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December 7, 2007

Mr. Donald Johnson, Clean Water PAC  
c/o Mary E. Hoffman  
P.O. Box 1812  
Mount Vernon, WA 98273

**RE: Skagit County Board of Health Resolution No. R20070284**

Dear Mr. Johnson:

We have your latest "Presentment", dated November 27, 2007. The reason we didn't directly address your earlier allegations about the two commissioners' public oath was the absurdity of your theory – not, as you seem to assume, its merit.

We provide a brief recap of the facts behind your latest theory. You note that Commissioners Munks and Dahlstedt filed a second oath of office on January 10, 2005, just after the start of their second term. Because Munks and Dahlstedt met in session on January 3, 2005 (before the second oath of office was formally filed), you argue they should be retroactively removed from office and everything they've done since invalidated.

As we discussed in our November 13, 2007 letter, a failure to qualify by filing an oath of office does not in itself cause forfeiture of office, but merely authorizes the proper legislative authority to declare forfeiture. See, *State v. Ruff*, 4 Wash. 234 (1892).

Far from providing support, the U.S. Supreme Court's 1854 *Parker v. Overman* decision devastates your argument. *Parker* was interpreting an Arkansas state law, and makes unequivocally clear that the result was a product of state law. The issue you raise is controlled by Washington State law, over which the Washington Supreme Court is the final arbiter. The

Washington Supreme Court's decision in *Ruff* says that a vacancy isn't automatic. As with everything else inconvenient to your desired outcome, you simply ignore this.

And in your rush to disappear the two commissioners from office, you ignore the obvious follow-up question: who should fill the two commissioners' seats? Prior officeholders remain in office until a successor is qualified. The prior officeholders were Commissioners Munks and Dahlstedt, whose first term ran from 2001-2004. Your theory (when carried to a rational conclusion) means that Commissioners Munks and Dahlstedt replaced themselves until such time as their oaths were properly filed (on January 10, 2005). Moreover, you have never coherently explained why any of this would have an impact on a fluoride vote taken over two years later.

The practical effect of what you seek would invalidate a vast number of zoning decisions; comprehensive plan updates; budgets; hiring and firing decisions; settlement and interlocal agreements with tribes, state agencies and cities; as well as countless other legislative and executive acts occurring over the past two years. This is an absurd result that no court of competent jurisdiction is likely to abet, notwithstanding the snippets of out-of-context legal authority salted throughout your recent letter.

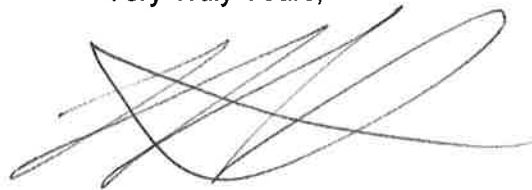
**To ensure there's no lack of clarity: We fundamentally disagree with you on the law, and, accordingly, we have absolutely no intention of doing what you want.** You are entitled to ask a judge to order the two commissioners removed from office and their acts invalidated, if you feel the law is on your side. (It isn't.)

Your compatriot Waverly Jaegel was recently quoted in the Argus to the effect that your organization will pursue legal proceedings against the County outside the courts, because, according to Ms. Jaegel, "the courts are part of the problem."

Perhaps, but we're not aware of any other method for making the County do what you want. We are simply not obligated to respond to a self-convened panel, an independent people's tribunal, an "American Common Law suit," an invocation of posse comitatus, or anything else of the kind.

A lawsuit in a court of competent jurisdiction is the vehicle by which reality-based members of society enforce legal rights and obligations. Without waiving any claims or defenses of any nature, we will accept service of process if you wish to initiate such a thing against the County. Absent that, no further response appears necessary.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Will Honea', with a large, sweeping flourish extending to the right.

Will Honea  
Chief Civil Deputy