

Superior Court of the State of Washington
for the County of Mason



JAMES B. SAWYER II, Judge
Department No. 1
TONI A. SHELDON, Judge
Department No. 2

Commissioners:
Richard C. Adamson
Amber L. Finlay

Geri M. Burt, Court Administrator

P.O. Box "X"
Shelton, Washington 98584
(360) 427-9670 Ext. 348

Family Law Commissioners:
Anne L. Hirsch
Patricia L. Morgan

M E M O R A N D U M

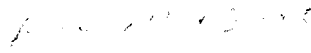
TO: Cynthia Olsen
13150 NE North Shore Road
Belfair, WA 98528
Bradley J. Carey
20811 NE North Shore Road
Tahuya, WA 98588
Al Brotche
Mason County Auditor
P.O. Box 400
Shelton, WA 98584
Norton B. Young
20231 NE North Shore Road
Tahuya, WA 98588
Mike E. Clift
Deputy Prosecutor
P.O. Box 639
Shelton, WA 98584
Beatrice H. Young
20231 NE North Shore Road
Tahuya, WA 98588

DATE: April 19, 2005

SUBJECT: *IN RE THE MATTER OF THE RECALL OF CYNTHIA OLSEN,*
Mason County Cause No. 05-2-00192-9

Pursuant to RCW 29A.56.140 (copy enclosed), enclosed please find a certified copy of the Order Determining Sufficiency of Recall Charges as to Port Commissioner Cynthia Olsen.

Sincerely,


Geri M. Burt,
Court Administrator

:gb

Enclosure

cc: Thomas C. O'Hare, w/Certified Copy of Order
Attorney at Law
P.O. Box 68
Silverdale, WA 98383

Blair Burroughs, w/Certified Copy of Order
Attorney at Law
1001 Fourth Avenue Plaza, Suite 4300
Seattle, WA 98154

Superior Court File

RECEIVED & FILED

MAR 14 2005

Superior Court of the State of Washington
Mason Co. Wash 5

the document in which the condition of attachment is fully set out and
correct copy of the original on file and of the original

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this court this 19th day of April 2005

PAT SWARTOS

By Mark Chubbell Dep. J



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

IN THE MATTER OF:)	NO. 05 2 00192 9
THE RECALL OF CYNTHIA)	ORDER DETERMINING
OLSEN, Port Commissioner of)	SUFFICIENCY OF RECALL
the PORT OF TAHUYA,)	CHARGES AS TO PORT
Washington)	COMMISSIONER CYNTHIA
)	OLSEN
)	
)	

A Petition for Recall of Cynthia Olsen as Port
Commissioner of the Port of Tahuya having been filed with the
Mason County Auditor on February 17, 2005 in the form
attached hereto as Exhibit A, and the Mason County Prosecuting
Attorney's office having prepared a ballot synopsis of the
charge pursuant to RCW 29A.56.130, and the Mason County

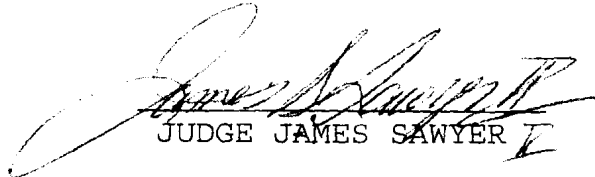
14
Smith & O'Hare, P.S., Inc.
Post Office Box 68
Silverdale, Washington 98383
Phone: (360) 692-5566
Fax: (360) 692-1373
E-Mail som@tscnet.com

1 Prosecuting Attorney having certified and transmitted the
2 ballot synopsis to the persons filing the charge and to
3 Commissioner Cynthia Olsen, and having petitioned the Mason
4 County Superior Court to approved the synopsis and to
5 determine the sufficiency of the charges, and the court having
6 heard testimony of the parties and having heard argument of
7 counsel for Cynthia Olsen and for proponents of the Petition
8 for Recall, and it appearing to the court that the following
9 order should be entered it is now

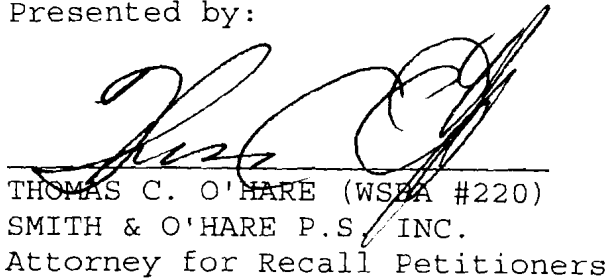
10 ORDERED ADJUDGED AND DECREED that pursuant to RCW 29A.56.140
11 the acts stated in Paragraph 1 of the attached charge, that
12 Commissioner Cynthia Olsen committed perjury in a Declaration
13 submitted to the Mason County Superior Court is both legally
14 and factually sufficient to satisfy applicable criteria for
15 recall of a public officer under and pursuant to RCW
16 29A.56.110, and

17 IT IS FURTHER ORDERED ADJUDGED AND DECREED that pursuant to
18 RCW 29A.56.140 the acts stated in Paragrph 2 of the attached
19 charge, that Commissioner Olsen violated the Washington Open
20 Public Records Act is both legally and factually sufficient to
21 satisfy applicable criteria for recall of a public officer
22 under and pursuant to RCW 29A.56.110, and

1 IT IS FURTHER ADJUDGED AND DECREED that the ballot synopsis
2 attached hereto as Exhibit B is hereby determined to be
3 adequate pursuant to RCW 29A.56.140, and
4 DONE IN OPEN COURT THIS 14th DAY OF MARCH, 2005

5
6 
JUDGE JAMES SAWYER

7 Presented by:

8 
9 THOMAS C. O'HARE (WSBA #220)
10 SMITH & O'HARE P.S., INC.
Attorney for Recall Petitioners

11
12 Approved as to form:

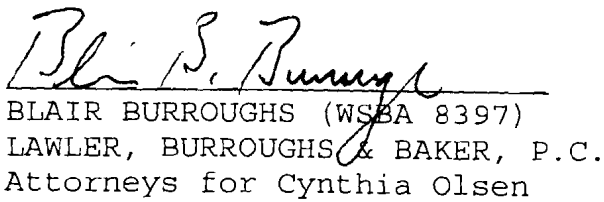
13 
14 BLAIR BURROUGHS (WSBA 8397)
15 LAWLER, BURROUGHS & BAKER, P.C.
Attorneys for Cynthia Olsen

EXHIBIT B
ATTACHMENT #2

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**BALLOT SYNOPSIS FOR RECALL OF
CYNTHIA OLSEN
AS PORT COMMISSIONER OR THE PORT OF TAHUYA
WASHINGTON**

COA
13130

Port Commissioner Cynthia Olsen is accused of ~~two~~ ^{ONE} counts of malfeasance, misfeasance and for violating her oath of office while serving as an elected port commissioner, in violation of Chapter 29.82, Revised Code of Washington (RCW).

COA
15018

~~Count One alleges that on November 8, 2004, Commissioner Olsen committed Perjury, in violation of RCW 9A.72.020, by filing a written declaration with the Court which she knew to be false, in Mason County Superior Court Cause No. 04-2-00954-9. It claimed the lawsuit was brought to invalidate the port's Public Access Plan, and that Commissioner Olsen's written declaration was meant to persuade the court not to enter a default judgment invalidating the port's plan.~~

COA
13130

Count ~~Two~~ ^{ONE} alleges Commissioner Olsen wrongfully violated the state's Open Public Records Act (Chapter 42.17 RCW), and Port of Tahuya Resolution 90-004, by failing to timely, or completely

1 comply with public records requests, resulting in payment of
2 monetary penalties and attorney fees against the Port of Tahuya
3 totaling \$14,392.16.

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5 **BASED UPON THESE CHARGES, SHOULD**
6 **COMMISSIONER OLSEN BE RECALLED FROM OFFICE?**

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RCW TITLES >> [TITLE 29A](#) >> [CHAPTER 29A.56](#) >> [SECTION 29A.56.140](#)

[Print V](#)

[29A.56.130](#) << [29A.56.140](#) >> [29A.56.150](#)

RCW 29A.56.140

Determination by superior court -- Correction of ballot synopsis.

Within fifteen days after receiving the petition, the superior court shall have conducted a hearing and shall have determined, without cost to any party, (1) whether or not the acts stated in the petition satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. The clerk of the superior court shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not conduct a hearing to determine the truth of the charges, but only their sufficiency. An appeal of a sufficiency decision shall be filed with the supreme court as specified by RCW [29A.56.270](#). The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court shall be final. The court shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate.

[2003 c 111 § 1410. Prior: 1984 c 170 § 4. Formerly RCW [29.82.023](#).]