Addendum to already filed request for review: What the law actually states as opposed the Edwards Abuse of Process and Perjury: Restating the law is not "new" evidence.

Docket No. 06-2013-L-1479
Concerning Jennifer Roach Appellant

To: DSHS Board of Appeals 360-664-6187 also mailed USPS as is required
CC: Michael Edwards 360-664-9349 also mailed USPS as is required
CC: Vicky Gawlik 360-664-9349 also mailed USPS as is required

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Michael Edwards attempts to take the American court system back 400 years. He, as opportunity arises, misstates the law and manipulates the circumstances to suit himself. He took an oath when becoming a member of the bar to be honest and this he has not done. This blatant misuse of the law (perjury and Abuse of Process) needs to stop.

Here is the worse:
In the use of Summary Judgment Mr. Edwards argued that the were "no genuine issues of material fact." Then he sets about describing how Judge Dalton and DSHS have the same arguments against me, Ms. Roach. How was I to know that he would so distort the meaning of the law. It means NO ISSUES OF MATERIAL FACTS between **OPPOSING parties** not between the accusing parties. That is disgusting that he would so distort the law and then Judge Peterson believed him. She should know better. That is definitely an error in the court. Of course there are issues between **opposing** parties. We have hundreds of pages of issues on which we disagree. That alone is enough to have him fired and disallow Summary Judgment. That kind of Abuse of Process hurts people.

Here's another good Example:
In Mr Edwards letter (Department's Response to the Appellant's request for Review) he states that since Ms. Roach did not appeal all the aspects of the case that we must assume that the part that she did not specifically state in her Request for Appeal is true and that she is therefore guilty of those matters. This is invented to manipulate the court. It is a lie about the Appeal process.

The Board of Appeals supplied their own form which was sent to me, Ms. Roach, which had specific instructions on what to do to file for an appeal. It included answering 3 questions which Ms. Roach did in detail. If Ms. Roach was supposed to re-offer the 60 pages of argument and 400 pages of backing documents at that time to show that she was innocent of all charges against her than BOA should not have sent out a misleading and misinforming letter of how to file for Appeal. I do not think that is the case. The case is that Mr. Edwards has again invented what he wants the law and procedures to be in order to gain advantage and hurt innocent people. As was stated in Ms. Roach's brief and argument an application for appeal has nothing to do with whether a person is guilty or innocent. It has to do with

whether the judge made an error.

If Ms. Roach is not allowed to submit the requested forms to the BOA then Mr. Edwards is not allowed to submit “new” evidence as an argument against Ms. Roach's request for Appeal. Mr. Edwards' submissions should be disallowed by Mr. Edwards own statements.

Mr. Edwards used the same argument about the VAPO appeal. Ms. Roach did not argue all points of the VAPO at the Appeal as it wasn't what she was supposed to appeal. That's the whole point. Judge Dalton could have said that Ms. Roach is purple and therefore abusive and it wouldn't be a case for an appeal even if she is really green. The question is did the judge err. Judge Peterson repeated Mr. Edwards case that since the VAPO didn't argue certain points of fact that Ms. Roach must be admitting that she is guilty of those items neglected, but that is not law. That's make believe. So Judge Peterson did err in that also.

Ms. Roach should not have to argue that denying a person the right to a hearing is unconstitutional as a beginning law student would know that. Now Judge Peterson repeated some of Mr. Edward's falsehoods, so Judge Peterson must think that Mr. Edwards is a smart person. If Mr. Edwards is a smart person we cannot assume that Mr. Edwards has accidentally misconstrued the facts as to what the law means by using his own personal definitions of legal terms, but that he is doing it in order to deceive to win his case. That violates the rules of the bar and Mr. Edwards should not only be fired but have his bar license revoked.

It seems to be OK in this hearing to call Ms. Roach all kinds of bad lies like thief and abuser, but to tell the truth about someone who is hurting innocent people as Mr. Edwards is is considered out of order. I talk in truths. How can one trust Mr. Edwards who is supposed to be the protector of Vulnerable adults when he has seen viable evidence that Mr. Sutherland has mentally, emotionally, financial and physically abused Larry and Mr. Edwards won't request that the case be even looked into by an agent who didn't help Mr. Sutherland abuse Larry?

It states in the letter about the Appeal that the BOA Judge may ask for additional information at any time. The letter for filing the appeal to have the case reviewed stated specific information that the Board of Appeal requested. All the information that the Board of Appeal requests gets put into the file. Therefore Mr. Edwards stating that certain “new” information be not added to the hearing is another misstatement of law in order to meet his personal goals of winning at any cost. Any new info is admissible, because it was indeed requested by BOA. The 60 page brief which wasn't re-submitted, but Mr. Edwards claims should have been argued point by point or else I am guilty was not requested. So on one hand he states I have to re-argue all the points or else I am guilty of those points and on the other had he states that argument is inadmissible. Which is correct? He doesn't even agree with himself.

One last very blatant point I want to show in order to prove that Mr. Edwards purposely misleads judges. (I went over this in my argument. This is not new.)
Concerning the medical report of Sept 28, 2012. Mr. Edwards hounded Ms. Roach about a medical term which (because he has insisted he is experienced) we would have to acknowledge that he purposely misinterpreted it. In the medical report it stated the term “scheduled hypertensive drug”. A “scheduled Drug” is a drug class. It means it is addictive. Any doctor or lawyer who regularly reads medical reports can tell you this. So we can only assume that Mr. Edwards mislead the court on purpose when referring

to the definition of “scheduled” in court which means perjury.

I Call for Edwards to be prosecuted for the full penalty for Perjury.

From the Drug Enforcement Administration: http://www.dea.gov/druginfo/ds.shtml

Drug Schedules

Drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or **schedules** depending upon the drug’s acceptable medical use and the drug’s abuse or dependency potential.

Mr. Edwards claimed under oath in court that “scheduled drug” meant that Larry was supposed to get a medication right them. Mr Edwards used the definition of “charted medication” when referring to a document which stated clearly “scheduled drug.” He was very forceful and aggressive (normal talk would call it “in my face”) that I had done something wrong because he insisted that the report stated that Larry was to have this “drug” that was “scheduled” “right then” when Larry was by doctor's orders off his medication at that time. A “nurse” “administers” “charted medication” to the patients. A “doctor” “prescribes” at times “scheduled drugs” which are addictive which would be “administered” by the “nurse” at some later time.

Issues:

Stating that a law means one thing when it does not, is perjury and Abuse of Process and Mr. Edwards, the DSHS rep, has done both.

I have quoted law and legal terms to be “added” to my Appeal, so that everyone can see right now what the law states and we can stop this perjury and Abuse of Process which has been used to hurt innocent people. These terms should be common knowledge to a member of the bar. They are not “new.”

I did not think I would have to teach law graduates law, so I did not argue Summary Judgment after 6 days of hearing and 400 pages of backing documents showing I am innocent, because it could not apply and was not supposed to be used in this case as Mr. Edwards and Judge Peterson should know.

Legal terms and abuse of law

Misrepresented Legal Issues that show judicial prejudice, perjury and Abuse of Process

3 Legal Issues:

1. A complete violation of when Collateral Estoppel can be used.

2. A complete violation of when Summary Judgment can be used.

3. If it could be used the judge Peterson and Mr. Edwards both missed their deadlines.

What is justice if it can only be used **against t**he public?

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1. Collateral Estoppel

Collateral Estoppel doesn't even exist in Washington law as a means to keep a party from having a hearing. It is used only to PROTECT the rights of an individual.

History: The doctrine of collateral estoppel, a common law legacy codified by Ashe v. Swenson 397 U.S. 436 (1970), **protects criminal defendants from being tried for the same issue** in more than one criminal trial. In Ashe v. Swenson, the Court ruled that the aegis of the Fifth Amendment's protections against double jeopardy are enforceable in state as well as federal court through the Due Process Clause of the Fourteenth Amendment as established by Benton v. Maryland 395 U.S. 784. This decision relies on the application of the Full Faith and Credit Clause of the Constitution.

here I re-state :

Judge Peterson's definition of Collateral Estoppel Page17, 5.15 :

Washington follows a stringent four-pronged inquiry which required affirmative answers to each of the following questions before collateral estoppel may be applied:

(1) the **issues** decided in the prior adjudication is identical to the one presented in the current action. **No,** the issue here is a criminal action as to whether Ms. Roach is to be placed on a state wide abuse list, not a civil action to protect the rights of a vulnerable adult

(2) the prior adjudication must have resulted in a final judgment on the merit. No, Judge Dalton said

specifically that she threw out all the evidence supporting Ms. Roach as innocent.

(3) the party against collateral estoppel was a party to the prior adjudication. YES.

(4) precluding relitigation of the issue will not work an injustice on the party against whom collateral estoppel is to be applied. NO. NO NO NO. It is a complete injustice to place Ms. Roach on an abuse list without considering any of the evidence in her favor. Mr. Edwards is totally contorting the law to state that it wouldn't be an injustice to Ms. Roach. Any reasonable person can see that it would be an injustice. To deny her a hearing is a violation of her Constitutional rights and is an injustice to her. A first year law student could tell you that.

...A court may apply collateral estoppel only if ALL four elements are met.

affirmative answers to each and everyone not just one is required and it didn't happen. Collateral Estoppel cannot be used.

2.Summary Judgment

https://www.law.cornell.edu/wex/summary_judgment

In civil actions, either party may make a pre-trial motion for summary judgment. To succeed in a motion for summary judgment, a movant must show 1) that there are no disputed material issues of fact, and 2) that the movant is entitled to judgment as a matter of law.

When considering motions for summary judgment, judges view all evidence in the light most favorable to the movant's opponent. As used here, "material issues of fact" refers to any facts that could allow a fact-finder to decide against the movant. If the motion is granted, there will be no trial. The judge will immediately enter judgment for the movant.

Argument:

1. Movant must show 1) that there are no disputed material issues of fact, but the movant provided hundreds of pages that he and Ms. Roach disagree extensively on as also did Ms. Roach.

2. It must be civil action. This is not a civil action. It is the state, represented by DSHS, vs. Ms. Roach. That is a criminal action by definition: A case brought about by the state, not by a person.
DSHS is a state institution. I did nothing personally to Mr. Edwards or his agent. He is not filing on behalf of Larry or Larry's guardian. This is DSHS (the state) vs. Ms. Roach. It is by definition a criminal case and Summary Judgment cannot be used.

3. Judge must view all evidence in the light most favorable to the movant's opponent. I think quoting a woman who stated that she worked 97 hours a day to help Larry (section 4.22) and will lose $1 million in Larry's assets if justice is allowed and ignoring statements of how wonderful Ms. Roach was for Larry does not qualify as “most favorable light.”

WAC 10-08-135

Summary judgment.--A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Mr. Edwards and OAH judge have misinterpreted this statue. Mr. Edwards argued and Judge Peterson allowed it to be argued that there was no disagreement between the previous judge and Mr. Edwards who were both on the same side of the argument against Ms. Roach.

But Genuine **Issues of Material Fact** means disagreement between **opposing parties** where as everyone can agree that there is extensive disagreement on the facts in the case. This is Abuse of Process.

Genuine Issue of Material Fact: Definition

A disagreement between **opposing** parties on facts legally relevant to a claim.

A genuine issue of material fact **precludes summary judgment.**

preclude

verb **ban**, **bar**, **bar from access**, **block**, **check**, **choke**, **control**,

The American Bar states:

http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/strategiesforwinningsummaryjudgementprogrammaterials.authcheckdam.pdf

Summary Judgment Motions (FRCP 56) 1. The Summary Judgment Standard FRCP 56 states: “The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” To win, a party must show: No genuine (i.e., triable) dispute; Of material fact (i.e.,“might affect the outcome of the suit under the governing law.” Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)); and that the party is therefore, Entitled to a judgment under the applicable substantive law. In considering whether a “genuine issue” exists, it is critical to remember: “The evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor.” Liberty Lobby, Inc., 477 U.S. at 255. The burden of proof at trial is taken into account. Id. at 249-253.

II. APPLICABLE LAW

A. Summary Judgment Standard

Summary judgment should be rendered only “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine

issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56. A factual dispute is material only if it might affect the outcome of the suit under the governing law. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). Whether a genuine issue of material fact is presented will be determined by asking if a reasonable jury could return a verdict for the non-moving party. Id. When evaluating a motion for summary judgment, the facts are to be construed **in a light most favorable to the non-moving party.**

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3. They have both violated the law by ignoring deadlines.

They wouldn't have allowed Ms. Roach to miss a deadline.

WAC 162-08-282

Summary Judgment

(1) **Authorized.** At any time prior to the **tenth day before the date of a hearing,** any party may serve and file a motion for summary judgment in the party's favor as to all or part of the case.

(2) **Procedure.** The usual procedure for motions made before an administrative law judge, WAC **162-08-271**, shall apply except where this section provides a different procedure.

(3) **Response.** Any party may serve and file opposing affidavits and a response, or either of these, within **seven days after the motion for summary** judgment has been served on that party.

I think we can all agree that 4 months is longer than 7 days. They were too late to use Summary Judgment or rule using Summary Judgment.

Addendum to already filed request for review which was requested by BOA

Jan 14, 2016

truthfully and faithfully presented by
Jennifer Roach