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FILED
MAY 26 2020

Tracey M. Slagle
YAKIMA COUNTY CLERK

**IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

IN THE MATTER OF:

**THE RECALL OF JASON WHITE,
CITY OF YAKIMA DISTRICT 2
COUNCILMAN.**

No. 20-2-01135-39

**PETITIONER'S SUPPLEMENTAL
EXHIBITS TO PETITION TO
RECALL**

COMES NOW, Attorney for Petitioner Elizabeth Hallock, and states the following in support of
Petitioner's supplemental exhibits.

For reasons that are no fault of the Petitioner, Mr. White was not served with these two
exhibits along with the Petition for Recall. These exhibits were filed with the Auditor's office
and emailed to the Yakima County Attorneys' Office. [Decl. of Hallock, ¶9-10]

Because Respondent has not been served, Petitioner does not object to giving Respondent
sufficient time to respond if requested. The first exhibit is simply a recitation of the local Health
Department's authority. [Exhibit 4]. The second exhibit is a post from Respondent's Facebook
page encouraging insurrection against the Governor and the government. [Exhibit 5]. This post
was included in the file to demonstrate Respondent's knowledge and intent that he was violating
the law and encouraging others to do so.

1 Done this 26th of May, 2020,
2
3



4 Elizabeth Hallock
5 Attorney for Petitioner David Briggs
6 WSB# 41825
7 420 S 72nd Ave., Box 345
8 Yakima, WA 98908
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ATTACHMENT 1



Elizabeth Hallock <ehallock.law@gmail.com>

Amended exhibits

Elizabeth Hallock <ehallock.law@gmail.com>

Sun, Apr 19, 2020 at 9:20 AM

To: Kathy Fisher <kathy.fisher@co.yakima.wa.us>, Charles Ross <charlesr@co.yakima.wa.us>

Please add the following to the file and serve on the official subject to recall.
Hard copies to follow

--

*Elizabeth Hallock**Mail: 420 S. 72nd Ave, Ste. 180**Yakima, WA 98908**Office by appointment: 1115 W Lincoln Ave.,
Yakima, WA 98902*

Ph: 360-909-6327



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2 attachments **recall.pdf**
113K **amended exhibits_recallinrewhite.pdf**
300K

4/19/2020

Amendment of Exhibits to Recall of Jason White:

Additional Exhibits

Please amend the request for petition to recall Councilman Jason White to include the following additional exhibits and serve on the superior court and the official subject to recall.

A social media post from Mr. White from 4/18/2020 is included.

Enclosed:

Exhibit 4: RCW 70.119A.030-040, amended by 2246-S.SL 2020

"The secretary or his designee or the local health office may declare a public health emergency...the department may impose penalties for violations o flaws or regulations that are determined to be a public health emergency." RCW 70.119A.030

"Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section." RCW 70.119A.040(1)(a)

"...in case of a violation that has been determined a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation." RCW 70.119A.040(1)(c)

Exhibit 5: Post from Jason White's Facebook page, 4/18/2020

s/Elizabeth Hallock

Elizabeth Hallock
420 S 72nd Ave Box #345
Yakima, WA 98908
Ehallock.law@gmail.com

Exhibit 4

RCW 70.119A.030

Public health emergencies—Violations—Penalty.

*** CHANGE IN 2020 *** (SEE 2246-S.SL) ***

(1) The secretary or his or her designee or the local health officer may declare a public health emergency. As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined to be a public health emergency.

(2) As limited by RCW 70.119A.040, the department may impose penalties for violation of laws or rules regulating public water systems and administered by the department of health.

[1993 c 305 § 1; 1991 c 304 § 3; 1989 c 422 § 6; 1986 c 271 § 3.]

RCW 70.119A.040

Additional or alternative penalty—Informal resolution unless a public health emergency.

*** CHANGE IN 2020 *** (SEE 2246-S.SL) ***

(1)(a) In addition to or as an alternative to any other penalty or action allowed by law, a person who violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, or, in the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system serves or is anticipated to serve may be imposed. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars. For the purpose of computing the penalty under this subsection, a service connection shall include any new service connection actually constructed, any anticipated service connection the system has been designed to serve, and, in the case of a system modification not involving expansions, each existing service connection that benefits or would benefit from the modification.

(c) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(4) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

(6) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the safe drinking water account, and shall be used by the department to provide training and technical assistance to system owners and operators.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

Exhibit 5

8:32

86%



Search



Mary Lopez

Yesterday at 12:20 PM •

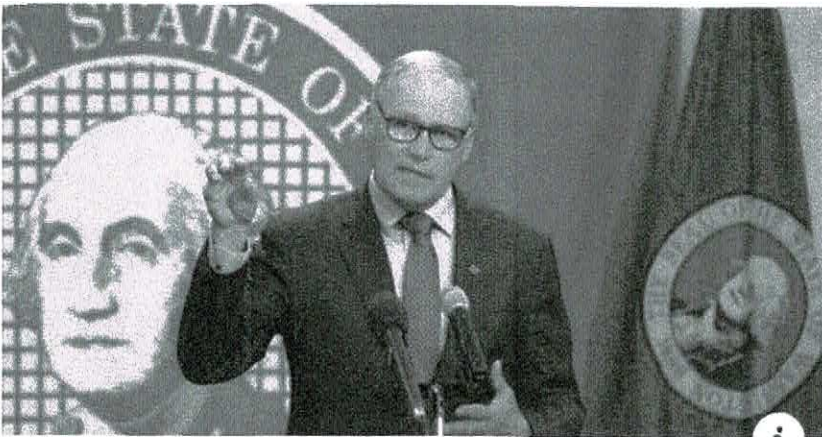
How can the council member, Jason White, dare to speak like this of our governor. This not only exposes the community to the high risk of getting CoVid-19, but also he doesn't respect our government.
To be clear, Jason White is a public servant !!



Jason White

6 hrs •

Eastern Washington, it's time for us to demand our liberation from the tyrant Inslee. Treat people like dogs and they become wolves.



KPTV.COM

Washington Gov. Inslee blasts Trump, accuses president of 'fomenting dom...

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