

FILED
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STATE OF WASHINGTON
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BY ERIN L. LENNON
CLES

SUPREME COURT NO. 101373-6

SUPREME COURT OF THE STATE OF WASHINGTON

ALBERT WHITNEY COBURN,

Appellant,

v.

LARA BROOKE SEEFELDT,

Petitioner,

and

DEPARTMENT OF SOCIAL AND

HEALTH SERVICES,

Respondent

APPEAL FROM KING COUNTY SUPERIOR COURT

THE HONORABLE JANET HELSON

REPLY BRIEF

Appellant ALBERT COBURN (Pro Se)

7001 Seaview AVE NW
Suite 160-836
Seattle WA 98117
206-696-2636

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ARGUMENT

AG continues to falsely accuse Albert of non-compliance with Child Support order

Attorney General's (AG) office falsely indicates to this court as to why it is garnishing Albert Coburn's Appellant (Albert) wages. AG states in (Answer Reply pg. 6)

The Department of Social and Health Services (DSHS) began garnishing the wages of Albert Coburn after Lara Seefeldt requested support enforcement services in order to obtain his share of their daughter's uninsured medical expenses.

This is a lie.

Superior Court Judge Craighead clearly wrote on April 19, 2019, (CP 55-56) "*There is no back child support owing in this case.*" Albert didn't own back child support, Albert didn't owe medical expenses, Albert was in full compliance with the Child Support order.

Lara Seefeldt Petitioner (Lara) and Department of Social and Health Services Division of Child Support (DCS) falsely accused Albert of not being in compliance with the Child Support order (including owing back child support and medical expenses) before April 19, 2019 court date. DCS contacted the Internal Revenue Service (IRS) to collect child support Albert didn't owe without using any due process of the law of any kind, and only because Albert took Lara and DCS to Superior Court on April 19, 2019 and won his case did DCS stop trying to take from Albert money he didn't owe. DCS has been proven in court to have falsely accused Albert of owing money required by the Child Support order.

DCS did not use wage garnishment to *obtain his share of their daughter's uninsured medical expenses*. DCS is garnishing Alberts wages because they want the right to garnish wages without a court order or even when Albert (or anyone) is in complacence with the Child Support order, or as AG's office indicates, *withhold Coburn's wages regardless of whether he is in arrears* (Answer Reply pg. 7). Albert was never in arrears for medical expenses, never in arrears of child support or anything the child support order requires.

This case ALLOWS the State of Washington to *deprive any person of property, without due process of law (14th Amendment).*

AG's office argues this case does *not present a significant question of law under either the State or United States Constitution* (Answer Reply pg. 7) while it argues the State of Washington has the right to falsely accuse a citizen (Albert) of owing money (property) and lie to a federal government agency (IRS) that the money is owed:

(Transcription of April 12, 2019 court appearance)

THE COURT: So I think that this notice from DCS is probably enough for the IRS, but I will make it clear in a court order that there is no arrears owing

Albert went to court April 19, 2019 to get a court order to send to the IRS as proof that he was in compliance with the Child Support order and no money was owed in the case, contrary to DCS claims to the IRS.

Then after Albert proved to a judge that he didn't owe the money,

(Transcription of April 12, 2019 court appearance) *THE COURT: ...there is no arrears owing*, DCS is demanding they can still penalize Albert by ordering their employer (under penalty of violating a Federal law) put a

levy against his wages, and allow the employer to impose financial penalties to perform the act, all because DCS claims he didn't respond to the original fraudulent notice within 20-days,

(Court of Appeals ruling pg. 9) *We reject his due process claim.*

(Court of Appeals ruling pg. 3)

Coburn received the notice on March 11, 2019, but did not contact DCS or his SEO within 20 days to object to the enforcement action.

(Court of Appeals ruling pg. 8)

The record here shows that Coburn received ample notice of DCS's intent to withhold his wages and gave him an opportunity to contest the notice.

(Note that Albert proves in this response that Albert did contact DCS with 20-days to contest the notice, AG's office is also lying about that.

Furthermore, DCS contacted the IRS before the March 11, 2019 notice was sent. So, Albert had 20-days to respond to a notice for collection actions that were already being performed.)

This case ALLOWS the State of Washington to *deprive any person of property, without due process of law* (14th Amendment). Court of Appeals in this case has changed the 14th Amendment completely. This is a

substantial constitutional issue that affects every citizen in the State of Washington.

AG admits the notice mistakenly indicates that Albert is in arrears

Albert wants this court to clearly review the notice DCS and the Attorney General's (AG) office presents in this case that indicates Albert owes "\$2,320.08 for current child support and \$20,880.80 for back child support for July 1, 2017, through February 28, 2019" (CP 216, 219-22).

This notice was presented to Court of Appeals (see Clerks Papers page 219) and copy of notice is presented in Conclusions.

This exact same March 11, 2019 notice was presented to Superior Court Judge Susan Craighead April 19, 2019 who ruled it to be a "mistake" and no debt is owned (CP 55-56).

Due to misunderstanding the Division of Child Support mistakenly believed that Mr. Coburn owned \$20,880.80 in back Child Support.

Mr. Coburn had paid Child Support directly to the mother, who clarified this with DCS....

There is no back child support owing in this case.

DCS and the AG's office have repeatedly told judges, and the Court of Appeals, that Albert is not in arrears and led them to believe that the notice indicated Albert was not in arrears and they are still requesting wage garnishment. Now to only this court does the AG's office admit the notice was incorrect: (Answer Reply pg 21)

Regardless of whether the notice mistakenly indicated that he was in arrears, the notice apprised Coburn of DSHS's authority to garnish his wages and gave him ample time to contest the information before DSHS took action against him, thus meeting the requirements for adequate notice.

AG's office did provide the Court of Appeals this information.

DCS has never presented Albert a new notice indicating he is not in arrears and his wages are going to be garnished. Rather DCS started wage garnishment 9 days after the April 19, 2019 hearing with Judge Craighead.

AG argues that DCS gave Albert proper notice of wage garnishment March 11, 2019 *if he did not comply with the child support order*, yet Albert proved in court to Judge Craighead he was in compliance with the child support order. AG states (Answer Reply pg 21)

DSHS that clearly explained its intention to garnish his wages if he did not comply with the child support order and it gave him 20 days to contact DSHS to contest the information on the notice.

Albert proved in court he was in compliance with the child support order, (Transcription of April 12, 2019 court appearance) *THE COURT:....there is no arrears owing.*

AG's office has obfuscated the facts about what this March 11, 2019 notice indicated to multiple judges and the Court of Appeals to win their case.

AG and DCS argues they have authority to ignore court order

AG's response to Albert's argument that Superior Court Judge Craighead ordered Albert to send checks to DCS April 19, 2019, which means no wage garnishment, is that Federal Law gives DCS authority to ignore the court order. AG states (Answer Reply pg. 15)

Even if a court has previously found that there is good cause not to require immediate wage withholding, as was the case for Coburn, DSHS must withhold wages if the custodial parent requests this service.

AG's office acknowledges that Judge Craighead ruled *not to require immediate wage withholding, as was the case for Coburn*, but AG argues

both the Petitioner Lara Seefeldt (Lara) and DCS have Federal authority to ignore Judge Craighead's order because (Answer Reply pg. 20)

“neither the oral statements nor the written order from the trial court on April 12, 2019, address DSHS’ authority to garnish Coburn’s wages”

DCS made no attempt to participate in the April 19, 2019 hearing, though they received notice of it, nor did DCS or AG make any attempt to ask Judge Craighead to clarify her order or appeal it to *address DSHS’ authority to garnish Coburn’s wages*. Instead DCS just ignored Judge Craighead’s order *not to require immediate wage withholding* (Answer Reply pg. 15).

To DCS and the AG’s office, apparently the rule of law only applies to them unless judge rules in their favor, otherwise they have *statutory authority* to ignore it.

This *statutory authority* apparently applies to Lara as well. Lara by requesting wage garnishment after attending the April 19, 2019 court hearing where she witnessed the judge rule Albert send checks, and DCS has *statutory authority* to ignore Judge Craighead’s order because they *must withhold wages if the custodial parent requests of*.

This is contempt of the court order as defined in RCW 7.21.030 as when:

person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court

Both Lara, DCS, and the AG's office are in contempt of the April 19, 2019 court order.

AG and DCS lied to judges and Court of Appeals Albert did not respond to notice within 20-days

The Court of Appeals ruling entirely relies on Albert supposedly not contacting DCS within 20-days and that is why 14th amendment due process requirements for the state do not apply. (Court of Appeals ruling pg. 3, 9)

Coburn received the notice on March 11, 2019, but did not contact DCS or his SEO within 20 days to object to the enforcement action

.....

Coburn also says DCS deprived him of his Fourteenth Amendment rights to due process when it failed to give him adequate notice and an opportunity to be heard prior to garnishing his wages. Due process under the Fourteenth Amendment requires “ ‘notice

reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’ ” In re Marriage of McLean, 132 Wn.2d 301, 308, 937 P.2d 602 (1997) (quoting Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314, 70 S. Ct. 652, 94 L. Ed. 865 (1950)). The record here shows that Coburn received ample notice of DCS’s intent to withhold his wages and gave him an opportunity to contest the notice. Therefore, we reject his due process claim.

Court of Appeal’s ruling is based on AG’s office argument that (Answer Reply pg. 21) *Coburn received notice from DSHS that clearly explained its intention to garnish his wages if he did not comply with the child support order and it gave him 20 days to contact DSHS to contest the information on the notice.*

This is a lie.

Albert has recently made a records request from DCS using Freedom of Information act from 7/1/2018 to 4/1/2019. Note that 4/1/2019 would be 20 days after March 11, 2019 notice. Albert discovered that the letter he sent to DCS March 19, 2019 to contest the March 11, 2019 notice exists in DCS records. (NOTE the footer for Albert’s letter #202209-PRR-282 ESA

000107, #202209-PRR-282 ESA 000108. 000107 & 000108 indicate page numbers in ESA Public Disclosure Unit's records)

This means DCS did receive Albert's letter to contest the notice before 4/1/2019, or within 20-days, and did absolutely nothing about it. The Court of Appeals ruling that *due process* requires Albert to contest the notice within 20-days is entirely based on a lie and that if he had replied, something would happen (what exactly is unknown). The truth is Albert did contact DCS within 20-days of the March 11, 2019 notice to contest it, and DCS own records prove it, and absolutely nothing happened. DCS didn't start any due process, didn't stop their collection actions, didn't do a thing.

This is exactly why the 14th Amendment indicates *nor shall any State deprive any person of life, liberty, or property, without due process of law*. The amendment doesn't say the state only needs to send a notice; it doesn't require a person to respond to the notice within 20-days. **Rather it requires the state to go to court BEFORE attempting to deprive property from any person.** The responsibility of using due process is entirely upon the state. The amendment was written specifically this way because individuals like DCS and the AG's office (state governments) are highly motivated to lie because their position of power affords them

resources an individual, like Albert, does not have. This case proves why the constitution as-written should be followed, instead of trying to redefine it using obscure statues like (Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314, 70 S. Ct. 652, 94 L. Ed. 865 (1950)) that relate in no way to the scenario in this case.

CONCLUSIONS

This case has gone all the way to the Wash. State Supreme court because multiple judges have assumed that AG's office would not directly violate a court order. They have assumed the AG's office would not lie to them. They have given the AG's office the benefit of doubt that it doesn't deserve and assumed the evidence and documents support their arguments. When Lara and DCS lost the April 19, 2019 hearing and Judge Craighead ruled Albert was in compliance with the child support order, Lara kept asking for wage garnishment anyway. DCS dutifully complied to the request even though Albert indicated to DCS he was ordered by Judge Craighead to send checks. When Albert proved to DCS the judge ordered Albert to send checks, DCS was too stubborn or too stupid to reverse itself. When Albert filed in court for DCS to stop wage garnishment, they started lying. With the help of the AG's office, they continued to lie and used their position of

power and authority to fool judges into thinking they weren't lying or in contempt of a court order.

March 11, 2019, Notice of Support Debt and Demand for Payment Court of Appeals refers to in their ruling pg. 3



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF CHILD SUPPORT (DCS)

Notice of Support Debt and Demand for Payment

TO: ALBERT WHITNEY COBURN
117 E LOUISA ST APT 245
SEATTLE WA 98102-3203

RE: LARA BROOKE SEEFELDT

Case Information

The Division of Child Support (DCS) records show your support order, entered on 03/13/2018, states that you must pay \$ 2,320.08 per month for support. This includes does not include an amount for cash medical support.

DCS is is not collecting current child support from you.

DCS is is not collecting spousal maintenance from you.

You owe a total of \$ 20,880.80 for past-due support. This amount includes:

1. Past-due support (including spousal maintenance) of \$ 20,880.80 for the periods:
7/1/2017-02/28/2019
2. Past-due medical support of \$ 0.00
3. Child care costs of \$ 0.00
4. Interest and fees of \$ 0.00
5. Other costs of \$ 0.00

Medical Support Information

Your support order does does not require you to pay medical costs or provide health care coverage for your

1. If your order requires you to pay medical costs or provide health care coverage, you must complete and return the enclosed **Health Care Coverage Information** form within 20 days after you receive this notice.
2. If your order requires you to provide health care coverage, and you can get coverage through your employer or union at an amount provided for in the order, you must provide DCS proof that you enrolled your children.
 - a. If your children have Indian Health Services (IHS) available through you, that care satisfies health care coverage requirements. You must provide DCS proof that IHS is available to your children.
 - b. If your children are covered by IHS, you must enroll the children in any health care coverage plan that is available to your children through your employer or union at no cost to you.
 - c. If your children are currently enrolled in public health care coverage through you, that coverage satisfies your health care coverage obligation.
 - d. Even if your children are covered by public health care coverage, you must enroll them in any health care coverage plan that is available to your children through your employer or union at no cost to you.

Records request from DCS using Freedom of Information act from 7/1/2018 to 4/1/2019.



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Economic Services Administration
Post Office Box 45447, Olympia WA 98504-5447

October 26, 2022

Albert Coburn
7001 Seaview Ave. NW
Seattle, WA 98117

**Subject: Public Records Request
Economic Services Administration (ESA)
Request ID #202209-PRR-282**

Dear Albert Coburn:

Your public records request received by DSHS on September 19, 2022, was forwarded to the ESA Public Disclosure Unit (PDU) to review and reply. This letter further responds to your request.

You asked for your incoming and outgoing correspondence from 7/1/2018 to 4/1/2019 maintained in your Division of Child Support (DCS) client file. I am also providing your case comments for that date range as they document the case action.

The 73 pages of available responsive DCS records I found are enclosed, page number 000001 through 000243, except for parts that are exempt from disclosure. They are being provided to via the mail at no charge.

Each redaction is marked with a numeric code. I have attached a list of these codes that provides a brief explanation and legal citation for the redaction. The response may include more than one copy of a document if it appears more than once in the records we are searching.

For identity fraud protection, you will notice the social security numbers (SSN) of all parties involved have been redacted. We've marked your SSN, and that of your dependent(s), with numeric code 9C. Please contact me if you require the release of your, and/or your dependent's if authorized, SSN on these documents.

I've also enclosed a Withholding Log detailing the documents that I have withheld entirely. The log will describe the document and provide the citation for the exemption.

This completes the ESA Public Disclosure Unit's response to your request. If you disagree with this response, complete the enclosed DSHS/ESA Appeal Form and return it to our office. Please use the above Request ID# when contacting me about this request or if you need other records. If you'd like to email any future public records requests for ESA records, our email address is esaprr@dshs.wa.gov

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mary Kinder'.

Mary Kinder, Public Records Specialist
DSHS ESA Public Disclosure Unit
360-664-8918 or 360-725-4777

Enclosure cc: File

Albert's March 19, 2019 letter to DCS objecting to March 11, 2019 notice found in DCS records.

March 14, 2019

Albert Coburn
117 E Louisa Street #245
Seattle, WA 98102
albert_coburn@hotmail.com

Division of Child Support
PO BOX 11520
Tacoma, WA 99411

Support Enforcement Officer N. Saenz,

In July 2018 I received a call from you Nadia Saenz a Support Enforcement Officer for the State of Washington Division of Child Support. You indicated I was being accused of not paying court ordered child support + alimony payment for the month of June 2018 according to my Child Support Order. I disagreed and indicated that direct deposit had been set up, with the petitioner (Lara Seefeldt, the other party in the Child Support Order) personally providing the account number and the petitioner had acknowledged in email she had received payments. I provided copies of payroll documents and email exchanges to you Nadia Saenz via the DCS internal email system.

Yet after providing this evidence I have received letters from DCS that I now owe child support + alimony for June 2018 to Jan 31, 2019 in one letter, or July 1, 2017 to Jan 31, 2019 in another letter.

The petitioners claim of not receiving child support + alimony according to the Child Support Order is incorrect. This is not unusual conduct for the petitioner. For the last three years the petitioner has used false statements to maximize her financial gain in the divorce process.

DCS has now without due process contacted credit agencies that I am behind on payments, contacted collection agencies and indicated to the IRS to withhold child support payments from my tax returns; all in clear violation of the 14th Amendment of the Constitution of the United States.

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

DCS cannot even clearly indicate which period child support + alimony is past due, but on top of that is depriving me of property without even attempting any due process of the law.

#202209-PRR-282 ESA 000107

According to DCS letters I can request a Conference Board which I would like to do. It is impossible for me to accurately respond to accusations of non-payment when DCS provides inconsistent date ranges as to when I allegedly didn't pay; therefor DCS will immediately provide in writing the finalized date ranges it is accusing me of violating the Child Support Order. DCS will indicate by email and in writing when the Conference Board will occur and how to submit documents / statements as evidence. DCS will provide me with the affidavit the petitioner signed indicating she has not received child support + alimony payment and the date this allegedly has occurred. I suggest DCS ensure the affidavit date ranges of alleged non-payment match the finalized DCS letter. DCS will immediately provide a letter to me indicating collection of any claims of debt will be suspended until Conference Board occurs; this letter will be sent to credit agencies, the IRS and collection agencies in the area. DCS will provide before the Conference Board occurs, a copy of all deposits made to the Boeing Employee Credit Union account number 3584987637 for the period of July 1, 2017 to present; the earliest and current dates I allegedly have not paid child support + alimony according to DCS letters. This account was where were all payments of child support + alimony were made to the petitioner, it is the account the petitioner indicated payments should be made to, and the deposit history will show that the petitioner has received all payments according to Child Support Order; contrary to her claims.

I remind DCS that individuals like myself sacrificed our part of our lives to support and defend the Constitution of the United States against all enemies, foreign and domestic; many have died in that defense. It is therefore completely reasonable to expect citizens of the country to follow the Constitution of the United States regardless as to if someone told them a law didn't apply. A true citizen of the United States, like a true soldier defending the Constitution of the United States, has a moral obligation to follow the US Constitution and not to those who would issue unlawful orders or expectations as terms of employment that they should violate any part of the Constitution.

Sincerely,

Albert Coburn

#202209-PRR-282 ESA 000108

This brief contains 2660 words.

Respectfully submitted,

Albert W Coburn

The Appellant

ALBERT COBURN - FILING PRO SE

December 15, 2022 - 7:08 PM

Transmittal Information

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Comments:

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