

75670-2
NO. 92084-2

SUPREME COURT OF THE STATE OF WASHINGTON

CANDEE WASHINGTON, and all other persons similarly situated,

Appellant,

v.

Director of Department of Licensing, a subdivision of the State of Washington, in his/her official capacity and John and/or Jane Doe, unidentified Swinomish Tribal Police Officers and General Authority Police Officer pursuant to RCW 10.92 in their official capacity and all tribal officers police officers involved in the seizure and forfeiture of automobiles owned by non Native Americans as Individuals,

Respondent.

**RESPONSE BRIEF OF
DIRECTOR OF DEPARTMENT OF LICENSING**

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I. INTRODUCTION

The superior court properly dismissed Candee Washington's Complaint because she could not join the Swinomish Indian Tribal Community (Swinomish Tribe) as a party, and because the Tribe was an indispensable party in whose absence her claims could not proceed.

The Swinomish Tribe found heroin in Ms. Washington's vehicle and forfeited the vehicle under Swinomish Tribal law. Ms. Washington brought suit in superior court. The Complaint sought declarations on the limits of the Tribe's police and judicial authority and the validity of its actions but did not name the Tribe as a party. In light of the nature of the claims and the absence of the Tribe, the superior court followed the language of CR 19 and case law, and found the Tribe was necessary and indispensable, and dismissed the case because the Tribe is immune from suit.

In her brief, Ms. Washington virtually ignores the CR 19 factors. Instead, she argues that the Tribe's sovereign immunity was either waived or immaterial because the Complaint listed two unnamed and unserved tribal officers as potential defendants. Her legally and factually meritless reasoning is that these officers were exercising power under RCW 10.92.020(2), a new statute that allows certain tribal police officers, in certain circumstances, to "exercise the powers of law enforcement of a

general authority Washington peace officer.” But to rely on this statute, she must assume that the unnamed tribal officers were enforcing Washington State law. They were not. The tribal officers seized her vehicle on Swinomish land pursuant to *tribal law*. Nothing in the record suggests the officers were exercising state authority under RCW 10.92, making the statute immaterial.

The superior court properly dismissed the Complaint based on CR 19 because the Complaint unequivocally sought relief that would define the Swinomish Tribe’s police authority and judicial authority, and such claims could not in equity and good conscience proceed in the Tribe’s absence.

II. COUNTERSTATEMENT OF THE ISSUES

Where the Complaint sought judicial declarations regarding the authority and validity of practices by the Swinomish Indian Tribal Community (Swinomish Tribe) police and courts, did the superior court properly dismiss the Complaint under CR 19 for failure to join the Swinomish Tribe as an indispensable party?

III. STATEMENT OF THE CASE

The Swinomish Tribal Police discovered heroin in Ms. Washington’s vehicle when she was on the Tribe’s land—the Swinomish casino. CP 10 and 20. The Swinomish Tribal Police seized the vehicle,

and the Swinomish Tribe brought a forfeiture proceeding pursuant to its criminal laws in the Swinomish Tribal Court, which issued an Order Granting Forfeiture. CP 20-29. Nothing in the record suggests that Ms. Washington responded to the tribal notices or contested the tribal forfeiture. The Swinomish Tribe later presented the Forfeiture Order to the Department of Licensing (Department), which transferred title from Ms. Washington to the Swinomish Tribe. CP 11.

After waiving the opportunity to challenge the forfeiture in tribal court, Ms. Washington brought this suit in state court. The Complaint challenged the Swinomish Tribal Police's authority to seize vehicles involved in controlled substance violations and the authority of the Swinomish Tribal Court to issue forfeiture orders for the vehicles. *See* CP 9-15 (Complaint). She named John/Jane Doe Tribal Police Officers and the Director of the Department of Licensing as defendants. CP 9. The John/Jane Doe Tribal Police Officers were never identified, named, or served. RP July 2, 2015, 6:18-20, CP 108. The Complaint sought a declaration from the Skagit County Superior Court that the Swinomish Tribe had no "jurisdiction" over her. CP 11. It also sought damages under 42 U.S.C. § 1983 from the unnamed Swinomish Tribal Police Officers and against *any and all other* Swinomish Tribal Police Officers who seized and forfeited vehicles pursuant to Swinomish Tribal Law. CP 11-12.

Based upon these core claims regarding lack of tribal jurisdiction and authority, and the invalidity of tribal practices, the Complaint also sought an injunction against the Department of Licensing from transferring a vehicle title based on *any* forfeiture order from *any* tribal court unless the transferee is a Native American. CP 12.

The Director filed a motion to dismiss under Civil Rule 19 for failure to join an indispensable party—the Swinomish Tribe. The motion showed that the Complaint sought to have the court determine the Swinomish Tribe’s rights and limits of authority in its absence.¹ Appendix A, Director of Department of Licensing’s Motion to Dismiss and Memorandum in Support Thereof, at 1-6, 8-10.² It also showed that the Swinomish Tribe could not be joined due to its sovereign immunity. Appendix A at 6-8. Concluding that the Tribe was an indispensable party for such claims and would be prejudiced by any relief granted and that other remedies were available, the Skagit County Superior Court dismissed the suit. RP, July 2, 2015, 12:12-25.

¹ The Complaint sought a “declaration . . . that the Swinomish Tribe has no jurisdiction over the plaintiff.” CP 11. In a motion for declaratory judgment that was denied in light of the CR 19 dismissal, Ms. Washington sought “declaratory judgment that the ongoing practice of the Swinomish Tribe Police Department of seizing and forfeiting the motor vehicles owned by non-tribal members for violation of the Swinomish Indian Nation’s Drug Forfeiture statute violates federal law.” CP 128.

² Ms. Washington’s Clerk’s Papers did not include the Director’s Motion to Dismiss and Memorandum in Support Thereof. For citation purposes the Director attaches the document as an appendix to this brief. Supplemental Clerk’s Papers have been filed pursuant to RAP 9.6.

Ms. Washington appealed requesting direct review by the Washington State Supreme Court. The Director opposed direct review.

IV. STANDARD OF REVIEW

This Court reviews a “trial court’s decision under CR 19 for an abuse of discretion and review[s] any legal determinations necessary to that decision de novo.” *Automotive United Trades Organizations v. State*, 175 Wn.2d 214, 221, 285 P.3d 52 (2012), citing *Gildon v. Simon Prop. Grp. Inc.*, 158 Wn.2d 483, 493, 145 P.3d 1196, 1202 (2006). When there are no disputed factual issues, this Court sits in the same position as the trial court and may independently evaluate the CR 19(b) indispensability criteria. *Id.* at 229.

V. ARGUMENT

The superior court dismissed this case for failure to join a necessary and indispensable party. This is the sole issue presented by this appeal. Questions raised by Ms. Washington in her brief about “how RCW 10.92 works” are not before the Court because that statute only operates when tribal officers enforce Washington law. Here, they were enforcing tribal law on tribal land. This Court should affirm the dismissal because the superior court properly found Ms. Washington sought relief that would prejudice the rights of the Swinomish Tribe, making the Tribe

both necessary and indispensable. Given that the Tribe could not be joined due to its sovereign immunity, the matter was properly dismissed.

A. The Superior Court Properly Dismissed Ms. Washington's Case Because the Swinomish Tribe Is a Necessary and Indispensable Party That Could Not Be Joined Due To the Tribe's Sovereign Immunity

Under CR 19, when determining whether to dismiss a case because a necessary party is indispensable and cannot be joined, the court employs a three step analysis. *AUTO*, 175 Wn.2d at 222. First, the court determines whether an absent party is “necessary” for a just adjudication under CR 19(a).³ *AUTO*, 175 Wn.2d at 222. If the party is “necessary,” the court next asks whether the non-party can be joined. *Id.* Finally, if the joinder is not possible, the court determines whether the non-party is

³ Washington Civil Rule 19(a) provides:

(a) Persons to Be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (A) as a practical matter impair or impede the person's ability to protect that interest or (B) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of the person's claimed interest. If the person has not been so joined, the court shall order that the person be made a party. If the person should join as a plaintiff but refuses to do so, the person may be made a defendant, or, in a proper case, an involuntary plaintiff. If the joined party objects to venue and the person's joinder would render the venue of the action improper, the joined party shall be dismissed from the action.

“indispensable” by weighing the four factors outlined in CR 19(b)⁴ to determine whether, “in equity and good conscience,” the case should be dismissed because the non-party is “indispensable.” *AUTO*, 175 Wn.2d at 222. The Director, as the party urging dismissal, has the burden of persuasion. *Id.* If it appears from an initial appraisal of the facts that there is an unjoined, indispensable party, the burden shifts to Ms. Washington, the party whose interests are adverse to the unjoined party, to negate this conclusion. *Id.*

As shown below, the Swinomish Tribe is necessary for a just adjudication of the claims Ms. Washington raises in her complaint. But the Tribe cannot be joined because of sovereign immunity. And, the Tribe is indispensable because a judgment rendered in the Tribe’s absence will prejudice the Tribe, will not be adequate, and Ms. Washington has other adequate remedies.

⁴ Washington Civil Rule 19(b) provides:

(b) Determination by Court Whenever Joinder Not Feasible. If a person joinable under (1) or (2) of section (a) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent person being thus regarded as indispensable. The factors to be considered by the court include: (1) to what extent a judgment rendered in the person’s absence might be prejudicial to the person or those already parties; (2) the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; (3) whether a judgment rendered in the person’s absence will be adequate; (4) whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

- 1. The Swinomish Tribe is a necessary party because Ms. Washington sought declaratory and injunctive relief affecting the Tribe's jurisdiction, authority, and police practices to enforce its own forfeiture laws.**

The Swinomish Tribe is necessary under the plain language of CR 19(a), which describes three ways to determine that a party is “necessary.” First, a party is necessary if, in its absence, the court cannot afford complete relief among existing parties. CR 19(a)(1). Second, a party is necessary if it has an interest in the action and resolving the action in its absence may, as a practical matter, impair or impede its ability to protect that interest. CR 19(a)(2)(A). Third, a party is necessary if it has an interest in the action, and resolving the action in its absence may leave an existing party subject to inconsistent obligations because of that interest. CR 19(a)(2)(B). Here, the Swinomish Tribe is necessary under the first two options: the superior court could not have afforded complete relief in the Tribe's absence, and the Tribe had an interest in the subject of the suit, such that resolving the interest without the Tribe would impede its ability to protect that interest.

Under the first option, the superior court could not have afforded complete relief among the existing parties based on the relief Ms. Washington requested. CR 19(a)(1). The Complaint requested a “declaration from [t]his court that the Swinomish Tribe has no jurisdiction

over the plaintiff” and an injunction against the Department of Licensing from “honoring in the future any orders from any tribal court directing it to change ownership [of vehicles] in favor of the tribe or tribe’s designee unless the tribe can demonstrate that the former owner is a Native American.” CP 11-12. In her motion for declaratory judgment, Ms. Washington also sought “declaratory judgment that the ongoing practice of the Swinomish Tribe Police Department of seizing and forfeiting the motor vehicles owned by non-tribal members for violation of the Swinomish Indian Nation’s Drug Forfeiture statute violates federal law.” CP 128. But an injunction and declaration against the Director would not bind the Tribe or its employees. *City of Seattle v. Fontanilla*, 128 Wn.2d 492, 503, 909 P.2d 1294 (1996) (judgment does not bind a non-party except in certain limited circumstances). Because Ms. Washington sought both declarations and injunctions concerning the Swinomish Tribe’s “jurisdiction” and police “practices,” the Court could not afford complete relief in the Tribe’s absence. CR 19(a)(1). The Tribe is therefore a necessary party to adjudicating such matters.

Under the second option, the Swinomish Tribe is necessary because it has a direct interest in the declarations and injunctions that are the subject of the suit. CR 19(a)(2). A party has an interest in the subject of the suit, making it necessary, if the absent party claims a legally

protected interest in the action and the absent party's ability to protect that interest will be impaired or impeded. *Wilbur v. Locke*, 423 F.3d 1101 (9th Cir. 2005), *abrogated on other grounds by Levin v. Commerce Energy, Inc.*, 560 U.S. 413, 130 S. Ct. 2323, 176 L. Ed. 2d 1131 (2010).⁵ The absent party's interest must be "sufficiently weighty." *AUTO*, 175 Wn.2d at 224 (Indian tribes' interest in receiving payments in accordance with State fuel tax compacts were legally protected interest making tribes "necessary" parties). The Swinomish Tribe has an undeniable interest in the application of its criminal code, the practices of its police, and the jurisdiction and orders of its Tribal Court.⁶

The Tribe's status as a necessary party is strongly supported by analogous case law. *See Confederated Tribes of the Chehalis Indian Reservation v. Lujan*, 928 F.2d 1496, 1498 (9th Cir. 1991). In *Chehalis*, the Court upheld a CR 19 dismissal based on the indispensable status of

⁵ Though federal decisions interpreting the federal counterparts of Washington rules are not binding on Washington courts, Washington courts treat them as persuasive authority. *Young v. Key Pharmaceuticals, Inc.*, 112 Wn.2d 216, 226, 770 P.2d 182, 188 (1989).

⁶ Whether a federally recognized Indian Tribe can forfeit a non-member's vehicle cannot be addressed in this appeal. Should a non-member seek to dispute this issue, the State reserves the right to address it in a proper forum. As shown by the briefing, the Director's argument need only address how the Tribe is both necessary and indispensable to the claims made by Ms. Washington. Given the nature of those claims, it is immaterial whether or how Ms. Washington could have prevailed if she had not waived her opportunity to challenge the Tribe's forfeiture in the tribal court, or if she had properly mounted a collateral attack to the tribal action in a federal court. *See Nat'l Farmers Union Ins. Cos. v. Crow Tribe*, 471 U.S. 845, 852-53, 105 S. Ct. 2447, 2452, 85 L. Ed. 2d 818 (1985) (allowing a party to litigate whether a tribal court exceeded the limits of its jurisdiction as a federal question under 28 U.S.C. § 1331).

the Quinault Indian Nation, because Quinault had an interest in litigation challenging its governing authority within the Quinault Reservation. Ms. Washington's claims and requested relief similarly sought to impair the Swinomish Tribe's ability to exercise authority within the Swinomish reservation—specifically, the Tribe's authority to enforce its criminal code through its Tribal Police and Tribal Court. As in *Chehalis*, adjudicating Ms. Washington's asserted claims without the Swinomish Tribe would “impair or impede” the Tribe's interests. *See* CR 19(a)(2)(A).

Finally, the Tribe's interests could not be adequately represented by the Director, who has no stake in whether the Tribe has authority to seize and forfeit a non-member's vehicle. The Director is charged with administering the laws relating to the issuance of vehicle titles and registrations. *See* RCW 46.01.030(1). This is consistent with the holding in *AUTO* where the Court held the State cannot adequately represent the tribes, as the State “lays no claim to a special trust relationship with the Indian tribes.” 175 Wn.2d at 225. Nor is there any other defendant in the case who would represent the Tribe's interest. The unnamed individual tribal police officers identified in the caption were never served and never identified, so Ms. Washington's reliance on them is irrelevant. In any event, they cannot represent the Tribe's interests in the issuance and

enforceability of tribal court orders given that they were unnamed and not made into parties.

In short, the superior court was correct in assessing that the Swinomish Tribe was a necessary party to this lawsuit.

2. The Swinomish Tribe cannot be joined due to sovereign immunity.

The second step in the CR 19 analysis is to determine whether the necessary non-party can be joined. Joinder of the Tribe is not feasible because it is immune from suit. *Equal Emp't Opportunity Comm'n v. Peabody W. Coal Co.*, 400 F.3d 774, 780-81 (9th Cir. 2005) (joinder is not feasible when tribal sovereign immunity applies.). Indian tribes are immune from lawsuits or court process in the absence of congressional abrogation or waiver. *Wright v. Colville Tribal Enterprise Corp.*, 159 Wn.2d 108, 112, 147 P.3d 1274 (2006). *See generally, AUTO*, 175 Wn.2d at 226, *Chehalis*, 928 F.2d at 1499. And for the reasons discussed below in section V.B, the Tribe did not waive its immunity from suit. Given that the Tribe cannot be involuntarily joined to this lawsuit, the question becomes whether the Tribe is indispensable as defined by CR 19(b).

With regard to Ms. Washington's apparent attempt to bypass the Tribe's sovereign immunity bar by naming John and Jane Doe tribal officers, this ploy fails. First, she has never identified or served any

individual officers. RP July 2, 2015, 6:18-20.⁷ Second, her claims affect the interests of the Tribe as a government, not the interests of the Tribe's individual employees. Therefore, it is immaterial in this case that tribal immunity does not bar a suit for prospective non-monetary relief against tribal officers allegedly acting in violation of federal law. *Burlington N. R.R. Co. v. Blackfeet Tribe*, 924 F.2d 899, 901 (9th Cir. 1991), *overruled on other grounds by Big Horn Cnty. Elec. Coop., Inc. v. Adams*, 219 F.3d 944, 953 (9th Cir. 2000).

Nor is there any reason to allow Ms. Washington further time to join the unserved, unnamed officers. A plaintiff can name officials who

⁷ Tribal sovereign immunity affects a court's *personal jurisdiction* over a tribal government. It is entirely different from whether state law applies to a tribe or its members. Moreover, sovereign immunity generally does not create a barrier to personal jurisdiction over an individual. These principles are well established by the United States Supreme Court. For example, the State of Oklahoma argued that as a result of tribal sovereign immunity, it had authority to tax but no remedy. The Court said:

There is no doubt that sovereign immunity bars the State from pursuing the most efficient remedy, but we are not persuaded that it lacks any adequate alternatives. We have never held that individual agents or officers of a tribe are not liable for damages in actions brought by the State. See *Ex parte Young*, 209 U.S. 123, 28 S. Ct. 441, 52 L.Ed. 714 (1908).

Oklahoma Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Okla., 498 U.S. 505, 514, 111 S. Ct. 905, 912, 112 L. Ed. 2d 1112 (1991). Previously, the Court explained:

The doctrine of sovereign immunity which was applied in *United States v. United States Fidelity & Guaranty Co.*, 309 U.S. 506, 60 S. Ct. 653, 84 L.Ed. 894, does not immunize the individual members of the Tribe. ... [T]he successful assertion of tribal sovereign immunity in this case does not impair the authority of the state court to adjudicate the rights of the individual defendants over whom it properly obtained personal jurisdiction.

Puyallup Tribe v. Washington, 433 U.S. 165, 171-73 (1973).

are responsible for ongoing implementation of the allegedly unlawful practice to proceed under an analogy to *Ex parte Young* rationale. *Burlington N. & Santa Fe Ry. Co. v. Vaughn*, 509 F.3d 1085, 1092 (9th Cir. 2007) (internal citation omitted) (holding tribal official allegedly responsible for administering and collecting a challenged tax was not immune from suit seeking declaratory and injunctive relief; but, claim against tribal official who was not responsible for enforcing the tax was barred by tribal sovereign immunity). However, Ms. Washington does not argue in her opening brief, nor does the complaint allege, that unnamed tribal police officers acting in their official capacities have any authority over the contents of the Swinomish Tribe's criminal code, authority over operations of the Swinomish Tribal Court, or any other relevant authority over forfeitures or other permanent deprivations of property. Rather, the relief sought by Ms. Washington would on its face operate against the Swinomish Tribe and the Swinomish Tribal Court. Because these entities are immune from suit joinder is not feasible.

3. The Swinomish Tribe is an indispensable party.

The superior court properly determined that the Swinomish Tribe is an indispensable party and that the case should be dismissed in the Tribe's absence. All four factors of this third step in the CR 19 analysis weigh in favor of determining that the Swinomish Tribe is indispensable.

The four factors are: (1) the prejudice to the absent Tribe; (2) whether the Court could shape any relief granted to reduce any prejudice; (3) whether an adequate remedy can be awarded without the absent Tribe; and (4) whether there exists an adequate remedy if the action is dismissed for nonjoinder. CR 19(b)(1)-(4). These factors must be weighed using a “careful exercise of discretion” that “defies mechanical application.” *AUTO*, 175 Wn.2d at 229. After the court determines how heavily a factor weighs in favor for or against dismissal, the court next determines whether the “case can proceed ‘in equity and good conscience’ without the absentee in light of these factors.” *Id.* The doctrine of indispensability “preserves the rights of absentees to be heard in controversies affecting their rights.” *Id.* at 227.

Here, all four factors weigh in favor of dismissal of the case. Ms. Washington sought declarations, damages, and injunctive relief affecting the rights of the Tribe, and her case could not in equity and good conscience proceed without its presence.

a. Adjudication without the Swinomish Tribe would have resulted in actual prejudice to its rights.

Adjudication without the Swinomish Tribe would have resulted in actual prejudice to the Tribe if Ms. Washington had prevailed, making the first factor weigh heavily in favor of dismissal. The first factor considers

the extent to which a judgment rendered in the Tribe's absence might prejudice the Tribes or the existing parties. CR 19(b)(1). In evaluating this factor, the Court in *AUTO* accorded heavy weight to the Tribes' sovereign status and their self-governance as "respect for the inherent autonomy Indian tribes enjoy has been particularly enduring." *AUTO*, 175 Wn.2d at 229-30 (quoting *Florida Paraplegic Ass'n v. Miccosukee Tribe of Indians of Fla.*, 166 F.3d 1126, 1130 (11th Cir.1999)). Here, there is more than potential prejudice to the Tribe. If Ms. Washington obtained the relief she requested, it would actually prejudice the Tribe's interests. Specifically, the requested relief would impair the Tribe's ability to apply its criminal code as it has interpreted it. It would bind the conduct of its Tribal Court. It would address the validity of the tribal police practices. And it would do all this after Ms. Washington failed to make any objections in Swinomish Tribal Court.

b. The prejudice to the Swinomish Tribe could not be reduced by protective provisions in the judgment.

Given the relief Ms. Washington sought, the prejudice to the Swinomish Tribe could not be reduced by any protective provisions in the judgment. This second factor considers the extent to which any prejudice could be lessened or avoided by protective provisions in the judgment, shaping the relief, or other measures. CR 19(b)(2). The Complaint

suggests no way in which such prejudice could be lessened or avoided under CR 19(b)(2). Nor did Ms. Washington make any arguments below or to this Court that would abandon any of her claims affecting the Swinomish Tribe's authority. Thus, the relief Ms. Washington requests—damages against the tribal police officers, an order that the Swinomish Tribe has no jurisdiction over her, and a prohibition against the Department of Licensing from transferring title pursuant to a tribal court order—squarely impairs the absent Tribe's interests.

In *AUTO*, the plaintiff proposed joining the tribal officials who signed or enforced fuel tax compacts as a prejudice-lessening measure. *AUTO*, 175 Wn.2d at 232. But there, as here, that argument was unpersuasive because “the real party in interest” in a suit concerning the Tribe's police power and court orders “is the tribe itself—which is immune.” *Id.* Therefore, the prejudice to the interests of the Tribe cannot be mitigated because of the relief sought by Ms. Washington.

c. Adequate judgment cannot be rendered in the Swinomish Tribe's absence.

An adequate judgment cannot be rendered in the Swinomish Tribe's absence because Ms. Washington's requested relief concerns tribal authority. CR 19(b)(3). The intent of the analysis under this third factor is not to examine the adequacy of the judgment from the point of the view

of the plaintiff but to determine whether a judgment would comport with “the interest of the courts and public in complete, consistent, and efficient settlement of controversies.” *Provident Tradesmens Bank & Trust Co. v. Patterson*, 390 U.S. 102, 11, 88 S. Ct. 733, 19 L. Ed. 2d 936 (1968) (analyzing identical provision in Federal Rule of Civil Procedure 19).

In *Mudarri v. State*, the court held that this factor was dispositive of an Indian tribe being an indispensable party. *Mudarri v. State*, 147 Wn. App. 590, 606, 196 P.3d 153 (2008). The court held that the “Tribe’s sovereignty renders it uniquely immune to a private lawsuit without its consent, and the Tribe has not consented to Mudarri’s lawsuit. In the Tribe’s absence, the trial court cannot render a judgment on Mudarri’s challenges to the State-Tribe Compact; thus, the trial court cannot adequately address these claims.” *Id.* Here, the same is true. The requested relief seeks to bind the Tribe and cannot be rendered in the Tribe’s absence, making dismissal proper.

d. An alternative forum is available.

Because Ms. Washington has (or had) other forums available to her, the fourth factor, “whether a plaintiff will have an adequate remedy if the action is dismissed for nonjoinder,” also favors dismissal. CR 19(b)(4). This factor “indicates that the court should consider whether there is any assurance that the plaintiff, if dismissed, could sue effectively

in another forum where better joinder would be possible.” *AUTO*, 175 Wn.2d at 233 (quoting Fed. R. Civ. P. 19 advisory committee note).

Ms. Washington has two obvious forums for airing her disagreement with the tribal police seizure and tribal court order forfeiting her vehicle: tribal court and federal court. At the tribal court, Ms. Washington could have challenged the forfeiture proceeding while it was pending; she apparently chose not to. Appendix A at 68-69, Swinomish Tribe Forfeiture Order. In federal court, Ms. Washington can properly litigate the question of tribal authority. This is because the question of whether a tribal court has exceeded the lawful limits of its jurisdiction is a federal question under 28 U.S.C. § 1331. *Nat’l Farmers Union Ins. Cos. v. Crow Tribe*, 471 U.S. 845, 852-53, 105 S. Ct. 2447, 2452, 85 L. Ed. 2d 818 (1985). Tribal officials, including tribal court judges, may be sued in federal court for prospective injunctive relief under the doctrine of *Ex parte Young*. E.g., *Michigan v. Bay Mills Indian Cnty.*, 134 S. Ct. 2024, 2035, 188 L. Ed. 2d 1071 (2014) (“analogizing to *Ex parte Young*, 209 U.S. 123 (1908), tribal immunity does not bar such a suit for injunctive relief against *individuals*, including tribal officers, responsible for unlawful conduct”); *Salt River Project Agric. Improvement & Power Dist. v. Lee*, 672 F.3d 1176 (9th Cir. 2012) (tribal officials); *Crowe & Dunlevy*,

P.C. v. Stidham, 640 F.3d 1140, 1154-56 (10th Cir. 2011) (tribal court judge).

The availability of alternative forums is the critical difference between this case and *AUTO*, which Ms. Washington cites as authority for reversing dismissal of her case. In *AUTO*, the plaintiff brought claims that could only be challenged in a Washington State court because they challenged the legality Washington state fuel tax compacts entered into with the tribes pursuant to a Washington State statute. *AUTO*, 175 Wn.2d at 219. Here, however, Ms. Washington has other, more appropriate, avenues to seek relief concerning the tribal authority and forfeiture.

However, even if there were not an alternative forum, this factor is all but foreclosed as a consideration when the absent party exercises sovereign immunity. *Skokomish Indian Tribe v. Goldmark*, 994 F. Supp. 2d 1168 (2014); *see also Mudarri*, 147 Wn. App. at 606 (Although an indispensable party's sovereign immunity may leave a party with no forum for its claims, the lack of an alternative forum does not automatically prevent dismissal based on the inability to join an indispensable party that has not waived its sovereign immunity); *but see AUTO*, 175 Wn.2d at 233 ("An absentee's sovereign immunity need not trump all countervailing considerations to require automatic dismissal. Instead, courts must carefully consider the circumstances of each case in

balancing prejudice to the absentee's interest against the plaintiff's interest in adjudicating the dispute.”). Thus, consideration of the factor in CR 19(b)(4) favors dismissal.

B. RCW 10.92 Is Irrelevant to This Case

Ms. Washington did not explicitly address the three part CR 19 inquiry or four factor test for indispensability before the superior court. CP 95-110 and RP July 2, 2015, at 7:5-10:15. Nor does she sufficiently address the issue in her briefing before this Court to negate the conclusion that the Tribe is a necessary and indispensable party. *See* Br. of Appellant at 25-26. Instead, she argues that this case is about how “RCW 10.92 works.” She argues that sovereign immunity does not prevent her from seeking to attach insurance coverage of the Tribe under RCW 10.92. *Id.* at 15. Apparently, Ms. Washington believes an insurance carrier might be a vehicle for recovery, and she obtained a writ of attachment in the superior court. RP May 1, 2015, 18:22-24. But these arguments about RCW 10.92 are legally and factually immaterial in this case and do not overcome the conclusion that the Tribe is indispensable.

RCW 10.92 is irrelevant because that statute does not even begin to work until a tribal officer acts to enforce a Washington state law. *See* RCW 10.92.020. Under RCW 10.92.020(1), a tribal police officer, in the circumstances proscribed by the statute is “authorized to act as a general

authority Washington peace officer . . . has the same powers as any other general authority Washington peace officer to enforce *state laws in Washington.*” (emphasis added). Thus, the statute is peculiarly about when a tribal office might exercise state law; it has nothing to do with when a tribal officer exercises tribal authority. To allow its officers to exercise state authority, the statute requires the tribe to acquire liability insurance to cover “tortious conduct of tribal police officers *when acting in the capacity* of a general authority Washington peace officer.” RCW 10.92.020(2)(a)(ii) (emphasis added).

Nothing in RCW 10.92 purports to operate as a waiver of a tribe’s sovereign immunity when a tribal police officer acts to enforce *tribal laws*. The statute states only that if an officer engages in tortious conduct *when enforcing a Washington state law*, the statute prohibits the Tribe from raising a defense of sovereign immunity to the extent of the policy coverage. RCW 10.92.020(2)(a)(ii). However, the statute also makes clear that when acting as a tribal police officer, “Nothing in [the] chapter impairs or affects the existing statute and sovereignty of [the] sovereign tribal governments.” RCW 10.92.020(7). Thus, under the plain language of the statute, even the fact that a tribal officer may in certain circumstances exercise state authority under RCW 10.92, there is not a waiver of the Tribe’s general sovereign immunity. And, relevant to this

case, there is certainly no suggestion of waiver when a tribal police officer acts to enforce *tribal* laws—as in this case.

Ms. Washington, however, argues that whenever tribal officers who are qualified to act under RCW 10.92.020 go beyond the limit of their tribal authority, they act to enforce Washington State laws and trigger RCW 10.92. This makes no sense. There is no evidence that the tribal officers acted to enforce Washington law. Rather, the record is undisputed that both the seizure and forfeiture occurred pursuant to the Swinomish Tribe's criminal code and a tribal court order. Br. of Appellant at 1 n.1. Ms. Washington relies on three cases to support her argument that whenever a tribal police officer who has authority under RCW 10.92 exceeds their authority as a tribal police officer they are enforcing Washington State laws. These cases are clearly distinguishable.

First, in *Bressi v. Ford*, the tribal police conceded they were acting under color of state law as cross-deputized officers when they issued citations for violations of Arizona state law. *Bressi v. Ford*, 575 F.3d 891, 895 (9th Cir. 2009). The only complicating factor of that case, that Ms. Washington cites to, was that the officers had set up a road block on a portion of the state highway that was within the reservation. *Id.* at 895-96. Thus the issue was tribal authority over non-Indians on public right-of-

ways. *Id.* at 896. But as an Arizona case, it sheds no light on the operation of RCW 10.92.

Second, *State v. Eriksen* is distinguishable because the court held only that tribal police officers lack the inherent authority to stop and detain non-Indians on ordinary state land outside the Indian reservation. *State v. Eriksen*, 172 Wn.2d 506, 515, 259 P.3d 1079, 1084 (2011). Like *Bressi*, *Eriksen* does not address the issue of tribal authority solely on tribal land when enforcing a tribal ordinance. *Erikson* did not involve officers who were exercising authority under RCW 10.92, so there is no holding or implication that tribal officers with RCW 10.92 authority would somehow open their tribal employer to a suit like Ms. Washington's.

Third, Ms. Washington cites *Tenneco Oil Co. v. The Sac and Fox Tribe of Indians of Oklahoma*, 725 F.2d 572 (10th Cir. 1984), for the proposition that though the Tribe may have sovereign immunity, its individual officers do not when they act beyond their powers. Br. of Appellant at 21-22. Again, this case has nothing to do with RCW 10.92 and does not aid her argument. Moreover, as discussed above, Ms. Washington seeks relief that concerns the Tribe as a sovereign, by addressing its authority, jurisdiction, and validity of police practices. That type of relief runs against the Tribe, not individual officers. And, the point

is moot given that Ms. Washington did not name or serve any individual tribal officers.

In short, the Swinomish Tribe would likely disagree that it did not have the authority to forfeit Ms. Washington's car. This obvious point of contention underscores the necessity of the Tribe's participation in the claims brought by Ms. Washington concerning the Tribe's authority. Accordingly, dismissal under CR 19 was appropriate.

C. The Director Does Not Claim That She Has Tribal Sovereign Immunity

Ms. Washington incorrectly argues that the Director asserted the tribe's sovereign immunity on her own behalf. Br. of Appellant at 23. The Swinomish Tribe's sovereign immunity is a fact that prevents it from being joined as a party. The Director does nothing more than include this fact in the CR 19 analysis.

Further unavailing is Ms. Washington's argument that whether the Swinomish Tribal police officers were acting to enforce Tribal law or state law is an issue that the unnamed tribal officers or their insurance companies could make at trial. This argument utterly ignores the fact that the only party to this lawsuit is the Director. The unnamed tribal officers are both unnamed *and* unserved. Though Ms. Washington was ready with a writ of attachment to attach an insurance policy, Ms. Washington did

nothing with the writ for the two months between its issuance and the CR 19 hearing.

D. Attorney Fees Should Not Be Awarded in This Case

Attorney fees may be awarded only when authorized by “contract, statute, or recognized ground in equity.” *Bowles v. Washington Dep’t of Retirement Systems*, 121 Wn.2d 52, 69 (1993). Ms. Washington appears to make four arguments to justify her request for attorney fees to this Court. All four arguments fail.

First, Ms. Washington is not entitled to attorney fees based on her 42 U.S.C. § 1983 claim under the Civil Rights Attorney’s Fees Awards Act, 42 U.S.C. § 1988, because she is not a “prevailing party.” *See* Br. of Appellant at 26. To claim that status—and the award of attorney fees—she must have obtained “actual relief on the merits of [her] claim [that] materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiff.” *Farrar v. Hobby*, 506 U.S. 103, 111-112, 113 S. Ct. 566, 572-73, 121 L. Ed. 2d 494 (1992). Because Ms. Washington’s case was dismissed under CR 19, even a reversal of that ruling would not make her a prevailing party for attorney fees under 42 U.S.C. § 1988. *Sole v. Wyner*, 551 U.S. 74, 82, 127 S. Ct. 2188, 2194, 167 L. Ed. 2d 1069 (2007) (a party is not

prevailing unless and until there is a material change in the legal relationship of the parties).

Second, Ms. Washington is not entitled to attorney fees under the “common fund” theory. *See* Br. of Appellant at 27. That theory “authorizes attorney fees only when the litigants preserve or create a common fund for the benefit of others as well as themselves.” *Bowles v. Wash. Dep’t of Retirement Systems*, 121 Wn.2d 52, 70 847 P.2d 440, 449 (1993). An example of when a “common fund for the benefit of others” was created in a case, thus justifying attorney fees, was when plaintiffs successfully increased the funds available for the payment of Washington state pensions. *Id.* But here, Ms. Washington neither prevailed nor successfully increased common funds benefitting others. Indeed, there is no colorable basis to even believe that her case could be certified as a class action.

Third, attorney fees are not appropriate based on the “bad faith” of the Director. *See* Br. of Appellant at 27-28. Ms. Washington cites no case law that would support her claim. Moreover, she bases her argument of “bad faith” and “misconduct” on nothing more than the Director’s disagreement with her legal interpretation of RCW 10.92. If this were true, the State would act in bad faith every time it defended a lawsuit—an untenable and absurd proposition.

Fourth, there should be no attorney fees under the private attorney general doctrine—even if she was correct that she is somehow advancing the interests of state of law. *See* Br. of Appellant at 28. As she explicitly concedes in her brief, this theory of attorney fees has been rejected by the Washington State Supreme Court in *Blue Sky Advocates v. State*, 107 Wn.2d 112, 122, 727 P.2d 644 (1986). *Id.* Ms. Washington is not entitled to attorney fees.

VI. CONCLUSION

For the foregoing reasons, the Director respectfully asks this Court to affirm the superior court's dismissal of the Complaint for failure and inability to join a necessary and indispensable party.

RESPECTFULLY SUBMITTED this 27th day of April, 2016.

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PROOF OF SERVICE

I, Amy Phipps, certify that I caused a copy of this document—

Response Brief of Director of Department of Licensing and Appendix

A—to be served on all parties or their counsel of record as follows on the date below and as follows to:

By US Mail to:

William Johnston
PO Box 953
Bellingham, WA 98227-0953

Sent via email to: Wjtj47@gmail.com

Filed electronically with:

Supreme Court of the State Washington
Supreme@courts.wa.gov

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

DATED this 21th day of April, 2016, at Olympia, Washington.



AMY PHIPPS, Legal Assistant

Appendix A

**STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT**

CANDEE WASHINGTON, and all other
persons similarly situated.

NO. 15-2-00293-0

Plaintiff,

DIRECTOR OF DEPARTMENT OF
LICENSING'S MOTION TO
DISMISS AND MEMORANDUM
IN SUPPORT THEREOF

v.

Director of Department of Licensing, a
subdivision of the State of Washington, in
his/her official capacity and John and/or
Jane Doe, unidentified Swinomish Tribal
Police Officers and General Authority
Police Officer pursuant to RCW 10.92 in
their official capacity and all tribal officers
police officers involved in the seizure and
forfeiture of automobiles owned by non
Native Americans as individuals,

Defendant.

I. INTRODUCTION

Plaintiff Candee Washington has filed suit against the Director of the Department of Licensing in her official capacity and unnamed Swinomish Tribal Police officers in their official capacities. Washington seeks a declaration from the Court that the Swinomish Tribe has no jurisdiction over her, an injunction against the Department of Licensing from honoring any future tribal court order regarding transfer of title, and for judgment and damages against the Director and unnamed tribal police officers. Attachment A (Complaint), pp. 3-4, 7. Washington has also filed a Motion for Declaratory Judgment seeking "declaratory judgment that the ongoing practice of the Swinomish Tribe Police Department of seizing and forfeiting the motor vehicles owned by non-tribal members for violation of the Swinomish Indian

1 Nation's Drug Forfeiture statute violates federal law." Attachment B (Motion for Declaratory
2 Judgment and Attorney Fees), pp. 1-2. The Swinomish Tribe is a party needed for a just
3 adjudication under Washington Civil Rule (CR) 19. It cannot be joined because of its
4 sovereign immunity. In the Tribe's absence, it is against equity and good conscience for the
5 action to proceed. This case should therefore be dismissed for failure to join the Swinomish
6 Tribe as an indispensable party under CR 19(b) and 12(c).

7 **II. RELIEF REQUESTED**

8 Defendant Director of Department of Licensing requests an order dismissing Plaintiff's
9 claims for failure to join the Swinomish Tribe as an indispensable party. CR12(b)(7).

10 **III. FACTS**

11 Washington in her complaint challenges the authority of the Swinomish Tribal Police
12 Department to seize vehicles used in controlled substance violations and the authority of the
13 Swinomish Tribal Court to issue civil forfeiture orders regarding those vehicles. Attachment A.
14 The Swinomish Tribe Criminal Code contains a forfeiture provision for vehicles used in
15 controlled substance violations. Attachment C (Swinomish Criminal Code), pp. 3-4.

16 The Department of Licensing transferred title to Washington's vehicle after a licensing
17 clerk was presented with a Swinomish Tribe Tribal Court Order Granting Forfeiture regarding
18 Washington's vehicle. Attachment A, pp. 9-21. The Tribal Court Order found Washington was
19 the registered legal owner for the vehicle and that the vehicle contained occupants who
20 unlawfully possessed heroin and its paraphernalia and ordered the vehicle forfeited to the
21 Swinomish Indian Tribal Community. Attachment A, pp. 12-13.

22 **IV. ARGUMENT**

23 Washington seeks declaratory and injunctive relief regarding the Swinomish Tribe's
24 forfeiture process found within its criminal code and the subsequent transfers of vehicle titles
25 based on orders issued by the Swinomish Tribal Court. The Swinomish Tribe is an
26 indispensable party to any action seeking to challenge application of its criminal code, the

1 authority of its Tribal court, and the enforcement of Tribal orders. The Swinomish Tribe enjoys
2 sovereign immunity and cannot be joined to this action. The action should therefore be
3 dismissed for failure to join an indispensable party.

4 **A. Standards Under Civil Rules 12(c) and 19.**

5 Under CR 12(h)(2), a motion to dismiss for failure to join an indispensable party after an
6 answer has been filed may be treated as a motion for judgment on the pleadings under CR 12(c).
7 For purposes of the motion, the court accepts the plaintiff's allegations are true, but need not
8 accept the plaintiff's interpretation of the law. *Trumble v. Wasmer*, 43 Wn.2d 592, 596, 262 P.2d
9 538 (1953).

10 Whether a suit should be dismissed because an absent party cannot be joined involves a
11 three-step inquiry. *Automotive United Trades Organization v. State*, 175 Wn.2d 214, 222, 285
12 P.3d 52 (2012). First, the court determines whether an absent party is "necessary" for a just
13 adjudication under CR 19(a).¹ *Id.* If the answer is yes, the court proceeds to the second step, in
14 which it asks whether the non-party can be joined. *Id.* Finally, if joinder is not possible, the court
15 weighs the factors outlined in CR 19(b)² to determine whether, "in equity and good conscience,"
16 the case should be dismissed because the non-party is "indispensable." *Id.*

17
18 ¹ Washington Civil Rule 19(a) provides:

19 (a) **Persons to Be Joined if Feasible.** A person who is subject to service of process and whose
20 joinder will not deprive the court of jurisdiction over the subject matter of the action shall be
21 joined as a party in the action if (1) in the person's absence complete relief cannot be accorded
22 among those already parties, or (2) the person claims an interest relating to the subject of the
23 action and is so situated that the disposition of the action in his absence may (A) as a practical
24 matter impair or impede the person's ability to protect that interest or (B) leave any of the
25 persons already parties subject to a substantial risk of incurring double, multiple, or otherwise
26 inconsistent obligations by reason of the person's claimed interest. If the person has not been so
joined, the court shall order that the person be made a party. If the person should join as a
plaintiff but refuses to do so, the person may be made a defendant, or, in a proper case, an
involuntary plaintiff. If the joined party objects to venue and the person's joinder would render
the venue of the action improper, the joined party shall be dismissed from the action.

25 ² Washington Civil Rule 19(b) provides:

26 (b) **Determination by Court Whenever Joinder Not Feasible.** If a person joinable under (1)
or (2) of section (a) hereof cannot be made a party, the court shall determine whether in equity
and good conscience the action should proceed among the parties before it, or should be

1 The party urging dismissal, here the Director, has the burden of persuasion. *Id.* If it
2 appears from an initial appraisal of the fact that there is an unjoined indispensable party, the
3 burden shifts to the party whose interests are adverse to the unjoined party to negate this
4 conclusion. *Id.*

5 Here, the Swinomish Tribe is necessary for a just adjudication of the claims Washington
6 raises in her complaint. It cannot be joined because it is immune from suit in Washington State
7 courts. It is indispensable because a judgment rendered in the Tribe's absence will prejudice the
8 Tribe, will not be adequate, and Washington has other adequate remedies. Dismissal of
9 Washington's complaint is therefore proper.

10 **B. The Swinomish Tribe Should Be Joined Under CR 19(a).**

11 A party may be necessary under CR 19(a) in three different ways. First, a party is
12 necessary if, in its absence, the court cannot accord complete relief among existing parties. CR
13 19(a)(1). Second, the party is necessary if it has an interest in the action and resolving the
14 action in its absence may as a practical matter impair or impede his ability to protect that
15 interest. CR 19(a)(2)(A). Third, the party is necessary if it has an interest in the action and
16 resolving the action in its absence may leave an existing party subject to inconsistent
17 obligations because of that interest. CR 19(a)(2)(B).

18 Washington's requested relief is for a "declaration from [t]his court that the Swinomish
19 Tribe has no jurisdiction over the plaintiff" and an injunction against the Department of
20 Licensing from "honoring in the future any orders from any tribal court directing it to change
21 ownership [of vehicles] in favor of the tribe or tribe's designee unless the tribe can demonstrate
22 that the former owner is a Native American." While not stated as a prayer for relief in
23

24 dismissed, the absent person being thus regarded as indispensable. The factors to be considered
25 by the court include: (1) to what extent a judgment rendered in the person's absence might be
26 prejudicial to the person or those already parties; (2) the extent to which, by protective provisions
in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or
avoided; (3) whether a judgment rendered in the person's absence will be adequate; (4) whether
the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

1 Washington's complaint, her pending motion for declaratory judgment seeks "declaratory
2 judgment that the ongoing practice of the Swinomish Tribe Police Department of seizing and
3 forfeiting the motor vehicles owned by non-tribal members for violation of the Swinomish
4 Indian Nation's Drug Forfeiture statute violates federal law." Attachment B, pp.1-2.
5 Washington's requested relief, on its face, seeks orders against the Swinomish Tribe and in the
6 Tribe's absence, the Court cannot afford complete relief. CR 19(a)(1). An injunction solely
7 against the unnamed tribal police officers and the Director, would not bind the Tribe. *City of*
8 *Seattle v. Fontanilla*, 128 Wn.2d 492, 503, 909 P.2d 1294 (1996) (judgment does not bind a
9 non-party except in certain limited circumstances). The Tribe is therefore a necessary party
10 under CR 19(a).

11 In addition, the Swinomish Tribe is a necessary party within the meaning of Rule
12 19(a)(2) because it has an interest in the subject of this suit. To decide whether this rule is met,
13 the court determines whether the absent party claims a legally protected interest in the action
14 and whether the absent party's ability to protect that interest will be impaired or impeded.
15 *Wilbur v. Locke*, 423 F.3d 1101 (9th Cir. 2005), *abrogated on other grounds by Levin v.*
16 *Commerce Energy, Inc.*, 130 S.Ct. 2323 (2010).³ The absent party's interest must be
17 "sufficiently weighty." *AUTO*, 175 Wn.2d at 224 (Indian tribes' interest in receiving payments
18 in accordance with State fuel tax compacts were legally protected interest making tribes
19 necessary parties).

20 The Tribe, as a sovereign government, has an interest in the application of its criminal
21 code and the conduct of its Tribal Court. *Confederated Tribes of the Chehalis Indian*
22 *Reservation v. Lujan*, 928 F.2d 1496, 1498 (9th Cir. 1991) (Quinault Nation had an interest in
23 litigation challenging its governing authority within the Quinault Reservation). Adjudicating
24

25 ³ Though federal decisions interpreting the federal counterparts of Washington rules are not binding on
26 Washington courts, Washington courts treat them as persuasive authority. *Young v. Key Pharmaceuticals, Inc.*,
112 Wn.2d 216, 226, 770 P.2d 182, 188 (1989).

1 Washington's asserted claims without the Tribe would "impair or impede" those interests and
2 the Tribe's interests are not otherwise adequately represented in the suit. *See* CR 19(a)(2)(A).
3 The Director, who is simply charged with administering the laws relating to the issuance of
4 vehicle titles and registrations, *see* RCW 46.01.030(1), is not in a position to represent the
5 Tribe's interests in the exercise of its sovereign powers. This conclusion is consistent with the
6 holding in *AUTO* where the Court held the State cannot adequately represent the tribes as the
7 State "lays no claim to a special trust relationship with the Indian tribes." 175 Wn. 2d at 225.
8 The only other defendants are unnamed individual tribal police officers and are similarly not a
9 position to represent the Tribe's interests in the issuance and enforceability of tribal court
10 orders. As such, the Tribe is a necessary party to this dispute.

11 **C. The Swinomish Tribe Cannot Be Joined Because of Its Sovereign Immunity.**

12 Although the Swinomish Tribe is a required party to this action, joinder of the Tribe is
13 not feasible because it is immune from suit and cannot be joined. *Equal Empt' Opportunity*
14 *Comm'n v. Peabody W. Coal Co.*, 400 F.3d 774, 780-81 (9th Cir. 2005) (joinder is not feasible
15 when tribal sovereign immunity applies.). Indian tribes are immune from lawsuits or court
16 process in the absence of congressional abrogation or waiver. *Wright v. Colville Tribal*
17 *Enterprise Corp.*, 159 Wn.2d 108, 112, 147 P.3d 1274 (2006). This immunity also protects
18 tribal officials acting with the scope of their valid authority. *Id.* Under the doctrine of *Ex Parte*
19 *Young*, tribal immunity does not bar a suit for prospective non-monetary relief against tribal
20 officers allegedly acting in violation of federal law. *Burlington N. R.R. Co. v. Blackfeet Tribe*,
21 924 F.2d 899, 901 (9th Cir. 1991), *overruled on other grounds by Big Horn Cnty. Elec. Coop.*,
22 *Inc. v. Adams*, 219 F.3d 944, 953 (9th Cir. 2000); *see also Yakama Indian Nation v. Locke*, 176
23 F.3d 467, 469 (9th Cir. 1999) (holding plaintiff's claim for damages against state governor in
24 his official capacity was barred by the Eleventh Amendment because any such judgment would
25 run against the State's treasury).
26

1 In an apparent attempt to avoid an assertion of sovereign immunity by the Tribe,
2 Washington has listed as defendants tribal police officers in their official capacity. Those
3 officers have neither been identified nor served.⁴ However, to succeed under an *Ex parte*
4 *Young* rationale, a plaintiff must name officials that are responsible for the ongoing
5 implementation of the allegedly unlawful practice—the named officials must have “the
6 requisite enforcement connection to the challenged law for the *Ex Parte Young* exception to
7 apply.” *Burlington N. & Santa Fe Ry. Co. v. Vaughn*, 509 F.3d 1085, 1092 (9th Cir. 2007)
8 (internal citation omitted) (holding tribal official allegedly responsible for administering and
9 collecting a challenged tax was not immune from suit seeking declaratory and injunctive relief;
10 but, claim against tribal official who was not responsible for enforcing the tax was barred by
11 tribal sovereign immunity); *see also Yakama Indian Nation*, 176 F.3d at 469 (holding Indian
12 tribe could not seek injunction against state governor pursuant to *Ex Parte Young* exception to
13 Eleventh Amendment immunity inasmuch as Governor lacked requisite connection to activity
14 sought to be enjoined). Otherwise, the lawsuit is in reality just a suit against the Tribe and
15 barred by sovereign immunity. *See Yakama Indian Nation*, 176 F.3d at 469.

16 Here, the relief sought by Washington would, on its face, operate against the
17 Swinomish Tribe and the Swinomish Tribe Police Department.⁵ *See* Attachments A and B. The
18 complaint contains no allegations that the unnamed tribal police officers acting in their official
19 capacity either have authority over the contents of the Swinomish Tribe’s criminal code or are
20 charged with operating the Swinomish Tribe Tribal Court. The officers have no authority over
21 forfeitures or other permanent deprivations of property, the Tribal Court does, and the
22 unnamed police officers cannot represent the court which is a separate arm of the tribal
23

24 ⁴ There is no indication on the court docket that any defendant other than the Director has filed a notice
of appearance in this matter.

25 ⁵ According to the Swinomish Tribe’s website, the Swinomish Tribe Police Department is an arm of the
tribal government that reports directly to a committee of the Tribe’s governing body. <http://www.swinomish-nsn.gov/government/tribal-administration.aspx>. A printout of the Tribe’s website is attached hereto as
26 Attachment D.

1 government.⁶ Rather, the unnamed tribal officers are simply a substitute for the Swinomish
2 Tribe against which most of the requested relief would purportedly operate and which cannot
3 be joined because of its sovereign immunity.

4 **D. The Swinomish Tribe is “Indispensable” Under CR 19(b), and this Case Should be**
5 **Dismissed.**

6 Because the Tribe is a required party who cannot be joined because of its sovereign
7 immunity, this Court must determine “whether in equity and good conscience, the action
8 should proceed among the existing parties before it, or should be dismissed, the absent person
9 thus being thus regarded as indispensable.” CR 19(b). The doctrine of indispensability “favors
10 judicial economy by avoiding redundant proceedings, safeguards judicial dignity by avoiding
11 inconsistent decrees, and preserves the rights of absentees to be heard in controversies
12 affecting their rights.” *AUTO*, 175 Wn.2d at 227.

13 Rule 19 requires the Court to weigh four factors in determining whether the Tribe is
14 indispensable in this case. Those factors are: (1) the prejudice to the absent Tribe; (2) whether
15 the Court could shape any relief granted to reduce any prejudice; (3) whether an adequate
16 remedy can be awarded without the absent Tribe; and (4) whether there exists an adequate
17 remedy if the action is dismissed for nonjoinder. CR 19(b)(1)-(4); *see also AUTO*, 175 Wn.2d
18 at 233 (“[C]ourts must carefully consider the circumstances of each case in balancing prejudice
19 to the absentee’s interest against the plaintiff’s interest in adjudicating the dispute.”).

20 **1. Adjudication would be prejudicial to the Swinomish Tribe and the**
21 **prejudice cannot be reduced by protective provisions in the judgment.**

22 The first factor considers the extent to which a judgment rendered in the Tribe’s
23 absence might prejudice the Tribes or the existing parties. CR 19(b)(1). In evaluating this
24 factor, the Court in *AUTO* accorded heavy weight to the tribe’s’ sovereign status and their self-
25 governance as “respect for the inherent autonomy Indian tribes enjoy has been particularly

26 _____
⁶ *Id.*

1 enduring.” *AUTO*, 175 Wn.2d at 229-30 (internal citation omitted). As discussed above, there
2 is not just a possibility the Tribe will be prejudiced, but a likelihood of it. Adjudicating
3 Washington’s requested relief in the absence of the Tribe impairs the Tribe’s interests in the
4 application of its criminal code and the conduct of its Tribal Court in particular because the
5 relief, on its face, seeks to bind the Tribe.

6 The second factor considers the extent to which any prejudice could be lessened or
7 avoided by protective provisions in the judgment, shaping the relief, or other measures. CR
8 19(b)(2). Washington’s complaint suggests no way in which such prejudice could be lessened
9 or avoided under CR 19(b)(2). The relief Washington requests requests—an order that
10 Swinomish Tribe has no jurisdiction over her and prohibiting the Department of Licensing
11 from transferring title pursuant to a tribal court order—is uncompromising. In *AUTO*, the
12 plaintiff proposed joining the tribal officials who signed or enforced fuel tax compacts as a
13 prejudice-lessening measure. *AUTO*, 175 Wn.2d at 232. But there, as here, that argument was
14 unpersuasive because “the real party in interest, in a suit against those tribal officers in their
15 official capacities, is the tribe itself—which is immune.” *Id.* The prejudice to the interests of
16 the Tribe cannot be mitigated by crafting protective provisions into the relief sought by
17 Washington. Consideration of the factors in CR19(b)(1) and (2) favor dismissal.

18 **2. Adequate judgment cannot be rendered in the Swinomish Tribe’s absence.**

19 The third factor, “whether a judgment rendered in the [party’s] absence would be
20 adequate,” also favors dismissal. CR 19(b)(3). The intent of the analysis under this factor is not
21 to examine the adequacy of the judgment from the point of the view of the plaintiff but to
22 determine whether a judgment would comport with “the interest of the courts and public in
23 complete, consistent, and efficient settlement of controversies.” *Provident Tradesmens Bank &*
24 *Trust Co. v. Patterson*, 390 U.S. 102, 11, 88 S.Ct. 733 (1968) (analyzing identical provision in
25 Federal Rule of Civil Procedure 19).
26

1 In *Mudarri v. State*, the court held that this factor was dispositive of an Indian tribe
2 being an indispensable party. *Mudarri v. State*, 147 Wn. App. 590, 606, 196 P.3d 153 (2008).
3 The court held that “Tribe’s sovereignty renders it uniquely immune to a private lawsuit
4 without its consent, and the Tribe has not consented to Mudarri’s lawsuit. In the Tribe’s
5 absence, the trial court cannot render a judgment on Mudarri’s challenges to the State-Tribe
6 Compact; thus, the trial court cannot adequately address these claims.” *Id.* Here, the same is
7 true. The requested relief seeking to bind the Tribe cannot be rendered in the Tribe’s absence
8 and dismissal is proper.

9 **3. An alternative forum is available.**

10 The fourth factor, “whether a plaintiff will have an adequate remedy if the action is
11 dismissed for nonjoinder” also favors dismissal. CR 19(b)(4). This factor “indicates that the
12 court should consider whether there is any assurance that the plaintiff, if dismissed, could sue
13 effectively in another forum where better joinder would be possible.” *AUTO*, 175 Wn.2d at
14 233, quoting Fed. R. Civ. P. 19 advisory committee note. Washington has other forums for
15 airing her disagreement with the tribal court order forfeiting her vehicle: tribal court and the
16 federal court. Washington could have challenged the forfeiture proceeding while it was
17 pending in tribal court but apparently chose not to. Attachment C, pp. 4-5.

18 In addition, the question of whether a tribal court has exceeded the lawful limits of its
19 jurisdiction is a federal question under 28 U.S.C. § 1331. *Nat’l Farmers Union Ins. Cos. v.*
20 *Crow Tribe*, 471 U.S. 845, 852-53 (1985). Tribal officials, including tribal court judges, may
21 be sued in federal court for prospective injunctive relief under the doctrine of *Ex parte Young*.
22 *E.g., Michigan v. Bay Mills Indian Cmty.*, 134 S. Ct. 2024, 2035 (2014) (“analogizing to *Ex*
23 *parte Young*, 209 U.S. 123 (1908), tribal immunity does not bar such a suit for injunctive relief
24 against *individuals*, including tribal officers, responsible for unlawful conduct”); *Salt River*
25 *Project Agric. Improvement & Power Dist. v. Lee*, 672 F.3d 1176 (9th Cir. 2012) (tribal
26 officials); *Crowe & Dunlevy, P.C. v. Stidham*, 640 F.3d 1140, 1154-56 (10th Cir. 2011) (tribal

1 court judge). It is possible Washington could go to federal court to enjoin the tribal court from
2 exercising jurisdiction over her and her vehicle, or she could seek a declaratory judgment
3 against tribal officials that the tribal forfeiture law is unenforceable against her.

4 Even if there were not an alternative forum, this factor is all but foreclosed as a
5 consideration when the absent party exercises sovereign immunity. *Skokomish Indian Tribe v.*
6 *Goldmark*, 994 F. Supp. 2d 1168 (2014); *see also Mudarri*, 147 Wn. App. at 606 (Although an
7 indispensable party's sovereign immunity may leave a party with no forum for its claims, the
8 lack of an alternative forum does not automatically prevent dismissal based on the inability to
9 join an indispensable party that has not waived its sovereign immunity); *but see AUTO*, 175
10 Wn.2d at 233 ("An absentee's sovereign immunity need not trump all countervailing
11 considerations to require automatic dismissal. Instead, courts must carefully consider the
12 circumstances of each case in balancing prejudice to the absentee's interest against the
13 plaintiff's interest in adjudicating the dispute."). Consideration of the factor in CR19(b)(4)
14 favors dismissal.

15 V. CONCLUSION

16 Washington seeks relief that affects legal rights that the Swinomish Tribe claims to
17 have. The tribe cannot be joined in this lawsuit because of its sovereign immunity. Equity and
18 good conscience require that this action be dismissed for failure to join an indispensable party.
19 CR 19(b).

20 DATED June 4, 2015.

21 ROBERT W. FERGUSON
22 Attorney General

23 
24 DIONNE PADILLA-HUDDLESTON
25 WSBA # 38356
26 Assistant Attorney General
Attorney for Director, Department of Licensing

1 **PROOF OF SERVICE**

2 I, Katie Mocer, certify that I served a copy of **Note for Calendar, Director of**
3 **Department of Licensing's Motion to Dismiss, Attachments A-D, and Proposed Order** on
4 all parties or their counsel of record on the date below as follows:

5 US Mail Postage Prepaid and email

6
7 WILLIAM JOHNSTON
8 PO BOX 953
9 BELLINGHAM, WA 98227-0953
10 wjtj47@gmail.com

11 ABC/Legal Messenger

12 CIVIL MOTIONS JUDGE
13 SKAGIT COUNTY SUPERIOR COURT
14 SKAGIT COUNTY COURTHOUSE
15 205 W KINCAID STREET ROOM 202
16 MOUNT VERNON, WA 98273-4225

17 Filed via ABC with (excluding proposed order)

18 MAVIS BETZ, CLERK
19 SKAGIT COUNTY SUPERIOR COURT
20 SKAGIT COUNTY COURTHOUSE
21 205 W KINCAID STREET ROOM 202
22 MOUNT VERNON, WA 98273-4225

23 I certify under penalty of perjury under the laws of the state of Washington that the
24 foregoing is true and correct.

25 DATED this 4th day of June 2015 at Seattle, WA.

26 

Katie Mocer, Legal Assistant

Attachment A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

CANDEE WASHINGTON, and)
all other persons similarly)
situated,)
)
Plaintiff,)

No. **15 2 00293 0**

CLASS ACTION

vs

Director of the Department of)
Licensing,)
a subdivision of the State of)
Washington, in his/her official)
Capacity and John and/or)
Jane Doe, unidentified Swinomish)
Tribal Police Officers and General)
Authority Police Officers pursuant)
To RCW 10.92 in their official)
capacity and all tribal officers)
police officers involved in the)
seizure and forfeiture of)
automobiles owned by non)
Native Americans as individuals)

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND
FOR DAMAGES, ATTORNEY FEES
AND FOR CERTIFICATION OF
CLASS ACTION AND FOR
APPOINTMENT OF CLASS ACTION
COUNSEL

Defendants.)
)
)
)

COMES NOW the plaintiff, CANDEE WASHINGTON by and through her attorney, WILLIAM JOHNSTON, and for her cause of action against the defendant Director of the DEPARTMENT OF LICENSING, a subdivision of the

COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND FOR DAMAGES, ATTORNEY FEES
AND FOR CERTIFICATION OF CLASS ACTION AND
FOR APPOINTMENT OF CLASS ACTION COUNSEL

William Johnston
Attorney at Law
PO Box 953
Bellingham, Washington 98227
Phone: 360-676-1931

State of Washington in his/her official capacity as and JOHN AND/OR JANE DOE, unidentified Swinomish Tribal Police Officers in their official capacity as Washington State General Authority Police Officers qualified under RCW 10.92 and JOHN AND/OR JANE RO all other tribal police officers of all of the Indians tribes in Washington involved in the seizure and forfeiture of automobiles owned by non Native Americans as individuals, and alleges as follows:

FACTS

1. The plaintiff CANDEE WASHINGTON is an adult resident of the State of Washington who resides in Mount Vernon? Washington.
2. John or Jane Doe is the Director of the Department of Licensing which is a subdivision of the State of Washington; all actions alleged to have been committed by the Department were undertaken under color of state law; all actions undertaken by John or Jane Doe were undertaken in his/her official capacity as Director of the Department of Licensing.
3. Plaintiff is the owner of a 2007 Nissan Armada, VIN:5N1AA08A17N708457.
4. On or about February 14, 2015, Swinomish Police Officers seized for forfeiture plaintiff's vehicle, a 2007 Nissan Armada, VIN: 5N1AA08A17N708457, at the Swinomish Casino on Route 20 in Skagit County, Washington.
 5. Candee Washington is not a Native American.
6. Upon information and belief, plaintiff alleges the following is the practice of the Washington State Department of Licensing with respect to the change of ownership of vehicles in Washington State. First, Washington State law states that the ownership of a motor vehicle is evidenced exclusively and only by the person or legal entity designated in the official Certificate of Ownership. In this

case, and plaintiff believes this to be the case in the past with respect to forfeitures of motor vehicles owned by Washingtonians who are not Native American, the change of Certificates of Ownership is accomplished by the Indian tribes in the following manner. The Native American Tribe sends an official forfeiture order from its tribal court stripping the registered owner, Native American and non Native American alike, of her ownership of the particular motor vehicle to the Department of Licensing and then in response thereto, the Department of Licensing issues a new Certificate of Ownership in favor of the particular tribe, designating the tribe as the new registered owner. This new certificate of title is thereafter signed over by the tribe to the highest bidder at a cash auction sale or transferred to the tribe and used by its tribal police.

7. This practice of the Department of Licensing is illustrated by Appendix 1 which are documents which show that the Swinomish Nation forfeited plaintiff's 2007 Nissan Armada, VIN:5N1AA08A17N708457 to itself. This was accomplished by presentation of the Swinomish Tribal Court's forfeiture order to the Department of Licensing which a new Certificate of Ownership designating the Swinomish Tribe as the lawful and official owner of the 2007 Nissan Armada, VIN:5N1AA08A17N708457. This was accomplished in violation of the protocols of the Department of Licensing, which do not authorize transfer of ownership based upon presentation of an Indian court order of forfeiture.
8. Plaintiff alleges that the Swinomish Nation has no authority to adjudicate her ownership of private property in Swinomish Tribal Court and is in conflict with A-1 Contractors v. Strate 528 US 438 (1997) and Miner Electric Inc. v. Muscogee (Creek) Nation, 505 F3d 1007 (10th Cir. 2007).
9. For this reason, plaintiff seeks a declaration from his court that the Swinomish Nation has no jurisdiction over the plaintiff and further

to enjoin the Department of Licensing from honoring in the future any orders from any tribal court directing it to change ownership and issue new certificates of ownership for vehicles in favor of the tribe or the tribe's designee unless the tribe can demonstrate that the former owner is a Native American.

10. 42 USC 1983 et seq. makes unlawful any deprivation of civil rights under color of state law. Plaintiff's due process rights under the United States and Washington Constitutions were violated by the forfeiture prosecution of the Swinomish Nation and the Department of Licensing's cooperation to effectuate the illegal tribal order of forfeiture which the Department of Licensing relied upon to change the Certificate of Ownership document.
11. Plaintiff alleges that the State of Washington through its agents the Department of Licensing violated plaintiff's and other non tribal persons' constitutional rights to private property and right to due process of law by its cooperation with the illegal actions of the Swinomish Tribal Court and other tribal courts by permitting Indian tribes to change Certificates of Ownership based upon orders of forfeiture issued by Indian court.
12. JOHN AND/OR JANE DOE are individuals whose identity is presently unknown but who will be identified are Swinomish tribal police officers and general authority Washington law enforcement officers.
13. The Swinomish Indian Nation has qualified all of its tribal police as General Authority Washington State Police Officers pursuant to RCW 10.92.
14. At all times pertinent herein, JOHN AND/OR JANE DOE acted as General Authority Washington State Police Officers pursuant to RCW 10.92; all actions alleged to have been committed by the JOHN AND/OR JANE DOE officers were undertaken under color of state law.

15. 42 USC 1983 et seq. makes unlawful any deprivation of civil rights under color of state law. Plaintiff's due process rights under the United States and Washington Constitutions were violated by the actions of JOHN AND/OR JANE DOE Swinomish Police Officers in their seizure and forfeiture of plaintiff's 2007 Nissan Armada and by the Department of Licensing's cooperation with this illegal activity by not enforcing their own protocols, which forbid transfer of Certificate of Ownership by virtue of a tribal court order of forfeiture, thus aiding and abetting the illegal forfeiture prosecution of the Swinomish Nation, all of which is in violation of the rights of the plaintiff under the laws and Constitution of the United States and the State of Washington.

16. At the time of the seizure and forfeiture of the 2007 Nissan Armada, VIN:5N1AA08A17N708457, said Swinomish JOHN AND/OR JANE DOE officers were acting under color of state law and as General Authority Washington State Police Officers and by their seizure and forfeiture of said 2007 Nissan Armada, VIN:5N1AA08A17N708457, said officers converted plaintiff's private property in violation of the 5th and 14th amendments of the Constitution of the United States; said officers also violated plaintiff's right under 42 USC 1983.

17. At the times of the seizure and forfeiture of the 2007 Nissan Armada, VIN:5N1AA08A17N708457, said officers were acting beyond any authority they have as Swinomish tribal police officers and thus are liable as individuals for their tortious conduct.

18. As individuals said Swinomish tribal officers were acting under color of Washington State law and are thus liable as individuals for damages under 42 USC 1983, including punitive damages.

CLASS ACTION

COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND FOR DAMAGES, ATTORNEY FEES
AND FOR CERTIFICATION OF CLASS ACTION AND
FOR APPOINTMENT OF CLASS ACTION COUNSEL - 5

William Johnston
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Phone: 360-676-1931

Appendix A
018
Attachment A
Page 5 of 21

19. That upon information and belief, plaintiff Washington believes that numerous other individuals, all non Native American, not identified as of yet, were also the subject of seizure and forfeiture of their automobiles by numerous other (besides the tribal officers of the Swinomish Tribal Officers, who are unique among tribal police officers in the State of Washington, who have obtained authority as general authority Washington police officers pursuant to RCW 10.92) tribal police officers of other Indian tribes in the State of Washington in violation of the laws and constitutions of the United States and the State of Washington and in violation of 42 USC 1983.

20. That upon information and belief, plaintiff Washington believes that said Indian Tribes after their illegal seizure and forfeiture of said persons' motor vehicles conspired to obtain new Certificates of Ownership from the Washington State Department of Licensing even though Washington state law and the protocols of the Department of Licensing forbid such changes of Certificates of Ownerships. In this way, said Indian tribes are able to sell said automobiles and profit from their illegal actions.

21. That John Does (1-1000) are the unidentified persons whose cars have been forfeited by said Indian tribes in Washington and whose Certificates of Ownership changed by the Department of Licensing.

22. That plaintiff seeks authorization to proceed as a Class Action to identify these individuals whose motor vehicles have been forfeited by Indian Tribes in Washington so that they can seek a similar claim for damages as asserted by plaintiff Washington.

24. That plaintiff Washington and other persons not yet identified also seek declaratory judgment, injunctive relief and damages including punitive damages and attorney fees against the Washington State Department of Licensing, enjoining them and preventing them from changing Certificates of Ownership of non native Americans based upon any tribal court orders of forfeiture of motor vehicles owned by non Native Americans

WHEREFORE, plaintiff Candee Washington prays for the following relief:

1. For judgment against the defendant Director of the Department of Licensing for every Certificate of Ownership, which said Department of Licensing, changed based upon presentation of an Indian order of forfeiture of an automobile owned by a non Native American.

2. For judgment against any and all JOHN/OR JANE DOE tribal police officers for cars seized and forfeited by the Swinomish Indian Nation and its tribal police officers who are also general authority Washington State police officers pursuant to RCW 10.92 and for damages, attorney fees and costs pursuant to 42 USC 1983 and 42 USC 1988 including punitive damages.

3. For judgment against any and all JOHN/OR JANE RO tribal police officers of all other Indian Tribes in the State of Washington who seized and forfeited automobiles owned by non Native Americans as individuals.

4. For an order from this court certifying as a class two groups:
Group One consisting of all those persons, like Plaintiff Candee Washington, who had their automobiles seized and forfeited by tribal police officers of the Swinomish Nation, who are also general authority law enforcement officers of the State of Washington, who participate in the seizure and forfeiture of their automobiles and as a result thereof had the

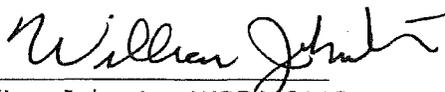
Certificates of Ownership changed by the Department of Licensing to another person or entity;

Group Two consisting of all those persons who had their automobiles seized and forfeited by tribal police officers of all other Indians tribes who participate in the seizure and forfeiture of their automobiles and as a result thereof had the Certificates of Ownership changed by the Department of Licensing to another person or entity;

5. For an order from this court appointing this counsel for plaintiff as counsel to represent the class created by this lawsuit and to identify these members of the class and to pursue legal remedies available to them for damages in this lawsuit.

6. For an order awarding attorney fees and costs and for such other relief as the court deems just and proper.

25th
Dated this day of February, 2015


William Johnston WSBA 6113
Attorney for Candee Washington

STATE OF WASHINGTON
 DEPARTMENT OF LICENSING
 PO Box 9038 - Olympia, Washington 98507-9038

Vehicle Title Application/Registration Certificate



06/24/2014 1417529120216755 105350

License plate 105350	Plate issue date 06/2014	Tab no	Reg expiration EXEMPT	Value code 34950	Year 2007	Mo reg	Mo gwt	Power G	Use EX
Model year 2007	Make NISS	Series/Body ARM4D	Model AR	BT UT	Vehicle identification (VIN)/Serial no 5N1AA08A17N708457	Res co 29	Prev plate	Scale wt 5327	
Seats	Gross weight	Gwt start	Gwt exp	Fleet	Equipment number	Prev Title 0	Prev st CA		
Brands:									
Comment: USE TAX WAIVED (G) - EXCISE EXEMPT NATIVE AMERICAN - COLOR-BLACK - DISPLAY TAB ON BACK LICENSE PLATE ONLY - FRONT PLATE IS STILL REQUIRED.									

Mileage 180000 A

Registered owner

Legal owner

SITC POLICE DEPT
 17353 RESERVATION RD
 LA CONNER WA 98257

I certify that the information contained hereon is accurate and complete.

[Signature]
 Signature of registered owner(s)

[Signature]
 Signature of registered owner(s)

Subscribed and sworn to before
Johnson 2912-28 this *24* day of *June* *14*

FILING	\$7.00	TBD FEE	0	CHECK	
SUBAGENT	\$12.00	RTA EXCISE		CASH	\$62.25
LOCAL FEE		USE TAX		TOTAL FEES	\$62.25
LICENSE SRVC	\$0.75	OTHER	\$42.50		
GWT/VWT FEE		DONOR AWARENESS			
QUICK TITLE		STATE PARKS			

Validation code 28291202141750624140077021675 ORIGINAL

RPT ID: ATITPR-1
 VehicleTitle (R/10/12)E

This document is not proof of ownership.

Appendix - 1

THIS DOCUMENT IS NOT PROOF OF LEGAL OWNERSHIP

When validated, this document is your Washington registration certificate or permit and is evidence of the application filed and statutory fees paid. The original registration must be carried in the vehicle or vessel for which it was issued, or in the towing unit, or on the operator for personal motorized devices (off road vehicles, snowmobiles and jet skis). Registrations must be signed by the registered owner(s).

NOTE: Rental vehicles are exempt from carrying the original. Ref. WAC 308-96A-180

Any person who shall knowingly make any false statement of a material fact on this document shall be guilty of a felony which is punishable by a fine or imprisonment or both. (RCW 46.12.210)

Change of address: Registered owners may submit a change of address online at www.InternetTabs.wa.gov or at any vehicle/vessel licensing office. There is no fee for this service; however, there is a fee for a new registration certificate. Washington State primary residence street address (for an individual) or Washington State principal place of business address (for a business) is required on your vehicle record per state rule. In addition to the physical address, vehicle owners may add an optional mailing address to the record. (WAC 308.56A.030)

Report of sale: Vehicle and vessel owners releasing interest must submit a report of sale to the Department of Licensing, county auditor, or vehicle licensing subagent within five (5) days of sale or release (excluding Saturdays, Sundays, and state or federal holidays). Reports of sale must include the date of sale, vehicle license plate (or vessel registration) number, vehicle identification number (or vessel hull identification number), names and addresses of both the seller and buyer, and sale price. You may submit a report of sale at www.InternetTabs.wa.gov (at no fee), OR at any vehicle/vessel licensing office (for a fee). (RCW 46.12.101(1), RCW 46.12.102, WAC 308-56A-525)

Federal odometer law: The Federal Truth in Mileage Act of 1986 requires sellers of motor vehicles less than ten (10) years old to complete an odometer disclosure statement upon transfer of ownership, unless the vehicle is specifically exempt from odometer disclosure requirements. Exemptions are (1) Vehicles 10 years old and older; (2) non-powered vehicles and snowmobiles; (3) vehicles with a declared gross weight over 16,000 pounds; (4) vehicles sold directly by a manufacturer to a federal agency; (5) new vehicles before their first retail sale. (RCW 46.12.124, WAC 308-56A-640)

Washington's auto repair law (which applies to almost all repairs) entitles customers to: (1) A written estimate for repairs which will cost more than one hundred dollars (\$100), unless waived or absent face-to-face contact (see item 4 below). (2) Return or inspection of all replaced parts, if requested at time of repair authorization. (3) Authorize orally or in writing any repairs which exceed the estimated total presales tax cost by more than ten percent (10%). (4) Authorize any repairs orally or in writing if your vehicle is left with the repair facility without face-to-face contact between you and the repair facility personnel. (5) A copy of the invoice, listing all work done and parts supplied. The repair facility must post a sign notifying customers of their rights, and cannot put a lien against or keep your vehicle unless a written estimate was given and they have complied with the rest of the Consumer Protection Act. The Attorney General's office accepts auto repair complaints at www.atg.wa.gov/consumer. (RCW 46.71)

Farm use class: To qualify for reduced gross weight license fees, a vehicle must be used exclusively for transportation of farm or aquaculture products and/or supplies. (RCW 46.16.090)

The undersigned hereby transfers to the bearer all rights to fees paid for declared gross weight as shown on this form.
Signature to transfer Gross Weight License _____
NOTE: To transfer the Gross Weight License the credit must be at least \$15.00.

For more information about titling and licensing, call any Washington county auditor or any vehicle/vessel licensing office, or visit our website at www.dol.wa.gov.

This document is not proof of legal ownership

Public disclosure statutes may compel the release of certain information contained on this document.

Vessel owners only:

How has the vessel registration changed?
In the lower left corner is a "mini registration" that can be cut out, signed, and carried as proof of registration. The full sheet can also be signed and used as proof of registration. Both the full sheet and the mini registration need to be signed for them to be valid.

What do I do with them?
You can carry one in the towing vehicle and the other on the vessel.

Do I have to cut out the mini registration?
No, you can keep it as one sheet. But it must be carried on the vessel and made available to law enforcement when requested.

Can I laminate the mini registration?
Yes, but only after it has been signed by the registered owner(s). You can sign it on the back. (See signature lines to the right of this text).

X _____
Signature of registered owner
X _____
Signature of registered owner

We are committed to providing equal access to our services. If you need accommodation, please call (360) 902-3600 or TTY (360) 664-0116.

Vehicle Certificate of Ownership (Title) Application

Fees

Plate or TPO		Color #1	Color #2	Vehicle Identification Number (VIN) 5N1AA08A17N708457				Filing
Model year 2007	Pwr 0	Use EXT	Make NISS	Series/Body type ARMUD	Model ID	Value code	Year	Scale weight
Cycle engine or motor home number		Fleet code	Equip number	MO reg	Reg exp date	Scale weight	Seats	RTA excise tax
Declared GWT	Month GWT	GWT expiration		Mileage	Code	Previous title number	State	License
Special options <input type="checkbox"/> DAV <input type="checkbox"/> Leased <input type="checkbox"/> No title issued <input type="checkbox"/> NRM <input type="checkbox"/> Bonded <input type="checkbox"/> Non-roadworthy <input type="checkbox"/> Native American <input type="checkbox"/> Reg only <input type="checkbox"/> Joint tenants with rights of survivorship			County of residence		Purchase price	Tax jurisdiction	Tax rate	Application
Washington State primary residence street address or Washington State principal place of business street address is required on the vehicle record. For exceptions to this rule, see form TD-420-004.			<input type="checkbox"/> USE TAX EXEMPT: Private automobile was purchased and used by me in another state for a minimum of 90 days while I was a bonafide resident, before I entered Washington on _____ (Must be used in Washington for personal and family transportation only.)				Inspection	
			<input type="checkbox"/> GIFT: Donor previously paid Washington State sales/use tax.				VIN assignment	
			<input type="checkbox"/> INHERITANCE: Washington sales/use tax paid by testator.				Gross weight	
			<input type="checkbox"/> Transferred to SPOUSE. <input type="checkbox"/> Sale to INDIAN IN INDIAN COUNTRY. Notarized statement is attached.				GWT credit (each proof)	
For more than two registered or legal owners, please attach additional applications.								Arbitration
New registered owner Name (Last, First, Middle initial) SITC Police Dept								Sales/Use tax
Name (Last, First, Middle initial)								License service
Washington State primary residence street address (if an individual) or Washington State principal place of business street address (if a business) 17353 Reservation Rd								Plate
Address (continued) La Conner, WA 98257								LPG
Mailing address (if different than residence address) or exception address								Aquatic weed
First owner's Washington driver license, ID card, or UBI number 5660				Second owner's Washington driver license, ID card, or UBI number				Trauma
New legal owner or lienholder—must be filled out if different than the registered owner								Replacement tab
Name (Last, First, Middle initial) SAME AS ABOVE								State parks donation <input type="checkbox"/> \$5 <input type="checkbox"/> \$0
Name (Last, First, Middle initial)								Out of state
Address								Other
Address (continued)								Total fees and tax
First owner's Washington driver license, ID card, or UBI number 16/2014				Second owner's Washington driver license, ID card, or UBI number				
Dealer's report of sale I certify that this information is correct. The vehicle is clear of encumbrances except as shown. Any required sales tax has been collected.		WA dealer number	Dealer name		Date of sale		Subagent fee (Do not include in total)	
Date of delivery		Vehicle is: <input type="checkbox"/> New <input type="checkbox"/> Used <input type="checkbox"/> Previously titled		Dealer's authorized signature X				

Anyone who knowingly makes a false statement may be guilty of a felony under state law and upon conviction shall be punished by a fine, imprisonment, or both. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

6/24/14
 Date and place
 Registered owner signature
 Position, if signing for a business

Notarization/Certification for registered owner(s) signature

State of WA County of Skagit

Signed or attested before me on 6-24-14 by

(Seal or stamp)

Signature
 Printed or stamped name
 Title agent and

PD



IN THE SWINOMISH TRIBAL COURT FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

SWINOMISH INDIAN TRIBAL COMMUNITY,

Plaintiff,

v.

2007 BLACK NISSAN ARMADA SUV
VIN: 5N1AA08A17N708457
R.O. CANDEE M. WASHINGTON,
L.O. FUTURE NISSAN
Defendant.

Case No.: CVFF-2014-0001

~~PROPOSED~~ ORDER GRANTING FORFEITURE

2014 14:26

14-SP0055

THIS MATTER comes on for hearing before the Court this 24th day of February, 2014.

Appearances were made as follows:

Jordan Wallace, Office of Tribal Attorney, appears for Plaintiff Swinomish Indian Tribal Community. Candee M. Washington for defendant.

The Court, having reviewed the filings of the parties, FINDS as follows:

1. Candee M. Washington is the registered legal owner of the vehicle sought to be forfeited in this matter, a 2007 BLACK NISSAN ARMADA SUV, VIN: 5N1AA08A17N708457.

2. The vehicle sought to be forfeited contained occupants who unlawfully possessed heroin and its paraphernalia.

~~PROPOSED~~ ORDER GRANTING FORFEITURE -

Tribal Prosecutor, Swinomish Tribal Community
11404 Moorage Way
La Conner, WA 98257
(360) 466-7371

SCANNED
2/26/14 BP

Dist. on p. 2

Based upon these Findings of undisputed fact, the Court CONCLUDES as follows:

1. Plaintiff is entitled to judgment as a matter of law.
2. The vehicle sought to be forfeited contained occupants who unlawfully possessed heroin and its paraphernalia.
3. Plaintiff's Motion for Forfeiture is GRANTED.

Based upon these Findings and Conclusions, it is hereby ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Plaintiff and against Registered Owner, and that pursuant to STC 4-10.050, Registered Owner's 2007 BLACK NISSAN ARMADA SUV, VIN: 5N1AA08A17N708457, is hereby forfeited to the Plaintiff Swinomish Indian Tribal Community, which may retain the vehicle for its official use or dispose of the vehicle as provided by STC 4-10.050(F)(2).

DATED this 24 day of February, 2014.



THE HONORABLE JUDGE M. POULEY
TRIBAL COURT JUDGE
SWINOMISH INDIAN TRIBAL COMMUNITY

SUBMITTED this this 24 day of February, 2014.



JORDAN F. WALLACE, CVCO 2012-0052

PROSECUTING ATTORNEY
SWINOMISH INDIAN TRIBAL COMMUNITY

cc: 2/26/2014 Def. Cont
 Prosecutor DS Alcohol Mail
Probation Police Court
YCO SFS - Initial: BP

~~PROPOSED~~ ORDER GRANTING FORFEITURE -
2

Tribal Prosecutor, Swinomish Tribal Community
11404 Moorage Way
La Conner, WA 98257
(360) 466-7371

STATE OF WASHINGTON
 DEPARTMENT OF LICENSING
 PO Box 9038 - Olympia, Washington 98507-9038

Vehicle Value Detail

Vehicle identification number (VIN) 5N1AA08A17N708457	Model Year 2007	Make NISSAN		
Model ARMADA 4X2 UTILITY	Description 4dr SE 4x2	Engine size 5.6	Cylinders 8	Scale weight 5327

FAIR MARKET VALUE: \$14,400

USE TAX ON FMV :

MILEAGE PROVIDED BY CUSTOMER:

VALUE DATA LAST UPDATED: 06/20/2014

Washington law, RCW 82.12.010, requires use tax be collected on fair market value of a vehicle. Fair market value reflects the value of a vehicle according to the retail selling price, at the place of use, of similar vehicles of like quality or character. Sales by individuals do not necessarily reflect fair market value.

Both Department of Licensing (DOL) and Department of Revenue (DOR) obtain fair market values, specific to the western region of the United States, from an industry standard source: National Market Reports (NMR). The actual value of your vehicle may vary depending upon its condition.

A fair market value may not have been established for some vehicles two years old and newer because they have not been resold often enough for an industry standard value to be established. In cases such as these, the original manufacturer's retail price (MSRP) is used to determine a taxable value.

Your local Department of Revenue or vehicle licensing representatives can provide you with more information for determining the value of your vehicle.

This information provided to you by: ANACORTES
 CHAMBER OF COMMERCE
 819 COMMERCIAL AVE, SUITE B
 ANACORTES WA 98221

The estimated value of your vehicle is based on information provided on 06/24/2014 at 14:18 and is subject to change.

No deduction for high mileage was used in computing value.

Rpt ID: VHVALUVEHRPT

VehicleValue (R/6/12)E

THIS DOCUMENT IS NOT PROOF OF LEGAL OWNERSHIP

When validated, this document is your Washington registration certificate or permit and is evidence of the application filed and statutory fees paid. The original registration must be carried in the vehicle or vessel for which it was issued, or in the towing unit, or on the operator for personal motorized devices (off road vehicles, snowmobiles and jet skis). Registrations must be signed by the registered owner(s).

NOTE: Rental vehicles are exempt from carrying the original. Ref. WAC 308-96A-180

Any person who shall knowingly make any false statement of a material fact on this document shall be guilty of a felony which is punishable by a fine or imprisonment or both. (RCW 46.12.210)

Change of address: Registered owners may submit a change of address online at www.InternetTabs.wa.gov or at any vehicle/vessel licensing office. There is no fee for this service; however, there is a fee for a new registration certificate. Washington State primary residence street address (for an individual) or Washington State principal place of business address (for a business) is required on your vehicle record per state rule. In addition to the physical address, vehicle owners may add an optional mailing address to the record. (WAC 308.56A.030)

Report of sale: Vehicle and vessel owners releasing interest must submit a report of sale to the Department of Licensing, county auditor, or vehicle licensing subagent within five (5) days of sale or release (excluding Saturdays, Sundays, and state or federal holidays). Reports of sale must include the date of sale, vehicle license plate (or vessel registration) number, vehicle identification number (or vessel hull identification number), names and addresses of both the seller and buyer, and sale price. You may submit a report of sale at www.InternetTabs.wa.gov (at no fee), OR at any vehicle/vessel licensing office (for a fee). (RCW 46.12.101(1), RCW 46.12.102, WAC 308-56A-525)

Federal odometer law: The Federal Truth in Mileage Act of 1986 requires sellers of motor vehicles less than ten (10) years old to complete an odometer disclosure statement upon transfer of ownership, unless the vehicle is specifically exempt from odometer disclosure requirements. Exemptions are (1) Vehicles 10 years old and older; (2) non-powered vehicles and snowmobiles; (3) vehicles with a declared gross weight over 16,000 pounds; (4) vehicles sold directly by a manufacturer to a federal agency; (5) new vehicles before their first retail sale. (RCW 46.12.124, WAC 308-56A-640)

Washington's auto repair law (which applies to almost all repairs) entitles customers to: (1) A written estimate for repairs which will cost more than one hundred dollars (\$100), unless waived or absent face-to-face contact (see item 4 below). (2) Return or inspection of all replaced parts, if requested at time of repair authorization. (3) Authorize orally or in writing any repairs which exceed the estimated total presales tax cost by more than ten percent (10%). (4) Authorize any repairs orally or in writing if your vehicle is left with the repair facility without face-to-face contact between you and the repair facility personnel. (5) A copy of the invoice, listing all work done and parts supplied. The repair facility must post a sign notifying customers of their rights, and cannot put a lien against or keep your vehicle unless a written estimate was given and they have complied with the rest of the Consumer Protection Act. The Attorney General's office accepts auto repair complaints at www.atg.wa.gov/consumer. (RCW 46.71)

Farm use class: To qualify for reduced gross weight license fees, a vehicle must be used exclusively for transportation of farm or aquaculture products and/or supplies. (RCW 46.16.090)

The undersigned hereby transfers to the bearer all rights to fees paid for declared gross weight as shown on this form.
Signature to transfer Gross Weight License _____
NOTE: To transfer the Gross Weight License the credit must be at least \$15.00.

For more information about titling and licensing, call any Washington county auditor or any vehicle/vessel licensing office, or visit our website at www.dol.wa.gov.

This document is not proof of legal ownership

Public disclosure statutes may compel the release of certain information contained on this document.

Vessel owners only:
How has the vessel registration changed?
In the lower left corner is a "mini registration" that can be cut out, signed, and carried as proof of registration. The full sheet can also be signed and used as proof of registration. Both the full sheet and the mini registration need to be signed for them to be valid.
What do I do with them?
You can carry one in the towing vehicle and the other on the vessel.
Do I have to cut out the mini registration?
No, you can keep it as one sheet. But it must be carried on the vessel and made available to law enforcement when requested.
Can I laminate the mini registration?
Yes, but only after it has been signed by the registered owner(s). You can sign it on the back. (See signature lines to the right of this text).

X _____
Signature of registered owner
X _____
Signature of registered owner

Odometer Disclosure/Title Extension Statement Release of Interest

Use this form to disclose odometer information. For instructions on completing this form, see page 2.

1 License number	Year	Make	Series/Body type	Vehicle Identification Number
	2007	NISSAN	ARMADA	5N1FA0SA17N708257
State or country where last titled				
CA				

Federal and state law requires the seller to disclose the mileage when ownership of the vehicle is changing. Failure to complete odometer statement or providing a false statement may result in fines and/or imprisonment.

2 Disclosure by REGISTERED OWNER

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle.

2. is in excess of its mechanical limits.

3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): 50,500

Date of Transfer: 06/24/14

I/We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferor/Buyer: [Signature]

Signature of Transferor/Seller: [Signature]

PRINT name of Transferor/Buyer: [Name]

PRINT name of Transferor/Seller: [Name]

Address of Transferor/Buyer: [Address]

Address of Transferor/Seller: [Address]

3 Reassignment by VEHICLE DEALER only

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle.

2. is in excess of its mechanical limits.

3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): [Blank]

Date of Transfer: [Blank]

I/We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferor/Buyer: [Signature]

Signature of Transferor/Seller: [Signature]

PRINT name of Transferor/Buyer: [Blank]

PRINT name of Transferor/Seller: [Blank]

Address of Transferor/Buyer: [Blank]

Address of Transferor/Seller: [Blank]

Buying dealer's state license number (if applicable): [Blank]

Selling dealer's state license number: [Blank]

Reassignment by VEHICLE DEALER only

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle.

2. is in excess of its mechanical limits.

3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): [Blank]

Date of Transfer: [Blank]

I/We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferor/Buyer: [Signature]

Signature of Transferor/Seller: [Signature]

PRINT name of Transferor/Buyer: [Blank]

PRINT name of Transferor/Seller: [Blank]

Address of Transferor/Buyer: [Blank]

Address of Transferor/Seller: [Blank]

Buying dealer's state license number (if applicable): [Blank]

Selling dealer's state license number: [Blank]

4 Legal owner/lienholder to be shown on new title

Name of legal owner/lienholder: [Blank]

Address of legal owner/lienholder: [Blank]

5 I/We release all interest in the above described vehicle.

Signed: [Signature]

Signed: [Signature]

RELEASE OF INTEREST

Notarization/Certification for Release of Interest

Release of interest for owners shown on the Certificate of Title do not need to be notarized/certified when this is submitted with the current title.

State of Washington, County of [Blank]

Signed or attested before me on [Blank] by [Blank]

(Seal or stamp) [Blank]

Signature: [Blank]

Printed or stamped name and [Blank]

Title: [Blank]

Dealer or county/office number or notary expiration date: [Blank]

Odometer Disclosure/Title Extension Statement Release of Interest

An Odometer Disclosure Statement is required on all ownership transfers of motor vehicles that are less than ten years old, except for:

- Vehicles with a declared gross weight of more than 16,000 pounds
- Non-powered vehicles
- Vehicles sold directly by a manufacturer to a federal agency when in conformity with contract specifications
- New vehicles before the first retail sale

This form is:

- valid only when submitted with the vehicle title or other approved ownership document during a title transfer.
- not a title application.
- not an ownership document.
- not valid if applicable sections are not completed.

Instructions for completing this form

Section 1 – Vehicle Information

Enter the description of the vehicle, the state or country where the vehicle was last titled, and title number.

Section 2 – Disclosure by Registered Owner

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name and address.

Transferee/Buyer: Sign the statement and print your name and address.

Section 3 – Reassignment by Vehicle Dealer Only

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name, address, and dealer's license number.

Transferee/Buyer: Sign the statement and print your name, address, and dealer's license number.

Section 4 – Legal Owner/Lienholder

Print the name and address of the lienholder or legal owner to be shown on the new title.

Section 5 – Releasing Interest

Owners releasing interest on this form must have their signatures notarized/certified. Owners releasing interest on the title do not need to have their signatures notarized/certified if this form is submitted with the current title.

Important information

- **Odometer Reading:** Enter the odometer reading in miles (do not include tenths of miles). If the odometer is in kilometers, convert to miles using the following formula: Kilometer X .621.
(Example: 50,000 kilometers X .621 = 31,050 miles.)
- **Checkbox 2:** If the mileage the vehicle has traveled is greater than maximum number of miles the odometer can show, then the mileage has exceeded the odometer's mechanical limits. For example: If the odometer can register a maximum of 99,999 miles, but the vehicle has traveled 120,000 miles, the actual mileage is in excess of the odometer's mechanical limits.
- **Business Owners:** If the seller or buyer is a business, the business name and a representative's name and job title are required.
- **Out-of-State Title – Original Washington Application:** If there is no change of ownership, the registered owner must complete the odometer disclosure as "buyer/transferee" (it is considered a transfer of title/registration from one state to another). The registered owner may complete the Odometer Disclosure on the out-of-state title or on this form. Registered owner is not required to complete both unless the designated area on the title is already full.

Title 49 Code of Federal Regulations (CFR)

RCW 46.12.655

WAC 308-56A-640

This document is a part of a Washington Certificate of Title and should be attached to the title. Unauthorized printing or reproduction of this document is prohibited. If altered in any way, contact a vehicle licensing office.



Vehicle/Vessel Declaration of Value for Excise Tax

Vehicle/Vessel description

Model year 2007	Make NISSAN	Series/Body style ARMADA	License/Registration number	Vehicle/Vessel hull identification number (VIN/HIN) 5N1AA08A17N708457
Comments (describe conditions that may affect the value)				

Vessel-Declaration of original value

This declaration is for a vessel that: was acquired by lease, trade, or gift.
 has no known recent purchase price.
 is homemade.

- A. Declaration of fair market value of vessel \$ _____
 B. Value of accessories (radio, depth finder, radar, etc.) \$ _____
 C. Value of motor \$ _____
 D. Total declaration of vessel value (A+B+C=total) \$ _____

Vehicle-Declaration of original value

This declaration is for a new, used, foreign, domestic, homemade, assembled, or other vehicle not listed in excise tax schedules or other sources available. I estimate, to the best of my ability, that the original value of this vehicle was \$ 7,000 in (year) 2014.

X
 Owner signature

Lowell Duke
 Title if signing for an organization

@phnom 6-24-14
 WA license agent and number Date
21228

RCW 82.49.050, WAC 308-57-030
 TD-420-737 (R/12/10)

We are committed to providing equal access to our services.
 If you need accommodation, please call (360) 902-3600 or TTY (360) 664-0116.

07/16/2014 14:26 5665



State of Washington
 Department of Revenue
 PO Box 47450
 Olympia WA 98504-7450

Use Tax Exemption Certificate for Vehicles Sold to Enrolled Tribal Members by Private Party

Do Not Return This to the Department of Revenue

When a motor vehicle, trailer, snowmobile, off-road vehicle, or other such property is sold to an enrolled tribal member and delivery is made on the enrolled tribal member's reservation/trust land in the state of Washington, the sale is exempt from use tax. To receive this exemption, this form must be completed. An original signed copy must be submitted to the Department of Licensing with title application. Copies of this form should be maintained by the buyer.

Declaration of Buyer

Declaration of delivery or acquisition in Indian Country

The undersigned is:

- An enrolled member of the _____ Tribe
- An authorized representative of the Tribe or Tribal enterprise, and the vehicle described below was delivered/acquired within Indian country, for at least partial use in Indian country

Vehicle Description: 2007 Nissan Armada SUV SN1AA0PA17N708457

Buyer's name: Swinomish Tribal Corp. / police dept

Buyer's signature: [Signature]

Buyer's address: 12353 Reservation Rd La Center Wa. 98257

Address of delivery: _____

07/11/2014 14:26 5666

Check documentation presented:

- Certificate of enrollment
- Tribal membership card
- Treaty Indian Fishing Identification Card
- Official letter signed by Tribal official

For tax assistance or to request this document in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711.



Certificate of Fact

Use this form to make a statement of fact.

License plate/Registration number 105350	Year 2007	Make NISSAN	Series/Body style ARM4D
Vehicle Identification Number (VIN) or Vessel Hull Identification Number (HIN) 5N1AA08A17N708457			
I certify that PER DAN IN LIAISON ALL WE NEED IS A TITLE APPLICATION, ONE SIDED ODOMETER SIGNING AS BUYER AND A DECLARATION OF VALUE AND THE ORDER GRANTING FORFEITURE. WE HAVE TO DO WHAT THE COURTS SAY.			
I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.			
Date and place		Signature	

07/16/2014 14:26 5667

Notarization/Certification

State of WA County of Skagit

Signed or attested before me on 6-24-14 by _____

(Seal or stamp)

Signature [Handwritten Signature]

Printed or stamped name Johnson

Title Agent

and 291228

Dealer or county/office number or notary expiration date

We are committed to providing equal access to our services.
If you need accommodation, please call (360) 902-3600 or TTY (360) 664-0116.

Attachment B

2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

CANDEE WASHINGTON, and)
all other persons similarly)
situated,)
)
Plaintiff,)

No. 15-2-00293-0

vs)

Director of the Department of)
Licensing,)
a subdivision of the State of)
Washington, in his/her official)
Capacity and John and/or)
Jane Doe, unidentified Swinomish)
Tribal Police Officers and General)
Authority Police Officers pursuant)
To RCW 10.92 in their official)
capacity and all tribal)
police officers involved in the)
seizure and forfeiture of)
automobiles owned by non)
Native Americans as individuals)
)
)
Defendants.)

MOTION FOR
DECLARATORY JUDGMENT
AND ATTORNEY FEES

COMES NOW CANDEE WASHINGTON by and through her attorney,
WILLIAM JOHNSTON, and respectfully moves this court for an declaratory

MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEYS FEES-

WILLIAM JOHNSTON
Attorney at Law
401 Central Avenue
Bellingham, WA 98225
Phone: (360) 676-1931
Fax: (360) 676-1510

judgment that the ongoing practice of the Swinomish Nation Police Department of seizing and forfeiting the motor vehicles owned by non tribal members for violation of the Swinomish Indian Nation's Drug Forfeiture statute violates federal law. Washington also moves the court for an order awarding attorney fees and costs against the Director of the Department of Licensing of the State of Washington.

This motion is based on the reasons set forth in the declaration submitted in support of this motion.

Signed this ^{10th} day of May, 2015 at Bellingham



WILLIAM JOHNSTON WSBA 6113
Attorney for Defendant CANDEE WASHINGTON

MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEYS FEES-

WILLIAM JOHNSTON
Attorney at Law
401 Central Avenue
Bellingham, WA 98225
Phone: (360) 676-1931
Fax: (360) 676-1510

whether RCW 46.01.310 provides immunity, the State, even in its sovereign capacity, is not immune from declaratory and injunctive relief to enforce the United States Constitution. This principle was established in *Ex Parte Young* 209 US 123 (1908) and remains the law today. When plaintiff is entitled to and obtains an declaratory judgment or injunction against the State, even in its immune status, the state must nevertheless pay reasonable costs and attorney fees, *Hensley v. Eckerhart* 461 US 424 (1983).

To obtain declaratory and injunctive relief, plaintiff must show a high likelihood of success on the merits. Plaintiff believes that the State will agree that the Indian Tribes have no authority to forfeit cars owned by non Indians and regardless, this issue is resolved by *Miners Electric v. Creek Nation*, 464 F. Supp. 2d 1130, 505 F.3d 1007 (2007).

The second requirement for an injunction, but not for declaratory relief, is that plaintiff must show irreparable harm. Plaintiff anticipates that the State will agree that many many cars forfeited by Indian tribes have had the certificate of title changed at the behest of the Indian tribes, notwithstanding that the Department own protocols forbid certificate of title changes based on Indian forfeiture orders. The record includes documentation showing that the Swinomish Police Department has forfeited the motor vehicles owned by Jordynn Scott and Candee Washington non tribal members and got the DOL to issue new Certificates of Title with new owners and in the case of Candee Washington, her motor vehicle is currently registered to the Swinomish Nation. The record shows now, therefore, that the Swinomish Nation Police Department, SNPDP, has forfeited cars in the past owned by non tribal members and the SNPDP is currently in possession of a tribal order of forfeiture of Ms. Washington's motor vehicle and could transfer title.

The state assertion of immunity under RCW 46.01.310 establishes the reality that any person whose car has been confiscated by an Indian tribe and has the Certificate of Title changed by the DOL in response to a request by an Indian tribe to change title has a rough road of litigation ahead to

MEMORANDUM IN SUPPORT OF
MOTION FOR DECLARATORY JUDGMENT
AND ATTORNEY FEES

William Johnston
Attorney at Law
PO Box 953
Bellingham, Washington 98227
Phone: 360-676-1931

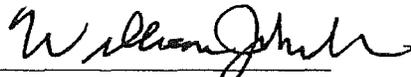
Appendix A
039
Attachment B
Page 4 of 49

remedy unconstitutional deprivation of her private property right because of tribal immunity and the tribes' aggressive assertion of tribal immunity to insulate itself from the illegal acts of its servants.

Washington asserts that it is essential that at the outset of litigation a clear statement of legal principles ought issue to put all parties and the public on notice that the rule of law shall prevail. Washington therefore moves this court for an declaratory judgment that the ongoing practice of the Swinomish Nation Police Department of seizing and forfeiting the motor vehicles owned by non tribal members for violation of the Swinomish Indian Nation's Drug Forfeiture statute violates federal law. Washington also moves the court for an order awarding attorney fees and costs against the Director of the Department of Licensing of the State of Washington.

10th

Dated this day of May, 2015



William Johnston WSBA 6113
Attorney for Plaintiff CANDEE WASHINGTON

1. I am the attorney for the plaintiff Candee Washington;

Attached herewith as Appendix 1 is a copy of the forfeiture paperwork provided to Ms. Pierson by representatives of the Swinomish Nation. Ms. Pierson has filed a lawsuit in Skagit County Superior Court in cause number 15-215-2-00461-4 challenging the actions of the Swinomish Nation Police Department and judicial system, which has forfeited Ms. Pierson's motor vehicle although Ms. Pierson is not a tribal member. The police reports received in discovery prepared by J. Schwahn, H. Kleinman, M. Radley, A. Thorne, Larry Yonally Tribal Police Officers and General Authority Police Officers pursuant to RCW 10.92 in the criminal prosecution verify that Ms. Pierson's truck was seized for forfeiture by the Swinomish Police Department.

2. In addition, attached herewith as Appendix 2 is a copy of the Certificate of Title history of a motor vehicle formerly owned by Jordynn Scott, a resident of Skagit County. Ms. Scott has a suit pending in the Whatcom County Superior Court in cause no. 15-2-00301-8 seeking damages for the illegal confiscation of her motor vehicle by the Swinomish Nation Police Department, SNPD. The attachment shows that her motor vehicle was also forfeited by the Swinomish Police Department but was sold and the Certificate of Title changed to Mario A. Nolasco of 2406 Nevada Street, Bellingham, Washington 98225. This chain of title shows that as a

DECLARATION OF WILLIAM
JOHNSTON IN SUPPORT
OF MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEY FEES-

WILLIAM JOHNSTON
Attorney at Law
401 Central Avenue
Bellingham, WA 98225
Phone: (360) 676-1931
Fax: (360) 676-1510

regular practice, the Swinomish Nation Police Department, SNPD, confiscates motor vehicles owned by non tribal members and effects a change of the Certificate of Title by presenting the Tribal Court order of forfeiture to the DOL.

3. In addition, attached herewith as Appendix 3 is a copy of the Certificate of Title history of a motor vehicle formerly owned by Candee Washington. The attachment shows that her motor vehicle was also forfeited by the Swinomish Police Department and the Certificate of Title was changed to the Swinomish Nation Police Department, SNPD. This change of title shows that as a regular practice, the Swinomish Nation Police Department, SNPD, confiscates motor vehicles owned by non-tribal members and effects a change of the Certificate of Title by presenting the Tribal Court order of forfeiture to the DOL.
4. In addition, attached herewith as Appendix 4 is a copy of the legal paperwork from the Tulalip Tribal Court relating to another forfeiture of a motor vehicle owned by Mr. Narin Sin. Sin was a non tribal member and as the paperwork shows, Sin withdrew his jurisdictional objection to the forfeiture of his motor vehicle in return for no referral of criminal prosecution to the Snohomish County Prosecutor. This incident does establish that the Tulalip

DECLARATION OF WILLIAM
JOHNSTON IN SUPPORT
OF MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEY FEES-

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401 Central Avenue
Bellingham, WA 98225
Phone: (360) 676-1931
Fax: (360) 676-1510

Tribe, as well as the Swinomish Nation, is engaged in the seizure and forfeiture of motor vehicles owned by non tribal members.

5. That as attorney for Ms. Pierson, I did not enter an appearance to contest the forfeiture of her truck in the Swinomish Tribal Court because said court operates in violation of federal law and would be a waste of my time.
7. This declarant asserts that this process of tribal courts ordering the forfeiture of motor vehicles owned by non tribal members violates federal law; specifically *Miners Electric v. Creek Nation*, 464 F. Supp. 2d 1130, 505 F.3d 1007 (2007).
8. Plaintiff believes it is extremely important for the court to declare this existing practice in place in Skagit County of the SNPD regularly seizing and confiscating cars owned by non tribal members to be in violation of federal law. Attached as Appendix 5 is a copy of a letter sent to the Washington State Attorney General on or about February 23, 2015 complaining of this practice. As a result of sending that letter, I have received no response from the Washington Attorney General. Plaintiff's counsel believes that as chief law enforcement officer for the State of Washington, the Washington Attorney General has a duty to act when a Washington State Law Enforcement Agency such as the Swinomish Nation Police Department is breaking federal law and stealing cars and

DECLARATION OF WILLIAM
JOHNSTON IN SUPPORT
OF MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEY FEES-

WILLIAM JOHNSTON
Attorney at Law
401 Central Avenue
Bellingham, WA 98225
Phone: (360) 676-1931
Fax: (360) 676-1510

profiting from it. Particularly in light of the failure of the institutions of government to crack down on this illegal practice, it is extremely important for the court to enter a declaratory judgment.

9. In addition, plaintiff seeks an award of attorney fees and costs pursuant to RCW 42 USC 1983 against DOL.

Executed this 10th day of May, 2015 at Bellingham, Washington.



WILLIAM JOHNSTON *WSBA 6113*
Attorney for Defendant CANDEE WASHINGTON

DECLARATION OF WILLIAM
JOHNSTON IN SUPPORT
OF MOTION FOR DECLARATORY
JUDGMENT AND ATTORNEY FEES-

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IN THE SWINOMISH TRIBAL COURT
FOR THE SWINOMISH INDIAN RESERVATION
LaCOMER, WASHINGTON



In Re: Civil Forfeiture of: 1999 GMC S10 P/U

Swinomish Tribal Community)
)
Petitioner,)
)
vs.)
)
Susan M Pierson)
)
Respondent)

Case No.: CVFF-2015-0004
CERTIFICATE OF MAILING

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To: In Person Inter-Office Mail By Certified Mail
Swinomish Tribal Community
Jordan Wallace, Office of Tribal Attorney/Prosecutor

In Person By First Class Mail By Certified Mail
Susan M Pierson
5451 California Avenue SW Apt #203
Seattle, WA, 98136

In Person By First Class Mail By Certified Mail
Reliable Credit Association Inc. WA.
PO Box 836
Lynnwood WA 98046

cc 2/13/2015 Def. Cert. Mail
 Prosecutor DS Alcohol
Probation Police Court
YCO SFS Initial: BP

CERTIFICATE OF MAILING - Page 1 of 2

SCANNED
2/13/15 BP

SWINOMISH TRIBAL COURT
17337 Reservation Rd.
LaComer, WA 98257
Ph. (360)466-7217 or 2097 Fax (360)466-1506

B. Blair Page

Appendix I

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I hereby certify that I served a copy of the following:

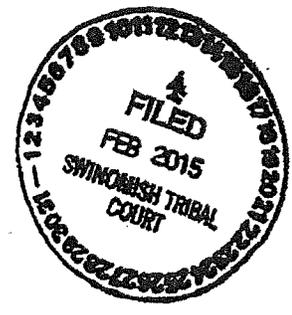
Notification of Seizure of a Vehicle Used in Controlled
Substance Violations filed 2/3/15, Clerks Notification to
Respond 2/13/15 and blank Answer to Civil Complaint

To the parties listed above, by depositing it in the first class
mail, on this the 13th day of February, 2015.

Date: _____
Blair J Page
Blair J Page
Swinomish Tribal Court Clerk

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SWINOMISH TRIBAL COURT
THE SWINOMISH TRIBAL COMMUNITY



In re: Civil Forfeiture: 1999 GMC S10 P/U

Swinomish Tribal Community
Petitioner(s),

v.

Susan M. Pierson
Respondent(s).

Case No(s) CVFF-2015-0004

CLERKS NOTICE TO
RESPOND TO SEIZURE OF VEHICLE

TO: Susan M. Pierson

TO: Reliable Credit Association Inc. WA.

5451 California Avenue SW
Seattle WA 98136 Apt #203

PO Box 836
Lynnwood WA 98046

YOU AND EACH OF YOU ARE HEREBY GIVEN NOTICE of the Swinomish Tribe's intent to seize the described vehicle. Pursuant to SITC 4-10.050 (D) you may file a verified answer to the notice.

You must file an answer with the Swinomish Tribal Court within (20) days of your receipt of the notice.

If you fail to file an answer within said time period a DEFAULT JUDGMENT may be ordered against you.

DATED this the 13th day of February, 2015.

Blair J. Page
Signature of Court Clerk - Blair J. Page

cc: 2/13/2015 Def. Carl
 Prosecutor DS Alcohol
Probation Police Court
YCO SFS Initial: BP

SUMMONS AND NOTICE TO
RESPOND TO SEIZURE OF VEHICLE 1 OF 1

SWINOMISH TRIBAL COURT
17357 RESERVATION ROAD
LACONNER WA 98257
PHONE (360) 466-2087 or 7217 FAX (360) 466-1506

SCANNED
2/13/15 BP

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SWINOMISH TRIBAL COURT
THE SWINOMISH TRIBAL COMMUNITY

In re: Civil Forfeiture: 1999 GMC S10 P/U

Swinomish Tribal Community

Petitioner(s),

v.

Susan M. Pierson

Respondent(s).



Case No(s) CVFF-2015-0004

CLERKS NOTICE TO
RESPOND TO SEIZURE OF VEHICLE

TO: Susan M. Pierson

TO: Reliable Credit Association Inc. WA.

5451 California Avenue SW
Seattle WA 98136 Apt #203

PO Box 836
Lynnwood, WA 98046

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You must file an answer with the Swinomish Tribal Court within (20) days of your receipt of the notice.

If you fail to file an answer within said time period a DEFAULT JUDGMENT may be ordered against you.

DATED this the 13th day of February, 2015.

Blair J. Page
Signature of Court Clerk - Blair J. Page

cc: 2/13/2015 X Def. Conf. mtg
X Prosecutor DS Alcohol
Probation V Police Court
YCO SFS Initial: BP

SUMMONS AND NOTICE TO
RESPOND TO SEIZURE OF VEHICLE 1 OF 1

SWINOMISH TRIBAL COURT
1737 RESERVATION ROAD
LACONNER WA 98257
PHONE (360) 466-2087 or 7217 FAX (360) 466-1506

SCANNED
2/13/15 BP

IN THE SWINOMISH TRIBAL COURT
SWINOMISH INDIAN RESERVATION
La CONNER, WASHINGTON



Swinomish Indian Tribal Community)

No. Swinomish PD 15-SP0095

V.

A VEHICLE KNOWN AS:

1999 GMC S10 P/U
License# B47086Z
VIN 1GTCS19X1K3521964

NOTIFICATION OF
SEIZURE OF A VEHICLE
USED IN CONTROLLED
SUBSTANCE VIOLATIONS

CVFF-2015-0004

REGISTERED OWNER:

Susan M. Pierson
1800 S. 2nd Street Apt 8
Mt. Vernon, WA. 98273

LEGAL OWNER:

Reliable Credit Assoc. Inc. WA.
PO Box 836
Lynnwood, WA. 98046

To: The Swinomish Tribal Court

The undersigned, being first duly sworn under penalty of perjury of the laws of the Swinomish Indian Tribal Community and the State of Washington, deposes and says that:

I: In accordance with Swinomish Indian Tribal Code 4-10.050,

(A) Forfeiture of interest. The interest of the legal owner or owners of record of any vehicle used to transport unlawfully a controlled substance, or in which a controlled substance is unlawfully kept, deposited, used, or concealed, or in which a narcotic is unlawfully possessed by an occupant, shall be forfeited to the Swinomish Indian Tribal Community.

(B) Police officer to seize vehicle. Any peace officer making or attempting to make an arrest for a violation of this Chapter may seize the vehicle used to transport unlawfully a controlled substance, or in which a controlled substance is unlawfully kept, deposited, used, or concealed, or unlawfully possessed by an occupant and shall immediately deliver the vehicle to the tribal police chief, to be held as evidence until forfeiture is declared or a release ordered.

SCANNED

2/15/15 BA

cc 2/13/2014 X Del. Court
X Prosecutor DS Alcohol
Probation V Police Court
YCO SFS Initial: BL

(C) Police officer to file notice of seizure. A peace officer who seizes a vehicle under the provisions of this Section shall file notice of seizure and intention to institute forfeiture proceedings with the clerk of the Tribal Court and the clerk shall serve notice thereof on all owners of the vehicle, by one of the following methods:

(1) Upon an owner or claimant whose right, title or interest is of record in the division of motor vehicles of the state in which the automobile is licensed, by mailing a copy of the notice by registered mail to the address on the records of the division of motor vehicles of said state;

(2) Upon an owner or claimant whose name and address are known, by mailing a copy of the notice by registered mail to his last known address; or

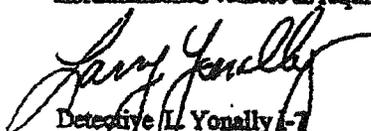
(3) Upon an owner or claimant, whose address is unknown but who is believed to have an interest in the vehicle, by publication in one issue of a local newspaper of suitable size and general circulation.

2: As reported in Swinomish Police Department Case #15-SP0095, the vehicle described in the attached addendum was involved in conduct as defined in SITC 4-10.050 (A).

To wit: The vehicle was used to transport unlawfully a controlled substance, or in which a controlled substance is unlawfully kept, deposited, used, or concealed, or in which a narcotic is unlawfully possessed by an occupant,

The attached addendum from the Washington State Department of Licensing provides both vehicle and owner information.

This document shall serve as notification to the Clerk of Swinomish Tribal Court of said seizure and a declaration of intention to institute forfeiture proceedings on the aforementioned vehicle as required by subsection C of the above.


Detective L. Yonally
Swinomish Police Department

SWORN to and before this 3rd day of Feb., 2015


Notary Public / Court Clerk / Judge



 Unit Number: I7 DOLDB: Vehicle Registration - 2/3/2015
09:45:41

Unit Number: I7
DOLDBI7 SWTC0.L..WADI06430.LIC/

VIN/

.VYR/ .VMA/ .VMD/ ,004000,04-19-2015

EXP DATE/

TAB# IS S351998 15

PIERSON, SUSAN M

PREV TAB NOT AVAILABLE

5451 CALIFORNIA AVE SW

PLATE ISSUE DATE/ 04-2014

APT 203

OUTSTANDING PARKING TICKETS

SEATTLE, WA, 98136

FIRST COLOR IS WHITE

RELIABLE CREDIT ASSOC INC WA

SECOND COLOR IS NO COLOR

PO BOX 836

LYNNWOOD, WA, 98046

TITLE/ 04-24-2014 1423043226

[Search More](#)

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SWINOMISH TRIBAL COURT
THE SWINOMISH TRIBAL COMMUNITY

Petitioner(s) / Plaintiff(s),

v.

Case No(s) _____

ANSWER TO CIVIL COMPLAINT

Respondent(s) / Defendant(s).

ANSWER TO A CIVIL COMPLAINT FORM

NAME OF CASE: _____

CASE NUMBER: _____

COMES NOW, _____, Defendant/Respondent in this
action, and claims the following: _____

**I SWEAR THE ABOVE TO BE TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE.**

DATED this the ____ day of _____, 20 ____.

Signature of Defendant/Respondent: _____

ANSWER TO CIVIL COMPLAINT 1 OF 1

**SWINOMISH TRIBAL COURT
1737 RESERVATION ROAD
LACONNER WA 98257
PHONE (360) 466-2077 or 7217 FAX (360) 466-1506**



State of Washington
DEPARTMENT OF LICENSING
Vehicle/Vessel Public Disclosure
PO Box 2957
Olympia, WA 98507-2957

March 2, 2015

**WILLIAM JOHNSTON
ATTORNEY AT LAW
401 CENTRAL AVE
BELLINGHAM, WA 98225**

**RE: 022515-050 WILLIAM JOHNSTON RE TITLE HISTORY FOR 2005 NISSAN
PLATE AHA3313 VIN 5N1AN08W85C634172**

Thank you for your recent request for vehicle or boat information. The information you requested is enclosed. We sent notification of your request to the vehicle owner(s), as required by law.

With this letter, your records request is now closed. For more information about titling or registration call Customer Service at (360) 902-3770 or email titles@dol.wa.gov. Let them know you already contacted the Public Disclosure Unit.

Public Disclosure Unit
Phone (360) 359-4002
Fax (360) 570-7088

Authority: 18 USC 2721-2725
RCW 46.12.635
WAC 308-10-075

Skip a trip - go online www.dol.wa.gov

We are committed to providing equal access to our services.
If you need accommodation, please call 360-359-4002 or TTY 360-664-0116.

Appendix 2

Appendix A
054
Attachment B
Page 19 of 49

MADPAHA3313

LIC: AHA3313 EXP-DT: 01192014 ISSUE-DT: 022012 YR/MK: 2005/NISS
P/USE:GPAS DEPR:1 TAX: VYR/VCDE:2005 023700. SERIES:XTERRA MOD:XT BT:UT
SCALE: 04174 GWT: 000000 MG: 00 GWT-EKP: 00000000 GVWR: TL:0908652937
DRJ:50 CO/AG:40 00 XFERDT:12052005 SPCL LIC: VIN:5N1AN08W85C634172

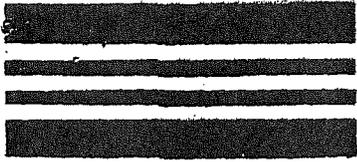
REMARKS: REGISTERED OWNER:
TAB# IS B626931 14 SCOTT, JORDYNN B
PREV TAB U643197 13 18245 MOORES GARDEN RD
SUSPENDED BY F.R. 4Y MOUNT VERNON WA 982738709
CENTENNIAL PLATE
COLOR:
BLACK

LEGAL OWNER:
SAME AS REGISTERED OWNER ABOVE

CUR ODOMETER PREV REGIS OWNER OPT MAIL ADDRESS
A.0000050

CUR VIN: 5N1AN08W85C634172 TITLE #: 0908652937 SOT/DATE: WA 03/28/2009
PREV VIN: 5N1AN08W85C634172 TITLE #: 0533932104 SOT/DATE: WA 05/12/2006
DATE: 03/02/2015 TIME: 11:14

PLATE: AHA3313 VEHICLE BRANDS
JURIS DESCRIPTION INCIDENT DATE SOURCE



DEPARTMENT OF LICENSING
PO Box 9038 - Olympia, Washington 98507-9038

Vehicle Title Application/Registration Certificate



08/19/2014

1423137290358238

APY0326

License plate APY0326	Plate issue date 08/2014	Tab no T802587	Reg expiration 08/02/2015	Value code 23700	Year 2005	Mo reg 12	Mo gwt	Power G	Use PAS
Model year 2005	Make NISS	Series/Body XTERRA	Model XT	BT UT	Vehicle identification (VIN)/Serial no 5N1AN08W85C634172	Res co 37	Prev plate AHA3313	Scale wt 4174	
Seats	Gross weight	Gwt start	Gwt exp	Fleet	Equipment number	Prev Title 0908652937		Prev st WA	
Brands:									
Comment: 4Y - 50 -- COLOR-BLACK - DISPLAY TAB ON BACK LICENSE PLATE ONLY - FRONT PLATE IS STILL REQUIRED.									

Mileage 77860 A

Registered owner

Legal owner

09-06-2014
NOLASCO, MARIO A
2406 NEVADA ST
BELLINGHAM WA 98229

6100

I certify that the information contained hereon is accurate and complete.

Signature of registered owner(s)

Signature of registered owner(s)

Subscribed and sworn to before

this _____ day of _____

DEALER NO 0094 02

FILING	\$7.00	TBD FEE 3701	CHECK	
SUBAGENT	\$12.00	RTA EXCISE	CASH	
LOCAL FEE		USE TAX	TOTAL FEES	\$112.75
LICENSE SRVC	\$0.75	OTHER	DLR TEMP CR	(\$5.00)
GWT/WWT FEE	\$20.00	DONOR AWARENESS		
QUICK TITLE		STATE PARKS		

Validation code 03372903142310819140064035823

TRANSFER

RPT ID: ATITPR-1
VehicleTitle (R/10/12)E

This document is not proof of ownership.

Appendix A
056
Attachment B
Page 21 of 49

THIS DOCUMENT IS NOT PROOF OF LEGAL OWNERSHIP

When validated, this document is your Washington registration certificate or permit and is evidence of the application filed and statutory fees paid. The original registration must be carried in the vehicle or vessel for which it was issued, or in the towing unit, or on the operator for personal motorized devices (off road vehicles, snowmobiles and jet skis). Registrations must be signed by the registered owner(s).

NOTE: Rental vehicles are exempt from carrying the original. Ref. WAC 308-96A-180

Any person who shall knowingly make any false statement of a material fact on this document shall be guilty of a felony which is punishable by a fine or imprisonment or both. (RCW 46.12.210)

Change of address: Registered owners may submit a change of address online at www.InternetTabs.wa.gov or at any vehicle/vessel licensing office. There is no fee for this service; however, there is a fee for a new registration certificate. Washington State primary residence street address (for an individual) or Washington State principal place of business address (for a business) is required on your vehicle record per state rule. In addition to the physical address, vehicle owners may add an optional mailing address to the record. (WAC 308.56A.030)

Report of sale: Vehicle and vessel owners releasing interest must submit a report of sale to the Department of Licensing, county auditor, or vehicle licensing subagent within five (5) days of sale or release (excluding Saturdays, Sundays, and state or federal holidays). Reports of sale must include the date of sale, vehicle license plate (or vessel registration) number, vehicle identification number (or vessel hull identification number), names and addresses of both the seller and buyer, and sale price. You may submit a report of sale at www.InternetTabs.wa.gov (at no fee), OR at any vehicle/vessel licensing office (for a fee). (RCW 46.12.101(1), RCW 46.12.102, WAC 308-56A-525)

Federal odometer law: The Federal Truth in Mileage Act of 1986 requires sellers of motor vehicles less than ten (10) years old to complete an odometer disclosure statement upon transfer of ownership, unless the vehicle is specifically exempt from odometer disclosure requirements. Exemptions are (1) Vehicles 10 years old and older; (2) non-powered vehicles and snowmobiles; (3) vehicles with a declared gross weight over 16,000 pounds; (4) vehicles sold directly by a manufacturer to a federal agency; (5) new vehicles before their first retail sale. (RCW 46.12.124, WAC 308-56A-640)

Washington's auto repair law (which applies to almost all repairs) entitles customers to: (1) A written estimate for repairs which will cost more than one hundred dollars (\$100), unless waived or absent face-to-face contact (see item 4 below). (2) Return or inspection of all replaced parts, if requested at time of repair authorization. (3) Authorize orally or in writing any repairs which exceed the estimated total presales tax cost by more than ten percent (10%). (4) Authorize any repairs orally or in writing if your vehicle is left with the repair facility without face-to-face contact between you and the repair facility personnel. (5) A copy of the invoice, listing all work done and parts supplied. The repair facility must post a sign notifying customers of their rights, and cannot put a lien against or keep your vehicle unless a written estimate was given and they have complied with the rest of the Consumer Protection Act. The Attorney General's office accepts auto repair complaints at www.atg.wa.gov/consumer. (RCW 46.71)

Farm use class: To qualify for reduced gross weight license fees, a vehicle must be used exclusively for transportation of farm or aquaculture products and/or supplies. (RCW 46.16.090)

The undersigned hereby transfers to the bearer all rights to fees paid for declared gross weight as shown on this form.
Signature to transfer Gross Weight License _____
NOTE: To transfer the Gross Weight License the credit must be at least \$15.00.

For more information about titling and licensing, call any Washington county auditor or any vehicle/vessel licensing office, or visit our website at www.dol.wa.gov.

This document is not proof of legal ownership

Public disclosure statutes may compel the release of certain information contained on this document.

Vessel owners only:

How has the vessel registration changed?
In the lower left corner is a "mini registration" that can be cut out, signed, and carried as proof of registration. The full sheet can also be signed and used as proof of registration. Both the full sheet and the mini registration need to be signed for them to be valid.

What do I do with them?
You can carry one in the towing vehicle and the other on the vessel.

Do I have to cut out the mini registration?
No, you can keep it as one sheet. But it must be carried on the vessel and made available to law enforcement when requested.

Can I laminate the mini registration?
Yes, but only after it has been signed by the registered owner(s). You can sign it on the back. (See signature lines to the right of this text).

X _____
Signature of registered owner
X _____
Signature of registered owner

Appendix A

Vehicle Dealer Temporary Permit Certificate of Fact for Address Verification

Number 9 600000

Fees

Plate or TPO		Color #1	Color #2	Vehicle Identification Number (VIN) 5D1AN08W85C634172			Filing
Model year 2005	Plate 6D	Class PAS	Make NISSAN	Series/Body type X TERRA	Model ID	Value code	Year
Cycle engine or motor home number		Fleet code	Equipment #	MO reg	Reg exp date	Scale weight	Seats
Declared GWT		Month GWT	GWT expiration	Mileage	Code	Previous title #	State
Special options <input type="checkbox"/> DAV <input type="checkbox"/> Leased <input type="checkbox"/> No title issued <input type="checkbox"/> NRAM <input type="checkbox"/> Bonded <input type="checkbox"/> Non-roadworthy <input type="checkbox"/> Native American <input type="checkbox"/> Reg only <input type="checkbox"/> <input type="checkbox"/> Joint tenants with rights of survivorship				County of residence		Purchase price	Tax jurisdiction
Washington State primary residence street address or Washington State principal place of business street address is required on this vehicle record. For exceptions to this rule, see form TD-020-009.				<input type="checkbox"/> USE TAX EXEMPT: Private automobile was purchased and used by me in another state for a minimum of 90 days while I was a bonafide resident, before I entered Washington on _____ (Must be used in WA for personal and family transportation only.)		Application	
				<input type="checkbox"/> GIFT: Donor previously paid Washington State sales/use tax.		Inspection	
				<input type="checkbox"/> INHERITANCE: Washington sales/use tax paid by testator.		VIN assignment	
				<input type="checkbox"/> Transferred to SPOUSE.		Gross weight	
<input type="checkbox"/> Sale to INDIAN IN INDIAN COUNTRY. Notarized statement is attached.						GWT credit (Attach proof)	
For more than two registered or legal owners, please attach additional applications.							
New registered owner Name (Last, First, Middle Initial) NOLASCO MARIO A							
Name (Last, First, Middle Initial) _____							
Washington State primary residence street address (if an individual) or Washington State principal place of business street address (if a business) 2406 NEVADA ST Address (continued) BELLINGHAM WA 98229							
Mailing address (if different than residence address) or exception address _____							
First owner's Washington driver license, ID card, or UBI number NOLASMA 350RD				Second owner's Washington driver license, ID card, or UBI number _____			
New legal owner or lienholder - must be filled out if different than the registered owner Name (Last, First, Middle Initial) _____							
Name (Last, First, Middle Initial) _____							
Address _____							
Address (continued) _____							
First owner's Washington driver license, ID card, or UBI number _____				Second owner's Washington driver license, ID card, or UBI number _____			
Dealer's report of sale I certify that this information is correct. The vehicle is clear of encumbrances except as shown. Any required sales tax has been collected.		WA dealer number 0094	Dealer name BERGLUND	Date of sale 8-2-14	Subsequent fee (do not include in total) _____		
Date of delivery 8-2-14		Vehicle is: <input checked="" type="checkbox"/> New <input type="checkbox"/> Used <input type="checkbox"/> Title		Dealer's authorized signature _____			

Anyone who knowingly makes a false statement may be guilty of a felony under state law and upon conviction shall be punished by a fine, imprisonment or both. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

8-2-14 What
 Date and place _____
 Registered owner signature _____
 Position, if signing for a business _____

Notarization/Certification for registered owner(s) signature
 State of Washington, County of Whatcom Signed or attested before me on 8-2-14
 by _____ Signature _____
 by _____ Printed or stamped name _____
 and _____ and _____
 Title _____

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MAR 2014
RECEIVED
SWINOMISH TRIBAL COURT

IN THE SWINOMISH TRIBAL COURT
FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

SWINOMISH INDIAN TRIBAL
COMMUNITY,

Case No.: CVFF-2013-0038

Plaintiff,

[PROPOSED] ORDER GRANTING
FORFEITURE

v.

2005 NISSAN XTERRA,
VIN: 5N1AN08W85C634172,
R.O. JORDYNN B. SCOTT,
Defendant.

06/2014 08:41 6102

The Court, having reviewed the filings of the parties, FINDS as follows:

1. Jordynn B. Scott is the registered legal owner of the vehicle sought to be forfeited in this matter, a 2005 Nissan Xterra, 5N1AN08W85C634172.
2. The vehicle sought to be forfeited was used to transport unlawfully marijuana and heroin, both of which are controlled substances, and their paraphernalia.
3. Registered Owner was sent notice of this hearing at her Department of Licensing address: 18245 Moores Garden Road / Mt. Vernon, WA 98273. The notice was sent via Certified. Ms. Scott did not file a written response.

Based upon these Findings of undisputed fact, the Court CONCLUDES as follows:

1. Plaintiff is entitled to judgment as a matter of law.
2. Ms. Scott's vehicle was used to transport unlawfully marijuana and heroin, both of which are controlled substances and unlawful on the Swinomish Reservation, and

PROPOSED ORDER GRANTING FORFEITURE -

Tribal Prosecutor, Swinomish Tribal Community
11404 Moorage Way
La Conner, WA 98257
(360) 466-7371

SCANNED
3/20/14 BP

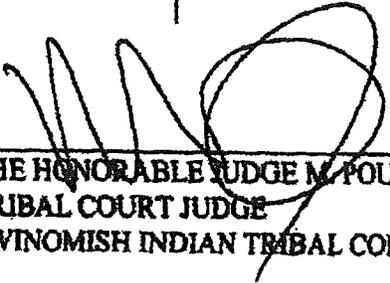
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1 their paraphernalia.

2 3. Plaintiff's Motion for Forfeiture is GRANTED.

3 Based upon these Findings and Conclusions, it is hereby ORDERED, ADJUDGED and
4 DECREED that judgment is entered in favor of Plaintiff and against Registered Owner, and that
5 pursuant to STC 4-10.050, Registered Owner's 2005 Nissan Xterra 5N1AN08W85C634172, is
6 hereby forfeited to the Plaintiff Swinomish Indian Tribal Community, which may retain the vehicle
7 for its official use or dispose of the vehicle as provided by STC 4-10.050(F)(2).

8
9 DATED this 18 day of March, 2014.

10
11
12 
13 THE HONORABLE JUDGE M. POULEY
14 TRIBAL COURT JUDGE
15 SWINOMISH INDIAN TRIBAL COMMUNITY

16 SUBMITTED THIS 3RD DAY OF FEBRUARY, 2014.

17
18 
19 JORDAN E. WALLACE, CVCO 2012-0052
20 PROSECUTING ATTORNEY
21 SWINOMISH INDIAN TRIBAL COMMUNITY

22
23 cc: 3/20/2014 Def. Mail
24 Prosecutor DS Alcohol
25 Probation Police Court
 YCO SFS Initial: BP

2 ~~PROPOSED~~ ORDER GRANTING FORFEITURE -

Tribal Prosecutor, Swinomish Tribal Community
11404 Moorage Way
La Conner, WA 98257
(360) 466-7371

Appendix A
060
Attachment B
Page 25 of 49

Odor 'er Disclosure/Title Extension Statement Release of Interest

Use this form to disclose odometer information. For instructions on completing this form, see page 2.

License number	Year 2005	Make NISSAN	Series/Body type X TERRA	Vehicle Identification Number JN1AN07W85C134172
State or country where last titled				Title number

Federal and state law require the seller to disclose the mileage when ownership of the vehicle is changing. Failure to complete odometer statement or providing a false statement may result in fines and/or imprisonment.

DISCLOSURE BY REGISTERED OWNER

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

77,857 1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. WARNING: Odometer discrepancy exists.

Odometer reading (in miles)

Transferor/Seller must transfer title within 15 days of sale. This does not apply to licensed dealers.
 We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: *CERILINDA DINES AUSTON*
 HAND PRINT name of Transferee/Buyer: **CERILINDA DINES AUSTON**
 Address of Transferee/Buyer: 251 Vernon Bingham Way

Signature of Transferor/Seller: *Joseph B. Keegan*
 HAND PRINT name of Transferor/Seller: **Joseph B. Keegan**
 Address of Transferor/Seller: Sumner High 17863 Reservoir Rd. LA Crosse WA 98257

Date of Transfer

____/____/____

REASSIGNMENT BY VEHICLE DEALER ONLY

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. WARNING: Odometer discrepancy exists.

Odometer reading (in miles)

We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: _____
 HAND PRINT name of Transferee/Buyer: _____
 Address of Transferee/Buyer: _____
 Buying dealer's state license number (if applicable): _____

Signature of Transferor/Seller: _____
 HAND PRINT name of Transferor/Seller: _____
 Address of Transferor/Seller: _____
 Selling dealer's state license number: _____

Date of Transfer

____/____/____

REASSIGNMENT BY VEHICLE DEALER ONLY

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. WARNING: Odometer discrepancy exists.

Odometer reading (in miles)

We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: _____
 HAND PRINT name of Transferee/Buyer: _____
 Address of Transferee/Buyer: _____
 Buying dealer's state license number (if applicable): _____

Signature of Transferor/Seller: _____
 HAND PRINT name of Transferor/Seller: _____
 Address of Transferor/Seller: _____
 Selling dealer's state license number: _____

Date of Transfer

____/____/____

4 Legal owner/lienholder to be shown on new title

Name of legal owner/lienholder: _____
 Address of legal owner/lienholder: _____

5 We release all interest in the above described vehicle.

Signed: _____
 HAND PRINT name: _____

Signed: _____
 HAND PRINT name: _____

Notarization/Certification for Release of Interest
 Release of interest for owners shown on the Certificate of Title do not need to be notarized/verified when this is submitted with the current title.

State of Washington, County of _____

Signed or attested before me on _____ by _____

(Seal or stamp) _____
 Signature: _____
 Printed or stamped name: _____
 Title: _____
 Dealer or county office number or notary expiration date: _____

APPLICABLE SECTION NOT VALID UNLESS FULLY COMPLETED

Odometer Disclosure Title Extension Statement
Release of Interest

An Odometer Disclosure Statement is required on all ownership transfers of motor vehicles that are less than ten years old, except for:

- Vehicles with a declared gross weight of more than 16,000 pounds
- Non-powered vehicles
- Vehicles sold directly by a manufacturer to a federal agency when in conformity with contract specifications
- New vehicles before the first retail sale

This form is:

- valid only when submitted with the vehicle title or other approved ownership document during a title transfer.
- not a title application.
- not an ownership document.
- not valid if applicable sections are not completed.

Instructions for completing this form

Section 1 – Vehicle Information

Enter the description of the vehicle, the state or country where the vehicle was last titled, and title number.

Section 2 – Disclosure by Registered Owner

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name and address.

Transferee/Buyer: Sign the statement and print your name and address.

Section 3 – Reassignment by Vehicle Dealer Only

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name, address, and dealer's license number.

Transferee/Buyer: Sign the statement and print your name, address, and dealer's license number.

Section 4 – Legal Owner/Lienholder

Print the name and address of the lienholder or legal owner to be shown on the new title.

Section 5 – Releasing Interest

Owners releasing interest on this form must have their signatures notarized/certified. Owners releasing interest on the title do not need to have their signatures notarized/certified if this form is submitted with the current title.

Important information

- **Odometer Reading:** Enter the odometer reading in miles (do not include tenths of miles). If the odometer is in kilometers, convert to miles using the following formula: Kilometer X .621.
(Example: 50,000 kilometers X .621 = 31,050 miles.)
- **Checkbox 2:** If the mileage the vehicle has traveled is greater than maximum number of miles the odometer can show, then the mileage has exceeded the odometer's mechanical limits. For example: If the odometer can register a maximum of 99,999 miles, but the vehicle has traveled 120,000 miles, the actual mileage is in excess of the odometer's mechanical limits.
- **Business Owners:** If the seller or buyer is a business, the business name and a representative's name and job title are required.
- **Out-of-State Title – Original Washington Application:** If there is no change of ownership, the registered owner must complete the odometer disclosure as "buyer/transferee" (it is considered a transfer of title/registration from one state to another). The registered owner may complete the Odometer Disclosure on the out-of-state title or on this form. Registered owner is not required to complete both unless the designated area on the title is already full.

Title 49 Code of Federal Regulations (CFR)
RCW 46.12.655
WAC 308-56A-640

This document is a part of a Washington Certificate of Title and should be attached to the title. Unauthorized printing or reproduction of this document is prohibited. If altered in any way, contact a vehicle licensing office.

Odometer Disclosure/Title Extension Statement Release of Interest

Use this form to disclose odometer information. For instructions on completing this form, see page 2.

1 License number	Year	Make	Series/Body type	Vehicle Identification Number
	2005	NISS	XTR RA	5N1A N08N850634172
State or country where last titled				Title number

Federal and state law require the seller to disclose the mileage when ownership of the vehicle is changing. Failure to complete odometer statement or providing a false statement may result in fines and/or imprisonment.

2 Disclosure by REGISTERED OWNER

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): 77800 No Tenths

Date of Transfer: 8-12-14

Transferee/Buyer must transfer title within 15 days of sale. This does not apply to licensed dealers. (We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: _____ Signature of Transferor/Seller: _____
 HAND PRINT name of Transferee/Buyer: _____ HAND PRINT name of Transferor/Seller: _____
 Address of Transferee/Buyer: _____ Address of Transferor/Seller: _____

3 Reassignment by VEHICLE DEALER only

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): 77800 No Tenths

Date of Transfer: 8-12-14

(We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: _____ Signature of Transferor/Seller: _____
 HAND PRINT name of Transferee/Buyer: _____ HAND PRINT name of Transferor/Seller: _____
 Address of Transferee/Buyer: _____ Address of Transferor/Seller: _____
 Buying dealer's state license number (if applicable): _____ Selling dealer's state license number: 0074

3 Reassignment by VEHICLE DEALER only

I certify, to the best of my knowledge, that the odometer reading, as shown below: (Must check one.)

1. is the actual mileage of the vehicle
 2. is in excess of its mechanical limits
 3. is not the actual mileage. **WARNING: Odometer discrepancy exists.**

Odometer reading (in miles): _____ No Tenths

Date of Transfer: _____

(We warrant this Title and certify that the vehicle described herein has been sold to the following:

Signature of Transferee/Buyer: _____ Signature of Transferor/Seller: _____
 HAND PRINT name of Transferee/Buyer: _____ HAND PRINT name of Transferor/Seller: _____
 Address of Transferee/Buyer: _____ Address of Transferor/Seller: _____
 Buying dealer's state license number (if applicable): _____ Selling dealer's state license number: _____

4 Legal owner/lienholder to be shown on new title

Name of legal owner/lienholder: _____ Address of legal owner/lienholder: _____

5 RELEASE OF INTEREST

We release all interest in the above described vehicle.

Signed: _____ Signed: _____
 HAND PRINT name: _____ HAND PRINT name: _____

Notarization/Certification for Release of Interest
 Release of interest for owners shown on the Certificate of Title do not need to be notarized/certified when this is submitted with the current title.

State of Washington, County of _____
 Signed or attested before me on _____ by _____
 (Seal or stamp) _____ Signature: _____
 _____ Printed or stamped name: _____
 _____ and _____
 _____ Dealer or county office number or notary expiration date: _____

APPLICABLE SECTION NOT VALID UNLESS FULLY COMPLETED

Odometer Disclosure/Title Extension Statement

Release of Interest

An Odometer Disclosure Statement is required on all ownership transfers of motor vehicles that are less than ten years old, except for:

- Vehicles with a declared gross weight of more than 16,000 pounds
- Non-powered vehicles
- Vehicles sold directly by a manufacturer to a federal agency when in conformity with contract specifications
- New vehicles before the first retail sale

This form is:

- valid only when submitted with the vehicle title or other approved ownership document during a title transfer.
- not a title application.
- not an ownership document.
- not valid if applicable sections are not completed.

Instructions for completing this form

Section 1 – Vehicle Information

Enter the description of the vehicle, the state or country where the vehicle was last titled, and title number.

Section 2 – Disclosure by Registered Owner

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name and address.

Transferee/Buyer: Sign the statement and print your name and address.

Section 3 – Reassignment by Vehicle Dealer Only

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name, address, and dealer's license number.

Transferee/Buyer: Sign the statement and print your name, address, and dealer's license number.

Section 4 – Legal Owner/Lienholder

Print the name and address of the lienholder or legal owner to be shown on the new title.

Section 5 – Releasing Interest

Owners releasing interest on this form must have their signatures notarized/certified. Owners releasing interest on the title do not need to have their signatures notarized/certified if this form is submitted with the current title.

Important information

- **Odometer Reading:** Enter the odometer reading in miles (do not include tenths of miles). If the odometer is in kilometers, convert to miles using the following formula: Kilometer X .621.
(Example: 50,000 kilometers X .621 = 31,050 miles.)
- **Checkbox 2:** If the mileage the vehicle has traveled is greater than maximum number of miles the odometer can show, then the mileage has exceeded the odometer's mechanical limits. For example: If the odometer can register a maximum of 99,999 miles, but the vehicle has traveled 120,000 miles, the actual mileage is in excess of the odometer's mechanical limits.
- **Business Owners:** If the seller or buyer is a business, the business name and a representative's name and job title are required.
- **Out-of-State Title – Original Washington Application:** If there is no change of ownership, the registered owner must complete the odometer disclosure as "buyer/transferee" (it is considered a transfer of title/registration from one state to another). The registered owner may complete the Odometer Disclosure on the out-of-state title or on this form. Registered owner is not required to complete both unless the designated area on the title is already full.

Title 49 Code of Federal Regulations (CFR)

RCW 46.12.655

WAC 308-56A-640

This document is a part of a Washington Certificate of Title and should be attached to the title. Unauthorized printing or reproduction of this document is prohibited. If altered in any way, contact a vehicle licensing office.

Appendix A

We are committed to providing equal access to our services.

If you need accommodation, please call (360) 902-3770 or TTY (360) 864-0116

Attachment B

Page 29 of 49

STATE OF WASHINGTON
 DEPARTMENT OF LICENSING
 PO Box 9038 - Olympia, Washington 98507-9038

Vehicle Title Application/Registration Certificate

06/24/2014		1417829120216755				105350			
License plate 105350	Plate issue date 06/2014	Tab no	Reg expiration EXEMPT	Value code 34950	Year 2007	Mo reg	Mo gwt	Power G	Use EX
Model year 2007	Make NISS	Series/Body ARM4D	Model AR	ST UT	Vehicle identification (VIN)/Serial no 5N1AA08A17N708457	Res co 29	Prev plate	Scale wt 5327	
Seats	Gross weight	Gwt start	Gwt exp	Fleet	Equipment number	Prev Title 0	Prev st CA		
Brands:									
Comment: USE TAX WAIVED (G) - EXCISE EXEMPT NATIVE AMERICAN - COLOR-BLACK - DISPLAY TAB ON BACK LICENSE PLATE ONLY - FRONT PLATE IS STILL REQUIRED.									

Mileage 180000 A

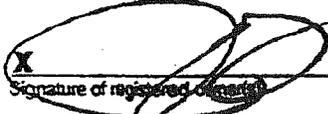
Registered owner

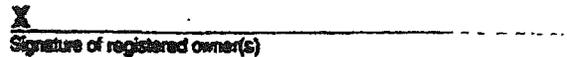
Legal owner

SITC POLICE DEPT
 17363 RESERVATION RD
 LA CONNER WA 98257

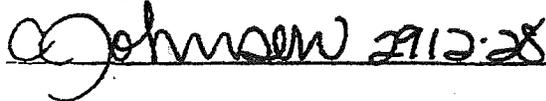
07/16/2014
 4.2
 5659

I certify that the information contained hereon is accurate and complete.

 Signature of registered owner(s)

 Signature of registered owner(s)

Subscribed and sworn to before

 this 24 day of June 14

FILING	\$7.00	TBD FEE	0	CHECK	
SUBAGENT	\$12.00	RTA EXCISE		CASH	\$62.25
LOCAL FEE		USE TAX		TOTAL FEES	\$62.25
LICENSE SRVC	\$0.75	OTHER	\$42.50		
GWT/VWT FEE		DONOR AWARENESS			
QUICK TITLE		STATE PARKS			

Validation code 28291202141750624140077021675 ORIGINAL

RPT ID: ATITPR-1
 VehicleTitle (R/10/12)E

This document is not proof of ownership.

Appendix -3

THIS DOCUMENT IS NOT PROOF OF LEGAL OWNERSHIP

When validated, this document is your Washington registration certificate or permit and is evidence of the application filed and statutory fees paid. The original registration must be carried in the vehicle or vessel for which it was issued, or in the towing unit, or on the operator for personal motorized devices (off road vehicles, snowmobiles and jet skis). Registrations must be signed by the registered owner(s).

NOTE: Rental vehicles are exempt from carrying the original. Ref. WAC 308-06A-180

Any person who shall knowingly make any false statement of a material fact on this document shall be guilty of a felony which is punishable by a fine or imprisonment or both. (RCW 46.12-210)

Change of address: Registered owners may submit a change of address online at www.InternetTabs.wa.gov or at any vehicle/vessel licensing office. There is no fee for this service; however, there is a fee for a new registration certificate. Washington State primary residence street address (for an individual) or Washington State principal place of business address (for a business) is required on your vehicle record per state rule. In addition to the physical address, vehicle owners may add an optional mailing address to the record. (WAC 308.56A.030)

Report of sale: Vehicle and vessel owners releasing interest must submit a report of sale to the Department of Licensing, county auditor, or vehicle licensing subagent within five (5) days of sale or release (excluding Saturdays, Sundays, and state or federal holidays). Reports of sale must include the date of sale, vehicle license plate (or vessel registration) number, vehicle identification number (or vessel hull identification number), names and addresses of both the seller and buyer, and sale price. You may submit a report of sale at www.InternetTabs.wa.gov (at no fee), OR at any vehicle/vessel licensing office (for a fee). (RCW 46.12.101(1), RCW 46.12.102, WAC 308-56A-525)

Federal odometer law: The Federal Truth in Mileage Act of 1986 requires sellers of motor vehicles less than ten (10) years old to complete an odometer disclosure statement upon transfer of ownership, unless the vehicle is specifically exempt from odometer disclosure requirements. Exemptions are (1) Vehicles 10 years old and older; (2) non-powered vehicles and snowmobiles; (3) vehicles with a declared gross weight over 16,000 pounds; (4) vehicles sold directly by a manufacturer to a federal agency; (5) new vehicles before their first retail sale. (RCW 46.12.124, WAC 308-56A-640)

Washington's auto repair law (which applies to almost all repairs) entitles customers to: (1) A written estimate for repairs which will cost more than one hundred dollars (\$100), unless waived or absent face-to-face contact (see item 4 below). (2) Return or inspection of all replaced parts, if requested at time of repair authorization. (3) Authorize orally or in writing any repairs which exceed the estimated total presales tax cost by more than ten percent (10%). (4) Authorize any repairs orally or in writing if your vehicle is left with the repair facility without face-to-face contact between you and the repair facility personnel. (5) A copy of the invoice, listing all work done and parts supplied. The repair facility must post a sign notifying customers of their rights, and cannot put a lien against or keep your vehicle unless a written estimate was given and they have complied with the rest of the Consumer Protection Act. The Attorney General's office accepts auto repair complaints at www.atg.wa.gov/consumer. (RCW 46.71)

Farm use class: To qualify for reduced gross weight license fees, a vehicle must be used exclusively for transportation of farm or aquaculture products and/or supplies. (RCW 46.16.090)

The undersigned hereby transfers to the bearer all rights to fees paid for declared gross weight as shown on this form.
Signature to transfer Gross Weight License _____
NOTE: To transfer the Gross Weight License the credit must be at least \$15.00.

For more information about titling and licensing, call any Washington county auditor or any vehicle/vessel licensing office, or visit our website at www.dol.wa.gov.

This document is not proof of legal ownership

Public disclosure statutes may compel the release of certain information contained on this document.

Vessel owners only:

How has the vessel registration changed?
In the lower left corner is a "mini registration" that can be cut out, signed, and carried as proof of registration. The full sheet can also be signed and used as proof of registration. Both the full sheet and the mini registration need to be signed for them to be valid.

What do I do with them?
You can carry one in the towing vehicle and the other on the vessel.

Do I have to cut out the mini registration?
No, you can keep it as one sheet. But it must be carried on the vessel and made available to law enforcement when requested.

Can I laminate the mini registration?
Yes, but only after it has been signed by the registered owner(s). You can sign it on the back. (See signature lines to the right of this text).

X _____
Signature of registered owner
X _____
Signature of registered owner

*We are committed to providing equal access to our services.
If you need accommodation, please call (360) 902-3600 or TTY (360) 664-0116.*

Vehicle Certificate of Ownership (Title) Application

Fees

Plate or TPO		Color #1	Color #2	Vehicle Identification Number (VIN) 5N1AA08A1FN708457			Filing
Model year 2007	Part G1	Use EXT	Make NISS	Series/body type ARMED	Model ID	Value code	Year
Cycle engine or motor horse number		Fleet code	Equip number	MO reg	Reg exp date	Scale weight	Seats
Declared GWT		Month GWT	GWT expiration	Mileage	Code	Previous title number	State
<input type="checkbox"/> DAV <input type="checkbox"/> NFM <input type="checkbox"/> Native American <input type="checkbox"/> Joint tenants with rights of survivorship		<input type="checkbox"/> Leased <input type="checkbox"/> Bonded <input type="checkbox"/> Reg only		<input type="checkbox"/> No title issued <input type="checkbox"/> Non-roadworthy		County of residence	Purchase price
				<input type="checkbox"/> USE TAX EXEMPT: Private automobile was purchased and used by me in another state for a minimum of 90 days while I was a bona fide resident, before I entered Washington on _____ (Must be used in Washington for personal and family transportation only.)		Tax jurisdiction	Tax rate
				<input type="checkbox"/> GPT: Donor previously paid Washington State sales/use tax.		Application	
				<input type="checkbox"/> SURETY: Washington sales/use tax paid by testator.		Inspection	
				<input type="checkbox"/> Transferred to SPOUSE.		VIN assignment	
				<input type="checkbox"/> Sale to INDIAN OR INDIAN COUNTRY. Notarized statement is attached.		Gross weight	
						GWT credit (attach proof)	
For more than two registered or legal owners, please attach additional applications.							Arbitration
New registered owner							Sales/Use tax
Name (Last, First, Middle initial) SITC Police Dept							License service
Name (Last, First, Middle initial)							Plate
Washington State primary residence street address (if an individual) or Washington State principal place of business street address (if a business) 17353 Reservation Rd							LPG
Address (continued) La Conner, WA 98257							Aquatic weed
Mailing address (if different than residence address) or exception address							Truma
First owner's Washington driver license, ID card, or UBI number 5600			Second owner's Washington driver license, ID card, or UBI number				Replacement tab
New legal owner or lienholder—must be filled out if different than the registered owner							State parks donation
Name (Last, First, Middle initial) SAME AS ABOVE							<input type="checkbox"/> \$5 <input type="checkbox"/> \$0
Name (Last, First, Middle initial)							Out of state
Address							Other
Address (continued)							Total fees and tax
First owner's Washington driver license, ID card, or UBI number			Second owner's Washington driver license, ID card, or UBI number				Subagent fee (Do not include in total)
Dealer's report of sale I certify that this information is correct. The vehicle is clear of encumbrances except as shown. Any required sales tax has been collected.		WA dealer number	Dealer name		Date of sale		Subagent fee (Do not include in total)
Date of delivery		Vehicle is: <input type="checkbox"/> New <input type="checkbox"/> Used <input type="checkbox"/> Previously titled		Dealer's authorized signature X			

Anyone who knowingly makes a false statement may be guilty of a felony under state law and upon conviction shall be punished by a fine, imprisonment, or both. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date and place: 6/24/14
 Registered owner signature: [Signature]
 Position, if signing for a business: Law & Order

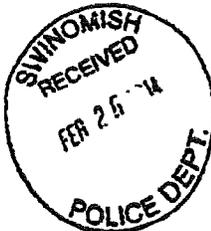
Date and place: _____
 Registered owner signature: _____
 Position, if signing for a business: _____

Notarization/Certification for registered owner(s) signature
 State of WA County of Skagit
 Signed or attested before me on 10-24-14 by [Signature]

(Seal or stamp)

Title Agent and _____
 Dealer or county office number or notary registration (fill in box A)

PD



IN THE SWINOMISH TRIBAL COURT
FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY

SWINOMISH INDIAN TRIBAL
COMMUNITY,

Plaintiff,

v.

2007 BLACK NISSAN ARMADA SUV
VIN: 5N1AA08A17N708457
R.O. CANDEE M. WASHINGTON,
L.O. FUTURE NISSAN
Defendant.

Case No.: CVFF-2014-0001

~~PROPOSED~~ ORDER GRANTING
FORFEITURE

2014 14 26 56

14-580055

THIS MATTER comes on for hearing before the Court this 24th day of February, 2014.

Appearances were made as follows:

Jordan Wallace, Office of Tribal Attorney, appears for Plaintiff Swinomish Indian Tribal
Community. Candee M. Washington for defendant.

The Court, having reviewed the filings of the parties, FINDS as follows:

1. Candee M. Washington is the registered legal owner of the vehicle sought to be
forfeited in this matter, a 2007 BLACK NISSAN ARMADA SUV, VIN:
5N1AA08A17N708457.

2. The vehicle sought to be forfeited contained occupants who unlawfully possessed
heroin and its paraphernalia.

~~PROPOSED~~ ORDER GRANTING FORFEITURE -

Tribal Prosecutor, Swinomish Tribal Community
11404 Morage Way
La Conner, WA 98257
(360) 466-7371

SCANNED
2/26/14 BP

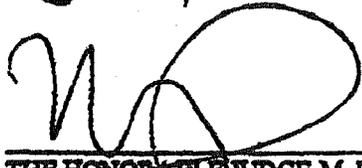
Dist. on p. 2

Based upon these Findings of undisputed fact, the Court CONCLUDES as follows:

1. Plaintiff is entitled to judgment as a matter of law.
2. The vehicle sought to be forfeited contained occupants who unlawfully possessed heroin and its paraphernalia.
3. Plaintiff's Motion for Forfeiture is GRANTED.

Based upon these Findings and Conclusions, it is hereby ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Plaintiff and against Registered Owner, and that pursuant to STC 4-10.050, Registered Owner's 2007 BLACK NISSAN ARMADA SUV, VIN: 5N1AA08A17N708457, is hereby forfeited to the Plaintiff Swinomish Indian Tribal Community, which may retain the vehicle for its official use or dispose of the vehicle as provided by STC 4-10.050(F)(2).

DATED this 24 day of February, 2014.



THE HONORABLE JUDGE M. POULEY
TRIBAL COURT JUDGE
SWINOMISH INDIAN TRIBAL COMMUNITY

SUBMITTED this 24 day of February, 2014.


JORDAN E. WALLACE, P.V.C.O. 2012.0052

cc: 2 / 126 / 2014 Def. Ext.
 Prosecutor DS Alcohol Mail
Probation Police Court
YCO SFS - Initial: BP

PROSECUTING ATTORNEY
SWINOMISH INDIAN TRIBAL COMMUNITY

PROPOSED ORDER GRANTING FORFEITURE -

Tribal Prosecutor, Swinomish Tribal Community
11404 Meorage Way
La Conner, WA 98257
(360) 466-7371

STATE OF WASHINGTON
 DEPARTMENT OF LICENSING
 PO Box 9038 • Olympia, Washington 98507-9038

Vehicle Value Detail

Vehicle identification number (VIN) 5N1AA08A17N708457	Model Year 2007	Make NISSAN		
Model ARMADA 4X2 UTILITY	Description 4dr SE 4x2	Engine size 5.6	Cylinders 8	Scale weight 5327

FAIR MARKET VALUE: \$14,400

USE TAX ON FMV:

MILEAGE PROVIDED BY CUSTOMER:

VALUE DATA LAST UPDATED: 06/20/2014

Washington law, RCW 82.12.010, requires use tax be collected on fair market value of a vehicle. Fair market value reflects the value of a vehicle according to the retail selling price, at the place of use, of similar vehicles of like quality or character. Sales by individuals do not necessarily reflect fair market value.

Both Department of Licensing (DOL) and Department of Revenue (DOR) obtain fair market values, specific to the western region of the United States, from an industry standard source: National Market Reports (NMR). The actual value of your vehicle may vary depending upon its condition.

A fair market value may not have been established for some vehicles two years old and newer because they have not been resold often enough for an industry standard value to be established. In cases such as these, the original manufacturer's retail price (MSRP) is used to determine a taxable value.

Your local Department of Revenue or vehicle licensing representatives can provide you with more information for determining the value of your vehicle.

This information provided to you by: ANACORTES
 CHAMBER OF COMMERCE
 819 COMMERCIAL AVE, SUITE B
 ANACORTES WA 98221

The estimated value of your vehicle is based on information provided on 06/24/2014 at 14:18 and is subject to change.

No deduction for high mileage was used in computing value.

Rpt ID: VHVALUVEHRPT

VehicleValue (R/6/12)E

THIS DOCUMENT IS NOT PROOF OF LEGAL OWNERSHIP

When validated, this document is your Washington registration certificate or permit and is evidence of the application filed and statutory fees paid. The original registration must be carried in the vehicle or vessel for which it was issued, or in the towing unit, or on the operator for personal motorized devices (off road vehicles, snowmobiles and jet skis). Registrations must be signed by the registered owner(s).

NOTE: Rental vehicles are exempt from carrying the original. Ref. WAC 308-96A-180

Any person who shall knowingly make any false statement of a material fact on this document shall be guilty of a felony which is punishable by a fine or imprisonment or both. (RCW 46.12.210)

Change of address: Registered owners may submit a change of address online at www.InternetTabs.wa.gov or at any vehicle/vessel licensing office. There is no fee for this service; however, there is a fee for a new registration certificate. Washington State primary residence street address (for an individual) or Washington State principal place of business address (for a business) is required on your vehicle record per state rule. In addition to the physical address, vehicle owners may add an optional mailing address to the record. (WAC 308.56A.030)

Report of sale: Vehicle and vessel owners releasing interest must submit a report of sale to the Department of Licensing, county auditor, or vehicle licensing subagent within five (5) days of sale or release (excluding Saturdays, Sundays, and state or federal holidays). Reports of sale must include the date of sale, vehicle license plate (or vessel registration) number, vehicle identification number (or vessel hull identification number), names and addresses of both the seller and buyer, and sale price. You may submit a report of sale at www.InternetTabs.wa.gov (at no fee), OR at any vehicle/vessel licensing office (for a fee). (RCW 46.12.101(1), RCW 46.12.102, WAC 308-56A-525)

Federal odometer law: The Federal Truth in Mileage Act of 1986 requires sellers of motor vehicles less than ten (10) years old to complete an odometer disclosure statement upon transfer of ownership, unless the vehicle is specifically exempt from odometer disclosure requirements. Exemptions are (1) Vehicles 10 years old and older; (2) non-powered vehicles and snowmobiles; (3) vehicles with a declared gross weight over 16,000 pounds; (4) vehicles sold directly by a manufacturer to a federal agency; (5) new vehicles before their first retail sale. (RCW 46.12.124, WAC 308-56A-640)

Washington's auto repair law (which applies to almost all repairs) entitles customers to: (1) A written estimate for repairs which will cost more than one hundred dollars (\$100), unless waived or absent face-to-face contact (see item 4 below). (2) Return or inspection of all replaced parts, if requested at time of repair authorization. (3) Authorize orally or in writing any repairs which exceed the estimated total presales tax cost by more than ten percent (10%). (4) Authorize any repairs orally or in writing if your vehicle is left with the repair facility without face-to-face contact between you and the repair facility personnel. (5) A copy of the invoice, listing all work done and parts supplied. The repair facility must post a sign notifying customers of their rights, and cannot put a lien against or keep your vehicle unless a written estimate was given and they have complied with the rest of the Consumer Protection Act. The Attorney General's office accepts auto repair complaints at www.sig.wa.gov/consumer. (RCW 46.71)

Farm use class: To qualify for reduced gross weight license fees, a vehicle must be used exclusively for transportation of farm or aquaculture products and/or supplies. (RCW 46.16.090)

The undersigned hereby transfers to the bearer all rights to fees paid for declared gross weight as shown on this form.
Signature to transfer Gross Weight License _____

NOTE: To transfer the Gross Weight License the credit must be at least \$15.00.

For more information about titling and licensing, call any Washington county auditor or any vehicle/vessel licensing office, or visit our website at www.dol.wa.gov.

This document is not proof of legal ownership

Public disclosure statutes may compel the release of certain information contained on this document.

Vessel owners only:

How has the vessel registration changed??
In the lower left corner is a "mini registration" that can be cut out, signed, and carried as proof of registration. The full sheet can also be signed and used as proof of registration. Both the full sheet and the mini registration need to be signed for them to be valid.

What do I do with them?
You can carry one in the towing vehicle and the other on the vessel.

Do I have to cut out the mini registration?
No, you can keep it as one sheet. But it must be carried on the vessel and made available to law enforcement when requested.

Can I laminate the mini registration?
Yes, but only after it has been signed by the registered owner(s). You can sign it on the back. (See signature lines to the right of this text).

X _____
Signature of registered owner

X _____
Signature of registered owner

We are committed to providing equal access to our services.
If you need accommodation, please call (360) 802-3600 or TTY (360) 864-0116.



Odometer Disclosure/Title Extension Statement Release of Interest

Use this form to disclose odometer information. For instructions on completing this form, see page 2.

License number		Vehicle Identification Number	
State or county where last filed		Date of Transfer	
Federal and state law require the disclosure of odometer information. Failure to complete this statement may result in civil penalties and/or criminal sanctions.			
Disclosure by REGISTERED OWNER only	I certify to the best of my knowledge that the odometer reading is correct (check one). <input type="checkbox"/> In the actual mileage of the vehicle. <input type="checkbox"/> In the actual mileage of the vehicle. <input type="checkbox"/> I do not know the actual mileage of the vehicle.		Date of Transfer 6/24/14
	Signature of Transferor		Signature of Transferee
PRINT name of Transferor		PRINT name of Transferee	
Address of Transferor		Address of Transferee	
Disclosure by VEHICLE DEALER only	I certify, to the best of my knowledge, that the odometer reading is correct (check one). <input type="checkbox"/> In the actual mileage of the vehicle. <input type="checkbox"/> In the actual mileage of the vehicle. <input type="checkbox"/> I do not know the actual mileage of the vehicle.		Date of Transfer
	Signature of Transferor/Dealer		Signature of Transferee
PRINT name of Transferor/Dealer		PRINT name of Transferee	
Address of Transferor/Dealer		Address of Transferee	
Buying dealer's state		Buying dealer's name	
Release of Interest	Legal owner/lessor to be shown on this form		Date of Transfer
	Name of legal owner/lessor		Signature of legal owner/lessor
PRINT name of legal owner/lessor		PRINT name of legal owner/lessor	
Address of legal owner/lessor		Address of legal owner/lessor	
Release of interest in vehicle. This document need to be signed by the legal owner/lessor.			
State or County		Deliver or county, state number or hobby expiration fee	

Odometer Disclosure/Title Extension Statement Release of Interest

An Odometer Disclosure Statement is required on all ownership transfers of motor vehicles that are less than ten years old, except for:

- Vehicles with a declared gross weight of more than 16,000 pounds
- Non-powered vehicles
- Vehicles sold directly by a manufacturer to a federal agency when in conformity with contract specifications
- New vehicles before the first retail sale

This form is:

- valid only when submitted with the vehicle title or other approved ownership document during a title transfer.
- not a title application.
- not an ownership document.
- not valid if applicable sections are not completed.

Instructions for completing this form

Section 1 – Vehicle Information

Enter the description of the vehicle, the state or country where the vehicle was last titled, and title number.

Section 2 – Disclosure by Registered Owner

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name and address.

Transferee/Buyer: Sign the statement and print your name and address.

Section 3 – Reassignment by Vehicle Dealer Only

Transferor/Seller: Print the current odometer reading and check one of the boxes which represents the accuracy of the odometer reading. You must record the date of transfer, sign the statement, and print your name, address, and dealer's license number.

Transferee/Buyer: Sign the statement and print your name, address, and dealer's license number.

Section 4 – Legal Owner/Lienholder

Print the name and address of the lienholder or legal owner to be shown on the new title.

Section 5 – Releasing Interest

Owners releasing interest on this form must have their signatures notarized/certified. Owners releasing interest on the title do not need to have their signatures notarized/certified if this form is submitted with the current title.

Important information

- **Odometer Reading:** Enter the odometer reading in miles (do not include tenths of miles). If the odometer is in kilometers, convert to miles using the following formula: Kilometer X .621.
(Example: 50,000 kilometers X .621 = 31,050 miles.)
- **Checkbox 2:** If the mileage the vehicle has traveled is greater than maximum number of miles the odometer can show, then the mileage has exceeded the odometer's mechanical limits. For example: If the odometer can register a maximum of 99,999 miles, but the vehicle has traveled 120,000 miles, the actual mileage is in excess of the odometer's mechanical limits.
- **Business Owners:** If the seller or buyer is a business, the business name and a representative's name and job title are required.
- **Out-of-State Title – Original Washington Application:** If there is no change of ownership, the registered owner must complete the odometer disclosure as "buyer/transferee" (it is considered a transfer of title/registration from one state to another). The registered owner may complete the Odometer Disclosure on the out-of-state title or on this form. Registered owner is not required to complete both unless the designated area on the title is already full.

Title 49 Code of Federal Regulations (CFR)

RCW 46.12.655

WAC 308-56A-640

This document is a part of a Washington Certificate of Title and should be attached to the title. Unauthorized printing or reproduction of this document is prohibited. If altered in any way, contact a vehicle licensing office.



Vehicle/Vessel Declaration of Value for Excise Tax

Vehicle/Vessel description

Model year 2007	Make NISSAN	Series/Body style ARMADA	License/Registration number	Vehicle/Vessel hull identification number (VIN/VIN)
Comments (describe conditions that may affect the value)				

Vessel-Declaration of original value

This declaration is for a vessel that: was acquired by lease, trade, or gift.
 has no known recent purchase price.
 is homemade.

A. Declaration of fair market value of vessel \$ _____
B. Value of accessories (radio, depth finder, radar, etc.) \$ _____
C. Value of motor \$ _____
D. Total declaration of vessel value (A+B+C=total) \$ _____

Vehicle-Declaration of original value

This declaration is for a new, used, foreign, domestic, homemade, assembled, or other vehicle not listed in excise tax schedules or other sources available. I estimate, to the best of my ability, that the original value of this vehicle was \$ 2,000 in (year) 2014.

X
 Owner signature

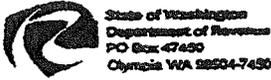
Lawrence
 Title if signing for an organization

@phman 6-24-14
 WA Excise Agent and number Date

RCW 82.48.030, WAC 308-57-030
 TD-20-737 (9/12/10)

We are committed to providing equal access to our services.
 If you need accommodation, please call (360) 902-3900 or TTY (360) 664-0116.

07/16/2014 14:26 5665



**Use Tax Exemption Certificate for Vehicles Sold to
Enrolled Tribal Members by Private Party**
Do Not Return This to the Department of Revenue

When a motor vehicle, trailer, snowmobile, off-road vehicle, or other such property is sold to an enrolled tribal member and delivery is made on the enrolled tribal member's reservation/trust land in the state of Washington, the sale is exempt from use tax. To receive this exemption, this form must be completed. An original signed copy must be submitted to the Department of Licensing with title application. Copies of this form should be maintained by the buyer.

Declaration of Buyer

Declaration of delivery or acquisition in Indian Country

The undersigned is:

- An enrolled member of the _____ Tribe
- An authorized representative of the Tribe or Tribal enterprise, and the vehicle described below was delivered/acquired within Indian country, for at least partial use in Indian country

Vehicle Description: 2007 Nissan Armada SUV SN14A0PA17N708457

Buyer's name: Swinomish Tribal Cm. / police dept

Buyer's signature: [Signature]

Buyer's address: 19353 Reservation Rd La Brea Wa. 98257

Address of delivery: _____

07/11/2014 14:5666

Check documentation presented:

- Certificate of enrollment
- Tribal membership card
- Treaty Indian Fishing Identification Card
- Official letter signed by Tribal official

For tax assistance or to request this document in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711.



Certificate of Fact

Use this form to make a statement of fact.

License plate/registration number 105350	Year 2007	Make NISSAN	Series/Body style ARM4D
Vehicle Identification Number (VIN) or Vessel Hull Identification Number (HIN) SN1AA08A17N708457			
I certify that PER DAN IN LIAISON ALL WE NEED IS A TITLE APPLICATION, ONE SIDED ODOMETER SIGNING AS BUYER AND A DECLARATION OF VALUE AND THE ORDER GRANTING FORFEITURE. WE HAVE TO DO WHAT THE COURTS SAY.			
I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.			
Date and place		Signature X	

07/16/2014 14:26 5667

Notarization/Certification

State of WA County of Skagit

Signed or attested before me on 6-24-14 by _____

(Seal or stamp)

Signature [Handwritten Signature]

Printed or stamped name Johnson

Title Agent

and 211228

Dealer or county/office number or notary expiration date

We are committed to providing equal access to our services. If you need accommodation, please call (360) 902-3800 or TTY (360) 664-0116.

The Tulalip Tribes Office of the Reservation Attorney

Court Services Division

◇ Peter G. Ashman, Prosecutor ◇ Cynthia Tomkins, DV Prosecutor
◇ Saza Osawa, Assistant Prosecutor ◇ Tammy Chance, Paralegal
6103 - 31st Ave NE, Ste B Tulalip, WA 98271

dx^w d'ix^w qscut

We Govern Ourselves

(360) 716-4810

Fax (360) 716-0658

March 29, 2012

William Johnston
401 Central Avenue
Bellingham, WA 98225

Re: Forfeiture of 1999 Black Escalade

Dear Mr. Johnston:

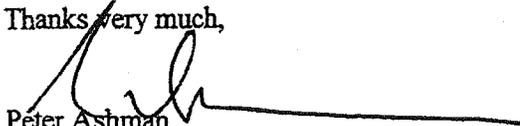
This will confirm our agreement regarding resolution of this case.

I have been advised by Snohomish County Prosecutor Katie Wetmore that her office has declined prosecution of Mr. Sim for possession of marijuana on the Reservation on April 27, 2011. It is my understanding that based upon this information your client is now willing to concede forfeiture of the vehicle.

Although it is clear that Mr. Sim committed perjury during the first hearing in Tribal Court, in consideration of your agreement that the Tribal Court has the authority to forfeit the vehicle, I have decided to forego any referral of that matter to the county.

I have attached a draft stipulation. If it is acceptable, please sign and return it to me and I will see that it is filed promptly.

Thanks very much,


Peter Ashman
Tribal Prosecutor

Appendix 4

FILED

2012 APR -5 PM 1:58

TULALIP TRIBAL COURT

IN THE TULALIP TRIBAL COURT CLERK _____
FOR THE TULALIP INDIAN RESERVATION
TULALIP, WASHINGTON

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<p>THE TULALIP TRIBES A Federally-Recognized Indian Tribe, Plaintiff,</p> <p>vs.</p> <p>1999 Black Cadillac Escalade (VIN #1GYEK13R7XR409905), Defendant.</p>

No. TUL-CV-GC-2011-0234

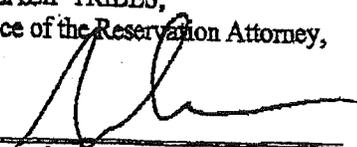
Incident No. 11-1215

NOTICE OF SETTLEMENT

Tulalip Tribes by and through its prosecutor, hereby advises the Court that a settlement has been reached in this case and the anticipated motion practice will not be required. A copy of the stipulation for forfeiture will be filed with the Court as soon as it has been signed by Mr. Sin's counsel.

Dated April 5, 2012

TULALIP TRIBES,
Office of the Reservation Attorney,


Peter Ashman, Prosecutor
Court Services Division

1
2
3 IN THE TULALIP TRIBAL COURT
4 FOR THE TULALIP INDIAN RESERVATION
5 TULALIP, WASHINGTON

6 THE TULALIP TRIBES
7 A Federally-Recognized Indian Tribe,
8 Plaintiff,
9 vs.
10
11 1999 Black Cadillac Escalade
12 (VIN #1GYEK13R7XR409905),
13 Respondent.

No. TUL-CV-GC-2011-0234

STIPULATION AND ORDER TO
FORFEIT PROPERTY

Incident No. 11-1215

14
15 I. STIPULATION

16
17 COME NOW the undersigned parties, the Tulalip Tribes, by and through its counsel, Peter
18 Ashman, and Narin Sin, by and through his counsel, William Johnston, and, in consideration of the
19 mutual pledges contained herein, stipulate as follows:

- 20
21 1. The Court has jurisdiction over the property and the Tulalip Tribes had a sufficient basis under
22 Ordinance 49 to seize and request forfeiture of the above-captioned vehicle. Mr. Sin's motion to
23 dismiss is withdrawn.
24
25 2. Timely notice of these proceedings was given to Narin Sin, the Registered Owner of the above-
26 mentioned vehicle and Mr. Sin timely filed a document requesting a hearing.
27
28 4. Mr. Sin is the Registered Owner of the subject vehicle.
29
30 5. Mr. Sin was operating the subject vehicle on April 27, 2011 within the exterior boundaries of
31 the Tulalip Indian Reservation.
32
33 6. The subject vehicle was used to possess and transport narcotics, specifically marijuana, as well
34 as drug paraphernalia, all of which are a violation of Ordinance 49, §3.1.1(5)(b).
35
36 7. Narin Sin agrees that all rights, title, interests, legal or equitable in the 1999 Black Cadillac
37 Escalade, VIN # 1GYEK13R7XR409905, are extinguished and the property is forfeit to the benefit of
38 the Tulalip Tribes pursuant to Ordinance 49, §3.1.1(5)(b).
39
40 8. The parties hereby waive any other claims to the vehicle other than those referenced above and
41 release each other from any liability and claims, known or unknown, arising from the seizure of the
42 vehicle.

43
44 Stipulated and agreed to this ____ day of March, 2012.

45
46
47
48 _____
49 Peter Ashman, Prosecutor
50 Tulalip Tribes

_____ William Johnston, Attorney for Narin Sin
401 Central Avenue, Bellingham, WA 98225
Phone: 360-676-1931

STIPULATION & ORDER TO FORFEIT PROPERTY
Page 1 of 2

TULALIP TRIBES' PROSECUTOR'S OFFICE
6103 - 31st Ave NE, Suite B
Tulalip WA 98271
PH (360) 716-4810, FAX (360) 716-0658

080
Attachment B
Page 45 of 49

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II. ORDER

Effective immediately, based on the foregoing, the 1999 Black Cadillac Escalade VIN # 1GYEK13R7XR409905, property seized pursuant to the authority granted in Ordinance 49, §3.1, is conveyed to the Tulalip Tribes Police Department and all former or present interests in this vehicle are extinguished and/or terminated.

This is a final judgment.

DATED this ____ day of _____, 2012.

Judge

Presented by:

TULALIP TRIBES,
Office of the Reservation Attorney,

Peter Ashman, Prosecutor,
Court Services Division

Copy received, notice of presentation waived:

William Johnston, Attorney for Narin Sin
401 Central Avenue, Bellingham, WA 98225
Phone: 360-676-1931

William Johnsto
Attorney at Law
401 Central Avenue
Bellingham, Washington 98225

Phone: 360 676-1931
Fax: 360 676-1510

February 23, 2015

Robert Ferguson
Attorney General of Washington
PO Box 40957
Olympia, Washington 98504

Re: Illegal Confiscation of Ms. Jordynn Scott's automobile
by Swinomish Police Department, a Washington State Law
Enforcement Agency pursuant to RCW 10.92

Dear Mr. Attorney General:

I represent Jordynn Scott whose automobile was confiscated by the Swinomish Indian Tribe pursuant to their tribal law, which the tribe interprets to authorize the forfeiture of property owned by non tribal members. I believe your office has already analyzed the legal issue, i.e. do tribal courts have authority to forfeit property of non-members and reached the same conclusion that I did. This is the reason in *Wilson v. DOL*, Whatcom County Cause No. 14-202158-1, your office agreed that no Indian tribe had jurisdiction. I have enclosed copies of pertinent letters. Although the DOL did state in writing that their written protocols forbid transfer of title upon an adjudication order from a tribal court, I believe it is true that the DOL cannot say whether the tribes have been able to circumvent the state law and get the certificates of title of the cars changed after the car is pronounced forfeit by the tribal court.

Appendix 5

William Johnsto.
Attorney at Law
401 Central Avenue
Bellingham, Washington 98225

Phone: 360 676-1931
Fax: 360 676-1510

The Swinomish Tribe PD is the only tribe, which has taken advantage of RCW 10.92, which allows Indian tribes to certify their officers as Washington State Law Enforcement Officers upon compliance with the statute. My understanding is that the Swinomish Tribal Police Department has kept its status in good standing each year.

Besides Ms. Scott's car, I believe that the Swinomish Tribe has forfeited many other motor vehicles owned by non-tribal members in violation of state and federal law. I will keep you updated as I discover more.

The tribal court lack subject matter jurisdiction to forfeit property owned by non tribal members, *Miners Electric v. Creek Nation*, 505 F.3d1007 (2007) is on point and holds that the tribes lack jurisdiction. As a consequence of the Swinomish Tribe's policy of forfeiting automobiles owned by non tribal members, I request that you take action to strip the tribe of its privilege to have its officers act as Washington State Law Enforcement Officers until such time as the Swinomish Tribe pledges in writing that they will immediately cease and desist and stop forfeiting private property of non tribal members. The Swinomish's tribe's capacity to act as a Washington state law enforcement agency should be suspended until such time as the tribe proves its has compensated the injured parties.

When a Swinomish Police Officer acts to seize and proceed with the forfeiture of a car owned by a non-tribal member, he/she is also acting as a state law enforcement officer. We should not continue to endorse a policy of a tribe to act in violation of federal and state law and let the tribal law enforcement agency continue to operate as a state law enforcement agency.

If you think this complaint lacks merit or your office will not take any action, I would appreciate it if you would write a short note explaining why I am incorrect in my thinking.

Very truly yours,

William Johnston

William Johnstor
Attorney at Law
401 Central Avenue
Bellingham, Washington 98225

Phone: 360 676-1931
Fax: 360 676-1510

WJ:bj
Enclos: above stated

cc:
E. Rania Rampersad
Assistant Attorney General
Licensing & Administrative Law Division
PO Box 40110
Olympia, WA 98504-0110
raniar@att.wa.gov
Phone: 360 753-2702
Fax: 360 664-0174

Cc: Richard Weyrich
Prosecutor
Skagit County
605 South 3rd Street
Mount Vernon, WA 98273

Cc: Rick Balam
Chief of Police Department
Swinomish Police Department
11404 Moorage Way
La Conner, Washington 98257
Phone: 360 466-3163

Attachment C

Title 4 – Criminal Code
Chapter 10 – Offenses Involving Controlled Substances

Sec.

- 4-10.010 Definitions
- 4-10.020 Controlled Substances That Are Illegal Without a Valid Prescription
- 4-10.030 Proof of Chemical Composition
- 4-10.040 Elements of Offense and Penalties
- 4-10.045 Medical Assistance for Drug-Related Overdose
- 4-10.050 Seizure of Vehicles Used in Controlled Substance Violations

Annotations

Legislative History

Enacted:

- Ordinance 324 Amending STC Title 4, Chapter 10 (5/7/13); BIA (5/10/13).
- Ordinance 206 Amending STC 4-10.050 and Ordinance 184, (12/18/03), BIA (12/30/03).
- Ordinance 184 Establishing The Swinomish Criminal Code and Repealing and Superseding Ordinance Nos. 156, 154, 143, and 75 ,(9/30/03), BIA (10/7/03).

Repealed or superseded:

- Ordinance 75 Swinomish Criminal Code, (4/2/91), Enacting Res. 91-4-37, BIA (6/13/91) (repealing and superseding Ord. 39 and Article XIII of Ord. 32).
- Ordinance 39 Establishing Criminal Offenses, (6/7/77) (superseding conflicting provisions of Ord. 32).
- Ordinance 32 Swinomish Law and Order Code, (3/4/75), BIA (5/30/75).
- Ordinance 7 Swinomish Law and Order Code, (6/1/38), BIA (3/24/38).
- Ordinance 1 Adoption of Swinomish Law and Order Regulations, Ord. 1 (undated).

[Ed. Note. Ordinance 1 is undated and adopts the Law and Order Regulations approved by the Secretary of the Interior November 27, 1935 as part of the fundamental law governing the Swinomish Reservation. The referenced "regulations" are not located in tribal records.]

4-10.010 Definitions.

All terms used in this Chapter shall be given their commonly accepted meaning or as defined in Section 4-01.040. If there is any doubt as to the meaning of a term, the court shall be guided by the definitions contained in RCW 69.50, *et. seq.*, as currently in effect (copy attached) or as later amended. Nothing in this Chapter shall be construed to make illegal an act that is legal under the Uniform Controlled Substances Act.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-10.020 Controlled Substances That Are Illegal Without a Valid Prescription.

- (A) Any substance that contains any quantity of a chemical that falls within the following categories is illegal to possess without a valid prescription:
- (1) Opiates including but not limited to substances commonly known as opium, heroin, morphine, methadone and codeine;
 - (2) Hallucinogenic substances including but not limited to substances commonly known as DMA, LSD, PCP, mescaline, peyote, and psilocybin;
 - (3) Marijuana;
 - (4) Cocaine in any form including but not limited to the powder and the rock or "crack" form;
 - (5) Depressants including but not limited to methaqualone, diazepam (Valium), secobarbital and pentobarbital; and
 - (6) Stimulants including but not limited to any form of amphetamine.
- (B) If there is any doubt as to whether a substance is illegal or not, the court shall be guided by the provisions of RCW 69.50, Schedule I through V, attached hereto.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-10.030 Proof of Chemical Composition.

The chemical composition of a substance may be proven by any acceptable method of identification, including, but not limited to, identification by a trained officer, by certified field tests or by certified laboratory tests.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-10.040 Elements of Offense and Penalties.

- (A) Possession of any amount of a substance listed in Section 4-10.020 is a **Class B offense**.
- (B) Any person who manufactures, delivers, or possesses with intent to deliver or manufacture any of the substances listed in Section 4-10.020 shall be found guilty of and sentenced for a **Class A offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-10.045 Medical Assistance for Drug-Related Overdose

- (A) A person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose shall not be charged or prosecuted for possession of a controlled substance pursuant to STC 4-10.040(A) if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance.
- (B) A person who experiences a drug-related overdose and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance pursuant to STC 4-10.040(A) if the evidence for the charge of possession of a controlled substance was obtained as a result of the overdose and the need for medical assistance.
- (C) A person acting in good faith may receive a naloxone prescription, possess naloxone, and administer naloxone to an individual suffering from an apparent opiate-related overdose.
- (D) For the purposes of this section, “drug-related overdose” means an acute medical condition that is the result of the ingestion or use by an individual of one or more controlled substances or one or more controlled substances in combination with alcohol, in quantities that are excessive for that individual that may result in death, disability, or serious injury.
- (E) The protection in this section from prosecution for possession of a controlled substance under STC 4-10.040(A) shall not be grounds for suppression of evidence in other criminal charges.

[History] Ord. 324 (5/7/13).

4-10.050 Seizure of Vehicles Used in Controlled Substance Violations.

- (A) **Forfeiture of interest.** The interest of the legal owner or owners of record of any vehicle used to transport unlawfully a controlled substance, or in which a controlled substance is unlawfully kept, deposited, used, or concealed, or in which a narcotic is unlawfully possessed by an occupant, shall be forfeited to the Swinomish Indian Tribal Community.
- (B) **Police officer to seize vehicle.** Any peace officer making or attempting to make an arrest for a violation of this Chapter may seize the vehicle used to transport unlawfully a controlled substance, or in which a controlled substance is unlawfully kept, deposited, used, or concealed, or unlawfully possessed by an occupant and shall immediately deliver the vehicle to the tribal police chief, to be held as evidence until forfeiture is declared or a release ordered.

- (C) **Police officer to file notice of seizure.** A peace officer who seizes a vehicle under the provisions of this Section shall file notice of seizure and intention to institute forfeiture proceedings with the clerk of the Tribal Court and the clerk shall serve notice thereof on all owners of the vehicle, by one of the following methods:
- (1) Upon an owner or claimant whose right, title or interest is of record in the division of motor vehicles of the state in which the automobile is licensed, by mailing a copy of the notice by registered mail to the address on the records of the division of motor vehicles of said state;
 - (2) Upon an owner or claimant whose name and address are known, by mailing a copy of the notice by registered mail to his last known address; or
 - (3) Upon an owner or claimant, whose address is unknown but who is believed to have an interest in the vehicle, by publication in one issue of a local newspaper of suitable size and general circulation.
- (D) **Owner's answer to notice.** Within twenty (20) days after the mailing or publication of a notice of seizure, as provided by Subsection (C) hereof, the owner of the seized vehicle may file a verified answer to the allegation of the use of the vehicle contained in the notice of seizure and of the intended forfeiture proceedings.
- (E) **Procedure for hearing.**
- (1) If a verified answer to the notice given as prescribed by this Section is not filed within twenty (20) days after the mailing or publication thereof, the court shall hear evidence upon the charge of unlawful use of the vehicle, and upon motion shall order the vehicle forfeited to the Swinomish Indian Tribal Community.
 - (2) If a verified answer is filed, the forfeiture proceedings shall be set for a hearing on a day not less than thirty (30) days after the answer is filed, and the proceedings shall have priority over other civil cases. Notice of the hearing shall be given in the manner provided for service of the notice of seizure.
 - (3) At the hearing any owner or claimant who has a verified answer on file may show by competent evidence that the vehicle was not used to transport controlled substances illegally, or that a controlled substance was not unlawfully possessed by an occupant of the vehicle, or that the vehicle was not used as a depository or place of concealment for a controlled substance.
 - (4) A claimant of any right, title or interest in the vehicle may prove his or her lien, mortgage or conditional sales contract to be bona fide, and that his or her right, title, or interest was created after a reasonable investigation of the moral responsibility, character and reputation of the purchaser, and without knowledge that the vehicle was being, or was to be used for the purpose charged; but no person who has the lien dependent upon possession for the

compensation to which he or she is legally entitled for making repairs or performing labor upon and furnishing supplies and materials for, and for the storage, repairs, safekeeping of any vehicle, and no person doing business under any law of any state or the United States relating to banks, trust companies, credit unions or licensed pawnbrokers or money lenders or regularly engaged in the business of selling vehicles shall be required to prove that his or her right, title or interest was created after a reasonable investigation of the moral responsibility, character and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant.

(F) **Judgment.**

- (1) If proper proof is presented at the hearing, the Tribal Court shall order the vehicle released to the bona fide owner, lien holder, mortgagee or vendor, if the amount due him or her is equal to or in excess of the value of the vehicle as of the date of seizure, it being the purpose of this Section to forfeit only the right, title or interest of the purchaser.
- (2) If the amount due a claimant or claimants is less than the value of the vehicle, the vehicle shall be sold at public auction by the tribal police chief after due and proper notice has been given.
- (3) If no such claimant exists, and the confiscating agency wishes to retain the vehicle for its official use, it may do so. If such vehicle is not to be retained, it shall be disposed of as provided in Subsection 4-10.050(F)(2) of this Section.

[History] Ord. 206 (12/18/03); Ord. 184 (9/30/03); Ord. 75 (4/2/91).

Annotations

STC 4-10.050

NOTES OF DECISIONS

Return of vehicle 1

1. Return of Vehicle

Although the vehicle was seized pursuant to an arrest that involved possession of illegal drugs, the Court ordered the return of the vehicle to the owner because he was out of town when the arrest for possession and the vehicle seizure occurred, he did not give permission for use of the vehicle, and he was unaware that the occupants possessed illegal drugs during the time of the arrest. *In re: 1973 Black Chevy 2-Door Ell 2T*, Ci-8/95-041 (Swinomish Tribal Ct. November 8, 1995).

2. Burden of Proof

STC 4-10.050(E)(3) places the burden of proof on the vehicle owner or claimant to show that the grounds for forfeiture have not been met. *In Re: 1999 Ford Escort 500-VEX*, CVFF-2011-0013 (Swinomish Tribal Ct. July 18, 2011).

3. No Innocent Owner Defense

STC 4-10.050 does not provide for an innocent owner defense, and a vehicle owner is not able to escape vehicle forfeiture by claiming that he did not know the vehicle was being used to illegally transport, possess, deposit, or conceal a controlled substance. Although STC 4-10.050(E)(4) references a lack of knowledge, this section only applies to third party lien holders such as banks and financial institutions, and was designed to preserve their economic interest in seized vehicles. STC 4-10.050(E)(4) does not apply to vehicle owners who do not have a third party lien holder interest in the seized vehicle. *In Re: 1999 Ford Escort 500-VEX*, CVFF-2011-0013 (Swinomish Tribal Ct. July 18, 2011).

Attachment D

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TRIBAL ADMINISTRATION

The Swinomish Tribal Community has an extensive governmental infrastructure that assists and implements the goals, policies, programs, and laws of the Swinomish Senate, the Tribe's governing body. The Tribal Chairman supervises and works with the Tribe's General Manager Allan Olson to oversee eight Departments and six Tribal Boards and Commissions.

Directors administer each tribal programs in conjunction with a Senate Committee, Board or Commission that provides policy and guidance in that particular administrative function. To contact the director of a particular department or program, see our [Contact](#) page.

Departments and their directors and respective committees include:

Accounting - Merril Burke - Budget Committee
 Office of Tribal Attorney - Legal Committee
 Police Department - Law and Order Committee
 Planning and Community Development - Ed Knight - Planning Commission
 Land Management - Elissa Kalla - Environmental and Lands Committee
 Environmental Protection - Todd Mitchell - Environmental and Lands Committee
 Social Services - John Stephens - Health Education and Social Services Committee
 Public Works - Bill Critz - Buildings and Facilities Committee
 Tribal Court - Chief Judge Mark Pouley - Law and Order Committee
 Human Resources - Alethia Edwards - Personnel Committee

Boards and Commissions and their directors (some have more than one program director) include:

Swinomish Housing Authority - John Petrich - Housing
 Fish and Game Commission - Lorraine Loomis - Fisheries
 Fish and Game Commission - Todd Wilbur - Hunting
 Swinomish Gaming Commission - Glen Edwards - Gaming Regulation
 Gaming Business Committee - Ron Edwards - Northern Lights Casino
 Swinomish Utility Authority - John Petrich - Utilities
 Swinomish Development Authority - Economic Development
 Swinomish Development Authority - Marie Murray - Northern Lights Chevron Station
 Swinomish Development Authority - Brian Wilbur - Swinomish Fish Company

TRIBAL ADMINISTRATION

contact

General Reception
 Phone (360) 466.3163

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