



Skagit County Public Health

Keith Higman, Director

Howard Leibrand, M.D., Health Officer

REQUEST FOR APPEAL BEFORE THE SKAGIT COUNTY BOARD OF HEALTH TO APPEAL NOTICE, FINE, OR ORDER FOR VIOLATION OF SKAGIT COUNTY CODE 12.05

Appellant Name: Larry R Jensen Phone: 360-770-5133
Mailing Address: 15356 Produce Lane, Mount Vernon WA
Appellant Representative Name: _____ Phone: 98273

Mailing Address: _____

Email Address: Lrayjensen@hotmail.com

Property referenced in enforcement action (Parcel Number and Address):

P23643 12637 Pulver Rd, Burlington WA

Violation referenced in enforcement action:

"No Deficiencies noted"

Date enforcement action issued by Skagit County Public Health: February 26, 2025

Reason(s) for request for hearing before the Board of Health – please name specific points of appeal:

See attached Declaration and Objection

See attached Letter for explanation

(attach additional sheets as necessary)

Signature of appellant: [Signature]

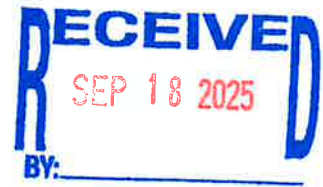
Date: September 16, 2025

Please submit original signed form and all fees to Skagit County Public Health within 10 working days of receipt of notice or enforcement action (SCC 12.05.285)

SKAGIT COUNTY PUBLIC HEALTH

301 Valley Mall Way, Suite 110, Mount Vernon, WA 98273 360-416-1500 Fax 360-416-1501

Larry R. Jensen
15356 Produce Lane
Mount Vernon, WA 98273



Keith Higman, Director
301 Valley Mall Way, Suite 110
Mount Veron, WA 98273

September 17, 2025

Appeal requested.... See attached

This is a response to your certified mail picked up on September 8, 2025

On Monday I received a certified mail about the findings of the hearing, but they were wrong in the decision of the appeal.

They said the septic system was failing and that is not the case, in fact the report said "No Deficiencies Noted" on the report that was issued. How can the system be failing if there were "NO Deficiencies Noted"?

Furthermore, I had requested information that was not provided to me and said that no hearing could be scheduled unless I was informed by the information that was available to Mr. Higman. However, it was clear that county staff did not want that information to fall in my hands before the hearing, so they had the hearing without notifying me that they were having it.

I still demand due process, withholding information and holding a hearing without me are not due process, nor is it fair, moral, or ethical when the case is over a septic system that is working without deficiencies. It is totally wrong to require me to make large expenses the seek to put me out out of business or damage me. The entire actions of this department are questionable at best or even worse appear to be illegal and immoral.

The following documents are required:

1. Copy of the email previously requested containing my name seen by Charese Gainor. She should be able to identify and provide that document.
2. Copy of disciplinary action taken against Charese Gainor.
3. Also now copies of any professional training that either Charese Gainor used to get hired from her employment file and any training courses she has taken since her hiring.
4. Has Ms Gainor had any ethical training? If so, please provide that info.
5. I need all information on Two parcels, P16949 and P67822 that were mentioned, as also being enforced upon with "No Deficiencies Noted" to their septic system. I need all communication between the county in relation to that enforcement and the lead up to that decision, the parties involved, who reported, who issued the enforcement, everything, that led to the outcome?
6. The hearing examiner needs to provide the exact code that states a working system with "No Deficiencies" can be cited and fined because it fails to meet the purpose of the code.
7. Now in addition I need a copy of all disciplinary action that has been taken against Mr. Higman. It is my understanding that there has been a problem with him. Please provide his employment history and the resume that he used to be hired and any training classes especially relating to technical training and ethics training.

It seems that the individuals in charge fail to follow procedure, fail to follow the law, use questionable judgement, and/or seek to punish me for personal reasons.

The desired outcome is that all actions, against me relating to the septic issue shall be dropped and an apology be issued by the department for actions taken over an system that is taken on a system that shown as "No Deficiencies Noted"... therefore no health issues present.

I have until tomorrow to respond which is 10 days from receipt of the certified letter which is the 18th of September.

I will be responding to all appropriate people also by letters or certified letters today as appropriate.

Sincerely,

Larry R Jensen

All of these individuals as recipients not as copies:

Lisa Janicki, Ron Wesen, Peter Browning by Regular mail

Howard Leibrand by regular mail

Shawn and Mindy Graham by Certified mail 7011 0470 7171 8629

Trisha Logue by Certified mail 7011 0470 0001 7171 8605

Keith Higman Certified 7011 0470 7171 8612



DECLARATION OF LARRY JENSEN IN SUPPORT OF OBJECTION TO HEALTH OFFICER'S DECISION, NOTICE OF DEFAULT FOR FAILURE TO RESPOND, NOTICE OF INTENT TO PURSUE LEGAL ACTION IN FEDERAL OR STATE COURT, NOTICE TO PRESERVE EVIDENCE AND PREVENT SPOILIATION, AND NOTICE OF INTENT TO APPEAL

I, Larry Jensen, declare under penalty of perjury under the laws of the United States of America and the State of Washington that the following is true and correct to the best of my knowledge and belief:

1. I am over the age of 18, competent to testify, and have personal knowledge of the facts set forth herein. I am the owner and resident of the property located at 12637 Pulver Road, Mount Vernon, Washington, Parcel No. P23643 (the "Property"). My mailing address is 15536 Produce Lane, Mount Vernon, WA 98273. I make this Declaration in support of my Objection to Health Officer's Decision dated September 4, 2025 ("Objection"), my Notice of Default for Failure to Respond dated September 16, 2025 ("Notice of Default"), and my intent to pursue legal action and appeal the Health Officer's Decision dated August 28, 2025 ("Decision"), which upheld a Notice of Violation ("NOV") and imposed a civil penalty related to alleged unpermitted modifications to the on-site sewage system at the Property.
2. The on-site sewage system at the Property was originally installed and "accepted" by Skagit County Public Health ("SCPH") prior to my ownership. On or about September 2024, I received a notice of failure order from SCPH dated September 10, 2024, alleging issues with the system. Subsequently, on or about February 26, 2025, SCPH issued a NOV to Tulip Time LLC (of which I am a member) c/o myself, claiming unpermitted modifications and a system failure, including sewage backing up, slow soil absorption, leaching, and non-compliance with WAC 246-272A. The NOV demanded corrective actions and threatened daily fines.
3. Prior to the NOV, on or about I contracted with Johnny's Septic Service Inc. ("Johnny's Septic"), operated by Shawn Graham and Mindy Graham, for a routine inspection and pumping of the septic system. Their report indicated no operational failures or health risks—the system was functioning adequately with no backups, leaks, or effluent issues. However, they noted "changes from original installation" without specifying any violations, hazards or what the original installation status was (Johnny's has no record, affiliation, or was the installer of this grandfathered system). Johnny's Septic Service INC. cannot produce the certified records of the original septic installation of the property in question. Jonny's report is at best is hearsay, his employee that wrote the warning to the county has failed to produce his or her credentials of authority to design or create septic systems. and will be challenged in court. Shortly thereafter, SCPH conducted an unannounced and unauthorized inspection of the Property, which I believe constituted a trespass, and used Johnny's Septic's report as a pretext to issue the NOV and demand a full system redesign and replacement costing approximately \$34,000. This demand appears to benefit Johnny's Septic and its affiliates, as SCPH's enforcement actions funnel business to a limited

number of county-approved contractors, including Johnny's Septic, while generating permit fees and fines for the county. This arrangement suggests collusion between public officials and private entities, depriving me of equal protection and due process under the Fourteenth Amendment, as actionable under 42 U.S.C. § 1983, and violating RCW 19.86 (Unfair Business Practices—Consumer Protection Act) by restraining trade through anticompetitive practices.

4. On or about February 26, 2024, Johnny's Septic Service Inc. had filed an Onsite Wastewater Treatment System Inspection Report that was sent to Larry Jensen, by Skagit County Public Health to initiate the NOV. This report claimed under "Comments and General Inspection Notes" report noted **No Deficiencies Noted**. This is an important milestone in this dispute.
5. In response to the NOV, I timely appealed on or about May 27, 2025, requesting an in-person evidentiary hearing, pre-hearing discovery, and disclosure of all relevant documents, including inspection reports, communications with Johnny's Septic, evidence of alleged modifications, and records of similar enforcement actions against others to demonstrate selective enforcement. Despite my requests, SCPH provided no documents, violating RCW 34.05.446 (pre-hearing discovery obligations under the Washington Administrative Procedure Act) and federal due process standards under *Mathews v. Eldridge*, 424 U.S. 319 (1976), which requires balancing the private interest in property, risk of erroneous deprivation, and government burden before imposing penalties. Skagit County Public Health, Johnny's Septic Service INC. is in default to provide the demanded credentials of authority.
6. SCPH proposed multiple hearing dates, but none were mutually agreeable due to scheduling conflicts on my end, and no efforts were made to reschedule or accommodate. Instead, on August 28, 2025, Health Officer Howard Leibrand, M.D., issued the Decision without a hearing, noting "Public Hearing Date: N/A," upholding the NOV, and assessing a \$7,500 penalty (conditionally reducible to \$1,750 upon compliance with coercive conditions, including hiring a licensed designer, paying fees, installing upgrades within 30 days, and submitting as-built drawings). This unilateral action denied me the opportunity to present evidence, cross-examine witnesses (such as representatives from Johnny's Septic or SCPH staff like Charese Gainor and Keith Higman), or defend against the charges, in violation of procedural due process under *Goldberg v. Kelly*, 397 U.S. 254 (1970), and RCW 34.05.449-461 (requiring contested case hearings with notice, evidence presentation, and impartiality). The Ninth Circuit in *Gibson v. United States*, 781 F.2d 1334 (9th Cir. 1986), has held that summary administrative actions without hearings constitute § 1983 violations when property interests are at stake, and the Washington Supreme Court in *Post v. City of Tacoma*, 167 Wn.2d 300 (2009), requires strict adherence to notice and hearing in code enforcement.
7. I have reliable information from sources within or familiar with SCPH operations that an interoffice memo or directive instructed staff to treat me as "a problem" and to show "No quarter" in enforcement actions against me. This evidences personal animus, discriminatory treatment, and selective enforcement, violating equal protection under *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000) (recognizing

"class of one" claims for irrational singling out), and *Yick Wo v. Hopkins*, 118 U.S. 356 (1886). Such bias taints the administrative process, rendering it a "kangaroo court" lacking impartiality, as prohibited by *Turney v. Ohio*, 273 U.S. 510 (1927), and *Stivers v. Pierce*, 71 F.3d 732 (9th Cir. 1995).

8. On September 4, 2025, I served the Objection upon the recipients, demanding credentials of authority (e.g., oaths of office, bonds, licenses per RCW 70.05.050 and WAC 246-272A), a full evidentiary hearing, and evidence disclosure within 10 days. No response was received by September 14, 2025, constituting default under common law principles and RCW 34.05.570 (judicial review for agency inaction). This failure admits the Objection's allegations and accelerates my pursuit of remedies, including under *Fuentes v. Shevin*, 407 U.S. 67 (1972) (requiring pre-deprivation notice and hearing), and *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).
9. I incorporate by reference my prior Notice of Intent to Depose and Conduct Discovery, Notice to Preserve Evidence dated August 15, 2025, and reiterate the ongoing duty to preserve all records from January 1, 2022, onward, including the "No quarter" memo, communications, and data on comparable cases, under RCW 42.56.100 and spoliation doctrines in *Chin v. Port Authority of New York*, 685 F.3d 135 (2d Cir. 2012), and *Henderson v. Tyrrell*, 80 Wn. App. 592 (1996).
10. Due to these violations, I intend to appeal the Decision pursuant to RCW 7.16 (Certiorari, Mandamus, and Prohibition) and RCW 34.05.570, and to file suit in U.S. District Court or Washington Superior Court for declaratory and injunctive relief, damages (including punitive), and attorney fees under 42 U.S.C. § 1988, alleging conspiracy under color of law per *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and *Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970).
11. The facts stated herein support that the Decision is arbitrary, unsupported by evidence (contravening RCW 70A.105.080), and void ab initio due to jurisdictional defects under common law and *Francisco v. Board of Directors*, 85 Wn.2d 256 (1975). No actual health risks exist, as confirmed by Johnny's Septic's report, and the penalty is coercive extortion.

Affiant Further Sayeth Naught

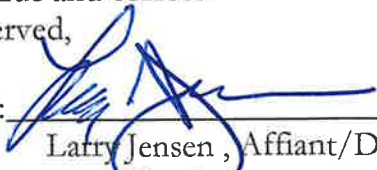
Executed on September 17, 2025, at Mount Vernon, Washington.

Sworn Statement patterned per 28 U.S.C. 1746 (1):

"I declare under pain and penalty of perjury under the laws of the (organic) United States of America that the foregoing is true and correct.

With All Rights Reserved,

(Signature):


Larry Jensen, Affiant/Declarant,
15536 Produce Lane,
Mount Vernon, WA 98273



OBJECTION TO HEALTH OFFICER'S DECISION NOTICE OF DEFAULT ~~BY: FOR~~
FAILURE TO RESPOND NOTICE OF INTENT TO PURSUE LEGAL ACTION IN
FEDERAL OR STATE COURT, NOTICE TO PRESERVE EVIDENCE AND
PREVENT SPOILIATION and NOTICE OF INTENT TO APPEAL,

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL; NOTICE TO PRINCIPAL
IS NOTICE TO AGENT; APPLICABLE TO ALL SUCCESSORS AND ASSIGNS**

To: **Howard Leibrand**, M.D., Skagit County Health Officer Skagit County Public Health
301 Valley Mall Way, Suite 110 Mount Vernon, WA 98273

And To: **Charese Gainor & Keith Higman** Skagit County Public Health 301 Valley Mall
Way, Suite 110 Mount Vernon, WA 98273

And To: **Trisha Logue**, Skagit County Administrator, 1800 Continental Pl, Mount Vernon
WA 98273

And To: **Ronald Wesen, Peter Browning, Lisa Janicki**, "Skagit County Commissioners,"
1800 Continental Pl, Mount Vernon WA 98273

And To: **Shawn Graham and Mindy Graham**, Agents c/o Johnny's Septic Service Inc.
P.O. Box 1128 Burlington, WA 98233

RE: **Default** on Objection to Health Officer's Decision Dated August 28, 2025; Intent to
File Suit for Alleged Conspiracy, Discrimination, Collusion Under Color of Law in Violation
of 42 U.S.C. § 1983, Due Process Denials, and Related Laws; Continued Reminder of
Preservation Obligations; Reference to Prior Notice of Violation Dated November 19, 2024,
and Ongoing Violations of Sewer Codes

Dear Recipients:

This Notice of Default and Intent to Pursue Legal Action is hereby served upon you
pursuant to common law principles of notice and opportunity to cure, the Administrative
Procedure Act (5 U.S.C. §§ 551 et seq., mandating responsive administrative proceedings,
including resolution of objections and provision for judicial review under 5 U.S.C. § 702),
relevant decisions of the United States Supreme Court (including but not limited to *Fuentes*
v. Shevin, 407 U.S. 67 (1972), requiring pre-deprivation notice and hearing for property
seizures or penalties; *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985),
establishing the right to respond to charges before final administrative action; and *Monell v.*
Department of Social Services, 436 U.S. 658 (1978), imposing liability on municipalities for
unconstitutional policies or customs), the Ninth Circuit Court of Appeals (e.g., *Brewster v.*
Board of Education, 149 F.3d 971 (9th Cir. 1998), affirming due process requirements in
administrative enforcement and rejecting summary dismissals without response; and
Mendoza v. Wight Vineyard Management, 783 F.2d 941 (9th Cir. 1986), addressing default

judgments for failure to respond in civil rights claims under § 1983), the Washington Supreme Court (e.g., *Vashon Island Committee for Self-Government v. Washington State Boundary Review Board*, 127 Wn.2d 759 (1995), mandating timely responses to administrative objections to avoid default; and *City of Seattle v. Public Employment Relations Commission*, 116 Wn.2d 923 (1991), upholding sanctions for non-compliance with discovery and response obligations in administrative matters), applicable case law, statutes including but not limited to 42 U.S.C. § 1983 (civil rights violations under color of law, including failure to address due process objections), Revised Code of Washington (RCW) 7.16 (Certiorari, Mandamus, and Prohibition, authorizing judicial review and mandamus for agency inaction under RCW 7.16.160), RCW 34.05 (Administrative Procedure Act, requiring agency responses to petitions and objections within reasonable time under RCW 34.05.570, with judicial review for arbitrary delay), RCW 19.86 (Unfair Business Practices—Consumer Protection Act, prohibiting ongoing anticompetitive schemes without redress), RCW 42.56 (Public Records Act, enforcing preservation and disclosure duties with penalties for non-response), RCW 70A.105 (On-Site Sewage Disposal Systems, demanding evidence-based, non-discriminatory enforcement), and all pertinent rules of civil procedure, including Federal Rules of Civil Procedure 55 (default judgments for failure to respond) and Washington Superior Court Civil Rules (CR) 55 (similar default provisions) and CR 37 (sanctions for discovery failures).

You are hereby notified that Larry Jensen declares you in DEFAULT for failure to respond within the demanded 10-day period to the Objection to Health Officer's Decision dated September 4, 2025 ("Objection"), which rejected the Health Officer's Decision dated August 28, 2025 ("Decision"). The Decision upheld a Notice of Violation dated November 19, 2024 ("NOV"), alleging a failure of the on-site sewage system at 12637 Pulver Road, Parcel No. P23643, and imposed a civil penalty of \$7,500 (conditionally reducible to \$1,750 upon compliance with specified conditions, including submission of a licensed septic design, payment of permit fees, installation within 30 days, and as-built drawings). Your silence and inaction constitute admission of the allegations in the Objection, including denial of due process, jurisdictional defects, discrimination, collusion, and arbitrary findings, and accelerate Mr. Jensen's pursuit of legal remedies. This default perpetuates the alleged conspiracy between Skagit County Public Health and private entities like Johnny's Septic Service Inc., violating Mr. Jensen's rights under the Fifth and Fourteenth Amendments, actionable under 42 U.S.C. § 1983, and demonstrates deliberate indifference to protected property interests as prohibited by *Daniels v. Williams*, 474 U.S. 327 (1986).

Specific Grounds for Default and Reiterated Objections

1. Failure to Provide Response, Hearing, or Evidence: Despite the Objection's demand for a full evidentiary hearing, disclosure of evidence (including the interoffice memo directing "No quarter" treatment), and credentials of authority within 10 days, no response has been received as of September 16, 2025. This inaction violates RCW 34.05.570 (judicial review for agency inaction or delay) and the U.S. Supreme Court's holding in *Armstrong v. Manzo*, 380 U.S. 545 (1965), requiring meaningful

opportunity to be heard before final deprivation. The Ninth Circuit in *Raditch v. United States*, 929 F.2d 478 (9th Cir. 1991), imposed liability for administrative delays constituting due process violations. The Washington Supreme Court in *In re Dependency of H.W.*, 70 Wn. App. 552 (1993), affirmed default sanctions for non-response to procedural demands. The Decision's reliance on the NOV's unproven claims of system failure (e.g., sewage backing up, slow soil absorption, leaching, and non-compliance with WAC 246-272A) without allowing contestation exacerbates this, contrary to RCW 70A.105.080's evidence requirement.

2. Continued Jurisdictional Objection and Bias: By defaulting, you concede the administrative tribunal's lack of jurisdiction due to bias and non-compliance with due process, as objected in the prior filing. Under common law and RCW 7.16.040, uncertified jurisdiction renders actions void, as upheld in *Tumey v. Ohio*, 273 U.S. 510 (1927), and the Ninth Circuit's *Alpha Delta Chi-Delta Chapter v. Reed*, 648 F.3d 790 (9th Cir. 2011), voiding biased administrative decisions. The Washington Supreme Court in *State v. Nadrchal*, 193 Wn.2d 165 (2019), invalidated proceedings tainted by unaddressed bias claims.
3. Discrimination and Selective Enforcement: Your non-response admits the discriminatory "No quarter" directive, violating equal protection under *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), and the Ninth Circuit's *Engquist v. Oregon Department of Agriculture*, 478 F.3d 985 (9th Cir. 2007), recognizing claims for arbitrary singling out in enforcement. The Washington Supreme Court in *Grant County Fire Protection District No. 5 v. City of Moses Lake*, 150 Wn.2d 791 (2004), prohibited selective code enforcement based on animus.
4. Collusion Under Color of Law: Default confirms the public-private scheme funneling business to Johnny's Septic Service via enforced redesigns costing \$34,000, per *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982) (state action through joint participation), and the Ninth Circuit's *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128 (9th Cir. 2012), applying the joint action test. Violates RCW 19.86.030 against restraints of trade, as condemned in *Yim v. City of Seattle*, 194 Wn.2d 682 (2019).
5. Arbitrary Penalty and NOV Findings: Non-response waives defense of the \$7,500 penalty and NOV's allegations, unsupported by disclosed evidence, contravening RCW 34.05.461's burden requirements and *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Renewed Demand for Credentials and Evidence

Reiterating the Objection, provide credentials (oaths, bonds, licenses per RCW 70.05.050, WAC 246-272A) for all employees acting as licensed inspectors, all elected officers of the employees that are usurping authority over Jensen and all withheld evidence within 5 days, or face compounded sanctions under FRCP 37 and CR 37.

Continued Preservation Obligations

Incorporate by reference the prior preservation notices. Preserve all records from January 1, 2022, onward, or face spoliation inferences per Federal Rules of Evidence 37(e) and *Henderson v. Tyrrell*, 80 Wn. App. 592 (1996).

Due to default, Mr. Jensen intends to file suit in U.S. District Court for declaratory relief, injunctions, damages (compensatory and punitive), and fees under 42 U.S.C. § 1988.

CEASE AND DESIST NOTICE

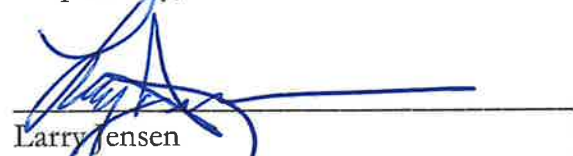
Immediately cease all enforcement, including penalty collection, inspections, or demands related to the NOV or Decision, pending court resolution. Non-compliance will lead to contempt motions.

NOTICE OF APPEAL,

Enclosed is your appeal form, OBJECTION TO HEALTH OFFICER'S DECISION NOTICE OF DEFAULT FOR FAILURE TO RESPOND NOTICE OF INTENT TO PURSUE LEGAL ACTION IN FEDERAL OR STATE COURT, NOTICE TO PRESERVE EVIDENCE AND PREVENT SPOILIATION and NOTICE OF INTENT TO APPEAL, and Declaration in Support of OBJECTION

Dated: September 16, 2025

Respectfully,



Larry Jensen
UCC 1-308 *without prejudice*
15536 Produce Lane
Mount Vernon, WA 98273