

No. 45020-8-II

**THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II**

GENE CAMARATA,

Appellant,

v.

KITTITAS COUNTY, KITTITAS COUNTY AUDITOR, KITTITAS
COUNTY AUDITOR JERRY V. PETTIT, KITTITAS COUNTY
PROSECUTOR GREGORY L. ZEMPEL, AND DARREN M.
HIGASHIYAMA,

Respondents.

BRIEF OF RESPONDENTS

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2. Letter from the Kittitas County Auditor to Gene Camarata, dated June 26, 2012. (1 page)(CP 61)

I. INTRODUCTION

This case concerns the decision of Respondent Kittitas County Auditor (“Auditor”) to cancel the voter registration of Appellant Gene Angelo Camarata based upon Mr. Camarata’s failure to actually reside at the address he used to register to vote.

Under RCW 29A.08.010(2); RCW 29A.04.151; RCW 29A.08.112; and Article VI, section 1 of the Washington State Constitution, with few exceptions, a voter is only entitled to register to vote at the address or location where he or she actually resides. Mr. Camarata registered to vote at 1001 E. 8th Ave., (#4), Ellensburg, WA, which is a parking lot owned by Kittitas County. However, Mr. Camarata lived in Yakima County at the time the voter registration challenge was filed. Mr. Camarata does not qualify for any of the exceptions to the residency requirement, which means he was not eligible to register to vote at an address where he did not live.

This issue was brought to the Auditor’s attention by Darren Higashiyama, a Kittitas County Sheriff’s Office Detective, who filed a Challenge to Mr. Camarata’s voter registration. The Auditor scheduled a voter registration challenge hearing and sent, by certified mail, a notice of the hearing and supporting documentation to Mr. Camarata’s mailing address, as required by RCW 29A.08.840(2)-(3).

Neither Mr. Camarata nor Detective Higashiyama attended the voter registration challenge hearing. The Auditor cancelled Mr. Camarata's voter registration based upon the available facts, such as Detective Higashiyama's Challenge and supporting documentation.

Mr. Camarata appealed the Auditor's decision to the Thurston County Superior Court. On June 14, 2013, Thurston County Superior Court Judge Chris Wickham affirmed the Auditor's decision.

This Court should affirm the Auditor's decision to cancel Mr. Camarata's voter registration because the Auditor's decision was supported by substantial evidence, and because Mr. Camarata was given proper notice of the hearing scheduled by the Auditor.

II. COUNTERSTATEMENT OF THE ISSUES

1. Was the Kittitas County Auditor's decision to cancel the voter registration of Mr. Camarata supported by substantial evidence that Mr. Camarata did not actually reside at 1001 E. 8th Ave., (#4), Ellensburg, WA?
2. Did the Kittitas County Auditor substantially comply with RCW 29A.08.840(2)-(3) by providing notice of the Challenge hearing and supporting documentation, sent by certified mail, to the mailing address provided by Mr. Camarata?

III. COUNTERSTATEMENT OF THE CASE

A. Mr. Camarata's Voter Registration.

On May 17, 2012, Mr. Camarata visited the Washington Secretary of State's website and registered to vote. (CP 50-51) In his voter registration, Mr. Camarata stated his mailing address was "General Delivery Ellensburg WA 98926," and that his residential address was "1001 E. 8th Ave., (#4) ELLENSBURG WA 98926." *Id.* However, at the time he registered to vote, Mr. Camarata did not actually live or reside at the residential address he provided in his voter registration. (CP 31-48) Mr. Camarata did not actually live or reside in Ellensburg, or even in Kittitas County. *Id.* Instead, Mr. Camarata was a homeless or transient person living in Yakima, which is in Yakima County. *Id.*

In addition, the property located at 1001 E. 8th Ave., in Ellensburg, was a parking area owned by Kittitas County and was devoid of residences, buildings, or structures. (CP 31-38) There used to be an apartment on the property, but it was demolished in 2008. (CP 33)

Mr. Camarata had previously registered to vote at that address, but that registration was closed. In addition, Mr. Camarata no longer lived there. (CP 34, 49) While the record does not show why or when this registration was closed, this presumably occurred prior to the demolition of the apartment in 2008.

B. Investigation Of Mr. Camarata's Voter Registration.

On June 5, 2012, the Kittitas County Prosecutor's Office forwarded information about Mr. Camarata's voter registration to Detective Higashiyama, an employee of Kittitas County, to investigate whether Mr. Camarata falsely provided information on a voter registration application, which is a class C felony under RCW 29A.84.130. (CP 33)

Detective Higashiyama searched the Washington Election Information website (wei.sos.wa.gov) and contacted the Kittitas County Auditor's Office to see if Mr. Camarata was registered to vote anywhere else in the State of Washington. (CP 33-34, 49-54) Detective Higashiyama found Mr. Camarata had previously registered to vote in Kittitas County, but that this voter registration was closed. *Id.*

Detective Higashiyama then contacted the Kittitas County Assessor's Office ("Assessor") to obtain the name of the owner of the property located at 1001 E. 8th Ave., Ellensburg, WA 98926. (CP 34) The Assessor's records showed Kittitas County itself owned the property and was being used by the Kittitas County Fairgrounds as a parking lot (the apartment on the property was completely demolished in 2008). (CP 34-35, 44-45) The Assessor's records also included a photograph of the property, which showed a parking lot without any structures. (CP 34)

Detective Higashiyama also inquired of the Assessor's Office and the Kittitas County Auditor's Office ("Auditor") whether Mr. Camarata owned any property in Kittitas County. (CP 34, 44-47) According to the Assessor's and Auditor's records, Mr. Camarata did not own property in Kittitas County. *Id.*

Detective Higashiyama then searched the local telephone book and various online sources for a telephone number and address for Mr. Camarata. (CP 34, 39-43) Detective Higashiyama did not locate any telephone number or address for Mr. Camarata. *Id.*

On June 12, 2012, Mr. Camarata called Detective Higashiyama on the telephone, which was not unusual since Mr. Camarata regularly called Detective Higashiyama about twice a week. (CP 35) During their June 12 conversation, Mr. Camarata informed Detective Higashiyama that he "was living in Yakima and sleeping on buses." (CP 35)

On June 19, 2012, Detective Higashiyama visited and inspected the parking lot at 1001 E. 8th Ave. (CP 35) Detective Higashiyama took photographs of the property, and noted there were no structures there, nor were there any people living or residing there. (CP 35, 38)

That same day, June 19, 2012, Detective Higashiyama mailed a letter to Mr. Camarata to verify his address. (CP 35, 37) Detective Higashiyama mailed the letter to 1001 E. 8th Ave. #4, Ellensburg, WA

98926, and also to Mr. Camarata's mailing address of General Delivery, Ellensburg, WA 98926. *Id.* In the letter, Detective Higashiyama informed Mr. Camarata an inquiry was being made into the propriety of Mr. Camarata's voter registration, and that Mr. Camarata should respond to Detective Higashiyama's letter either by written notice or telephone call. (CP 37) Detective Higashiyama attested, under penalty of perjury, this letter was sent with return service requested. (CP 31)

C. Challenge Of Mr. Camarata's Voter Registration.

On June 22, 2012, Detective Higashiyama submitted a "Challenge to Voter Registration" form ("Challenge") to the Kittitas County Elections Office, to challenge the voter registration of Mr. Camarata. (CP 31)¹ In the Challenge, Detective Higashiyama stated the basis of the challenge was that Mr. Camarata did not reside at the address at which he registered to vote: 1001 E. 8th #4, Ellensburg, WA 98926. *Id.* Detective Higashiyama stated the address where Mr. Camarata actually resided was "Transient, Yakima County." *Id.* Detective Higashiyama signed the Challenge, under penalty of perjury, thereby attesting he was a registered Washington voter, that the Challenge was based upon his personal knowledge, and that he exercised due diligence to verify the evidence submitted with the Challenge. *Id.*

¹ Detective Higashiyama submitted the Challenge as a private citizen, and not as an employee of Kittitas County Sheriff's Office. (CP 31)

Detective Higashiyama attached to the Challenge all of the supporting material required by RCW 29A.08.810(1)(c)(ii), despite the fact he had already provided Mr. Camarata's actual address of residence ("transient, Yakima County") in the Challenge, as required by RCW 29A.08.810(1)(c)(i). (CP 31-54)

D. Hearing On The Challenge Of Mr. Camarata's Voter Registration.

Pursuant to RCW 29A.08.835 and standard office practice, the Auditor's Office posted the Challenge onto the Auditor's website within 72 hours after receiving Detective Higashiyama's Challenge, which was submitted on June 22, 2012. (CP 19, 77-78) The Challenge was removed from the Auditor's website only after the matter was resolved by the Auditor on September 5, 2012. *Id.*

The Auditor's Office only posted the Challenge form, and not the attached material, on the website. This is because the attached material contained Mr. Camarata's personal information, such as his date of birth, social security number, and FBI number. *Id.* The Auditor's Office made the decision to only post the Challenge form, and not the attached material, to the website after Susan Higginbotham, an Administrative Assistant in the Auditor's Office, received advice from the Washington Secretary of State's Office that RCW 29A.08.835's requirement to post

“the entire content” of a voter challenge would be satisfied by posting the entire challenge and omitting the attached material. *Id.*

On June 28, 2012, Kittitas County Auditor Jerry Pettit (“Auditor”) sent a letter, by certified mail, to the mailing address provided by Mr. Camarata in his voter registration,² notifying Mr. Camarata that his voter registration had been challenged by Detective Higashiyama. (CP 61, 127) The total postage paid for this letter was \$5.75. (CP 127) The letter stated that copies of the documents filed by Detective Higashiyama were enclosed with the letter. (CP 61) The letter also stated the hearing regarding the Challenge was set for July 13, 2012 at 10:00 a.m. at the Kittitas County Courthouse, Courtroom 215, Ellensburg. *Id.*

In addition, as required by RCW 29A.08.840(2), the letter informed Mr. Camarata that he was not required to live at the address he listed as his residence if his absence was due to: state or federal employment; military service; school attendance; confinement in a public prison; out of state business; or navigation at sea. *Id.* The Auditor also informed Mr. Camarata that if he had a nontraditional address, that Mr. Camarata could list the address of a shelter, park, motor home, marina, or other identifiable location that he considered to be his residence. *Id.*

² The letter was returned to the Kittitas County Auditor’s Office on September 4, 2012 as “Unclaimed.” (CP 127)

On July 13, 2012, the Auditor conducted the hearing on the Challenge to Mr. Camarata's voter registration. (CP 18) Neither Mr. Camarata, nor Detective Higashiyama, nor any deputy prosecuting attorneys were present for the hearing. (CP 18, 21)

On September 5, 2012, the Auditor issued a written decision regarding the July 13, 2012 hearing, concluding that, based upon the available facts proved by clear and convincing evidence, and pursuant to RCW 29A.08.810(1)(c), Mr. Camarata did not reside at the Kittitas County address he provided for voter registration purposes. (CP 18-25) The Auditor noted the undisputed evidence showed "the voter registration address is a vacant lot owned by Kittitas County and used for parking for the Kittitas County Fair and other events." (CP 24) Thus, the Auditor directed that Mr. Camarata's voter registration be cancelled. (CP 25)

On September 6, 2012, the Auditor's decision was mailed to Mr. Camarata at the address he provided in his voter registration form and was subsequently returned as unclaimed. (CP 129) The Auditor's decision was sent to Detective Higashiyama by inter-county mail. (CP 75)

E. Mr. Camarata's Appeal Of The Cancellation Of His Voter Registration.

On October 4, 2012, Mr. Camarata filed a Petition for Review of the Auditor's decision to cancel his voter registration in the Thurston

County Superior Court. (CP 4-9) Over the next eight months, Mr. Camarata filed numerous briefs with the Court in support of his allegations, but on June 14, 2013, Thurston County Superior Court Judge Chris Wickham affirmed the decision of the Auditor to cancel Mr. Camarata's voter registration.³ (CP 117-119) Mr. Camarata participated in the hearing and gave lengthy testimony on his own behalf. (CP 117) However, Judge Wickham found the Auditor's decision was supported by substantial evidence, and that the Auditor followed the statutorily required process. *Id.*

On June 21, 2013, Mr. Camarata filed a Notice of Appeal to Division II of the Court of Appeals. (CP 120)

IV. ARGUMENT

The decision of the Auditor to cancel the voter registration of Mr. Camarata is subject to appellate judicial review under RCW 34.05, the Administrative Procedure Act ("APA"). RCW 29A.08.840(6); RCW 34.05.526

Under the APA, Mr. Camarata has the burden of demonstrating the invalidity of the Auditor's decision. RCW 34.05.570(1)(a); *Thurston County v. W. Wash. Growth Mgmt. Hearings Bd.*, 164 Wn.2d 329, 341,

³ Near the end of the hearing, Judge Wickham asked Mr. Camarata what his mailing address was, and Mr. Camarata again stated his mailing address was General Delivery, Ellensburg, WA. (CP 117)

190 P.3d 38 (2008). Relief may be granted only if it is determined that Mr. Camarata was “substantially prejudiced” by Auditor Pettit’s decision. RCW 34.05.570(1)(d)

The APA, as stated in RCW 34.05.570(1)(b), also requires this Court to review Auditor Pettit’s decision in accordance with the nine (9) standards of review set forth in RCW 34.05.570(3); *Graves v. Employment Sec. Dep’t*, 144 Wn.App, 302, 308, 182 P.3d 1004 (2008). When reviewing an administrative decision, this Court looks “to the administrative record, and not the superior court findings or conclusions.” *Edelman v. State*, 160 Wn.App 294, 304, 248 P.3d 581 (2011).

In this case, Mr. Camarata has not met the burden of proof because the Auditor’s actions were in accord with the applicable statutes and were supported by substantial evidence. A substantial evidence standard is applied to an agency’s findings of fact, but its conclusions of law are reviewed de novo. *Heidgerken v. Dep’t of Nat. Res.*, 99 Wn.App 380, 384, 993, P.2d 934 (2000). The substantial evidence standard is “highly deferential” to the agency fact finder. *Premera v. Kreidler*, 133 Wn.App. 23, 31, 131 P.3d 930 (2006).

A. Mr. Camarata Is Only Permitted To Register To Vote At An Address Where He Physically Resides, And At An Address That Actually Exists.

The address Mr. Camarata registered to vote at, 1001 E. 8th Ave., (#4), is owned by Kittitas County and is a parking lot devoid of buildings or structures, and Mr. Camarata did not actually reside there.

1. Mr. Camarata Did Not Physically Reside Or Maintain His Abode At 1001 E. 8th Ave., (#4), In Ellensburg, WA.

RCW 29A.08.010(1)(b) states a residential address must be provided on a voter registration application. RCW 29A.08.010(2) states “the residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151.” (emphasis added) RCW 29A.04.151 defines the word “residence” for “the purpose of registering and voting” as “a person’s permanent address where he or she physically resides and maintains his or her abode.” (emphasis added) Thus, a voter must physically reside or abide at the address used in the voter registration.

In this case, it is undisputed that Mr. Camarata did not actually live or physically reside at the address he used in his voter registration, but was instead homeless and living in Yakima County. Unchallenged findings of fact are verities on appeal. *Robel v. Roundup Corp*, 148 Wn.2d 35, 42, 59 P.3d 611 (2002).

Mr. Camarata argues in his brief that even though he no longer lives at 1001 E. 8th Ave., (#4), he should still be allowed to register to vote at that address because he previously resided at the address and was registered to vote there. Mr. Camarata essentially concludes he should be allowed to register to vote at that address in perpetuity, or at least until he “obtain[s] a permanent domicile” in a different location. However, in making this argument, Mr. Camarata ignores RCW 29A.04.151, which states that:

“Residence” for the purpose of registering and voting means a person’s permanent address where he or she physically resides and maintains his or her abode. However, no person gains residence by reason of his or her presence or loses his or her residence by reason of his or her absence: (1) While employed in the civil or military service of the state or of the United States; (2) While engaged in the navigation of the waters of this state or of the United States or the high seas; (3) While a student at any institution of learning; (4) While confined in any public prison. Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere. (emphasis added)

Thus, the residency requirements for registering to vote are different from the residency requirements to obtain a divorce in Washington State or run for elected office in Washington, which are the subject matter of the case law cited to by Mr. Camarata in his brief. *Fiske v. Fiske*, *Sasse v. Sasse*, and *Polk v. Polk* all decide whether a party in a

divorce action met the one year residency requirement in order to obtain a divorce. *Fiske*, 48 Wn.2d 69, 290 P.2d 725 (1955); *Sasse*, 41 Wn.2d 363, 249 P.2d 380 (1952); *Polk*, 158 Wn. 242, 290 P. 861 (1930). The Court in *In re Schoessler* held that the appellant was not eligible to run for office because he did not satisfy the one-year residency requirement of RCW 35A.12.030. *In re Schoessler*, 140 Wn.2d 368, 369, 998 P.2d 818 (2000). The Court in *State ex rel Quick-Ruben v. Verharen* was asked to decide whether a candidate in an election for superior court judge was a qualified candidate if the candidate did not reside in the county the election was held in. *State ex rel Quick-Ruben*, 136 Wn.23 888, 891, 969 P.2d 64 (1998). The cases cited to by Mr. Camarata do not address the statutes that specifically address residency requirements for voter registration.

According to RCW 29A.04.151, a person can lose his residence if he is absent from the location, unless his absence is due to: state or federal employment; military service; school attendance; imprisonment; out of state business; or navigation at sea. Mr. Camarata does not qualify for any of these exceptions. Absent one of the exceptions, a person can only register to vote at his or her actual, physical place of residence. Mr. Camarata lived in Yakima County at the time he registered to vote, so he was not eligible to register to vote in Kittitas County.

2. RCW 29A.08.112 And Article VI, Section 1, Of The Washington State Constitution Required Mr. Camarata To Live Near 1001 E. 8th Ave., (#4), In Ellensburg, WA, For At Least 30 Days Before The Election.

Article VI, section 1 of the Washington State Constitution states that a person must “have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote...” RCW 29A.08.112 confirms that voters with nontraditional addresses “must still meet the requirement in Article VI, section 1 of the state Constitution that he or she live in the area for at least thirty days before the election.”

In this case, Mr. Camarata informed Detective Higashiyama he was living in Yakima. Moreover, Mr. Camarata, in his brief to this Court, concedes he did not meet the requirement of RCW 29A.08.112 and Article VI, section 1 of the Washington State Constitution to live in the precinct he registered to vote in for at least 30 days before the election, in that he said he lives in a different city and county every week. Appellants Brief, pg 18-19.

Therefore, even if this Court believes Mr. Camarata could have registered to vote using a nontraditional address, Mr. Camarata was not eligible to register to vote at the parking lot owned by Kittitas County because he did not meet the requirements of RCW 29A.08.112 and Article VI, Section 1, of the Washington State Constitution that he live in the

county and precinct where he registered to vote for at least 30 days before the election.

3. Mr. Camarata Registered To Vote At A Traditional Address That Did Not Exist.

RCW 29A.08.010(2) states that:

[a] residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town...A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence.

RCW 29A.08.112 defines nontraditional addresses as a "shelter, park, motor home, marina, or other identifiable location." In this case, Mr. Camarata registered to vote at 1001 E. 8th Ave., (#4), in Ellensburg, WA, which clearly is a traditional address as defined by RCW 29A.08.010(2), and is not a nontraditional address as defined by RCW 29A.08.112. Thus, even if Mr. Camarata could have registered to vote at a nontraditional address because of his transience and homelessness, he did not do so.

Instead, Mr. Camarata registered to vote at 1001 E. 8th Ave., (#4), which is a parking lot with no structures on it. The record shows there was an apartment at that address in the past, but it was demolished in 2008, when the County acquired the property. (CP 33-35) When the

County demolished the apartment, unit #4 of the apartment was also destroyed, as there were no structures on the property at the time Mr. Camarata registered to vote. It is nonsensical to apply a unit number to a parking lot. Thus, the address 1001 E. 8th Ave., (#4), no longer exists as a traditional address, and does not qualify as a nontraditional address because it is in a traditional address format.

B. The Auditor Complied With All Statutory Requirements.

The Auditor provided notice of the hearing to Mr. Camarata, and also posted the Challenge form on the Auditor's website. Moreover, the Auditor had substantial evidence on which to base his decision to cancel Mr. Camarata's voter registration.

1. The Auditor Sent Notice Of The Challenge To Mr. Camarata's Mailing Address By Certified Mail.

RCW 29A.08.840(2) provides that once a challenge is properly filed with the Auditor's office, "the county auditor must notify the challenged voter and provide a copy of the affidavit." The Auditor must also notify the parties of "the time and place for the hearing."

RCW 29A.08.840(3) states that "[a]ll notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice."

In this case, Mr. Camarata provided two addresses on his voter registration form: 1001 E. 8th Ave., (#4), and a mailing address of General Delivery, both in Ellensburg. (CP 50-51) As discussed above, 1001 E. 8th Ave., (#4) is: 1) a nonexistent address because unit #4 of the apartment was demolished; 2) an address Mr. Camarata does not live at; 3) a parking lot with no structures, meaning there is no mail receptacle; and 4) owned by Kittitas County.

Moreover, Detective Higashiyama sent a letter to Mr. Camarata at 1001 E. 8th Ave., (#4) on June 19, 2012 to verify Mr. Camarata lived there, but Mr. Camarata never acknowledges receiving the letter. (CP 37) So even if the Auditor had sent the documents to Mr. Camarata at that address, they probably would have been returned to sender as undeliverable. If they had been delivered, they would have been delivered to an office of the Kittitas County government, since it owns the property.

While Mr. Camarata claims the Auditor should also have sent the notice of hearing and supporting documentation to his father Salvador Camarata, as well as to 1001 E. 8th Ave., (#4), Mr. Camarata himself did not list Salvador Camarata's address as one of his contact addresses, it was Detective Higashiyama who included Salvador Camarata's address in his Detail Incident Report. (CP 32) Mr. Camarata does not even claim he would have received the notice had it been sent to these addresses.

Mr. Camarata's argument appears to be based upon an erroneous interpretation of RCW 29A.08.840(3), which only requires that notice be sent to "the address in the voter registration record." (emphasis added) There is no requirement that notice be sent to all addresses in the record. The statute even allows the Auditor to decide to which addresses to send the notice of hearing and supporting documentation.

The Auditor sent notice of the hearing and the required supporting documentation, by certified mail, to the mailing address provided by Mr. Camarata, which was all that was required under RCW 29A.08.840(3).⁴ (CP 127) Mr. Camarata makes a disingenuous argument that he never actually received notice of the hearing. The simple fact is, the Auditor can send the mail, but the Auditor has no power over whether Mr. Camarata actually checks his mail. Furthermore, if Mr. Camarata did not actually receive the notice because he was not physically present in Ellensburg to check his mail, then he did not physically reside in Ellensburg for purposes of being eligible to vote in Ellensburg. Regardless, the Auditor complied with the applicable notice statute, and Mr. Camarata should be

⁴ Mr. Camarata's argument that the Auditor failed to mail the notice of hearing and supporting documentation to his mailing address is stunning in its frivolity. The record clearly shows the Auditor sent an envelope, by certified mail, to Mr. Camarata's mailing address on June 28, 2012. Mr. Camarata, in his brief, tries to "guess" at what could or could not have been in the envelope sent to his mailing address. RCW 29A.08.840(2) only requires that notice of the hearing and the voter registration challenge be sent to the challenged voter. Those two pages could easily fit into a standard envelope with standard postage. However, the record indicates all supporting documentation was sent to Mr. Camarata. (CP 61, 67)

required to live with the consequences of failing to check his mail, or for failing to provide an accurate mailing address.

2. The Auditor Posted The Entire Voter Challenge Form On The Auditor's Website Within 72 Hours Of The Filing Of The Challenge.

RCW 29A.08.835 states the “county auditor shall, within seventy-two hours of receipt, publish on the auditor’s internet web site the entire content of any voter challenge...” In this case, the Auditor’s Office posted the Challenge to Mr. Camarata’s voter registration within 72 hours of receipt. (CP 77)

It is undisputed that the Washington Secretary of State’s Office advised the Auditor’s Office that publishing the entire challenge form, and not the attached material, would satisfy RCW 29A.08.835. The Auditor’s Office was concerned that the attached material contained Mr. Camarata’s personal information such as date of birth, social security number, and FBI number. (CP 78) Thus, the Auditor’s Office posted the Challenge form, but not the attached material. (CP 78)

In the event this Court believes the Auditor should have posted all of the attached material to the Auditor’s website, despite the confidential information contained therein, it should be considered a minor procedural

error. Minor procedural errors “do not necessarily rise to the level of due process violations.” *State v. Storhoff*, 133 Wn.2d 523, 527, 946 P.2d 783 (1997). In addition, Mr. Camarata has not stated how he was prejudiced by this decision. Mr. Camarata has not stated if he even saw the online document. If he did, he should have been on notice that his voter registration was being challenged, and he should have asked the Auditor’s Office to provide him with the rest of the documents.

C. Detective Higashiyama’s Challenge Complied With RCW 29A.08.810(1)(c)(i) And RCW 29A.08.810(1)(c)(ii), Such That It Was Substantial Evidence The Auditor Could Base His Decision To Cancel Mr. Camarata’s Voter Registration On.

RCW 29A.08.810(1)(c)(i) states if a challenge to a voter registration alleges the challenged voter does not actually live at the residential address provided, the challenger must “[p]rovide the challenged voter’s actual residence on the challenge form.” In this case, Detective Higashiyama provided an accurate statement of Mr. Camarata’s residence which was: “Transient, Yakima County.” (CP 31)

RCW 29A.08.810(1)(c)(ii) states that if the challenger does not provide the actual residential address of the challenged voter under RCW 29A.08.810(1)(c)(i), the challenger must exercise “due diligence to verify that the challenged voter does not reside at the address provided...” RCW

29A.08.810(1)(ii)(B) requires the challenger to submit an “affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided...” In this case, Detective Higashiyama is an employee of Kittitas County, the owner of the property at issue in this matter. Detective Higashiyama included two affidavits subject to penalties of perjury with the Challenge, 1) the Challenge form itself; and 2) the Detail Incident Report. Thus, Detective Higashiyama complied with both RCW 29A.08.810(1)(c)(i) and RCW 29A.810(1)(c)(ii).

Since Detective Higashiyama’s Challenge was statutorily compliant, the Auditor had substantial evidence that Mr. Camarata did not reside at 1001 E. 8th Ave., (#4).

D. There Was No Conflict Of Interest Or Violation Of The Appearance Of Fairness Doctrine Because The Kittitas County Prosecutor’s Office Did Not Participate In The July 13, 2012 Challenge Hearing, And Because the Prosecutor’s Involvement In This Matter Is Prescribed By Statute.

The Kittitas County Prosecutor’s Office contacted Detective Higashiyama on June 5, 2012 regarding a potential voter registration fraud case involving Mr. Camarata.⁵ (CP 33) There is no further reference to the Prosecutor’s Office in the record until the Notice of Appearance was filed

⁵ It is unclear why Mr. Camarata included Detective Higashiyama as a party. Detective Higashiyama is a nominal party in this appeal because he has “no real interest in the controversy.” RAP 14.2. Thus, any alleged conflict can only be theoretical, not actual.

on October 10, 2012. The Challenge hearing conducted by the Auditor occurred on July 13, 2012, which was well before the Prosecutor's Office filed the Notice of Appearance. (CP 58)

Nobody from the Prosecutor's Office attended the Challenge hearing. (CP 18, 21) There is no evidence in the record that the Auditor or Prosecutor's Office had any personal interest in the proceeding. There is no evidence in the record the Auditor prejudged the issues, or that Auditor was anything other than impartial. There is no evidence in the record the Prosecutor's Office influenced or tried to influence the Auditor's decision in any way. There is no evidence in the record the Prosecutor's Office provided legal advice to both Detective Higashiyama and the Auditor during the Challenge hearing process. And there is no evidence in the record that the outcome of the hearing was anything less than fair, impartial, and lawful.

Moreover, under RCW 36.27.020, the Prosecutor's Office is required to advise and represent County officers in "all matters relating to their official business," and is also required to "Prosecute all...civil actions in which the ...county may be a party." Even though the Prosecutor's Office is statutorily obligated to advise and represent the Auditor and Detective Higashiyama, the Prosecutor's Office did not participate in the Challenge hearing or tell the Auditor how to rule.

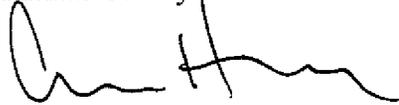
In addition, WAC 434-262-015 requires the county auditor to refer “the ballot and any relevant material to the county sheriff or county prosecuting attorney” if the “canvassing board concludes that criminal activity may have occurred.” In this case, it appears Mr. Camarata engaged in criminal activity, so the Auditor properly referred the matter to the Prosecutor’s Office, which properly referred the matter to the Sheriff’s Office for investigation. Even though the Prosecutor’s Office is required to prosecute Mr. Camarata’s voter registration fraud and defend the County in this civil matter, the Prosecutor’s Office did not interfere, in any way, with the Auditor’s role of impartial decision maker, and nobody from the Prosecutor’s Office was even at the Challenge hearing.

V. CONCLUSION

The decision of the Kittitas County Auditor to cancel Mr. Camarata's voter registration was supported by substantial evidence and was in accord with the applicable statutes. For this reason, this Court should affirm the Auditor's decision. Respondents request they be granted an award of costs and fees pursuant to RAP 18.1.

RESPECTFULLY SUBMITTED on May 14th, 2014

GREGORY L. ZEMPEL
Kittitas County Prosecutor



CHRISTOPHER E. HORNER
Deputy Prosecuting Attorney
WSBA No. 42152
205 W. 5th, Room 213
Ellensburg, WA 98926
(509) 962-7520

APPENDIX 1

Challenge to Voter Registration

how to challenge a voter registration in Washington state

general information

Registration of a person as a voter is presumptive evidence of his or her right to vote. However, the registration of a voter may be challenged by another registered voter.

The challenge process is established in RCW 29A.08.810 through RCW 29A.08.850.

A challenge may be dismissed if it is not in proper form or based on any other reason than those described in statute 29A.08.810.

residency requirements

Residency requirements, as defined in Article VI, section 4 of the Washington State Constitution and RCW 29A.04.151, and 29A.08.112 may not be challenged if the voter is:

- absent while in service of the state or federal government
- attending school
- confined in a public prison
- at sea
- lacking a traditional residential address such as a shelter, park, motor home or marina.

filing a challenge

Only a registered voter or the county prosecuting attorney may file a challenge to a voter's registration. A challenge must be based on the challenger's personal knowledge.

The completed challenge form, with supporting documentation, is submitted to the county elections office of the county where the challenged voter is registered to vote.

challenging a ballot

In order to affect the validity of a ballot, challenges must be filed at least 45 days before the election.

If the challenged voter registered or moved less than 60 days before the election, a challenge must be filed at least 10 days before the election or 10 days after the voter registered, whichever is later.

challenge process

Upon receipt of the challenge the County Auditor or the county elections officer will:

- review the form for completeness and factual basis
- notify the challenged voter and interested parties of the challenge
- post the challenge documents on the Auditor's web site
- set a hearing time and date

Either the County Auditor or County Canvassing Board will conduct the hearing, depending on the date of the challenge filing. Testimony by affidavit or in person must present clear and convincing evidence that the voter's registration is improper. Final determination of the challenge may be appealed in Superior Court.

public information

All challenge documents are public records. Challenge documents will be posted on the County Auditor's website.

Challenge to Voter Registration

who are you?

Darren M. Higashiyama
 first middle last
703 West Helena Ave, Ellensburg WA 98926
 address

who are you challenging?

Gene Angelo Camurata
 first middle last
1001 E 8th #4, Ellensburg WA 98926
 address (as registered to vote)

basis of challenge

You are challenging the voter's registration for the following reason(s):

- Voter is not a U.S. Citizen.
- Voter will not be at least 18 years old by the next election.
- Voter is ineligible due to a felony conviction.
- Voter has been declared incapacitated by a court of law.
- Voter does not reside at address of voter registration. Please fill out the next section.

voter residence information

Only fill out this section if the basis of your challenge is that the voter does not reside at address of voter registration.

Select only one option at right.

The voter really resides at:

Transient, Yakima County
address

I have evidence that I personally took all of the following steps:

- a. Sent a letter with 'return service requested' to all known addresses for the voter;
 - b. Searched local telephone directories to determine whether the voter maintains a telephone listing at an address within the county;
 - c. Searched county property records to determine whether voter owns any property in the county;
 - d. Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and
 - e. Visited the voter's residential address to contact persons at the address.
- As proof I am submitting a signed affidavit from anyone who owns, manages, resides, or is employed at the address stating that, to his or her personal knowledge, the voter does not reside at the address.

challenger oath

I, Darren Higashiyama declare under penalty of perjury under the laws of the State of Washington that I:

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

[Signature]
signature of challenger

6/22/2012
date

submitting the form

Submit this form and all evidence supporting the challenge to the County Elections Office.



Kittitas County Sheriffs Office

Detail Incident Report

JUN 28 2012

Printed on 06/28/2012 10:36:36 AM

Incident Number: S12-06661
 Incident: FRAUD COMPLAINT
 Observed: Fraud, Other
 When Reported: 10:39:36 06/06/12

Reference Number:

Area:
 Location: KITTITAS COUNTY
 Occurred Between: 10:39:36 06/06/12
 And: 10:39:36 06/06/12

SUSPECTS:

Name: CAMARATA, GENE A.
 SSN: ██████████ DLWA
 STATE:
 State ID: WA12096626
 DOB: 12/26/1959
 Weight: 15
 5
 Address: TRANSIENT
 YAKIMA, WA 98902
 Home() -
 Phone:
 Additional ██████████ - Sheriff's Office ID Number
 Identification:
 Contact: Father
 Address: 402 W HELENA
 ELLENSBURG, WA

DL #: CAMARGA412
 R6
 FBI #: ██████████
 Race/Sex: W/M Height: 5'04"
 Hair: BRO Eyes: BRO

Work: (509)962-6881
 Phone:

Name: SALVADOR CAMARATA
 Phone: (509)925-5225

NARRATIVE:

Name: HIGASHIYAMA, DA

Kittitas County Sheriff's Office Uniform Incident Report

JUN 20 2012

CASE #: S12-06661

CRIME: Voter Registration Fraud

SUSPECT: Gene Camarata

NARRATIVE:

On June 5, 2012, I received information from the Prosecutor's Office on a potential voter registration case. Gene Camarata registered to vote and supplied his address as 1001 E. 8th Ave #4, Ellensburg, Washington. The complaint is Camarata does not reside in Ellensburg or Kittitas County. The address provided is currently a parking area owned by the Kittitas County Fairgrounds. The house/apartment was burned down by the Ellensburg Fire Department for a "Burn to Learn" training on December 13, 2008. Knowingly providing false information on an application for voter registration is a violation of RCW 29A.84.130.

Camarata has also applied for a Precinct Committee Officer for the Democratic party position, "Precinct 22, Ellensburg 15". A check with "WEI" Washington Election Information shows Camarata's candidate information consists of:

Candidate Code: MKSPCO22DCAM First Name: Gene Last Name: Camarata
Address: 1001 E. 8th Ave., (#4) City, State ZIP: Ellensburg, WA 98926

Campaign Contact Information

Phone: (206) 424-5788 Email: info@kvnews.org
Mailing Address: General Delivery Campaign Name: (Blank)
Mailing City, State Zip: Ellensburg, WA 98926 Website: (Blank)

Filing

Filing Date: 5/18/2012 2:22PM Filing Number: (Blank)
Delivery Method: Online County Filing
Filing Status: Approved (checked)

Office Information

Election: 2012
Jurisdiction: PCO Precinct 22 - Ellensburg 15

Office/Position: Precinct Committee Officer - Democratic
Ballot Name: Gene Camarata

JUN 20 2012

Knowingly providing false information on his or her candidacy or petition of nomination is a violation of RCW 29A.84.3411. Camarata provided his address as 1001 E. 8th Ave., #4, Ellensburg, WA 98926. That address is a parking lot owned by the Kittitas County Fairgrounds.

The Washington Election Information website, wei.sos.wa.gov shows a warning when registering for candidacy. The warning states: "If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration, you will have committed a class C felony that is punishable by imprisonment for up to 5 years, a fine of up to \$10,000 or both."

I checked with the Kittitas County Assessor's Office reference the address of 1001 E. 8th Ave, Ellensburg, Washington. The Assessor shows Kittitas County Fairgrounds as the owner of the property. The property also shows the property was 100% demolished November 5, 2008. The Assessor also has a photo of the property which shows a parking area without any structures.

I also checked all of Kittitas County to see if Gene Camarata is a property owner in the County. Gene Camarata is not a property owner in the County.

I also checked with the Auditor's Office to see if Gene Camarata is a property owner. Camarata does not own property in Kittitas County according to the Auditor's Office.

I searched the Fair Point Communications 2012 Ellensburg Phone book for Gene Camarata. I did not locate any phone number for Gene Camarata. The phone number Camarata (206) 424-5788 provided does go through to a voice message. I checked online by searching Zaba Search and by using the Google search engine for "Gene A. Camarata". I located one website "www.whitepages.com" which showed an address of 1001 E University Way, Apt 4. The address 1001 E. University Way, belongs to the 7-Eleven store. Zaba Search has the Gene A. Camarata's address as 1001 E. 8th Ave, Ellensburg, WA 98926. I did not locate any other addresses.

I checked with the Auditor's Office to see if Gene Camarata is registered to vote anywhere else in the State of Washington. Camarata shows a closed registration for WA003944564, registered in Kittitas County, it also shows an active registration for WA009872803, registered in Kittitas County. Therefore, Camarata is only registered in Kittitas County.

On June 12, 2012, I received a phone call from Gene Camarata. Camarata calls me approx. twice a week. He usually asks me; "is anything going on or anything I need to know about." During this conversation I asked Camarata where he was living he eventually told me he was living in Yakima and sleeping on buses. He said he gets in trouble for sleeping on buses and not paying the fares.

JUN 20 2012

On June 19, 2012, I mailed a letter Camarata to verify his address. I mailed a letter to 1001 E. 8th Ave #4, Ellensburg, WA 98926 and to general Delivery, Ellensburg, WA 98926.

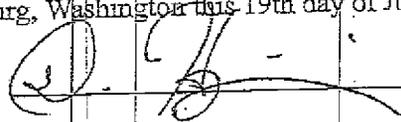
On June 19, 2012, I took pictures of the parking area where 1001 E. 8th Ave address would be. There were no structures on the empty lot.

The lot where 1001 E. 8th would be is connected to other parking area for the Kittitas County Fair Grounds. The Kittitas County Fairgrounds do not rent/lease housing to anyone. The parking area is not considered a shelter or a park. There is no person(s) living or residing on any of the Kittitas County Fairground properties.

I declare under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct to the best of my knowledge.

Signed at Ellensburg, Washington this 19th day of June 2012.

Officer Signature:



Officer Name: Darren Higashiyama

Badge #: 31

Approval: _____

Distribution:

- City Attorney:
- Child Protective Services:
- Detectives:
- Juvenile Prosecutor:
- Misdemeanant Probation:
- 7 Day Board:
- WSP:

Courts:

Other: _____

City Prosecutor:

Juvenile Probation:

Mental Health:

Prosecutor:

Student Affairs:

JUN 20 2012

J. M. H. ...



GENE DANA, SHERIFF
KITTITAS COUNTY SHERIFF'S OFFICE

307 W. Umptanum Rd • Ellensburg, WA 98926
(509) 962-7525 • (509) 674-2584
FAX (509) 962-7599

June 19, 2012

To: Mr. Gene A. Camarata
From: Detective Darren Higashiyama
Re: Voter Registration

Mr. Camarata,

This letter is sent to you in an attempt to verify your address. According to your voter registration you provided your address as being: 1001 E. 8th Ave #4, Ellensburg, WA 98926.

You also provided a mailing address as: General Delivery, Ellensburg, WA 98926.

The Kittitas County Sheriff's Office is currently investigating a possible criminal complaint reference RCW 29A.08.520.

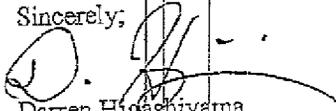
Upon receipt of this letter, please respond to this letter by written notice or phone call.

Direct written response to: Kittitas County Sheriff's Office
Attn: Det. Higashiyama
307 West Umptanum Road
Ellensburg, WA 98926

Phone call response: (509) 962-7525 and ask to speak with Detective Darren Higashiyama.

Thank you for your assistance in this matter.

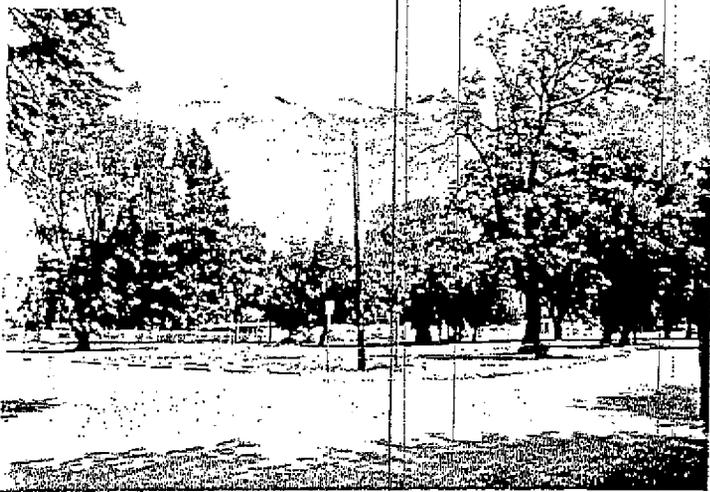
Sincerely,


Darren Higashiyama
Detective
Kittitas County Sheriff's Office

Mailed to: 1001 E. 8th Ave #4, Ellensburg, WA 98926
General Delivery, Ellensburg, WA 98926

JUN 20 2012

State Accredited 1997



(AdChoices) >



The Business Platinum Card[®]
from American Express OPEN

Gene A Camarata

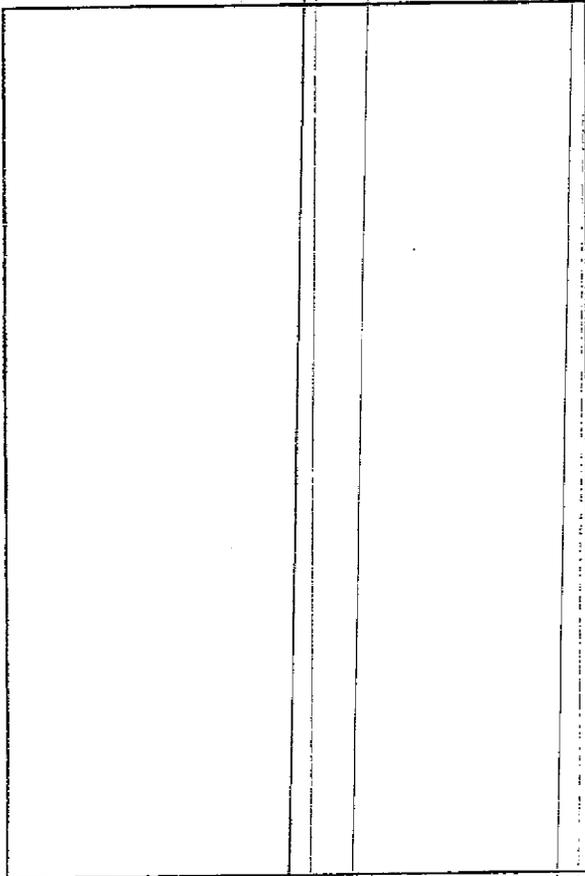
1001 E University Way, Apt 4

Ellensburg, WA 98926-2603

Age: 50-54

[Claim It!](#) >

Are you Gene? Edit your info. Connect with your neighbors!



JUN 20 2012



JUN 20 2012



People Search. Honestly Free! Search by Name. Find People in the USA. Free People Finder.

ZabaSearch Advanced	Free Search Menu	White Pages	Search Mes:
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Feedback

Premium Services: [Search by Phone Number](#) | [Search by SS#](#) | [Run](#)

Gene Camarata

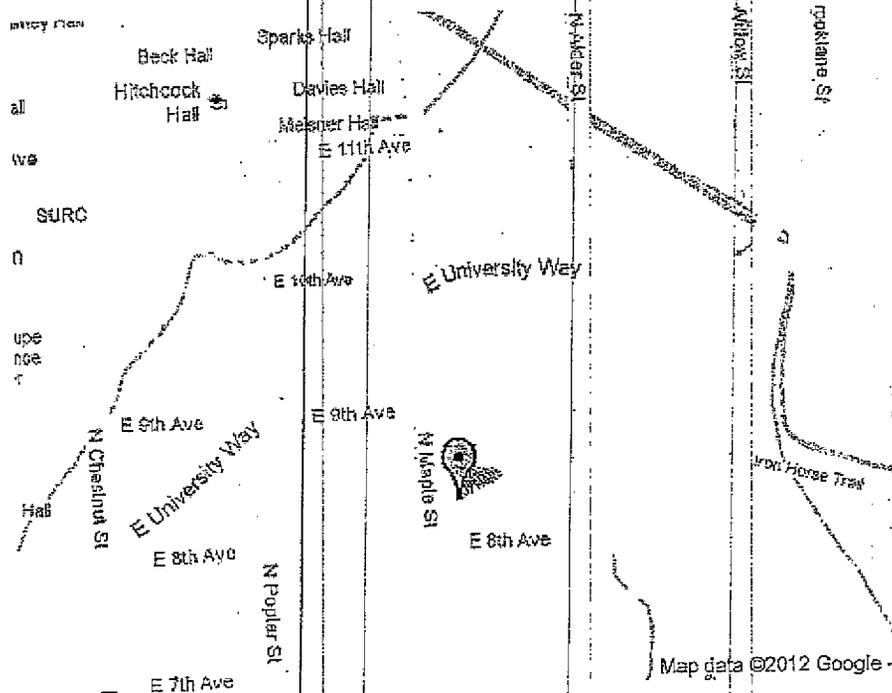
Gene A Camarata Age 52 [Get the Dirt](#) [Check for Email Address](#)

1001 E 8th Ave

Ellensburg, WA 98928 (509) 962-6881 [Confirm Current Phone & Address](#)

[Background Check on Gene A Camarata](#)

[Is This You? Claim Your TrueRep Profile!](#)



Check messages for:

- [gene camarata](#)
- [camarata](#)
- [1001 E 8th Ave](#)
- [Leave a message](#)

ZabaSearch Links

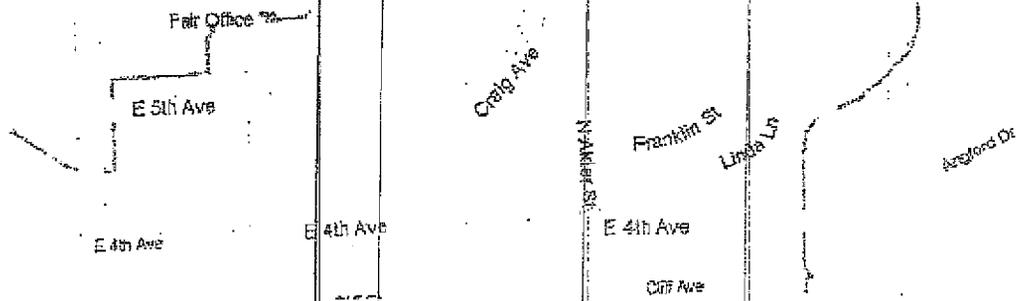
[Top 25 Searched Names](#)

[Your IP & Current Location](#)

[Create a Public Record](#)

[Free Search Menu](#)

JUN 20 2012



Try our sponsor for more results

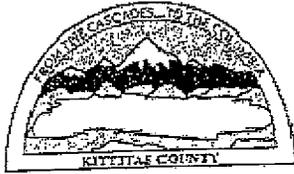
Sponsored Ad from

Name, Age & Current Address Information found for 509-962-6881

(509) 962 - 6881 [Get Results](#)

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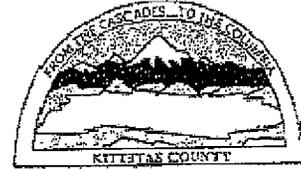
JUN 20 2012



Marsha Weyand
Assessor

Kittitas County Assessor

205 W 5th Ave Suite 101
Ellensburg, WA 98926
Phone: (509)962-7501
Fax: (509)962-7668



JUN 20 2012

Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 653834
Map Number: 18-18-38056-8015
Situs: 01001 1/2 8TH AVE ELLENSBURG
Legal: CD. 587; TWN EBURG; SHOUDY'S SECOND
LOTS 15 & 16 BLOCK 80

Ownership Information

Current Owner: KITTITAS CO (FAIRGROUNDS)
Address: 512 N POPLAR ST
City, State: ELLENSBURG WA
Zipcode: 98926-

Assessment Data

Tax District: 18
Land Use/DOR: 48
Code:
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 0
Last Revaluation n/a
for Tax Year:

Market Value

Land: 100
Imp: 0
Perm Crop: 0
Total: 100

Taxable Value

Land: 0
Imp: 0
Perm Crop: 0
Total: 0

Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
01-10-2008	2008-40	1	HAGES, GARY S ETUX	KITTITAS COUNTY	588,812
03-01-1997	3441	1	BUGNI, PETER A ETUX	HAGES, GARY S ETUX	140,000

Building Permits

Permit No.	Date	Description	Amount
E2008-326	11/05/2008	100% 7/09 DEMO SFR 840 SQFT	
E2008-325	11/05/2008	100% 7/09 DEMO SFR 2798 SQFT	
E2008-324	11/05/2008	100% 7/09 DEMO SFR 2324 SQFT	
E2008-323	11/05/2008	100% 7/09 DEMO SFR 566 SQFT	
TR-1	04/03/2009	DEMOLITION OF ALL BLDGS	

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2012	KITTITAS CO (FAIRGROUNDS)	0	0	0	0	0	0	View Taxes

2011 KITTITAS CO (FAIRGROUNDS)	0	0	0	0	0	0	View Taxes
2010 KITTITAS COUNTY	0	0	0	0	0	0	View Taxes
2009 KITTITAS COUNTY	0	0	0	0	0	0	View Taxes
2008 HAGES, GARY S ETUX	100,000	292,180	0	392,180	0	0	View Taxes
2007 HAGES, GARY S ETUX	65,000	171,940	0	236,940	0	236,940	View Taxes

Parcel Comments

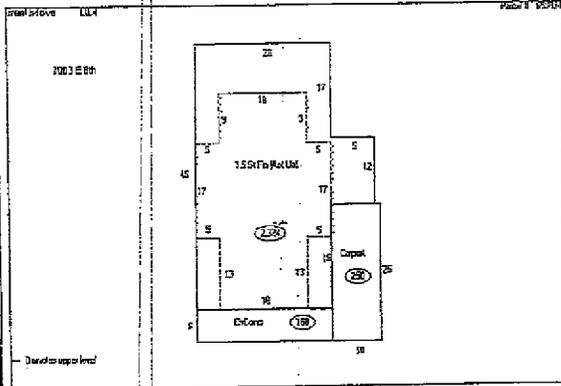
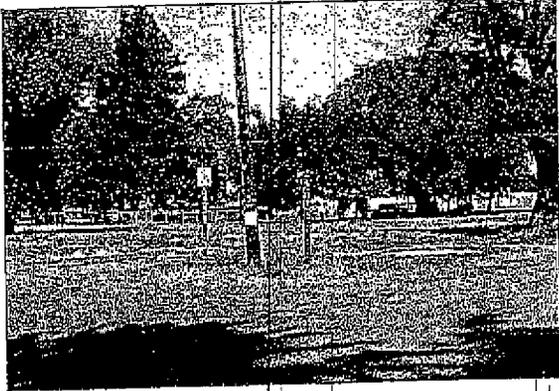
Number

Comment

- 1
- 2

CHANGE FROM TAXABLE TO EXEMPT PER SALE 2008-40 ON 01/10/2008, 07--FOR 08--
 SENT CHANGE OF VALUE NOTICE 11/20/2007; 07 FOR 08--

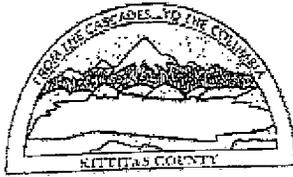
JUN 20 2012



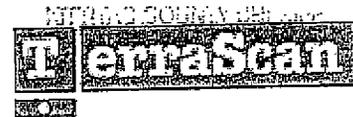
Filedate: 6/4/2012 5:42:00 PM



JUN 20 2012



Kittitas County Staff TaxSifter Parcel Search



Parcel Matches: (Name = CAMARATA)

[Close Window](#)

Parcel ID	Property Type	Situs	Owner	Assessor Information	Treasurer Information	Map
418033	RES	00216 W DENNIS ST ELLENSBURG	CAMARATA, DAVID	Assessor Information	Treasurer Information	Map
668033	RES	00419 W ELLIOTT ST ELLENSBURG	CAMARATA, DAVID	Assessor Information	Treasurer Information	Map
042833	RES	00209 W 14TH AVE ELLENSBURG	CAMARATA, DAVID ETUX	Assessor Information	Treasurer Information	Map
12011	RES	00303 S PEARL ST ELLENSBURG	CAMARATA, DAVID ETUX	Assessor Information	Treasurer Information	Map
428033	RES	00213 W DENNIS ST ELLENSBURG	CAMARATA, DAVID ETUX	Assessor Information	Treasurer Information	Map
625833	RES	01004 E 1ST AVE ELLENSBURG	CAMARATA, DAVID ETUX	Assessor Information	Treasurer Information	Map
954920	RES	01313 W CORA ST ELLENSBURG	CAMARATA, DAVID ETUX	Assessor Information	Treasurer Information	Map
601533	RES	00805 W WATER ST ELLENSBURG	CAMARATA, DAVID J	Assessor Information	Treasurer Information	Map
637133	RES	00205 S PINE ST ELLENSBURG	CAMARATA, DAVID J	Assessor Information	Treasurer Information	Map
887733	RES	00604 W CLE ELUM ST ELLENSBURG	CAMARATA, DAVID J	Assessor Information	Treasurer Information	Map
852833	RES	00504 W HELENA AVE ELLENSBURG	CAMARATA, DAVID J &	Assessor Information	Treasurer Information	Map
10628	RES	01710 W INDIANA DR ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
261133	RES	02304 W WATER ST ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
357633	RES	00306 S RUBY ST ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
438033	RES	00211 W DENNIS ST ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
683033	RES	00314 W HELENA AVE ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
685633	RES	00807 E MANITOBA AVE ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
753334	RES	00507 W 9TH AVE ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
822636	RES	00303 W HELENA AVE ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
832636	RES	00305 W HELENA AVE ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
847233	RES	00404 S PEARL ST ELLENSBURG	CAMARATA, DAVID J ETUX	Assessor Information	Treasurer Information	Map
341833	RES	00303 DAN LN KITTITAS	CAMARATA, JOHN B CAMARATA,	Assessor Information	Treasurer Information	Map

182633	RES	03040 IS THORP HWY ELLENSBURG	KENNETH & CHRISTY	Assessor Information	Treasurer Information	Map
773033	RES	02105 IN WATER ST ELLENSBURG	CAMARATA, MELVIN A ETUX	Assessor Information	Treasurer Information	Map
823033	RES	02101 IN WATER ST ELLENSBURG	CAMARATA, MELVIN A ETUX	Assessor Information	Treasurer Information	Map
305136	RES	UNKNOWN	CAMARATA, MIKE ETUX &	Assessor Information	Treasurer Information	Map
432533	RES	00103 IN OKANOGAN ST KITTTITAS	CAMARATA, NICHOLAS C F	Assessor Information	Treasurer Information	Map
041633	RES	00111 W 5TH AVE KITTTITAS	CAMARATA, ROY M	Assessor Information	Treasurer Information	Map
703033	RES	00306 W HELENA AVE ELLENSBURG	CAMARATA, S PATRICK	Assessor Information	Treasurer Information	Map
738033	RES	00408 IN LINCOLN ST ELLENSBURG	CAMARATA, S PATRICK	Assessor Information	Treasurer Information	Map
653033	RES	00402 W HELENA AVE ELLENSBURG	CAMARATA, SALVATORE J ETX	Assessor Information	Treasurer Information	Map
812833	RES	W HELENA AVE ELLENSBURG	CAMARATA, SALVATORE J ETX	Assessor Information	Treasurer Information	Map

JUN 20 2012

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- Hwy Ellensburg.....962-2748
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- VBING INC.....925-1464
- T-A-CAR UNIVERSITY AUTO
- INT-A-CAR.....962-7151
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- ONS
- ad Ave Ellensburg.....925-5212
- Kittitas.....968-3050
- de 907 E Seattle Ellensburg.....925-6336
- Richard F.....925-7728
- th Ave Ellensburg.....925-7124
- ICHARD F. ATTY. & COUNSELOR
- nsburg.....925-4229
- 41 Crusoe Ln Ellensburg.....962-2120
- & Lisa Ellensburg.....962-9018
- el & Angela
- n Ellensburg.....962-5599
- Tamil Ellensburg.....925-3902
- & Gloria.....962-8861
- ve Rd Ellensburg.....962-7038
- sborg.....962-7559
- SPECTOR
- Ellensburg.....962-7694
- trigo Ellensburg.....962-1475
- & Lucy
- ntain View Ave Ellensburg.....962-2222
- hwy Ellensburg.....968-3343
- s & Jonelle
- untain Dr Ellensburg.....962-6086
- Ellensburg.....968-4414
- er & Megan
- r Ln Ellensburg.....925-4016
- yl & Ann
- Ellensburg.....962-6861
- h
- na Pl Ellensburg.....925-1529
- Gayle Ellensburg.....962-8328
- ALPHAN Louisa

- BURGHART Vernon & Jeanette.....925-6369
- 1671 Hanson Rd Ellensburg.....925-6369
- BURKE J E (Jed).....962-5411
- 1351 Smithson Rd Ellensburg.....962-5411
- BURKE Pat & Mary Ellensburg.....933-1525
- BURKE PatU Ellensburg.....968-9389
- BURKE Richard
- 1401 Emerson Rd Ellensburg.....925-2970
- BURKE Robert & Patty
- 4591 Lower Green Canyon Rd Ellensburg.....964-2481
- BURKHEIMER Robert B
- 962 Hunter Rd Thorp.....925-2006
- BURKHOLDER Peter
- 1500 Sanders Rd Ellensburg.....925-2155
- BURKLEY Karen 2101 N Alder Ellensburg.....925-5018
- BURLINGTON NORTHERN SANTA FE
- RAILROAD 508 W Third Ave Ellensburg.....925-2473
- BURNETT Douglas & Alice Ellensburg.....933-1372
- Or
- BURNETT Howard.....925-5048
- 911 E Eighth Ellensburg.....962-3937
- BURNSTEIN ALAN MD
- 109 N Pine Ellensburg.....925-1493
- BURRIS Chdy
- 403 E Helena Ave Ellensburg.....925-7892
- BURRIS Palmer E Jr
- 4870 Number 6 Rd Ellensburg.....962-6997
- BURRIS Steve
- 4870 Number 6 Rd Ellensburg.....933-1555
- BURROUGH Elvira Ellensburg.....962-6115
- BURROUGH Gene M Ellensburg
- BURROUGH Julianne
- 211 N Dennis Ellensburg.....962-4139
- BURROWS H M Ellensburg.....925-1909
- BURT C 306 E Manltoba Ave Ellensburg.....962-8312
- BURTCHETT Lee & Chris Ellensburg.....962-6009
- BURTNESS Michael Ellensburg.....925-3553
- BURVEE Matthew
- 1630 Stranda Rd Ellensburg.....962-4802
- BURWELL William & Lana
- 2841 Liberty Rd.....857-2197
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- 1100 Rosewood Dr Ellensburg.....962-1206
- BUSCH Richard & Linda
- 821 Busch Rd Ellensburg.....968-3949
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BUSHA' LAW OFFICES
 409 N Water
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- BUSHNELL Allison
- 581 Carroll Rd Kittitas.....925-4663
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- 1605 N Stonabridge Ellensburg.....925-1298
- BUTCHER Jennifer
- 906 W 15th Ave Ellensburg.....925-1298
- RUTLER DOUGLAS CPA

- BUUM Robert Ellensburg.....962-8447
- BUZZ INN STEAKHOUSE.....925-3922
- 2202 Canyon Rd Ellensburg.....962-3347
- BYERS-KIRSCH Jan
- 650 Willett Rd Ellensburg.....925-2870
- BYRD Ross F 1312 Brick Rd Ellensburg

C

- C F ARENDS & COMPANY**
 Ellensburg.....962-8021
- CKG GROUP 305 N Ruby Ellensburg.....925-4978
- CLH INC-TOPSOIL**
 Ellensburg.....925-4416
- C V AUTOWORKS
 108 N Kittitas Ellensburg.....962-2868
- CW BARBER SHOP
 808 E University Wy Ellensburg.....962-2599
- CW HOME BUILDERS ASSOCIATION**
 1206 N Dolarway Rd Ellensburg.....925-4007
- CWU TELECOM
 1601 N Walnut Ellensburg.....963-7578
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 1501 N Alder Ellensburg.....963-8596
- CWU TELECOM GETZ-SHORT APT COMPLEX
 702 N Ruby Ellensburg.....963-9031
- CABALLERO Ana 107 N Clark Kittitas.....968-3124
- CABELLO Agustina
 4500 Manastash Rd Ellensburg.....933-1774
- CADWALLADER Ken & Kathy
 1502 Bonnie Ln Ellensburg.....925-1919
- CADY C R Ellensburg.....925-2187

- CAFE NICHOLAS CATERING**
 601 W University Wy
 Ellensburg.....925-3544
- CAHILL D H 1930 Moe Rd Ellensburg.....962-3213
- CAHILL P A Ellensburg.....962-5412
- CAHOON B M
 1001 S Chestnut Apt 1112 Ellensburg.....962-1056
- CAHOON Richard
 433 Tjossern Rd Ellensburg.....962-4436
- CALAHAN Scott & Reena Ellensburg.....925-3180
- CALAWAY Jeff & Valerie
 700 Fields Rd Ellensburg.....925-4606
- CALAWAY TRADING INC**
 1900 W Dolarway Rd
 Ellensburg.....962-6767
- CALAWAY TRADING INC
 8270 Tossem Rd Ellensburg.....968-4224
- 1900 W Dolarway Rd Ellensburg.....962-6001
- CALBOM & SCHWAB ATTYS**
 1713 Canyon Rd Ste 100
 Ellensburg.....962-6080
- CALDWELL Lody
 411 Sacalawoa Ct Kittitas.....968-4641
- CALHOUN Ken
 108 S Mt Daniels Dr Ellensburg.....925-3888
- CALIBER CONCRETE
 8190 Secret Canyon Rd Ellensburg.....968-4577
- CALKINS B I
 2480 Game Farm Rd Ellensburg.....925-2884
- CALKINS Richard S
 3501 Thrall Rd Ellensburg.....962-2553
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- CALVARY BAPTIST CHURCH**
 Fifth & Pine Ellensburg.....925-3688
- CALVIN S Ellensburg.....962-5949
- CAMARATA Bart
 2105 N Water Ellensburg.....962-2741
- CAMARATA David
 504 W Helena Ave Ellensburg.....925-2034
- CAMARATA John 303 Dan Ln Ellensburg.....968-3119
- CAMARATA Ken & Christy
 3040 S Thorp Hwy Ellensburg.....925-9625
- CAMARATA Nick 103 N Okanogan Kittitas.....968-4226
- CAMARATA Patrick
 306 W Helena Ave Ellensburg.....925-5980
- CAMARATA Roy 111 W Fifth Kittitas.....968-3150
- CAMARATA S J
 402 W Helena Ave Ellensburg.....925-5225
- CAMARILLO-HERNANDEZ Pablo & Zuly
 2900 Canyon Rd Ellensburg.....962-1632
- CAMASS Fields Ellensburg.....933-3605
- CAMERON David
 1240 Wilson Creek Rd Ellensburg.....925-6435
- CAMERON Frank
 701 E Sixth Ave Ellensburg.....933-1203
- CAMPBELL Brad & Cheryl Ellensburg.....962-1314
- CAMPBELL Bud & Donna
 24661 Vantage Hwy Ellensburg.....968-3572
- CAMPBELL Dale
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- CAMPBELL Dean
 671 Strange Rd Ellensburg.....925-4343
- CAMPBELL Douglas
 203 Wills Rd Ellensburg.....925-2153
- CAMPBELL E R 803 S Willow Ellensburg.....925-1535
- CAMPBELL Garrett
 811 E Eighth Ave Ellensburg.....962-1340
- CAMPBELL Gary D & Helen
 1004 S Ruby Ellensburg.....925-3206
- CAMPBELL Glen
 1331 Wilson Crk Rd Ellensburg.....962-2396
- CAMPBELL Greg Cle Elum.....857-2171
- CAMPBELL Lon & Joni
 2432 Vantage Hwy Ellensburg.....925-6576
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Search Voters

Name: Last: CAMA
 Address: Street Number: Birth Date(mmddyyyy): State Voter ID: CAMA
 First: GENE
 Street Name: DOL#
 Middle: City: SSN4
 County: All Counties
 Zip: Records Display 25 Results
 Voter Status: All Statuses
 Fuzzy Search

2 search results are found

State Voter ID	Voter Name	Gender	Status	DOB	Address	County
WA003944564	CAMARATA, GENE	M	C	12/26/1959	1001 E 8TH AVE 4 ELLENSBURG 98926	KS Details
WA009872803	CAMARATA, GENE	M	A	12/26/1959	1001 E 8TH AVE 4 ELLENSBURG 98926	KS Details

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JUN 29 2012

Date: 06/08/2012
Time: 08:23 AM

KITTITAS COUNTY
WEI Online Voter Registration

Transmitid 00VR201206070002774
Transmitttype VR
Transmitdatetime 06/07/2012 10:10:59 AM
Requestreceiveddatetime 06/07/2012 10:10:59 AM

Gene Comarata

- Signature -

Nameprefix
Firstname GENE
Middlename
Lastname CAMARATA
Namesuffix
Gender M
Birthdate 12/26/1959 SSN4: Drivers License#: CAMARGA412R6
Phonenumber Have signature: Y
Emailaddress
Regaddress1 1001 E J 8TH AVE., (#4)
Regaddress2
Regcity ELLENSBURG
Regstate WA
Regzipcode 98926
Regzipcode4
Registrationdate 05/17/2012
Mailingaddress1 GENERAL DELIVERY
Mailingaddress2
Mailingaddress3
Mailingaddress4
Mailingcity ELLENSBURG
Mailingstate WA
Mailingzipcode 98926
Mailingzipcode4
Mailingcountry
StatusCode A
Receiveddatetime 06/07/2012 10:14:46 AM
Processeddatetime
Processedstatus NEW ProcessedstatusID:
Streetnumber
Streetpredir
Streetname
Streettype
Streetpostdir
Unit
Streetbldg
Unit Type
Idnumber
Absenteeballot N Military: 0

JUN 28 2012



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Selected Registration Details

Transmit ID	00VR201206070002774
Name	Camarata, Gene
County	KS
Date of Birth	12/26/1959
Gender	M
SSN4	
Driver License No.	CAMARGA412R6
Registration Date	05/17/2012
Address	1001 E. 8th Ave., (#4) ELLENSBURG WA 98926
Mailing Address	General Delivery Ellensburg WA 98926
Military	Not Military
Absentee	No
Phone Number	
Email Address	
Status	Picked up by county

Gene Camarata

-
-
-

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JUN 20 2012

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qualifications

Are you a citizen of the United States of America?

- yes
- no

⚠ warning

If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration, you will have committed a crime. Offense that is punishable by imprisonment for up to 5 years, a fine of up to \$10,000 or both.

Have questions?

1-800-448-4881
elections@sos.wa.gov

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Candidate Detail

Possible Duplicate Filing.

Candidate Information

Candidate Code: MKSPCO22DCAM

Voter ID: /

First Name: Gene

Last Name: Camarata

Address: 1001 E. 8th Ave., (#4)

City, State ZIP: Ellensburg, WA 98926

Remarks:

Lock Status: Locked Out

Campaign Contact Information

Phone: (206) 424-5788 (xxx) xxx-xxxx

Email: Info@kynews.org
xxx@xxx.xxx

Mailing Address: General Delivery

Campaign Name:

Mailing City, State ZIP: Ellensburg, WA 98926

Website:

Filing

Filing Date: 5/18/2012 2:22 PM

Filing Number:

Delivery Method: Online County Filing Override button was checked.

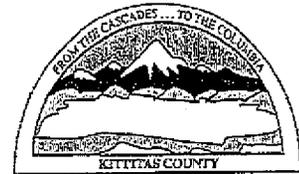
Filing Status: Approved Is Write-In Candidate Write-In Qualifies for General

Declaration of Candidacy: View Update Is In Primary

JUN 20 2012

APPENDIX 2

Jerald V. Pettit
Kittitas County Auditor
205 West 5th Ave – Suite 105
Ellensburg, WA 98926
509-962-7504 Fax 509-962-7687



June 26, 2012

Gene Camarata
General Delivery
Ellensburg, WA 98926

Dear Mr. Camarata:

Your voter registration has been challenged by Darren Higashiyama, at the request of the Kittitas County Prosecuting Attorney, based on the belief that you do not live at the address where you are registered to vote. Copies of the documents filed by the challenger are enclosed. Voter registration records indicate that your residential address is:

1001 E. 8th Ave, #4
Ellensburg, WA 98926

If your registration information is not correct, you may update your registration by contacting our office at 962-7503.

A hearing regarding the challenge to your voter registration has been scheduled for July 13 at 10:00am, at the Kittitas County Courthouse, Courtroom 215, Ellensburg. The County Auditor will preside over the hearing. A voter registration challenge hearing is an administrative hearing, not a court proceeding. The hearing is open to the public. The challenger must prove by clear and convincing evidence that your registration is invalid. You can respond by either participating in person, or submitting written testimony by declaration. A sample declaration is attached. If you decide to respond by declaration, it must be received in our office prior to the hearing. If you do not participate in the hearing, a decision will be made based on all available information.

You may provide evidence that you live at the address where you are registered to vote, or that you meet one of the exceptions allowed in law. You are not required to live at the address you list as your residence if you are absent due to state or federal employment, military service, school attendance, confinement in a public prison, out of state business, or navigation at sea. If you lack a traditional residential address, state law allows you to list the address of a shelter, park, motor home, marina, or other identifiable location that you consider to be your residence.

You may vote in the Primary election, and your ballot will be treated as a challenged ballot. The outcome of the hearing will determine whether your ballot is counted. If your registration information is not correct, you may update your registration through Monday, August 6th the day before the election.

If you have any questions, please contact our office at 962-7503.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Pettit".

Jerry Pettit
Kittitas County Auditor

cc: Darren Higashiyama, Greg Zempel
Enclosures

**THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II**

No. 45020-8-II

GENE CAMARATA,

Appellant,

v.

KITTITAS COUNTY, KITTITAS COUNTY AUDITOR, KITTITAS
COUNTY AUDITOR JERRY V. PETTIT, KITTITAS COUNTY
PROSECUTOR GREGORY L. ZEMPEL, and DARREN M.
HIGASHIYAMA,

Respondents.

AFFIDAVIT OF MAILING

REBECCA D. SCHOOS, being first duly sworn upon oath, deposes
and says:

I am a citizen of the United States of America and of the State of
Washington, over the age of 18 years, not a party to the above-entitled
proceeding and competent to be a witness therein.

On May 15, 2014, I filed, via the electronic submission, the Brief of
Respondent via the Court of Appeals Party Web Portal for:

Mr. David Panzoha
Clerk/Administrator
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402

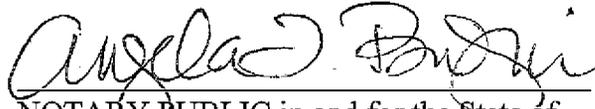
On May 15, 2014, I sent one copy via US mail and email of the Brief of Respondent to the following individual at the specified address:

Mr. Richard L. Pope
Law Office of Richard Pope
15600 NE 8th Street, Suite B1-358
Bellevue, WA 98008-3927
Email: rp98007@gmail.com

by placing said mailed copies in a sealed envelope with postage prepaid thereon.


REBECCA D. SCHOOS
Legal Secretary

SUBSCRIBED AND SWORN to (or affirmed) before me this 15th day of May, 2014.


NOTARY PUBLIC in and for the State of
Washington, residing at Ellensburg.
My Commission Expires: 4/3/2017



KITTITAS COUNTY PROSECUTOR

May 15, 2014 - 8:30 AM

Transmittal Letter

Document Uploaded: 450208-Respondents' Brief.pdf

Case Name: Gene A. Camarata v. Kittitas County et al

Court of Appeals Case Number: 45020-8

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

- Designation of Clerk's Papers Supplemental Designation of Clerk's Papers
- Statement of Arrangements
- Motion: _____
- Answer/Reply to Motion: _____
- Brief: Respondents'
- Statement of Additional Authorities
- Cost Bill
- Objection to Cost Bill
- Affidavit
- Letter
- Copy of Verbatim Report of Proceedings - No. of Volumes: _____
Hearing Date(s): _____
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition
- Reply to Response to Personal Restraint Petition
- Petition for Review (PRV)
- Other: _____

Comments:

No Comments were entered.

Sender Name: Rebecca D Schoos - Email: rebecca.schoos@co.kittitas.wa.us

A copy of this document has been emailed to the following addresses:

christopher.horner@co.kittitas.wa.us