

No.: 36798-0-II

APPELATE COURT
DIVISION II
OF THE STATE OF WASHINGTON

WALTER D. FIELDS

Appellant

vs.

JEANINE M. RISHEL,
&

STATE OF WASHINGTON DEPARTMENT
OF SOCIAL AND HEALTH SERVICES

Respondents

ON APPEAL FROM CLARK COUNTY SUPERIOR COURT
Appealing Order Affirming Administrative Decision
Clark County Dkt No.: 05-2-00923-7

BRIEF OF APPELLANT

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DIVISION II
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STATE OF WASHINGTON
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B. In reference to RCW 34.05.570, whether the reviewing court is to grant relief of an ALJ action where the order or the statute or rule on which the order is based is in violation of constitutional provisions on its face or as applied;	
C. Whether the court is to assess if the agency has engaged in unlawful procedure or decision-making process or failed to follow a prescribed procedure;	
D. Whether the court is to consider if the agency has erroneously interpreted or applied the law;	
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G. In reference to RCW 34.05.570, whether the court was to make a separate and distinct ruling on each material issue on which the court's decision is based, including	

the reasoning for declining consideration of elements of RCW 34.05.570;

- H. Whether the court, via RCW 34.05.562, more appropriately was to receive evidence in addition to that that contained in the “agency” record where it relates to the validity of the agency action and more especially where it may appear to render significance to assertions of arbitrary, capricious or even malicious intent of the agency action;
- I. Whether the court, at least via RCW 34.05.562, is to assess the unlawfulness of procedure; especially where one or more of the parties may have been thwarted in ability for “full disclosure of all relevant facts and issues” and should have been afforded “opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence” in liking to provisions of RCW 34.05.449;
- J. Whether the court is to assess if rights of parties may have been prejudiced by the agency conducting the hearing by telephone so as to prevent one or more of the parties opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place in liking to provisions of RCW 34.05.449;
- K. Whether the court is to consider if the foreign jurisdiction likely will not or may not likely modify an order of clear need by its law, and therefore assume jurisdiction to modify the order.

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APPELLATE COURT DIVISION II
STATE OF WASHINGTON

Walter D. Fields,)	
)	
Appellant)	
vs)	No.: 36798-00-II
)	
Jeanine M. Rishel,)	Appellant Brief
and)	
STATE OF WASHINGTON DEPARTMENT)	
OF SOCIAL AND HEALTH SERVICES)	
)	
Respondents)	

Preliminary Statements

Appellant, Walter D. Fields pro se, submits this brief on appeal for seeking review by the Appellate court of various errors of the lower court.

Appellant notes that the appellate court may, in handling this matter, deal more readily with narrow issues and arguments of this brief centered primarily on assertions of error by the lower court relative to requirements of judicial review – e.g., as set forth in RCW 34.05.570. Through such, the appellate court might similarly more narrowly address matters of material fact, such as those which could be highly relevant to an underlying issue within RCW 05.570(2)(c). Upon so narrowly focusing, the court might then jump directly to relief requested.

The further pleadings of appellant within this brief might then be merely glossed-over, or left in liking as mere editorial.

Hopefully, however, appellant may be further granted benefit of this court's review *De Novo* or even the assumption of *original jurisdiction*.

Appellant submits that review *De Novo* or even the assumption of *original jurisdiction* in this matter may be deemed entirely appropriate for a variety of reasons. Such reasons may include the following: clear error of the lower court and agency, clear needs of the appellant, and, at a minimum, interest of justice. If granted benefit of original jurisdiction, appellant is prepared to submit to this court further submissions and pleadings.

Appellant respectfully reserves right for challenging jurisdiction, while provisionally and presently seeking supplementary review of the Appellate court for considering (II) whether the lower court and the ALJ lacked jurisdiction for reason of appearing absent ability for good-faith neutrality of fact finding and for further reason that neither is able to assume jurisdiction for purposes of assisting or participating with others in acts of extortion, racketeering and malicious harassment.

Appellant further seeks the authority of this Appellant court, in a particular alternative, to consider (III) the absence of standing of

Ms. Jeanine M. Rishel or the State of Washington Department of Social and Health Service to ask any court(s) of the State of Washington for assistance in activities of extortion, racketeering or harassment; and/or further that WDSHS certainly lacks standing or authority to abuse or constructively kidnap minor children.

In as much as various acts referenced in this matter were carried-out at least in part by an agency of the State of Washington and further propagated through a lower court of the State of Washington of Clark County to which this Appellate court possesses oversight, appellant stands before this court in request of its appellate authority for review of errors of the lower court as available by way of the record below and/or by way of further documentary evidence as is (or may be made) available – including some that may have previously been refused by the agency and the lower court, or even further evidence which was then not known.

In requesting the oversight authority of this Appellate Court, appellant again respectfully reserves right to challenge jurisdiction of any court as may be presumed thereby for purposes of assailing acts of harm, tort, misconduct, abuse, harassment, discrimination, extortion, racketeering or frauds; which appellant respectfully submits to be readily apparent from the collective evidence available to this court. Appellant submits that these allegations become even more readily apparent when

considering the aggregate of evidence available – including that which has been carefully avoided, concealed, stricken and expunged, and even including that which has been subverted by way of acts of the various agencies and lower courts associated with this matter. Appellant submits that such acts, or even any availability for the commission thereof by “entrusted”, for the (i) concealment of material evidence, (ii) frustration of findings or (iii) prevention of preservation of material evidence for the “formal” record certainly represent (at a minimum) of “clear error.”

Accordingly and preferably, appellant encourages this court to extend jurisdiction beyond mere oversight authority. In other words, appellant respectfully requests that this court provide appellate review (IV) de novo or that this court even grant original jurisdiction by which to consider further motions, counter-claims and needs of appellant.

Appellant further suggests that this could thus serve to *nip-in-bud* clear injustices and to mitigate further imminent harms to appellant as readily apparent via the facts before this court.

Assignments of Error:

Lower court is absent neutrality and impartiality.

Each of WDSHS and lower court is absent good-faith rendering of charters regarding intent of Federal law.

No court or agency has authority standing or right to assume jurisdiction for purposes of assisting or furthering the acts of others in extortion or racketeering.

No individual, entity, agency or organization has standing, right or authority to request, let alone demand or contract for, jurisdiction of any court within the State of Washington, by which to obtain the assistance of such court in furtherance of acts of or to propagate extortion and/or racketeering and/or discrimination and/or malicious harassment and/or thefts and/or usurping of civil rights and/or frauds and/or child abuse and/or threats against security of home and/or threats against security of family and/or threats against security of livelihood.

The WDSHS agency and/or courts neither individually nor collectively can threaten and/or frustrate and/or harass a citizen in an effort to handicap such citizen in ability for reporting information of concern to federal, state, or local agencies.

The lower court was to fulfill its responsibility to “make a separate and distinct ruling on each material issue on which the court’s decision is based,” in accordance with RCW 34.05.570 (1)(c).

The lower court committed error in refusing to acknowledge and in refusing to permit (either by remand or via de novo review or original jurisdiction) further procedure(s) of fact-finding where the agency was

required to base its action on a record of type reasonably suitable for judicial review, and where the agency failed to take, prepare or preserve such adequate record. See RCW 34.05.562(2)(a).

The lower court committed error in refusing to permit (either by remand or via de novo review or original jurisdiction) further procedure(s) of fact-finding where (or even if possibly) new evidence had become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties was unaware and was under no duty to discover or could not have reasonably discovered until after the agency action, and further where the interests of justice may be served. See RCW 24.05.562 (2)(b).

The lower court committed error by refusing to permit further fact-finding where agency improperly excluded or omitted evidence from the record. See RCW 34.05.570 (2)(c).

The court committed error by refusing to receive evidence in addition to that contained in the agency record where it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding improper constitution as a decision-making authority or grounds for disqualification of those taking the agency action, the unlawfulness of procedure or of decision-making process, or material fact. See RCW 34.05.570.

The lower court committed error by refusing to grant relief from an agency order in an adjudicative proceeding where the order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied. See RCW 34.05.570 (3)(a).

The lower court committed error by refusing to grant relief from an agency order where the agency has engaged in unlawful procedure or failed to follow a prescribed procedure; or erroneously interpreted or applied the law; or the order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence as may be received by the court under this chapter. See RCW 34.05.570 (3)(c,d,e).

The lower court committed error by not having considered or evaluated, or for not having received evidence available (or as offered) for indicating an abuse of power, discretion and authority of the ALJ more especially when the underlying administrative hearing with appellant was conducted by telephone, which was clearly prejudicial to the appellant and would serve to essentially negate clear needs of the present appellant to effectively participate in, to hear, and to see the entire proceeding while it was taking place. See RCW 34.05.449.

The lower court committed error by not having considered or evaluated, or for not having recorded, judicially noted or received evidence regarding the availability of highly material and relevant facts and issues, and more particularly, material and relevant facts of, the efforts of various actors that would appear to indicate of the concealing, thwarting and perhaps even destruction of some material evidence and the presentment of fraudulent evidence by certain members and/or actors to the court or agency. See RCW 24.05.449 (2)

The lower court and/or the presiding officer over the administrative hearings (ALJ) committed clear error by not having communicated, directly or indirectly, regarding any issue in the proceeding other than communication necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate. It may be further understood that exceptions to such provision are not to be used as means to omit clear and material relevant evidence. See RCW 34.05.455.

Lower court committed error by refusing to consider whether the ALJ was ineligible to serve as an ALJ where they may have previously served as investigator or advocate in the adjudicative proceeding or in its pre-adjudicative stage; and by refusing to consider whether such ALJ may have been improperly assisted and/or advised and/or swayed by an agency

head, director or like that may have participated in some determination of probable cause or other equivalent preliminary determination. See RCW 34.05.458.

Similarly, the lower court committed error by refusing to discern whether the ALJ was an individual of presiding capacity to the agency action that may have been subject to disqualification for clear bias, prejudice, interest or other cause for which a judge is to be disqualified. See RCW 34.05.425 (1).

Appellant respectfully notes that a party is able to raise issues of disqualification of an individual promptly after receipt of notice indicating that the individual will preside or if later promptly upon discovering facts establishing grounds for disqualification. See RCW 24.05.425 (4).

Lower court committed error by refusing to consider and discern statement of findings and conclusions of the ALJ, and the reasons and basis therefore, more especially relative to the material issues of fact, law, or discretion present on the record; and likewise, committed error by refusing to discern for findings that could have been based substantially on credibility of evidence or demeanor of witnesses that such were to have been so identified. Further, the lower court committed error by failing to observe that the ALJ's findings were not to be merely a repetition or paraphrase of given law unless accompanied by a concise and explicit

statement of the underlying evidence of record that support the findings.

See RCW 34.05.461 (3).

Appellant further submits that lower court should have, at a minimum, assumed jurisdiction to modify the child support order where it has been shown and is clearly apparent that a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws. See RCW 26.21A.570.

Statement of Case/Facts:

Appellant was divorced in 1999, with three children.

(CP. ~ 000043 to 000045)
sub 5

Appellant's employment in Boise was compromised in late 2000.

Appellant's employment in Portland/Vancouver was compromised

Fall of 2001.

Appellant opened their own business in fall of 2001.

Also
(CP 62, 38-100)
sub 4, 37-38
(CP 105, 120)
sub 2, p 15

Appellant sought Modification Services in May 15, 2003.

(CP ~ 128)
sub 20

At present, appellant believes they have yet to receive meaningful

(CP ~ 128-129)
sub 20

services of any agency or court effective to establish a level of support

commensurate to income.

(CP ~ 000058-59)
sub 6

Two of appellant's children have emancipated.

(CP 000043 to 000045)
sub 5

Appellant and the mother of the children of appellant previously

(CP 105, 114)
sub 2, p 9

have submitted a stipulated agreement to a court of Idaho (assuming

negot
(Stip/Jud Mt or
Motion to Admit)
for Stip of Dec 10,
2006

arguendo jurisdiction for such) for an amount of support commensurate with incomes, which the court to date has refused to enter.

Several other attempts of appellant to obtain a level of support commensurate with income have been repeatedly denied, frustrated and/or thwarted by various entities of Washington, WDSHS, Idaho, Idaho Department of Child Support Services and agents or extensions thereof.

Generally
(CP 105, 107-113)
Sub 20, p 2-8

(201)
(CP 105, 114)
Sub 20, p. 8

Appellant's wages for the year 2003 was about \$23,000.

Appellant's wages for the year 2004 was about \$29,000.

Appellant's wages for the year 2005 was about \$33,000.

Appellant's wages for the year 2006 was about \$27,000.

Appellant's wages for the year 2007 was about \$27,000.

Suggest
Step/Jud Notice/
Motions
Accept

Appellant was present in a modification hearing February 2, 2004.

During the modification proceedings, the court of Idaho opted to impute income to appellant of \$60,000 based in part upon a then willing spirit of appellant to such compromise.

(CP 62, 77)
Sub No. 7, p. 15

However, before the order was signed by the judge of the Idaho proceeding; actors of Idaho or agency of Idaho and/or contractors or extensions thereof directed a libelous and slanderous letter to an individual of business rapport with the business of appellant (by letter of State of Idaho dated February 23, 2004).

See Also
(CP 62, 77)
Sub No. 7, p. 15

(CP 105, 121)
Sub 20, p. 16

These acts of Idaho, Idaho Agency, Washington Agency or agents/extensions thereof, frustrated the very basis that was underlying the income and that which was projected by appellant leading up to the hearing. It goes without saying that such libelous letters were harmful to anticipated income that likewise constituted at least part of the spirit of compromise of appellant at the time of the hearing.

(CP 62, p. 78
Sub No. 7, p. 16)

The harmful acts of the "State" (including the letter of February 13, 2004) effected substantial and material changes in circumstance at a time subsequent the hearing of February 02, 2004 and yet before the actual date of the order of May 4, 2004.

(Jud Notice
Step or
Motion to Act)

Since this time frame, responsive to each and every hearing, plea, petition of appellant as presented to the agencies, ALJ's and appointees of Idaho, Washington, WDSHS and the like, such entities have consistently refused, hindered or countered efforts of appellant for obtaining any meaningful modification.

(CP 62, 79
Sub 7, 17)

In proceedings of the "formal" evidentiary record to-date, none have acknowledged presence of the damaging communication or other harmful acts to appellant.

(CP 105, 111
Sub 20, p. 6)

Following the upset of business relations of appellant, appellant sought modification service via the material change of circumstance.

(CP 62, 95
Sub 7, 33)

Such effort of appellant was stonewalled and eventually for-not
i.e., in liking to a futile gesture of counterproductive effect.

(CP 105, 114
Sub 26, P. 9)

Following denial of the services of modification, Idaho sought
registration of the knowingly invalid order in Washington.

(Judicial Notice)

Appellant contested the registration in as much as it attempted to
register an unlawful debt (e.g., of their alleged arrears following
May 15, 2003 up to the then present).

(CP 62)

WDSHS and the Idaho DCS have each individually, collectively
and via various agents thereof, been active in furthering further harms to
security of person, family, home, children and liberty of appellant over the
previous 5 years. Such harms seem to have been willfully, callously and
maliciously escalated over the previous two to three years.

(Judicial
Notice)

Such harms have even included recent actions of the Clark County
prosecuting attorney's office in petitioning charges against the present
appellant via name of appellant's minor child, albeit, even with full
knowledge of the present appeal pending before this court. Appellant
submits that this reveals of clear disregard to the well-being of the child
and clearly amounts to potential mental abuse and out-right constructive
kidnapping.

(Sfp/Jud Notice/
Mistaken to
Permit)

While these various interfering events have occurred, appellant has
been endeavoring to sustain a level of support of \$500.00 per month,

despite the frequent acts of Idaho and Washington, agencies and/or extensions thereof as have been taken against appellant for various thefts and embezzlements of financial means of appellant, either directly from various financial institutions of at least previous rapport with appellant, and/or indirectly as dealt to others of at least previous relationship with appellant.

Outdated
Separation,
Judic Notice,
or
Motion to
Admit

On multiple occasions, the noted actors usurped entire accounts of appellant and then willfully and simultaneously postured simultaneously for threats of imprisonment, loss of license, etc. for having not tendered payment of their mandated amount in the same months of their illegal thefts, embezzlements and disruptions to appellant's financial affairs.

E.g.,
CP 105,119-118
Sub 20,9-4

During at least a portion of the above sequence of events, appellant has sought records from the agency of Idaho and even of given organizations of the State of Washington in effort to work through apparent misunderstandings. Each and every request to the State of Idaho has been flatly refused or blatantly frustrated and derailed. Instead, they answered efforts of appellant with outright unlawful retaliations.

CP 62, 117-119
Sub 5,55-57

(I.d.)

Appellant's efforts to work through apparent misunderstandings were met with out-right retaliatory acts of harm. For example, Idaho and/or agents thereof threatened criminal prosecution of appellant if appellant did not cease "harassing them." These retaliatory gestures

(I.d.)

Separate to Facts

included a letter dated September 24, 2004, and authored by the Idaho Deputy Attorney General.

(Motions to Admit or Separate)

Further efforts of appellant for obtaining clarification were then channeled through their designated Community Relations Unit of the State of Washington – whom appellant presumes be, or to have been, Ms. Jane Roberts.

(Separate or Judicial Notice)

Dealings with Ms. Jane Roberts did not “break the ice” for resolution of needs; but in deed, exacerbated the harms purposefully dealt to appellant.

(Step out J.N. or Motion to Admit)

Appellant submits that at least some of the activities with the Community Relations Unit could be characterized as a pattern of conduct and activity designed for torment, harassment and/or for purposefully posing risk for loss of life to appellant, and at a minimum for loss of security to family of appellant and/or home, loved ones, business and liberty within community.

Exhibits of immense quantity for such can be made available from materials of appellant’s storage, as were similarly offered to the ALJ and the lower court. Appellant respectfully suggests, however, that the present court simply take judicial notice of such many and multiple violations – e.g., as may be measured by way of provisions of the Fair Debt Collection

Act and/or even via common-sense understanding of fundamental respects otherwise owing to dignity of humanity.

Regarding procedural posture, a hearing was held January 12, 2005 by an Administrative Law Judge Julie Emmel. Present for this hearing was Mr. Paul Piguet, Esq., an attorney/claims officer for the DSHS and DCS.

(CPGZ, 63
Sub 7, P-2)

Appellant was limited to interaction by phone.

(I.d.)

During the hearing, appellant recited various bases for objecting to the registration including those of RCW 26.21.540.

(I.d., P. 14-29)

The ALJ refused to record in the formal record the various bases that were recited by appellant. The ALJ further refused to reference appellant's recitation to acts of Idaho as were performed after the Hearing for modification but before Execution of the alleged "order."

(I.d., Cont'd
CP 1, 2-3
Sub. 5, 2-3)

Each of the ALJ and the Attorney acting in behalf of DSHS and DCS were well aware of the damaging communication and other multiple tortuous harms that were delivered to appellant preceding and leading up to this particular stage. (Appellant submits that they were even aware of those that were likely to ensue afterwards). Yet, neither the ALJ nor the attorney stepped forward to correct the record, avert a misadministration of justice and/or to correct a clearly fraudulent and/or even criminal

2-9,
CPGZ, 71-72
Sub 7, 9-10)

purpose of their employer WDSHS and/or actors, entities, members and/or agents thereof.

The ALJ prepared an initial decision dated January 31, 2005 for proposing registration of the Idaho Order together with the unlawful debt (“arrears”).

(CP 1, 1-3)
Sub 5, 1-3

Appellant appealed this initial decision to the Superior Court of Clark County (Dkt. No. 05-2-00923-7), as filed in February of 2005.

During the summer of 2005, appellant was encouraged to allow Idaho to mend their ways – e.g., via a Mr. Levi Fischer of the Federal Arm to IV-D and with the further encouragement of Ms. Jane Roberts.

State /
Jud Note
or
Motion
to
Adm

This led to delayed dealings and ultimately further surprise frustrations to Appellant via trickery of Idaho and the above mentioned members to this charade (which appellant likens to offensive and purposeful ploys thereof for good-cop bad-cop type offences).

Dealings with the Superior Court of Clark County resumed on or about December of 2006; following the failed efforts of appellant with agencies of Washington and courts of Idaho – despite the stipulated agreement between appellant and Ms. Rishel.

Ultimately, the lower court to this proceeding (Superior court of Clark county) heard the appeal of the ALJ’s initial decision for contesting registration of the Foreign Order.

(State /
J.D.)

Arguments:

Ruling Absent on Each Material Issue:

In accordance with RCW 34.05.570 (1)(c), it is the responsibility of the lower court to “make separate and distinct rulings on each material issue on which the court’s decision is based.”

Appellant had presented several bases for facts of material relevance to the issue of validity of the foreign order. The lower court would not even entertain these provisions. Further, the lower court would not even look to the transcript of the “phone” hearing before the ALJ to see that in fact various elements had indeed been presented by appellant.

Appellant asserts that the lower court at a minimum had a duty to attend to these matters of material consequence, more especially where they can be pegged with direct relevance to the invalidity of the underlying order, let alone, where the intent of Federal Charters to the states requires establishment of a level of support commensurate with income of the parents, and not withstanding the clear likelihood of awareness of the various tortuous acts as had and have been pre-devised and directed to appellant.

Absence of Fact-Finding, Need for Reasonable Suitable Record:

The lower court would not remand, or engage by de novo review or original jurisdiction further fact-finding where agency had shown absence of reasonable judicial review.

In fact, there was clear basis to find that the agency willfully acted to exclude from the record material evidence and that it further refused to preserve or even record a pertinent record, wherein material evidence for supporting challenge of registration had been raised by appellant. Appellant respectfully submits that the lower court had a duty to assess for such factors and committed error in refusing to consider such factors. See RCW 34.05.562 (2)(a).

Appellant had endeavored to present within the hearing before the ALJ and also before the lower court the implication that the Order was void for reason of having been based on bad assumption of facts; namely, the absence of interfering and tortuous conduct of certain actors of the State of Idaho who may have been of direct rapport either to the court, the agency of Idaho and/or contractors thereto. Appellant submits that the bad actors were sitting “in the bush poised for fight” for launching the harmful acts against appellant, which were clearly out of the foreseeable purview of appellant during the court proceedings.

It was further out of the foreseeable purview of appellant at the time to be cognizant of the apparent “bad actors” being of any relationship

with the Court, Agency and/or Executive departments of the state, or that such entities or members would strive to hinder the needs of appellant for livelihood, let alone that they might interfere with provision of meaningful and necessary (not to mention federally mandated) services of modification for appellant.

Recitations of such were made by appellant to the ALJ over a limited telephonic communications avenue, as was pre-designed by the ALJ. But, given the limited avenue of communication, appellant respectfully submits that appellant was neither permitted nor capable of meaningful participation within the proceedings before the ALJ by which further supporting documentary evidence could have been more readily and effectively tendered.

Appellant further submits that the evidentiary record that was made by the ALJ and tendered by the ALJ to the superior court was essentially that which had be hand selected by the ALJ even before the hearing with appellant. Accordingly, upon the face of the records before this court, appellant submits that there clearly appears to be some indication of clear bias, fabrication and of arbitrary, capricious and/perhaps even malice intent of the ALJ and/or agents and extensions thereto.

New Evidence was not, but Should Have Been Permitted:

The lower court should have permitted further fact-finding of new evidence which had become available and of validity to the agency action where appellant did not know and was under no duty to discover or could not have reasonably discovered such until after the agency action. See 34.05.562 (2)(b).

The appellant did not become aware of the participation of perhaps a Mr. Levi Fischer nor of the awareness of a Ms. Jane Roberts regarding likely basis to the damaging letter or of the interfering conduct of the foreign agency and alleged actors unto DSHS.

Appellant did not have any basis to foresee or understand the lack of good-faith ambitions of the various actors of the IV-D programs in Idaho and/or Washington and/or Federally and/or Contractors thereto.

Nor did Appellant have any basis to appreciate the magnitude and implications of harm that were to be served against his well-being and personal operability following the various acts of harms and interfering conduct dealt thereto by the various known and unknown administrators associated with the IV-D machinery of Idaho and/or Washington and/or Federally and/or Contractors thereto.

Nonetheless, following the hearing before the ALJ; various bits of information became available to appellant. Such information included new awareness of contractual relationship(s) between the DSHS (and/or

executive branch) and at least the lower courts of the State of Washington for the “provision of Judicial” services for their needs.

Appellant submits that each of the new findings weigh heavily upon explanation and understanding as to the difficulty of appellant obtaining meaningful provision of services, let alone any that might have been helpful for the establishment of a level of support commensurate with the income of the Appellant.

Further, such fact-finding avenues, appellant submits, should (even today) be made more readily available to appellant.

However, given the present showing of clear bias, prejudice or malice; appellant submits that proper fact finding might not be capable of being restored by simple remand to the ALJ, for such ALJ and agency seem to have been the primary source to-date of the injustice and misadministration of the intent of Federal mandates.

The necessary fact finding needs and avenues might similarly be neglected and derailed by way of the lower superior court itself.

Appellant submits that their may to be some suspect rapport of the superior court of at least previous and perhaps even ongoing relationship with DSHS and/or attorneys and/or members of similar relationship to DSHS, perhaps even of direct contractual obligation to DSHS for the tending of Judicial Services thereto.

Mind you, should appellant tender a few crispy \$100 dollar bills to the superior court with request for but mere Liberty and Justice, appellant submits that a charge of bribery would quickly be dispatched.

Nonetheless, appellant suggests that such liking and/or relationship exists in writing between the executive branch and/or WDSHS and the courts of Clark County. Accordingly, appellant hereby respectfully urges the appellate court to grant avenue for review De Novo or original Jurisdiction for enabling appellant opportunity to present further evidence not yet of the formal record, but of great materiality to the issues at hand – more especially where it may not have been of previous availability and/or not then of any foreseeability to appellant.

Agency Improperly Excluded and Omitted Evidence:

The lower court should permit fact-finding where agency improperly excluded or omitted or exculpated evidence from the record. See RCW 34.05.570(2)(c).

Appellant again references damaging letters, interfering communications and clear wrong-doings of at least some of either direct or indirect affiliation with WDSHS and/or the counterparts thereto of Idaho. References and evidence to these types of conduct serve at least part of appellant's basis (RCW 26.21A.530, including subparagraphs (1)(b), (1)(e) and (2)) for challenging the validity of the Idaho Order and

likewise for challenging the ability for registration of this order with the unlawful debt (alleged arrears) into the State of Washington.

Various individuals of these entities and/or agencies were aware of the damaging letters and/or acts and/or intent of the WDSHS and/or IDCS and/or contractors or extensions thereto. Yet, none stepped forward to remedy the record, none stepped forward to avert, nor did any step forward in effort to correct the various harms endured and/or yet to be endured by appellant individually, via family, via home, via livelihood and even via children of appellant.

Appellant again suggests that the damaging letters of the State of Idaho frustrated the very basis that were underlying the purposes for seeking modification and that led up to the alleged modified order. Appellant clearly was not able to foresee, nor under a duty be prepared for, let alone to anticipate, the various types of unlawful and harmful acts that were then to be or subsequently to be incurred. Such harms clearly can be recognized to have undermined, and today may be seen to have derailed the basis of appellant's gracious compromise to the alleged order. It goes without saying that such mechanisms likewise present as facts that were not then of appellant's awareness.

However, to make matters worse, appellant today submits that the ominous acts that were then looming over appellant were then of clear

understanding to at least some of the court, agency, WDSHS, IDCS and/or Ms. Jane Roberts, and /or Mr. Levi Fischer and/or agents or extensions thereof.

Accordingly, given the efforts of at least some of these members to undermine the facts that were assumed by appellant and more especially when taken together with their subsequent acts to conceal of such known acts and foreseeable harms that were in flight leading up to the alleged modification hearings; appellant submits that such efforts and acts would most certainly (as would be readily appreciated by even the most casual observer) render the order of topic today fraudulent; and at a minimum, void and unenforceable. See RCW 26.21A.530 (regarding basis for contesting registration).

Such evidence, although presented by appellant, has been repeatedly declined, omitted and in some cases even purged from the formal record of the ALJ. In fact, appellant submits that in some cases, the ALJ has even gone so far as to misstate material matters so as to tender a further act of concern upon the record before this Appellate court.

Appellant respectfully encourages the court to examine recitations that were made to the ALJ, including those regarding the damaging letter.

Appellant further urges the court to consider – even be such of review *de novo* or assumption of original jurisdiction – receipt of further

information regarding subsequent extortions and violations that have been directed to appellant and/or as yet to presently surface;

Appellant submits that this may be of important judicial service in preventing any further frustrations of justice. It goes without saying that such may further serve to avoid sullyng hands of this honorable court in the apparently abhorrent misadministration of justice that is perhaps being played-out in the lower courts and/or agencies of our otherwise esteemed and entrusted institutions for judiciary needs within the State of Washington.

ALJ of Improper Constitution, Unlawful Procedure/Qualification:

Appellant submits that the agency action at the time of the ALJ hearing was lacking proper authority or qualification for neutrality as would be necessary to properly discern and perform the entrusted judicial processes of fact finding, let alone to perform neutral assessments relative to law and authority.

Even on the face of the order, it is apparent that appellant's income was and had been (and presently is well below) the former \$60,000 dollar compromise.

Appellant respectfully notes of such condition then, even before the more egregiously conveyed numerous, tortuous acts, including the

damaging letters and subsequent interfering acts that were and have been dealt to applicant, his family, his home, his livelihood and security.

Appellant submits therefore, that some other conditions and motivations seem to be present within the persona and make-up of the ALJ, their WDSHS organization and/or perhaps even collectively with the lower courts of Clark County so as to suggest their incentivized and encouraged ability to thwart and undermine otherwise basic tenants and needs for the administration of fair and impartial justice as may be discerned of not only previous, but still present, need of appellant. See for example RCW 34.05.570 (3)(c,d,e).

Appellant respectfully submits that the intent of the original Federal Lawmakers within charters to the states for administration of IV-D may be discerned from 42 USC 666, which recites [“Expedited . . . procedures for modifying . . . obligations. . . . with procedures under which the State shall . . . review and . . . adjust the order . . . if . . . [it] differs . . . OR . . . use AUTOMATED METHODS (including automated comparisons with wage or State income tax data) to identify orders . . . eligible for adjustment, and apply the appropriate adjustment to the orders . . .]

If the various states are to be enforcing orders via alleged Federal requirements, then in deed these orders would be of substantial conformity

to Federal statutory guidelines and intent. They would even include ready means for adjustment of support upon children emancipating and/or even for changes in earning potential per well known dynamics of free economy, emotions and more especially when taking into consideration the dynamics given to liberty of free commerce in life; notwithstanding the now well known dynamics of free market forces, complete with the unspoken but real world variables of willful discriminators to loving parents, and/or the now well known tortuous actors of open and flagrant campaigns against members of given marital status or religious beliefs.

In light of the apparent contradiction plainly before this court on the facts underlying this matter and more especially in consideration of perhaps the federal intent originally inherent for the administration of IV-D, it can only be assumed that perhaps character and/or make-up and/or given instructions to the ALJ of the DSHS employ has somehow been frustrated to the point of deeming means for neutral decision-making and respects to obligation for fair and impartial fact-finding utterly compromised.

Accordingly, appellant submits that by even the rules of the administrative agencies alone, the inherent implications of the bare facts before this court today suggest of a great likelihood of a compromise to integrity within this particular agency of the State of Washington. The

further implications are to suggest that perhaps even the lower courts of the State' purview might also be branded with the same compromised integrity as that of the Agency's alleged purview.

Appellant further respectfully points-out that while the Honorable members of the State judiciary may fall under the light of CJC; in deed, ALJ's can circumvent such scrutiny for honorable service of integrity and in fact may even posture for presenting great risk to the integrity of the lower court via perhaps cavalier or audacious or arbitrary whims of fancy of lenience to given political or special interest peers.

Even on its Face, the Order Violates Law or That as Applied:

Again, the law suggests of a level of obligation commensurate with income. Supra, 42 USC §666.

As mentioned above, clearly, the order is devoid any logic in relationship to alleged Federal mandates. See RCW 34.05.570 (3)(a).

To utter of a given law of authority for basis to bandy about with threats of criminal arrest to appellant and to rationalize harms to appellant and to rationalize threats to home of appellant and to rationalize embezzlement of accounts of appellant and to rationalize libelous and slanderous harms to appellant and to rationalize compromise of transportation abilities of appellant and to rationalize harms to loved ones of appellant and to rationalize constructive kidnappings of those in family

of appellant and to rationalize (even child) abuse of such similar loved ones of appellant; applicant submits that such seem to flaunt clear malfeasance to various obligations otherwise owing to our basic fabric of the rule of law – let alone as should plainly be regard as owing to the dignity of an child of humanity.

Members entrusted the tenants of public service need be held to high standards of care and duty in preserving respects and obligations owing their positions of public trust.

Appellant respectfully points out that the very basis of the order of the WDSH's handling includes language of appellant and Ms. Rishel to exchange income information from which the level of support is to be re-evaluated.

Repeatedly, appellant and Ms. Rishel have so exchanged financial information and made efforts for modification; as to which appellant has endeavored to accord.

However, each and every effort to such ends with perhaps the State of Idaho, the WDSHS, the State of Washington, the Agents thereto, and the Federal liaison to such elements, and/or the contractors thereto and/or extensions or agents thereof; have (at least by any reasonable person's perspective) been hampered by such entrusted with clear and further actions to frustrate, hinder, thwart and/or perhaps even out-right derail the

basic needs of appellant. Appellant can only speculate as to the reasoning therefore; but most assuredly submits of some likely motivations of money, political windfall, grandeur or of other similar purposes of temptation to vulnerabilities of well known human limitations.

Clearly, as present upon the face of pleadings as now apparent before this court, there appears to be discernable an unwillingness of the States to lend services of modification pursuant the intent of the original legislative charters as to which the states have apparently agreed to perform; let alone, via the intent of appellant and Ms. Rishel by stipulated agreement.

Accordingly, appellant respectfully submits that the provisions of RCW 26.21A.570 might now be effectively employed by the present court or possibly via even the lower court by remand, for lending assume jurisdiction for modifying an order.

Nonetheless, appellant submits (at least in view of the recitations above) of an absence of good faith and willingness of certain of the entrusted within the State(s). Appellant further submits of at least certain actors thereof that likely possess a willful and blatant disregard to any legislative intent.

Appellant further submits, at a minimum, of apparent ambiguity to any alleged statutory basis as may be attributed to their willful construction. As such, the provisions of any alleged law supporting such acts, appellant submits, present with unconstitutional characteristics.

Appellant submits that many precepts are now available to render the alleged underlying “Law” unconstitutional. Any one of a plurality of citations may be used. For example, appellant respectfully references citations such as those that are in linking to County of Sacramento v. Lewis, 523 U.S. 833 (1998), see also Estelle v. Gamble, 429 U.S. 97 (1976) (where the deliberate indifference by a government official may sometimes rise to a shocking level), or County of Sacramento v. Lewis, *id.* (where there may be perhaps an intent to harm), or Board of Regents v. Roth, 408 U.S. 564 (1972) (relative to right to contract and to engage in gainful employment), Goss v. Lopez, 419 U.S. 565 (1975) (which recognizes the right to be free of defamation by a government official, and further addresses factors where the defamation is made public and occurs in connection with denial of some significant tangible interest), or consider even Lehr v. Robertson, 463 U.S. 248 (1983) (liberty interest in a developed parent-child relationship), or Kolender v. Lawson, 461 U.S. 352 (1983) (under due process clauses, a law will be held “void for vagueness”

if it fails to provide minimal guidelines to govern law enforcement officers to as to prevent arbitrary and discriminatory enforcement), see also Connally v. General Construction Co, 269 U.S. 385 (1926) (similarly related to ambiguous law) and others that arise in cases where the government has sought to restrict First Amendment rights (speech, assembly, etc.); which all can be deemed of various applicability merely from the face of the present proceedings and in view of the seemingly abhorrent charade capable of being seriously put-forth by certain unchecked entrusted of the alleged administration for given provisions to some intent and charters bestowed thereto. Of course, appellant further respectfully references authorities associated with fourth and fourteenth amendment rights.

States Unable To Administer With Minimal Level Of Interference:

The original statutory bases of the Federal Provisions were directed to “Absent” Parents versus “Non-(primary) Custodial Parents”.

During emergence of IV-D law, the majority of our States to the United States did not have No-Fault basis for divorce.

Today, No-Fault is the norm.

In around 1998, appellant believes that perhaps a conforming amendment avenue (which appellant submits to be highly suspect) at the Federal Realm was used to supplant “absent” with “non custodial.”

This could be acceptable if the states might be capable of lending ready services to both NCP’s as well as CPs.

But, as clearly evidenced on the face of pleadings before this court, and as further capable of being discerned by way of other readily available showings, the States have not been (and will likely never be) capable of providing controlled, checked or responsible administration of good-faith needs to loving parents of great importance to endearing children.

Accordingly, minimal interference seems to be incapable of being respected by States and agencies and contractors therein; and thereby, likewise, renders any alleged basis for their concerning acts as suspect and more than likely unconstitutional. See citations above *infra* relative to constitutionality.

Court is to Grant Relief when Unlawful Procedure, Erroneous Application of law, or Rulings/Findings are Not Supported by Evidence:

Again, the ALJ limited participation of appellant to telephonic communication; refused evidence presented and even misrepresented recitations and pleadings of the appellant in the hearing. This is inappropriate. See RCW 34.05.449 (3).

Such becomes even more clear and substantial when viewed in light of the whole record available to this court. Nonetheless, when the material is carefully culled, concealed and even misrepresented and even perhaps fabricated; the “whole record” never presents to the court. This further assails an affront to Justice; let alone when the injustice is permitted to propagate via the lower courts as appears to be devised by WDSHS, their Agents and perhaps even the ALJ. Appellant respectfully suggest comparison of such postures of the ALJ and lower court relative to provisions of RCW 34.05.455 and RCW 34.05.458.

Again, additional documentary evidence is available, not to mention the previously expressed and existing recitations before the ALJ that are available to this court, that show clear efforts to subjugate responsibilities of the alleged mandates. Appellant submits that such clever schemes might even be characterized as not only arbitrary and capricious in nature; but perhaps they even suggest of some hither-and-tither type of extremes at ends of some irrational axis. Clearly, these elements or even vulnerabilities to these elements have no basis

belonging, let alone being sheltered or even being assisted within any realms of our judicial pillars.

Again, appellant submits that appellant has been grossly compromised and harmed by various egregious actors of the WDSHS, IDCS, Washington, Idaho and/or agents or extensions thereof. This does not then serve the tenure under which to further suggest of additional need for further harms along some continuum into realms of extortion, racketeering or embezzlement. See RCW 4.24.510 and RCW 91.36.080.

ALJ was not to Participate in Ex Parte Communications:

The ALJ limited appellant to phone. On the other hand, the ALJ hand selected evidence for their chosen “record.” Additionally, appellant respectfully submits that communications were occurring ex parte between the ALJ and the representative(s) and their attorney(s) of WDSHS. This is clear error. RCW 34.05.455

But, mind you, where such may in fact take place, appellant submits that a burden might then have been elevated to the attorney and/or representative(s) of the WDSHS to submit not only information for their benefit, but also any information that would have been known by them to have been adverse to their position.

Appellant again respectfully submits that such attorney’s and representatives of WDSHS were at all times possessed with knowledge of

the damaging letter and of other known limitations of the appellant's then and present condition.

Appellant has yet to learn of any efforts of these individual, organizations, entities and/or agencies for curing, averting and/or mitigating the various harms to appellant. Nor has appellant yet to learn of any further of their efforts to avert or mitigate thereafter any further harm to appellant.

Again, appellant submits that the evidence that was concealed and/or even supplanted by fabrication was/were material, and are further respectfully submitted as being directed and relevant to the very bases of invalidity of the order, to which appellant has endeavored to present.

ALJ of WDSHS and Superior Court Justice Rapport to WDSHS:

- A. With reference to Cannons of Judicial Rules, whether the court was to consider its own ability to neutrality relative and the need to preserve integrity and independence of the judiciary and an ability to so act thereby without fear or favor in consideration of existing contracts of such court to agency of the ALJ's purview and when considering the particular judicial officers former and perhaps current rapport to such agency.

The ALJ works(ed) almost exclusively for the WDSHS.

The superior court judge was a former employee of WDSHS and of continued rapport and relationship therewith, at least via the contract of the lower courts of and for Clark County for the lending of "Judicial Services" to WDSHS.

Again, appellant submits that an attempt by appellant to contract with the lower court for purposes of but even administration of justice would be met with charges of bribery. RCW 34.05.458.

Yet, today, the lower courts of Clark County have a written contract for lending of services to WDSHS in exchange for large sums of money. Also, the prosecuting attorneys and the attorney generals have similar contractual obligations for legal services to WDSHS. *Id.*

Who does this leave for attending to the needs of citizen's, people and/or loving parents of the State of Washington?

Just the very appearances of the facts underlying this case should likely suggest of bias, prejudice, interests or perhaps other cause by which the judge and/or ALJ's should have been disqualified.

For example, consider the transcript from the superior court (Transcript of Motion Hearing April 6, 2007, p. 22, lines 17-25). THE COURT: "Anything further?" MR. FIELDS: Yes. The Uniform Interstate Family Support Act specifies that I am available as a petitioner. I have petitioned Idaho and Idaho had refused to honor the petitions. . . THE COURT: I'm not going to deal with that. . . . I can't deal with that today and I'm not going to. *Id.*, p. 23, lines 2-3.

MR. FIELDS: Is there any opportunity for a temporary support order? I assure you the agency is acting like this thing is registered. THE

COURT: I have denied the motion for a stay. MR. FIELDS: I have had my license revoked. . . . THE COURT: Listen to me - - MR. FIELDS: I don't understand how Washington can actually act in this kind of capacity if, in fact, it has not been registered in Washington. THE COURT: I understand, and thank you." Id. p. 24, lines 1-8.

Previously, in the same hearing: Mr. FIELDS: With all due respect, Your Honor, and Miss Malloy, if the ALJ had been actually objective in the consideration of evidence that had been offered and made available for the proceedings with the ALJ, then I would agree that perhaps the review could be limited to the record as was taken by the ALJ, but it is very clear that there appears to have been very select evidence pieced together in a predetermined fashion, either by the ALJ and/or Begette (phonetic) in a manner to, in essence, administer a huge, huge injustice, not to mention the due process violations. And I am prepared to submit evidence today that will reflect some of that evidence that was available and not permitted to enter the record. THE COURT: You have not provided proper notice to the State and my review is on the ALJ record only." Id., p. 6, lines 5-23.

MR. FIELDS: The ability of the court to review the processes of the ALJ is totally appropriate; it's within your jurisdiction, especially where there appears to have been arbitrary and capricious activities

administered by the ALJ, and perhaps others in cooperation with the ALJ. And if you have the pleadings before you, that is recited in the brief before the court.

THE COURT: (directed to the Assistant Attorney General for behalf of WDSHS) Response?

MS. MALLOY: Your Honor, if insufficient evidence was taken administratively, the proper procedure for this court, since it's not a Court of original jurisdiction, is to remand. But that issue has not been properly presented to the Court today, and I have not had an opportunity to brief it."

...

THE COURT: I'm not second-guessing the ALJ. I - -

MR. FIELDS: You don't have to second-guess, it's in the transcript. THE COURT: All I want is what is the record. MR. FIELDS: It's in the transcript. THE COURT: -- and I'm not going and I'm not going to second-guess what exhibits that were offered or that were available that weren't made a part of the record. I'm only - - MR. FIELDS: Your Honor, what I'm hearing, then, is that you are suggesting an inability to hear the contest to registration. It that where this is going? THE COURT: I don't know - - MR. FIELDS: A first impression? THE COURT: - - where you are going. I'm not having a hearing on anything

that isn't part of the record that the ALJ made his[her] decision on. Id., p. 11, line 6 to p. 12, line 3.

The attorney for DSHS then recited to the court pure hearsay what it was that the appellant had presented to the ALJ. Yet, the appellant was prevented from producing documentary evidence. Following the recitation of hearsay by Ms. Malloy, the appellant recited as follows:

MR. FIELDS: Objection, based upon hearsay, and the hearsay being Ms. Malloy herself. There is factual evidence before this court from which this can be gleaned, and we're not going to take hearsay by somebody that just wants to have some kind of reading of their convenient facts before this court. I object to everything that was recited by Ms. Malloy. See the transcript, Id., p. 17, lines 21, also lending further recitation of the damaging letter to the court.

From the face of the record, appellant suggests that there can be but only one conclusion – that is, of perhaps clear prejudice, bias, interest of other like cause so as to thus have hindered the ability for neutrality or justice. RCW 34.05.425(1).

Again, since this hearing, it has come to the attention of the appellant that the honorable justice of this lower court has been an employee of the DSHS and similarly of continuing rapport with DSHS. Indeed, it has come to the attention of appellant that the ALJ has been an

essentially full-time paid attendant to ALJ type needs of Washington state agencies, and primarily for DSHS. Further, the DSHS has apparently contracted specifically with the lower courts of Clark County for ongoing “judicial services.” Returning with further reference to the same transcript--

THE COURT: I can’t consider whether the order is fraudulent based on new evidence.

MR. FIELDS: This evidence was presented with the ALJ, but conveniently omitted from the pleadings that have been put forward to this tribunal.

THE COURT: And if it’s not a part of the record with the ALJ, that’s the second reason I’m not going to consider it.

MR. FIELDS: But it is, . it’s in the transcripts.

THE COURT: If the ALJ didn’t admit it as evidence and didn’t consider it, then I’m not going to. *Id.*, p. 18, lines 9-24.

Appellant submits that this is clear error. See various authorities already cited *infra.*, not to mention, common sense due process rights.

Appellant likewise further submits that this suggests further of some indication of bizarre bias, prejudice, interest or like so as to so assert that the review of the superior court would likely therefore be devoid evaluation of any potential meritorious assertions, let alone of even

materiality and/or relevance of evidence relative to the underlying basis available for challenging registration or validity of an order.

While RCW 34.05.461 recites effectively that there is to be a statement for findings and conclusions of the ALJ and the reasons and basis therefore, on all the material issues of fact, law or discretion present on the record; the honorable superior court justice just plainly refused to honor responsibilities owing to such evaluation. Here, appellant submits that there was substantially relevant documentary evidence regarding the damaging letter of the State of Idaho as had at least been brought to the attention of the ALJ that clearly served negative implications to any alleged order.

Further, there has been additional material evidence that had and has since come to the attention of appellant regarding the nature of this letter, the source, the threats for further discernment thereof; all of which were not even available at the time of the ALJ hearing. Such information clearly should have been considered by the reviewing court and indeed represent the type of review services within the responsibility incumbent upon the reviewing court, more especially when they may be discerned of relevance to the agency conduct.

Accordingly, appellant respectfully submits that the superior court's bold assertion in denial of such obligation represents of clear error.

Ability of Court to Modify the Order:

At a minimum, appellant again submits that a level of support, even now as previously requested, may be recognized based on the level of income of appellant and as has been formerly stipulated by agreement.

Appellant submits that as shown herein, where appellant has been repeatedly thwarted in attempt of obtaining modification; that, in deed, a court of this state may assume jurisdiction for lending services of clear modification need. RCW 26.21A.570.

Appellant further submits that to do otherwise, would be to suggest that this court fail to recognize, and in deed even potentially participate in, racketeering and extortions as already evidenced on the record before this court today.

Appellant respectfully submits that mere benign allegations to the Bradley amendment need not coerce honorable tribunals of any state, let alone of the State of Washington, into ridiculous gamesmanship for assisting harassments, extortions, racketeering and similar like abhorrence to loving parent(s) or to citizenry of any state.

Thus, appellant respectfully directs this court to the provisions of RCW 26.21A.570, which recites that “if a foreign country or political subdivision that is a state will not or may not modify its order pursuant to

its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual pursuant to RCW 26.21A.550 has been given or whether the individual seeking modification is a resident of this state or of the foreign country or political subdivision.

Appellant asserts that where appellant and Ms. Rishel have presented stipulated agreements that have been denied by Idaho, where Idaho has been refusing release of any files of appellant after repeated requests therefore, and more especially where appellant has been the victim of various damaging acts that appear to have been willfully tendered to appellant by given actors of the State of Idaho; that indeed, it would seem not only appropriate for a court of this state to assume jurisdiction for modification, but perhaps incumbent of such court to lend the service for averting and preventing further harmful acts of any bad actors against residents, families and/or children of this or any state.

To this end, appellant encourages this tribunal to so recognize former submissions of appellant and Ms. Rishel, even those as had been based upon the sharing of income information between appellant and Ms. Rishel and even that as had been stipulated by agreement in spirit of compromise, which may establish a level of support for the youngest child

of \$500.00 per month and of an effectiveness to June of 2005 (at least as had been agreed by stipulation or even before such date).

In light of the atrocities already readily apparent now before this court, appellant would suggest that it would be in the interests of justice to further tender such modification back to an effective date as earlier as the earliest of the requests of appellant – i.e., to May 15, 2003.

Conclusion:

Because various evidence that is material to the underlying issues of the appellant have and have been omitted from the record, mischaracterized or even purged or omitted from the record, this court finds that the order of the lower superior court and ruling of the ALJ should be reversed.

Further (as a further optional relief requested), this court, at least for reason of the interest of justice, will allow time and opportunity to more fully brief this case for review De Novo.

Further (as further optional relief suggested), this appellate court finds that the superior court in its review of the ALJ committed clear error in refusing appellant opportunity for submission of material evidence of potential relevance to a material issue at hand.

In support of the above, this court further finds that the superior court's review should have included consideration of the potential bias of

the ALJ and of the associated need for greater scrutiny to potential abuses of discretion, authority and procedure.

This appellate court further holds that the superior court in review of the ALJ should have lent scrutiny when there appears to have been effort(s) of the ALJ to prevent appellant meaningful participation in adjudication(s), and where there may be appearances of predetermined acts of the ALJ for excluding, expunging or omitting evidence from the record or perhaps even efforts to misstate or misrepresent evidence for the formal record.

This appellate court further finds that the superior court had an obligation to examine and evaluate the basis of appellant's challenge of registration of the foreign order, which included a responsibility for providing separate and distinct rulings to each material issue of appellant's basis for challenge of the registration.

Given the clear error of the lower court and its appearance of potential bias, this appellate court further hereby assumes review de novo for permitting receipt of evidence that may be of relevance to a material issue for the basis of challenging the validity, registration and enforceability of the foreign order.

This appellate court (as a further optional request), accordingly hereby assumes original jurisdiction for modification, and for further

receiving and hearing arguments and briefings for this matter, particularly, where there appears to be an unwillingness of the foreign state (or of the lower court) to rightly handle any requests of the appellant in good-faith. Further (as a further optional relief requested), this court for additional reasons in the interest of Justice, will allow time and opportunity of the court's Original Jurisdiction by which to permit further pleadings, motions and claims of the parties.

Respectfully submitted,

4/22/2008

April 22, 2008



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CERTIFICATE OF MAILING AND SERVICE

(In accordance with RAP 10.2 and 18.6)

I certify that a copy of the attached **Appellant Brief** was mailed to the **Court of Appeals: Division II** and **served** on all parties or their counsel of record on the date indicated below as follows:

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Dated this 22nd day of April, 2008, in Vancouver, Washington.



Walter D. Fields

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