



PUD

State Supreme Court upholds order for PUD recall petitioners to pay Piper's legal bills



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The State Supreme Court agrees that three men who filed a failed recall petition against Cowlitz PUD Commissioner Ned Piper should pay his legal bills.

In a scathing, unanimous ruling filed Thursday, the high court upheld a Cowlitz County Superior Court finding the recall petition was frivolous and “intentionally filed in bad faith” and that the trio who filed it should pay Piper’s legal fees.

“In any civil action, a court may award attorney fees if the action was frivolous and advanced without reasonable cause,” the justices wrote.

The fact that the recall petition was voluntarily withdrawn does not shield the men from having to pay, the court ruled.

Bill Ammons, Doug Irvine and Chuck Wallace “made no attempt, reasonable or otherwise, to obtain any factual information to support the allegations of the recall petition,” the court noted. “Petitioners failed to identify any specific action or inaction by Piper to support the allegations in the petition.”

As of March, the PUD’s insurance company had paid about \$20,000 toward Piper’s legal fees, which he estimated at the time would total about \$30,000. PUD officials could not immediately be reached for an update, and it was not clear whether the utility’s insurer will try to recover its payments from Ammons, Irvine and Wallace.

Ammons and Irvine said Thursday afternoon they disagreed with the decision but were resigned to accepting it. When asked if they would reimburse the PUD’s insurance company for its payments for Piper, or pay any remaining balance, they said they had not seen the ruling and couldn’t comment.

Piper could not immediately be reached for comment.

The high court’s ruling contains a concise history of the complex and mysterious history of the matter, and it is unforgiving in its appraisal of the recall effort, which PUD Commissioner Kurt Anagnostou has acknowledged he helped instigate.

The petition effort has its origins in a 2013 censure resolution that PUD commissioners Merritt “Buz” Ketcham (who no longer is on the board) and Anagnostou passed against Piper. It alleged nine instances of misfeasance but “contained no underlying factual description to support the

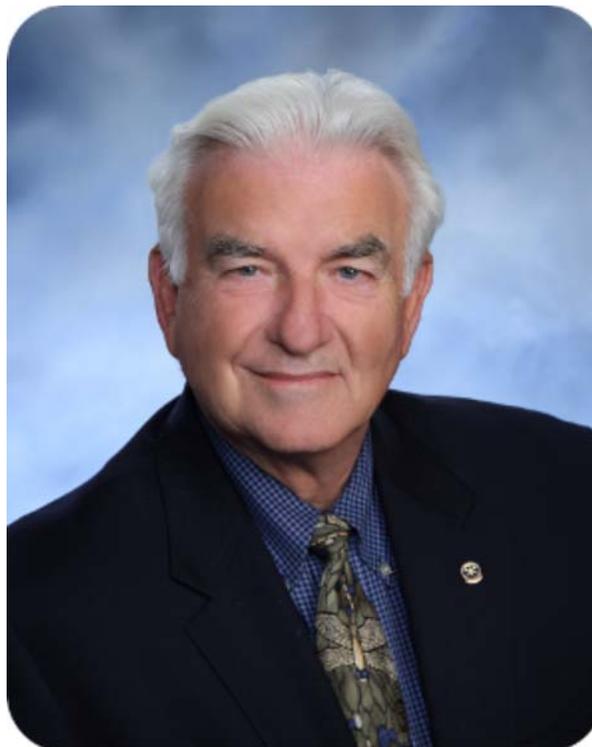
charges,” the high court noted.

Following that action, Ammons, Irvine and Wallace filed the recall petition, which was nearly an exact copy of the censure resolution. Ammons has testified that the recall petition was dropped in the mail slot of his barber shop. The petitioners claimed no part in writing it, and its authorship has been a shadowy matter.

“Without investigating the truthfulness of the recall petition, Ammons signed and presented it to Wallace and Irvin (who) ... also signed the petition. Although Anagnostou confirmed the recall petition mirrored the censure resolution, he declined to provide any supporting information,” the court wrote.

When Piper challenged the recall petition, saying it was filed in bad faith, the petitioners withdrew it despite a judge’s warning that they could still be on the hook for Piper’s legal bills.

The recall petition had claimed that Piper improperly disclosed confidential utility information, intimidated employees for his personal benefit and improperly acted without the three-member board's authority.



Ned Piper