

July 26, 2005

Residents for Preserving the Quality Of Life on Hood Canal  
P.O. Box 205  
Tahuya, WA. 98588  
(360)-275-2098  
[www.tahuya.org](http://www.tahuya.org)

**RE: Recall of Commissioner Cynthia Olsen**

Dear Registered Voter,

You will be receiving in the mail a voters Ballot for the recall of Port of Tahuya Commissioner Cynthia Olsen. With this Ballot will be a Ballot Synopsis which states the reason for recall, and Olsen's response to the charge. We urge everyone to vote! The ballots **must** be returned to Mason County Elections or at least be postmarked by August 16<sup>th</sup>, 2005.

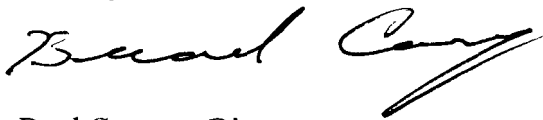
Why is Commissioner Olsen being recalled? In June 2003, the public became aware of a Plan called "Port of Tahuya Public Access Plan" (PAP). The Public was told by Olsen, they were too late to comment on the PAP as it was a done deal. This PAP, which was spearheaded by Olsen, listed all kinds of parks and recreational facilities at inflated prices. The public rejected the PAP. The PAP which cost over \$12,500.00 to produce had many flaws and was later nullified by a Superior Court. Documents were requested from Olsen, by the public in order to find out how the ill conceived PAP was created without their knowledge. Olsen, violating RCW 42.17.320 refused to allow the public, access to the public records. Olsen violated the Port's own policy allowing access to the public records (Resolution # 90-004). Her wrongful conduct resulted in a suit filed against the port. The port lost this suit and had to pay damages of \$14,392.16. Olsen's wrongful conduct also cost the port taxpayers over \$20,000.00 in defending her wrongful conduct. Olsen testified at this June 18<sup>th</sup>, 2004 trial that she was aware of both RCW 42.17.320 and Resolution #90-004. If Olsen knew the law and the port's Resolution on how to comply with records request, why didn't she just open the door and allow the public to view/copy the requested records?

When the public elects its public commissioners to office, they expect them to understand and follow the law. That's why the commissioners take an oath. When a mistake is made, corrective action is taken and we get on with business. Nobody's perfect. In Olsen's case though, the law was pointed out and she ignored it. She then and now, demonstrates a disregard for the law she is sworn to uphold. Even our port's insurance provider recognizes her willful violations and is refusing to indemnify her or renew the policy. Olsen failed to listen to the community's rejection of the PAP. Olsen, in an attempt to save her PAP, has withheld and continues to withhold, public documents. As the commission and public investigates, she refuses to answer any questions. Why?

Olsen's response to the charges attached to your Ballot Synopsis is willfully misleading. First, the PAP was Olsen's project and a developers dream. Second, "Harassment" is illegal and she has never taken any action to indicate she, or her family, have ever been harassed. Exposing one's wrongful conduct and being held accountable for one's actions is not harassment. Third, only one lawsuit has been filed against her and is progressing. Her recall petitions were filed because she refused to resign. (Notice she never mentions anything about what her actions cost the taxpayer or did to the community). Finally, instead of acknowledging the Superior Court's "Findings of Fact and Conclusions of Law" from the June 18<sup>th</sup>, 2004 trial, she defies the ruling and misleads the reader.

As a former County Commissioner for four years, Olsen knows right from wrong. This Recall Election is extremely important. By recalling Olsen you are removing a public official that has cost the port a fortune and continues to create a liability. Olsen's divisive and disruptive conduct during port meetings will be no more. Olsen walking out of port meetings while in session will cease. The port and the community can begin to make positive progress. You have a right and an obligation to participate in the process to insure "good responsible government".

Thank you,



Brad Carey - Director

Ps. We want you to be fully informed on the issues before and after you vote. Please visit our web site [www.tahuya.org](http://www.tahuya.org) and/or contact Commissioner Jim Christen at the Port of Tahuya (360)-275-7100 to view the documents.

Encl. Resolution #90-004

August 12<sup>th</sup>, 2003 PDA Request Letter

April 22<sup>nd</sup>, 2004 Insurance Denial Letter

MARY KAY HIGH  
ATTORNEY AT LAW

August 12, 2003

Cindy Olsen, Commissioner-Secretary  
Port of Tahuya  
P.O. Box 90  
Tahuya, WA 98588

RE: Public Disclosure Request  
Port of Tahuya Public Access Plan

Ms. Olsen:

Thank you for your quick response. However, receiving the documents I have requested at the end of September is not acceptable. My request relates to my concern that the Port Commission might be taking action on the 20th of August relating to the Draft Public Access Plan, and I must have at least some of the documents prior to this.

RCW 42.17.320 requires that:

Responses to requests for public records shall be made promptly by agencies...Within five business days of receiving a public record request, an agency...must respond by...(2) acknowledging that the agency...has received the request and provid[e] a reasonable estimate of the time agency...will require to respond to a request... Additional time required to respond to a request may be based upon the need to...locate and assemble the information requested...

Because the Commission may act on the Plan on August 20th, I must have at least some of the documents I requested in my first letter prior to the 20th, preferably by the 18th. To assist you in fulfilling your obligations I will gladly appear at the Port Commission Office and review and mark for copying the pertinent documents.

Specifically, prior to the August 20th Commission meeting, I need a copy of the Port's regulations/guidance regarding the conduct of meetings and the appeals process the Port has adopted for review of Port decisions, including environmental decisions.

Undoubtedly the Port's adopted regulations/policies/guidance materials are readily available and should not pose a problem for my review by August 18, 2003.

Additionally, I still need access before Port action on the draft proposed access plan to all materials relating to the proposed access plan, such documents include, but are not limited to:

- (1) a copy of the Port of Tahuya Budget for 2001 to 2003
- (2) a copy of the latest Annual Report for the Port of Tahuya
- (3) copies of all public commentary, written or otherwise recorded, regarding the Recreational Plan
- (4) copies of all public notices regarding the Recreational Plan, including where and when such notices were published and/or posted
- (5) copies of surveys of any and all parcels of land where development is proposed
- (6) the minutes of any and all meetings where the Plan was discussed
- (7) the minutes of any and all meetings where the Determination of Nonsignificance was discussed
- (8) copies of all notices and publications, including when and where published and/or posted, regarding the Determination of Nonsignificance
- (9) copies of all correspondence, written or otherwise, including e-mail, between Port Commissioners and any entities, including other Commissioners, regarding the Determination of Nonsignificance, including time and method of appeal
- (10) copies of any and all publication, including press releases or newspaper articles, regarding the Recreational Plan

(11) copies of any and all disclosures by any Commissioner or Commissioners of potential interest and/or benefits to accrue from implementation of the plan, and to whom such interests and/or benefits would accrue

(12) copies of any and all correspondence, including e-mails and notes of contact, between or by any or all Port Commissioners and any State, Federal, County, or local municipality employees regarding the Recreational Plan or the Determination of Nonsignificance

(13) copies of all correspondence, notes, and/or e-mail regarding the availability of grant funds

(14) copies of all contact and/or studies regarding the effect of the Plan on the environment, traffic, and economy of the Port of Tahuya

(15) copies of all correspondence, notes, and/or e-mails, regarding the Commissioners decisions regarding their evaluations of the impact of the Plan on the environment, traffic, and economy of the Port of Tahuya

(16) copies of any and all projections regarding the impact of implementation of the Plan

(17) copies of all reviews of the Public Access Plan for the past five years

(18) a copy of the Comprehensive Plan for the Port of Tahuya

(19) copies of any and all documents dealing with the Port of Tahuya's policy for recording public meetings

Should the Commission defer action regarding the Public Access Plan to a later date, then more time would be allowed for the documents to be gathered, so long as I receive a copy of them prior to the meeting where the Commission will take action regarding the Plan. The documents identified above is a list of the minimum documents I need prior to either the August 20th meeting or the meeting at which the Commission

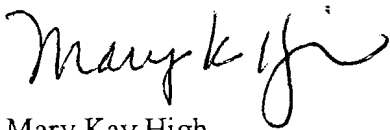
MARY KAY HIGH  
ATTORNEY AT LAW

acts on the Plan, whichever occurs first. However, I still require a complete response to my request within a timely manner.

Additionally, I still request notice for any pending action regarding the Proposed Access Plan, the cut-off date for public commentary regarding the Plan and the process by which the Port's actions are reviewed.

Thank you for your cooperation in this matter.

Sincerely,



Mary Kay High

cc:Robert W. Johnson, Attorney

HC FILE COPY

CITIZEN VIOLATION

**WGEP**

Washington Commercial Entity Pool  
5700 W Sunset Hwy, Suite 105

PO Box 19330

Spokane, WA 99219-9330

T. 800 462 8418

T. 509 838 0910

F. 509 747 3875

FAXED TO:

J CHRISTEN 7/22/05  
B CAREY 7/22/05

**RECEIVED**

APR 26 2004

April 22, 2004

*Posted #*

Ryan Sells,  
Uptegraft, Inc. P.A.  
Attorneys at Law

Mr. Jim Sells  
Attorney at Law  
Ryan Sells Uptegraft, Inc. P.S.  
9657 Levin Road NW, Suite 240  
Silverdale, Washington 98383

Dear Mr. Sells:

WGEP is in receipt of the Summons and Complaint titled "Residents for Preservation of Quality of Life on Hood Canal vs. Cynthia Olsen and Steve Olsen, wife and husband, and Bob Gilbert and Pam Gilbert, husband and wife," cause no. 04 2 003063 which alleges knowing violation of the open public meeting act.

Please consider the following exclusions in the Memorandum of Coverage in regards to this lawsuit:

1. WGEP refers you to Exclusion "11c" in the MOC which states: "[This coverage does not apply to] personal injury arising out of the willful violation of a penal statute or ordinance committed by or with the consent of the Member."
2. WGEP refers you to Exclusion "19" in the MOC which states: "[This coverage does not apply to] any liability arising out of any actions, demands, claims, or Suits seeking relief or redress in any form other than monetary damages, including any costs, fees or expenses."
3. WGEP refers you to Exclusion "22b" in the MOC which states: "[This coverage does not apply to] any Public Officials' Errors and Omission for any claim or Suit made against a Member arising, whole or in part, out of the willful violation of a penal code or ordinance committed by or with the knowledge or consent of any Member."
4. WGEP refers you to Exclusion "24" in the MOC which states: "[This coverage does not apply to] punitive, exemplary or multiple damages, fines or penalties, in whatever form assessed."
5. WGEP refers you to Exclusion "31" in the MOC which states: "[This coverage does not apply to] any liability arising out of an administrative or regulatory proceeding against a member."

Based on these exclusions, WGEP can not provide coverage for this lawsuit.

Mr. Jim Sells  
April 20, 2004  
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When coverage is denied, WGEP has an appeal process, a copy of which I've enclosed.

We reserve our right to re-evaluate our position should new or additional information become known.

Thank you for allowing us to review this claim and If you want to discuss this further or have any questions, please give me a call.

Sincerely,



Mark A. Kammers  
Executive Director

cc: Cheryl Duryea, WGEP Attorney  
Sheryl Brandt, Claims and Risk Manager