# ROSEMERE NEIGHBORHOOD ASSOCIATION

P.O. Box 61471, Vancouver, WA 98666 www.RosemereNA.org (360) 906-8810

Dvija Michael Bertish
*Chairman*

Patricia Giles
*Vice-Chair*

John Felton
*Treasurer*

Annette Marie Sanders
*Secretary*

*Board of Directors:*

Karen Axell

Linda Doncaster

Patrick Doncaster

Jim Neigel

Paul Neigel

Sushuma Thornburgh

Leslie Zega

1/15/04

U.S. Environmental Protection Agency
Office of Civil Rights
Mail Code 1201A
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Dear Office of Civil Rights,

You are currently in receipt of a Title VI complaint from the Rosemere Neighborhood Association (RNA). This complaint is undergoing further consideration for investigation by your jurisdiction. Since your receipt of the Title VI complaint, the RNA alleges that it has become the subject of retaliation by the City of Vancouver, the party named as the cause of adverse impacts to our neighborhood. Attached herein is documentation to support the claim of retaliation perpetrated by the City of Vancouver.

The RNA requests that our attached document (dated December 31st) be examined as evidence in support of these claims of retaliation. The December 31st document was originally sent to the IRS, asking for a similar determination. We ask that this same IRS document be included with the other documents filed with the RNA Title VI Complaint under 40 CFR 7.100. Under these provisions, intimidation and retaliation are prohibited. A letter from the RNA dated December 13, 2003, was forwarded to your office to request a determination of retaliation in this case. This letter was forwarded to your office on our behalf by Monica Kirk, EPA's Region 10 Director in the Oregon Operations Office.

In the IRS document, the timeline of events clearly shows the motive and the opportunity for the City's alleged retaliation. The RNA was the recipient of the Neighborhood Star Award by the Mayor of the City of Vancouver in December 2002 "in recognition of outstanding achievement and exemplary leadership in the Vancouver Community."

On March 6, 2003, three months later, the RNA informed the City of Vancouver of the pending Title VI complaint. Within days, on March 10, 2003, the City Attorney began an alleged campaign to retaliate against the RNA for filing the Title VI. Prior to the filing of the Title VI, the City Attorney remained non-responsive to many requests for assistance by the RNA board (through the preceding two-year period) to address harassment from previous neighborhood leadership and members of the New Life Friends Church. Then, after months of pressure and bullying, the City Council, based upon recommendations from the City Attorney, voted to withdraw formal recognition of the RNA as a sanction for the unsubstantiated allegations. The City falsely asserted that the RNA was in violation of City Ordinance. How could a credible and productive neighborhood association, one of most active of sixty neighborhoods, sink so low so

quickly? The swer would be that this was an orches ed attack to discredit the RNA in an attempt to arrest progress on the Title VI investigation and to discredit the board through public humiliation.

The City Manager and the City Attorney blatantly refused to assist the RNA in dealing with specific neighborhood tensions that arose from an organized harassment campaign. The City Staff further sponsored the harassment campaign by meeting with these disruptive parties, but the City Staff flatly refused to meet with the RNA board to quell these tensions. The RNA board firmly believes that the City's actions and negligence are completely retaliatory.

The RNA board made numerous attempts to address the unsubstantiated allegations with the City, but these attempts were unsuccessful. They City refused to meet with RNA's representatives and also falsely claimed that the RNA board was unresponsive, despite the production of volumes of documentation. They City Attorney's various requests for documentation were unethical in that the materials requested were not subject to public disclosure.

The IRS document clearly outlines the extent of the organized campaign against the RNA board. This IRS document (including 34 exhibits) is submitted to you as additional proof of the RNA's complaint of retaliation against the City of Vancouver. We understand that the Title 6 Complaint is still being reviewed and this second complaint of retaliation may be handled separately.

Also, please note that Monica Kirk Region 10 Director of the EPA was present at the January 12, 2004 public meeting where the City formally sanctioned the RNA for unsubstantiated charges. Ms. Kirk can bear witness to the lack of due process surrounding these events. No other neighborhood association in the history of Vancouver has ever experienced these problems.

We hope this documentation is sufficient for your needs. If not, please let us know how we can be of further help. Also, please keep us informed of your progress with this matter.

Sincerely,

Dvija Michael Bertish, Chairman
Rosemere Neighborhood Association
360-906-8810

cc: RNA Board
Monica Kirk, EPA Region 10 Director

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December 31, 2003

Internal Revenue Service
Director of EO Examination
Box 192
Covington, KY 41012-0192

Re: Rosemere Neighborhood Association – EIN# 911976282
Report that this tax exempt organization is subject to a harassment campaign

Dear Director of EO Examination:

This letter serves as an application by the Rosemere Neighborhood Association (RNA) for a determination that it is the subject of a harassment campaign, and that compliance with requests for information that are part of this harassment campaign are not in the public interest. The RNA has suspended compliance with requests that we believe are part of this harassment campaign. These requests for information that have been made are hostile in nature and show bad faith or deterrence of the organization's exempt purpose. Requests for information have been formally submitted to the RNA by the City of Vancouver, WA. [redacted] has also submitted hostile requests for documentation, and the following parties have also contributed to [redacted]'s organized harassment campaign: [redacted]. For the sake of clarity, this document will be separated into two sections. **Part I** will deal specifically with harassment from this list of 11 identified persons. **Part II** will deal specifically with harassment from the City of Vancouver.

Examples of Recent Achievements in Support of the RNA's Exempt Purpose

The RNA's mission, as presented in the associations current bylaws, includes the following goals:

- To work together to create an atmosphere of peace, pride and security.
- To encourage participation of all residents and to prohibit discrimination based on the following: race, religion, color, gender, national origin, marital status, familial status, income level, age, sexual orientation, disability, political ideology, ethnicity, gender identification, ability to speak English and literacy.
- Restore the vitality and life's spirit in the neighborhood by promoting effective and positive growth.

- Create an active partnership with social service agencies that serve to target populations in the Rosemere neighborhood.

- Reach out to our neighboring communities to generate and exchange ideas.

- Maintain active communication with Vancouver City officials.

- Highlight the historical importance of Rosemere.

- Promote and encourage environmental awareness and preservation in Rosemere.

Following is a list of some of the achievements of the current RNA officers and board over the past two years, as reflected in our mission statement as well as our published tax exempt purpose:

- The only neighborhood association that is an active member of the Greater Vancouver Chamber of Commerce.

- Awarded two Community Development Block Grants (totaling more than $335,000) to improve neighborhood sidewalks and to renovate a neighborhood park. The sidewalk improvement grant was written by the RNA, but will benefit three other neighborhoods on a main transit corridor. These grant monies are managed entirely by the City of Vancouver.

- Awarded a top-ranked Neighborhood Action Grant in 2002 to implement safety devices on a busy neighborhood street. This street previously claimed the lives of two neighborhood children in a tragic traffic accident. Scores of traffic improvements have also been implemented in collaboration with the city Transportation Department to establish the Rosemere Neighborhood Transportation Plan. These grant monies are managed entirely by the City of Vancouver.

- A strong voice in the Interstate-5 improvement projects, as convened through the Bi-State Trade Partnership, working to prevent the demolition of many homes in Rosemere due to planned highway modifications.

- Conducted research in water quality issues, demographics, environmental justice, and socio-economic impacts related to long-range planning and zoning in order to supplement rationale for the first Title VI complaint of its kind filed in the state of Washington.

- Awarded the highest ranked grant from Vancouver's Cultural Commission in 2002 to develop and install children's artwork throughout the neighborhood ($1757.66). This artwork was also part of an international cultural exchange program with Vancouver's sister city, Joyo City, Japan. The RNA board managed these funds.

- Honored with the Neighborhood Star Award by the City of Vancouver in December of 2002, "In recognition of outstanding achievement and exemplary leadership in the Vancouver Community."

- Provided printed translations of the monthly neighborhood newsletter (through volunteerism and corporate contributions) in both Russian and Spanish to serve non-English-speaking residents. This service is the only one of its kind in Vancouver.

- Assisted in the establishment of a special program to plant historic registered trees at various elementary schools in the Vancouver School District.

- Eleven members of the RNA board are certified as Community Emergency Response Team members through special training conducted in affiliation with Homeland Security programs.

- Participants in Police Precinct advisory meetings to address safety issues, crime, and community policing with the Vancouver Police Department.

- Involvement in numerous issues pertaining to building, planning, code enforcement and zoning through the city's Office of Development Review Services. This includes the filing of an appeal to a Hearings Examiner regarding the proposed development of an apartment complex in an undersized lot, investigation and participation in Long Range Planning/Urban Comprehensive Plan code revisions, and investigation into city permits that have environmental impacts under the State Environmental Protection Agency.

- Participation in recycling classes sponsored by the Solid Waste Department, and the publication of articles that pertain to recycling in the neighborhood newsletter.

- Worked collaboratively to eradicate hundreds of incidents of graffiti throughout the neighborhood.

- Worked collaboratively in roundtable sessions to address the increase of noise pollution levels from the local airport.

- Worked collaboratively in providing food and supplies for the needy families in Rosemere.

- Coordinated the speaking engagements of scores of community and government officials to monthly neighborhood meetings to learn about and participate in a variety of issues related the improvement of the standard of livability for our neighborhood and the greater community as a whole. Guests Speakers include the Mayor, City Councilmembers, City Management, County Commissioner, County Auditor, State Representatives and Congressmen, Police/Fire/Sheriff/Investigators/Emergency Services Administrative Personnel, Transportation Department, Code Enforcement, Health Department, Public Works, Vancouver School District, Cultural Commission, and the Housing Authority among others.

The RNA has been lauded as one of the most active neighborhood associations in Vancouver. Unfortunately, the harassment campaigns outlined in this document have prevented the RNA board from recognizing additional achievements or from abiding by its mission, and disruptions have even prevented the association from conducting its regularly scheduled meetings at this time. Furthermore, high ranking elected officials are

wary of speaking at RNA meetings due to continued harassment at such meetings, and this disruptive behavior has greatly deterred the RNA's ability to effect positive change in our community. Therefore, the continued harassment actively prevents the RNA from continuing to achieve its tax-exempt purpose, and this is not in the public's interest.

**Part I – Harassment from** [redacted]

The RNA is a volunteer organization. Officers and Board Members are elected by a membership vote in April of each year, following nominations in March. The four current officers and most of the current board members were elected (without opposition) in April of 2001, and they have been re-elected by default for two additional terms since no other interested parties ran for office. The current officers and board sought this volunteer opportunity since the organization was previously being used in a discriminatory fashion and steps needed to be taken to preserve the integrity of the organization. The current officers and board are the parties responsible for filing the application for and receiving the 501(c)(3) status.

Prior to the tenure of the current officers and board, members who attended monthly neighborhood meetings were subject to interrogation that was completely inappropriate for such an organization. Past officers and board members (including [redacted]) questioned meeting attendees and demanded to know if said attendees professed a belief in Jesus Christ. Such actions violated the civil liberties of the attendees.

When the current officers and board members took office in April of 2001, the previous leadership ([redacted] were board members, and [redacted] were chairman and vice-chair) refused to provide the new board with a great many documents that were important to continuing the operation of the organization. Despite several requests, the previous leadership refused to provide bank statements, tax records, ledgers and receipts for accounts receivable and accounts payable, rental agreements, meeting minutes, correspondence, attendance rosters (to verify voting privileges), and most importantly, access to the organization's funds and bank accounts. There was no suitable reason for this hostile behavior that lasted for several months. Only when the previous leadership was informed that there was potential for criminal charges to be filed against them for theft were the funds dispersed to the new board. Proper financial records, however, were never provided to the new officers. Instead, the current leadership had to pay a local bank for copies of past bank statements, including copies of checks written by previous leadership. With the aid of professional accountants and legal counsel, the current RNA board was able (after several months of work) to clean up the organization's records and successfully apply for federal tax exempt status.

Each recognized neighborhood association in the City of Vancouver is an independent organization. Each neighborhood association works under minimal supervision of the City of Vancouver, but all internal records (including financial statements and bank accounts) are not subject to the City's oversight since neighborhood associations are not public agencies. The City Manager was very concerned that the previous RNA leadership had failed to provide internal records, but he insisted the best course of action would be for the current officers and board to proceed with a "clean slate" and ignore the

previous board's hostility as a sign of good faith (See exhibit #1). The current board took the City Manager's advice, and proceeded to work on behalf of the Rosemere Neighborhood while trying to ignore the hostilities of the previous board. The City's lack of assistance in these matters paved the way for the previous leadership to continue to repeatedly harass the current board at numerous monthly neighborhood meetings and other functions.

The [redacted] and the [redacted] later invited a neighborhood church [redacted]) to join in the harassment campaign. Two pastors began to regularly attend RNA monthly meetings, and the pastors encouraged the members of their congregation to attend these meetings as well. RNA meetings were repeatedly advertised on the Church's marquis, which clearly indicated the church's intent to flood RNA meetings with its congregation. Most of these congregants, including the [redacted] and the [redacted], were not even residents of the Rosemere Neighborhood. Several of these congregants attempted to sign RNA attendance rosters while using false identification.

Worse yet, the church's ministry is directed toward felons that have been released from prison, and RNA meetings were being attended by registered sex offenders and other hard-core criminal types affiliated with the church. This was a concern to the local police department. Police personnel told the RNA board that such criminals are not interested in neighborhood business, and that such criminals have no reason to attend neighborhood meetings. Pastor [redacted] has housed at least two sex offenders at his Cornerstone Trading Post (within the Rosemere neighborhood), and they are members of his congregation. The Washington State Department of Corrections has notified these sex offenders that they should not attend RNA meetings since they are not really "civic minded" folk. In a letter from the [redacted] (a church in a different neighborhood), Pastor [redacted] submitted his comments to the local courts regarding one the sex offenders, Warner Jones, who has attended RNA meetings. [redacted], a convicted pedophile, has been housed and sponsored by Pastor [redacted] and [redacted]. Pastor [redacted]'s letter, dated May 25, 2001 (see exhibit #30) wrote, "Our ministry is an open fellowship, however, when a person such as [redacted] attends...he is not welcome to participate in any activity where children are involved and are serving." The RNA voices the same concerns regarding the presence of sex offenders at public functions where children as well as adults can be at risk, especially when many RNA meetings are held at public schools.

Pastor [redacted] of [redacted] made several requests for RNA meetings to be held at his church, which the RNA board declined. The pastor also made various requests for the RNA to publish church-related advertisements and articles in the monthly neighborhood newsletter, which the board also declined (citing set policy). As many as 50 church congregants, including Pastor [redacted], took to marching past the homes of various RNA board members, shouting bible verses over a megaphone and blocking access to the homes. Pastor [redacted] declared that these activities were designed to "get the Devil out of Rosemere."

Pastor [redacted]'s behavior at RNA meetings has consistently been disruptive and he has repeatedly challenged the authority of the elected RNA officers and board in ways that breach Robert's Rules of Order. On several occasions he has attempted to subjugate the meeting process by talking over the association's chairman. He has attempted to adjourn

the RNA meetings without the authority to do so. He demanded that other attendees abort the meetings while in progress, and he has staged disruptive strategies from outside the meeting room, causing continuous migrations like flotsam and jetsam while speakers were trying to conduct neighborhood business. It is clear that Pastor [redacted] had prepped his associates to interrupt the RNA meetings.

Pastor [redacted] has instigated many bizarre scenes during RNA meetings. His followers wave bibles and they conduct prayer circles with him as a means of protesting the neighborhood's work and intimidating the attendees of the RNA. His tirades cause some of RNA's female members to worry for their personal safety, and they have required an escort to the restroom and parking facilities. Pastor [redacted], and his associate, [redacted], also embarked on a campaign to smear the RNA Board in the media, calling the board "Anti-Christian." (See exhibit #2, Columbian Article, 'A battle for Rosemere's Soul? Departed Bookstore at odds with new landlords, raising larger issues of religion and politics'.)

At the April 2003 RNA general meeting, Pastor [redacted] left a pamphlet on his seat which read: "And the Lord would say over the State of Washington, I am getting ready to move for I am going to cause a revival of new agers in the State of Washington. The occult is coming down and the kingdom of God is ascending says the Lord. The Lord says get ready because I am going to bring the witches and the warlocks and the satanists into your churches and they are going to get saved..." (See exhibit #3 for a complete copy of the pamphlet.)

The month following receipt of this pamphlet, [redacted], manager of one of RNA's meeting halls, was harassed by at least 10 anonymous callers who "attacked the Rosemere Neighborhood Association and his facility's decision to let the association hold meetings there." [redacted] decided not to allow the RNA to hold meetings at his facility out of concern that the harassment could worsen. [redacted] further explained that the anonymous callers called the RNA board "satanists," (a term from the pamphlet noted above) and that they should not be allowed to hold meetings. (See exhibit #4, Columbian article, 'Rosemere strife disquiets funeral parlor.') At the June 2003 general meeting, [redacted] publicly admitted that he was one of those who contacted [redacted] by phone to discuss the RNA, but he did not specify what he said during the conversation.

Pastor [redacted]'s disorderly conduct has repeatedly prevented the association from following its assigned meeting agenda, and Vancouver Police even had to be summoned at the February 19, 2003 RNA general meeting to restore order. Corporal Skarpho addressed the membership present at the meeting:

"Ladies and Gentlemen...I'm here to keep the peace. I will keep the peace. This is a neighborhood meeting. It should be handled peacefully and quietly not to where the police have to be called. I'm asking for your cooperation to make this meeting and future meetings peaceful and quiet because that's the only way any communication is going to work. If we have to continue to come back we will be forced to the letter of the law and if that means taking people to jail for assault, we will do that. Please, please handle this business peacefully; that's the only way you're going to come to resolution."

Corporal Skarpho even rebuked offensive protestations from another pastor from [redacted]

[redacted] who was disrespectful and dismis[illegible] to law enforcement's comments. The pastor declared there was no basis for what the Corporal was saying. The Corporal responded:

"There is a lot of basis to what I am saying. I am not here to debate that with you. I am just here to tell you what the police department will do." Clearly, the church's intent was to continue its disruptive behavior.

In response to this continual harassment and intimidation, the RNA board designed and enacted (by popular vote) various bylaw amendments. These amendments were designed to ensure that non-Rosemere residents could not usurp the voting privileges of true Rosemere residents, and that a non-profit organization (such as a church) should not be allowed to overtake the organization by padding the vote. The bylaw amendments clarified that each non-profit, business, and property owner were entitled to only one vote. When the church representatives attempted to override voting requirements by demanding voting privileges for all of the church's congregants and representatives (a violation of the RNA bylaws) the RNA board presented an additional bylaw amendment that allowed only verified residents of Rosemere the right to vote at RNA meetings, meaning that businesses, non-profits, and non-resident property owners could no longer vote. These bylaw amendments were approved by a vast majority of the general voting membership. (See exhibit #31, current RNA bylaws.)

The RNA board has no qualms with the recommendation to restore voting privileges to businesses, non-profits and non-resident property owners once the various attempts to overrun the neighborhood association have been put to rest. As a show of good faith, the RNA board took the time to interview many of the businesses in Rosemere (see exhibit #37, chart of business owner's opinions on voting privileges). Of 24 Rosemere businesses polled (completed in July of 2003), only 6 stated that they were interested in being able to vote at RNA meetings. Comparatively, there are more than 5000 residents in the Rosemere neighborhood, and the RNA is the only "recognized" forum that exists for these residents to voice their concerns. The RNA board receives hundreds of calls from Rosemere residents on a yearly basis requesting information and assistance with various issues of concern. The RNA has urged non-Rosemere residents who attend RNA meetings to seek such assistance through the neighborhood associations where they live, because that is what neighborhood associations are designed to do. Businesses have the opportunity to voice their concerns with the Greater Vancouver Chamber of Commerce, and the Chamber visibly relays the concerns of its membership to City Staff on a very regular basis. The RNA is the only neighborhood association that is a current and active member of the Chamber of Commerce, and the RNA board has pursued a great many issues through the Chamber as a non-profit corporation.

The [redacted] recently moved to a new facility in Rosemere that was already zoned as a "community commercial" property. Such a property is permitted to run a homeless shelter. Representatives of the church were seeking ways to bring homeless individuals to RNA meetings to pad more votes. In answer to this problem, the RNA membership approved an amendment that residents of transitional housing could not vote. Conversations with various professional advisors, and even some City Councilmembers, indicated that these various bylaw amendments were reasonable attempts to protect the organization from undue influences. Neither the City nor [redacted] et al have accurately represented the overwhelming majority vote of the RNA

membership to amend the RNA bylaws in this fashion and to take action against the disruptive parties to maintain order in RNA meetings. The rights and responsibilities of the majority of the RNA membership have not been adequately recognized, and the rights of these neighborhood residents are being abused through the continued harassment.

In an attempt to elicit appropriate behavior from disruptive parties during RNA meetings, a video camera was set up at the back of the meeting room. This exercise proved fruitless in that the disruptive behavior continued regardless of the video camera's presence. The disrupters would simply conduct their harassment out of range of the camera lens. The RNA Board does not maintain a library of recorded RNA meetings, and the City has been informed of this fact. The city does not mandate the operation or distribution of videotapes of meetings, especially since they are not commonplace with other neighborhoods. Nonetheless, such security measures are not subject to public disclosure. According to Scott Hewitt of the Columbian, [redacted] claims that the video camera can see through people's clothes. The whole issue with the video camera is simply ridiculous.

The RNA board enlisted the aid Mr. Tony Sahli, a private investigator and conflict resolution specialist. Mr. Sahli anonymously attended several RNA meetings to observe the harassing behavior of [redacted] and his affiliates. Mr. Sahli filed an official report with the City of Vancouver that described the harassment (see exhibit #10). Mr. Sahli wrote:

"I pointed out to Mr. Gathe [Vancouver City Attorney], how after the April 2003 meeting [redacted], as I was leaving, came up to my van and pounded on the window demanding to know who I was and why I was at the meeting and if I lived in the neighborhood. I also pointed out how [redacted] told me it was 'us against them.' I went on to explain how [redacted] said it was the Christians against the Buddhists. I went on to explain to Mr. Gathe how I pointed out to [redacted] that I never heard anything about religion in the meeting. [redacted] agreed but insisted that it was the Christians against the Buddhists. I asked [redacted] who the Buddhists were and he explained that was why he was trying to get a list of everyone who attends the meetings so he can find out about them." Many attendees of RNA meetings require complete confidentiality regarding the attendance rosters to avoid further harassment from [redacted] and his associates. In order to protect the privacy of these individuals, the RNA will not release its attendance rosters, especially since these materials are not subject to public disclosure.

Mister Sahli continued in his report, "I pointed out to Mr. Gathe (City Attorney) that [redacted] was harassing the current RNA leadership because of some of their religious beliefs and that was the reason he wanted the list of people and their addresses, so he could check them out and see which ones were in that group. I pointed out that [redacted] himself told me that. Mr. Gathe did not care about the reason [redacted] wanted the names and addresses, it was just the fact that it was public knowledge according to Gathe." Clearly, the City Attorney is not concerned with the rights to privacy, even though they are meant to protect individuals from such harassment. The City Attorney still insists that the RNA should release its attendance rosters, citing the state Public Disclosure Act, even though [redacted] has stated clearly that he will target people on these rosters.

In yet another Columbian Article, (see exhibit #11, Columbian Article, "'Spiritual warfare' in Rosemere") [redacted] sates: "My goal in life is to share Christ with (the RNA board)...My belief is that they (the RNA board) are not of God. It may cause animosity on their part, or a wall or barrier between us." Clearly, [redacted]'s religious agenda is not part of the express purpose of the RNA as a 501(c)(3) organization, and his actions should be determined to be a form of harassment by the IRS. It has been suggested to [redacted] several times that he organize his own neighborhood group and that he must refrain from harassing the RNA. The RNA board has even offered to split the neighborhood boundaries so as to allow [redacted] the ability to form his own organization. Neither the City nor [redacted] have responded to this suggestion. Though he admits to conducting his own neighborhood meetings (which take place before and after RNA meetings), [redacted] still insists on causing trouble at RNA meetings while working in concert with identified parties. Time and time again the attendees have been reminded that religious agendas are inappropriate for neighborhood meetings. Despite these warnings, affiliates of the [redacted] and the [redacted] continuously interrupted neighborhood meetings with prayer circles, audible prayers requesting Jesus' intervention in the meeting agenda, talking in 'tongues', blocking of doorways with interlocked arms, waving of Bibles, and other similar hostile behaviors. Mr. Sahli reported (see exhibit #10), "It was mentioned (to the City Attorney) that [redacted] and [redacted] have been saying that the City of Vancouver will disenfranchise the current RNA because of how they were acting and how the current RNA would not let them pray in meetings. Mr. Gathe (City Attorney) did not care about it."

[redacted] and his associates repeatedly interrupted neighborhood meetings with volatile arguments and verbal abuse to the point where several meetings had to be prematurely adjourned. At one general meeting, [redacted] became so agitated that she began to throw chairs about the room while singing "God Bless America." [redacted] has, on several occasions, used her cellphone in the meeting room. She used these cellphone conversations to berate the RNA board aloud, and had to be told to turn off the phone or leave the meeting. [redacted] repeatedly complained to the City that the RNA board had personally threatened her so she feared for her personal safety. No such threats were made. She has created volumes of unsubstantiated allegations against the RNA, and all of them are on display at the Office of Neighborhoods. In an email sent directly to City Council, [redacted] stated emphatically, "I may be in the boundaries of the Rosemere Neighborhood, but I AM NOT A MEMBER and none of their views shall represent my household (See exhibit #32)." The RNA board wonders why [redacted] continues to attend regular RNA meetings (where she rashly heckles the board) since she has stated she is not a member. Roberts Rules of Order clearly state that non-members do not have the right to interrupt the neighborhood meetings, or even to speak. To date, [redacted] proudly displays a sign on her front door that reads "No Trespassing! Especially the Board of the Rosemere Neighborhood Association."

Furthermore, [redacted] formerly worked as property managers for an apartment complex in Vancouver. [redacted] was convicted for embezzling monies from the apartment complex (see exhibit #33). Court records show that [redacted] was jailed and made to pay restitution of $5440. The owner of the apartment complex (also an attorney) noted that the actual amount of money that was missing was substantially higher, but the lesser amount of $5440 was all that could be proven beyond doubt. These facts are important in that both [redacted] were personally

handling RNA funds and City funds during their lengthy tenure as RNA leaders, and their accounting records during this time were shockingly incomplete during this time.

[redacted] made a point to regularly shout abuses at the RNA board from the back of the room, often repeating the phrase "you satanists!" over and over. On various occasions, [redacted] also refused to sign the attendance roster as required for members, and she threw writing pens at the RNA board in protest while casting sarcastic derogatory remarks.

[redacted] (Pastor [redacted] business partner and president of [redacted]) professed the RNA board to be evil, and repeatedly voiced the opinion in neighborhood meetings that the RNA board needed to be "gotten rid of." [redacted] has filed a number of false allegations against the City (written statements on display at the Office of Neighborhoods). Oddly enough, [redacted] has a lengthy criminal history including Grand Larceny, Armed Robbery, Driving While Intoxicated (five times), Driving While Suspended (five times), Assault II & III (multiple occurrences), Resisting Arrest, Assault on Police Officers, Simple Assault, Parole Violation, Malicious Mischief (multiple occurrences), Having a Gun in Vehicle, Theft II (four times), Possession of Controlled Substance (methamphetamine), Violation of Work Release, Failure to Report, Failure to Pay Fines, Default on a Bank Account, and general notations that he is a Habitual Offender (See exhibit #33). [redacted], in a Columbian Article (exhibit #11), stated "Light doesn't have fellowship with dark…There's spiritual warfare going on." The article continues, "A screed handed out by [redacted] rails against homosexuality and the theory of evolution, and declares that the United States is supposed to be a Christian nation." In a letter dated March 13, 2003 (see exhibit #25) to the City, [redacted] wrote, "As the Executive Director of a non-profit organization ([redacted]), which has operated transitional housing in Vancouver for the past decade, I have found it not only beneficial, but absolutely imperative to have a mutual understanding and working relationship with our neighborhood associations…we are directly in associated with the [redacted] and in full and direct support of their efforts toward renovation and restoration of the Rosemere neighborhood." The RNA board has no issue with churches in general, or their efforts to better the neighborhood. The RNA board only has issue with the methods used by this church and its affiliates that are designed to harass and intimidate law-abiding citizens. During RNA meetings, [redacted] does not exhibit the spirit of cooperation that his verbiage suggests. Furthermore, [redacted] is not a resident of Rosemere.

[redacted] attended various RNA meetings, but refused to sign the attendance rosters and refused to be acknowledged as a member of the RNA. He repeatedly contacted the RNA chairman at home, demanding personal information about the RNA board. In monthly meetings, he repeatedly asked the question "who is the RNA?" [redacted] was warned to refrain from interrupting neighborhood business with nonsense, especially when his comments were meant to be argumentative and disrespectful. [redacted] was invited to fill out comment cards if he had pertinent questions, but he chose not to accept this invitation.

According to Roberts Rules of Order, Article 13, Section 66, "A nonmember has no rights at a meeting: he does not have the right to vote, to speak, or even to be present. Thus, if his presence in any way offends the group (normally being a cause of disorder, interrupting the proceedings), the group, through a motion or by its presiding officer,

may require him to cease his offensive behavior or leave...Either the assembly or the presiding officer may exclude all non-members or only selected ones, as necessary...In either case, prudence suggests contacting security forces to do so, but if necessary, the chair may direct particular members to act as sergeants-at-arms to do so." When warned in this fashion, [redacted] stood in defiance and barked that his civil rights were being violated. The chairman appointed a sergeant-at-arms to assist with keeping order in the meeting hall in hopes that the meeting agenda could be followed.

At the February 2003 RNA general meeting, [redacted] became so volatile that he literally raised his fist to the chairman's face, shouting that the chairman was trespassing on his "private property" while pointing to the floor in the middle of the elementary school library. [redacted] attempted to strike the chairman in the face, but others were able to subdue him. The police were called to respond to this aggressive behavior in a public meeting. [redacted] denied these events, and wrongly claimed that the chairman had struck him first. The chairman never touched [redacted].

A few days later, Pastor [redacted] met with the Office of Neighborhoods, where City Staff's typed notes regarding this meeting are on display, despite the fact that the notations are stamped "Confidential/In House Only." No other neighborhood association has all of its documentation on display (bound in several notebooks), and there are several documents stamped "confidential" in this collection. As usual, Pastor [redacted] took the opportunity to relay a number of additional false allegations and bold face lies about the RNA board. Notes in this conversation include, "(Pastor [redacted]) wants to put [redacted] back in as president (of the RNA) due to his fairness and open-mindedness to all parties," and that he wants the Office of Neighborhoods to see to it that Dvija Bertish (current chairman) is removed from office. Pastor [redacted] falsely reported that Mr. Bertish had struck [redacted] at the recent RNA meeting. Pastor [redacted] also stated that he wanted "to be able to take ownership of the neighborhood as a property owner and a pastor" even though he did not live in Rosemere, and that he wanted the Office of Neighborhoods to reverse the RNA's recently amended bylaws as approved (see exhibit #36). Obviously, the City does not have the authority to remove the elected leadership of the RNA or install replacements. A preponderance of evidence also strongly suggests that [redacted] is far from being "fair" and "open-minded," and that he takes great pains to harass and target the RNA board with vitriol and hatred.

The RNA was awarded the City's topped ranked Cultural Commission Grant in 2002 ($1725.00) to display artwork throughout the Rosemere Neighborhood on signposts. The artwork was created by children from the neighborhood's Washington Elementary School, and it was centered on four themes: "Rosemere Blooms," "Welcome to Rosemere," "Drive Slow for Children" and "Rosemere, Garden of Diversity." This project was highly lauded by City Council and the Office of Neighborhoods, earning the RNA a Neighborhood Star Award, and the artwork was even sent to Vancouver's sister city, Joyo City Japan, where it was on public display. As a show of good faith, the RNA invited Pastor [redacted] and his group to participate in the art program. Neighborhood businesses and organizations pledged funds to help pay for the signs in addition to the grant monies received. Pastor [redacted]'s business, the Cornerstone Trading Post signed a pledge of $50. When it came time to collect the pledges Pastor [redacted] stated that he was not going to honor the Cornerstone Trading Post's pledge because the program was nothing more than the RNA's attempt to pursue a "homosexual agenda," and that, in his opinion, it was "criminal to use innocent children in this fashion." The RNA had never

discussed homosexuality, and no one really understood the accusation. All other pledges for the project were collected without incident, and the RNA board received no other complaints regarding the artwork.

Pastor [redacted] stated that he found the phrase "Garden of Diversity" offensive. Of course, this was discussed at the October 15, 2002 RNA general meeting where Pastor [redacted] was in attendance. Pastor [redacted]'s tirade eventually made it to the newspaper once again, wherein one of his business associates stated "Rosemere, Garden of Diversity...that word (diversity) has become a pledge to cover anyone who's feeling persecuted. We (the [redacted] and its associates) felt is wasn't as positive as they (the RNA Board) were purporting it to be." (See exhibit #34, Columbian Article, 'Rosemere: Tensions grow over Rosemere politics.') Sadly, many of the 80 beautiful children's art signs that were installed throughout the neighborhood have been destroyed, and those that were in the vicinity of the [redacted] were the first to disappear. It is a terrible loss for the neighborhood, and a huge disappointment to the children who created the artwork.

There was a general disruption of the meeting, caused specifically by [redacted] and [redacted], and the chairman stated that he would close the meeting if necessary to keep order. During the continued debate at the neighborhood meeting, Pastor [redacted] demanded copies of the attendance rosters, with addresses and phone numbers stating that he wanted to know how to "impeach the board." The Chairman contacted the City's Office of Neighborhoods the following morning to alert them to Pastor [redacted]'s hostile demand for the attendance rosters, and the reasons for denying Pastor [redacted] access to these rosters. On October 17, 2001, after discussing the issue with David Talbot, the RNA Liaison, Adrienne DeDona of the Office of Neighborhoods wrote: "if [redacted] does not call us again to request this information, then we won't worry about it any further." As far as the RNA is aware, Pastor [redacted] did not pursue the request again, and the matter was dropped.

These are just a few examples of disruptive and harassing behavior that are regularly experienced by the RNA board at monthly meetings. The spouses of the aforementioned persons often served as foils to further interrupt the proceedings. All of these parties worked in tandem, and all were affiliated in some way with [redacted] and the [redacted]. There are a number of other disruptive parties affiliated with the church, but the RNA board has only taken action in an attempt to address the most aggressive repeat offenders. These issues make it very difficult for the RNA to achieve its primary goal, "To work together to create an atmosphere of peace, pride and security."

Many of these incidents were reflected in meeting minutes and published in the monthly neighborhood newsletter. The RNA board formally requested assistance from the City to deal with these hostilities, including a police liaison to attend meetings, but the City failed to provide any assistance to put an end to the intimidation, organized harassment and general childish, uncivilized behavior. Since the City failed to provide assistance, the RNA was left with no choice but to begin taking corrective action, as advised by counsel. On March 5, 2003, the RNA board sent Cease and Desist Orders to persons who were continually disruptive at RNA general meetings ([redacted]). Please note that [redacted] refused service via certified mail four times, and the RNA Board had to hire a process server to finally deliver the order to [redacted] at the March 2003 RNA general meeting. The Orders read (see exhibit #5):

"This CEASE AND DESIST ORDER is to demand that your continued disruptions at monthly Rosemere Neighborhood meetings must CEASE AND DESIST immediately and will not be tolerated in any way, shape or form. This is your final warning. Should you persist in disrupting the meetings and attempt to prevent the association from following the meeting agenda, you will be removed from said meetings pursuant to RCW 42.30.050 Interruptions – Procedures of Open Meetings. You will CEASE AND DESIST immediately from your organized actions to disrupt said meetings, and your aberrant, volatile and abusive behavior at said meetings, and your slander of the Rosemere Neighborhood Association. Should you attempt any further outbursts at said meetings, the Rosemere Neighborhood Association will not hesitate to pursue criminal charges against you and/or civil action under RCW 9A.46.020 Harassment, RCW 9A.46.110 Stalking and 9A46.120 Criminal Gang Intimidation." In his April 21, 2003 memorandum, the City Attorney opined that these Cease and Desist Orders were "unacceptable," but he failed to provide a suitable alternative to deal with the continual harassment.

On March 5, 2003, the RNA received a letter via email from [redacted] (see exhibit #6) in response to his receipt of the CEASE AND DESIST order. In this email, [redacted] writes: "While it is well-known that I hold a religious belief different from others in the group, that should not hinder my right to express an opinion, especially one that deals directly with the inconsistent treatment I receive when I attend meetings. At a time when our country's freedoms are being challenged on a daily basis, I find it ironic that you would mischaracterize my peaceful expressions of opinion as "volatile and abusive" in a counterfeit attempt to exclude me from meetings..." Once again, [redacted] insists on focusing his tirades on religious bias, which has absolutely nothing to do with neighborhood business. Furthermore, as this document has shown, Mr. Paster's behavior had consistently been far from 'peaceful expressions of opinion,' as a vast number of witnesses can attest. [redacted] went on to comment that he would not abide by the terms of the Cease and Desist Order.

Just before the Cease and Desist Orders were issued, on February 26, 2003 the RNA received an email from [redacted]. [redacted] wrote (see exhibit #7):

"Under the Freedom of Information Act I am requesting several items.

1. Copies of the last 4 meetings video tapes. October, November (2002), January, and February (2003).
2. Copies of the sign in sheets from the last 4 meetings. October, November, January, and February. Black out phone # and addresses.
3. Copies of the original bylaws and all changes made since the original set was adopted.
4. Copies of all financial statements since May 1, 2001."

(Please note that the RNA is not a public or governmental agency, and therefore, requests for information under the Freedom of Information Act do not apply.)

Upon receipt of this email, the RNA Chairman immediately contacted Lonnie Shankling, Manager of the IRS EO Group 7887 (Tax Exempt Division, El Monte, CA – phone 626-312-3610 extension 5028), to discuss [redacted]'s request for information. According to Mr. Shankling, most of the materials requested by [redacted] are not subject to public

disclosure. One item that [redacted] requested that is to be provided under the rules of public disclosure is the current set of bylaws. The RNA has filed every amended set of its bylaws with the City of Vancouver through the Office of Neighborhoods. Once made public in such a fashion, the RNA is not required to make additional copies of such documents, and all inquiries can be directed to the City to obtain copies as needed. Also according to Mr. Shankling, materials exempt from disclosure in these circumstances include security tapes, attendance rosters and financial statements. Therefore, these items would be protected under privacy provisions and exemptions available to the RNA as a 501(c)(3) organization.

Mr. Shankling further explained that a 501(c)(3) that is receiving requests for documentation internal to the organization (such as [redacted]'s request) when the organization has less than a $1000 to its credit is understood to be the victim of an organized harassment campaign. Attached you will find copies of three year's worth of financial statements for the RNA (see exhibit #9). Please note that the RNA's year- end balance for each of the past three years was $840 or less, and is currently only $224.

In light of these facts, the RNA did not honor [redacted]'s request for information. [redacted] renewed his request for information on March 20, 2003, and the RNA did not honor this second request either (See exhibit #8). Please note that in the second request [redacted] states "I also understand that there is a fine for failure to produce the documents in a timely manner.[(5) five days] I do hope to hear from you this time." The RNA board found [redacted]'s requests to be bizarre since he was a previous board member who flatly refused to provide the current board with any sort of internal documentation at the onset, which was an abuse of his office. Furthermore, the current RNA board has consistently published its account balances in the monthly neighborhood newsletter, and has also provided a verbal Treasurer's Report (including account balances) at monthly neighborhood meetings. This information has been openly provided despite the fact that it is not required. There is no reason for [redacted] to request copies of financial statements other than his continued goal to harass the current RNA board.

According to the Internal Revenue Service Publication number 990-2 (package) entitled "Returns for Organizations Exempt from Income Tax Under Section 501(c)(3) of the Internal Revenue Code," the Chapter entitled "Public Inspection of Exemption Applications and Annual Returns," the following statements indicate the specific materials that must be provided by a 501(c)(3) organization to satisfy public disclosure requirements. These are the only documents that must be provided: 1) a copy of the original and amended annual information returns [Form 990] (any organization with an annual income less than $25,000, such as the RNA, is not required to file a tax return); 2) the application for tax exempt status, including Forms 1023 or 1024, all documents and statements the IRS requires the organization to file with the form, any statement or other supporting document submitted by an organization in support of its application, and any letter or other document issued by the IRS concerning the application; 3) a current set of bylaws; 4) the 501(c)(3) letter of determination awarded by the IRS; and 5) the organization's articles of incorporation. According to the IRS, all other documents are not subject to public disclosure.

Because of the continued disruptions that were in violation of the Cease and Desist Orders, and because the City did not provide assistance to find a resolution to these

issues, the RNA board was left with no choice but to expel repeat offenders who had repeatedly interfered with RNA meetings to the point of distraction. The RNA board drafted formal letters of expulsion following recommendations set forth by Roberts Rules of Order. Please note that the City of Vancouver's Office of Neighborhoods instructed the RNA to abide by Roberts Rules of Order (and even supplied a copy of the Rules to the RNA board) and several other neighborhood associations specify in their bylaws that Roberts Rules of Order are to be used.

In article 14, Section 66 of Roberts Rules of Order, entitled 'Disciplinary Actions,' the rules state, "any member may immediately move the imposition of a specific penalty, or the chair may ask the assembly what penalty should be imposed. The motion might propose to censure the member(s), or it might take another approach, perhaps that he leave the hall until he is ready to apologize. The most extreme penalty that the group can impose is expulsion…expulsion requires a two-thirds vote." The chairman did indeed exercise these rights, and at the April 2003 RNA general meeting, following yet another disruptive bout, [redacted] was told by the Chairman to remove himself from the meeting room due to his behavior. At that time, the assembly called for a vote to expel [redacted] from the association, and a membership vote was recorded. The motion to expel [redacted] passed by more than a two-thirds vote. The assembly also determined to expel additional disruptive parties. The chairman, offered [redacted] one more chance to be civil, and allowed him to remain if he were to apologize for his disruptive behavior. [redacted] weekly apologized and he was allowed to remain. However, he continued to disrupt future meetings, and this prompted the need for more stringent corrective measures.

The decision of the majority of the RNA assembly was clear at the April 2003 general meeting – the disruptive parties must be expelled. On August 19, 2003 [illegible] the RNA board sent a letter to the City Manager stating the 11 disruptive parties would be barred from attending future RNA meetings as provided by Roberts Rules of Order. The City did not respond to nor raise concern over this letter. Nearly a month later, On September 14, 2003, each of the 11 repeat disrupters was sent a certified letter barring them from attending RNA functions (see exhibit #13.) The eleven people were: [redacted]. (Please note that 5 married couples are represented among these 11 individuals. Also note, the [redacted] and the [redacted] do not live in Rosemere.)

Upon receipt of the letters of expulsion, the disrupters complained to the City that their civil liberties had been abused. The City Manager demanded that the letters of expulsion be rescinded (see exhibit #20), but the RNA board insisted that membership would only be restored when each and every one of the disrupters signed a contract with the RNA to behave in accordance with Roberts Rules of Order and common decency (See exhibit #14, letter to City Manager on December 10, 2003). Common decency would include abstinence from discussion of religious beliefs during neighborhood meetings, and abstinence from harassment and intimidation. The City Manager never responded to this offer, but instead made the recommendation to the City Council to revoke the status of the RNA as a neighborhood association recognized officially by the City of Vancouver, citing the RNA board had violated the City's non-discrimination policy and the neighborhood ordinance. The motivation behind the City Manager's recommendation is purely retaliatory in nature, as the second part of this document will reveal.

## Part II – Harassment from the City of Vancouver

In December of 2002, the RNA was recognized by the City for its outstanding achievement, as a recipient of the City's Neighborhood Star Award. Only 6 out of 60 neighborhood associations were so honored. From December 2002 until the beginning of March, 2003, the City did not provide the RNA with any concerns or allegations regarding its internal operations.

On February 21, 2003, Karen Axell of the RNA board, spoke with the City Attorney by phone regarding the volatile behavior at RNA meetings. Ms. Axell told the City Attorney about the continual disruptions, and that certain attendees seemed to be more interested in hate and discontent which are not valid neighborhood discussions. Ms. Axell asked the City Attorney how to deal with the disrupters, stating that the RNA board had dealt with this for two years. Ms. Axell mentioned that other attendees were very unhappy with the people Pastor [redacted] and [redacted] are bringing into the RNA meetings to cause disruptions. The City Attorney responded that meetings are open to the public, but the public cannot disrupt the meeting. He said the city's neighborhood ordinance is old, from the 1970's, and it has not kept up with the growth of the city, and that the neighborhood ordinance needs to be looked at again. Mr. Gathe noted that the real question was when dissent becomes citation-worthy. If the RNA Board could not continue the agenda because of the disruption, a break of the civil peace, then there is no other recourse but to call 911. Ms. Axell requested that the City Attorney inform the Police Department that he (Gathe) had advised the RNA Board that its legal recourse for meeting disruptions was to call 911.

Terrible disruptions occurred at the February 2003 RNA general meeting and the police were called to restore order. [redacted] were the main [illegible] police had been called to two other meetings in previous years. In his April 21, 2003 memorandum, the City Attorney wrote: "To the best of our knowledge, there is no precedent for these kinds of allegations (misconduct in RNA meetings) nor has such a level of discord been noted in a neighborhood association in recent memory." Apparently, the City Attorney's memory is rather short, since the discord at neighborhood meetings had been extremely noteworthy for a number of years, and the RNA board personally informed him of various incidents that disrupted neighborhood meetings. Furthermore, the Carter Park neighborhood had a number of very tense meetings in the past where the police were needed to keep the peace.

On March 6, 2003 the RNA appeared before a land use Hearings Examiner for the City of Vancouver in order to protest the permit to build an apartment complex in Rosemere. During the hearing, the RNA Chairman disclosed that the RNA had filed a Title 6 and Environmental Justice complaint against the City of Vancouver for discrimination in zoning practices, environmental contamination due to neglect of septic tanks and sanitary sewers, and substandard services being provided to impoverished and racial minority areas within the City. Since that time, the City of Vancouver has refused to participate in problem solving processes with the RNA in order to find solutions to the matters raised in the Title 6 complaint.

Suddenly, on March 10 and 11, 2003, just days after the filing of the Title 6, the City Attorney sent two letters of inquiry to the RNA (See exhibit #15, two letters). Both letters

demanded that the RNA provide the City with copies of video tapes of meetings from November of 2002 through February 2003. The City Attorney also asked the RNA to comply with [redacted]'s public disclosure request, even though the RNA board had previously explained the materials requested by [redacted] were not subject to public disclosure under 501(c)(3) provisions (See exhibit #16). The RNA quoted the specific IRS provisions to the City Attorney in writing. Nevertheless, the City Attorney stated: "I am not aware of any provisions in the Internal Revenue Code that restrict or prohibit the release of the information requested. Nor is it clear why videotapes of neighborhood association meetings, attendance rosters or financial statements for the Rosemere NA are exempt from disclosure as well." The City Attorney's request for information did not make sense, especially since the City did not provide assistance to the current RNA board when [redacted] and his affiliates refused to provide working documents in 2001. The City Attorney has been repeatedly informed that there is no library of video tapes of RNA meetings, yet the requests for video tapes continue. Furthermore, in the City Attorney's April 21, 2003 memorandum, he sates "The City does not have a history of intervening in neighborhood association disputes or regulating how such organizations conduct their business." Why then did the City Attorney refuse to honor the right of the RNA's protection under the rights of privacy afforded by the 501(c)(3) status? Why did the City Attorney attempt to bully the RNA board to comply with his demands?

The City Attorney informed the RNA board that he would be looking into "allegations" filed by [redacted] and his affiliates, yet it was unclear what those allegations were, or the methods used to determine them. On April 21, 2003, the City Attorney published his memo regarding the RNA, in which this "review and report" had been suddenly transformed into an "investigation." The memo (see exhibit #17) outlined a host of recommendations, including the demand that the RNA reverse many of its bylaws in order to [illegible] [redacted] and his affi[illegible] changes were achieved through a majority vote of the membership [illegible] of the organization. The City Attorney was clearly interfering in a private organization's ability to self govern, and as Mr. Sahli explained, Mr. Gathe was attempting to "micromanage" the RNA, which is an abuse of his office.

Also in his April 21, 2003 memo, the City Attorney stated that the RNA Board should enter into voluntary mediation with its critics. The RNA board attempted several times to gather more information about this process from the City, and was especially interested to known with whom it should mediate. (See exhibit #21, two letters sent by RNA to City requesting information on the process of mediation, May 2 and June 13, 2003.) The City did not sufficiently identify the mediation process, the parties to be involved in mediation, nor did it identify the topics that would be discussed during mediation (See exhibit #22, letter from City Manager, dated June 9, 2003). The RNA board determined that mediation (in this situation) would be fruitless due to the extreme nature of the religious discrimination and harassment, and therefore declined to pursue the subject further. The City Manager stated in a letter to the RNA on May 8, 2003 (see exhibit 23), "We (the City) do not believe that the difficulties and antagonism that have arisen in the RNA over an extended period can be completely resolved through the mediation process alone." The City never provided additional information, suggestions (beyond mediation), or assistance that would bring the conflict to resolution.

In the City Attorney's April 21, 2003 memorandum (see exhibit #17), he states "Neighborhood organizations are private, not public entities, and likely do not fit the

definition of a public agency as set forth in (Washington state) statutes..." and, "the city's authority over the operations of a neighborhood organization is necessarily limited." However, the City Neighborhood Ordinance (VMC 2.76.100(a)(2), see exhibit #24) requires that neighborhood associations abide by the Washington State Public Disclosure Act and the Open Public Meetings Act.

The City Attorney quoted Washington State Case Law, Telford v. Thurston County Board of Commissioners, 95 Wn. App. 149 (1999) in which the Washington State Court of Appeals devised a four part test to determine if an organization was a functional equivalent of a public agency, specifically for purposes in complying with the Public Disclosure Act. The City Attorney explained that it us unlikely that neighborhood associations would be considered the functional equivalent of a public agency because 1) they do not perform government functions, 2) they are not regulated by government, 3) they are not created by government, and 4) they are not solely or primarily funded by government. The City Attorney concluded that the City couldn't sanction or penalize the RNA for failure to comply with the requests for documentation under state law, yet he still recommends sanctions against the RNA. Furthermore, the City Attorney insists that the RNA board should comply with the requests for documentation, regardless of the fact that the requests are hostile in nature and that the requests are not subject to public disclosure per 501(c)(3) provisions. As a matter of law, the City Attorney's opinions are contradictory as well as confusing. The RNA Board maintains that the City's requirement to abide by the Open Public Meetings Act and Public Disclosure Act (intended for public organizations, not private ones), creates the conflict that prevents the RNA board (as a governing body of a private organization), from exercising its rights and responsibilities to manage and control its internal affairs. Therefore, the City's neighborhood association ordinance seems to be in conflict with Washington State Law as well as federal 501(c)(3) provisions, and the ordinance should be modified to remove this conflict.

The City Attorney's April 21, 2003 memo was followed by an article that appeared in the Columbian (See exhibit #18, 'Rosemere: City wants changes in neighborhood) wherein the City Attorney's threat of revocation of the RNA's official recognition was raised. The article begins, "The Rosemere Neighborhood Association should repeal its voting restrictions and hand over records, including videotapes of recent meetings, Vancouver 's City Attorney says." The City Attorney further alluded that should the RNA board fail to honor his demands to provide the requested documentation, the city would seek to sanction the RNA. In a Columbian article dated March 30, 2003 (See exhibit #34), "Gathe (City Attorney) said if the Rosemere Neighborhood Association is found in violation of any city codes, it would first have the opportunity to voluntarily change its bylaws and practices in order to come into compliance. Failing that, he said, the group could lose its status as a recognized city neighborhood association." The RNA board maintains that it is not in violation of city codes, yet the RNA still faces possible sanctions per the recommendation of the City Attorney.

Later, in November of 2003, the City Council reviewed recommendations to update Municipal Ordinance regarding the operations of "recognized" neighborhood associations. During this workshop, the City Attorney admitted that the City did not have the authority to mandate how any neighborhood association fashioned its own voting privileges or bylaws since they were all private organizations. Oddly enough, the City Council was never informed of the RNA board's recommendation to include provisions of due process in the revised neighborhood ordinance to prevent hearsay from

being used to undermine any active board, and to prevent religious agendas from being pursued through the neighborhood network.

On April 8, 2003, the RNA board met with City Councilmembers Tim Leavitt and Jeanne Lipton (see exhibit #35, printed agenda for this meeting) to discuss the City Attorney's April 21, 2003 memorandum. At this meeting, the RNA board explained that the City Attorney was conducting a smear campaign against the RNA through the media and that he had failed to substantiate the allegations against the RNA that were being publicized. The RNA board further explained that the RNA was denied due process in order to defend itself in an appropriate forum, and that City Staff was not giving City Council all the facts for them to be able to deliberate sanctions against the RNA. The RNA board requested formal mediation with the City using an outside mediator from Portland. The RNA board recommended that the neighborhood municipal ordinance be revised to provide for due process to prevent active boards from being maligned with hearsay, and to establish that religious agendas are not appropriate topics for neighborhood business, especially when such agendas are discriminatory. None of these concerns or requests were ever addressed by the City.

In a very short period of time, the RNA went from being recognized for excellence to being suddenly investigated for unsubstantiated allegations. Clearly, there is a correlation between the City's being notified about the Title 6 complaint and the ensuing City investigation into the internal affairs of the RNA. A letter written by the City Manager on December 1, 2003 (see exhibit #19) to City Council clearly identified the Title 6 complaint with the potential revocation of the RNA's official neighborhood association recognition. The City Manager declared that he had discussed the potential of a civil rights action in this matter, and he declared the City Attorney's opinion that the RNA board would not prevail in such an action.

The City's retaliation is unlawful under protections afforded the Title 6 process. The RNA Board believes that it is being retaliated against because of the Title 6 complaint. Both Mr. Sahli (a private investigator) and Mr. Boothe (an attorney), among others, agree with this assessment. The RNA has filed complaints of retaliation relative to Title 6 provisions with the US Environmental Protection Agency, the Department of Housing and Urban Development, the Washington State Department of Ecology, and the Washington State Department of Transportation.

In a telephone conversation on December 16, 2003 between the RNA Chairman and Vancouver City Councilmember Jeanne Stewart, Ms. Stewart outlined the City's motivation for creating this controversy. Ms. Stewart remarked that the City intends to revoke the RNA's official status as a recognized neighborhood association by enforcing recently planned modifications to the Neighborhood Association Ordinance (the RNA has not been found to be in violation of the current ordinance). **The City Attorney and the City Manager have announced their recommendation to revoke the RNA's status by vote of City Council.** Ms. Stewart stated that the City then plans to contact **the IRS in hopes of having the RNA's 501(c)(3) status revoked, and she also stated that if the RNA's 501(c)(3) status were revoked, this would, in turn, cause the Title 6 complaint to be dismissed.** Therefore, according to Ms. Stewart, the motivation behind all of the City's actions pertaining to the RNA is the City's attempt to overturn the Title 6 complaint. The RNA Chairman assured Ms. Stewart that a Title 6 complaint is not contingent upon the complainant's tax status, but she indicated her belief that the City

could effect s[illegible] an outcome regardless of any comm[illegible]s to the contrary.

In a memorandum to the City Council and the Mayor on December 1, 2003 (See exhibit #19), the City Manager wrote, "I made it very clear that I expected the RNA board to take certain actions by October 31, 2003, or I would recommend to the Council that it formally withdraw neighborhood association status from the RNA." What these "certain actions" were is entirely unclear, but the City Manager clearly insists that the RNA should do exactly as he instructs, or there will be sanctions. The RNA board, through the assistance of Tom Boothe, a Portland attorney, replied in earnest to all of the City Managers inquiries, yet the City Manager falsely claims that the RNA board has failed to respond. The RNA board has prepared an enormous amount of documentation regarding these matters, as illustrated by the comprehensive nature of this document. Mr. Boothe, serving as a facilitator for the RNA, stated that he was deeply disappointed with the City Manager's actions.

The RNA board immediately contacted all City Councilmembers and the Mayor requesting formal arbitration to find an agreeable solution, as well as the ability to meet and openly discuss these issues at least one month in advance of any of City Council's deliberations pertaining to the status of the RNA. In a letter to the RNA Chairman on December 16, 2003, the Mayor of Vancouver wrote (See attachment 26), "I understand your interest in wanting to meet with me and perhaps with other Councilmembers as well...As you know, there is a public meeting scheduled for January 12, 2004 to consider the recommendation of the City Manager with regard to the status of the Rosemere Neighborhood Association...I do not think it would be appropriate to have individual meetings in advance of the scheduled public meeting..." Obviously, the request for arbitration relative to potential RNA sanctions was not going to be honored by the City.

In light of the fact that the RNA board was soon expected to face a legislative hearing before City Council on January 12, 2004, the RNA wrote to the City Manager on December 22, 2003 (see exhibit 27) "Please identify the specific procedures that will be followed at the proposed public meeting on January 12, 2004, regarding the Rosemere Neighborhood Association, including time allotted, specific agenda and step by step procedural guidelines to be followed." On December 26, 2003 (see exhibit 28), the City Attorney vaguely responded to these questions when he wrote, "As of the date of this letter, the staff report that will be going to the City Council in connection with the January 12, 2004 meeting has not been completed...We anticipate that the report should be completed by January 5, 2004." This means that the RNA board would have no more than a week to prepare for a meeting where a trial of sorts would take place in a public forum, a situation completely lacking due process.

The City Attorney continued his explanation, "There are no council procedures that will be implemented specifically for this meeting. Council will [illegible] staff. There may or may not be questions at that time from individual Councilmembers. Council will then invite the members of the public to address them regarding the staff recommendation. As with similar meetings, the Mayor will require that individual speakers adhere to certain time limits which will likely be three minutes per individual." It is not clear why the City Attorney would consider this public meeting to be similar to other City Council meetings when the subject of sanctioning a neighborhood association has never before been publicly discussed. It is odd that no procedural outlines will be provided for these deliberations, especially when the RNA board is expected to defend

itself in this forum. Given the tremendous amount of [illegible] surrounding this complex issue, it is doubtful that the RNA board could sufficiently present its position under such time constraints and conditions. The RNA board maintains that this public forum is entirely inappropriate for the subject at hand, in that it would merely provide another opportunity for the harassing parties to berate the RNA board through a televised council session.

In support of the recommendation to revoke the RNA's official status, the City of Vancouver has fabricated a series of unsubstantiated charges against the RNA, all based on hearsay provided by [redacted] and their affiliates, including the [redacted]. The City's Office of Neighborhoods has created a library of documentation pertaining to the RNA, and this library has become the repository for any and all hearsay evidence that one would choose to fabricate. This collection of material is frequently reviewed by the local newspaper, and many articles have been published. The RNA board has been refused all access to discuss these matters, and any business pertaining to the RNA board (even work that has nothing to do with these matters) is automatically deferred to the City Attorney. The City has made every attempt to completely stall the RNA's work. This has never happened to another neighborhood association in the history of Vancouver.

The City Attorney's April 21, 2003 memorandum briefly outlines a number of these allegations, yet no tangible evidence has been documented to sufficiently support these allegations. Some of the City Attorney's allegations are as listed below in bold, and the and the RNA rebuttal to these allegations are listed in italics:

- **Allegations of malicious actions by RNA leaders toward meeting attendees.**
  *The RNA board has never threatened or harassed its membership or meeting attendees. Conversely, the RNA board has frequently and repeatedly been the recipient of harassment, malicious acts of intimidation and slander, and has also been the victim of religious persecution as caused by certain identified persons. The RNA has made various attempts to maintain order in general meetings, and has been forced to use a number of tools (per the advice of counsel) to deflect these volatile behaviors. The RNA board has exhausted all options in an attempt to conduct civil meetings, and disruptive parties have escalated the harassment to the point that constructive work can no longer be achieved through these meetings or other RNA functions. The RNA board has consistently been forced to act in a defensive posture and to fend off a wide variety of false allegations created by a group of religious extremists and their affiliates. This harassment has severely curtailed the efficacy of the neighborhood association, especially when the City has failed to assist the RNA board in finding solutions to these serious problems. The City Attorney has stated that he has no corroborating evidence to substantiate these allegations and therefore, such allegations are beyond the scope of this review. That said, the RNA's conflict resolution specialist reports that the City Attorney could not produce a single example relating how the RNA board threatened or acted maliciously toward anyone.*

- **Allegations that RNA leaders have stifled dissent or prevented attendees from expressing opinions contrary to positions taken by RNA leaders.**
  *Tony Sahli, a conflict resolution specialist working on behalf of the RNA, addressed the City Attorney's allegation that "the actions of the RNA leaders over the last six*

*months o[illegible] evidence what appears to be a system[illegible]c attempt to restrict the number of eligible voters in the Rosemere Neighborhood Association." Mr. Sahli emphatically states in his report (see exhibit #10), "The idea that the RNA leadership is doing this to retain leadership is absolutely absurd. There have been two elections and they were voted in both times, yet no one complained." The current officers and board have actually been elected three times without opposition. No one else has been interested in running the association for the past three years. The disruptive parties are only interested in criticizing the board – they have not volunteered their services, donated any funds, and they have not worked constructively in meetings.*

*The published meeting minutes accurately reflect the minority dissenting vote. The RNA board has always welcomed minority opinions, and has tolerated a great deal of abusive dissent from the disrupters for more than two years. General meetings were frequently bogged down by such dissent, even though the majority vote of the membership prevailed over the dissenting opinion. Using Roberts Rules of Order, the RNA board took action in an attempt to curb dissenting opinion when it turned to rancor, to the point where it interfered with the association's ability to conduct its business and follow a prepared meeting agenda. The allegation that the RNA board stifles dissent is simply untrue, and is merely based on hearsay.*

- **Allegations of defamatory statements made by RNA leaders in both the minutes of RNA meetings and in the RNA newsletter.**

  *The RNA board maintains that its meeting minutes are an accurate written record of what occurs at regular meetings, and these minutes are always published in monthly newsletters. Should the disruptive parties choose to abide by Roberts Rules of Order and common decency, then the written record would only reflect positive and constructive neighborhood business. The published meeting minutes were [illegible] available to the RNA board [illegible] experienced by the board on a regular basis. The RNA received a great many conciliatory comments from fellow residents who were equally disgusted by the behavior of the disruptive parties. The City Attorney states that it is up to specific individuals to assert claims if they have been subject to defamatory statements or threats. No such claims have been filed against the RNA.*

- **Allegations that the RNA leadership has failed to comply with disclosure requests.**

  *The disclosure requests made by [redacted] and the City of Vancouver were for security tapes, attendance rosters, and financial statements, none of which are subject to public disclosure requests per 501(c)(3) provisions. Copies of all amended bylaws have been submitted to the City of Vancouver in a timely fashion, and the City can and does honor all requests for copies of these [illegible] discloses its account balances and other financial information [illegible] publications. This accounting information is also announced at monthly meetings, despite the fact that this information is also not subject to public disclosure. These requests for disclosure are not only inappropriate, but they are also hostile in nature, and are part of the harassment campaign.*

  [redacted] *has clearly stated his intent behind obtaining the attendance rosters was to identify and target certain Rosemere residents. Mr. Sahli personally relayed this*

*information to the City Attorney, who did not seem to care about the obvious harassment. The City Attorney stated that the RNA was "hiding behind IRS codes" and that he "knows of no IRS code" that protects the privacy of exempt organizations. Tony Sahli relayed the correct IRS code to the City Attorney, code 26, USC 6104D, but the City Attorney made no effort to record it, claiming that the RNA would have to relay the tax code to him in writing. It was readily apparent that the City Attorney preferred to be argumentative and non-responsive, which represents his own motivation to harass the RNA board. Furthermore, the RNA board maintains that forcing a private organization to abide by laws meant only for public agencies such as the Public Disclosure Act and the Open Meetings Act merely creates conflict within the organization since it cannot properly manage its own internal affairs. Therefore, the City Ordinance regarding neighborhood associations should be modified to resolve this conflict.*

- **Allegations that recent by-law changes limiting membership in the RNA are discriminatory and in violation of city ordinance.**

  *According to Vancouver Municipal Code regarding neighborhood Associations the code states "Each neighborhood organization will adopt bylaws which will govern rules of procedure, selection of spokesmen, information presented to the press, residency requirements, frequency of meetings, liaison with the city council and city staff, allocation of neighborhood budgets, and channels for presentations before the city council. Bylaws will be presented to the city council for recognition." Since 2001, the RNA has submitted a number of bylaw changes to the Office of Neighborhoods without objection by the City. The last bylaw amendments were approved in February of 2003 (see exhibit #31). A notary of public has certified all RNA bylaw changes. It is not clear if the Office of Neighborhoods reviews the bylaws as submitted, or what the time frame for review should be when amendments are filed.*

  *According to Washington State Law, RCW 24.03.035, section 12, the general powers of each non-profit corporation, a status enjoyed by the RNA, include the power "to make and alter bylaws not inconsistent with the articles of incorporation or of the laws of this state, for the administration and regulation of the affairs of the corporation." Article 5.1 of the RNA Articles of Incorporation states (see exhibit #29) "The management of the corporation shall be vested in Officers and the Executive Board Members." Article XI of the RNA Bylaws, which pertains to Bylaws and Amendments to Bylaws, sates in section 11.2, "These bylaws shall be reviewed whenever a Board or Association Member requests a review of, or change in, the bylaws." And in section 11.4, "If a simple majority of the Board agrees to change the bylaws, the change in the form of an Amendment shall be presented to the General Membership at the next monthly meeting." These tools [illegible]*

  *during the summer of [illegible]*

  *majority vote of the general voting [illegible] The RNA [illegible]* ***maintains that all bylaw amendments were achieved in order to insure fairness in neighborhood participation, and to avert an obvious harassment campaign designed to overrun the association with religious discrimination. The RNA is in compliance with the current city ordinance, and has also suggested that the ordinance be modified to include due process in order to protect active boards from organized harassment. (See exhibit #31, current RNA bylaws.)***

*The RNA does not allow recipients of transitional housing to vote since a local harassing church is permitted to operate a homeless shelter and has attempted to bring homeless persons to RNA meetings in order to pad the vote. Using homeless persons, or residents of transitional housing in this manner is not in the public's interest, especially when such persons are generally not interested in participating in neighborhood association business. No other neighborhood association in Vancouver is frequented by homeless persons or residents of transitional housing. It is within the rights of the neighborhood association to establish voting rights in its bylaws as indicated by Vancouver Municipal Code.*

*The City Attorney calls to question the RNA's requirement for voting members to show proof that they are Rosemere residents, and that they are legally registered and entitled to vote. The Vancouver Municipal Code does note address voter eligibility and voting practices for neighborhood organizations, and therefore, the City does not have the authority to demand the reversal of the RNA's voting requirements. The RNA bylaws were amended by majority vote in support of the requirement to show valid identification since many non-Rosemere residents were attempting to show false identification in a poor attempt to pad the vote. This was of particular concern to the police when the RNA board learned that many of these people were hard-core criminals. Other neighborhood organizations verify addresses in published telephone books. The RNA prefers that accuracy of state issued identification cards, voter's registration cards, or utility bills as proof of residency. The point of this exercise is to show that true Rosemere residents should decide how to run their own neighborhood. Non-Rosemere residents should not be allowed to violate these rights and responsibilities. It is also entirely common for any organization to require all officers and board members to be voting members of the organization. The City Attorney's personal dislike of the RNA's requirement for all officers and board to be voting members does not reflect common sense. Nonetheless, the City Attorney does not possess the authority to reverse this decision for a private organization. Furthermore, some of these bylaw changes were adopted and have been in place for over two years. It is strange that the City should take offense to certain RNA bylaws after so much time has passed, especially since all bylaw amendments were filed with the City in a timely fashion, usually within a few days of their approval by the general membership.*

- **Allegations that recent by-law changes and policies restricting who may vote in RNA meetings are discriminatory and in violation of city ordinance.**
  *The City Attorney reports (see exhibit #17) that (according to a recently completed study of the 60 neighborhood associations currently recognized by the City of [illegible]*

  *[illegible] privileges to residents [illegible] that are referred to as "residential" neighborhoods have some form of restriction or limitation on residential voters. No other neighborhood association has been called to question regarding these restrictions on voting privileges. This is a clear indication of the City Attorney's intent to target the RNA board. All voting requirements noted in the RNA bylaws were approved through a majority vote, notwithstanding any and all minority opinions*

*The Fruit Valley Neighborhood Association bylaws state "All decisions must be reached by a simple majority, providing a quorum is present," and "Robert's Rules of Order will govern all meetings." The Hough Neighborhood Association bylaws state "All decisions must be reached by a majority vote or the consensus of the membership attending the general meeting," The Lincoln Neighborhood Bylaws read "All Decisions must be reached by majority vote or the consensus of the membership in attending the general meeting providing a quorum is present." The bylaws for the Carter Park Neighborhood Association read "All decisions must be reached by a majority vote of the membership attending the general meeting, provided a quorum is present." The RNA maintains that it has conducted its internal affairs, especially the amendments to its bylaws, in the same manner as other neighborhood associations noted above. It is not out of character for neighborhood associations to restrict their voting privileges, or to alter the bylaws through the majority vote process. Why then, when the RNA works in ways similar to other neighborhood associations, is the RNA the only organization that has faced an investigation and the potential for sanctions from the city? This treatment is entirely unjust, and destroys the very essence of how a neighborhood association is supposed to function using the democratic process.*

*The majority of the RNA membership voted to approve restrictions to voting privileges in order to prevent undue and inappropriate influences from a local church and non-Rosemere residents. As noted above, the RNA is not the only neighborhood association to enlist such restrictions. Furthermore, the City does not have the authority to mandate the internal affairs of a private organization, and therefore has no authority to demand the reversal of the RNA's bylaws. In his April 21, 2003 memorandum, the City Attorney has written that "Neighborhood Associations have the right to limit the number of votes per household or business, or even to limit voting to residents as long as membership is open to all persons, businesses, etc. included within the boundaries of the association." The RNA is in compliance with this statement in that all businesses, non-profits, and property owners and residents may be active members of the organization, but only legal residents of Rosemere are allowed to vote.*

The RNA Board has made numerous attempts to address these allegations with the City, but the City has refused to provide due process in these matters and has repeatedly refused to meet with the RNA board or its representatives. Being denied access to City Staff (even when the [redacted] and the [redacted] have had open access), the RNA Board sent Mr. Sahli, the RNA's spokesperson, to meet with City staff. Mr. Sahli, a private investigator and Conflict Resolution Specialist, reported that the City Manager refused to meet with him five times, misrepresent[illegible] City Attorn[illegible]

In an unprecedented move, the City Attorney's office offered Mr. Sahli employment within minutes of his meeting with the City Attorney on behalf of the RNA. The City offered Mr. Sahli a contract of employment for $5000, with a promise of additional compensation. Mr. Sahli verbally declined the offer at that time, citing an obvious conflict of interest. In spite of his declination, the City Attorney's Office mailed Mr. Sahli a completed contract of employment. Again, Mr. Sahli declined to accept such a

contract base[illegible] the principles of conflict of interest. [illegible]edless to say, it was highly irregular for the City to court Mr. Sahli in this fashion, for the City's actions can be interpreted to be an attempt to bribe the RNA's representative.

Mr. Boothe, a Portland attorney contacted by the RNA, made attempts to facilitate further discussion with the City on these matters as recently as the beginning of November, and these efforts were also misrepresented by the City. Mr. Boothe agrees that the City has exposure regarding the apparent retaliation for the RNA's Title 6 filing. Mr. Boothe told the City Attorney that the City could face a civil litigation because of this. In spite of the warning, the City Attorney opined that the RNA would not prevail in such a civil suit.

Over the past three years, the RNA Board has had to contend with a number of disruptive parties who have made various attempts to overturn the RNA and use the association to further their personal religious agendas. The City has made no attempt to help quell the continuous disturbances caused by these disruptive persons in RNA meetings. Instead, the City has launched a formal "investigation" against the RNA in support of the disruptive parties. The City has attempted to delve into the private internal workings of the RNA as a means to further this organized harassment and retaliation campaign, despite the fact that the City has absolutely no jurisdiction over the RNA's internal operations. The City has set itself up to be judge, jury and executioner of the RNA, and the city has found the RNA board to be guilty of unsubstantiated allegations, all without the RNA's ability to defend itself or face its accusers in an appropriate forum. The fact that the City Manager and the City Attorney have recommended the revocation of the RNA's recognized status with the City is indication that a guilty verdict has been determined relative to the false allegations. These are unprecedented actions in that no other neighborhood association has ever been similarly charged or sanctioned since the inception of the neighborhood ordinance 25 years ago.

There are a number of other neighborhood associations that have faced internal conflicts over the years, but none have ever suffered through such extensive harassment as the RNA. In fact, the entire newly elected board of the Carter Park Neighborhood Association was harassed by disruptive parties to the point that the officers all resigned their posts and ceased to attend neighborhood functions. Neither the City nor the newspaper ever remarked about the conflict in Carter Park, though it [illegible] the past few months. Conversely, the City has propelled the controversy with the RNA through eight newspaper articles this year alone, many of them on the front page. The difference between the Carter Park officers and the RNA Board is that the RNA Board decided not to succumb to the harassment and vowed instead to confront the disrupters in the interests of ethics, justice, civil rights, and plain old common sense.

recognized neighborhood association, this will in no way prevent the RNA from upholding its exempt purpose. With, or without official city recognition, the RNA will continue to work to improve the livability of the Rosemere Neighborhood as well as the greater Vancouver community, and it will continue to operate as a non-profit, volunteer organization as specified by its exempt purpose. Both the attempts of the City and the attempts of the [redacted] et al to request documentation from the RNA are evidence of hostile attacks that show bad faith or deterrence of the RNA's exempt purpose, and this should not be tolerated. According to the RNA's legal counsel, there are sufficient

grounds for the RNA to pursue civil litigation against the City of Vancouver as well as the 11 aforementioned disrupters.

**In light of these facts, the RNA board requests the IRS to provide a letter of determination that states the City of Vancouver's requests for information to be attempts to further the harassment campaign. Ample evidence to substantiate this determination has been provided in this document. The RNA board further requests that the IRS provide a determination that states requests for documentation submitted by [redacted] (encouraged by [redacted]) are also attempts to further a harassment campaign.**

The conflict in the Rosemere neighborhood will never cease until these many forms of harassment are addressed. This can only be accomplished when the City becomes a staunch defender of its own mission, predicated upon "Cultural Diversity" and "Active and Livable Neighborhoods" wherein the City "fosters an active partnership between city government and its neighborhoods through the support of neighborhood associations." Plainly, the City Attorney's April 21, 2003 memorandum is not in support of these objectives since it seeks to reverse decisions of the RNA, an unprecedented action that attempts to destroy the autonomy of a private non-profit corporation. Surely, a better solution can be found than what is outlined in the City Attorney's memorandum, a solution that can employ compassion rather than intimidation -- inspiration rather than censorship – stewardship rather than political backstabbing. Surely, something good can come of this terrible situation, and this is the challenge that the RNA Board gives to the City of Vancouver. Should the City remain disengaged and fail to assist in finding a solution to the conflicts outlined herein, then in all fairness, the City should abandon its supervision of the neighborhood associations, especially the ability to enact quasi-judicial proceedings as outlined in the City Attorney's Memorandum, and grant all neighborhood associations complete and total independence to self-govern.

Support documentation in the form of 34 exhibits has been attached for your review.

Sincerely,

Dwight Michael Bertish, Chairman
Rosemere Neighborhood Association

List of Exhibits:

1. May 14, 2001 – Letter from McDonnell to RNA Chairman, re: City Manager's offer of assistance to current board when they were newly elected.

2. January 20, 2002 – Columbian Article, 'A battle for Rosemere's Soul? Departed bookstore at odds with new landlords, raising larger issues of religion and politics'

3. April 20[illegible] Pamphlet left by Pastor [redacted] at RN[illegible]eneral meeting

4. May 22, 2003 – Columbian Article, 'Neighborhood news: Rosemere strife disquiets funeral parlor'

5. March 5, 2003 – Cease and Desist Orders sent by RNA to disruptive parties

6. March 5, 2003 – Letter from [redacted] (received by email) responding to the Cease and Desist Order

7. February 26, 2003 – First request for information submitted by [redacted] to RNA

8. March 20, 2003 – Second request for information submitted by [redacted] to RNA

9. Financial statements for RNA for all three years of current board's tenure, 2001-2003

10. October 27, 2003 – Report generated by Tony Sahli based upon his observance of the disruptive parties and his dealings with City of Vancouver

11. May 18, 2003 – Columbian Article, 'Neighborhood news: Rosemere – "'Spiritual Warfare' in Rosemere"

12. August 19, 2003 – Letter from RNA to City Manager warning city that RNA will send letters of expulsion to disruptive parties

13. September 14, 2003 – Expulsion letter sent by RNA to disruptive parties

14. December 10, 2003 – Letter from RNA to City Council and Mayor, responding to City Manager's letter to RNA on December 1, 2003. This letter requests arbitration with City and inquires about the public meeting where City Council [illegible] about sanctions against the RNA.

15. March 10, 2003 and March 11, 2003 (second letter undated) – both letters from City Attorney demanding RNA honor the requests for information from [redacted] and the City of Vancouver.

16. March 11, 2003 – Response from RNA to City Attorney's two letters in #15. RNA specifies that the materials requested are not subject to public disclosure.

17. April 21, 2003 – Memorandum from City Attorney marking the investigation into the [illegible]

18. April [illegible] – Columbian [illegible] neighborhood'

19. December 1, 2003 – Memorandum from City Manager to City Council recommending sanctions against the RNA

20. September 29, 2003 – Letter from City Manager to RNA demanding that the RNA rescind the letters of expulsion and reverse adopted bylaw amendments

21. May 2, 2003 – Letter to City Manager from RNA requesting information on the process of mediation with the disrupters as proposed by the City

22. June 9, 2003 – Letter from City Manager to RNA. City Manager fails to specify the protocols of the mediation process with disrupters.

23. May 8, 2003 – Letter from City Manager to RNA demanding that the RNA mediate with disruptive parties, but admits that mediation will not solve the conflict.

24. Vancouver Municipal Code 2.76 – Neighborhood Organizations

25. March 13, 2003 – Letter from [redacted] to the City of Vancouver's Office of Neighborhoods where he raises false allegations against the RNA board and acknowledges his partnership with the New Life Friends Church

26. December 16, 2003 – Letter from Mayor of Vancouver to RNA stating that he will not meet with RNA board to discuss allegations, and that the City Council will deliberate regarding the RNA on January 12, 2004

27. December 22, 2003 – Letter from RNA to City Manager, City Attorney, Mayor and Council requesting information on the protocols and documentation regarding the public meeting pertaining to the RNA on January 12, 2004

28. December 26, 2003 – Letter from City to RNA responding to exhibit #27, stating that there are no protocols in place or materials yet available regarding the January 12, 2004 public hearing on the RNA

29. RNA Articles of Incorporation

30. May 25, 2001 – Letter from Pastor Burch of First Church of God regarding Warner Jones, a sex offender attending RNA meetings

31. February 19, 2003 – current RNA bylaws in force

32. September 20, 2001 – email from [redacted] to City Council where she claims not to be a member of the RNA, yet raises false allegations against the RNA board

33. Criminal Records of [redacted] and [redacted]

34. [illegible]

35. April 8, 2003 – Agenda for RNA board's meeting with Coun[illegible] Lipton. The RNA board relays that the City Attorney's allegati[illegible] unsubstantiated, based on hearsay, and the Neighborhood Ordinance should be modified to include provisions for due process to protect active boards from hearsay and to prevent religious agendas from being pursued through the neighborhood network.

36. February , 2003 – "Confidential/In House Note , prepared by the Office of Neighborhoods regarding a conversation with Pastor [redacted]. The Pastor reveals several false allegations and bold face lies about the RNA board, and insists that the Office of Neighborhoods interfere to satisfy his demands.

37. July 2003 – (Chart) Results of a poll of 24 Rosemere businesses who were asked to relay their opinions regarding the right to vote at RNA meetings.