

STANDARD TORT CLAIM FORM

General Liability Claim Form #SF210

Pursuant to RCW 4.96, this form is for filing a tort claim against Clark County Washington. Information requested on this form is required by 4.09.100 and maybe subject to public disclosure. Claim forms cannot be submitted electronically (via e-mail or fax).

PLEASE TYPE OR PRINT IN INK

Mail or deliver Clark County Risk Management
Original claim Attn: Risk Manager
To: PO Box 5000
1300 Franklin St, Ste 644
Vancouver, WA 98666-5000

CLAIMANT INFORMATION

1. Claimant's Name: ORIAKO OLIVER I Date of Birth: [REDACTED]
Last First Middle (mm/dd/yy)

2. Current residential address: [REDACTED]
Address City State Zip

3. Mailing address (if different) [REDACTED]
Address City State Zip

4. Residential address at the time of incident (if different from current address):
[REDACTED]
Address City State Zip

5. Claimant's daytime telephone number (include area code): [REDACTED]

6. Claimant's email address: [REDACTED]

INCIDENT INFORMATION

7. Date of the incident: _____ Time: _____ am pm (check one)
(mm/dd/yy)

8. If the incident occurred over a period of time, date of first and last occurrences:
from _____, time: _____ am pm (check one) to _____, time _____ am pm (check one)
(mm/dd/yy) (mm/dd/yy)

9. Location of incident:
_____ State and County City, if applicable Place where occurred

10. If the incident occurred on a street or highway:
N/A
Name of street or highway milepost number At the intersection with or nearest intersecting street

11. County agency or department alleged responsible for damage/injury: See attachment A

12. Names, addresses, and telephone numbers of all persons involved in or witness to this incident:
See attachment A

13. Names, addresses, and telephone numbers of all county employees having knowledge about this incident:

See attachment A & B

14. Names, addresses, and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

See attachment A,

15. Describe the cause of the injury or damages. Explain the extent of the property loss or medical, physical, or mental injuries. Attach additional sheets if necessary.

See attachment A

16. Has this incident been reported to law enforcement, safety, or security personnel? If so, when and to whom?

See attachment A

17. Names, addresses, and telephone numbers of treating medical care providers. Attach copies of all medical reports and billings.

N/A

18. Please attach documents which support the claim's allegations (photos, police reports, estimates, etc.)

19. I claim damages from Clark County in the sum of \$ 750.00.

The Claimant must sign this form unless he or she is incapacitated, a minor, or a nonresident of the state, in which case, it may be signed on behalf of the Claimant by any relative, attorney, or agent representing the Claimant.

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

Oliver Gjajko

Signature of Claimant

8-2-16

Date and place (residential address, city, and county)

ATTACHMENT "A" TO STANDARD TORT CLAIM FORM – Dr. Oliver Orjiako

I. Conduct and Circumstances Giving Rise to the Claims

The following facts are offered in support of claims and damages by Dr. Oliver Orjiako ("claimant") against Clark County, Washington, and Councilors David Madore and Tom Mielke.

Beginning in mid 2015, Dr. Orjiako voiced complaints regarding Councilor David Madore's various violations of public policy underlying the Growth Management Act (GMA) and the County Charter. In retaliation for claimant's opposition to Madore's efforts to circumvent the GMA, Councilor Madore publicly demeaned and defamed Dr. Orjiako verbally and in writing on his social media page. Madore asserted false allegations of fraud, deceit and criminal activity against claimant. The false allegations were made with malice and absent objective factual basis.

Clark County hired an independent investigator, Ms. Rebecca Dean, to conduct an independent investigation into Councilor Madore's conduct and allegations of discrimination by claimant, Madore's allegations of misconduct against county staff and allegations of unfair labor practices by union members against Madore.

Among other things, Ms. Dean authored written findings regarding the following factual assertions publicly disseminated by Councilor Madore directed toward claimant and county staff:

1. Staff Misfeasance in general – **False**
2. False or misleading statements to the BOCC by claimant and staff – **False**
3. Claimant and staff utilized "secret" and "covert" software – **False**
4. Claimant/Planning Department staff improperly inflated the rural capacity in the DSEIS – **False**
5. Claimant, Planning Department and Prosecuting Attorneys subverted Board's direction re: the Thorpe Review and/or intentionally withheld information – **False**
6. Claimant and Planning Department staff improperly influenced the outcome of the Thorpe review – **False**
7. Claimant, Planning Department staff and Prosecutor Cook lied to and misled the BOCC (Peter Silliman allegations sponsored by Madore/Mielke) - **False**
8. Allegations that planning staff acted wrongfully in order to achieve a political agenda or an "anti-rural growth agenda" – **False**

Further, Ms. Dean found that there was some "limited evidence" of race-based hostility on Councilor's Madore's part and that Dr. Orjiako made his initial complaint of discrimination in good faith with an honest and sincere belief as to its merit. She specifically cited to Councilor Madore's posting of a "race card" meme depicting a king of spades card with President Barack Obama's face superimposed on the face of the king. Ms. Dean indicated that she was troubled by the graphic and Madore later defending his actions by asserting "[President] Obama has done more to cause racial divide in this country than anyone else."

County Council subsequently adopted Ms. Dean's findings and conclusions in a formal resolution.

Councilor Madore's legal counsel, Nicholas E.D. Power, prepared a letter dated July 19, 2016 that was read into the public record by Councilor Madore detailing his (Mr. Power's) personal interactions with Ms. Dean during her investigation, citing his own perceptions and observations as objective evidence that she was biased and that the outcome of her investigation was predetermined. Mr. Power thus voluntarily established himself as a material fact witness to Dr. Orjiako's claims.

Claimant was subjected to post-complaint retaliation by Councilor's Madore via social media, negative and untrue statements to the public, and by Councilor Mielke through behind-the-scenes pressure applied to County Manager Mark McCauley to take disciplinary action toward claimant, including a specific demand by Mielke that Dr. Orjiako be placed on administrative leave while Ms. Dean's investigation was in progress. County Manager McCauley declined the demand, and he himself suffered retaliation as consequence.

Councilor Madore's post-complaint campaign of retaliation has and is still being waged via his Facebook page asserting "freedom of speech" as a foil for unlawful retaliation and discriminatory conduct.

Further, county emails reveal that Counselor Madore willfully tampered with or destroyed public records¹ with knowledge of a duty to preserve such documents, and has engaged in spoliation of evidence.

If it has not already, claimant hereby requests that the county initiate an independent investigation into Councilor Madore's destruction, deletion, alteration or defacing of public records.

II. Estimated Damages

Elected public officials who wield the ultimate power over the public must be held to a higher standard than the average citizen. We are guided by the words of U.S. Supreme Court Justice Louis D. Brandeis, who in a dissenting opinion wrote:

Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be

¹ Councilor Madore's willful destruction of public records is a class C felony punishable by 5 years in a state correctional facility. RCW 40.30.

imperiled if it fails to observe the law scrupulously.

As consequence of Dr. Orjiako's legally protected activity and Mssrs. Madore and Mielke's failure to "observe the law scrupulously", claimant has suffered significant damages. Those aforementioned have engaged in a pattern of retaliation, discrimination, overt abuse of power and defamation with malice in contravention of Dr. Orjiako's right to hold public employment without fear of reprisal or intimidation. Claimant has suffered the type of emotional injury, upset, distress and anxiety that typifies a hostile, discriminatory, retaliatory and oppressive working environment. Further, claimant has sustained damage to his professional reputation and good name.

Claimant must estimate the potential range of compensatory damages based upon awards and settlements in other cases. However, for purposes of reserving county funds necessary to adequately compensate claimant, damages are estimated in an amount no less than \$750,000.00. Should retaliation by Councilors Madore, Mielke or other Clark County staff continue following the service of this notice of claim, damages will exponentially increase.

Please direct all further communications concerning the claims outlined in this attachment and any proposed resolution of the same through the law offices listed below.

Law Offices of Gregory D. Ferguson, PC
112 West 11th St., Ste. 100
Vancouver, WA 98660
Office Phone: 360-906-1167
Fax: 360-695-5800
greg@greg-ferguson.com — www.greg-ferguson.com

Attachment "B"

The following individuals engaged in the conduct complained of or are potential material fact witness to the conduct alleged:

- Board of County Councilors:

Marc Bolt, Chair

Jeanne Stewart, District 1

Julie Olson, District 2

David Madore, District 3 (and Nicholas E.D. Power)

Tom Mielke, District 4

- Community Planning Staff:

Gordy Euler, Program Manager II

Colete Anderson, Planner III

Jose Alvarez, Planner III

Jacqui Kamp, Planner III

Matt Herman, Planner III

Laurie Lebowski, Planner III

Gary Albrecht, Planner II

- County Councilors' Office:

Mark McCauley, County Manager

Rebecca Tilton, Clerk Board of Clark County Council

Jennifer Clark, Councilors' Office Assistant

Peter Silliman

- PA's Office:

Christian Cook, Senior Prosecuting Attorney

Chris Horne, Chief Prosecuting Attorney

- PIO's Office:

Mary Keltz, Director Public Information Office

Holley Gilbert, Public Information Officer

- Public Health:

Dr. Alan Melnick, Director, Clark County Public Health