

No. 882274

SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE RECALL OF:

Terecia Fran Bolt, Mayor Town of Marcus and

Dennis L. Jenson, Council Member Position 4 Town of Marcus,

Respondents

Bradley C. Rippon, Jacqueline R. Howard and William S. Courtis,

Recall Petitioners,

Appellants

BRIEF OF RESPONDENTS

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STATE OF WASHINGTON
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Terecia F. Bolt and Dennis L. Jenson
Self Represented

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 **ORIGINAL**

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I. ASSIGNMENTS OF ERROR

A. Assignments of Error

1. Decisions regarding Recall Charges against Mayor Bolt, Charge # 4.¹
2. Decisions regarding Recall Charges against Council Member Jenson, Charge No. 3.²

B. Issues Presented

1. Is Recall Charges #4 against Mayor Bolt, factually and legally sufficient?
2. Is Recall Charge #3 against Council Member Jenson, factually and legally sufficient?

II. SUMMARY OF ARGUMENT

The trial court found Charge No. 4 against Mayor Bolt and Charge No. 3 against Council Member Jenson factually and legally sufficient and to go on the Recall Ballots.

Respondents will show that these charges should be reconsidered due to additional material that was unavailable at the Superior Court hearing. A motion for consideration was filed with the Superior Court but

¹ See Appellants Appendix C, Hearing, Conclusions of Law and Determination for Mayor Bolt.

² See Appellants Appendix D, Hearing Conclusions of Law and Determination for Council Member Jenson

was inadvertently filed 1 day late and was stricken along with attached materials. This material lends itself to possible legal justification of respondent's actions and a notice of appeal regarding the trial court's order striking the motion for reconsideration and attached material was made to this court.

**III. RESPONSE TO "C" RECALL CHARGES
BROUGHT AGAINST MAYOR BOLT
Authored by Mayor Bolt**

1. Charge No. 1.

CHARGE #1: Termination of Town employee and failure to follow Personnel Policy. The Marcus Personnel Policy states that Disciplinary action may (not shall) be applied to correct behavior and/or work habits.... It states causes for Disciplinary Action along with guidelines for same. The personnel policy does not state action shall take place before termination occurs.

This charge is factually insufficient. Upon inquiry with Municipal Research, I was advised that this is an "At Will State" unless the employee is subject to union or civil service regulations, I had the right to terminate for cause. ³RCW 35.27.070. The six "serious" offenses cited in the termination notice justified immediate termination especially since he had already been warned during his performance review on May 15, 2012 in an open Public Meeting (*at the employee's request*) and for which Council was duly apprised. See Peoples Ex. A.

³ **RCW 35.27.070 Town officer enumerated (in part)** ...All appointive officers and employees shall hold office at the pleasure of the mayor subject to any applicable law, rule, or regulation relating to civil service, and shall not be subject to confirmation by the town council....

There can be no doubt that Charge No. 1 is factually and legally insufficient. It is the Mayor's responsibility and Oath of office to ensure the performance, attitude and actions of all employees are in the best interest of the Town.

2. Charge No. 2

CHARGE #2: Allowing a Councilmember to supervise and manage a Town employee.

There are no public records or factual documents proving that I officially delegated or appointed Councilmember Jenson as supervisor of Mr. Bear. To the contrary, Mr. Jenson was acting as a volunteer and teammate helping the town employee to accomplish his summer duties. Additionally, Mr. Jenson was not interfering with administrative directive and, in fact, was following administrative directive as to the summertime mowing, watering and litter control. His service clearly helped free the town employee from this work in order to attend more important tasks for more than 8 years. The benefit provided by Councilman Jenson to the Town and town employee was tremendous.

Councilman Jenson and Mr. Bear worked on projects and town duties together for at least 8 years before they began to have serious disagreements. By 2009, Mr. Jenson would no longer work with him and avoided contact with him as much possible. He did so with my blessing.

The fact that Mr. Jenson was a Councilmember and my personal friend soon became the political “hammer” for which the employee used to argue and defy my administrative directive and authority. As well, appellants have conspired to retroactively use this political “hammer” in this and other charges.

3. Charge No. 3

CHARGE #3: Violating employee’s right to Executive Session. Participating and allowing harassment, bullying and denigration of a Town Employee...

Under the Open Meetings Act, RCW 42.30.030 (Meetings declared open and public) as referenced in appellants brief and RCW 42.30.110 (1) (F) is not pertinent in this instance as there was no executive session scheduled to receive complaints against the employee nor were there any indication that complaints were going to be submitted.

See People’s **Exhibit I- DM 420088 Play 24.00-40.35** Council meeting 05/01/12. If one listens through the entire 16.35 minute segment it clearly demonstrates the intent, concerns and demeanor of all parties. It was my assessment that Councilmember Jenson’s questions to Mr. Bear were legitimate questions. The issue escalated among those present, public included, and Mr. Bear became angry and left. This segment also clearly demonstrates my concern that Mr. Bear was no longer present to defend himself and ended this portion of the session with the inference that this

and other concerns will be taken up in an executive session at a future date.

Clearly, the charge is factually and legally insufficient as there was never any intention to hear complaints regarding the town employee by anyone at this meeting.

4. Charge No. 4

Charge # 4: Circumventing Council approval and spending of Town Funds.

The Superior court found this charge factually and legally sufficient along with *footnote However, the Court was not provided, and was unable to locate, the statutory authority for the purchase of personal property by a town.*

The Town of Marcus operates under the laws of Washington and specifically RCW CH 35.27. The purchasing authority is addressed in RCW ⁴35.27.345(in part) and ⁵RCW 35.27.340

⁴ RCW 35.27.345- Payment of claims and obligations by warrant or Check

A town, by ordinance, may adopt a policy for the payment of claims or other obligations of the town, which are payable out of solvent funds, electing to pay such obligations by warrant or by check.....

⁵ RCW 35.27.340- Audit and allowance of demands against town.

All demands against a town shall be presented to and audited by the Council in accordance with such regulations as they may by ordinance prescribe. Upon allowance of a demand the mayor shall draw a warrant therefor upon the treasurer, the warrant shall be countersigned by the clerk and shall specify the purpose for which it is drawn.

The Town of Marcus has never adopted an Ordinance or purchasing policy prescribing procedures or regulations for the payment of claims or other obligations of the town. Historically, the town adopts an Annual Budget by Ordinance after prescribed hearings and procedures. The Council provides appropriations for expenditures by line item (serving as budget guidelines) and the budget is adopted by fund total, allowing the total fund to be used for expenditures if necessary.

The Town's historic method for purchasing was to approve said claims before or after said purchase implying the Mayor had discretion regarding appropriations provided in the budget. I was not only following historic purchasing methods, I made sure any large, out of the ordinary, purchase had pre-Council approval. The exception being, the equipment and Jacobson purchase which involved a very limited opportunity and time frame in which to acquire.

The following purchases were neither contractual purchases nor were they purchased for a public works project.

The purchase of equipment valued at \$12,883 for \$4000 was within appropriations allowed in the budget with Council ratifying said purchase by unanimous voice vote, Councilman Courtis included.

The purchase of the John Deere Gator valued at \$1,500 was purchased at the State Surplus Store with Council's knowledge and verbal agreement. Councilman Courtis made the motion to approve and the

motion unanimously carried. The claim was paid one month after Council's formal approval.

The purchase of the Jacobson mower valued at \$9000 for the purchase price of \$2,500 and was ratified by unanimous vote of the Council and without a murmur of dissent or objection by Council Member Rippon and Courtis. Additionally, Councilman Jenson was prepared to purchase the vehicle for his personal use should the majority of the Council reject the claim.

There was never any intention to deceive the Council with these purchases and they were all discussed with the Council at a regularly scheduled meeting. The purchases were a tremendous benefit to the town in terms of service and bargain for which they were purchased. As well, said purchases did not provide a financial gain to the Mayor or Councilman Jenson.

All of the aforementioned purchases were ratified by the Council and one, in particular, William S. Courtis, a principal petitioner and appellant in this recall action, voted to approve all three. It is more than disconcerting for me that he has been part and parcel to disingenuous statements regarding this charge and others as well.

I submit this charge should be reconsidered by this court in fairness to the respondents as there was no intentions of misfeasance, malfeasance or violation of the oath of office. *See* material statement attached to Motion

for Reconsideration for details regarding the purchase of these 3 purchases.

5. Charge No. 5

CHARGE #5: Failure to follow State, Federal and Local law and policy relating to the use of Town Resources.

My administrative viewpoint was based on the premise that personal/private use is use for self or other private use to the benefit of self or others without corresponding benefit to the municipality. While I did not feel that Mr. Jenson was using the vehicle for personal use I did address the issue with him privately and in council. He maintained that he was not using the vehicle for any personal use and was going to stand his ground in defense of his position and that of other volunteers who would be subject to arbitrary accusations by the public or council.

I felt in conflict with the council regarding the term personal use. My continued plea with Council to define personal use and distinction between volunteer and town employee use, demonstrates my efforts for resolve as Mr. Jenson's use of the gator was no different than the town employee was using the town truck. The Council was not applying the same definition of personal use with the town employee.

6. Charge No. 6

CHARGE # 6. Failure to Administrate and assert Administrative Authority

The Town's Standards for Use of Town Resources was adopted on Feb. 1, 2011, three years after the purchase of the gator and for the purpose of addressing the gator issue. See People's Exhibit T for Administrative Guidelines for the Use of Town Resources.

My ongoing and continued search for resolve with my administrative dilemma included a letter to the State Auditor. Upon receiving the letter, the State Auditor stated they could not render a written legal opinion but would help provide legal direction via a telephone conversation with the legal department. After the conversation with the legal department and their caution that if the use appeared "personal" by 1 or more persons it could cause problems. With "appearance" being the operative connotation (not legal conclusion of law regarding personal use) Mr. Jenson no longer parked at the neighbors for coffee and the gator was returned to the shop after the 11pm watering was completed.

Regarding the inference of violation of Wash. Const. Art VIII- prohibition of town to make gifts of town property. My position from an administrative viewpoint as in aforementioned statement (Charge #5) would deem the gifting of town property irrelevant.

This charge is legally insufficient as I was acting from my administrative viewpoint with continued search for administrative direction. It is my contention that my actions/inactions and subsequent actions, where possible legal issues are concerned, do not validate misfeasance, malfeasance or Violations of the Oath of Office.

Allegations that I provided Councilman Jenson with special privilege or gift of town resources is convoluted at best and based on conjecture without official written legal opinion by the appellants relating to personal use.

7. Charge No. 7

CHARGE #7: Commingling clerical and Mayoral positions, duties and wages.

Upon my tenure as Mayor I enjoyed a Clerk with 11 years of service and experience and who left her office with the honor of Washington State Clerk of the Year, 2006. In 2005, the Clerk became very ill and was in and out of the hospital four or more times within an 8 month period. With my prior experience serving the town as Clerk, Planning Commission Chairman, Councilmember and now Mayor, it was determined by Council that my knowledge and experience of town business would better serve the town in terms of efficiency and financial considerations rather than contract with a specialist to carry on and/or train a new clerk.

With Council approval and upon inquiry with Municipal Research it was determined, that with proper internal controls in place, I could fill in for the Clerk in her absence. Toward the end of 2005, I arranged for the training of a deputy clerk through the Career Path Services Work-First program. Unfortunately the young woman was not

fully trained when the Clerk had to retire for reasons of disability. I then proceeded to continue the training of the new clerk while catching up on serious backlog of unfinished clerk duties. i.e.: Annual Reports, USDA reports, grant administration, Budget etc.

Well within a few months I hired another deputy clerk who later became clerk when I had to terminate the clerk for many unexcused absences and dereliction of duties.

I then hired another deputy clerk who quit before she was fully trained. I then hired another deputy clerk who eventually became clerk when the official clerk quit due to health issues. None of the clerks were fully trained when one left the office and another entered.

This series of events all took place within a 4 year timeframe and each time I had to continue working on clerk duties/training. This also serves as the background for my services as clerk and for which Council approved. At no time did I have any intentions to combine the clerk duties with my Mayoral duties. I was only trying to help the town in the most efficient and fiscally responsible way available to me.

Regarding the sign off on my time sheets, the internal control method in place was that the Clerk and/or Deputy Clerk and finance officer would sign off on my time sheets as it was unlawful for me to sign off on my own time sheets.

I would hope that this series of unusual circumstances would lend itself to the notion that the Council and I were acting in good faith and to

the benefit of the town. With that being said, I would respectfully submit that this charge is legally insufficient, and neutralizes the implication of misfeasance, malfeasance and Violation of the Oath of Office.

8. Charge No. 8

CHARGE #8: Failure to hold safety meetings and follow L & I directives.

Unfortunately, I was unaware that I needed to have safety meetings for personnel under 5 in number. When L & I responded to an unrelated complaint, the investigator advised me of the regulation. I then began the monthly safety meetings and they are consistently held each month with the 2 employees I now have.

Again, no administration in the history of the town held monthly safety meetings. No Councilmember or employee ever brought it to light. Ignorance of that particular law was shared equally by all. The State Industrial requirements are now in place and we are in compliance with that particular regulation.

I submit that there was no intention on my behalf of misfeasance, malfeasance or violation of the Oath of Office.

9. Charge No. 9

CHARGE #9: Mayor and Councilman's long term personal and public relationship.

Regarding the friendship of the Mayor to Councilmember Jenson, in a town with 183 population, almost everyone is considered a personal friend or enemy to each other which is the dynamic of most towns this size. This kind of conjecture or public perception could render any town officer, employee, volunteer and/or neighbor a victim to negative public perception in any given situation. The history of Marcus would validate this speculation has occurred many times.

Both Mr. Jenson and I are both relatively intelligent people who know how to separate personal from business. Our combined 65 years experience, service and volunteer efforts clearly demonstrate that our only agenda is to serve the town with integrity and honorable intentions. Our personal relationship never became an issue until the gator issue and we were considered valuable enough to be elected by the people to serve the town government in another election cycle.

Now it is being retroactively submitted as unethical and creating a public perception of conflict of interest and appearance of fairness in Charges #2, 3, 4, 5,6 for the Mayor and Charges #1,2,3,4,5 for Councilmember Jenson. I would also submit public perception by a few does not constitute public perception by the entire population and oftentimes is not based on facts.

10. Charge No. 10

CHARGE #10: Authorizing and allowing payment for hours not yet been worked.

Once again, historically this was done by past administrations. I questioned this and asked the clerk to submit a query to the Auditor's Office who was told if the clerk attested the hours were worked on the next time sheet it was ok. While, I do not have a problem with the payroll check going out the day after the work is completed, I do not see the foul in light of the Auditor's opinion.

I do not believe this charge constitutes intentional misfeasance, malfeasance or violation of the Oath of office especially considering the historic method of the town.

IV. RESPONSE TO "D." RECALL CHARGES BROUGHT AGAINST COUNCIL MEMBER JENSON.

Statements authored by Dennis L. Jenson

1. Charge No. 1

CHARGE #1: Councilman supervising, directing and managing Town employee.

When Mr. Bear was hired in 1997, I was briefly working as the interim town employee and Mayor De Paulo asked me to train him, which I did. The Town had just finished a complete refurbishing of their water system and infrastructure and currently in the process of an Arterial Street reconstruction and repaving of our collector streets. I continued to help

guide Mr. Bear through this major development and improvement as needed.

In 2001, the Town purchased a 10 acre parcel of property for the development of a Town Park. This 10 acre parcel had no ordinary history. The parcel was a site of weed infestation, infected with slum and blight, with a burned out school building and dilapidated Gym held in private ownership. It was also laden with overwhelming legal issues that the town needed to resolve.

Mr. Courtis, Fran Bolt and I led the charge for nearly 20 years to acquire, clean and develop this property as a future Park and Centerpiece for the Town. Acquisition by the town would also completely resolve the legal issues surrounding it as well. Each of us spent those 20 years serving on and off the Council and Planning Commission always keeping the “dream” on the front burner. In 2001 we were finally successful in negotiating acquisition of the property for the Town.

This summarized statement above serves as a milieu as to my extreme passion, and sense of responsibility in helping to bring this park to its fruition. I knew it was going to require more work than Mr. Bear alone, could handle. That is precisely the reason for my intense and ongoing volunteer efforts with the park and town.

In 2001, I started voluntarily working with Mr. Bear as a team mate. Initially, most of my efforts were done after my working hours, on

weekends and during my vacation time. In 2006 I retired from my job and began helping Mr. Bear full time.

Initially our working relationship was good and we accomplished a tremendous amount of work. By late 2007 we began to have arguments and differences of opinion regarding the various jobs. By 2008 the arguments escalated to shout-outs between the both us. In 2009, I quit working with him entirely but I continued to do most of his summertime duties related to mowing, watering and litter control.

Mayor Bolt never appointed me as supervisor or manager of Mr. Bear nor did I feel it was my role. I felt our relationship was more like two workers working for the town and we had arguments about work such as many co-workers do when working together. Obviously, Mr. Bear thought the same way as he and Councilmember Courtis started using the fact that I was a council member to accuse me of “ micromanaging” him to the Mayor. This accusation would validate the notion that he didn’t consider me as a supervisor or manager nor did I present myself as such.

I submit this charge is legally insufficient as small towns often depend on volunteers and council members to help with many items, i.e. parks, cemetery, solid waste disposal, snowplowing etc. (which I also did) There were no intentions on my part to commit misfeasance, malfeasance or violation of the oath of office.

2. Charge No. 2

Charge #2: Harassing, bullying, and violating employee right to Executive Session.

This charge is based on pure speculation by those who overheard arguments between Mr. Bear and me. Every argument between us was two sided and often initiated by Mr. Bear, also validating the position that our relationship was that of co-workers. Supervisors and managers are not commonly treated this way by an employee.

In regards to the denial of an executive meeting for the purpose of town employee criticism: Mr. Bear was not the topic of this meeting and no request was ever made to address criticism by me or any other person. See People's Exhibit I- Council meeting 05/01/12. **DM420088 Play 24:00 through 40.35** This entire segment clarifies my concerns and demonstrates my demeanor with my query of the town employee while at this council meeting. It is my opinion that Mr. Bear was defensive, argumentative, and eventually became angry and walked out of the meeting which was his usual response when queried or confronted.

I submit this charge is factually and legally insufficient as there was never any intention of misfeasance, malfeasance or violations of the oath of office.

3. Charge No. 3

CHARGE #3: Purchasing Town assets and spending of public funds.

I have served on and off as Town Council Member for the past 35 years. With a meager budget, this town has always depended on surplus and used equipment and for which I was involved with in most cases.

The Town Council has never adopted an ordinance or Policy defining the procedures, limitations or regulation of said purchases. The historic method for purchasing personal property is allocation of funds for expenditures in the Town Budget adopted by Ordinance and by fund total. In all of those 35 years every purchase of personal property has had prior council approval or ratification of said purchases including the three cited in this recall petition. I also submit that Council Member Courtis, a 25 year veteran and principal petitioner/appellant, knows this to be true and was involved in the ratification of all 3 purchases without dissent or objection. Now he is retroactively calling foul. Estoppel?

I would also state that there was significant conversation during Council meeting regarding the purchase of the John Deere Gator prior to the purchase. Council not only voiced approval during this meeting but a unanimous vote by Council to approve was in place prior to the expenditure of funds. (CM Courtis made the initial motion to approve)

While I believe that prior council approval for an uncommon purchase is a preferred policy, I submit these three items involved a limited opportunity and time frame with which to take advantage of. All three were a tremendous benefit to the town in terms of service and financial consideration.

I respectfully request review of this charge as I do not believe there was any intention to commit misfeasance, malfeasance or oath of office nor was there any financial gain on my part.

4. Charge No. 4

CHARGE #4: Personal use of Town resources and disregard of legislative actions.

I stand on my initial statement submitted in the Superior Court Hearing see CP Jenson response to charge #4.

I never used that gator for my personal business, on my personal property or any other personal property or business. My use of that gator simply provided me a faster and easier way to voluntarily accomplish town work. I don't believe parking at the neighbor's house for coffee in between town duties constitutes personal use. After the call to the auditor's office and advisory implicating the perception of personal use could create problems, I discontinued parking at the neighbors for coffee and left the vehicle at the town shop after the 11pm watering.

There has never been a legal written opinion confirming my use of this vehicle was personal. The Auditor's office only rendered an advisory as to possible legal implications based on perception.

I also believe that my volunteer service was a tremendous benefit to the Town in terms of financial consideration and efficiency and was far greater than any de minimis use. (i.e. faster, easier way to do the work)

I submit that this charge is legally insufficient as there were no intentions on my part to commit misfeasance, malfeasance or violation of the oath of office nor was there any financial gain to me.

5. Charge No. 5

CHARGE #5: Making a quasi-legislative unilateral decision concerning the gym roof.

This charge is referencing a time when I was not serving the town as a council member. While the town has the authority to establish a parks commission, it is not a requirement. The town has never adopted an ordinance providing for a parks commission and no parks commission or parks department is in place. I was simply appointed by the Mayor to serve as Parks & Recreation Chairman.

The Mayor and I co-authored a successful grant application for the gym roof public works project and which involved in-kind funds by the Town. The Council awarded the construction bid August 15, 2003. The Mayor asked me to serve as project manager/advisor for her as she did not have the construction experience that I did.

As project advisor, the contractor consulted with me, via a telephone conversation, during the process of purchasing the roofing material in Spokane. The contractor stated that it was his and the supplier's opinion that this roofing material contained specs that were greater than the building needed. The Contractor also indicated that the

town could save \$1,000 if the same quality of roofing material with lesser specs were used. When I authorized this change order I was no longer serving as council member but was still acting as project manager/advisor for the Mayor. This change order did not add additional expenses/claims. To the contrary, it reduced expenses by \$1000 and it provided a premium roofing material well within the building code regulations.

Mr. Yankus was a newly elected Councilmember having served only 6 months on the council. He had been the one to advise we use this particular roofing material and was angry that I did not follow his advice. He consequently resigned from the council. I was subsequently appointed by the Council to fill his vacant position with Council Member Courtis making the motion to do so.

I submit this charge is clearly insufficient as I was not an elected official at the time and the change order did not increase the cost of the project. It only reduced the expense to the town, was financially beneficial to the Town and the project cleared the Auditor's review.

RCW 35.23.170: Park Commissioner is not applicable as the town has never established a Parks Commission.

RCW 35.23.330 Limitations on allowance of claims, warrants etc. as referenced in Appellant's Brief is not germane to this issue as it did not create additional expenditures or require Council's approval.

I submit there was no intentional misfeasance, malfeasance or violations of oath of office regarding this action.

6. Charge No. 6

CHARGE #6: Councilman's personal long term relationship with the Mayor.

I find it curious that my relationship with the Mayor was not an issue in town until now. In fact we were considered a good team by council members, residents, the outer community and officials throughout Stevens County. We were also elected by our voters to serve another term beyond the term the alleged charges are referenced in appellants brief.

I would also submit that said allegations are convoluted, distorted, and embedded into multiple charges for the purpose of a paltry attempt to augment appellant's case.

Many small towns, especially the size of Marcus, have relatives, husband & wives, serving the town government in one fashion or another. It is not at all uncommon and the Marcus history is filled with it. Small towns like Marcus are very limited in terms of those willing to serve.

The Mayor and I are both well aware of the boundary lines of ethical and lawful actions which we both respect in each other and embrace as an important attribute for leadership. Our only agenda in this town has been to serve this community to the best of our ability which should be validated by our combined 65 years of service to Marcus.

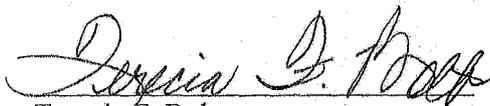
V. CONCLUSION:

We respectfully convey to this court that the respondents, Terecia F. Bolt and Dennis L. Jenson are self represented. We were unable to retain, legal Counsel, in a timely manner due to the holiday season and the swiftness this recall action has taken. We hope you will consider our statements and pardon our lack of legal proficiency and/or procedures with respect to our response.

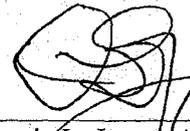
We respectfully submit our statements to the Supreme Court for consideration as explanation and justification of our actions. We further submit that none of the charges are legally sufficient relative to intentions of Misfeasance, Malfeasance or Violations of the Oath of Office on our part.

Respectfully Submitted this 16th day of January,

Respondents:



Terecia F. Bolt
Town of Marcus Mayor



Dennis L. Jenson
Council Member 4, Town of
Marcus

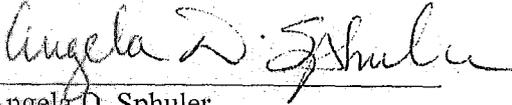
CERTIFICATE OF SERVICE

I, Angela D. Sphuler, certify that on the date set forth below, I
emailed a copy of the foregoing Brief of Respondents to the
individual entities as designated below.

Susan L. Carlson
Supreme Court Deputy Clerk
Temple of Justice
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e-mail: supreme@courts.wa.gov

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Dated January 16, 2013.



Angela D. Sphuler
P.O. Box 62,
Marcus, WA. 99151

OFFICE RECEPTIONIST, CLERK

To: Fran Bolt; Eugster@eugsterlaw.com
Subject: RE: Brief of Respondents to Supreme Court

Rec'd 1-16-13

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Fran Bolt [<mailto:franbolt64@gmail.com>]
Sent: Wednesday, January 16, 2013 11:36 AM
To: OFFICE RECEPTIONIST, CLERK; Eugster@eugsterlaw.com
Subject: Brief of Respondents to Supreme Court

Please respond as to receipt of attached materials as soon as possible as the deadline is today.

Thank you,
Angie Sphuler