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SUPERIOR COURT OF WASHINGTON IN AND FOR YAKIMA COUNTY

IN THE MATTER OF: )

THE RECALL OF JANELLE RIDDLE, )  
YAKIMA COUNTY CLERK )

No. 17-2-02011-39

NOTICE OF APPEAL  
TO THE SUPREME COURT OF THE  
STATE OF WASHINGTON

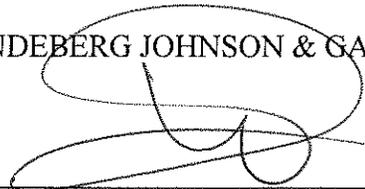
Janelle Riddle, Respondent, seeks review by the Supreme Court of the State of Washington of the Order Re: Sufficiency of Recall Charges and for Approval of Ballot Synopsis, with Ballot Synopsis attached, and Findings of Fact and Conclusions of Law, entered on July 10, 2017 by the Honorable Maryann C. Moreno, Visiting Judge.

A copy of both documents are attached to this notice.

DATED this 21<sup>st</sup> day of July, 2017.

VANDEBERG JOHNSON & GANDARA, LLP

By

  
Mark A. Hood, WSBA # 20152  
Daniel C. Montopoli, WSBA # 26217  
Attorneys for Janelle Riddle

NOTICE OF APPEAL - 1

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1 **THE NAMES AND ADDRESSES OF THE PROPONENTS ARE:**

2 Rickey C. Kimbrough  
3 607 Wine Country Road  
4 Grandview, WA 98930

5 Robert Young  
6 302 N. 3<sup>rd</sup> St., Suite 202  
7 Yakima, WA 98901

8 Bruce Smith  
9 P.O. Box 2052  
10 Yakima, WA 98907

11 Richard Johnson  
12 917 Triple Crown Way  
13 Yakima, WA 98908

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NOTICE OF APPEAL - 2

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7 **SUPERIOR COURT OF WASHINGTON**  
8 **COUNTY OF YAKIMA**

9 In re: ) NO. 17-2-02011-39  
10 Recall of Janelle Riddle )  
11 ) **ORDER RE SUFFICIENCY OF RECALL**  
12 **CHARGES AND FOR APPROVAL OF**  
13 **BALLOT SYNOPSIS**

14 THIS MATTER, came on regularly for hearing on the Petition to Determine  
15 Sufficiency of Recall Charges and Approval of Ballot Synopsis, on Monday, June 19,  
16 2017. The proponents of the Statement of Charges, Rickey C. Kimbrough, Robert  
17 Young, Bruce Smith, and Richard R. Johnson, appeared personally; the Yakima County  
18 Clerk, Janelle Riddle appeared personally and by her attorneys, Mark A. Hood, and  
19 Vandeberg, Johnson & Gandara, LLP. The Court considered the argument of the  
20 proponents of the Statement of Charges, and the arguments of Mark A. Hood, Attorney  
21 for Janelle Riddle, and the following:

22 1. The Petition to determine Sufficiency of Recall Charges and for Approval of  
23 Ballot Synopsis;

24 Exhibit A, The Statement of Charges for Recall of Janelle L. Riddle, Yakima  
25 County Clerk, with attached declarations and exhibits (the "Statement of Charges");

Exhibit B, The Ballot Synopsis of Recall Charge, Janelle Riddle, Yakima County  
Clerk.

2. Amended Exhibit A Statement of Charges for Recall of Janelle L. Riddle, with  
attached declarations and exhibits ("the Statement of Charges");

3. Petitioner's Memorandum of Authorities;
4. Memorandum of Janelle Riddle Regarding Sufficiency of Recall Petition;
5. Declaration of Janelle Riddle;
6. Declaration of Jessica Humphreys;
7. Reply Declaration of Robyn Berndt;
8. Supplemental Memorandum of Authorities.

Having considered the above, it is ORDERED, ADJUDGED AND DECREED that:

A. The following recall charges, stated in the Ballot Synopsis as amended and corrected herein, and as set forth more fully in the Statement of Charges, are legally and factually sufficient:

(1) Between October 2015 and November 2016, the Clerk of the Superior Court violated her statutory duty to transmit orders establishing or modifying child support to the Washington State Support Registry. This failure resulted in the loss of revenue to Yakima County and further harmed parents entitled to enforcement of these orders;

(2) Between February 2016 and October 2016, the Clerk of the Superior Court violated her statutory duty to transmit restraining orders, protection orders and no contact orders to the appropriate law enforcement agencies. This failure resulted in the inability of law enforcement to enforce these orders and resulted in the danger of harm to the protected parties as well as significant liability to Yakima County;

(3) In July 2016, the Clerk of the Superior Court violated her statutory duty to attend to the clerical portion of the court's business by refusing to honor long standing agreements between the court and the clerk and by giving notice of her intent to violate local court rule. The Clerk further threatened to withdraw her deputy clerks from the courtrooms which would result in the inability to conduct court;

(5) Between January 2015 and December 2016, the Clerk of the Superior Court failed to properly conduct its financial operations to safeguard public resources as found by the Accountability Audit Report and failed to properly account for funds collected from juvenile court diversion program participants;

1 (6) Between May 2015 and October 2016, the Clerk of the Superior Court failed  
2 to enact procedures to or to collect for jury services rendered to other jurisdictions  
3 resulting in a delay of revenue.

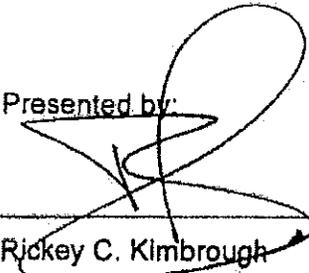
4 B. The charge set forth as Charge 4, in the Statement of Charges, relating to the  
5 keeping and maintaining of an Execution Docket, are found not to be factually or legally  
6 sufficient, and are dismissed.

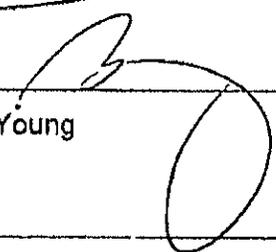
7 C. The Ballot Synopsis, as amended by the Court, a true and correct copy of  
8 which is attached hereto, is approved.

9 DONE IN OPEN COURT this 10 day of July, 2017.

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13 Maryann C. Moreno, Judge

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15 Presented by:

16   
17 \_\_\_\_\_  
18 Rickey C. Kimbrough

19   
20 \_\_\_\_\_  
21 Robert Young

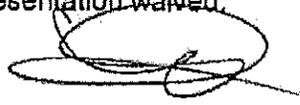
22 \_\_\_\_\_  
23 Bruce Smith  
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Richard R. Johnson

Approved as to form only; notice of  
Presentation waived;



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Mark A. Hood, of Attorneys for  
Janelle R. Riddle, Yakima County Clerk

## BALLOT SYNOPSIS

The charges that Yakima County Clerk, Janelle Riddle, committed misfeasance, malfeasance and/or violated her oath of office allege she:

1. Failed, between October 2015 and November 2016, to properly and timely transmit to DSHS, Division of Child Support, orders of child support entered in Yakima County Superior Court, resulting in substantial loss of revenue to the County and harm to parents;
2. Failed, between February 2016 and October 2016 to properly discharge her duty to timely transmit to law enforcement agencies restraining orders entered in Yakima County Superior Court;
3. Refused and/or failed in July 2016 to perform in-court duties required by law, and threatened to shut down or close the Yakima County Superior Court and Yakima County Clerk's Office;
4. Failed, between January 2015 and December 2016 to properly maintain account of the monies received by the Yakima County Clerk's Office; and
5. Failed, between May 2016 and October 2016 to enact procedures to collect for jury services rendered to other courts resulting in a delay of revenue.

Should Janelle Riddle be recalled from office based on these charges?

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**SUPERIOR COURT OF WASHINGTON  
COUNTY OF YAKIMA**

In re: ) NO. 17-2-02011-39  
 )  
Recall of Janelle Riddle ) FINDINGS AND  
 ) CONCLUSIONS OF LAW

THIS MATTER, came on regularly for hearing on the Petition to Determine Sufficiency of Recall Charges and Approval of Ballot Synopsis, on Monday, June 19, 2017. The proponents of the Statement of Charges, Rickey C. Kimbrough, Robert Young, Bruce Smith, and Richard R. Johnson, appeared personally; the Yakima County Clerk, Janelle Riddle appeared by her attorneys, Mark A. Hood, and Vandenberg, Johnson & Gandara, LLP. The Court considered the argument of the proponents of the Statement of Charges, and the arguments of Mark A. Hood, Attorney for Janelle Riddle, and the following pleadings and evidence:

1. The Petition to determine Sufficiency of Recall Charges and for Approval of Ballot Synopsis;  
Attachment 1, The Statement of Charges for Recall of Janelle Riddle, Yakima County Clerk, with attached declarations and exhibits (the "Statement of Charges");  
Attachment 2, The Ballot Synopsis of
2. Petitioner's Memorandum of Authorities;
3. Memorandum of Janelle Riddle Regarding Sufficiency of Recall Petition;
4. Declaration of Janelle Riddle;
5. Declaration of Jessica Humphreys;

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- 1           6. Reply Declaration of Robyn Berndt;  
2           7. Supplemental Memorandum of Authorities.

3                           I. FINDINGS ON SUFFICIENCY OF CHARGES

4           In determining the sufficiency of the Statement of Charges, RCW 29A.56.140  
5           directs that: "The court shall not consider the truth of the charges, but only their  
6           sufficiency." Accordingly, the Court makes no finding as to the truth of any allegation  
7           set forth in the Statement of Charges, and adjudicates each charge only to determine  
8           the factual and legal sufficiency of each charge and whether or not the ballot synopsis is  
9           adequate. Based on the pleadings and evidence set forth above, the Court identifies  
10          the following allegations as determinative regarding the legal and factual sufficiency of  
11          the Statement of Charges:

12           1. The Statement of Charges filed May 25, 2017, sets forth the following factual  
13          allegations:

14           1.1 Janelle Riddle was elected to the Position of County Clerk for Yakima  
15          County, Washington, in November 2014;

16           1.2. Janelle Riddle took office as County Clerk for Yakima County, Washington,  
17          on January 1, 2015;

18           1.3 Charge 1 (designated Charge A in the Statement of Charges) of the  
19          Statement of Charges states that Janelle Riddle, as the County Clerk for Yakima  
20          County, and Clerk of the Superior Court, failed to properly and timely transmit to  
21          Department of Social and Health Services, Division of Child Support, the orders of child  
22          support entered in Yakima County Superior Court as required by law. The following  
23          specific factual allegations were set forth as to Charge 1:

24           1.3.1 RCW 26.23.033(4) requires the Yakima County Clerk to forward to  
25          the Division of Child Support (DCS), within five days of entry, a copy of all  
26          superior court orders that either establish or modify a child support obligation.  
27          The Statement of Charges, together with the supporting declarations and exhibits  
28          thereto, allege the following specific facts, in support of Charge 1:

29           1.3.2 A plan of cooperation was entered into between Yakima County and  
30          the Office of Support Enforcement in 1990, providing that county clerk's staff and

1  
2 resources would be used to implement support services, and the county would then  
3 receive reimbursement for those services. A Memorandum of Understanding, between  
4 Yakima County and the Office of Support Enforcement, signed in 1992, further specified  
5 the way such reimbursement to Yakima County would be calculated.

6 1.3.3 Beginning in 2016, it appeared that not all of the child support  
7 orders had been transmitted to DCS. An investigation by DCS confirmed that not all of  
8 the child support orders entered in Yakima County Superior Court had been transmitted  
9 to DCS.

10 1.3.4 In January 2016, DCS emailed Ms. Riddle informing her that child  
11 support orders back as far as October 2015 had not been received by DCS.

12 1.3.5 Ms. Riddle responded that she was working to correct the problem.

13 1.3.6 A month later, the issue had not been resolved, and no procedure  
14 for transmitting the child support orders had been put in place.

15 1.3.7 Ms. Hulbert, from DCS, in an email to Ms. Riddle, sent February 8,  
16 2016, notified Ms. Riddle of her statutory duties with regard to the transmittal of  
17 child support order, and by response Ms. Riddle acknowledged that she  
18 understood those duties.

19 1.3.8 By April 2016, these issues continued unresolved. By that time only  
20 58.9 per cent of the child support orders entered were being received by DCS.

21 1.3.9 Between February and May, 2016, only 33.3 per cent of the child  
22 support orders entered had been transmitted by the Clerk and received by DCS.

23 1.3.10 By August 22, 2016, 1,525 orders had been entered in Yakima  
24 County Superior Court, but only 681 had been received by DCS.

25 1.3.12 By September, 2016, the County Clerk had substantially caught up  
with the transmission of child support orders to DCS.

1.3.13 The new case management system, implemented in the Yakima  
County Clerk's office in November, 2015, was not the cause of the Clerk's failure  
to timely transmit the child support orders because the system had not been set  
up to do this task. No alternative procedure was established by the Clerk to  
transmit the child support orders to DCS.

1  
2           1.3.14 Between January 2016 and August 2016, Yakima County lost  
3 \$206,500.00 in revenue as a result of Ms. Riddle's failure to timely transmit the  
4 child support orders to DCS.

5           1.3.15 Between January 2016 and August 2016, several custodial  
6 parents had no ability to enforce their child support obligations.

7           1.3.16 The Clerk's failure to timely transmit child support orders was  
8 noted by the Washington State Auditor, who noted control deficiencies, and  
9 failure to monitor timeliness in the transmittal of these child support orders.

10           1.3.17 Following notice to the Clerk of the statutory duties set forth in  
11 RCW 26.23.033(4), Janelle Riddle's continued failure to timely transmit child  
12 support orders to Division of Child Support is unlawful and intentional.

13           1.3.18 Janelle Riddle's continuous failure to transmit child support order  
14 to the Division of Child Support as required by RCW 26.23.033(4), over a  
15 continuous period of time is substantial misconduct.

16           1.3.19 Janelle Riddle's continuous failure to transmit child support orders  
17 to the Division of Child Support as required by RCW 26.23.033(4), is not a  
18 discretionary act or omission on her part as Yakima County Clerk.

19           1.4 Charge 2 of the Statement of Charges (designated Charge B in the  
20 Statement of Charges), states that Janelle R Riddle, as County Clerk and Clerk of the  
21 Superior Court, failed to perform her duty to transmit to the appropriate law enforcement  
22 agencies, restraining orders, protection orders, no-contact orders, and anti-harassment  
23 orders entered in Yakima County Superior Court, pursuant to RCW 26.09.060,  
24 26.09.050, 26.26.130, 26.50.100, 7.92.180. The following specific factual allegations  
25 were set forth as to Charge 2:

          1.4.1 In July 2016, a random sample investigation, conducted by the Office of  
Court of Administration, reviewed ten restraining orders entered in Yakima County  
Superior Court, and found that four of those restraining orders had not been transmitted  
to the appropriate law enforcement agency by the Yakima County Clerk.

1  
2           1.4.2 A subsequent and broader review of orders entered between January 1,  
3 2016 and July 27, 2016, showed that 129 family law restraining orders were entered in  
4 Yakima County Superior Court, of which 121 of those restraining orders should have  
5 been sent to law enforcement. 65 of those orders were marked as faxed to law  
6 enforcement. 64 of those orders were not marked at all. Only 43 of the 121 orders, or  
7 35 percent of the orders entered, were actually transmitted to the appropriate law  
8 enforcement agencies.

9           1.4.3 Between January 1, 2016 and July 27, 2016, 264 criminal no-contact  
10 orders were entered. Of those 264 orders entered, 100 of those orders did not appear  
11 in the data base; and 41 percent of those orders were not received by the appropriate  
12 law enforcement agencies.

13           1.4.4 Ms. Riddle was notified to this problem by the end of July 2016.

14           1.4.5 In an email sent to Ms. Riddle by Robyn Berndt, in July 2016, Ms. Riddle  
15 was informed of her duty to timely transmit these orders to the appropriate law  
16 enforcement agencies, and the consequences of failure to transmit these orders to law  
17 enforcement.

18           1.4.6 This same issue was discussed at a Law & Justice Committee meeting in  
19 July, 2016, with Ms. Riddle in attendance.

20           1.4.7 Ms. Riddle was informed that if these orders were not timely transmitted to  
21 the appropriate law enforcement agencies, law enforcement could not enforce the  
22 orders, and that the failure to timely transmit these orders created a substantial liability  
23 risk to Yakima County.

24           1.4.8 Following notice to the Clerk of the statutory duties, Janelle Riddle's  
25 continued failure to timely transmit restraining orders, protection orders and no-contact  
26 orders to the appropriate law enforcement agencies, was unlawful and intentional.

27           1.4.9 Janelle Riddle's continuous failure to transmit restraining orders,  
28 protection orders and no-contact orders to the appropriate law enforcement agencies by  
29

1 the next judicial day following entry, over a continuous period of time was substantial  
2 misconduct.

3 1.4.10 Janelle Riddle's continuous failure to transmit restraining orders,  
4 protection orders and no-contact orders to the appropriate law enforcement agencies,  
5 by the next judicial day following entry, was not a discretionary act or omission on her  
6 part as Yakima County Clerk.

7 1.5 Charge 3 of the Statement of Charges,(designated Charge C in the  
8 Statement of Charges) states that Janelle Riddle, as County Clerk and Clerk of the  
9 Superior Court, failed to perform in-court duties, pursuant to RCW 2.32.050, and  
10 threatened to shut down or close the Yakima County Clerk's Office and the Yakima  
11 County Superior Court. The following specific factual allegations were set forth as to  
12 Charge 3:

13 1.5.1 RCW 2.32.050 sets out the duties of the Court Clerk. The Court Clerk is  
14 an officer of the court, and handles the clerical and ministerial portion of the court's  
15 business and maintains custody of the court's files and seals.

16 1.5.2 The court has the power to control its ministerial officers and all other  
17 persons connected with its judicial proceedings.

18 1.5.3 RCW 2.32.050(2) provides that it is the duty of the Clerk of Court to record  
19 the proceedings of the court.

20 1.5.4 Yakima County, uses primarily electronic recording devices, called "FTR."

21 1.5.5 A memorandum of understanding entered into between the Yakima County  
22 Superior Court and the Yakima County Clerk, preceding Ms. Riddle's term of office,  
23 which provides that the clerks would record the court proceedings. That agreement  
24 also provided that two additional employees were added to the Clerk's staff.

25 1.5.6 Ms. Riddle agreed to abide by this pre-existing agreement on December  
26 29, 2014, which specifically provided that the clerks would perform the electronic  
recording of court proceedings.

1.5.7 In March 2015, Ms. Riddle sent an email indicating that she was backing  
out of the agreement, except to the extent that Ms. Riddle's in-court staff would push the  
Findings of Fact and Conclusions of Law--Page | 6

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1 start and stop button for recording proceedings, but would not monitor or act to make  
2 sure the recording devices were operating properly. Additionally, she gave notice that  
3 her in-court staff would not perform other duties under the previous agreement,  
4 including acting as "crier" and preparing the court room.

5 1.5.8 At an all-judges meeting on March 30, 2015, attended by Ms. Riddle, she  
6 agreed to continue with the prior agreement through 2015, including the monitoring of  
7 the recording (FTR) devices, the logging of the courtroom proceedings, and making  
8 copies of those proceedings when requested.

9 1.5.9 At about the same time, the Yakima County Superior Court adopted Local  
10 Rule 3, setting forth the in-court duties of the Clerk of Court.

11 1.5.10 In October 2015, Ms. Riddle again indicated that she would not continue  
12 with the prior agreement, or have her employees perform the same in-court services,  
13 including the operating of the recording devices, the monitoring of the recordings, and  
14 the logging of the proceedings.

15 1.5.11 Subsequently Ms. Riddle met with the Yakima County Budget Office, and  
16 then agreed to continue to have her employees perform the in-court duties pursuant to  
17 the prior agreement, until the end of the year 2016.

18 1.5.12 A budget analysis was performed indicating that it would cost over  
19 \$400,000.00 to have another department perform those in-court duties.

20 1.5.13 In March 2016, the Board of Court Commissioners appointed an  
21 independent review panel to investigate concerns regarding the Yakima County Clerk.

22 1.5.14 In May 2016, the Independent Review Panel's report was published.

23 1.5.15 The written independent review panel report included a discussion of the  
24 remedy if the Clerk failed to comply with Local Rule 3. That remedy, at the court's  
25 discretion, was to have a hearing and institute contempt proceedings against the  
County Clerk.

1.5.16 At a Law & Justice Council Meeting on July 3, 2016, a letter was  
distributed, and although the letter was dated July 3, 2015, it was delivered to the Law &  
Findings of Fact and Conclusions of Law—Page | 7

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1 Justice Council on July 3, 2016. That letter indicated that Ms. Riddle would not comply  
2 with Local Rule 3, and that if she was held in contempt for not complying with the rule,  
3 she would revoke her deputies' authority to maintain the court room, which would then  
4 result in a shut-down of the court, which would create havoc in many regards and  
5 particularly with the jail.

6 1.5.17 Janelle Riddle's periodic statements of refusal to perform in-court duties,  
7 as prescribed by RCW 2.32.050 was unlawful and intentional.

8 1.5.18 Janelle Riddle's written statement, published July 3, 2016, to defy the  
9 Yakima County Superior Court Local Rule 3, to cease performing duties mandated by  
10 RCW 2.32.050, and the threat made to disrupt the Yakima County Superior Court was  
11 unlawful, willful and intentional.

12 1.5.19 Janelle Riddle's periodic statements of refusals to perform in-court duties,  
13 as prescribed by RCW 2.32.050, her written statement, published July 3, 2016, to defy  
14 the Yakima County Superior Court Local Rule 3, to cease performing duties mandated  
15 by RCW 2.32.050, and the threat made to disrupt the Yakima County Superior Court  
16 was substantial misconduct.

17 1.5.20 Janelle Riddle's periodic statements of refusals to perform in-court duties,  
18 as prescribed by RCW 2.32.050, her written statement, published July 3, 2016, to defy  
19 the Yakima County Superior Court Local Rule 3, to cease performing duties mandated  
20 by RCW 2.32.050, and the threat made to disrupt the Yakima County Superior Court  
21 was not a discretionary act or omission, on her part as Yakima County Clerk.

22 1.6 Charge 4 of the Statement of Charges, alleges that Janelle Riddle, as  
23 County Clerk and Clerk of the Superior Court, failed to create a record and index of  
24 each judgment entered in Yakima County Superior Court. RCW .4.64, requires the  
25 Clerk of Court to maintain an execution docket. The following specific factual  
allegations were set forth as to Charge 4:

1.6.1 The Law & Justice Review Report identified this issue.

1.6.2 Ms. Riddle, in response to the Law & Justice Report, acknowledged this

1 issue, and indicated it was the result of staffing issues.

2 1.7 Charge 5, (designated Charge E in the Statement of Charges), alleges that  
3 Janelle Riddle, as Yakima County Clerk, failed to maintain proper accounts of moneys  
4 received by the County Clerk and failed to use proper financial codes for deposits, and  
5 track certain deposits in violation of RCW 2.32.050(2), which requires the Clerk of Court  
6 to "keep records, files and other books and papers pertaining to the court." This specific  
7 allegation appears to have been included as a part of Charge 4, in the Petition filed  
8 herein, but is more properly included as a part of Charge 5 (designated Charge E in the  
9 Statement of Charges).

10 The following specific factual allegations were set forth as to Charge 5:

11 1.7.1 Yakima County Superior Court, Juvenile Court, maintains a juvenile  
12 diversion program, operated by the Juvenile Court Probation Office.

13 This juvenile diversion program requires participants or offenders to pay a fee for  
14 the service and to pay restitution to their victims. The moneys being paid were not  
15 being tracked, or credited, and the restitution was not being paid to the victims. The  
16 probation office could not trace these payments. The payment of money is one of the  
17 factors to be considered in determining whether or not a juvenile has completed the  
18 program successfully. Without the ability to track those payments, some of the  
19 offenders could not be determined to have successfully completed the diversion  
20 program.

21 1.7.2 Ms. Riddle was put on notice of this problem in January 12, 2016.

22 1.7.3 By August of 2016, this issue had not been remedied.

23 1.7.4 Throughout this period of time, the Clerk had refused to enter anything  
24 regarding these diversion payments into the Odyssey program.

25 1.7.5 An Accountability Audit conducted by the Washington State Auditor, and  
concluded in December, 2016, found that the Yakima County Clerk had a lack of  
internal controls and oversight of financial operations, to safeguard public resources.

Commingling of trust account functions with the receipt of funds, insufficient  
documentation for independent later reviews, failure to correct deficiencies found in an  
Findings of Fact and Conclusions of Law--Page | 9

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1 audit in 2009, untimely trust account reconciliations and outdated reconciliation policies.

2 1.7.6 Ms. Riddle was informed of the deficiencies in the bookkeeping and record  
3 keeping, and the inability of the Yakima County Juvenile Probation Office to properly  
4 monitor juvenile diversion program performance, and failed to implement proper  
5 practices and procedures for the collection and monitoring of juvenile offender diversion  
6 program payments for a period of more than seven months.

6 1.7.7 The deficiencies in the bookkeeping and record keeping by the Yakima  
7 County Clerk, and the resulting inability of the Yakima County Juvenile Probation Office  
8 to properly monitor juvenile diversion program performance, for a period of more than  
9 seven months, was substantial misconduct.

10 1.7.8 The continued deficiencies of Janelle Riddle as Yakima County Clerk to  
11 maintain proper books and records regarding the Yakima County Juvenile Court  
12 Diversion program participants, over a continuous period of time, was not a  
13 discretionary act or omission on her part as Yakima County Clerk.

14 1.8 Charge 6 (designated Charge F in the Statement of Charges) of the  
15 Statement of Charges states that Janelle Riddle, as the County Clerk for Yakima  
16 County, and Clerk of the Superior Court, failed to enact procedures to collect for jury  
17 services rendered to other jurisdictions resulting in a delay of revenue to Yakima  
18 County. The following specific factual allegations were set forth as to Charge 6:

19 1.8.1 Janelle Riddle, as Yakima County Clerk, did not enact procedures to bill  
20 Yakima County District and three municipalities for the period May 2015 through  
21 September 2016.

22 1.8.2 During that period the Yakima County Clerk failed to establish and put into  
23 operation procedures to render billing statements to the entities for whom jury services  
24 were rendered.

25 1.8.3 During the specified period, no agreements were entered into with the  
jurisdictions for which the Yakima County Clerk rendered jury services, setting forth the  
manner in which jurisdictions would be billed for jury services.

1.8.4 Yakima County District Court and the three municipalities for whom jury  
services were provided, were finally billed for jury services after October, 2016, resulting  
Findings of Fact and Conclusions of Law--Page | 10

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1 in a delayed payment to Yakima County of over \$100,000.00.

2 1.8.5 The failure of the Yakima County Clerk to facilitate billing for jury services  
3 provided to the Yakima County District and three municipal jurisdictions, for a period of  
4 more than 16 months, was substantial misconduct.

5 1.8.6 The failure of the Yakima County Clerk to facilitate billing for jury services  
6 provided to the Yakima County District and three municipal jurisdictions, for a period of  
7 more than 16 months was not a discretionary act or omission on her part as Yakima  
8 County Clerk.

## 9 II. CONCLUSIONS OF LAW

10 Based upon the foregoing Findings on Sufficiency of Charges, the Court makes  
11 the following Conclusion of Law:

12 1. Charge 1 (designated Charge A in the Statement of Charges) is factually  
13 sufficient pursuant to RCW 29A.56.140;

14 2. Charge 1 (designated Charge A in the Statement of Charges) is legally  
15 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
16 grounds of misfeasance, malfeasance and violation of oath of office;

17 3. Charge 2 (designated Charge B in the Statement of Charges) is factually  
18 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
19 grounds of misfeasance, malfeasance and violation of oath of office;

20 4. Charge 2 (designated Charge B in the Statement of Charges) is legally  
21 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
22 grounds of misfeasance, malfeasance and violation of oath of office;

23 5. Charge 3 (designated Charge C in the Statement of Charges) is factually  
24 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
25 grounds of misfeasance, malfeasance and violation of oath of office;

6. Charge 3 (designated Charge C in the Statement of Charges) is legally  
sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon

1 grounds of misfeasance, malfeasance and violation of oath of office;

2 7. Charge 4(designated Charge D in the Statement of Charges), as it pertains to  
3 the docketing of judgments, is factually insufficient pursuant to RCW 29A.56.140 to  
4 proceed with the recall proceeding upon grounds of misfeasance, malfeasance and  
5 violation of oath of office;

6 8. Charge 4(designated Charge D in the Statement of Charges) as it pertains to  
7 the docketing of judgments, is legally insufficient pursuant to RCW 29A.56.140, and  
8 should be dismissed;

9 9. Charge 5(designated Charge E in the Statement of Charges) is factually  
10 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
11 grounds of misfeasance and violation of oath of office;

12 10. Charge 5(designated Charge E in the Statement of Charges) is legally  
13 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
14 grounds of misfeasance and violation of oath of office;

15 11. Charge 6(designated Charge F in the Statement of Charges) is factually  
16 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
17 grounds of misfeasance and violation of oath of office;

18 12. Charge 6(designated Charge F in the Statement of Charges) is legally  
19 sufficient pursuant to RCW 29A.56.140 to proceed with the recall proceeding upon  
20 grounds of misfeasance and violation of oath of office;

21 13. The Ballot Synopsis, Exhibit B to the Petition for determine Sufficiency of  
22 Recall Charges and for Approval of Ballot Synopsis filed herein, is revised by the Court  
23 as follows:

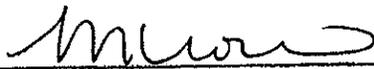
24 (1) Between October 2015 and November 2016, the Clerk  
25 of the Superior Court violated her statutory duty to transmit  
orders establishing or modifying child support to the Washington  
State Support Registry. This failure resulted in the loss of  
revenue to Yakima County and further harmed parents entitled  
to enforcement of these orders;

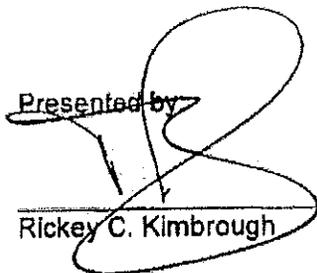
(2) Between February 2016 and October 2016, the Clerk of the  
Superior Court violated her statutory duty to transmit restraining  
orders, protection orders and no contact orders to the appropriate  
enforcement agencies. This failure resulted in the inability of law  
enforcement to enforce these orders resulting in the danger of harm

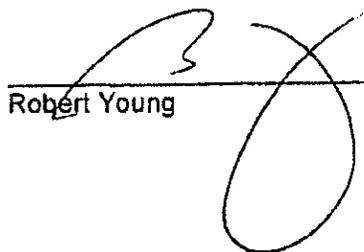
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to the protected parties as well as significant liability to Yakima County;  
(3) In July 2016, the Clerk of the Superior Court violated her statutory duty to attend to the clerical portion of the court's business by refusing to honor long standing agreements between the court and the clerk and by giving notice of her intent to violate local court rule. The Clerk further threatened to withdraw her deputy clerks from the courtrooms which would resulting the inability to conduct court;  
(5) Between January 2015 and December 2016, the Clerk of the Superior Court failed to properly conduct its financial operations to safeguard public resources as found by the Accountability Audit Report and failed to property account for funds collected from juvenile court diversion program participants;  
(6) Between May 2015 and October 2016, the Clerk of the Superior Court failed to enact procedures to collect for jury services rendered to other jurisdictions resulting in a delay of revenue.

Dated this 10 day of ~~June~~<sup>July</sup>, 2017.

  
\_\_\_\_\_  
Maryann C. Moreno, Judge

Presented by   
\_\_\_\_\_  
Rickey C. Kimbrough

  
\_\_\_\_\_  
Robert Young

\_\_\_\_\_  
Bruce Smith  
Findings of Fact and Conclusions of Law-Page | 13

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Richard R. Johnson

Approved as to form only; notice of  
Presentation waived:

Vandeberg, Johnson & Gandara, LLP



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By: Mark A. Hood, of Attorneys for  
Janelle Riddle, Yakima County Clerk