No. 95747-9
COA No. 76577-9-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ALEXANDRA BRAATZ,

Respondent,

v.

MICHAEL BRAATZ,

Petitioner.

PETITION FOR REVIEW

On Appeal From King County Superior Court
The Hon. Jean Rietschel Presiding

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A. IDENTITY OF PETITIONER

Michael Braatz, petitioner herein and respondent below, asks this Court to accept review of the Court of Appeals' decision terminating review set out in Part B.

B. COURT OF APPEALS' DECISION

Mr. Braatz seeks review of the Court of Appeals' decision in *Alexandra Braatz v. Michael Braatz*, ___ Wn. App. ___, ___ P.3d ___ , No. 76577-9-I, a published opinion issued by Division One on March 19, 2018. A copy of this decision is attached in Appendix A.

C. ISSUES PRESENTED FOR REVIEW

1. Should the Court of Appeals have issued a far-reaching published decision regarding burden of proof and compliance with a firearm surrender order issued under RCW 9.41.800, where the appellant (Alexandra Braatz) failed to brief the issues adequately either in the trial court or on appeal?

2. Where the Legislature was silent as to who has the burden of proving compliance or lack of compliance with a firearm surrender order, and there are significant Fifth Amendment issues with shifting the burden to a restrained party to prove compliance, should this Court adopt the usual rule that the plaintiff has the burden of proof?

3. Given the deference accorded to factual determinations made by family court judges, was there substantial evidence to support the trial court's decision that Mr. Braatz had complied with the firearm surrender order?

D. STATEMENT OF THE CASE

Mr. Braatz and Ms. Braatz are in the middle of a contentious divorce and child custody proceeding in Oregon. Ms. Braatz moved to Washington State and sought a domestic violence protection order in King County Superior Court, making various allegations of violence and sexual assault. CP 1-10. She claimed that Oregon law enforcement ignored her, CP 5, and thus had no corroboration for her claims. CP 114. Mr. Braatz disputed the allegations of violence, providing documentation to the Family Court Services social worker. CP 21-22, 111-13.[1]

When the case came on for hearing, there was no testimony, and the family court commissioner failed to resolve the many factual disputes between the parties. Although she entered a final order of protection against

[1] Mr. Braatz also alleged that Ms. Braatz had hired someone to murder him. CP 113. Ms. Braatz acknowledged a friend had threatened to kill Mr. Braatz, but minimized the threat as not being serious. CP 120.

Mr. Braatz, CP 11-18, the commissioner noted that more factual investigation was required. RP (11/30/16) 12-13.

The commissioner also ruled that she did not have jurisdiction to order Mr. Braatz to surrender firearms. CP 14. Ms. Braatz moved for revision, CP 28-30, and ultimately Mr. Braatz agreed that the court had jurisdiction to order him to surrender firearms. Such an agreed order was entered. CP 60-62.

One practical problem with the surrender issue is that Mr. Braatz was currently residing in La Grande, Oregon, in Union County. He did turn in three firearms to the sheriff there. CP 58-59. However, he owned a number of firearms that were located in Lane County, Oregon, which is about 370 miles away from La Grande. CP 85. Yet, the original surrender order, signed on January 4, 2017, required Mr. Braatz to turn in the firearms in his "possession or control" to the Union County Sheriff. CP 54. The Union County Sheriff would not accept the firearms that were located in Lane County. CP 85. In any case, it obviously would not be a good idea (or lawful) for Mr. Braatz to drive 370 miles to Lane County, retrieve the weapons and drive them back to Union County. Instead, he arranged to have

his Lane County firearms placed into a safe with the combination given only to a third party. CP 85.

On January 30, 2017, Ms. Braatz filed an unsworn document (an email) purporting to contain an inventory of Mr. Braatz's firearms in 2014 from a gun storage facility ("Emerald Valley Armory"). The email appears to be from someone named "Raye Gunter" and is entitled "inventory list 11-13-14." It lists various firearms and serial numbers, but otherwise has no explanation or detail as to who actually owned any of the listed items, who stored the items and when, and how or when the "inventory" was compiled. Ms. Braatz submitted a declaration along with the email, claiming that the inventory listed the firearms that Mr. Braatz had brought to be stored after a house-fire. CP 63-66.

At a hearing before the Hon. Jean Rietschel on February 1, 2017, Mr. Braatz's lawyer noted the practical difficulties with compliance with the court's surrender order, but told the court that the remaining guns were in a safe in Lane County, a safe with a combination given only to another person (Terry Smith, the person approved by both sides as the visitation supervisor). Counsel relayed that it was impractical for Mr. Braatz to drive from Union County to Lane County and to bring the safe with the guns back to Union

County (which did not have storage space for the guns in any case). RP (2/1/17) 65-70. Moreover, Lane County told Mr. Braatz that "they will not take possession of firearms because he's not a resident of that county and it's not a court order, an Oregon court order, and not a Lane County court order." RP (2/1/17) 67.

Through her lawyer, Ms. Braatz argued that Mr. Braatz had not complied with the surrender order and that storage of the guns in a safe to which someone else had the combination was not adequate. RP (2/1/17) 72-75. Counsel for Ms. Braatz stated that he wanted the court to "initiate a show cause order" and refer Mr. Braatz to the prosecutor for initiation of criminal contempt proceedings. RP (2/1/17) 74-75. Mr. Braatz opposed the suggestion for referral for contempt proceedings, noting that any non-compliance was not willful, given the logistics of the situation, and that he had hired counsel specifically to figure out a way to comply with the court's orders. RP (2/1/17) 77.

Judge Rietschel noted that Mr. Braatz was not in compliance with prior orders, but that he was trying to comply. She ruled that she would not refer the matter to the prosecuting attorney, but "[w]hether petitioner wishes to file the motion for contempt, that is up to the petitioner." RP (2/1/17) 78.

Counsel for Ms. Braatz then stated: "I'll give notice to opposing counsel, we're going to go next door in the next five minutes and file a motion for contempt." RP (2/1/17) 78. Counsel for Mr. Braatz replied that "that's not sufficient notice." RP (2/1/17) 78-79. After more discussion of the practicalities of the situation, Judge Rietschel finally set a new review date of February 15, 2017. RP (2/1/17) 79-85.

Rather than waiting for the two week review date, and ignoring Mr. Braatz's counsel's objection about notice, Ms. Braatz's attorney went to a different judge later that same day and obtained an *ex parte* order to show cause, signed in an off-the-record proceeding. CP 69-76. The order was never served on Mr. Braatz personally, as required by King County Local Family Rule 17.

On February 13, 2017, Mr. Braatz filed a declaration of surrender, setting out his difficulties complying with the court's prior orders and explaining how he ultimately had to pay someone to drill open the safe, in his absence, and how his father then took the guns in the safe and drove 370 miles to the Union County Sheriff and turned them in. CP 85-92. Mr. Braatz attached documentation that confirmed his actions and declared under penalty of perjury that "I have surrendered my firearms -- all firearms listed in her

declaration are surrendered except for one which was owned by and in the possession of Dylan Hillman." CP 86.

When the matter came on for the review hearing on February 15, 2017, Mr. Braatz's attorney appeared in person and stated that Mr. Braatz "can be available by phone i[f] need be." RP (2/15/17) 89. Judge Rietschel stated that based upon Mr. Braatz's declaration, he seemed to be in compliance. *Id*. Ms. Braatz's attorney noted that Mr. Braatz was not present, but never actually objected to his lack of presence and never attempted to ask Mr. Braatz any questions via telephone. Instead, counsel merely argued Mr. Braatz's declaration had a discrepancy from the 2014 inventory. He claimed that there were items on the current list that were not on the 2014 list and items on the 2014 list that were not turned into the sheriff in 2017. RP (2/15/17) 90. In his interpretation of the various lists, counsel failed to identify the exact discrepancies – i.e., the attorney never referred to any specific firearm by number or model and never made any attempt to ask Mr. Braatz, under oath, about supposed discrepancies.

Judge Rietschel ruled that Mr. Braatz was in compliance:

> I'm going to find that he is in compliance at this point in time. He has made substantial efforts to turn in the guns that he has and I don't have any information that the 2014 list is accurate at this point in time. It's three years ago. I'm going to find that

> he's in compliance at this time, so I will enter an order to that effect.

RP (2/15/17) 91. A final order was then entered, CP 98-99.

Ms. Braatz appealed that order, and raised two assignments of error: (1) there was insufficient evidence to support the conclusion that Mr. Braatz complied with the surrender order and (2) the trial judge erred procedurally and denied Ms. Braatz due process by not requiring Mr. Braatz to be present in court for cross-examination. AOB at 3. Neither Ms. Braatz nor *amici*[2] provided extensive briefing on issues related to who had the burden of proof.

On March 19, 2018, the Court of Appeals issued a published decision holding that the Legislature placed the burden of proving compliance with a surrender order on the restrained person. Slip Op. at 8-9. The court then held that, because there were two guns listed on the 2014 inventory that were not listed as being turned in to law enforcement in Oregon, there was not substantial evidence to support Judge Rietschel's determination that Mr. Braatz had complied. Slip Op. at 10-13.[3] The Court of Appeals reversed

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[2] Legal Voice, Northwest Justice Project, Washington State Coalition Against Domestic Violence, Alliance for Gun Responsibility Foundation, Coalition Ending Gender-Based Violence, and Seattle City Attorney's Office.

[3] The Court of Appeals rejected Ms. Braatz's arguments regarding Mr. Braatz's appearance at the hearing through counsel "as unsupported and, as a result, do not reach Michael' s arguments that the show cause order in this case was insufficient to (continued...)

Judge Rietschel's order, and remanded for more proceedings, noting in a footnote that Mr. Braatz could always raise Fifth Amendment concerns as an "affirmative defense." Slip Op. at 14 n.9.

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

1. *Review is Proper Under RAP 13.4(b)(4) as this Case Involves Issues of Substantial Public Interest*

a. The Court of Appeals' Decision is the First Appellate Case Addressing the New Statute

The Court of Appeals' decision in this case is the first appellate decision, published or unpublished, covering issues related to the firearm surrender statute adopted in 2014.[4] Accordingly, courts, practitioners, and litigants in other cases around the state will rely heavily on the published decision in this case when deciding issues about who has the burden of proof regarding compliance with a surrender order and how that burden can be satisfied in a particular case.

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[3](...continued)
require his physical presence." Slip Op. at 9. The Court of Appeals thus did not address a series of issues raised by Mr. Braatz – that Ms. Braatz did not actually object to his appearance through counsel, that the "show cause" order was improperly entered and not properly served, and that Ms. Braatz waived her constitutional arguments about due process when she was presented with the option of examining Mr. Braatz telephonically, but chose not to do so when given the opportunity. BOR 14-28.

[4] Laws of 2014, ch. 111, §§ 1-7.

This lack of prior decisional law was the primary reason why a series of *amici* filed a brief in support of Ms. Braatz in the Court of Appeals.[5] While Mr. Braatz continues to believe that his case was the wrong vehicle for addressing legal issues related to the surrender statute, the published nature of the Court of Appeals' decision and the interest attracted already by *amici* should lead to the Court to accept review under RAP 13.4(b)(4) as the petition "involves an issue of substantial public interest that should be determined by the Supreme Court."[6]

b. The Court of Appeals' Decision Rested on Incomplete Briefing

The Court of Appeals' decision should not stand as the last word in this area of the law because of inadequate briefing below on the issue of burden of proof. Although Ms. Braatz claimed in the trial court that Mr. Braatz had the burden of proving compliance with the surrender order, CP 77, she provided no legal authority for this assertion. Similarly, on appeal, Ms. Braatz's pleadings were bereft of legal analysis about the burden of proof.

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[5] *See* Motion for Leave to File Amici Curiae Brief by Legal Voice, Northwest Justice Project, Washington State Coalition Against Domestic Violence, Alliance for Gun Responsibility Foundation, Coalition Ending Gender-Based Violence, and Seattle City Attorney's Office (8/17/17) at 6.

[6] *See State v. Watson,* 155 Wn.2d 574, 577, 122 P.3d 903 (2005) (issue affecting all sentencing hearings in Pierce County after a certain date was a "prime example" justifying review under RAP 13.4(b)(4)).

Her opening brief's only mention of the issue was just an assumption that the burden was on Mr. Braatz.[7]

In his response, Mr. Braatz specifically pointed to Ms. Braatz's lack of legal argument regarding burden of proof. He cited legal authority that normally assigns the burden to the plaintiff, and noted that Ms. Braatz had ways to try to prove her claims that Mr. Braatz had not complied, but had failed to provide sufficient proof. BOR at 31-33 (citing, *inter alia*, *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 56, 126 S. Ct. 528, 163 L. Ed. 2d 387 (2005)). In reply, Ms. Braatz claimed that she had provided proper briefing. ROA at 7 n.4. Yet, the citation was only to portions of her opening brief reciting the statutory scheme, BOA at 5-6, which, as the Court of Appeals recognized, does not "expressly allocate the burden of proof." Slip Op. at 8.

Amici raised the issue of burden of proof, but also failed to provide legal analysis. The only citation to authority in the entire section of the brief entitled "The Court Should Have Required Mr. Braatz To Provide Evidence of What Happened to the Two Missing Guns" is to a student note. *Am. Cur.* Brf. at 12, 14 (citing Laura Lee Gildengorin, Note, "Smoke & Mirrors: How

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[7] *See* AOB at 21 (noting lack of corroboration to Mr. Braatz's declaration) & 26 ("Given this evidentiary record, Michael could not have satisfied his burden to show that he complied with the orders to surrender weapons without being present at the hearing.").

Current Firearm Relinquishment Laws Fail to Protect Domestic Violence Victims," 67 *Hastings L.J.* 807, 835-36 (April 2016)). However, a review of this note reveals nothing about who has, or should have, the burden of proof in a proceeding regarding compliance with a firearm surrender order in a civil case involving a domestic violence protection order.

In his answer, Mr. Braatz noted that *amici*, like Ms. Braatz, simply asserted, without analysis, that the burden should be on the restrained party to prove compliance with a surrender order. Still, he provided briefing on the practical issues that arise under the Fifth and Fourteenth Amendments to the United States Constitution and article I, section 9, of the Washington Constitution by a construction of the statute that places the burden of proof on the restrained party. Answer to *Am. Cur*. Brf. at 9-11. In particular, if someone falsely signs a declaration of surrender, and is then ordered to come to court and be examined under oath as to what happened to all of their firearms, the person at that point should normally be advised not to say a word and to assert the right to remain silent. In this regard, the U.S. Supreme Court has looked unfavorably at the constitutionality of statutory schemes

designed to elicit incriminating statements from those suspected of criminal activity.[8]

The Court of Appeals did recognize, in a footnote only, that a restrained person could always raise the Fifth Amendment as an "affirmative defense." Slip Op. at 14 n. 9. But, even this footnote – inserted into the end of the opinion -- is a bit cryptic, stating that "[i]n such a case, the contemnor has the burden to produce evidence as to the claimed affirmative defense and the burden to persuade the court that the evidence is credible." *Id*. While that may be the case regarding whether a contemnor has the ability to comply with a particular court order, *In re King*, 110 Wn.2d 793, 804-05, 756 P.2d 1303 (1988), turning the assertion of the Fifth Amendment (and article I, section 9) right to remain silent into an "affirmative defense" which has to be "proven" will most certainly cause confusion in the lower courts.

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[8] *See Marchetti v. United States*, 390 U.S. 39, 88 S. Ct. 697, 19 L. Ed. 2d 889 (1968) (striking down conviction for violating statute requiring gamblers to register with the Internal Revenue Service, in light of wide prohibition of gambling); *Grosso v. United States*, 390 U.S. 62, 88 S. Ct. 709, 19 L. Ed. 2d 906 (1968) (overturning conviction for failure to pay excise tax on gambling); *Haynes v. United States*, 390 U.S. 85, 88 S. Ct. 722, 19 L. Ed. 2d 923 (1968) (striking down statute that required registration of individuals transacting in firearms and that was applied only to weapons used principally by persons engaged in unlawful activities); and *Leary v. United States*, 395 U.S. 6, 89 S. Ct. 1532, 23 L. Ed. 2d 57 (1969) (invalidating statute requiring defendant to identify himself as transferee of marijuana who had failed to register and pay an occupational tax).

In the absence of full briefing by the parties, the Court of Appeals should not have decided the issue of burden of proof regarding compliance with a surrender order. *See Hiatt v. Walker Chevrolet Co.*, 120 Wn.2d 57, 64, 837 P.2d 618 (1992). The lack of adequate briefing will result in confusion on an important constitutional issue that has far-reaching practical implications. Accordingly, this Court should accept review under RAP 13.4(b)(4). The issue of the burden of proof should be the subject of full briefing by all parties.

2. *Review Should Be Granted Under RAP 13.4(b)(3)*

While RCW 9.41.804 requires that the restrained party file proof of surrender, the Legislature never explicitly placed the burden of proving *compliance* on the restrained party when challenged by the other side, and, as noted, the usual default rule places the burden on the party seeking relief (here, Ms. Braatz who claimed Mr. Braatz did not comply). The Court of Appeals disagreed, citing this Court's decision in *Dep't of Labor and Indus. v. Rowley*,185 Wn.2d 186, 204, 378 P.3d 139 (2016), for the proposition that in civil matters the burden of proof is allocated based on "common sense" and policy concerns. Slip Op. at 9.

Like any other statutory scheme adopted by the Legislature, RCW 9.41.800 *et seq*. must be construed in a constitutional manner.[9] It is settled that, under the Fifth Amendment[10] (and article I, section 9), the "government cannot penalize assertion of the constitutional privilege against compelled self-incrimination by imposing sanctions to compel testimony which has not been immunized." *Lefkowitz v. Cunningham*, 431 U.S. 801, 806, 97 S. Ct. 2132, 53 L. Ed. 2d 1 (1977). In Washington, only the prosecuting attorney has the authority to seek a court order that grants immunity to a witness. CrR 6.14; *State v. Matson*, 22 Wn. App. 114, 120-21, 587 P.2d 540 (1978). Thus, as a practical matter, a restrained party who asserts the Fifth Amendment in proceeding regarding compliance with a surrender order can never be compelled to answer questions about supposedly outstanding firearms that have not been turned in or about an allegedly false surrender declaration.

Certainly, the Legislature would have been aware of the Fifth Amendment's limitations on compelled testimony, and it is only common sense to conclude it would not have intended that the burden of proof should

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[9] *See Anderson v. Morris*, 87 Wn.2d 706, 716, 558 P.2d 155 (1976) ("Where a statute is susceptible to more than one interpretation, it is our duty to adopt a construction sustaining its constitutionality if at all possible.").

[10] As incorporated into the Fourteenth Amendment.

be placed on a party who has a constitutional privilege to remain silent. The Court of Appeals' decision placing the burden of proof on someone with a constitutional right to remain silent is therefore not only wrong, but also impractical.

Accordingly, this case involves significant issues of law under both the state and federal Constitutions. Review is appropriate under RAP 13.4(b)(3). The Court should accept review and hold that RCW 9.41.800 *et seq*. should be construed so as to place the burden of proving non-compliance on the party that does not have a constitutional privilege to remain silent (i.e. the protected party, not the restrained party).

3. *Review is Appropriate Due to Conflicts with this Court's Prior Decisions*

This Court has made it clear that, even where the decision of a family court judge is based on documentary evidence, it is not the role of an appellate court to second-guess the trial court's factual determinations. *See In re Marriage of Rideout*, 150 Wn.2d 337, 351-52, 77 P.3d 1174 (2003) (rejecting *de novo* review of trial court contempt actions in family court matters based on documentary evidence because of the expertise of trial court judges in resolving conflicts and drawing inferences from the evidence); *In re Parentage of Jannot*, 149 Wn.2d 123, 126-27, 65 P.3d 664 (2003) ("First,

many local trial judges decide factual domestic relations questions on a regular basis . . . . Because adequate cause determinations are fact intensive, we recognize that a trial judge generally evaluates fact based domestic relations issues more frequently than an appellate judge and a trial judge's day-to-day experience warrants deference upon review."). *See also In re Marriage of James*, 79 Wn. App. 436, 439-40, 903 P.2d 470 (1995) ("Whether to hold a party in contempt for violation of a court order is within the sound discretion of the trial court. We will not reverse a contempt order absent an abuse of that discretion.").

Here, the Court of Appeals ignored that deference and essentially engaged in *de novo* review of the evidence. Notably, in the trial court, while Ms. Braatz claimed that there were items on the current list of guns turned in to law enforcement that were not on the 2014 list and items on the 2014 list that were not turned into the sheriff in 2017, Ms. Braatz's attorney never specifically identified which guns he was talking about. RP (2/15/17) 90. Yet, the Court of Appeals itself took on the task of reviewing the various receipts itself to conclude that there were "missing" guns, Slip Op. at 11-12,[11]

[11] It is not clear from the record what was really "missing." For instance, a "Savage 10 serial number 400513" is listed on the 2014 inventory. CP 66. Mr. Braatz turned in to law enforcement a "Savage mod # 240 [unreadable] 410 [unreadable]" without a serial number. CP 89. Is this the same firearm? Could Ms. Braatz have obtained (continued...)

essentially turning itself into the fact-finder. Such *de novo* review of the record conflicts with this Court's decisions, set out above, requiring deference.

Ms. Braatz provided only a *2014* listing of firearms that supposedly were stored at a gun shop after a house fire at the Braatz residence in Oregon. As the assigned finder of fact, Judge Rietschel certainly could rationally conclude that the 2014 listing was out-of-date and was not an accurate recounting of the full extent of Mr. Braatz's gun ownership a few years later, in 2017.

But Judge Rietschel's decision was also based on the fact that she was aware that Mr. Braatz had acted in good faith in trying to comply with the surrender order. *See* RP (2/15/17) 91. While not an explicit credibility determination, Judge Rietschel's decision was based on an implicit credibility determination. She saw Mr. Braatz's personal attention to compliance, making efforts that many people[12] do not make to comply with the surrender orders (including the hiring of counsel and trying to surrender firearms across wide geographic areas of Oregon). She also was aware that Mr. Braatz had

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[11](...continued)
more evidence to support her claims that they were not the same firearm?

[12] *See* Brf. of *Am. Cur* at 8-9.

opened himself up to cross-examination by Ms. Braatz's attorney (by an offer of telephonic testimony), but that Ms. Braatz's attorney tactically chose not to ask him any questions when presented with that opportunity. These were all factors that led Judge Rietschel to credit Mr. Braatz's declaration that "I have surrendered my firearms – all firearms listed in her declaration are surrendered except for one which was owned by and in the possession of Dylan Hillman." CP 86.

In light of the factors supporting Mr. Braatz's credibility, and in light of the deference given to the expertise of trial judges over "multijudge appellate courts to resolve conflicts and draw inferences from the evidence," *Rideout*, 150 Wn.2d at 352, there was substantial evidence to support Judge Rietschel's determination that Mr. Braatz had complied with the surrender order. The Court of Appeals' decision conflicts with decisions of this Court such as *Rideout* and *Jannot* that do not allow for the *de novo* review of the evidence on appeal. Review should be granted under RAP 13.4(b)(1).

F. CONCLUSION

While there may well be an issue with people ignoring firearm surrender orders, Mr. Braatz does not fit into that category. Despite the fact that he was not treated properly at the original protection order hearing, when

the commissioner failed to resolve important factual disputes, Mr. Braatz has followed the trial court's orders.

The Court of Appeals' decision, issued without adequate briefing by Ms. Braatz and issued in conflict with this Court's prior decisions, unfortunately will have lasting impact beyond the facts of Mr. Braatz's case. Therefore, this Court should accept review under RAP 13.4(b)(1), (3) and (4). The Court should reverse the Court of Appeals and reinstate Judge Rietschel's decision. The Court should hold that Ms. Braatz had the burden of proving Mr. Braatz's lack of compliance with the surrender order, and that there was substantial evidence to support Judge Rietschel's finding that Mr. Braatz had complied.

DATED this 16th day of April 2018.

Respectfully submitted,

s/ Neil M. Fox
WSBA No. 15277
Attorney for Petitioner

APPENDIX A

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

ALEXANDRA BRAATZ, Appellant, v. MICHAEL BRAATZ, Respondent.	)	No. 76577-9-I DIVISION ONE PUBLISHED OPINION FILED: March 19, 2018

SPEARMAN, J. — When the trial court issues a domestic violence protection order that meets certain statutory conditions, the court must also order the restrained person to surrender all firearms and other dangerous weapons. RCW 9.41.800(3). We are asked to determine the burden of proof that applies to an order to surrender weapons. We hold that the restrained person has the burden to prove by a preponderance of the evidence that they have surrendered their firearms and other dangerous weapons.

In this case, the trial court found that Michael Braatz had complied with an order to surrender weapons. Because the finding is not supported by substantial evidence, we reverse.

FACTS

Michael and Alexandra Braatz were married and lived in Oregon. They separated and Alexandra[1] moved to Washington, where she petitioned for a domestic violence protection order. Alexandra alleged that Michael had frequently assaulted her and threatened to shoot her. A commissioner found that Michael had committed domestic violence and entered a protection order. The commissioner ruled that she could not order Michael to surrender his weapons because the court did not have personal jurisdiction over him.

Alexandra moved to revise the commissioner's order and a hearing was held on January 4, 2017. Michael asked for a continuance to obtain counsel. He stated that he did not have any firearms in his possession because they were all secured with family members. Michael also stated that he was a strong believer in the Second Amendment to the United States Constitution and did not want to give up his guns unless it was legally proven that he should not have them. Alexandra disputed that Michael did not have any guns in his possession. She asserted that he had a pistol when he visited the children the previous weekend.

The court continued the hearing until January 18 and entered a temporary surrender weapons order. The order required Michael to immediately surrender his firearms, any other weapons, and any concealed pistol license to the local sheriff's office.

On January 11, Michael filed a proof of surrender form stating that he had surrendered the firearms in his possession. He attached a receipt showing that

[1] We refer to the parties by their first names for clarity. We intend no disrespect.

he turned in two handguns and one hunting rifle to the sheriff's office in Union County, Oregon.

At the hearing on January 18, the parties informed the court that they had prepared an agreed order and only needed the court's approval. The agreed order required Michael to surrender all firearms and other weapons but allowed him to surrender them in either Union or Lane County, Oregon. Michael's attorney explained that the remainder of Michael's guns were at his mother's house in Lane County, more than 350 miles from Michael's home in Union County. The court approved the agreed order and set a review hearing for February 1.

On January 30, Alexandra filed a declaration stating that, following a house fire in 2014, Michael stored his guns at an armory. She attached an email from Emerald Valley Armory containing an inventory list of 34 guns identified by make, model, and serial number. The three guns Michael had previously surrendered were included in the list.

At the review hearing on February 1, Michael's attorney stated that he had been unable to surrender his guns because the Lane and Union County sheriffs refused to accept them. Counsel asked the court to allow Michael to surrender the weapons by storing them in a safe to which only a third party had access.

Alexandra objected that the alternate arrangement was not secure, Michael had provided no information as to which or how many guns were in the safe, and he had thus far failed to account for 31 of the 34 guns on the 2014 inventory. Alexandra asserted that Michael was stalling and trying to circumvent the order to surrender weapons. She noted that Michael now admitted owning

many guns even though, on January 11, he represented that the three he surrendered were his only guns. Because the orders issued on January 4 and 18 warned that failure to comply could result in contempt and criminal charges, Alexandra asked the court to refer the matter to the prosecutor to initiate contempt proceedings.

In response, Michael argued that he had made good faith efforts to surrender the guns and a contempt action was not warranted. He asked the court to amend the order to allow him to surrender his weapons in King County, Washington and set a new review date.

The court noted that it only had argument from Michael's counsel that Michael had tried to surrender his guns. The court found Michael not in compliance, granted Michael's request to amend the order, and set a review hearing for February 15. The court declined to refer the matter to the prosecuting attorney but stated that it was up to Alexandra whether she wished to file a motion for contempt.

Alexandra filed a motion for a contempt hearing later that day. The court issued a show cause order and set a hearing concurrent with the February 15 review hearing. On February 10, Alexandra filed a memorandum in support of holding Michael in contempt. She asked that Michael be required to account for each of the 34 guns. Alexandra also asked the court to allow her to cross examine Michael at the February 15 hearing.

On February 13, Michael filed a declaration describing his efforts to comply with the order to surrender weapons. He stated that, after the February 1 hearing, the Union County sheriff's office had agreed to accept the firearms.

Michael declared that his father had then driven all of his guns from Lane County to Union County and surrendered them. He declared that "all firearms listed in her [Alexandra's] declaration are surrendered except for one which was owned by and in the possession of Dylan Hillman." Clerk's Papers (CP) at 86. Michael further declared that he had no concealed pistol license and no dangerous weapons to surrender. He attached a receipt listing 32 guns received by the Union County sheriff's office.

At the hearing on February 15, Michael's attorney stated that she was appearing for Michael and he had surrendered all of his guns. Through counsel, Alexandra asserted that two of the guns from the 2014 inventory were not listed on Michael's receipts and there was no testimony or declaration accounting for these weapons. And, Alexandra argued, the court had no testimony or declarations as to weapons Michael had recently purchased, even though three of the guns Michael surrendered were not on the 2014 inventory and had thus been purchased since 2014. Michael's counsel responded that Alexandra asked him to surrender 34 guns and he had surrendered more than that.

The court found that Michael had complied with the order to surrender weapons. The court stated:

> He has made substantial efforts to turn in the guns that he has and I don't have any information that the 2014 list is accurate at this point in time. It's three years ago. I'm going to find that he's in compliance at this time, so I will enter an order to that effect...I will accept his declaration regarding the surrenders.

Verbatim Report of Proceedings (VRP) at 91. The written order states that Michael has filed a declaration of surrender and is in compliance with the order to surrender weapons.

DISCUSSION

Alexandra appeals the trial court's ruling that Michael complied with the order to surrender weapons. The issues on appeal concern the statutory provisions, enacted in 2014, to restrict access to firearms by persons subject to domestic violence protection orders. LAWS OF 2014, ch. 111. Under RCW 9.41.800(3), when the court issues a domestic violence protection order that meets certain statutory conditions, the court must also order the restrained person to surrender all firearms and other dangerous weapons:

> the court shall:
>
> (A) Require the party to surrender any firearm or other dangerous weapon;
> (B) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;
> (C) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; and
> (D) Prohibit the party from obtaining or possessing a concealed pistol license.

RCW 91.41.800(3)(c)(ii). Possession of a firearm while subject to a qualifying domestic violence restraining order constitutes unlawful possession of a firearm in the second degree. RCW 9.41.040(2)(a).

A party ordered to surrender weapons must file "a proof of surrender and receipt form" within five days of the entry of the order. RCW 9.41.804. Pursuant to RCW 9.41.802, the administrative office of the courts (AOC) developed a proof of surrender form "used to document that a respondent has complied" with an order to surrender weapons. The form developed by the AOC states that the restrained person has been ordered to surrender "any and all firearms and other dangerous weapons" in his or her "possession or control," as well as "any

concealed pistol license." Form WPF All Cases 02-060, Proof of Surrender (rev. Jan. 2018).[2] The form requires the restrained person to certify, under penalty of perjury, that he or she has surrendered all weapons and attach a receipt. The AOC receipt form requires a detailed list of each item surrendered. Form WPF All Cases 02-065, Receipt for Surrendered Weapons and Concealed Pistol License (rev. Jan. 2018).[3] The sheriff or other authorized person must certify receipt of the weapons under penalty of perjury.

The AOC also developed a standard order to surrender weapons form. Form WPF All Cases 02-050, Order to Surrender Weapons (rev. Jan. 2018).[4] This form, which the trial court used in this case, orders the restrained person to immediately surrender "all firearms and other dangerous weapons in [his or her] possession or control." CP at 61. The order instructs the restrained person to take four steps:

> Step 1: **Immediately** turn in the weapons and CPL.
> Step 2: Get a receipt for the weapons and CPL from law enforcement or court designated person;
> Step 3: Complete the ***Proof of Surrender*** form and attach the receipt.
> Step 4: File the documents with the clerk of the court within 5 days.

Id. at 61-62.

The issue before us is whether the trial court erred in finding that Michael complied with the order to surrender his weapons. As an initial matter, the parties dispute the burden of proof. Alexandra asserts that the restrained person has the burden to surrender his weapons and convince the court that he has done so. In

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[2] http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=95.
[3] http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=95.
[4] http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=95.

a joint amicus brief, several friends of the court support this position.[5] Amici contend that perpetrators of domestic violence routinely fail to comply with orders to surrender weapons. They argue that, where the record creates a question as to whether an abuser has surrendered all of his guns, the court should require the restrained person to present evidence to resolve the discrepancy.

Michael contends the restrained person's only statutory obligation is to timely file a document stating that he has surrendered his weapons. His position is that, once the restrained person declares he has surrendered his weapons, the burden shifts to the plaintiff to prove that the declaration is false.

We agree with Alexandra. The statutory provisions do not expressly allocate the burden of proof. But, taken together, these provisions indicate that the restrained person has the burden to prove that they have surrendered all firearms and other dangerous weapons.

Under RCW 9.41.800(3), when the court issues an order to surrender weapons pursuant to a domestic violence restraining order, the restrained person must immediately surrender all firearms, other dangerous weapons, and any CPL. This is the primary obligation established by statute. The restrained person must also file a proof of surrender and receipt. RCW 9.41.804. This second requirement serves as evidence that the restrained person has complied with the order to surrender weapons. See RCW 9.41.802 (form serves to document compliance). By requiring the restrained person to file evidence of compliance, the statute assigns the burden of proof to the restrained person.

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[5] Amici curiae are: Legal Voice, Northwest Justice Project, Washington State Coalition Against Domestic Violence, Alliance for Gun Responsibility Foundation, Coalition Ending Gender-Based Violence, and Seattle City Attorney's Office.

Nothing in the statutory scheme, however, indicates that a proof of surrender form is conclusive evidence of compliance or that filing such a form shifts the burden of proof. Such a reading would be contrary to both common sense and the purpose of the surrender weapons provision. See Dep't of Labor and Indus. v. Rowley, 185 Wn.2d 186, 204, 378 P.3d 139 (2016) (stating that, in civil matters, the burden of proof is allocated based on common sense and policy concerns) (citing 5 Karl B. Tegland, Washington Practice: Evidence Law and Practice § 301.2, at 193 (5th ed.2007)). The provisions of RCW 9.41.800-.804 reflect a legislative determination that it is in the public interest to prohibit persons subject to specific domestic violence restraining orders from possessing firearms and other dangerous weapons. In determining whether a person has complied with an order to surrender weapons, the issue is not whether the person has filed a proof of surrender form but whether the person has surrendered all of his or her weapons. A proof of surrender form provides evidence of compliance but does not, in itself, prove that the person has surrendered all of their weapons.

We conclude that the party ordered to surrender weapons has the burden to prove compliance. Because this is a civil matter, we apply the preponderance of the evidence standard. See Rowley, 185 Wn.2d at 208-09 (preponderance of the evidence generally applies in civil law). The proof of surrender form and receipt, which the party must file pursuant to RCW 9.41.804, serve as prima facie evidence that the party has surrendered his or her weapons. But where the record contains conflicting evidence, the court must weigh that evidence and determine whether the restrained party has met their burden of proof.

In this case, the trial court found that Michael had complied wih the order to surrender weapons. We review challenges to findings of fact for substantial evidence.[6] See, e.g., In re A.W., 182 Wn.2d 689, 711, 344 P.3d 1186 (2015); Sunnyside Valley Irr. Dist. v. Dickie, 149 Wn.2d 873, 73 P.3d 369 (2003). Evidence is substantial where it is "sufficient to persuade a rational fair-minded person the premise is true." Sunnyside Valley, 149 Wn.2d at 879 (citing Wenatchee Sportsmen Ass'n v. Chelan County, 141 Wn.2d 169, 176, 4 P.3d 123 (2000)).

Alexandra argues that the trial court erred in ruling that Michael was in compliance with the order to surrender weapons. She contends the trial court improperly considered Michael's "substantial efforts" in determining whether he had surrendered all of his weapons. VRP (2/15/17) at 91.

She is correct. In determining whether Michael was in compliance with the surrender weapons order, the factual question before the court was whether Michael had surrendered all of his firearms, other dangerous weapons, and any CPL. Michael's efforts to surrender weapons are not relevant to this determination. To the extent the trial court ruled that Michael was in compliance with the order to surrender weapons because he made efforts to comply, it was error.

Alexandra next argues that the trial court's ruling is error because the record does not support a finding that Michael surrendered all of his firearms.

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[6] The parties generally appear to agree that our review in this case is for substantial evidence but they also argue briefly and unpersuasively that our review is de novo (see Brief of Appellant at 18, n.10) or for abuse of discretion (see Brief of Respondent at 30-31). We reject those arguments.

The parties agree that the evidence before the trial court consisted of: (1) Alexandra's declaration that, in 2014, Michael stored his guns at the Emerald Valley Armory; (2) the attached email from Emerald Valley Armory containing an inventory list of 34 guns; (3) Michael's January proof of surrender form stating that he had surrendered his firearms; (4) the attached receipt from the Union County sheriff's office listing three guns; (5) Michael's February declaration stating that he had surrendered his firearms; and (6) the attached receipt from the Union County sheriff's office listing 32 guns.[7]

The inventory from Emerald Valley Armory lists 34 guns by make, model, and serial number. Michael's February declaration references this inventory and states that "all firearms listed in [Alexandra's] declaration are surrendered except for one which was owned by and in the possession of Dylan Hillman." CP at 86. The January and February receipts from the Union County sheriff, taken together, list 35 guns that Michael surrendered by make, model, and serial number. Id. at 59, 88-91. Two of the guns on the Emerald Valley inventory, a Savage 10 serial number F400513 and an S&W model 28 serial number 100663, are not on the Union County receipts.

Michael's declaration expressly states that he has surrendered all of the guns on Alexandra's inventory except one that belonged to someone else. But

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[7] We note that Michael did not use the AOC forms for his receipts or for his February proof of surrender. The trial court accepted Michael's documents, stating that there is no requirement that a restrained person use the AOC forms. While this is true, an alternate form must contain substantially the same information as the forms developed by the AOC. A valid proof of surrender must include a declaration that the restrained person has surrendered all firearms, other dangerous weapons, and any CPL and contain a declaration that the undersigned certifies under penalty of perjury that the declaration is true and correct. See WPF All Cases 02-060. A valid receipt must list and describe all surrendered items, identify the authorized receiving party, and contain a declaration that the undersigned certifies under penalty of perjury that the declaration is true and correct. See WPF All Cases 02-065.

the receipts Michael submitted fail to account for two of the guns on Alexandra's inventory. This evidence does not support a finding that Michael surrendered all of his firearms.

To argue against this result, Michael asserts that the trial court discounted the inventory from the Emerald Valley Armory because the evidence was not properly before the court. We reject this argument. Michael did not challenge the admissibility of the inventory below and specifically referenced the inventory in his own declaration. Michael may not challenge the admissibility of the inventory for the first time on appeal. RAP 2.5(a).

Michael also argues that Alexandra failed to adequately raise the discrepancy between the inventory and Michael's receipts below and may not raise the issue for the first time here. The argument is without merit. At the hearing on February 15, Alexandra asserted that Michael's receipts failed to account for two guns. She raised the argument below. In addition, the discrepancy in the evidence is visible on the face of the documents. It did not require argument.

At oral argument, Michael asserted that evidence supporting the trial court's finding could be found in Michael's declaration.[8] The argument rests on the final statement of Michael's February declaration: "I have no concealed pistol

[8] At oral argument, Michael argued we should leave the finding that he complied with the order undisturbed because it rests on the trial court's determination of credibility. But the record does not show that the trial court either heard testimony or made an explicit credibility determination. Moreover, even if the trial court considered credibility in weighing the parties' declarations, we nonetheless review its finding for substantial evidence. In re Marriage of Rideout, 150 Wn.2d 337, 351-52, 77 P.3d 1174 (2003).

license (it is expired) and no dangerous weapons to surrender." CP at 87. This statement does not support the trial court's finding.

Pursuant to RCW 9.41.800(3), Michael was ordered to surrender "all firearms and other dangerous weapons" as well as "any concealed pistol license." CP at 61. His declaration recounts at length his efforts to surrender his firearms and states that he surrendered all the firearms on Alexandra's list. The declaration concludes with Michael's statement that he had no concealed pistol license and no dangerous weapons. Michael's declaration tracks the statutory requirement to surrender three categories of items: firearms, other dangerous weapons, and concealed pistol licenses. His statements concerning "firearms" and "dangerous weapons" refer to two separate categories. But even if Michael's declaration that he had "no dangerous weapons" referred to firearms, the statement does not reconcile the discrepancy between his receipts and the armory list.

Michael had the burden to prove that he had surrendered all of his firearms and other dangerous weapons. He submitted a declaration stating that he had surrendered all of the guns on Alexandra's inventory. His receipts do not account for two of the guns on the inventory. On this record, we conclude that the trial court erred in finding that Michael had complied with the order to surrender weapons. The finding is not supported by substantial evidence. We reverse and remand for further proceedings.

The parties also raise arguments concerning the show cause hearing. They dispute whether the defendant in a contempt action may appear through counsel. At the hearing on February 15, the trial court acknowledged receipt of

Alexandra's motion for contempt and her memorandum on that issue. The court did not reach the contempt issue because it found Michael in compliance with the order to surrender weapons. The court did, however, state that, as in any other civil matter, a defendant in a contempt proceeding may appear through counsel.

Alexandra contends this was error. She asserts that unlike other civil proceedings, the defendant in a contempt proceeding must appear personally. App. Br. at 27. She relies on Burlingame v. Consolidated Mines and Smelting Co., Ltd., 106 Wn.2d 328, 335, 722 P.2d 67 (1986). But the issue in Burlingame was notice. Id. at 334-35. The Burlingame court did not address whether a contemnor may appear through counsel at a show cause hearing. We reject Alexandra's position as unsupported and, as a result, do not reach Michael's arguments that the show cause order in this case was insufficient to require his physical presence.

The court made no further ruling on contempt and, accordingly, we do not reach the issue here. The motion for contempt is before the trial court on remand.[9]

Reversed.

Spearman, J.

WE CONCUR:

Trickey, ACJ

Dwyer, J.

[9] Because it was raised at oral argument and may become an issue on remand, we note that a contemnor may assert, as an affirmative defense, that he was unable to comply or that failure to comply is based on the Fifth Amendment right against self-incrimination. King v. Dep't of Social and Health Services, 110 Wn.2d 793, 804-05, 756 P.2d 1303 (1988). In such a case, the contemnor has the burden to produce evidence as to the claimed affirmative defense and the burden to persuade the court that the evidence is credible. Id.

STATUTORY APPENDIX

Relevant Statutory Provisions and Rules

CrR 6.14 provides:

> In any case the court on motion of the prosecuting attorney may order that a witness shall not be excused from giving testimony or producing any papers, documents or things, on the ground that such testimony may tend to incriminate or subject the witness to a penalty or forfeiture; but the witness shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which the witness has been ordered to testify pursuant to this rule. The witness may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or the giving of false evidence.

King County Superior Court Local Family Court Rule 17 provides:

> (a) Civil Contempt Proceedings. See also Chapter 7.21 RCW (regarding general contempt of court), RCW 26.18.050 (regarding failure to pay support or maintenance), and RCW 26.09.160 (parenting plan contempt).
>
> (1) Contempt proceedings shall be started by presenting and obtaining an Order to Show Cause re Contempt from the Ex Parte and Probate Department through the clerk's office, accompanied by a Motion and Declaration for Order to Show Cause Re Contempt and a copy of the order that is alleged to have been violated. The hearing on the contempt proceeding shall be scheduled on the Family Law Motions Calendar in accordance with LFLR 6.
>
> (2) Unless otherwise ordered, a copy of the Order to Show Cause and all supporting documents shall be personally served upon the person alleged to be in contempt. A copy of these documents must also be delivered to that person's attorney, if any, the Family Law Motions coordinator, and all

other parties to the action, including any Guardian Ad Litem. All provisions of LFLR 6 shall apply.

(3) If the person alleged to be in contempt is properly served and fails to appear for the Show Cause hearing, the court may grant an order to issue a warrant. The party requesting contempt must deliver the original order and proposed warrant to the Clerk's Office. Upon the Clerk's issuance of the warrant, the party requesting contempt must then deliver the warrant to the King County Sheriff's office at the Courthouse.

(4) If a warrant is issued and the person alleged to be in contempt is arrested, a "Return on Warrant" hearing will be held the next court day following the arrest on the Family Law Motions Calendar at 1:30 p.m. Except in cases where the warrant was requested by the State, the court will arrange for the arrested party to be transported to the hearing from the jail. If the arrested party has posted bail and has been released from jail, that party shall appear in court at 1:30 p.m. on the next court day.

(b) Other Enforcement Actions. See Chapter 26.23 RCW regarding enforcement of child support orders by the Washington State Support Registry and the Division of Child Support; Chapter 6.27 RCW regarding garnishments; and RCW 26.09.120, RCW 26.23.050 and RCW 26.18.070 regarding wage assignments. See CR 69 and LCR 69 regarding Supplemental Proceedings.

RAP 13.4 provides in part:

(b) Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or

(2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RCW 9.41.800 provides in part:

(3) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(a) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(b) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c)(i) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require the party to surrender any firearm or other dangerous weapon;

(B) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

RCW 9.41.802 provides:

By December 1, 2014, the administrative office of the courts shall develop a proof of surrender and receipt pattern form to be used to document that a respondent has complied with a requirement to surrender firearms, dangerous weapons, and his or her concealed pistol license, as ordered by a court under RCW 9.41.800. The administrative office of the courts must also develop a declaration of nonsurrender pattern form to document compliance when the respondent has no firearms, dangerous weapons, or concealed pistol license.

RCW 9.41.804 provides:

A party ordered to surrender firearms, dangerous weapons, and his or her concealed pistol license under RCW 9.41.800 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.

U.S. Const. amend. V provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or

> limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. XIV, § 1 provides in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Wash. Const. art. I, § 9 provides:

> No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

CERTIFICATE OF SERVICE

I, Neil Fox, certify and declare as follows:

On April 16, 2018, I served a copy of the PETITION FOR REVIEW on counsel for the Appellant and counsel for Amici, and any other party, by filing this brief through the Portal and thus a copy will be delivered electronically.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 16th day of April 2018, at Seattle, Washington.

s/ Neil M. Fox
WSBA No. 15277

LAW OFFICE OF NEIL FOX PLLC

April 16, 2018 - 9:56 AM

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