficient knowledge of the underlying facts



alleged in Recall Petition Charge Nos. 3, 4, 7, 9, 10, 14, and 15 against Commissioner Jutson; Charge Nos. 1, 3, 4, 6, 7, 8, 9, 10, 14, and 15 against Commissioner Pais; and Charge Nos. 2, 4, 5, 7, 8, 9, 10, 11, 15, and 16 against Commissioner Wilder, when the Petitioners' knowledge is solely based on a Washington State Auditor's accountability audit report and fraud investigation report?

2. Whether the Trial Court erred in concluding that the Recall Petition Charges, as set forth above in Assignment of Error No. 1, against Commissioner Jutson, Pais, and Wilder contain the concise language and specificity required for a recall petition to factually and legally sufficient?

3. Whether the Trial Court erred in concluding that the respective Recall Petition Charges, as set forth above in Assignment of Error No. 1, against Commissioner Jutson, Pais, and Wilder, provide sufficient facts to show that the Commissioners intended to violate the law as required by RCW 29A.56.110?

4. Whether the Trial Court erred in concluding that Recall Petition Charge Nos. 3, 4, 7, 9, 14, and 15 against Commissioner Jutson are legally and factually sufficient when the Charges fail to specify relevant acts committed by Commissioner Jutson during his term of office and incorporate periods of time prior to his first (1<sup>st</sup>) term in office?

5. Whether the Trial Court erred in concluding that Recall Petition Charge Nos. 7, 8, 9, 10, 15, and 16 against Commissioner Wilder are legally and factually sufficient when the Charges fail to specify relevant acts committed by Commissioner Wilder during his term of office and incorporate periods of time prior to his first (1<sup>st</sup>) term in office?

6. Whether the Trial Court erred in concluding that Commissioner Wilder allegedly receiving Six Hundred Ninety-Three Dollars (\$693.00) in misappropriated funds is substantial conduct constituting misfeasance, malfeasance, or a violation of the oath of office?

7. Whether the Trial Court erred in concluding that

Commissioners Jutson, Pais, and Wilder engaged in substantial conduct constituting misfeasance, malfeasance, or a violation of the oath of office when the District violated RCW 42.23.030(6)(a)'s monthly payment cap when paying Commissioner Wilder for maintenance work on District vehicles for two (2) months in 2021?

### **III. STATEMENT OF THE CASE**

Brian Jutson, John Pais, and Albert “Buck” Wilder are the three (3) popularly elected commissioners of Mason County Fire Protection District No. 12, a municipal corporation and a political subdivision of Washington state created under the provisions of Title 52 RCW.

Commissioner Jutson began his first (1<sup>st</sup>) term as a Commissioner for the District in January of 2020. (Jutson CP

53).<sup>1</sup> Commissioner Wilder began his first (1<sup>st</sup>) term in January of 2018 (Wilder CP 53) and Commissioner Pais began serving in August of 2014. (Pais CP 52). Commissioner Pais is up for reelection in November.

The Petitioners filed three (3) Recall Petitions against the Commissioners with the Mason County Auditor on October 6, 2022. (Wilder, Jutson, Pais CP 6-26). Absent Recall Petition Charge No. 2 against Commissioner Wilder and Recall Petition Charge No. 16 against Commissioner Jutson, the Recall Petition Charges against each Commissioner mirror one another.

Following the filing of the Recall Petitions, the Mason County Auditor certified and transmitted copies of the Recall

---

<sup>1</sup> “Jutson CP” refers to the Clerk’s Papers on Appeal for *Kristin Masteller et al v. Brian Jutson*, Mason County Superior Court Cause No. 22-2-00537-23. “Wilder CP” refers to the Clerk’s Papers on Appeal for *Kristin Masteller et al v. Albert “Buck” Wilder*, Mason County Superior Court Cause No. 22-2-00538-23. “Pais CP” refers to the Clerk’s Papers on Appeal for *Kristin Masteller et al v. John Pais*, Mason County Superior Court Cause No. 22-2-00536-23. When the page numbers for the Clerk’s Papers for Jutson, Wilder, and Pais mirror one another, the citation shall refer to them as a group (e.g., “Wilder, Jutson, Pais CP #).

Petitions to the Mason County Prosecuting Attorney (the “Prosecuting Attorney”) for the formulation of the recall ballot synopses. The Prosecuting Attorney subsequently drafted three (3) ballot synopses and petitioned the Trial Court to approve the ballot synopses and determine the sufficiency of the recall charges. (Wilder, Jutson, Pais CP 1-3, 28).

The Trial Court held oral argument on the sufficiency of the Recall Charges and ballot synopses on November 3, 2022, and issued its Findings on Recall and Order on Corrected Ballot Synopses for the Recall Petitions on November 8, 2022 (the “Findings”). (Wilder, Jutson CP 56-60; Pais CP 55-59). The Trial Court determined that for Commissioner Wilder, Recall Petition Charge Nos. 2, 4, 5, 7, 8, 9, 10, 11, 15, and 16 were factually and legally sufficient. (Wilder CP 57-58). For Commissioner Pais, the Trial Court determined that Recall Petition Charge Nos. 1, 3, 4, 6, 7, 8, 9, 10, 14, and 15 were factually and legally sufficient (Pais CP 56-57), and for Commissioner Juston, Recall Petition Charge Nos. 3, 4, 7, 9,

10, 14, and 15 were factually and legally sufficient. (Jutson CP 57-58). The Commissioners timely filed Notices of Appeal on the sufficiency of the Recall Petition Charges identified above.

The respective Recall Petitions against both Commissioners Jutson and Wilder are five (5) pages long, consist of seventeen (17) charges, and total approximately two thousand two hundred (2,200) words. The Recall Petition against Commissioner Pais is also five (5) pages long, contains a similar word count, and consists of sixteen (16) charges. The Recall Petition Charges incorporate a Washington State Auditor's Fraud Investigation Report and a Washington State Auditor's Accountability Audit Report, both dated September 20, 2022. (Wilder, Jutson, Pais CP 11-26). The Petitioners attached the Reports to the Recall Petitions. The Reports detail, in part, the District's operations which are the subject of the Recall Petitions.

The District is a rural fire district with limited resources. (Wilder, Jutson, Pais CP 21). It employs a Fire Chief, District

Secretary, and is served by ten (10) volunteer firefighters.

(Wilder, Jutson, Pais CP 12). Commissioner Wilder's wife was formerly employed as the District Secretary and their daughter served as the District's Fire Chief. (Wilder, Jutson, Pais CP 12).

The Commissioners appointed the "Fire Chief to oversee [the District's] daily operations, which include handling payroll, disbursements, and credit card payments, and tracking District assets." (Wilder, Jutson, Pais CP 12). The Fire Chief is responsible, in part for the following:

- "[M]anaging the District's financial operations, including paying vendors, preparing payroll, and reporting the remitting of state and federal payroll taxes." (Wilder, Jutson, Pais CP 12);
- "[M]aking credit card purchases, reconciling charges and paying statement balances." (Wilder, Jutson, Pais CP 13);
- "[P]reparing all voucher claims for the District,

- including recording the transactions within the accounting system, and presenting all transactions to the Board for approval with associated supporting documentation.” (Wilder, Jutson, Pais CP 13); and
- “[S]ubmitting the approved warrant register . . . to the County,” and “[R]emitting warrants to the vendor or employer.” (Wilder, Jutson, Pais CP 14).

The Reports, and in turn the Recall Petitions, center on alleged misconduct in three (3) areas of the District’s operations for which the Fire Chief is responsible: payroll, disbursements, and use of District credit cards. The alleged misconduct is as follows (Wilder, Jutson, Pais CP 12-13):

- Between August 1, 2018, and July 31, 2022, the Fire Chief misappropriated payroll in the amounts of Twenty-Three Thousand Three Hundred Thirty-Seven Dollars (\$23,337.00) to herself, Eight Thousand Eight Hundred Thirty-Nine Dollars (\$8,839.00) to the District Secretary, and Six Hundred Ninety-Three



Dollars (\$693.00) to Commissioner Wilder. Recall  
Petition Charge Nos. 2, 4, 5, and 10 for Commissioner  
Wilder; Recall Petition Charge Nos. 1, 3, 4, and 9 for  
Commissioner Pais; and Recall Petition Charges Nos.  
3, 4, and 9 for Commissioner Jutson address this  
alleged behavior. The Recall Petitions allege that the  
Commissioners failed to supervise the Fire Chief and  
that such a failure led to the payroll misappropriation.

- Between January 1, 2017, and May 29, 2020, the Fire  
Chief used District credit cards to misappropriate  
Sixteen Thousand Five Hundred Seventy-Nine  
Dollars (\$16,579.00) and oversaw the  
misappropriation of Three Hundred Ninety-Three  
Dollars (\$393.00) on the Captain's credit card. Recall  
Petition Charge Nos. 8 and 10 for Commissioner  
Wilder; Recall Petition Charge Nos. 1, 7, and 9 for  
Commissioner Pais; and Recall Petition Charge Nos.  
7 and 9 for Commissioner Jutson address this alleged

behavior. The Recall Petitions allege that the Commissioners failed to supervise the Fire Chief or otherwise implement policies so as to prevent the alleged credit card misappropriation.

- Between January 1, 2017, and July 31, 2022, the Fire Chief misappropriated Eighteen Thousand Eight Hundred Thirty-One Dollars (\$18,831.00) in employee reimbursements. Recall Petition Charge Nos. 9 and 10 for Commissioner Wilder; Recall Petition Charge Nos. 1, 8, and 9 for Commissioner Pais; and Recall Petition Charge No. 9 for Commissioner Jutson address this behavior. The Recall Petitions allege that the Commissioners failed to supervise the Fire Chief or otherwise implement policies so as to prevent the misappropriation of employee reimbursements.

The Auditor also identified a series of “questionable payments” within the District’s operations between January 1,

2017, and July 31, 2022, (Wilder, Jutson, Pais CP 12-13), and the Recall Petitions incorporated the existence of the “questionable payments” as grounds of misfeasance, malfeasance, or violation of the oath of office by the Commissioners. Questionable payments are those which the Auditor is not able “to determine whether the expenditures [are] for a legitimate business purpose.” (Wilder, Jutson, Pais CP 12).

Beyond the alleged misappropriations and questionable payments, the Auditor identified several other deficiencies in the District’s Operations:

- Between January of 2017 and November of 2021, the District did not ensure it accounted for and properly deposited payments received from the Mary M. Knight School District. (Wilder, Jutson, Pais CP 23). Recall Petition Charge No. 15 for Commissioners Jutson and Pais, and Recall Petition Charge No. 16 for Commissioner Wilder, address this alleged behavior.

The Recall Petitions allege that the Commissioners failed to ensure that the District (e.g., the Fire Chief, as the District employee charged with managing the District's financial operations), properly accounted for and deposited such payments.

- From January 1, 2017 through December 31, 2020, the District failed to engage in proper tax practices, including submitting necessary reports and payments to the Internal Revenue Service for federal taxes and payments to the State of Washington for unemployment insurance and workers' compensation (Wilder, Jutson, Pais CP 23). Recall Petition Charge Nos. 7 and 10 for Commissioner Wilder, Recall Petition Charge No. 9 for Commissioner Jutson, and Recall Petition Charge Nos. 6 and 9 for Commissioner Pais address this alleged behavior.

The Recall Petitions allege that the Commissioners failed to ensure that the District (e.g., the Fire Chief,

as the District employee charged with managing the District's financial operations), engaged in proper tax practices and failed to supervise the Fire Chief to that end.

- The Commissioners disregarded RCW 42.23.030 when the District paid Commissioner Wilder Two Thousand Eight Hundred Nineteen Dollars (\$2,819.00) and One Thousand Six Hundred Dollars (\$1,600.00) over a two (2)-month period in 2021 for maintenance work on District vehicles. (Wilder, Jutson, Pais CP 21-22). Recall Petition Charge No. 10 for Commissioners Jutson and Pais, and Recall Petition Charge No. 11 for Commissioner Wilder, address this alleged behavior.
- Between January 1, 2017, and December 31, 2020, the District failed to adequately review disbursements, ensure the District paid its bills, and did not adhere to District policy on Board voucher approval, as

determined by the Auditor’s review of District records or lack thereof. (Wilder, Jutson, Pais CP 23). Recall Petition Charge No. 14 for Commissioners Jutson and Pais, and Recall Petition Charge No. 15 for Commissioner Wilder, address this alleged behavior. The Recall Petitions allege that the Commissioners failed to prevent the District (e.g., the Fire Chief, as the District employee charged with managing the District’s financial operations) from engaging in such practices.

The Auditor determined that the Fire Chief’s misappropriations and the District’s actions were the result of two (2) primary factors: ignorance regarding state laws and an overly trusting work environment. The Auditor identified that the “District leadership . . . did not have an adequate understanding of state laws.” (Watson, Jutson, Pais, CP 23). The Auditor further opined that the District’s “[n]oncompliance with state laws and a lack of adequate monitoring by . . .

governing officials was due, in part, to nepotism within the District.” (Wilder, Jutson, Pais CP 14). The Auditor determined that the familial relationships between Commissioner Wilder and the District employees led the Commissioners to trust District management “more unquestionably than it ordinarily would” and that the Commissioners’ implicit trust in the District’s employees led them to never question or remedy the District’s lack of policies, controls or procedures.” (Wilder, Jutson, Pais CP 14).

The Commissioners acknowledged their shortcomings in responding to the Auditor’s Reports, and they provided, in relevant part, several explanations in response to the Auditor’s findings:

- They were not aware of the Fire Chief’s alleged misappropriations and believed that the Districts’ actions were taken in accordance with the law. (Wilder, Jutson, Pais CP 7, 21-22, 24-25). They believe that any suspect disbursements identified by

the Auditor are in fact appropriate expenditures and that the destruction of District records by water and rodents frustrated the Auditor's and the District's efforts to fully audit the District's finances. (Wilder, Jutson, Pais CP 24).

- For the two (2) monthly payments to Commissioner Wilder in violation of RCW 42.23.030, the District only issued the payments in response to Commissioner Wilder using a quarterly billing cycle to invoice the District for his maintenance work on District vehicles. (Wilder, Jutson, Pais CP 21). The Commissioners did not know such a billing cycle and payment practice violated state law. (Wilder, Jutson, Pais CP 21). Given the District is a rural fire district with limited resources, the District relied on Commissioner Wilder's maintenance skills to save taxpayer funds. (Wilder, Jutson, Pais CP 21).
- For the payments issued by the Mary M. Knight



School District, the Commissioners expressed that such payments were only issued in the form required by the School District's treasurer and were not intentionally processed in an unlawful manner. (Wilder, Jutson, Pais CP 24).

The Reports do not allege that the Commissioners knowingly violated state law, nor that they were aware of or knowingly permitted the Fire Chief and other District staff to violate state law.

#### **IV. SUMMARY OF ARGUMENT**

The Recall Petitions should be dismissed as the Petitioners lack sufficient knowledge of the facts underlying the Petitions and the Recall Petition Charges are factually and legally insufficient. The Petitioners' reliance on the Auditor's Reports and conjecture as to the Commissioners' unlawful intent, without more, is not enough to support the Recall Petition Charges against Commissioners Jutson, Pais, and Wilder. The Recall Petitions also fail to meet the concise

language and specificity required for factual sufficiency, with many of the Charges encompassing periods of time and allegations of conduct that occurred prior to Commissioner Jutson and Commissioner Wilder’s respective terms of office. Additionally, the Charges do not state a specific standard, rule, or law violated by the Commissioners.

As drafted, the public cannot make an informed decision as to the Recall Petition Charges. The Petitioners have failed to show that the Commissioners intended to violate the law or that the Commissioners engaged in substantial conduct amounting to misfeasance, malfeasance, or violation of the oath office.

## V. ARGUMENT

### A. Standard of Review

#### 1. On Appeal, the Sufficiency of a Recall Petition is Reviewed *De Novo*.

The Washington State Supreme Court (“Supreme Court”) “reviews the sufficiency of a recall petition de novo.”<sup>2</sup> The

---

<sup>2</sup> *In re Recall of Telford*, 166 Wn.2d 148, 154, 206 P.3d 124 (2009).

Supreme Court determines “sufficiency from the face of the recall petition.”<sup>3</sup>

“The proponent of the recall petition bears the burden of establishing that the charges alleged in the recall petition are both legally and factually sufficient.”<sup>4</sup> While the Supreme Court will consider factual allegations as true in a recall petition, speculation and conjecture are impermissible.<sup>5</sup> The role of the Supreme Court “is to ensure that the recall process is not used to harass public officials . . . .”<sup>6</sup>

To be factually sufficient, a recall petition must “concisely state each charge with a detailed description including the approximate date, location, and nature of each act that . . . would constitute a prima facie case of misfeasance, malfeasance, or the violation of the oath of office.”<sup>7</sup> Factual

---

<sup>3</sup> *In re Kelley*, 185 Wn.2d 158, 163, 369 P.3d 494 (2016).

<sup>4</sup> *Id.*

<sup>5</sup> *In re Recall of Inslee*, 194 Wn.2d 563, 575, 451 P.3d 305 (2019). *See also In re DeBruyn*, 112 Wn.2d 924, 930, 774 P.2d 1196 (1989).

<sup>6</sup> *In re Recall of West*, 155 Wn.2d 659, 662, 121 P.3d 1190 (2005).

<sup>7</sup> *Kelley*, 185 Wn.2d at 164 (internal quotations and citations omitted).

sufficiency requires the recall petition be drafted so as to allow the public and challenged official to make an informed decision.<sup>8</sup> “On the whole, the facts must indicate an intention to violate the law and must support recall.”<sup>9</sup> A petitioner must also have knowledge of the underlying facts, not just a simple belief that the charges are true.<sup>10</sup>

To be legally sufficient, each charge must specify the substantial conduct that amounts to misfeasance, malfeasance, or violation of the oath office<sup>11</sup>, and identify the standard, law,

---

<sup>8</sup> *DeBruyn*, 112 Wn.2d 924, 927, 774 P.2d 1196 (1989)

<sup>9</sup> *In re Recall of Charges Against Feetham*, 149 Wn.2d 860, 865, 72 P.3d 741 (2003).

<sup>10</sup> *DeBruyn*, 112 Wn.2d at 927 (internal quotation omitted). *See also* RCW 29A.56.110, which requires that recall petitions “be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.”

<sup>11</sup> (1) ‘Misfeasance’ or ‘Malfeasance’ in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally. ‘misfeasance’ in office means the performance of duty in an improper manner; and

or rule that makes the alleged conduct wrongful, improper, or unlawful.<sup>12</sup> Acts within an elected official's discretion are not legally sufficient if they do not amount to a manifest abuse of discretion (e.g., manifestly unreasonable or exercised on untenable grounds for untenable reasons).<sup>13</sup> Furthermore, an elected official cannot be recalled for the acts of a subordinate done without the official's knowledge or direction.<sup>14</sup>

**B. Because the Petitioners Lack the Necessary Knowledge of the Facts Underlying the Recall Petitions, the Recall Petitions Must be Dismissed.**

The Petitioners' reliance on the Reports as the sole source of their knowledge for the Recall Petitions is insufficient to support a recall. The facts set forth in the Recall Petitions are entirely based on the Reports. Nothing in the record indicates

---

(b) Additionally 'malfeasance' in office means the commission of an unlawful act;

(2) 'Violation of the oath of office' means the willful neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

<sup>12</sup> *Kelley*, 185 Wn.2d at 164.

<sup>13</sup> *Id*; *Cole v. Webster*, 103 Wn.2d 280, 284-85, 692 P.2d 799 (1984).

<sup>14</sup> *Matter of Recall of Morrisette*, 110 Wn.2d 933, 936, 756 P.2d 1318 (1988).

that the Petitioners have any knowledge of the allegations in the Recall Petitions beyond the Reports.

A recall petitioner must have some knowledge beyond a simple belief that the charges in the petition are true.<sup>15</sup> A petitioner may rely, in part, on a document prepared by a third-party so long as the document is sufficiently trustworthy.<sup>16</sup> For example, a petitioner may rely on a federal criminal complaint that sets forth, under oath, the essential facts underlying the petition, including the approximate time, location, and nature of the alleged acts.<sup>17</sup> By contrast, a petitioner may not rely on a censure resolution.<sup>18</sup> A third-party document that “vaguely references legal authorities and . . . policies, and merely states that” the elected official “violated these rules” is insufficient.<sup>19</sup>

---

<sup>15</sup> *In re Recall of Reed*, 156 Wn.2d 53, 124 P.3d 279 (2005).

<sup>16</sup> *See, e.g., In re Recall of Davis*, 164 Wn.2d 361, 193 P.3d 98 (2008) (holding as insufficient a news article with citations to a memorandum signed by a commissioner and her public statements).

<sup>17</sup> *Janovich v. Herron*, 91 Wn.2d 767, 772-774, 592 P.2d 1096 (1979); Fed. R. Crim. P. 3.

<sup>18</sup> *In re Recall of Piper*, 184 Wn.2d 780, 789-91, 364 P.3d 113 (2015).

<sup>19</sup> *Id.*

Unlike a federal criminal complaint, the facts in the Reports relied upon by the Petitioners are not set forth under oath. The Auditor's Office recommended the filing of a police report and referred the case to the Mason County Prosecuting Attorney's Office and the Internal Revenue Service for further "consideration" and "review." (Wilder, Jutson, Pais CP 12). If a federal criminal complaint against the Commissioners is ultimately filed, the Petitions may rightly rely on the document as sufficiently trustworthy. But, the Petitioners' reliance on the Reports is premature and insufficient for purposes of a recall.

If the Auditor's issuance of an accountability audit report or fraud investigation report may serve as sufficient knowledge to support a recall, the Auditor will command significant political influence over elected officials. Given the regularity of such investigations and audits, and the likelihood that the Auditor's Office will always find some grounds for improvement within a governing agency, political opponents will be able to frequently yield such reports to harass and

intimidate elected officials with the threat of recall. Any action taken by elected officials to address the deficiencies identified by the Auditor, to conduct additional investigations into the Auditor's findings (as the Commissions have done here (Wilder, Jutson, Pais CP 15)), or any revisions to the Auditor's reports made after a recall petition is filed, will be drowned out by the political noise of the recall.

The Reports should not serve as sufficient grounds for the Petitioners' knowledge of the facts set forth in the Recall Petitions. Accordingly, the Recall Petitions should be dismissed.

**C. The Recall Petitions Lack the Concise, Specific Language Required for Factual Sufficiency and Fail to Specify Legal Violations Sufficient to Warrant a Recall.**

The Recall Petitions are not concisely stated, as required by RCW 29A.56.110, and fail to meet the statute's factual and legal specificity requirements. As discussed previously, a recall "charge is factually sufficient if the facts . . . are stated in



concise language and provide a detailed description [that] enables the electorate and a challenged official to make informed decisions.”<sup>20</sup> “The petition must [also] provide a specific, concise statement of the legal violations”<sup>21</sup> that allows the public to clearly identify the “standard, law, or rule that would make the officer’s conduct wrongful, improper, or unlawful . . . .”<sup>22</sup> “If a petitioner chooses to refer to” attached supporting documents, “a general reference containing relevant and irrelevant information is insufficient.”<sup>23</sup> If a recall petition lacks a concise, specific statement, the petition must be dismissed.<sup>24</sup>

The respective Recall Petitions against the Commissioners are unconcise and factually vague. They average five (5) pages, consist of sixteen (16) to seventeen (17) charges, and are verbose and confusing. They cast a broad

---

<sup>20</sup> *Inslee*, 194 Wn.2d at 568.

<sup>21</sup> *In re Recall of Wasson*, 149 Wn.2d 787, 792, 72 P.3d 170 (2003).

<sup>22</sup> *Kelley*, 185 Wn.2d at 164.

<sup>23</sup> *Wasson*, 149 Wn.2d at 792.

<sup>24</sup> *Id.* at 793.

scope over a general, three (3) to five (5)-year period, and the specific behavior at issue under each Charge is often murky and overlapping with other Charges.<sup>25</sup> For example, Charge No. 9 for Commissioners Jutson and Pais, and Charge No. 10 for Wilder, are a befuddling amalgamation of the alleged acts set forth in the preceding nine (9) Charges, some of which the Trial Court held to be insufficient and are not on appeal before the Court. The Recall Petitions are at best a kitchen-sink approach to recalling the Commissioners. They serve as perfunctory summaries of the Reports, but with the simple addition of the “misfeasance and/or malfeasance and violat[ion of] the oath of office” language as an introductory statement.

As drafted, the Recall Petitions overwhelm the public and the Commissioners rather than inform. The sheer volume only serves to intimidate and cajole the public into supporting the recall rather than engaging in thoughtful deliberation over each

---

<sup>25</sup> See, e.g., Recall Petition Charge Nos. 2, 4, 5, 7, 15, and 16 against Commissioner Wilder.

Charge. Careful analysis and consideration are not served by an avalanche of overlapping and densely written recall charges stretched over five (5) pages. As Recall Petition Charge Nos. 2, 4, 5, 7, 8, 9, 10, 15, and 16 for Commissioner Wilder; Charge Nos. 1, 3, 4, 6, 7, 8, 9, 14, and 15 for Pais; and Recall Petition Charge Nos. 3, 4, 7, 9, 14, and 15 for Commissioner Jutson lack of conciseness and factual specificity, the Charges should be dismissed as factually insufficient.

Beyond lacking factual specificity and conciseness, the Recall Petitions Charges listed above, and Recall Petition Charge No. 10 for Commissioners Jutson and Pais (Charge No. 11 for Commissioner Wilder), do not satisfy the legal specificity standard. The Petitioners' reliance on the existence of the Reports rather than concisely specifying the Commissioner's alleged legal violations is a fatal flaw. For example, Recall Petition Charge No. 10 for Commissioners Jutson and Pais, and Charge No. 11 for Commissioner Wilder, address two (2) monthly payments to Commissioner Wilder in

violation of “state law.” But, one must examine and research the “applicable laws and regulations” on Pg. 12 of the Accountability Audit Report to deduce that the “state law” referred to by the Charges is most likely RCW 42.23.030. (Wilder, Jutson, Pais CP 22). For another example, Recall Petition Charge No. 14 for Commissioner Jutson and Pais, and Charge No. 15 for Wilder, allege, in part, that the Commissioners, over a five (5)-year period, “fail[ed] to ensure supporting records [for District disbursements] were safeguarded from loss or destruction.” But, the Charges do not cite to a standard, law, or rule that the Commissioners are required to serve as the records custodians for the District.<sup>26</sup>

RCW 52.14.100 grants the Commissioners broad power and discretion to manage and conduct the business affairs of the District, to make and execute all necessary contracts, to employ

---

<sup>26</sup> *Matter of Ritter*, 194 Wn.2d 85, 89, 448 P.3d 755 (2019) (dismissing recall charge alleging improper withholding of public records when “no indication” existed that an elected official was the custodian of records for a particular agency).

any necessary services, to adopt reasonable rules to govern the district and to perform its functions, and generally to perform all such as acts as may be necessary to carry out the objects of the creation of the District.

While the Auditor generally identified that the Commissioners failed to adopt policies that ensured their subordinates did not engage in mismanagement of the District's finances, the Auditor did not find that the Commissioners' governing decisions (e.g., nepotism as creating too trusting an environment within the District) were in fact unlawful. Furthermore, to the extent that the Commissioner's subordinates (e.g., the Fire Chief) acted unlawfully, the Reports and the Recall Petition do not state that the Commissioners knew of or directed the unlawful acts.<sup>27</sup>

By failing to specify a standard, law, or rule that the Commissioners knowingly or intentionally violated, the Recall Petitions cannot establish that the Commissioners acted outside

---

<sup>27</sup> See, e.g., *Morrisette*, 110 Wn.2d at 936.

their lawful authority under RCW 52.14.100. The Recall Petitions do not specify any law that makes it unlawful for the Commissioners to delegate management of the District's financial operations to the Fire Chief or other support staff.

Whether a public official “is doing a satisfactory job of managing his office is a quintessential political issue which is properly brought to the voters at a regular election,” not through the recall process.<sup>28</sup> Recall Petition Charge Nos. 2, 4, 5, 7, 8, 9, 10, 11, 15, and 16 for Commissioner Wilder; Recall Petition Charge Nos. 1, 3, 4, 6, 7, 8, 9, 10, 14, and 15 for Pais; and Recall Petition Charge Nos. 3, 4, 7, 9, 10, 14, and 15 for Commissioner Jutson lack legal specificity and, therefore, the Charges should be dismissed as legally insufficient.

**D. As the Recall Petitions Do Not Set Forth Facts That, as a Whole, Indicate That the Commissioners Intended to Violate the Law, the Recall Petitions Should be Dismissed.**

Given nothing in the record indicates that the

---

<sup>28</sup> *In re Recall of Sandhaus*, 134 Wn.2d 662, 670, 953 P.2d 82 (1998).

Commissioners intentionally violated the law, the Recall Petitions are insufficient. As mentioned previously, facts in a recall petition “must indicate an intention to violate the law.”<sup>29</sup> If a petition “gives no facts that show intent [by the elected official] to commit the wrongful act[s],” the recall petition is insufficient.<sup>30</sup> “While some inferences are permissible,” merely accepting conjecture that an official knew what they were doing was unlawful is insufficient.<sup>31</sup>

The Recall Petitions, and the supporting Reports, do not allege that the Commissioners intended to violate the law. At most, one can infer that the alleged misconduct in the Recall Petitions was born out of a misplaced, blind trust between the Commissioners and District employees, as well as a lack of education among the Commissioners about the proper practices and procedures for District operations. The Auditor did not find that the Commissioners knowingly violated state law and

---

<sup>29</sup> *Inslee*, 149 Wn.2d at 572.

<sup>30</sup> *In re Ackerson*, 143 Wn.2d 366, 373, 20 P.3d 930 (2001).

<sup>31</sup> *Inslee*, 149 Wn.2d at 572, 575.

the Petitioners offer nothing but their personal belief and conjecture that the Commissioners intended to violate the law. The Recall Petitions should be dismissed.

**E. Commissioner Wilder Allegedly Receiving \$693.00 in Misappropriated Payroll is Legally Insufficient to Warrant Recall and Commissioner Wilder did not Know of or Direct the Fire Chief to Issue him the Misappropriated Payments.**

Legal sufficiency requires a recall petition charge be based on substantial conduct clearly amounting to misfeasance, malfeasance, or violation of the oath of office.<sup>32</sup> Examples of insubstantial conduct include allegations that a county sheriff used work e-mail for a campaign solicitation while on county time,<sup>33</sup> or a town mayor using town-owned lots to park his personal vehicles.<sup>34</sup>

Recall Petition Charge No. 2 for Commissioner Wilder alleges that between August 1, 2018, and July 31, 2022, Commissioner Wilder received Six Hundred Ninety-Three

---

<sup>32</sup> *Kelley*, 185 Wn.2d at 164.

<sup>33</sup> *Matter of Recall of Fortney*, 199 Wn.2d 109, 121, 503 P.3d 556 (2022).

<sup>34</sup> *In re Recall of Burnham*, 194 Wn.2d 68, 80, 448 P.3d 747 (2019).



Dollars (\$693.00) in misappropriated funds. The Fraud Investigation Report further specifies that Commissioner Wilder received the Six Hundred Ninety-Three Dollars (\$693.00) in “three additional commissioners’ meeting paychecks for unknown purposes” in 2020. (Wilder, Jutson, Pais CP 13). The Fire Chief managed and oversaw the District’s payroll (Wilder, Jutson, Pais CP 12), and nothing in the record indicates that the Fire Chief purposely misappropriated the funds, nor that Commissioner Wilder knew of or directed the Fire Chief to issue him the additional payments. Without any evidence that the moneys were purposely misappropriated, Commissioner Wilder receiving such payments is insubstantial conduct, especially given the payments amounted to only Fifty-Seven Dollars and Seventy-Five Cents (\$57.75) a month, and the payments occurred when the Commissioners were adjusting to governing the District during the first (1<sup>st</sup>) year of the COVID-19 pandemic. One can just as easily conjecture that the payments were made

maliciously as one can infer that the payments were issued in error as the Commissioners navigated their meetings following the outbreak of COVID-19. Recall Charge No. 2 against Commissioner Wilder should be dismissed.

**F. Recall Petition Charge Nos. 3, 4, 7, 9, 14, and 15 Against Commissioner Jutson are Factually Insufficient as They Encompass Alleged Acts Outside his Term of Office.**

As discussed previously, a recall petition charge is factually sufficient if it provides a “detailed description including the approximate date, location, and nature of each act that, if accepted as true, would constitute a prima facie case of misfeasance, malfeasance, or the violation of the oath of office.”<sup>35</sup> The approximate date should presumably fall within the elected official’s term of office. “It would be an oddity for an elected official automatically to be placed in violation” of his oath of office “merely by being sworn into office.”<sup>36</sup> An

---

<sup>35</sup> *In re Kelley*, 185 Wn.2d at 164.

<sup>36</sup> *Citizens for Des Moines, Inc. v. Petersen*, 125 Wn. App. 760, 772, 106 P.3d 290 (2005).

elected official should not be subject to recall for the past misdeeds of the governing body in which he serves.

Recall Petition Charge Nos. 3, 4, and 9 against Commissioner Jutson incorporate sixteen (16) months of alleged misappropriation in the District prior to Commissioner Jutson beginning his first term in January of 2020. While the Charges allege that the misappropriation continued until July 31, 2022, the Charges do not indicate how much of the alleged misappropriation may have occurred prior to Commissioner Jutson beginning his first (1<sup>st</sup>) term. Without such specificity, the public cannot make an informed decision as to what occurred during Commissioner Jutson's term. Furthermore, it is impossible to determine if the misappropriation that may have occurred during his term amounted to substantial conduct.

For Recall Petition Charge No 7 against Commissioner Jutson, the misuse of District credit cards is alleged to have occurred for three (3) years prior to Commissioner Jutson starting his term and for only five (5) months during his term.

Again, the Charge lacks the specificity for the public to determine how much use may have occurred during Commissioner Jutson’s term and is too broad to serve as an “approximate” date.<sup>37</sup> Similarly, Recall Petition Charge Nos. 14 and 15 against Commissioner Jutson assert alleged misconduct regarding the District’s disbursement review, bill pay, and voucher approval for three (3) years prior to Commissioner Jutson serving in office and for only one (1) year in which he served. The Charges fail to specify to what extent the behavior may have occurred before or after he began his term in office.

Absent Recall Petition Charge No. 10, which specifies the two (2) payments made in 2021 to Commissioner Wilder in violation of state ethics law, Recall Petition Charge Nos. 3, 4, 7, 9, 14, and 15 against Commissioner Jutson are factually insufficient.

---

<sup>37</sup> “Approximation - a number, amount, weight, or quantity that is not exact but is nearly correct.” *Black’s Law Dictionary*, (10th ed. 2014).

**G. Recall Petition Charge Nos. 7, 8, 9, 10, 15, and 16 Against Commissioner Wilder are Factually Insufficient as They Encompass Alleged acts Outside his Term of Office.**

As discussed in Section F as to Commissioner Jutson, an elected official should not be subject to recall for the past misdeeds of the governing body in which he serves.

Recall Petition Charge Nos. 7, 8, 9, 10, 15, and 16 against Commissioner Wilder respectively address various forms of misappropriation, payroll and payment practices, disbursements that began occurring in January of 2017, one (1) year before Commissioner Wilder began his first (1<sup>st</sup>) term in January of 2018. The Charges do not indicate how much of the alleged behavior may have occurred prior to Commissioner Wilder beginning his first (1<sup>st</sup>) term. Without such specificity, the public cannot make an informed decision as to what occurred during Commissioner Wilder's term in office. Therefore, Recall Petition Charge Nos. 7, 8, 9, 10, 15, and 16 against Commissioner Wilder are factually insufficient.

**H. Commissioner Wilder Receiving Two (2) Monthly Payments in Excess of RCW 42.23.030(6)(a)'s Monthly Payment Cap is not Legally Sufficient to Warrant a Recall.**

Commissioner Wilder receiving two (2) monthly payments over One Thousand Five Hundred Dollars (\$1,500.00) for maintenance work that he performed on District vehicles in 2021, as alleged in Recall Petition Charge No. 10 for Commissioners Jutson and Pais, and Charge No. 11 for Commissioner Wilder, is not substantial conduct amounting to misfeasance, malfeasance, or a violation of the oath of office.

RCW 42.23.030 states that:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office . . . . This section shall not apply in the following cases:

. . . .

(6)(a) The letting of any contract in which the total amount received under the contract or by contracts by the

municipal officers or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.

As part of the Code of Ethics, RCW 42.23.030's monthly payment cap is "directed at self-dealing where a public official would otherwise have the discretion to use his public office to favor his private interests over the interest of others."<sup>38</sup>

The Commissioners admit that for during two (2) months in 2021 they were aware that Commissioner Wilder received payments of Two Thousand Eight Hundred Nineteen Dollars (\$2,819.00) and One Thousand Six Hundred Dollars (\$1,600.00) from the District. (Wilder, Jutson, Pais CP 21-22). But, the Commissioners' admission that they knew of the payments does not in "itself . . . amount to sufficient context from which to infer unlawful intent," and the Recall Petitions give "no facts that show intent to commit the wrongful act as

---

<sup>38</sup> *Citizens for Des Moines*, 125 Wn. App. at 764-65 (quoting *City of Seattle v. State*, 100 Wn.2d 323, 246, 668 P.2d 1266 (1983)).

required.”<sup>39</sup> The Commissioners explained in their response to the Auditor’s Accountability Audit Report that the payments were only issued in response to Commissioner Wilder using a quarterly billing cycle to invoice the District for his maintenance work on District vehicles. (Wilder, Jutson, Pais CP 21). The Commissioners did not know such a billing cycle and payment practice violated state law, (Wilder, Jutson, Pais CP 21), and no evidence exists that Commissioner Wilder engaged in self-dealing by receiving payment for his maintenance work on District vehicles. As no facts exist to infer that the Commissioners intentionally violated state law, Recall Petition Charge Nos. 10 against Commissioner Jutson and Pais, and Charge No. 11 against Commissioner Wilder, should be dismissed.

## VI. CONCLUSION

For the foregoing reasons, the Trial Court erred in determining that Recall Petition Charge Nos. 2, 4, 5, 7, 8, 9, 10,

---

<sup>39</sup> *Ackerson*, 143 Wn.2d at 373.




11, 15, and 16 against Commissioner Wilder; Recall Petition Charge Nos. 1, 3, 4, 6, 7, 8, 9, 10, 14, and 15 against Commissioner Pais; and Recall Petition Charge Nos. 3, 4, 7, 9, 10, 14, and 15 against Commissioner Jutson were factually and legally sufficient. The Commissioners respectfully request that the Supreme Court dismiss the recall petitions against them.

The undersigned certifies under RAP 18.17 that this document contains 7,537 words, exclusive of the Table of Contents and Table of Authorities.

Respectfully submitted this 25th day of January, 2023.

CHMELIK SITKIN & DAVIS P.S.

By   
Aaron T. Haynes, WSBA No. 54134  
Richard A. Davis, WSBA No. 20940  
*Attorneys for Appellant Albert  
"Buck" Wilder, Brian Jutson, and  
John Pais*

**CERTIFICATE OF SERVICE**

I, **Kimiko Torres**, certify, under penalty of perjury under the laws of the State of Washington, that on the 25<sup>th</sup> day of January, 2023, I caused to be served a true and correct copy of the preceding document, *Brief of Appellants Commissioners Brian Jutson, John Pais, and Albert “Buck” Wilder*, on the parties listed below in the manner indicated below:

*OLYMPIC APPEALS PLLC*  
**KEVIN HOCHHALTER**  
4570 Avery Ln SE #C-217  
Lacey, WA 98503

E-mail:  
[kevin@olympicappeals.com](mailto:kevin@olympicappeals.com)  
[rhonda@olympicappeals.com](mailto:rhonda@olympicappeals.com)

- Via E-Filing
- Via Legal Messenger
- Via E-mail
- Via U.S. Mail
- Via Fax

**DATED** this 25th day of January, 2023, at Bellingham, Washington.

**CHMELIK SITKIN & DAVIS P.S.**

By   
\_\_\_\_\_  
Kimiko Torres,  
Legal Assistant.

**CHMELIK SITKIN & DAVIS**

**January 25, 2023 - 4:26 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,490-2  
**Appellate Court Case Title:** In Re the Petition for Recall of John Pais et al.  
**Superior Court Case Number:** 22-2-00536-3

**The following documents have been uploaded:**

- 1014902\_Briefs\_Plus\_20230125162404SC845211\_3914.pdf  
This File Contains:  
Briefs - Appellants  
Certificate of Service  
*The Original File Name was 2022.01.25 Brief of Appellant.pdf*

**A copy of the uploaded files will be sent to:**

- abrenes@chmelik.com
- kevin@olympicappeals.com
- ktorres@chmelik.com
- lfelty@chmelik.com
- rdavis@chmelik.com
- rhonda@olympicappeals.com

**Comments:**

---

Sender Name: Aaron Haynes - Email: aaronhaynes@icloud.com  
Address:  
1500 RAILROAD AVE  
BELLINGHAM, WA, 98225-4542  
Phone: 907-351-9596

**Note: The Filing Id is 20230125162404SC845211**