

66074-8

66074-8

NO. 66074-8-1
[Superior Court No. 10-2-26368-3 SEA]
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

CAROLYN BILAL, an individual,
Appellant,

Vs.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, a state agency,
Respondent

AMENDED RESPONSE TO BRIEF OF RESPONDENT



Address:
4137 Lexington Place
Seattle, WA 98118
206.624.6479

Carolyn Bilal
By Carolyn Bilal, Appellant
Pro se

Address:
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
360.753.6200

Dierk J Meierbachtol, WSBA #31010
Assistant Attorney General
Attorneys for the Office of
Superintendent of Public Instruction

Division I Appellate Court

No. 66074 3

Response to Respondent's Brief

I Appeal Information

A petition for judicial review was filed and served by appellant July 21, 2010. The petition was served upon the Assistant Attorney General, Mr. Meierbachol, who represents the Office of Superintendent of Public Instruction (aka OSPI and the agency) in this matter. The petition was served timely and pursuant to RCW 34.05.542 (6) via pre paid certified mail July 28, 2010 (previous court papers submitted).

II. FACTS

I was a certified teacher and administrator in Washington State. The Office of Superintendent of Public Instruction revoked and publicized revocation of my credentials June 28, 2010; Exhibit 2; prior to allowing me the right to appeal a signed order for an OSPI Final Agency Decision dated June 28, 2010 pursuant to WAC 181-88-155.

In spite of respondent's belief clear and convincing evidence of misrepresentaion, falsification or unprofessional conduct have not been established; Review Commissioner's Decision Exhibit 3 and the "...alarming criminal history..." alegation concerns a \$12.00 petty shoplifting misdemeanor more than 40 years ago; Exhibit 4. No other criminal history exists.

Respondent lacks truthfulness when stating to the Court I “...did not serve the Petition [for judicial review] on OSPI or on the Attorney General’s office until nearly two months after OSPI issued its revocation order...” Exhibit 1.

I filed a Petition for review timely and the respondent had receipt and service of the Petition for judicial review timely.

III. Argument

RCW 34.05.542 (6) is the ruling statute in this matter whereby under the APA it clearly states: “...service upon the attorney of record of any agency...constitutes service upon the agency...”

Exhibit 1 and 4 clearly demonstrate respondent received the Petition from appellant, in contrast to their statement it was not received until sometime in mid to late August 2010.

Respondent’s argument related to service upon parties under the APA is flawed as the language of the APA regarding RCW 34.05.542 (2); “... hand delivery...service upon the agency...” etc., precedes the language amending the statute to include RCW 34.05.542 (6) that clearly indicates “...service upon the attorney of record constitutes service upon the agency...”

Respondent’s statement “... Ms Bilal...perfected service in this case by timely mailing a copy of the Petition to the Attorney General’s office,... [which she claims] ...is manifestly false...” yet it is respondent’s statement that is clearly contradicted by Assistant Attorney General Merierbatchol’s own words Exhibit 1.

The Superior Court had subject matter jurisdiction in this matter and erred in dismissing the case.

OSPI wants this matter dismissed because they can not meet the requisite “...clear and convincing evidence...” to support the allegations used in issuing an order of revocation.

The superior court erred in accepting the Skagit Surveyors and Eng’rs, LLC v Friends of Skagit Cy., 135 Wn.2d 542, 555, 958 P.2d 962 (1998) as authority for dismissing petitioner’s case. The Skagit case was decided on a former version of RCW 34 05 542 that was not inclusive of subsection (6).

Counsel for plaintiffs in the Skagit matter did not argue the case on the June 1998 amendment made to Chapter 34 05 542 RCW that clarified the APA rules regarding service upon parties.

In section [4-6] of the Skagit Surveyors case the court states “...The procedural and jurisdictional requirements are set forth in former RCW 34.05.542(2), «7»

Which states: “...A petition for judicial review of an order shall be filed with the court and served on the agency, the office of the attorney general, and all parties of record within thirty days after service of the final order.

«7» This Section of the statute was amended by the Legislature after we heard oral argument in [the Union Bay case, 127 Wn.2d at 617]... LAWS OF 1998, ch. 186. The amendment added the following subsection:

“... (6) For purposes of this section, service upon the attorney of record of any agency or party of record constitutes service upon the agency or party of record...”

The court states “...In Union Bay, we held that a superior court did not obtain jurisdiction over an appeal from an agency decision unless the appealing party timely

filed a petition for review in the superior court and timely served the petition on all of the parties. Union Bay, 127 Wn.2d at 617-18...”

“...The question before the court in Union Bay was whether service on a party's attorney of record satisfied the service requirements of the APA. Based on the statutory definition of “party” contained in the APA, and in light of the legislative history of RCW 34.05, this court held that attorneys of record were excluded from the phrase "parties of record" as that term is used in RCW 34.05.542(2).

Thus, in order to invoke the superior court's jurisdiction to review an administrative order at times pertinent here, an appellant was required to file a petition for review and serve the petition on the parties of record, not just on their attorneys.«8»

Union Bay, 127 Wn.2d at 619-20 Substantial compliance with the service requirements of the APA is not sufficient to invoke the appellate, or subject matter, jurisdiction of the superior court.«9»

[7-9] Lack of jurisdiction over the subject matter renders controversy [of] the superior court [being] powerless to pass on the merits of the controversy brought before it...

The issue raised in relation to the motion to dismiss the petition of Surveyors is identical to the issue raised in Union Bay. That is, does the superior court acquire jurisdiction to make rulings in an appeal under the APA if service is made on an attorney of record in lieu of service on a party. Union Bay strictly construed and applied the APA and dismissed the petition for review because Union Bay Preservation Coalition had served the attorneys rather than the parties in the case; thus

Union Bay did not perfect jurisdiction in the superior court. Union Bay, 127 Wn.2d 614

Similarly, Surveyors did not properly invoke the jurisdiction of the superior court in this case.

“[10] While we recognize this is a harsh result and that a different result would be reached in this case now, under the amended version of the statute...”

«8» Beginning June 11, 1998, RCW 34.05.542, as recently amended, authorizes service upon an attorney of record for any agency or party in order to invoke the superior court's appellate jurisdiction.

Conclusion

“...The [appellate] court employed the principle of substantial compliance to hold that ...appeals were properly before the courts, stating: "The requirement of notice contained in RCW 51.52.110 is a practical one meant to insure that interested parties receive actual notice of appeals of Board decisions." Saltis, 94 Wn.2d at 895. The court implemented this rule as follows:

[W]e hold that proper service ... occurred if: (1) the Director received actual notice of the appeal to the Superior Court or (2) the notice of appeal was served in a manner reasonably calculated to give notice to the Director. (Court's emphasis.) Id. at 896...”

In Union Bay the court stated “... [any] defect in service is purely formal, without practical importance, and not a proper basis to deny ... access to the courts.

Respondent’s argument that Superior Court lacks subject matter jurisdiction to consider appellant’s appeal under the APA is incorrect. Superior Court erred in

accepting respondent's argument and erred in granting the agency's motion to dismiss. There is no substantial or reasonable evidence for inference to support the allegation that petitioner either improperly or untimely served the parties of record.

Appellant respectfully request this Court reverse the Superior Court's order dismissing judicial review of the agency Final Order Of Revocation.

DATED: February 28th, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carolyn Bilal', written over a horizontal line.

Carolyn Bilal, Pro se

Appellant

TABLE OF AUTHORITIES

Washington Cases

Skagit Surveyors and Engineers, LLC v. Friends of Skagit County,
135 Wn.2d 542, 958 P.2d 962 (1998)

Union Bay,
127 Wn.2d 614 (1995)

Statutes

WAC 181.86.155.....

RCW 34.05.542(2).....

RCW 34.05.542(6).....

Exhibits

NAME	PAGE NO
Meierbachtol E-mail	1
OSPI Publication	2
Office Administrative Hearings Commissioner Decision	3
Criminal History Report	4
Proof of Service –February 28, 2011	5

Exhibit 1

CA Bilal

From: "Meierbachtol, Dierk J (ATG)" <DierkM@ATG.WA.GOV>
To: "CA Bilal" <cabilal@msn.com>
Sent: Friday, August 06, 2010 4:11 PM
Subject: RE: Carolyn Bilal - OSPI

Ms. Bilal, thanks for taking the time to talk to me yesterday. The purpose of this email is to follow up on a few of the items we discussed.

First, I've been told that the public records request that we discussed—which, as I understand it, asked for the final order of revocation that Judge Mentzer issued on June 28, 2010, in your OSPI disciplinary proceeding—has been amended and the request for your records has been dropped. There is therefore no current request for that document or any other OSPI record pertaining to you.

Second, you confirmed yesterday that you have not yet delivered to OSPI's headquarters a copy of the petition for judicial review of the final order of revocation that you filed in King County Superior Court (Case No. 10-2-26368-3SEA) on July 21, 2010. I'm sorry to say that we believe this clearly means that the Superior Court has no jurisdiction to hear your petition. RCW 34.05.542(2) (which is a section of the state Administrative Procedure Act or "APA") provides that "A petition for judicial review of an order shall be filed with the court and served on the agency, the office of the attorney general, and all parties of record within thirty days after service of the final order." (The emphasis is my own.) RCW 34.05.542(4) goes on to provide that "Service of the petition on the agency *shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency.* Service of a copy by mail upon the other parties of record and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark."

Because of this law, it is now well-settled that courts do not acquire jurisdiction of an appeal under the APA unless all of the service requirements are timely met. In other words, a superior court simply cannot hear a case if the agency isn't served within 30 days after the agency order is filed. And it's also well-settled that a superior court does not acquire jurisdiction under the APA when service is made on an attorney of record instead of on the parties to the action. See *Skagit Surveyors and Engineers, LLC v. Friends of Skagit County*, 135 Wash.2d 542, 958 P.2d 962 (1998). So, even though it appears you timely mailed the petition to me at the Attorney General's Office, that's not enough under the law to vest jurisdiction over your appeal in the trial court.

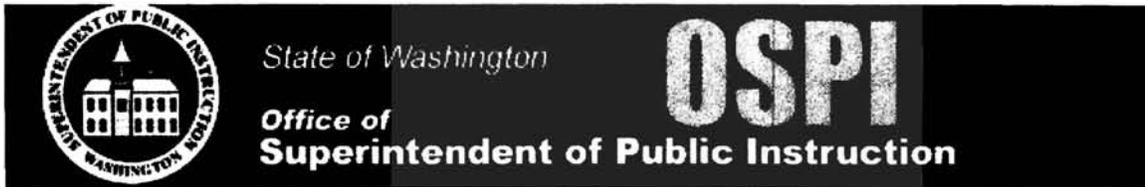
Given all of this, we will shortly ask Judge Canova to dismiss your appeal. That request will come in the form of a Motion to Dismiss. You will of course have the chance to respond to that motion and explain to the judge why this appeal should continue. In the meantime, I will direct OSPI to not prepare the record in this matter because I am confident that the judge will agree with us that there can be no appeal.

Please don't hesitate to contact me if you have any questions.

Dierk Meierbachtol
Assistant Attorney General
Education Division
Washington State Attorney General's Office
(360) 586-2940

2/28/2011

Exhibit 2



Office of Professional Practices Home

Office of Professional Practices

Investigations

Notification of Discipline Actions

Fingerprint Records

January 2000 through February 28, 2011

Administrative Resource Services

Per WAC 181-86-185 this notification to all public and private school officials within the state provides the name and certification number of all certificate holders whose certificates have been suspended, surrendered, revoked, or denied.

For information about:

To view the final order, click on the Action Taken.

Professional Practices
(360) 725-6130

Note: Not all final orders are available online. To request a copy of the final order, please contact the [Public Disclosure Office](#).

Investigations
(360) 725-6130

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#)
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Administrative Resource Services
(360) 725-6133

opp@k12.wa.us

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Name	Certificate Number	Action Taken	Date of Action
Abrahams, Neil	365180R	Revocation	12/18/2008
Acuff, Sharon M	199459R	Suspension	8/23/2004
Alldis, Troy	280515H	Voluntary Surrender	5/17/2004
Allen, Chad Michael	312521H	Voluntary Surrender	3/24/2000
Alstad, Michael	240835R	Voluntary Surrender	3/2/2006

Investigations

[Notification of Discipline Actions](#)

[Code of Professional Conduct](#)

[Frequently Asked Questions](#)

Questions?
(360) 725-6130

Altman, Ken	335630J	Voluntary Surrender	3/19/2002
Altmeyer, Steven	228980R	Suspension	3/5/2008
Alvarado, Leticia	450672A	Denial of Application	1/2009
Anderson, David	165811A	Revocation	1/13/2003
Anderson, Thor	390149C	Voluntary Surrender	7/8/2009
Andrews, Donald R	268650R	Revocation	10/20/2000
Anter, Sean	359202R	Denial of Application	5/2001
Aplass, Wendy	232349A	Stayed Suspension	1/30/2003
Aplass, Wendy	232349A	Reinstatement	4/13/2005
Argetes, Harry	189317A	Suspension	10/28/2002
Argetes, Harry	189317A	Reinstatement	1/16/2008

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Name	Certificate Number	Action Taken	Date of Action
Baker, David	310302E	Revocation	1/27/2007
Baker, Larry	094013J	Suspension	9/15/2001
Baker, Larry	094013J	Reinstatement	11/14/2001
Bale, James	107359B	Permanent Revocation	7/11/2007
Ball, John	129041J	Revocation	12/17/2007
Ballard, Tim	412166A	Denial of Application	2/2003
Ballou, Richard	345338H	Suspension	7/9/2008
Barany, Matthew	389934A	Suspension	12/18/2008
Barcnas, Jesus	405077R	Permanent Revocation	4/8/2010
Barnett, Michael	353053B	Voluntary Surrender	09/14/2010
Batchelder, Elizabeth	407307H	Voluntary Surrender	10/24/2005
		Voluntary	

Bauer, Ronald	318405H	Surrender	10/21/2003
Bayne, John	144259R	Suspension	7/31/2003
Becker, Edward L	131570D	Suspension	11/10/2004
Becker, Edward	131570D	Reinstatement	1/10/2005
Beeson, Lance		Denial of Application	7/2009
Bell, Charles	313314G	Suspension	11/14/2005
Bell, Charles	313314G	Reinstatement	3/14/2006
Bellamy, David	417146H	Voluntary Surrender	01/15/2010
Benedict, Leslie (Bruce)	269611J	Suspension	6/7/2009
Benson, Christopher	360387E	Voluntary Surrender	5/12/2010
Benson, Tony	242155J	Suspension	12/6/2003
Beresford, Robert	336789C	Permanent Revocation	11/23/2005
Bilal, Carolyn	261734H	Revocation	6/28/2010
Bill, Denise	272791E	Suspension	10/6/2008
Billmaier, Harvey	286192J	Revocation	3/3/2008
Bledsoe, Donald	157313H	Voluntary Surrender	8/2/2000
Bloomstrom, Betty	393699D	Revocation	01/11/2010
Boggs, Douglas	343593J	Suspension	11/29/2007
Bohn, Amy	286838H	Voluntary Surrender	8/17/2007
Bolen, Leonard	364773B	Voluntary Surrender	12/12/2001
Bond, Dennis G	131571B	Voluntary Surrender	7/1/2004
Bone, William	239225F	Revocation	6/22/2005
Booth, Melina Yrene	T095122	Denial of Application	03/15/2010
Bottemiller, Jay A	392612H	Suspension	4/15/2005
Bottemiller, Jay	392612H	Reinstatement	8/10/2005
Bowerly, Daniel K	217984D	Suspension	9/7/2004
Bowerly, Daniel K	217984D	Reinstatement	11/6/2004
Boyden-Daniel, Kathleen	261906B	Suspension	7/26/2004

Exhibit 3

CERTIFICATE OF SERVICE

I mailed a copy of this decision to the within interested parties at their respective addresses, postage prepaid, on July 20, 2007.

Gail Hansen

Representative, Commissioner's Review Office,
Employment Security Department

UIO: 770
BYE: 06/30/2007

**BEFORE THE COMMISSIONER OF
THE EMPLOYMENT SECURITY DEPARTMENT
OF THE STATE OF WASHINGTON**

Review No. 2007-1564

In re:

**CAROLYN A. DARWISH-BILAL
SSA No. 315-50-0892**

Docket No. 01-2007-06694

DECISION OF COMMISSIONER

On June 25, 2007, SEATTLE SCHOOL DISTRICT NO. 1, by and through Jeffrey Allison, Appellate Hearing Representative with TALX, petitioned the Commissioner for review of a decision issued by the Office of Administrative Hearings on May 30, 2007. Pursuant to chapter 192-04 WAC this matter has been delegated by the Commissioner to the Commissioner's Review Office. Having reviewed the entire record and having given due regard to the findings of the administrative law judge pursuant to RCW 34.05.464(4), the undersigned adopts the Office of Administrative Hearings' findings of fact and conclusions of law, subject to the following additions, modifications and comments.

The undersigned deletes "Department of Licensing" in finding No. 8, and instead substitutes Social Security Administration.

The undersigned initially notes that based on the record and file, which contains numerous numbered, unnumbered and duplicated numbered documents, it was very difficult to follow which exhibits were entered into the record

Having considered the petition, it is the undersigned's opinion that none of the allegations regarding procedure or competency of evidence warrants disturbing the administrative law judge's decision.

Pursuant to RCW 50.04.294, misconduct includes, but is not limited to the conduct described in the authority cited by the administrative law judge at conclusions Nos. 2 and 3. Misconduct also includes carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest. RCW 50.04.294(1)(d). Carelessness and negligence mean the failure to exercise the care that a reasonably prudent person usually exercises. WAC 192-150-205(3). Dishonesty related to employment means the

intent to deceive the employer on a material fact. It includes, but is not limited to, making a false statement on an employment application and falsifying the employer's records. WAC 192-150-210(2).

Misconduct may not be inferred or presumed. In re Hawkins, Empl. Sec. Comm'r Dec.2d 465 (1978); In re Carpenter, Empl. Sec. Comm'r Dec.2d 176 (1976). Rather, the employer has the burden of establishing misconduct by a preponderance of evidence. See e.g., In re Verner, Empl. Sec. Comm'r Dec.2d 617 (1980). A preponderance of evidence is that evidence which, when fairly considered, produces the stronger impression, has the greater weight, and is the more convincing as to its truth when weighed against the evidence in opposition thereto. Yamamoto v. Puget Sound Lbr. Co., 84 Wash. 411, 146 P. 861 (1915). In entering findings, we do not have to be persuaded beyond a reasonable doubt as to the true state of affairs, nor do we have to be clearly, cogently, and convincingly persuaded. Rather, we need only determine what more likely happened. In re Murphy, Empl. Sec. Comm'r Dec.2d 750 (1984).

It is clear from the administrative law judge's findings that he deemed claimant's testimony credible. In reviewing the administrative law judge's findings, we must give due regard to his or her opportunity to observe the witnesses, RCW 34.05.464(4), which in this case consisted in the opportunity to hear the witnesses' voices while testifying. The administrative law judge, being present at the hearing, was in an advantaged position to evaluate the claimant's demeanor and capacity for candor and to weigh the testimony and make findings as to its credibility. The undersigned cannot, upon review, say that the administrative law judge's conclusions in this regard were improper. Further, the undersigned does not believe the administrative law judge's ability to evaluate the credibility of the testimony was affected by the fact that the testimony was taken by telephone.

With respect to the assertions in the employer's petition, the preponderance of competent evidence supports the administrative law judge's conclusions.

By way of further explanation, with respect to claimant's reporting of her employment, the preponderance of evidence fails to show carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest. RCW 50.04.294(1)(d). See administrative law judge's findings Nos. 3, 7 and 10. With respect to the date changes on the Department of Licensing (DOL) form, the DOL itself cannot say how the discrepancies occurred, only reporting that claimant could have provided incorrect information or their staff could have made an error. In any case, the DOL did not find fraud. See claimant's Exhibit No. 4.

Regarding claimant's reporting for jury duty, the administrative law judge's findings show that he found her version of her conduct credible. No other verified version is in the record. See claimant's Exhibit No. 6, which states, "You should confirm with Judge Doyle's bailiff the actual instructions Ms. Darwish received."

Regarding claimant's criminal history, the preponderance of evidence shows claimant has at least one conviction for shoplifting at or around the same time as two other convictions asserted by the employer, but denied by claimant. She acknowledged the shoplifting conviction in 2001. See employer's Exhibits Nos. 30 and 31. While recognizing the employer's assertions that claimant has intentionally created confusion with different birthdates and names to conceal a criminal history, the preponderance of evidence in this case, combined with the administrative law judge's credibility findings, fails to establish that connection or to show a further criminal history than the one which she acknowledges. See employer's Exhibit No. 54 (not entered into the record at hearing or discussed) and letter dated May 10, 2007, from Cindy Stewart, Commissioner's Exhibit A.

Regarding claimant's names, the administrative law judge found her explanation that her husband had multiple location and status-indicating names credible.

The undersigned concludes that the evidence fails to show claimant intended to deceive the employer on a material fact. WAC 192-150-210(2). Likewise, the evidence fails to show claimant's conduct constituted carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest. RCW 50.04.294(1)(d). Misconduct is not established.

By this decision, the undersigned does not question the employer's right to discharge claimant or the wisdom in so doing, but concludes that the evidence does not support that the discharge was for misconduct as defined by the statute.

Finally, if claimant ultimately confesses to criminal wrongdoing or is convicted on matters related to this employment, the employer may seek redetermination of this matter pursuant to RCW 50.20.065 and RCW 50.20.160.

Now, therefore,

IT IS HEREBY ORDERED that the decision of the Office of Administrative Hearings issued on May 30, 2007, is **AFFIRMED**. Claimant is not disqualified pursuant to RCW 50.20.066(1). The claimant was able to, available for and actively seeking work during the weeks at issue as required by RCW 50.20.010(1)(c). *Employer:* If you are a base year employer for this claimant, or become one in the future, your experience rating account will be charged for any benefits paid on this claim or future claims based on past wages you paid

to this individual. If you are a local government or reimbursable employer, you will be directly liable for any benefits paid. Benefit charges or liability will accrue unless this decision is set aside on appeal. See RCW 50.29.021. If you pay taxes on your payroll, any charges for this claim could be used to calculate your future tax rates. *Notice to Claimant:* Your former employer has the right to appeal this decision. If this decision is reversed because it is found you committed misconduct connected with your work, all benefits paid as a result of this decision will be an overpayment. State law says you will not be eligible for waiver of the overpayment, nor can the Department accept an offer of compromise (repayment of less than the total amount paid to you). The benefits must be repaid even if the overpayment was not your fault. See RCW 50.20.066(5).

DATED at Olympia, Washington, July 20, 2007.*

Rhonda J. Brown

Review Judge
Commissioner's Review Office

*Copies of this decision were mailed to all interested parties on this date.

RECONSIDERATION

Pursuant to RCW 34.05.470 and WAC 192-04-190 you have ten (10) days from the mailing and/or delivery date of this decision/order, whichever is earlier, to file a petition for reconsideration. No matter will be reconsidered unless it clearly appears from the face of the petition for reconsideration and the arguments in support thereof that (a) there is obvious material, clerical error in the decision/order or (b) the petitioner, through no fault of his or her own, has been denied a reasonable opportunity to present argument or respond to argument pursuant WAC 192-04-170. Any request for reconsideration shall be deemed to be denied if the Commissioner's Review Office takes no action within twenty days from the date the petition for reconsideration is filed. A petition for reconsideration together with any argument in support thereof should be filed by mailing or delivering it directly to the Commissioner's Review Office, Employment Security Department, 212 Maple Park Drive, Post Office Box 9046, Olympia, Washington 98507-9046, and to all other parties of record and their representatives. The filing of a petition for reconsideration is not a prerequisite for filing a judicial appeal.

JUDICIAL APPEAL

If you are a party aggrieved by the attached Commissioner's decision/order, your attention is directed to RCW 34.05.510 through RCW 34.05.598, which provide that further appeal may be taken to the superior court within thirty (30) days from the date of mailing as shown on the attached decision/order. If no such judicial appeal is filed, the attached decision/order will become final.

If you choose to file a judicial appeal, you must both:

- a. Timely file your judicial appeal directly with the superior court of the county of your residence or Thurston County. If you are not a Washington state resident, you must file your judicial appeal with the superior court of Thurston County. See RCW 34.05.514. (The Department does not furnish judicial appeal forms.) AND**
- b. Serve a copy of your judicial appeal by mail or personal service within the 30-day judicial appeal period on the Commissioner of the Employment Security Department, the Office of the Attorney General and all parties of record.**

The copy of your judicial appeal you serve on the Commissioner of the Employment Security Department should be served on or mailed to: Commissioner, Employment Security Department, Attention: Agency Records Center Manager, 212 Maple Park, Post Office Box 9046, Olympia, WA 98507-9046. To properly serve by mail, the copy of your judicial appeal must be received by the Employment Security Department on or before the 30th day of the appeal period. See RCW 34.05.542(4) and WAC 192-04-210. The copy of your judicial appeal you serve on the Office of the Attorney General should be served on or mailed to the Office of the Attorney General, Licensing and Administrative Law Division, 1125 Washington Street SE, Post Office Box 40110, Olympia, WA 98504-0110.

Exhibit 4

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920310Z

ICN IFCS0003000005555111

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
NORTHINGTON, ANGELIA	287253S9	2000/12/14

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
F	B	1947/05/18	505	130	BRO	BLK	INDIANA

FINGERPRINT CLASS	PATTERN CLASS	CITIZENSHIP
18 16 PO PO PM	RS WU WU WU WU LS LS WU WU UC	UNITED STATES
17 PI PO PM 09	RS RS WU WU LS	
	RS	

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920310Z
PART 2

ICN IFCS000300000555111

- FBI IDENTIFICATION RECORD - FBI NO-287253S9

1-ARRESTED OR RECEIVED 1967/10/27
AGENCY-POLICE DEPARTMENT INDIANAPOLIS (INIPD0000)
AGENCY CASE-194279
CHARGE 1-OAPA ✓

COURT-
CHARGE-OAPA
SENTENCE-
10-27-67 \$25 30 DAS IWP SUSP 3 MOS PROB, 06-19-71 28 C 90 DAS
60 SUSP / 1-21-80 43EMH

RECORD UPDATED 2000/12/14

*traffic and
minor property.*

Unrelated to job.

*see email - dispute
of 71 charge*

*'80 - charge - not
convicted*

*Employee's
hand written
note*

ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

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PS Form 3800, August 2006 See Reverse for Instructions

Exhibit 5
Proof of Service

<p>CAROLYN BILAL, Appellant,</p> <p>V</p> <p>OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION (OSPI) ET; AL, Respondents,</p>	<p>CASE NO. 10-2-26368-3 SEA APPELLANT CASE NO. 66074-8</p> <p>APPELLANT'S DECLARATION FOR AMENDED FILING OF RESPONSE DOCUMENTS</p>
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Carolyn Bilal declares:

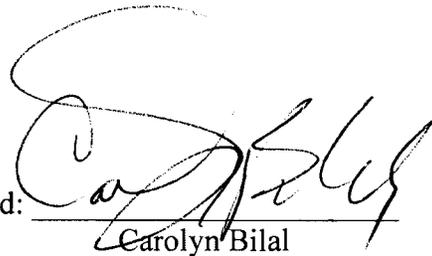
1. I am over the age of eighteen and competent to testify about the matters stated herein
2. I am the appellant in this matter representing myself as attorney pro se
3. On February 28, 2011 I left papers for filing in the Superior Court Clerks Office, e.g., response to respondent's brief; appellant case number 66074-8
4. The appellant case number was on the documents but the Superior Court case number was not
5. After noting the error and correcting it I amended the original document filing with both the Superior and Appellant Courts to include the Superior Court case number
6. Respondent was served this notice of amendment by postage prepaid US Mail March 1, 2011, PO Box 40100, Olympia, WA 98504-0100

2011 MAR -1 PM 4:19

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: March 1, 2011 at Seattle, Washington

Signed: _____



Carolyn Bilal