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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

NO. 324559

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

SARAH EVERT and STEPHEN EVERT,

Petitioners,

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
Adult Protective Services,

Respondent.

BRIEF OF RESPONDENT

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I. INTRODUCTION

This case involves mental abuse of a vulnerable adult under RCW 74.34. Eighty-three-year old Thomasene¹ began living with her daughter and son-in-law, Sarah and Steven Evert, in March 2012. Over the following six months, the Everts inappropriately isolated Thomasene from her husband and her children. The Everts effectuated this isolation primarily by limiting or restricting telephone and in-person contact with Thomasene.

The Adult Protective Services (“APS”) division of the Department of Social and Health Services (“DSHS” or “Department”) received referrals alleging mental abuse of Thomasene by the Everts in June and September 2012. After conducting a thorough investigation, APS determined both Sarah and Steven Evert had mentally abused Thomasene and notified them of this finding by mail.

Disputing the allegations and the APS findings of mental abuse, the Everts requested a hearing before the Office of Administrative Hearings (“OAH”) pursuant to WAC 388-71. When the administrative law judge (“ALJ”) affirmed the APS mental abuse findings, the Everts appealed that decision to the DSHS Board of Appeals (“Board”) pursuant to WAC 388-02. When the DSHS review judge affirmed the APS finding, the Everts appealed to superior court pursuant to RCW 34.05. The superior court affirmed the Board’s decision. The Everts now seek a fourth review before this Court.

The Everts challenge the scope and validity of APS’s investigation of the allegations and claim substantial evidence does not support APS’s

¹ Thomasene’s surname is omitted to preserve confidentiality.

findings of mental abuse. As set forth below, both arguments are contrary to the facts and the law.

In closing argument before the ALJ, the Everts' attorney stated that "A person, whether they're a vulnerable adult or otherwise, has a right to a relatively peaceful existence if that's at all possible." Vol. III, p. 100, ll. 19-21.² Ironically, this is precisely what Steven and Sarah³ Evert prevented Thomasene from enjoying. This Court should affirm the Board's decision because APS conducted a valid investigation and because substantial evidence supports the findings of mental abuse.

II. STATEMENT OF RELEVANT FACTS

Thomasene is 83 years old, and her status as a vulnerable adult is not contested by the Everts in this appeal. Vol. 1, p. 149; Appellant's Br. at 2, n. 5. Thomasene suffers from dementia. Appellant's Exhibit A at 2. Thomasene resided with the Everts in Spokane from March 16, 2012 until September 2012. Vol. I, p. 84; Vol. II, p. 69. Thomasene has been married to her husband Glenn for over sixty-five years, forty of which were spent together living and working a farm in southern Idaho. DSHS Ex. 7 at 5; Ex. 8 at 1. When the Everts moved Thomasene to Spokane from Boise, the

² This, and subsequent citations of this format, are to the Verbatim Report of Proceedings (volume, page, and line).

³ For the remainder of this brief, first names of the parties and witnesses are used for clarity of presentation.

Everts recommended Thomasene file for a divorce and facilitated the initiation of divorce proceedings.⁴

During the timeframe above, the Everts isolated Thomasene from her husband Glenn and from her daughters Glenna Kimball and Phyllis Keith. The administrative record contains the following facts, organized by witness.

Sarah Evert

Sarah recognized her mother was a vulnerable adult while residing with her and her husband. Vol. II, p. 251, l. 25; p. 252, ll. 1-2. Sarah terminated one phone call between Thomasene and Glenna and did not allow Thomasene to speak to Glenna, Glenn, and Phyllis. Vol. I, p. 86; Vol. I, p. 90, ll. 6-8; p. 92, ll. 15-18. She also monitored phone calls between Thomasene and Glenna, Phyllis, and Glenn, and interrupted and ended a phone call between Thomasene and Glenna. Vol. II, p. 247, ll. 7-10; Vol. II, p. 231, ll. 15-23. Although Glenn called Thomasene often, Sarah was stressed “to the max” and did not want to deal with family members seeking to speak with Thomasene. Vol. I, p. 102, ll. 2-3; Vol. I, p. 97, ll. 9-13. Additionally, Sarah testified that staff caregivers⁵ at the Everts’ residence knew to not answer the phone if the caller-ID revealed the incoming call was from Idaho. Vol. II, p. 248, ll. 11-13.

⁴ See Office of Administrative Hearings Initial Order, Finding of Fact 10, 11; Board’s Review Decision and Final Order, Finding of Fact 9, 10. These unchallenged findings are verities on appeal. RAP 10.3(g), (h).

⁵ The Everts operated an adult family home out of their residence during the time Thomasene resided with them.

Steven Evert

During the time Thomasene resided with the Everts, Steven would monitor and record Thomasene's phone calls with family members. Vol. I, p. 127, ll. 21-24; p. 128, ll. 1-14. He also "thwarted" topics family members wanted to discuss with Thomasene. Vol. I, p. 129, ll. 4-5. Although Glenn would call to speak with Thomasene often, Steven restricted the content of communications between Glenn and Thomasene. Vol. I, p. 126, ll. 17-19; Vol. I, p. 131, ll. 3-14. He even blocked Glenn's number. Vol. I, p. 132, ll. 13-17. Steven went so far as to indicate to Thomasene that she would not have any money unless she divorced Glenn. Vol. III, p. 53.

Steven would not allow Glenn, Phyllis, Glenna, Dale (Sarah's brother), or Thomasene ("Sene") Blevins (Sarah's sister) to talk to Thomasene about topics beyond "chitchat." Vol. I, p. 134, ll. 16-25; p. 135, ll. 1-18. Steven admitted that he and his wife were monitoring and recording phone calls between Thomasene and family members. Vol. I, p. 246, ll. 7-18. Steven also directed staff caregivers not to allow phone calls to Thomasene from certain family members when Steven or Sarah were not present. Vol. I, p. 250, ll. 12-16; p. 254, ll. 13-20.

Glenna Kimball

Glenna Kimball is one of Sarah's sisters. She was unaware that the Everts were planning to move Thomasene from Boise to Spokane. Vol. I, p. 151, ll. 22-24. Before the Everts moved Thomasene to Spokane, Glenna spoke to Thomasene "about once a week"; after the move to Spokane, Glenna spoke to Thomasene only five times from March to September 2012

because the Everts would not answer the phone or would hang up on her. Vol. I, p. 152. Sarah once interrupted a phone call between Glenna and Thomasene, ended the conversation, and hung up the phone on Glenna. Vol. I, p. 162, ll. 7-20.

Her communication with Steven was acrimonious. Steven would call Glenna names and hang up the phone on her. Vol. I, p. 154, ll. 3-12. Steven refused to allow Glenna to talk to Thomasene on July 30, 2012. Vol. I, p. 158, ll. 3-9. Steven once ended a phone call between Thomasene and Glenna after cursing at Glenna. DSHS Exhibit 6. When Glenna and her sister visited Thomasene in August 2012, Steven entered the room and told Glenna she had to leave, despite Thomasene verbally expressing to Steven that she wanted Glenna to stay. Vol. I, p. 165, ll. 24-25; p. 166, ll. 1-8.

Guardian ad Litem Frances Stern

Frances Stern was the guardian ad litem appointed by the Idaho state court in dissolution proceedings between Thomasene and Glenn. DSHS Ex. 10. Ms. Stern had significant concerns that Thomasene lacked the capacity to make a decision about a divorce on her own, without the protections of a guardian. Vol. I, p. 195, ll. 20-25.

In the course of her evaluation, Ms. Stern spoke with Sarah and Thomasene. Sarah admitted to Ms. Stern that she had been restricting telephone calls with some of Thomasene's family members. Vol. I, p. 200, ll. 7-14. Ms. Stern also indicated in her report that Sarah admitted that she did not allow certain of her siblings to talk to Thomasene. DSHS Exhibit 10. Thomasene told Ms. Stern that before moving to Spokane, Thomasene spoke

on a regular basis with her daughters, but that such conversations were not occurring after moving in with the Everts in Spokane. Vol. I, p. 202, ll. 5-15. Thomasene told Ms. Stern that her marriage to Glenn had been “joyful.” Vol. I, p. 206, ll. 13-14.

Ms. Stern eventually determined that it was appropriate for Thomasene to live with Glenn and the divorce proceeding was subsequently dismissed. Thomasene now lives with Glenn in California, where she seems very settled, happy, more relaxed, content, and protected. Vol. I, p. 216, ll. 9-25; p. 217, ll. 1-7.

Dale McCleary

Dale McCleary is Sarah’s brother. Dale was unaware that the Everts were moving Thomasene from Boise to Spokane. Vol. I, p. 258, ll. 2-10. During phone conversations after Thomasene moved to Spokane to reside with the Everts, Dale tried “very hard” to avoid any “controversial subjects” because he did not want the Everts to prevent him from contacting Thomasene. Vol. I, p. 262, ll. 9-11. At one point, Dale asked Thomasene if she wanted to live with Glenn, and she responded that “she didn’t think she could.” Vol. I, p. 269, ll. 5-10.

Thomasene (“Sene”) Blevins

Sene is Sarah’s sister. Sene believed Sarah and Steven were isolating Thomasene from family members. Vol. II, p. 43, ll. 12-18. In her conversations with Thomasene, Thomasene would ask Sene about Glenn without being prompted. Vol. II, p. 59, ll. 16-25; p. 60, ll. 1-3. Sene indicated to Thomasene that Glenn could not call her; Thomasene did not

object to such contact. Vol. II, p. 28, ll. 2-8. At one point, Sene asked Thomasene about the divorce, and Thomasene said, "Well, I didn't ask for a divorce." Vol. II, p. 28, ll. 19-25.

Sene had heard allegations from Sarah and Steven that Glenn was sexually abusive to Thomasene. She had not heard such allegations from any other person. When Sene discussed this with Thomasene, Thomasene was very upset by these allegations. Vol. II, p. 31, ll. 6-23. When Sene was visiting with Thomasene at the Everts' house, Steven insisted Sene leave the house. Vol. II, p. 33, ll. 1-6. Sene's description of the events of the August 27, 2012 attempted visit with Thomasene reveals the control/isolation the Everts exerted over Thomasene. DSHS Exhibit 14. Steven was also verbally abusive to Sene. Vol. II, p. 33, ll. 1-6.

Phyllis Keith

Phyllis is another of Sarah's sisters. Sarah and Steven did not inform Phyllis that they were moving Thomasene from Boise to Spokane. Vol. II, p. 67, ll. 2-5. Before Thomasene was moved to Spokane, Phyllis spoke with Thomasene several times a day and visited her every day. After Thomasene was moved to Spokane, Phyllis only spoke with her four times from March through September 2012. Vol. II, p. 69, ll. 11-25; pp. 70-72. Phyllis thought Sarah and Steven were isolating Thomasene from family members. Vol. II, p. 77, ll. 21-25; p. 78, ll. 1-4.

Steven and Sarah prevented Phyllis from having normal contact with Thomasene. Vol. II, p. 69, ll. 11-25; pp. 70-72. Phyllis did not believe she

could freely speak with Thomasene on the phone due to Steven's controlling/monitoring of the conversations. Vol. II, p. 97, ll. 12-23.

Ellen Rapkoch

Ellen Rapkoch was the APS investigator who testified on behalf of APS at the OAH hearing. APS's investigation included, but was not limited to, conversations between Ms. Rapkoch and Thomasene, Glenn, Sarah, and Steven. The investigation occurred between June and October 2012. *See* DSHS Exhibits 1, 2, 5, 6.

Thomasene told Ellen that Sarah would not let her talk to Glenn when Glenn tried to call. Vol. II, p. 114, ll. 6-11. Glenn told Ellen that Sarah and Steven would not let him speak to his wife Thomasene. Vol. II, p. 118, ll. 12-19; DSHS Exhibit 6. Sarah admitted to Ellen that she restricted phone contact between Thomasene and Glenn and Thomasene and her children (Phyllis and Glenna). Vol. II, p. 116, ll. 8-24. Steven admitted to Ellen that he blocked Glenn's phone number so that he could not call Thomasene. Vol. II, p. 126, ll. 3-11. Through her investigation, Ellen identified Glenna, Phyllis, and Glenn as the individuals from whom Thomasene was being isolated by Sarah and Steven. Vol. II, p. 158, ll. 1-4.

Upon receiving intakes concerning abuse/neglect of Thomasene by Sarah and Steven Evert in June and September 2012 (DSHS Exhibits 5, 6), APS conducted an investigation. *See* DSHS Exhibits 7, 8. On or about October 15, 2012, APS notified Sarah Evert and Steven Evert that "APS has determined ... you mentally abused a vulnerable adult [Thomasene]." DSHS Exhibits 1, 2.

Both Sarah and Steven timely requested a hearing before the OAH. DSHS Exhibits 3, 4. That hearing occurred before ALJ Debra H. Pierce between February 26 – February 28, 2013. When the ALJ affirmed DSHS’s finding of mental abuse, both Sarah and Steven appealed to the DSHS Board. In its October 24, 2013 Review Decision and Final Order, the Board affirmed DSHS’s finding of mental abuse. Sarah and Steven Evert timely appealed to Spokane County Superior Court, which also affirmed the Board’s decision. The Everts timely appealed.

III. REQUESTED RELIEF

DSHS requests this Court affirm the Board’s findings of fact and conclusions of law, thereby affirming DSHS’s finding of mental abuse.

IV. LEGAL AUTHORITY

A. Judicial Review Under the Administrative Procedures Act, RCW 34.05

The Administrative Procedure Act (“APA”), chapter 34.05 RCW, governs the Everts’ appeal before this Court.⁶ *Feil v. E. Wash. Growth Mgmt. Hr'gs Bd.*, 172 Wn.2d 367, 376, 259 P.3d 227 (2011); *see* RCW 34.05.510. The party challenging the hearings board decision bears the burden of proving it is invalid. RCW 34.05.570(1)(a). The decision is invalid if it suffers from at least one of nine enumerated infirmities. RCW

⁶ The Everts first sought review of APS’s finding of mental abuse before the Office of Administrative Hearings pursuant to WAC 388-71. The Everts challenged the ALJ’s decision to the DSHS Board of Appeals (“Board”) pursuant to WAC 388-02. The Everts subsequently appealed to superior court pursuant to RCW 34.05, which affirmed APS’s findings.

34.05.570(3). This Court applies APA standards directly to the hearings board record, performing the same function as the superior court. *Spokane Cnty. v. E. Washington Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 564, 309 P.3d 673 (2013). A reviewing court must grant relief from the decision if, as relevant⁷ here:

(d) The agency has erroneously interpreted or applied the law;

(e) 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 received by the court under this chapter;

RCW 34.05.570(3)(d), (e).

Under the “error of law” standard, a court may substitute its view of the law for that of the Board. *Verizon Nw., Inc. v. Washington Employment Sec. Dep’t*, 164 Wn. 2d 909, 915, 194 P.3d 255 (2008). “However, under this standard, [courts] accord substantial weight to an agency's interpretation of a statute within its expertise....” *Id.* Issues of law are reviewed de novo. *Quadrant Corp. v. State Growth Mgmt. Hearings Bd.*, 119 Wn. App. 562, 567, 81 P.3d 918 (2003).

A reviewing court applies “the substantial evidence review standard to challenges under RCW 34.05.570(3)(e), determining whether there exists a sufficient quantity of evidence to persuade a fair-minded person of the

⁷ The Everts only assert an “error of law” challenge and a substantial evidence challenge. Appellant’s Br. at 1-2.

truth or correctness of the order.” *Spokane Cnty.*, 176 Wn. App. at 565 (internal quotation marks and citations omitted). A court views “the evidence in the light most favorable to the party who prevailed in the highest forum that exercised fact-finding authority.” *Id.* “Doing so necessarily entails accepting the factfinder's views regarding the credibility of witnesses and the weight to be given reasonable but competing inferences.” *Id.* “Factual findings made by the ALJ are sustained if they are supported by evidence that is substantial in light of the whole record.” *Kraft v. Dep't of Soc. & Health Servs.*, 145 Wn. App. 708, 717, 187 P.3d 798 (2008).

Additionally, the weight or credibility of the evidence are considerations within the exclusive province of the trier of fact. *Id.* A reviewing court does not evaluate witness credibility or re-weigh the evidence. *Id.* Unchallenged findings of fact are treated as verities on appeal. *Mills v. W. Washington Univ.*, 170 Wn.2d 903, 906 n. 1, 246 P.3d 1254, 1256 (2011).

B. Abuse of Vulnerable Adults

The Everts admit that Thomasene was a vulnerable adult, as defined in RCW 74.34.020(17), while in their care. This is not at issue on appeal. Appellant’s Br. at 2, n. 5. The Board properly determined the Everts mentally abused Thomasene.

RCW 74.34.020(2) defines mental abuse as follows:

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In

instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

[...]

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

"Willful" is defined as "the non-accidental action or inaction by an alleged perpetrator that he/she knew or reasonably should have known could cause harm, injury or a negative outcome." WAC 388-71-0105. A person's motives for undertaking the actions which constitute abuse are irrelevant to a finding of abuse. *Goldsmith v. State, Dep't of Soc. & Health Servs.*, 169 Wn. App. 573, 586, 280 P.3d 1173 (2012). "If the harm results from improper action, the action is abusive." *Id.* Mental abuse must be proven by a preponderance of the evidence. *Id.* at 584.

V. ARGUMENT

A. **The Investigation of Mental Abuse by APS Complied With the Law.**

APS complied with RCW 74.34.067 and RCW 74.34.040 in the course of its investigation. *Contra* Appellants' Br. at 12-16.

First, RCW 74.34.040 provides that certain reports contain “evidence of previous abuse” if known. RCW 74.34.040(3). The issue in this case is whether the Everts mentally abused Thomasene between March and September 2012. Alleged incidents of previous abuse perpetrated by people other than Sarah and Steven, outside this timeframe, are irrelevant. The inclusion of such evidence in an investigation would have been an unnecessary distraction and, contrary to the Everts’ argument, is not required by RCW 74.34.040.⁸

Second, the scope of APS’s investigation complied with RCW 74.34.067(2), which states:

In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

APS investigator Ellen Rapkoch interviewed a sufficient number of witnesses to complete her investigation. She interviewed the Everts, Thomasene, Glenn, and Sarah Evert’s siblings. Additionally, numerous other people testified at the administrative hearing, including a caregiver from the Everts’ adult family home – Annette Bundy. Vol. III, pp. 18-43;

⁸ It is noteworthy that the underlying statute referenced in RCW 74.34.040, which controls the reports in question, was repealed in 1999. See RCW 74.34.030, repealed by Laws of 1999 c 176 §35.

Appellant's Br. at 19-28. The investigation complied with RCW 74.34.067(2).

Furthermore, even if there were additional witnesses, APS's failure to interview such witnesses did not prejudice the Everts as they were provided with the opportunity to present witnesses on their behalf before the ALJ. *See* RCW 34.05.570(1)(d) ("The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.") Any prejudice the Everts may have suffered from an allegedly incomplete *investigation* was remedied by the thorough administrative *hearing*.

No legal error occurred here. The Everts' legal error claim should be rejected.

B. Substantial Evidence in the Record Supports the Board's Decision to Affirm DSHS's Finding of Mental Abuse.

The Everts do not dispute Thomasene's status as a vulnerable adult. Thus, 83-year-old Thomasene is a woman "who has the functional, mental, or physical inability to care for ... herself." RCW 74.34.020(17)(a). A reviewing court views "the evidence in the light most favorable to the party who prevailed in the highest forum that exercised fact-finding authority." *Spokane Cnty.*, 176 Wn. App. at 565 (internal quotation marks and citations omitted). A reviewing court does not evaluate witness credibility or reweigh the evidence. *Kraft*, 145 Wn. App. at 717.

Here, the record above amply supports the finding of mental abuse by a preponderance of the evidence, especially in light of the standard of review. The Everts willfully exerted dominance and control over Thomasene and isolated her from her husband and children. Thomasene could not protect herself from the misbehavior of Sarah and Steven Evert. The Everts' argument that they "appropriately" isolated Thomasene (Appellants' Br. at 30-31) is self-serving and inconsistent with the facts. A review of the report of proceedings reveals how the Everts' tone during their testimony conveys a defensive, sanctimonious, angry, and aggressive attitude. Indeed, Sarah's behavior during testimony was angry and threatening, such that the ALJ admonished her. Vol. II, p. 256, ll. 9-15.

Moreover, the Abuse of Vulnerable Adult Act (RCW 74.34) "was intended to protect those who are unable to care for themselves and whose physical or mental disabilities have placed them in a dependent position." *Calhoun v. State*, 146 Wn. App. 877, 889, 193 P.3d 188, 194 (2008). The definition of mental abuse (specifically, the phrase "inappropriately isolating" in RCW 74.34.020(2)) should be liberally construed to further the protection of vulnerable adults like Thomasene. *See generally, In re Wind's Estate*, 32 Wn.2d 64, 71, 200 P.2d 748 (1948) (liberal construction of a statute should be "applied by the courts for the purpose of carrying out the beneficent purposes intended in the legislative enactment."); *Snohomish Cnty. Builders Ass'n v. Snohomish Health Dist.*, 8 Wn. App. 589, 595, 508 P.2d 617 (1973) ("It is a recognized basic principle that statutes concerning public health and safety should be liberally construed."). The Everts' actions

constitute inappropriate isolation from family as stated in RCW 74.34.020(2)(c). Furthermore, any question of whether the Everts' isolation of Thomasene was inappropriate should be resolved in favor of affirming DSHS's finding of mental abuse, as such a determination is consistent with the "beneficent purpose" of protecting those adults who cannot protect themselves.

C. The Everts' Motive and the Potential Consequences of A Mental Abuse Finding are Irrelevant.

The Everts raise two other arguments. Each argument is without merit. First, the Everts assert that their actions were justified because Thomasene needed protection. *See* Appellant's Br. at 31-32. But a person's motives for undertaking the actions which constitute abuse are irrelevant to a finding of abuse. *Goldsmith*, 169 Wn. App. at 586. The Everts' actions were willful and harmed Thomasene, regardless of their motives.

Second, the Everts assert that reversal is warranted because the finding of mental abuse *may* negatively affect Sarah Evert's occupation. *See* Appellant's Br. at 2, 33. This consideration is also irrelevant to a factual finding of mental abuse. The potential *consequences* a mental abuse finding may have on Ms. Evert's occupation are not relevant to the question of whether mental abuse *occurred*.

These two arguments lack merit and should not serve as a basis for overturning the Board's decision.

VI. CONCLUSION

The Court should affirm the Board's decision because APS did not commit legal error in investigating and prosecuting this case and substantial evidence supports the Board's decision to affirm DSHS's finding that Sarah and Steven Evert mentally abused Thomasene.

During APS's investigation, Glenn left the following message on Ellen Rapkoch's voicemail:

My wife's in Spokane. They [Steven and Sarah] won't let me talk to her. They have the line blocked. She's at Sarah Evert's home. I want her to come home.

DSHS Exhibit 8. The desperation expressed in this message is illustrative of the pain and suffering the Everts inflicted upon Thomasene and her family. As the Everts' closing argument before the ALJ recognizes, Thomasene had "a right to a relatively peaceful existence if that's at all possible." Vol. III, p. 100, ll. 19-21. The Everts deprived Thomasene of this fundamental right. After eighty-three years of life, after sixty-five years of marriage, and after raising six children, Thomasene deserved better. The mental abuse perpetrated by the Everts violated the dignity, respect, and protection due Thomasene and all vulnerable adults.

DSHS respectfully requests this Court affirm the Board's October 24, 2013 Review Decision and Final Order.

RESPECTFULLY SUBMITTED this 6 day of August, 2014.

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CERTIFICATE OF SERVICE

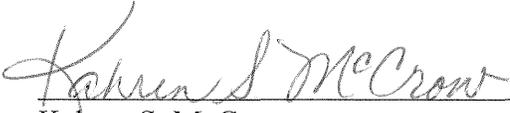
I certify that I served all parties, or their counsel of record, a true and correct copy of the Department of Social and Health Services' Brief of Respondent to the following addresses:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 6th day of August, 2014, at Spokane, Washington.



Kahren S. McCrow
Legal Assistant