

March 20, 2006

To: Commissioner Christen

From: Carol Lavender-Willison

Re: State of the Port of Tahuya “claims”

Jim, remember me? I gave up my opportunity to vote on my Grandchildren’s schools levies in Renton to vote for you for Port Commissioner. I had high hopes that, because you were a member of the Residents....Group, that, you bought into the three main goals of the organization: (1) get rid of the Public Access Plan, (2) get rid of those who caused it, and, (3) get back for the tax payers those monies that were spent accomplishing items 1 and 2.

We have accomplished items 1 and 2, but not without a cost to the tax payers. I include in this group those of us who paid--beyond our taxes--into the Residents ...Group to do the grunt work for us and those who, like the Tahuya River Valley folks, paid into the Port via their taxes but were not members of the Residents....Group, and had absolutely no say in the formation and adoption of the Public Access Plan. By “tax payers”, I mean all of us who coughed up our hard-earned dollars and view those dollars as **ours**—regardless of whether they are under the control of the Port of Tahuya or the local school district.

When I review the DVD of the 11/16/05 regular meeting, prior to the 1/9/06 hearing that resulted in an order to close down the Port, I hear you acknowledge that while there *may be* potential assets to pursue (from legal action against former commissioners and vendors including attorneys, insurance companies and consultants) that if the Port is ordered to shut down, you would find it “COUNTER PRODUCTIVE” to pursue these assets if they were only going to revert (my word) to the local school district. Well, Jim, who died and made you the ultimate ruler who decides which of the government entities is worthy of receiving benefits of my tax dollars? (If you have forgotten, your above referenced comments appear on the 2nd hour’s 11/16/05 DVD, after the MSA to withdraw the indemnification from former commissioners and before the discussion of the missing copy machine.)

Following the discussion of the copy machine, you and commissioner Smith engaged in the discussion of the “legal matters” as yet unresolved.

These are those related to the belief by some members of the community, **including yourself as Citizen Jim Christen who spearheaded the initial exposure of these allegations**, that an investigation of civil and criminal wrong doing by others (including past commissioners as well as vendors: attorneys, insurance companies, consultants, etc.), was necessary to identify the factual basis for the people's attempts to initially punish wrong-doers but ultimately to recover "contingent" assets—those whose recovery is contingent upon the outcome of an investigation. In fact, Jim, one of the reasons that I voted for you was **your campaign promise to investigate and pursue any and all alleged violations – especially your own!** It was in this discussion that he (Smith) is heard to make the "witch hunt" comment.

Jim, this meeting was well attended and offered you several helpful strategies to move through the process should a marshalling of assets become necessary. (1) Citizen Benson tried several times to make her point about the failure of the Sheriff's office to act on investigating claims regarding alleged criminal acts for which supporting documentation had been provided. Her point being that before the board goes to all the trouble of figuring out who did what and what are the consequences of that behavior--and how much of the cost of that behavior to the citizens of the Port of Tahuya might be recovered (those contingent assets referenced above), the Board needs to have in writing a first right of refusal from the Sheriff before the matter could go to the Washington State Patrol for further investigation. Otherwise, in her words, the effort becomes nothing but a "witch hunt", with which you are heard to agree. This is not about prosecution, *per se*, but is all about the possible recovery of Port assets. **You made no commitment to follow up on Citizen Benson's request that you get something in writing from the Sheriff.** (2) Furthermore, when Citizen Griswold offered to facilitate a meeting of the Board in which the members attempted to sort through the community input to determine in general the areas of concern being expressed by the public, and through the use of a flip-chart visually present to the board the scope of those concerns, you stated that a flip-chart probably wouldn't be necessary as **only those "claims" presented with documentation would be considered. Those without documentation would end up in a "very large bucket"**. You repeated a number of times that any allegations from the public, in order to be considered as legitimate "claims" would need to be documented, (otherwise it would become a witch hunt.)

It was MSA that an ad be placed in the legal section of the paper by the Port, calling for the identification of assets, debts, and actions needing to be taken by the Port (in furtherance of identifying potential assets). Attorney Goodstein agreed to help with the wording of the ad (which, when published, varied

slightly from the wording MSA by the Board, substituting “claims” for “actions”)*. It seemed to me then, as now, that had your mind been open and unbiased to the concerns of the public, you would have taken action on Citizen Benson’s request to try to open the way for help from the authorities where needed (to ultimately attempt to recover Port assets) *if you believed that such input was actually going to be considered by the Board and referred to the authorities*. You would have also seen the value of Citizen Griswold’s offer to help facilitate a meeting to sort through public input *if you believed that such input was actually going to be considered by the Board*. I suspect that in either case, you did not.

However, as a citizen believing in the process, I attempted to exercise my rights and, what happened? I was denied access to the necessary documentation to give merit to my claim (which seems to have been the “coded” message from Christen to Smith in the November meeting: “Don’t sweat the allegations, Brad, I just won’t send the documents.”

Jim, you may find it amusing to try to pull a fast one on certain individuals in the community with whom you have a “history”. But, I am not of that group. A very troubling validation of my suspicions of your “game playing” antics was recorded on the tape of the recent general meeting on 3/15/06 where you explained your reluctance to use the subpoena power of the Port to get the necessary information to support an investigation of wrong doing because somehow if you, as the Chair, directed counsel to use that power on behalf of the Port, that the information “discovered” would then become a public record accessible to certain citizens who would then not have to pay for such information on their own nickels to support their own litigation. Again, Jim, who died and made you the control King? You are responsible for doing your own job--not for anticipating and trying to control what others may do as they do theirs. Let it go, please, and do for me what you took an oath of office to do and not try to make your primary job foiling what you perceive to be the plans of others. **THOSE PERCEIVED ‘PLANS’ ARE NOT NECESSARILY MY PLANS.**

Given all that you have said about the “counter productive” nature of pursuing assets “through 1-2 years of litigation” in the event of an order to shut down the Port and the order on January 9, 2006 to do just that, plus your non-responses to Citizens Benson and Griswold (prior to 1/9/06); plus your failure to respond to my request for documents, and finally, your revelation of the “subpoena power” gamesmanship you are, by your own admission, engaging in with other

members of the community (since 1/9/06), I have to come to the conclusion that you are far too biased to meet certain requirements of your oath of office.

THEREFORE, I AM RESPECTFULLY REQUESTING THAT YOU RECUSE YOURSELF FROM MAKING ANY DECISIONS AS A MEMBER OF THE BOARD OF THE PORT OF TAHUYA AS REGARDS THE DISPOSITION OF CLAIMS RECEIVED FROM THE PUBLIC AND THE ACTION REQUIRED UNDER PARAGRAPHS 3.3.2 AND 3.3.3 OF THE AGREEMENT SIGNED BY THE COURT ON 1/23/06.

Thank you very much.

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***IT IS IMPORTANT FOR YOU TO KNOW THAT I KNOW WHAT WAS MISSING FROM THE MOTION MADE, 2ND AND APPROVED TO PLACE AN AD IN THE PAPER AND WHAT ACTUALLY WAS PUBLISHED WITH THE ATTORNEY'S ASSISTANCE. WHAT WAS MISSING WAS THE ESSENCE OF THE ENTIRE DISCUSSION— HOW THE PUBLIC IS TO BRING TO THE BOARD ALLEGATIONS OF CIVIL AND CRIMINAL WRONGDOING IN THE FURTHERANCE OF IDENTIFYING PORT ASSETS. HAD I NOT BEEN PRESENT AT THE MEETING, I COULD NOT HAVE DETERMINED FROM EITHER THE MOTION THAT WAS MSA OR THE AD THAT SUCH A DISCUSSION HAD EVER OCCURRED. JIM, I BELIEVE THAT THIS WAS A DELIBERATE ACT ON YOUR PART TO RESTRICT THE RIGHTS OF CITIZENS TO PARTICIPATE IN THEIR GOVERNMENT. SHAME ON YOU!**