

August 14th 2005

Introduction:

Attached is a seven (7) page letter dated February 16th 2005 and authored by me - Harold Carey. Brad Carey, as Director of **Residents...Hood Canal** asked me to make this letter available to the Residents...Hood Canal Website <http://www.tahuya.org/>. He also asked me to make it available to key members of the Tahuya community.

The letter was read into the record during the February 16th 2005 Port of Tahuya meeting and attached to the minutes.

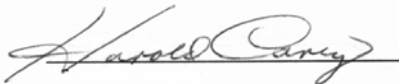
Unless you attended that meeting, you probably are not aware of its existence or content. Normally, I would have submitted this letter to the local newspaper, The Belfair Herald, and asked that it be reprinted in the editorial section of the newspaper. However, past experience has taught us that both the subject matter and the length of the letter would result in the letter not being published. So, no attempt was made to submit it.

The attached letter will give the reader more insight as to why citizens of the Port of Tahuya have felt it necessary to take the drastic action of forcing a recall election for the purpose of removing Commissioner Olsen from elected office.

The attached letter will also give the reader a better understanding of other issues and the need, at the proper time, to also address these issues.

Finally, the letter may provide the reader with additional insight as to why recalling Commissioner Olsen is long overdue and why it also might be an excellent idea and an excellent time to begin the process necessary to dissolve the Port of Tahuya.

With kind regards,

A handwritten signature in cursive script that reads "Harold Carey". The signature is written in black ink and is positioned above the typed name.

Harold Carey
Citizen

February 16, 2005

To: Chairman & Commissioner Jim Christen
Port of Tahuya
P.O. Box 90
Tahuya, WA 98588

Subject: Alleged Violations of Law

At the appropriate time, I am requesting that Chairman Christen read this letter into the minutes and that a copy of same be attached to the official minutes of this Port of Tahuya (POT) meeting of February 16th 2005.

Thank you.

Background:

This document has been prepared because the Port of Tahuya has a problem. This problem began to be identified in June 2003. During the intervening months this problem has not been resolved. In fact, it has grown. Today, the Port of Tahuya has a far bigger problem than it had in June of 2003.

What is the problem?

Every citizen of the United States of America has a body of law that he or she is expected to obey. Some of these laws are Federal, many are State laws and some are local laws.

All elected public officials, such as Port Commissioners, have additional laws they must obey. This body of additional law is significant. It is mandatory they be followed. Elected Public Officials are not permitted by law to pick and choose which laws they want to obey and when.

As a general rule, an elected public official has a higher legal standard to meet than that of the average citizen. Failure to follow these laws and achieve these higher legal standards may, and often does, have consequences – consequences that also spelled out in the law.

Why does the elected public official have additional laws governing his actions?

A major reason, if not the primary reason, is to protect the citizen against the potential abuses of its elected public officials. Elected public officials are given special powers over citizens. Without laws over the conduct and actions of elected public officials,

society discovered the hard way that some elected public officials will abuse the public trust they have been given.

Even with these special laws over our elected public officials, society has an ongoing problem with some of its elected public officials abusing the powers of their public office. Not even the threat of fines, loss of office, public embarrassment and/or jail time is enough to discourage some elected public officials from abusing the public trust.

How well have **some of** our elected public officials of the Port of Tahuya honored and respected the law by which their actions and conduct is governed?

Based on considerable hours of research of the law and analysis of the alleged violations, I can answer with one word.

“Poorly.”

The problem the Port of Tahuya (POT) has is that conduct and actions of Commissioner Cynthia D. Olsen appear to be in violation of various aspects **of** Washington State Law and US Federal Law.

The problem the Port of Tahuya (POT) has is that the conduct and actions of various supporters of ex-Commissioner Gilbert appear to be in violation of various aspects **of** Washington State Law and/or US Federal Law.

The problem the Port of Tahuya (POT) has is that the conduct and actions of ex-Commissioner Hill appear to be violation of Washington State law.

The problem the Port of Tahuya (POT) has is that whenever any of the alleged illegal conduct and/or any of the alleged illegal actions have been pointed out to these Commissioners, they have gone into denial, attacked the messenger and have intensified and expanded and added to their alleged illegal activities. This is clearly not the formula for correcting the alleged violations of law.

So what has happened with regard to these Commissioners since June 2003?

Commission Hill was voted out of office during the November 2003 election by a landslide and replaced by a candidate (Jim Christen) who ran on a platform of reform. Commissioner Christen took office January 1, 2004.

Did this solve the problem?

No.

In June 2004, the Port of Tahuya was brought to trial for allegedly violating the Public Disclosure Act. Judge Sawyer found the Port of Tahuya guilty of violating the Public Disclosure Act and awarded the plaintiff its legal fees and damages. These fees and

damages were in excess of \$14,000. As the testimony and record will show, Commissioner Olsen willfully violated the Public Disclosure Act.

Did this solve the problem?

No.

Commissioner Gilbert resigned in July 2004 rather than appear for his scheduled recall hearing before the Mason County Superior Court.

Did this solve the problem?

No.

Commissioner Olsen's recall petition has been before the Washington State Supreme Court since September 2004 and is awaiting a court date.

Did this solve the problem?

No.

In November 2004, the Port of Tahuya was brought into court (Mason County Court) because Commissioner Olsen refused to approve a settlement offer that would have produced no financial damage to the Port of Tahuya and terminated an active lawsuit. This lawsuit was related to the removal of the Public Access Plan from the POT's Comprehensive Plan. Prior to this court hearing, Commissioner Olsen had refused to remove the Public Access Plan even though **Commissioner Gilbert and Commissioner Christen had agreed to do so by formal motion, and even though** it was the recommendation of the Citizens Advisory Committee to do so, **the port's attorney & the consensus of the public in each of two separate public hearings. As discovered later, one public hearing is all that is required by law. This second public hearing, authorized by Chairman Gilbert, gave the Olsen, Gilbert and Hill Public Access Plan supporters and extra meeting to "drum" up support; but minimal support was also present at the second hearing.**

Judge Sheldon ruled. The Port of Tahuya lost. The Commissioners of the POT were ordered by the Court to remove the Public Access Plan from the POT's Comprehensive Plan. **A more accurate statement might be that the Port of Tahuya defaulted and the court entered a default judgment. This ruling by Judge Sheldon is what allowed the lawsuit to be satisfied. Commissioners Christen and McPhee unadopted and removed the Public Access Plan, by formal resolution, from the Port of Tahuya's alleged 1993 Comprehensive Plan. It is interesting to note that even at this point, Commissioner Olsen voted against unadoption and removal of the Public Access Plan. Commissioner Olsen's obsession with the Public Access Plan was such that she evidently preferred to have the Port involved in another lawsuit rather than settle at no cost to the Port.**

Did this solve the problem?

No.

During December 2004, Commissioner Dan McPhee was appointed by the Mason County Commissioners to fill Commissioner Gilbert's vacated position. Commissioner McPhee attended his first Port of Tahuya commissioner's meeting in December 2004.

Did this solve the problem?

No.

During the regularly scheduled 2005 January POT meeting, Jim Christen was elected chairman.

Did this solve the problem?

No.

That brings us today.

Sometime this week a second recall action will be served on Commissioner Olsen.

Will this solve the problem?

No.

Assuming Commissioner Olsen is successfully recalled, will this solve the problem?

No.

Successfully recalling Commissioner Olsen will solve **a** problem. But not **the** problem.

What problem will be solved by the successful recall of Commissioner Olsen?

The problem that will be solved will be that Commissioner Olsen will no longer be able to use her elected public official position, and the power and privileges that go with it, to:

Disrupt POT meetings.

Intimidate, insult, belittle, harass, embarrass, threaten, deceive, withhold information from, make false statements and false representations to, Chairman Jim Christen.

Intimidate, insult, belittle, harass, embarrass, threaten, deceive, withhold information from, make false statements and false representations to, those citizens of the POT who are in opposition to her alleged illegal conduct.

Prevent meaningful dialog between herself and Commissioners Christen and McPhee.

Prevent meaningful citizen comment and input regarding her alleged illegal conduct and/or that of her predecessor Commissioners.

Use her official position to incite and encourage her “friends” and “supporters” to intimidate, insult, belittle, harass, embarrass, threaten, “blackball”, shun, name call, physically threaten, deceive, withhold information from, make false statements to, those citizens of the POT who are in opposition to her alleged illegal conduct.

Etc.

What is **the** problem?

The problem is that we still have all the alleged violations of law to deal with. And unless said violations are aggressively and forcefully dealt with via the legal system, the alleged financial damages the POT has sustained will not be rectified. And the alleged financial damages citizens have sustained will not be rectified. But most important of all, unless a court determines whether or not Commissioners Olsen, Gilbert and Hill have violated laws, and potentially some of their supporters, the actual violators will go unpunished. To not punish these elected public officials for their violations of law, and to not potentially punish some of their supporters for their alleged violations of law, is to ensure more of the same. That, in my judgment, is not an acceptable alternative. And that is why we still have a problem.

As our experience proves, the public forum of Port meetings has not been conducive for resolving the problem.

So today, I am officially notifying the Commissioners of the Port of Tahuya of the following partial list of broad allegations relating to the conduct and actions of Commissioners Olsen, Gilbert and/or Hill:

Laws have been broken. Crimes have occurred. Oaths of office have been violated.

As a result, multiple occurrences of misfeasance and malfeasance exist.

As a result, multiple misdemeanors, gross misdemeanors, and felonies have occurred.

Elected public officials have a duty to investigate and/or notify immediately the appropriate authorities any time a citizen alleges, to an elected public official, that some other elected public official, has violated one or more laws or committed a crime.

For an elected public official to **not act** once notified of potential violations of law, is also a violation of law.

For an elected public official to **not act** once notified of potential violations of law, is also a violation of the elected public official's oath of office.

Recommendations for Your Consideration:

Commissioner Christen officially restates some of the more serious allegations of wrongdoing he has officially stated in the past; first as a citizen, then as a Commissioner and finally, as the Chairman of the POT. Further, Commissioner Christen official states for the first time some of the allegations he is aware of, but has never officially stated in public.

Next, Commissioner Christen officially states that allegations have been made, by multiple citizens of the POT, that elected public officials (its Port Commissioners) – past and present – have broken laws.

Next, Commissioner Christen officially requests that anyone having any evidence of any actual or potential violation of law by either Commissioner Olsen, Gilbert and/or Hill submit this information, separately, to both him and to Commissioner McPhee. Such submissions must be in writing and sent via US mail – senders keeping a copy for their records. Based on the intimidation, “blackballing”, harassment, etc. that citizens have endured whenever these subjects have been raised before, I would recommend letting the public know it is acceptable to send in their allegations unsigned. Such submissions, in order to be considered at this time, need to be received on or before the end of the month.

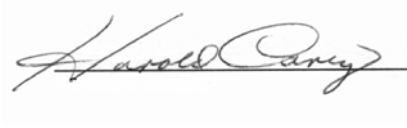
Next, Commissioner Christen reviews and organizes the material and makes a duplicate copy.

Next, Commissioner Christen locates and determines the best authority, if more than one, to review this alleged violations material and turns over the duplicate copy file to said authority.

Next, efforts are directed at getting full control of the POT meetings into the hands and under the control of the POT Chairman such that the POT's business gets done, Commissioner Olsen's antics are eliminated, civil discourse and order of the public is maintained while giving the public ample opportunity to express itself.

Next, the Commission begins to look into how the POT has been damaged, by whom it has been damaged and to what extent it has been damaged. The objective being to determine how best to go about recovering these damages and from whom.

With kind regards,

A handwritten signature in cursive script, reading "Harold Carey", written in black ink on a light-colored background.

Harold Carey
Citizen

Postscript June 27th 2005:

Excluding the information in red, this letter was read into the official minutes of the February 16th 2005 POT meeting and attached thereto as requested. At the time the content of this letter was being publicly read, no Commissioner made any comment whatsoever regarding the content of said letter. No aspect of this letter was discussed by any of the members of the POT Commission after it had been read. As of June 27th 2005, no member of the POT Commission has publicly discussed any aspect of this letter with another Commissioner.