

Voter Registration Challenge Form

RECEIVED
SEP 19 PM 3:28

who are you?

Hilliard, Jimmy Howard
last name first middle
115 Sycamore Lane, Onalaska, WA 98570
address city / ZIP
360-864-5660 J.H.Hilliard@comcast.net
phone email

CARRIE Z. COYNE, CLERK
LEWIS COUNTY, WA.

BY HB

who are you challenging?

Carter Kristine J
last name first middle
921-E Middle Fork Road, Onalaska, WA 98570
address (as registered to vote) city / ZIP

basis of challenge provide evidence to support your challenge

The challenged voter:
 is not a U.S. Citizen
 will not be at least 18 years old by the next election
 was convicted of a felony and has not yet had his or her rights restored
 has been judicially declared ineligible to vote due to mental incompetency
 does not reside at the address listed on his or her voter registration. *Provide voter's actual residential address if known.*
2222 Harrison Avenue, Centralia, WA 98531
address city / ZIP

oath

I, Jimmy H. Hilliard, declare under penalty of perjury under the laws of the State of Washington that I:

- am a registered voter in the State of Washington;
- have personal knowledge and belief that the person named above is not qualified to vote for the reason or reasons indicated in this affidavit;
- have exercised due diligence to personally verify the evidence that accompanies this affidavit;
- believe that the challenged voter is not qualified to vote or does not live at the address listed on his or her voter registration.

sign here 

date here 09/19/2014

RECEIVED

September 18, 2014

00 SEP 18 / 11:51

Auditor Gary Zandell
Office of Lewis County Auditor
P.O. Box 29 (351 NW North Street)
Chehalis WA 98532



Re: The Filing of a Complaint to disqualify Commissioner Kristine Carter as an Elector of Lewis County Water & Sewer District #5 for noncompliance of the residence requirement that allows her to vote for and/or to hold public office in the water district.

Dear Auditor Zandell,

We are writing to file a complaint concerning the lawful residence of Kristine Carter, who registered with your office as an elector for Lewis County Water & Sewer District #5 (Birchfield) by submitting her address as 921-E Middle Fork Road, Onalaska, WA 98570. As an elector for District #5, Carter may vote in elections and hold public office for the water district so long as she meets the residence requirement mandated by state law (see below). Carter currently holds the elected position of commissioner for District #5. Our complaint alleges that Commissioner Carter has moved outside of District #5 to 2222 Harrison Avenue, Centralia, WA 98531, which would disqualify her as a valid elector for the water district. If this is true, than she is also ineligible to continue as commissioner for District #5 and we request that Commissioner Carter be removed from public office.

It is our belief that Commissioner Kristine Carter is falsely claiming that she resides in the water district to meet the residency requirements for her to hold office. Carter alleges that she lives with fellow Commissioners Virgil Fox and Carol Fox in their one bedroom dwelling at 921-B Middle Fork Road, Onalaska, WA 98570, but she uses the address of 921-E by establishing a mail drop-box with the U. S. Postal Service. We acknowledge that in the spring of 2013 Carter resided with the Foxes after separating from her husband, Robert Fry. However, we also believe that sometime after her divorce became final in December 2013, and she assumed her office as commissioner for the water district, Carter covertly relocated to the home of Scott Coolidge at 2222 Harrison Avenue in Centralia. Since that time, both Carter and the Foxes have acted out the charade that she continues to reside with the Foxes in order for Carter to remain a commissioner.

We further allege that the Foxes have orchestrated this deception with Carter to maintain control over District #5 in order to evade accountability for the wrongful and/or illegal actions they and/or Carter may have taken as commissioners and/or staff management. It is most unfortunate for District #5, but advantageous for the Foxes, that oversight to address such wrongdoings is the sole responsibility of the three elected commissioners for the water district. Therefore, it is extremely beneficial for the Foxes to have Carter as commissioner to continue their dominance over District #5, which currently allows them to continue postponing justice for any of their offenses.

BACKGROUND:

In or around 2010, the Foxes converted their development/sales office in Birchfield to the one-bedroom dwelling (921-B) that they currently occupy. The rest of the building contained a storage/workshop and a smaller office space for their other business interests. The Foxes rented this office space to District #5 as the water district office (921-C) until October 2013. To assist with the bookkeeping for the water district, the Foxes hired Carter as the District Clerk under the supervision of the District Manager (and Commissioner) Virgil Fox.

In 2012, we begin exposing questionable actions and wrongdoings by Commissioners Virgil Fox and Carol Fox, which resulted in them resigning from their public offices. However, prior to their resignations, the Foxes appointed Gary Fox (their son), Rick Ditri (their son-in-law), and Brad Olson (their close associate) as commissioners to replace them. The newly appointed commissioners allowed Virgil Fox to remain in position as District Manager thereby continuing to assert his control over District #5. Carter also continued in her support position as the District Clerk. During this time, based in part on our complaints, the Office of the State Auditor conducted the first ever audit of District #5. The findings of the audit revealed several violations of state law, but the appointed commissioners declined to take action against the Foxes for these violations presumably because to do so would result in substantial costs to the Fox Family for improper billings and other acts that deprives District #5 of revenue.

In May of 2013, we took a different approach and my wife, Deborah, our neighbor, Rick Toups, and I ran as candidates for commissioners in District #5. The three appointed commissioners immediately filed as candidates to oppose us but we had them disqualified because they lived outside of the district, leaving us as the only qualified candidates for the positions. At that time, District #5 had only seventeen registered voters and it appeared that the majority supported us.

Questions concerning Carter's legitimate residence first emerged after she registered on June 12, 2013 as an elector in District #5. Inquiries of public records from both District #5 and the Lewis County Assessor's Office failed to confirm the existence of 921-E as a physical address, dwelling, or valued property. Additional inquiries failed to produce any account billing records from District #5 of water and/or sewer connections at 921-C and/or 921-E, or any customer accounts for Carter. Instead, we found that in 2012 the water district (the Foxes) established a "special" customer non-metered account for 921-B allowing the Foxes unlimited usage of water for one flat rate charge (they had previously exempted themselves from paying any fees from 2003 – 2012). Furthermore, exterior pipes extending beyond their living quarters provided the Foxes with unlimited water usage to the entire building, their barn, and other off-site areas. Only recently, after extensive criticism, has the water district (the Foxes) reportedly converted this flat rate account for 921-B to the standard metered usage account. Other "special" flat rate accounts, such as the Fox Family owned Birchfield Winery, continue to be an issue of concern for us.

Another twist related to the alleged residence for Carter involves the Foxes construction of their living quarters. We suspected from analyzing public records that the Foxes had illegally converted their development office to their living quarters without obtaining required building permits in an apparent effort that avoid paying county property taxes on the dwelling. We further suspected that the Foxes illegally bootlegged their septic system for 921-B to the

Birchfield Seniors Mobile Home Park that also belongs to them. After we contacted county authorities, an inspector confirmed our suspicions, cited the Foxes for non-permitted work, and required that they comply with the current building codes. The Foxes also had to document the dwelling with the County Assessor to determine the correct property value for county taxes. Ironically, it is the duty of the District Manager, Virgil Fox, to ensure that all septic systems within District #5 comply with state and local ordinances. As part of the process to comply with the building codes, the Foxes submitted a sketch of their living quarters and the surrounding building. This sketch provides insight into the living arrangement between the Foxes and Carter.

In September of 2013, Carter emailed me regarding concerns about her continuing employment with District #5 after the general election in November 2013. We campaigned on a platform of reducing costs, eliminating special interests, and seeking community support to take on many of the daily tasks for District #5. I responded that I felt it was improper for a candidate to discuss personnel issues before the election or make commitments that may violate elections laws. It was shortly thereafter that Virgil Fox, Carol Fox, and Carter filed as write-in candidates opposing us as commissioners for the water district. Ironically, Virgil Fox was quoted in the 2013 state audit as saying, "It must be recognized that in our extremely small community there are only two other potential commissioners (four counting husbands and wives) eligible to serve as commissioner." Fox was referring to my wife and I, and our neighbors (Toups), whom until recently were the only property owners residing in District #5 other than the Foxes. The appointed commissioners for District #5 in a similar response wrote, "All other residents are highly transient renters, none of which are interested or qualified to be commissioners. This leaves us in a 'Catch 22.'" Our response is why the Foxes would recruit and support Carter as a fellow candidate for commissioner when there were three interested and qualified candidates for the position. My wife, Toups, and I are all property owners in the community whereas Carter is not even a customer of the water district.

After filing their candidacy for commissioners, the Foxes hand-delivered several voter registration applications for new inhabitants of the water district to your office (County Auditor), increasing the number of registered voters from seventeen to twenty-five. Of the twenty-five voters, seventeen resided in the nine rental properties belonging to the Fox family. We were not surprised when the Foxes and Carter, as write-in candidates, won the election for commissioners with all their new renters.

Just prior to the General Election (November 3, 2013), the appointed commissioners (Gary Fox, Rick Ditri, and Brad Olsen) began moving the water district office to the nearby pump house. Reportedly, this move was to reduce expenses and eliminate the need for District #5 to pay rent. We suggested this action several times over the past two years but the commissioners said this could not occur because the pump house had no bathroom (neither did the old water district office). Therefore, we believe county authorities may have forced this move upon the water district to comply with current building codes because the Foxes also blocked-off the outside door to the old water district office allowing entry only through their living quarters. This move of the water district office carried with it the old address of 921-C Middle Fork Road to the pump house, which previously had no address. This move also created a distinct division between the commissioners' living quarters and the water district office. We suspected that the Foxes were concerned that if we become the new commissioners, we would have unrestricted access to the office and their other business

interests. Furthermore, Carter appeared to have occupied the small storage room above the old water district office as her bedroom, which would have been an issue if District #5 paid rent for the space.

In a small community of only fifteen dwellings, we and other concerned neighbors began monitoring Carter's presence in the water district. In October and November of 2013, we routinely observed Carter and her vehicle (silver Dodge truck) at the Foxes' dwelling and/or the water district office. However, after becoming commissioner in December 2013, Carter's presence in the district diminished. Patterns developed where Carter arrived at the new water district office for various functions from outside the district and then afterwards departed the area rather than going to her alleged residence at 921-B. An assumption developed that Carter may have moved back to her previous home at 302 Tamaracks Drive, just a few miles outside of District #5, after her divorce became final that same month.

On April 9, 2014, Carter attended a meeting of the Board of Commissioners accompanied by an individual later identified as Scott Coolidge. The following weekend, Carter and Coolidge attended a yard sale at the Foxes' dwelling advertised by road signs reading "Moving - Everything Must Go". Thereafter, Carter's absence from the district grew even more apparent with her presence limited to the water district office.

On May 14, 2014, Carter attended the bi-monthly meeting of the Board of Commissioners and afterwards we watched Carter drive away from the district in the direction of Napavine supporting our suspicions that Carter had moved out of the district. Numerous attempts to contact Carter at her alleged residence and the water district office were unproductive. Virgil Fox defended Carter's absence from the water district office by commenting that she was only a part-time hourly employee with hours limited to as few as necessary dismissing her obligations as commissioner.

On July 9, 2014, Carter arrived at the water district office for the bi-monthly meeting of the Board of Commissioners driving a white jeep and coming from outside the district. After the meeting, Carter drove north on Interstate #5 beyond all the exits for Chehalis. A random inquiry on Coolidge revealed that his address was 2222 Harrison Avenue, Centralia. On July 16, 2014, we observed Carter's truck and the white jeep parked at Coolidge's residence. Our neighbor and fellow candidate, Rick Toups, drives by that residence both pre-dawn and mid-afternoon going to and leaving from his work nearby. We and other members of our family also routinely drive by this residence. All of us have observed Carter's vehicle (truck) and the white jeep parked at this residence at varying hours of the day and night for the past several months. On August 6, 2014, Carter attended another meeting at the water district office and afterwards she appeared again to leave the district area. Observations revealed no change in Carter's routine with the vehicle she drove night later located at 2222 Harrison Avenue. Most importantly, daily observations of 921-E (and/or 921-B) during these months only revealed vehicles belonging to the Foxes and not Carter.

CONCLUSION:

Based on our observations that established a pattern of Carter's vehicles parked at 2222 Harrison Avenue and her absence from her alleged residence at 921-E Middle Fork Road, we strongly believe that Carter does not reside in District #5. The fact that Carter has no phone,

electric, water & sewer, or other utility services in her name at this alleged residence supports our suspicions. The only connection or financial interests we have found between Carter and the water district is her employment as the District Clerk reporting to Virgil Fox. It also appears that the only verification to her claim of a residence within District #5 comes from the Foxes, whom we allege orchestrated this deception to maintain Carter as commissioner. The Foxes could disprove our allegations by producing other evidence from the security cameras along the Birchfield Parkway that show Carter's vehicles entering and exiting our small community.

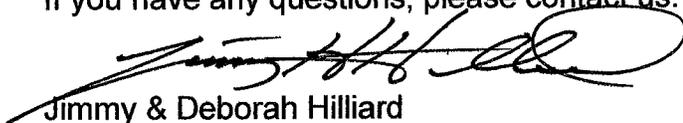
It is also important to note that from 2005-2009 the Foxes may have acted out a similar charade with Craig Steepy to maintain him as a commissioner for District #5. Steepy, the brother-in-law of their son Gary Fox, was a former (2003-2009) Commissioner for District #5. In 1999, the Foxes sold land in the developing water district to Steepy, where he built a residence in 2000. In 2003, District #5 became operational and the Foxes and Steepy assumed the three positions of Commissioners without an election or anyone challenging their action. In 2005, Steepy sold his residence and property back to the Foxes and it became the first house of the Birchfield II subdivision with the new address of 129 Redwood Lane. After selling his property to the Foxes, Steepy remained a commissioner until August 2009, when according to public records from District #5 he resigned because he moved out of the water district. However, water district records reveal that Steepy closed his account in 2006 after the Foxes purchased his home. Other public records show 129 Redwood Lane was unoccupied during most of this time and the Foxes paid standby service fees. This documentation implies that Steepy did not reside in District #5 from 2006 to 2009 while he was a commissioner and that the Foxes concealed this fact. From 1995 to 2013, no election for commissioners was held for District #5 and no one challenged the qualifications of these appointed commissioners to hold office, specifically whether any of them resided in the district or not.

In conclusion, it is our belief that Kristine Carter has disqualified herself from continuing as commissioner for Lewis County Water & Sewer District #5 for violations of:

RCW 29A.04.151 - Residence. "Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode.

RCW 42.04.020 – Eligibility to hold office. That no person shall be competent to qualify for or hold any elective public office within the state of Washington, or any county, district, precinct, school district, municipal corporation or other district or political subdivision, unless he or she be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision.

If you have any questions, please contact us.



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