

CLARK COUNTY DISTRICT COURT  
IN AND FOR THE STATE OF WASHINGTON

CITY OF VANCOUVER,	PLAINTIFF,	No. 23649V VCA CN
vs.		KELLY CARROLL'S MOTION TO DISMISS
KELLY CARROLL,	DEFENDANT.	

1 I. MOTION

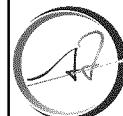
2 COMES NOW Ms. Kelly Carroll, by and through the Angus Lee Law Firm, PLLC, and  
3 moves the Clark County District Court to dismiss as Ms. Carroll's alleged pet care was designated  
4 "essential," and there is insufficient evidence to support each element of the charge of *willful*  
5 violation of the Governor Inslee's Stay Home Stay Healthy Order. This matter must therefore be  
6 dismissed under *State v. Knapstad*, 107 Wash. 2d 346, 729 P.2d 48 (1986).

7 II. INTRODUCTION

8 Earlier this year, Washington Governor Inslee began issuing a series of Orders,  
9 memoranda, Safety Plans, and other "Reopening Guidance" that placed restrictions on  
10 Washingtonians due to Covid-19. The restrictions have been promulgated and modified on a near  
11 weekly basis producing more and less extreme restrictions and providing directly inconsistent  
12 requirements for certain businesses or groups at various times.

MOTION TO DISMISS  
No. 23649V VCA CN  
Tuesday, July 21, 2020

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1 Ms. Carroll is accused of willfully violating Governor Inslee's Proclamation 20-25.3 ("Stay  
2 Home Stay Healthy Order") by engaging in pet bathing, trimming, and skin checking. Ms. Carroll  
3 cannot be shown to have willfully violate the Stay Home Stay Healthy Order because (1) the Order  
4 specifically authorized her pet care activities as "essential," and (2) Ms. Carroll did not have actual  
5 knowledge of the Stay Home Stay Healthy Order and its prohibitions because law enforcement  
6 did not serve the Order upon her.

7 The Stay Home Stay Healthy Order specifically authorized Ms. Carroll's pet care activities  
8 because it specifically authorized "engaging in activities essential for the health and safety of ...  
9 pets." The Order also specifically authorized caring for a pet and transport of a pet for essential  
10 health and safety activities, and to obtain necessary supplies and services. Thus, the Stay Home  
11 Stay Healthy Order, on its face, authorized the exact activity that Ms. Carroll engaged in, namely  
12 bathing, trimming, and conducting skin checks on pets.

13 This interpretation of the Stay Home Stay Healthy Order is not only accurate, but is the  
14 same interpretation arrived at, and espoused by, Petco, one of the largest pet service providers in  
15 the nation. Thus, to the extent that the Stay Home Stay Healthy Order is interpreted by the State  
16 to have prohibited Ms. Carroll's pet care, the existence of two reasonable interpretations of the  
17 Order indicates definitively that the Stay Home Stay Healthy Order is, at best, ambiguous. Where  
18 a law or order is ambiguous in the criminal context, the *rule of lenity* requires that it be interpreted  
19 against the State and in favor of the accused. *State v. Breaux*, 167 Wash. App. 166, 273 P.3d 447  
20 (2012). Here, the rule of lenity therefore requires that the Stay Home Stay Healthy Order be  
21 interpreted to have permitted Ms. Carroll's pet care.



1           Even if the Stay Home Stay Healthy Order is interpreted to have prohibited Ms. Carroll's  
2 activities, Ms. Carroll did not willfully violate the Order because law enforcement did not serve a  
3 copy of the Order upon her. That is, to establish a willful violation of the Stay Home Stay Healthy  
4 Order, the State must produce sufficient evidence that the accused had actual knowledge of what  
5 conduct was restricted by the Order. See *State v. Kirwin*, 166 Wash. App. 659, 667-68, 271 P.3d  
6 310, 315 (2012); *State v. Boss*, 167 Wash. 2d 710, 719-20, 223 P.3d 506, 511-12 (2009). Actual  
7 knowledge of an order is established by evidence that the accused had been served with notice of  
8 the order by a reliable witness prior to any alleged violation; the mere existence of the order is  
9 insufficient to establish a violation. *Kirwin*, 166 Wash. App. At 667-68; *Boss*, 167 Wash. at 719-  
10 20. Law enforcement did not serve Ms. Carroll with a copy of the Stay Home Stay Healthy Order  
11 prior to any alleged violation. Thus, it cannot establish Ms. Carroll had actual knowledge of the  
12 Stay Home Stay Healthy Order.

13           Whereas the State did not serve Ms. Carroll with a copy of the Stay Home Stay Healthy  
14 Order, it lacks any evidence whatsoever, outside of Ms. Carroll's own alleged statements that Ms.  
15 Carroll had actual knowledge of the Stay Home Stay Healthy Order. Of course, Ms. Carroll's own  
16 statements are excluded from the court's consideration as evidence of her knowledge of the Stay  
17 Home Stay Healthy Order by Washington's *corpus delicti* rule. Washington's *corpus delicti* rule  
18 requires that sufficient evidence of each element of the crime be produced *independently* of the  
19 accused's own alleged statements. *State v. Dow*, 168 Wash. 2d 243, 254, 227 P.3d 1278, 1282  
20 (2010). Without such alleged statements, the State cannot prove the actual knowledge necessary  
21 to establish the requisite *mens rea* for a willful violation of the Stay Home Stay Healthy Order.



Ms. Carroll did not violate the Stay Home Stay Healthy Order because it specifically authorized her actions or, at worst, was ambiguous and must be interpreted to have authorized her actions per the rule of lenity. Ms. Carroll cannot be criminally prosecuted for violating the Stay Home Stay Safe Order because the *mens rea* of willfulness was required; and Officers never provided her a copy of the Stay Home Stay Healthy Order. Further, the State does not have the ability to independently prove the requisite *mens rea* of the crime charged because Ms. Carroll's statements and admissions are excluded by the *corpus delicti* rule. Even if the Stay Home Stay Healthy Order was interpreted to prohibit Ms. Carroll's activities and had been served upon her, the Order itself is void for vagueness. The case must be dismissed.

### III. FACTS

#### A. OVERVIEW OF PROCLAMATION STORM 2020

On March 23, 2020, Governor Inslee issued Proclamation 20-25 which imposed a “Stay Home - Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants.” Proclamation 20-25. The Order also stated that “all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities.”

Essential activities permitted under the Stay Home Stay Healthy Order were specifically identified and included: “engaging in activities essential for the health and safety of family, household members *and pets*.” (emphasis added). The Order also specifically authorized the “[c]aring for a family member, friend, or pet in another household or residence, and to transport a



1 family member, friend or their pet for essential health and safety activities, and to obtain necessary  
2 supplies and services.”

3 The Stay Home - Stay Healthy Order has been modified significantly and frequently by  
4 additional Proclamations, “Safety Plans,” or “Reopening Guidance,” and various memoranda.<sup>1</sup>  
5 Since February 29th, there have been at least 100 Proclamations by the Governor.<sup>2</sup> In all of 2019,  
6 by comparison, there were only twelve issued.<sup>3</sup> In 2018, the Governor issued only seven.<sup>4</sup>

7 Proclamation 20-25.1 was issued on April 2, 2020 and extended the Stay Home Stay  
8 Healthy Order until May 4, 2020. Proclamation 20-25.2 was issued April 27th and reaffirmed the  
9 extension of the Stay Home - Stay Healthy Order, but exempted several outdoor recreational  
10 activities. Proclamation 20-25.3, which Ms. Carroll is accused of violating, was issued on May 4,  
11 2020. It adjusted and extended the original Stay Home Stay Healthy Order through May 31st.

12 B. THE ORDER SPECIFICALLY AUTHORIZED PET CARE AS ESSENTIAL

13 The Governor’s initial Stay Home Stay Healthy Order authorized people to “participate in  
14 essential activities.” Proclamation 20-25(1)(a).<sup>5</sup> The authorization to participate in essential  
15 activities was never modified by 25.1, 25.2, or 25.3.

16 “Essential activities,” under the Stay Home Stay Healthy Order, include “engaging in  
17 activities essential for the health and safety of family, household members and pets.” The Order

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<sup>1</sup> See “Reopening Guidance for Business and Workers” at <https://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-reopening-guidance-businesses-and-workers>. This “Reopening Guidance” is listed on a webpage that states, “Under the [Safe Start Plan], businesses and activities will reopen in phases with adequate social distancing measures & health standards in place. Businesses **may** also need to meet additional requirements developed specifically for their industry.” Id. (emphasis added). The Governor also issued “Safety plans” which have been modified by various random memoranda. For example, see the addendum memoranda issued on construction. [https://www.governor.wa.gov/sites/default/files/proclamations/2025%20Addendum%20Implementation%20of%20Phase%201%20Construction%20Restart%204.29\\_0.pdf](https://www.governor.wa.gov/sites/default/files/proclamations/2025%20Addendum%20Implementation%20of%20Phase%201%20Construction%20Restart%204.29_0.pdf) (last viewed on July 20, 2020).

<sup>2</sup> Exhibit A to Declaration of D. Angus Lee.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Exhibit B to Decl. of Lee.



1 also specifically allowed the “[c]aring for a family member, friend, or pet in another household or  
2 residence, and to transport a family member, friend or their pet for essential health and safety  
3 activities, and to obtain necessary supplies and services.”

4 On March 31, 2020, Petco, a national chain with over 50 years of experience caring for  
5 pets, interpreted the Stay Home Stay Healthy Order as authorizing pet grooming. In an email to  
6 the Clark County’s COVID-19 Response Team, it wrote<sup>6</sup>:

7 We believe Governor Inslee's March 25th "Stay Home, Stay Healthy"  
8 Proclamation recognizes the essential nature of pet grooming services. The  
9 Proclamation authorizes (1) providing necessary supplies and services for pets, (2)  
10 engaging in activities that are essential for the health and safety of pets, and (3)  
11 transporting pets for essential health and safety activities and to obtain their  
12 necessary supplies and services.

13 Grooming operations are essential health services, because pets do not  
14 practice routine hygiene like humans (i.e. hand washing and regular bathing). Pet  
15 parents must provide, or seek professional services for, appropriate regular  
16 grooming, bathing and coat care to ensure proper pet hygiene is maintained. Petco's  
17 professional groomers have the skills and training to make sure all products and  
18 tools needed are being used correctly and minimize any risk of injury to the pet. In  
19 addition, professional groomers are equipped with the right tools to safely remove  
20 the dead, shedding coat of certain breeds. Bathing these breeds without removing  
21 their dead, loose coat can lead to skin irritation and infection. Bathing a pet with  
22 can lead to the tangles and mats tightening up which can cause the skin to pull and  
23 stretch, sometimes to the point of causing sores or open wounds. Without proper  
24 coat and nail care pets can be at risk for long fur that can rub on the eyes and cause  
25 injury, matting, knotting, buildup of loose fur, catching or breaking of nails, etc.  
26 Since bacteria and other organisms normally live on the coat and skin, without  
27 proper hygiene, pets can develop hot spots, skin infections and other medical  
28 conditions if the hygiene and care of the coat is left untended. As many pet parents  
29 may not have access to a safe, appropriate bathing area or necessary grooming tools,  
30 professional grooming services should remain available in these uncertain times.

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<sup>6</sup> Ex. C to Decl. of Lee



1       On May 18, 2020, the day *before* Officers observed Ms. Carroll caring for a pet, Governor  
2       Inslee issued guidance for Washington business on how to engage in pet grooming during COVID-  
3       19.<sup>7</sup>

4       C. NO EVIDENCE THAT MS. CARROLL HAD NOTICE OF THE ORDER

5       Officers observed Ms. Carroll after she had apparently provided pet care on May 19th (a  
6       day after the Governor's Office released pet grooming guidelines). The discovery in this matter  
7       contains a single officer's narrative. The narrative, *excluding* portions containing information  
8       obtained from Ms. Carroll's alleged statements, reads as follows<sup>8,9</sup>:

9       On May 14th, 2020, Investigations told me of an upcoming event in the  
10      geographical area I oversee as the District 3 Lieutenant. Sergeant Moore informed  
11      me that a local business, The PetBiz, located at 5620 NE Gher Road, Ste 5, [ ]. The  
12      owner of the business, Kelly Carroll, made several Facebook posts [ ]. During these  
13      Facebook posts, Carroll [ ]. Additionally, she urged people to [ ].  
14      Carroll said [ ].

15      On Saturday, May 16th, 2020, Carroll [ ]

16      Police Department members witnessed the crowd and estimated that there were  
17      over 100 people present for the rally. Some of the people in attendance marched  
18      around the area carrying flags and signs but were observant of traffic / pedestrian  
19      laws.

20      On May 19th at approximately 1515 hours, Lieutenant Hatley and I went to The  
21      PetBiz to contact Carroll. I explained to her that I was going to forward the potential  
22      violation of Governor Inslee's Proclamation to the City Attorney's Office for review  
23      Carroll would not provide me with her mailing address or her date of birth and told  
24      me [ ]. As Lt. Hatley and I were in the shop, a customer picked up her two dogs and  
25      paid for the service with a credit card, so there was no mistaking that Carroll was  
26      open for, and conducting, business at that location.

27      I explained to Carroll that VPD's response to these types of situations was  
28      education, [ ].

29      [ ].

30      I was able to locate Carroll's date of birth, address and other identifying information  
31      through investigative resources. I confirmed her information by looking at her  
32      Department of Licensing photo.

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<sup>7</sup> Exhibit D to Decl. of Lee.

<sup>8</sup> Statements allegedly made from Ms. Carroll are redacted with "[ ]".

<sup>9</sup> Exhibit E to Decl. of Lee.



1 I took screen recordings of Carroll's Facebook posts as well as a screenshot of her  
2 website, which showed that she was open for business, and logged these into TraQ.

3 IV. ARGUMENT

4 The trial court has inherent authority to dismiss a charge at a pretrial hearing in furtherance  
5 of justice when it is apparent that the State does not have the ability to prove all the elements of  
6 the crime charged. *State v. Knapstad*, 107 Wash. 2d 346, 729 P.2d 48 (1986); Ferguson,  
7 Wash.Crim.Prac. and Proc., § 2113 (3d ed.). “In a sense, this [*Knapstad* motion] is somewhat  
8 similar to summary judgment proceedings in civil cases, but a dismissal under this rule is not a bar  
9 to a subsequent prosecution.” *State v. Knapstad*, at 355-56. To prevail on a *Knapstad* motion, the  
10 defendant need only show that there are no material facts in dispute and that the undisputed facts  
11 do not establish a *prima facie* case of guilt. *Knapstad*.

12 In cases where the crime charged calls for a specific *mens rea* when committing an act that  
13 constitutes an element of that crime, the absence of evidence of that necessary mental state  
14 mandates dismissal of the charges under *Knapstad*. See also *State v. Brockob*, 159 Wash. 2d 311,  
15 332, 150 P.3d 59, 70 (2006); *State v. Bauer*, 180 Wash. 2d 929, 932, 329 P.3d 67, 69 (2014).

16 In evaluating a *Knapstad* motion, a trial court cannot treat inadmissible evidence as if it  
17 were substantive evidence in making a *prima facie* case determination. *State v. Freigang*, 115  
18 Wash. App. 496, 503-04, 61 P.3d 343, 348 (2002).

19 Here, as a matter of law, there is insufficient independent, admissible evidence of a  
20 “willful” violation by Ms. Carroll. Without such evidence, the charge must be dismissed.



1           A. THE STAY HOME STAY HEALTHY ORDER AUTHORIZES PET GROOMING AND  
2           TO THE EXTENT TWO REASONABLE INTERPRETATIONS OF THE ORDER  
3           EXIST, THE AMBIGUITY IN THE ORDER MUST BE RESOLVED IN FAVOR OF  
4           THE ACCUSED PER THE RULE OF LENITY.

5           The Stay Home Stay Healthy Order specifically authorized Ms. Carroll's pet care activities  
6           because it specifically permitted "engaging in activities essential for the health and safety of ...  
7           pets." Caring for a pet by cleaning and conducting skin checks is an essential activity. Likewise,  
8           transporting a pet in order to obtain necessary *services* is also authorized by the Stay Home Stay  
9           Healthy Order. Proclamation 20-25(1)(a). Ms. Carroll provides pets with necessary bathing,  
10           trimming, and skin checks. Since transporting a pet to obtain necessary bathing, trimming, and  
11           skin checks is permitted, it is axiomatic that engaging in those activities must also be permitted by  
12           the Stay Home Stay Healthy Order.

13           This interpretation of the Stay Home Stay Healthy Order is not only accurate, but is the  
14           same interpretation arrived at, and espoused on March 31st by, Petco. Petco stated unequivocally,  
15           "We believe Governor Inslee's March 25th "Stay Home, Stay Healthy" Proclamation recognizes  
16           the essential nature of pet grooming services."

17           The City of Vancouver, on the other hand, has interpreted the Stay Home Stay Safe Order  
18           as prohibiting Ms. Carroll's pet grooming activities. Yet, as Petco's email makes clear, the  
19           interpretation of the Order as authorizing pet grooming activities is equally reasonable. Moreover,  
20           the day before the alleged offense, the Governor's Office published guidance specifically detailing  
21           how pet grooming should be safely conducted. The existence of two reasonable interpretations of  
22           the Order as well as the publication by the Governor of additional guidance on how to conduct pet  
23           grooming indicate definitively that the Stay Home Stay Healthy Order is, at best, ambiguous.



1       Where a law or order is ambiguous in the criminal context, the *rule of lenity* requires that  
2       it be interpreted against the State and in favor of the accused. *State v. Breaux*, 167 Wash. App.  
3       166, 273 P.3d 447 (2012). In particular, where two possible constructions are permissible, the rule  
4       of lenity requires the court to construe the law strictly against the State in favor of the defendant.  
5       *State v. Breaux*, 167 Wash. App. 166, 179, 273 P.3d 447, 454 (2012); *see also State v. Roberts*,  
6       117 Wash. 2d 576, 586, 817 P.2d 855 (1991) (“Under the rule of lenity, the court must adopt the  
7       interpretation most favorable to the criminal defendant”). “[T]he rule of lenity requires us to  
8       interpret the statute in favor of the defendant absent legislative intent to the contrary.” *State v.*  
9       *Jacobs*, 154 Wash. 2d 596, 601, 115 P.3d 281, 283 (2005).

10       Here, there is no legislative intent to the contrary, because the legislature has had no  
11       opportunity to consider the prudence of the Governor’s flurry of Proclamations and endless  
12       modifications. By contrast, legislative intent in favor of keeping animals clean, healthy, and  
13       sanitary does exist. Washington’s long standing animal cruelty law provides that person is guilty  
14       of Animal Cruelty in the second degree if the owner “[f]ails to provide the animal with necessary  
15       shelter, rest, or **sanitation16       act or process of making sanitary.”<sup>10</sup> Sanitary is defined as “of or relating to health” and  
17       “characterized by or readily kept in cleanliness.”<sup>11</sup> Sanitary is also defined as “[b]eneficial to good  
18       health... encouraging of good health... including, at times, conditions that encourage good mental  
19       health and good physical health.” Bouvier Law Dictionary. As has been made clear to all in the  
20       last several months, little is more important to good physical health as regular washing and  
21       cleaning.**

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<sup>10</sup> <https://www.merriam-webster.com/dictionary/sanitation> (last viewed on June 24, 2020).

<sup>11</sup> <https://www.merriam-webster.com/dictionary/sanitary> (last viewed on June 24, 2020).



1        It is clear that the legislative intent, and the true intent of the people, is to have animals  
2        clean and healthy. The Stay Home Stay Healthy Order, itself, deems animal care an essential  
3        activity. In light of the ambiguity of the Order and the legislative intent in favor of animal  
4        sanitation, the rule of lenity mandates that the Stay Home Stay Healthy Order be interpreted to  
5        have permitted Ms. Carroll's activities in providing essential services to pet owners.

6        B. THE CITY LACKS SUFFICIENT EVIDENCE TO ESTABLISH A WILLFUL  
7        VIOLATION OF THE STAY HOME STAY HEALTHY ORDER BECAUSE IT DID  
8        NOT SERVE A COPY OF THE ORDER ON MS. CARROLL.

9        Even if the Stay Home Stay Healthy Order is interpreted to have prohibited Ms. Carroll's  
10       activities, Ms. Carroll did not willfully violate the Order because law enforcement did not serve a  
11       copy of the Order upon her. RCW 43.06.220(5) provides, "Any person *willfully* violating any  
12       provision of an order issued by the governor under this section is guilty of a gross misdemeanor."  
13       (emphasis added).

14       Criminal prosecution under RCW 43.06.220(5) therefore requires the *mens rea* of  
15       willfulness. "Willfulness" is established by evidence that the accused had "actual knowledge" of  
16       the Stay Home Stay Healthy Order and its prohibitions. WPIC 10.05; RCW 9A.08.010(4). To  
17       establish a *prima facia* case of Violation of Emergency Order under RCW 43.06.220, there must  
18       be independent admissible evidence that Ms. Carroll did "willfully" violate an order issued by the  
19       governor. RCW 43.06.220(5). The standard for the willfulness is the "voluntary, intentional  
20       violation of a known legal duty." *Cheek v. United States*, 498 U.S. 192, 201, 111 S. Ct. 604, 610  
21       (1991). A person can also be said to act "willfully" as to a violation of an order when he or she  
22       acts "knowingly" as to the order. WPIC 10.05; RCW 9A.08.010(4).

23       It is not enough for the State to show evidence that the *actus reus* was in violation of the  
24       Order; rather, there must be evidence that Ms. Carroll specifically knew of the prohibitions in the



1 order and then engaged in the prohibited conduct willfully. This requires the Order to have been  
2 served on her prior to the alleged violation. In this case, the Order was not served upon Ms. Carroll;  
3 nor is there other independent evidence showing that she had knowledge of the Order or its  
4 prohibitions.

5 Actual knowledge of a governor's order must be established in the same way as actual  
6 knowledge of a court's order. Indeed, where criminal charges are being pursued for violation of a  
7 governor's order under RCW 43.06.220, the case law regarding criminal violations of court orders,  
8 such as protection orders and parenting plans, offers the most helpful guidance.<sup>12</sup> This is especially  
9 true in consideration of the fact that the dramatic variability, ambiguity, and rapidly changing  
10 nature of Governor Inslee's Stay Home Stay Safe Orders more closely resemble the variability in  
11 courts' orders from case to case than it does actual laws passed by the legislature after open  
12 deliberation and public comment. Actual knowledge of the Stay Home Stay Safe Order, therefore,  
13 is established by evidence showing that the accused was personally served with the order. See  
14 *State v. Kirwin*, 166 Wash. App. 659, 667-68, 271 P.3d 310, 315 (2012); *State v. Boss*, 167 Wash.  
15 2d 710, 719-20, 223 P.3d 506, 511-12 (2009).

16 To establish the accused violated an order, the State must prove that the defendant was  
17 served with notice of the order; the mere existence of the order is insufficient to establish a  
18 violation. *State v. Kirwin*, 166 Wash. App. 659, 667-68, 271 P.3d 310, 315 (2012); *State v. Boss*,  
19 167 Wash. 2d 710, 719-20, 223 P.3d 506, 511-12 (2009). Because of this, protection orders, no  
20 contact orders, and restraining orders are always served on the restrained party either in court or

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<sup>12</sup> A Lexis search reveals that there is not a single appellate decision in the history of Washington that considers criminal charges for an alleged willful violation of a governor's order under RCW 43.06.220. This is a strong indication that prudent prosecutor have rarely if ever brought such charges.



1 the record, or by a reliable witness such as a law enforcement officer. It is this exact process of  
2 personal service of orders that establishes an independent evidentiary basis for any later allegation  
3 of a knowing or willful violation of an order.

4 For example, in *Kirwin*, the court held that the existence of orders granting a father custody  
5 of children, was insufficient to prove that the defendant mother had knowledge of the orders  
6 without evidence that the specific, written orders had been served upon her. In that case, the  
7 defendant mother had actually been served with “some” papers that *might* have been notice of a  
8 custody change hearing. *Kirwin*, at 668, n.2; and *Kirwin*, at 682, n.13 (in dissent). Upon being  
9 served those papers, the mother left the state with her children. *Kirwin*, at 662. The father was  
10 eventually awarded custody of the children through a court modification of the parenting plan and  
11 second court order while the mother was out of the state. *Id.* The State produced both of these  
12 orders as exhibits to support the conviction of the mother for first degree custodial interference.  
13 *Id.*, at 667. The *Kirwin* court reversed the conviction and held that the State had not established  
14 that the defendant was aware of the existence of the order, because, “[n]either exhibit gave any  
15 indication it had been served on [the mother] . . .” *Id.*, at 667-668.

16 Accordingly, in *Kirwin*, the court rejected the idea that proper service and knowledge of  
17 an order could be inferred from circumstantial evidence and proper issuance on the order. It found  
18 that, the mother’s knowledge that a change of custody was likely, could not be inferred sufficient  
19 to uphold her conviction even though the mother had left the state with the children upon being  
20 served “some” papers, since the contents of those papers (which *might* have been notice of the  
21 hearing to change custody) had not been produced and no other evidence of service of the order  
22 existed, *Id.*, at 668, see n.2.



1        The dissenting opinion in *Kirwin*, argued (as the City may here) that the defendant's  
2 knowledge of the order could be inferred from the circumstances; and that the failure to have  
3 served the order was not dispositive in failing to prove *knowledge* of the order. *Id.*, at 682 (in  
4 dissent). The dissent in *Kirwin* argued that the defendant's knowledge could be inferred by (1)  
5 evidence that she had been handed papers from her mother and told she must respond in 20 days,  
6 but she ripped them up, and (2) the fact that, since the trial court had issued an order changing  
7 custody to the father, it was presumed to have done so with proper service and calendaring. *Id.*, at  
8 682, see n.13 (in dissent). The *Kirwin* court rejected this argument and reversed the defendant's  
9 conviction, because there can be no conviction for an alleged order violation without independent  
10 proof of knowledge of the order.

11        Here, it is undisputed that the officers never provided a copy of an order to Ms. Carroll.<sup>13</sup>  
12 Officers from VPD went to Ms. Carroll's establishment *without* a copy of the Stay Home Stay  
13 Safe Order, spoke to her briefly, and then left. They did not serve a copy of the Stay Home Stay  
14 Healthy Order or any other government instrument on her. In stark contrast to *Kirwin*, where some  
15 papers had been served upon the defendant, no papers were served on Ms. Carroll.

16        Washington law requires affirmative evidence that the accused had actual knowledge of  
17 the existence and terms of an order before the accused can be convicted of knowingly or willfully  
18 violating it. Here, Ms. Carroll was never personally served with a copy of the Stay Home Stay  
19 Healthy Order or any other documents that prohibited her pet care activities. Thus, she did not  
20 have the actual knowledge necessary to establish a willful violation of the Governor's Stay Home  
21 Stay Healthy Order.

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<sup>13</sup> It is not even clear if the officers had ever read the order themselves or knew the terms of the order. In fact, it appears they were unaware that pet care was designated "essential."



1           C. BECAUSE THERE IS INSUFFICIENT INDEPENDENT EVIDENCE TO PROVE MS.  
2           CARROLL HAD ACTUAL KNOWLEDGE OF THE ORDER, THE COURT IS  
3           BARRED FROM CONSIDERING HER STATEMENTS IN ITS EVIDENTIARY  
4           SUFFICIENCY DETERMINATION BY THE *CORPUS DELICTI* RULE.

5           Whereas the State did not serve Ms. Carroll with a copy of the Stay Home Stay Healthy  
6           Order, it lacks any evidence whatsoever, outside of Ms. Carroll's own alleged statements and  
7           admissions, that Ms. Carroll had actual knowledge of the Stay Home Stay Healthy Order. In  
8           Washington, however, a conviction may not be sustained solely on the basis of an uncorroborated  
9           admission; rather, there must be other, independent evidence, outside the confession or statements,  
10           to prove the *corpus delicti*. Ferguson, § 3324. The *corpus delicti* rule requires that "the State must  
11           still prove *every element* of the crime charged by evidence *independent of the defendant's*  
12           *statement*." *State v. Dow*, 168 Wash. 2d 243, 254, 227 P.3d 1278, 1282 (2010) (emphasis added);  
13           *State v. Cardenas-Flores*, 189 Wash. 2d 243, 261, 401 P.3d 19, 29 (2017). Only when independent  
14           evidence has established the commission of a crime, may the defendant's confession then be  
15           considered together with the other evidence presented to support a finding of guilt beyond a  
16           reasonable doubt. Ferguson, at § 3324.

17           [O]ur cases confirm that *corpus delicti* permeates considerations of sufficiency of  
18           the evidence. This is apparent not only in the language we have used to describe  
19           *corpus delicti*, but also in the remedy we have awarded after a finding of insufficient  
20           evidence of the *corpus delicti* and the charge.

21           *Cardenas-Flores*, at 253. The Supreme Court proudly proclaimed that "we are among a minority  
22           of courts that has declined to adopt a more relaxed rule." *Id.*, at 258.

23           The Washington Supreme Court made clear in *Dow* that "[t]he *corpus delicti* doctrine  
24           generally is a principle that tests the sufficiency or adequacy of evidence, other than a defendant's  
25           confession, to corroborate the confession." *Dow*, at 249. "The purpose of the rule is to ensure that  
26           *other evidence* supports the defendant's statement and satisfies *the elements of the crime*." *Id.*



1 (emphasis added). Accordingly, this court must carefully distinguish the elements of the offense,  
2 and then ensure that the corroborating evidence establishes “*each of those elements*” of the crime  
3 charged independent of any statement of the accused. 1 McCormick On Evid. § 146 (7th ed.).

4 Further, the *corpus delicti* rule applies not just to Ms. Carroll’s “confessions,” but to all  
5 statements she allegedly made elsewhere to private persons.

6 There is widespread agreement that the requirement, whatever the local formulation  
7 of it, applies not only to “confessions”, defined as complete and conscious  
8 admissions of guilt of a crime, but also to “admissions”—acknowledgments of facts  
9 relevant to guilt—because these involve the risks which the requirement is designed  
10 to reduce.

11 *Id.*, § 145; *see also State v. Aten*, 79 Wash. App. 79, 900 P.2d 579, 582 (1995) (Washington  
12 corroboration requirement applies to admissions as well as confessions). “The requirement is not  
13 limited to statements made to law enforcement officers and consequently applies to statements  
14 made to private persons.” *Id.*

15 Here, the *mens rea* of willfulness is a required element of the alleged criminal violation the  
16 Stay Home Stay Healthy Order. Thus, the State must be able to prove actual knowledge of the  
17 Stay Home Stay Healthy Order without reference to any admission or statement of Ms. Carroll. It  
18 cannot do so since a copy of the Order was never served upon Ms. Carroll. As a result, Ms.  
19 Carroll’s own statements and admissions are excluded from the court’s consideration as evidence  
20 of her actual knowledge of the Stay Home Stay Healthy Order by Washington’s *corpus delicti*  
21 rule. Without such sufficient evidence, the State cannot prove the actual knowledge necessary to  
22 establish the requisite *mens rea* for a willful violation of the Stay Home Stay Healthy Order. The  
23 absence of evidence of that necessary *mens rea* mandates dismissal of the charges under *Knapstad*.

24 *See also State v. Brockob*, 159 Wash. 2d 311, 332, 150 P.3d 59, 70 (2006); *State v. Bauer*, 180  
25 Wash. 2d 929, 932, 329 P.3d 67, 69 (2014).



1 Notably, the *corpus delicti* rule exists because evidentiary admissions are be treated with  
2 caution. See Tegland, 5B Wash. Prac., Evidence Law and Practice § 801.52 (6th ed.). “The  
3 requirement has traditionally been based upon concern that convictions might result from false  
4 confessions.” 1 McCormick, § 145. “The corroboration requirement rests upon the dual  
5 assumptions that such risks of inaccuracy are serious ones and that juries are likely to accept  
6 confessions uncritically and thus are unable or disinclined to recognize and accommodate these  
7 risks.” *Id.*, n.7. “[T]he sufficiency approach acknowledges the reality that individuals sometimes  
8 confess to imaginary crimes.” *Cardenas-Flores*, at 261.

9 [T]he rule is designed to combat, first, risks of inaccuracy arising from  
10 misinterpretation or misreporting by witnesses who testify to what defendants  
11 admitted and, second, risks of inaccuracy with regard to what defendants said.  
12 These latter sources of inaccuracy, the court continued, include not only force or  
13 coercion but also the possibilities that a confession was “based upon a mistaken  
14 perception of the facts or law.”

15 1 McCormick, § 145. (citing *City of Bremerton v. Corbett*, 106 Wash. 2d 569, 723 P.2d 1135, 1139  
16 (1986)).

17 Here, Ms. Carroll’s alleged statements were in fact based upon a mistaken perception of  
18 the Stay Home Stay Healthy Order. The Stay Home Stay Healthy Order did not bar Ms. Carroll’s  
19 activities. Ms. Carroll’s alleged admissions and statements are excluded by the *corpus delicti* rule  
20 from the court’s consideration as to whether sufficient evidence exists to establish willfulness.

21 D. EVEN IF THE STAY HOME STAY HOME STAY HEALTHY ORDER HAD BEEN  
22 SERVED UPON MS. CARROLL, THE ORDER ITSELF IS VOID FOR VAGUENESS.

23 A statute is unconstitutionally vague if it fails either of two requirements. *Spokane v.*  
24 *Douglass*, 115 Wash. 2d 171, 178, 795 P.2d 693, 696 (1990). A statute is void if either (1)  
25 the statute does not define the criminal offense with sufficient definiteness that ordinary people  
26 can understand what conduct is proscribed or (2) the statute does not provide ascertainable



1 standards of guilt to protect against arbitrary enforcement. *State v. Harrington*, 181 Wash. App.  
2 805, 823, 333 P.3d 410, 420 (2014). If persons of ordinary intelligence can understand what the  
3 ordinance proscribes, notwithstanding some possible areas of disagreement, the ordinance is  
4 sufficiently definite. *Id.*, at 824.

5 The Stay Home Stay Healthy Order is void for vagueness because persons of ordinary  
6 intelligence cannot understand what activities the ordinance proscribes at any given time. Here,  
7 the Governor issued guidance on how to conduct pet grooming the day before Ms. Carroll was  
8 accused of engaging in pet grooming in violation of the Stay Home Stay Healthy Order. As was  
9 discussed above, the Order authorizes pet care activities as essential activities, and even a major  
10 corporation with legal counsel concluded pet grooming was legal and essential. A person of  
11 ordinary intelligence would not understand that pet grooming was prohibited when pet grooming  
12 is an essential activity for the health of pets.

13 **V. CONCLUSION**

14 Ms. Kelly Carroll moves the Clark County District Court to dismiss. Cleaning pets so they  
15 could stay healthy and sanitary was clearly authorized by the Order and in keeping with public  
16 policy. At best, the Order was ambiguous on this point and must be interpreted in the light most  
17 favorable to the accused per the rule of lenity. The Order was never served on Ms. Carroll prior  
18 to any alleged violation, so the State cannot prove Ms. Carroll had actual knowledge of the Order.  
19 As there is no independent evidence in the record that Ms. Carroll had the requisite knowledge of  
20 the Order, her own admissions are excluded from consideration per the *corpus delicti rule*. There  
21 is simply no evidence that Ms. Carroll acted willfully and no case. This matter should be  
22 dismissed.



Respectfully submitted Tuesday, July 21, 2020.

## ANGUS LEE LAW FIRM, PLLC

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## DECLARATION OF COUNSEL

I, D. Angus Lee, declare under the penalty of perjury that the following is true and correct to the best of my knowledge. I am over the age of eighteen, and I am competent to testify to the matters herein. I have personal knowledge of the matters stated herein, or as indicated, have information concerning those matters.

1. Attached as Exhibit A is a true and correct copy of the Washington State web page showing proclamations by Governor Inslee.
2. Attached as Exhibit B is a true and correct copy of Proclamation 20-25.
3. Attached as Exhibit C is a true and correct copy of an email.
4. Attached as Exhibit D is a true and correct copy of guidance from the State.
5. Attached as Exhibit E is a true and correct copy of the officer's narrative.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Signed at Vancouver, Washington, on Tuesday, July 21, 2020

S// D. Angus Lee

| D. Angus Lee

MOTION TO DISMISS  
No. 23649V VCA CN  
Tuesday, July 21, 2020

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## CERTIFICATE OF SERVICE

2 I certify that on this date I transmitted a copy of the document to which this certificate is  
3 affixed to the individual(s) identified below in the manner indicated below:

Jonathan Young  
City of Vancouver

- U.S. Mail-postage prepaid
- Overnight Courier
- E-mail

4 DATED this Tuesday, July 21, 2020 at Vancouver, Washington.

5 S//D. Angus Lee  
6 D. Angus Lee

MOTION TO DISMISS  
No. 23649V VCA CN  
Tuesday, July 21, 2020

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# COVID-19

For the latest COVID-19 health guidance, statistics and resources, visit [Coronavirus.wa.gov](https://Coronavirus.wa.gov)

## Washington Governor - Jay Inslee

### Proclamations

Proclamations are formal public declarations from the governor. Often proclamations declare states of emergency or call the legislature into a special session. Proclamations on this page are unique from the ceremonial proclamations issued by the governor's office.

Additional COVID-19 reopening guidance for businesses and workers is available [here](#).

Search Terms	Items per page
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Number	Issued	Title	Status
20-56.2	07/02/2020	<a href="#">COVID-19: Tribal Fuel Tax Refund Restrictions</a>	Active
20-45.4	07/02/2020	<a href="#">COVID-19: Protection Orders and Personal Service</a>	Active
20-28.6	07/02/2020	<a href="#">COVID-19: Open Public Meetings Act and Public Records Act</a>	Active
20-32.5	07/02/2020	<a href="#">COVID-19: Department of Health- Health Care Workers</a>	Active
20-30.5	07/02/2020	<a href="#">COVID-19: Unemployment Benefit – Job Search Requirement</a>	Active
20-29.5	07/02/2020	<a href="#">COVID-19: Telemedicine</a>	Active
20-52.4	07/02/2020	<a href="#">COVID-19: Statewide Proclamations Relating to Long-Term Care</a>	Active
20-31.5	07/02/2020	<a href="#">COVID-19: Division of Child, Youth, and Families – Child Care and Background Checks</a>	Active
20-37.5	07/02/2020	<a href="#">COVID-19: Department of Social &amp; Health Services - NAR Waiver</a>	Active
20-27.5	07/02/2020	<a href="#">COVID-19: Electronic Notary</a>	Active
20-26.5	07/02/2020	<a href="#">COVID-19: Liquor and Cannabis Board</a>	Active
20-44.4	07/02/2020	<a href="#">COVID-19: Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes</a>	Active
20-38.5	07/02/2020	<a href="#">COVID-19: Department of Social &amp; Health Services - Facilities</a>	Active
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20-51.5	07/02/2020	<a href="#">COVID-19: Community Associations Meetings and Late Fees</a>	Active
20-43.4	07/02/2020	<a href="#">COVID-19: Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures</a>	Active
20-21.5	07/02/2020	<a href="#">COVID-19: Unemployment Benefit – 1 Week Waiver</a>	Active
20-56.1	06/30/2020	<a href="#">COVID-19: Tribal Fuel Tax Refund Restrictions</a>	Active
20-61	06/30/2020	<a href="#">COVID-19: Department of Transportation – Annual Updates to Transportation Improvement Plans</a>	Active
20-51.4	06/24/2020	<a href="#">COVID-19: Community Associations Meetings and Late Fees</a>	Active
20-41.5	06/19/2020	<a href="#">COVID-19: Department of Licensing – License and Permit Renewal Extension</a>	Active
20-59	06/19/2020	<a href="#">COVID-19: Department of Health – Temporary Practice Permits</a>	Active
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20-28.5	06/18/2020	<a href="#">Open Public Meetings Act and Public Records Act</a>	Active

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20-32.4	06/18/2020	<a href="#"><u>Department of Health– Health Care Workers</u></a>	Active
20-26.4	06/18/2020	<a href="#"><u>Liquor and Cannabis Board</u></a>	Active
20-41.4	06/18/2020	<a href="#"><u>Department of Licensing – License and Permit Renewal Extension</u></a>	Active
20-32.4	06/18/2020	<a href="#"><u>Department of Health– Health Care Workers</u></a>	Active
20-20.4	06/18/2020	<a href="#"><u>Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates</u></a>	Active
20-52.3	06/18/2020	<a href="#"><u>COVID-19: Statewide Orders Relating to Long-Term Care</u></a>	Active
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20-31.4	06/18/2020	<a href="#"><u>Division of Child, Youth, and Families – Child Care and Background Checks</u></a>	Active
20-23.5	06/18/2020	<a href="#"><u>Ratepayer Assistance and Preservation of Essential Services</u></a>	Active
20-51.3	06/18/2020	<a href="#"><u>COVID-19: Community Associations Meetings and Late Fees</u></a>	Active
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20-30.4	06/18/2020	<a href="#"><u>Unemployment Benefit – Job Search Requirement</u></a>	Active
20-29.4	06/18/2020	<a href="#"><u>Telemedicine</u></a>	Active
20-49.5	06/18/2020	<a href="#"><u>COVID-19: Garnishments</u></a>	Active
20-37.4	06/18/2020	<a href="#"><u>Department of Social &amp; Health Services – NAR Waiver</u></a>	Active
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20-25.4	05/31/2020	<a href="#"><u>COVID-19: Transition from "Stay Home, Stay Healthy" to "Safe Start, Stay Healthy" County-by-County Phased Reopening</u></a>	Active
20-32.3	05/29/2020	<a href="#"><u>COVID-19: Department of Health– Health Care Workers</u></a>	Active
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20-43.2	05/29/2020	<a href="#"><u>COVID-19: Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures</u></a>	Active
20-57	05/28/2020	<a href="#"><u>COVID-19: Concerning the Health of Agricultural Workers</u></a>	Active
20-56	05/28/2020	<a href="#"><u>COVID-19: Tribal Fuel Tax Refund Restrictions</u></a>	Active
20-49.3	05/26/2020	<a href="#"><u>COVID-19: Garnishments and Accrual of Interest</u></a>	Active
20-49.2	05/22/2020	<a href="#"><u>COVID-19: Garnishments and Accrual of Interest</u></a>	Active
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20-43.1	05/11/2020	<a href="#"><u>COVID-19: Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures</u></a>	Active
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20-39.2	05/11/2020	<a href="#"><u>COVID-19: Post-Retirement Employment</u></a>	Active
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20-33.2	05/05/2020	<a href="#"><u>COVID-19: Department of Child, Youth, and Families – Visitation and Remedial Services</u></a>	Active
20-30.2	05/05/2020	<a href="#"><u>COVID-19: Unemployment Benefit – Job Search Requirement</u></a>	Active
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20-26.2	05/05/2020	<a href="#"><u>COVID-19: Liquor and Cannabis Board</u></a>	Active
20-29.2	05/05/2020	<a href="#"><u>COVID-19: Telemedicine</u></a>	Active
20-54	05/05/2020	<a href="#"><u>Asian gypsy moth</u></a>	Active
20-32.2	05/05/2020	<a href="#"><u>COVID-19: Department of Health – Health Care Workers</u></a>	Active
20-25.3	05/04/2020	<a href="#"><u>COVID-19: Modificación y Extensión "Quedate en Casa – Mantente Sano" Hasta el 31 de Mayo de 2020</u></a>	Active
20-25.3	05/04/2020	<a href="#"><u>COVID-19: Adjusting and Extending Stay Home, Stay Healthy to May 31, 2020</u></a>	Active
20-42.1	05/01/2020	<a href="#"><u>COVID-19: Department of Licensing – Driver License Suspension</u></a>	Active

EX. A

Number	Issued	Title	Status
20-41.1	05/01/2020	<a href="#"><u>COVID-19: Department of Licensing – License Renewal Extension</u></a>	Active
20-36.1	04/30/2020	<a href="#"><u>COVID-19: Department of Health – Health Care Facilities and Hand Sanitizer</u></a>	Active
20-39.1	04/30/2020	<a href="#"><u>COVID-19: Post-Retirement Employment</u></a>	Active
20-38.1	04/30/2020	<a href="#"><u>COVID-19: Department of Social &amp; Health Services – Facilities</u></a>	Active
20-37.1	04/30/2020	<a href="#"><u>COVID-19: Department of Social &amp; Health Services – NAR Waiver</u></a>	Active
20-25.2	04/27/2020	<a href="#"><u>COVID-19: Stay Home, Stay Healthy Adjustment</u></a>	Active
20-25.2	04/27/2020	<a href="#"><u>COVID-19: Actualización de Orden "Quedate en Casa – Mantente Sano" Hasta el 4 de Mayo de 2020</u></a>	Active
20-25.1	04/24/2020	<a href="#"><u>COVID-19: Implementación del Reinicio de la Construcción Fase 1</u></a>	Active
20-25.1	04/24/2020	<a href="#"><u>COVID-19: Addendum to Proclamation 20-25 Implementation of Phase 1 Construction Restart</u></a>	Active
20-28.1	04/23/2020	<a href="#"><u>COVID-19: Open Public Meetings Act and Public Records Act</u></a>	Active
20-52	04/23/2020	<a href="#"><u>COVID-19: Statewide Orders Relating to Long-Term Care</u></a>	Active
20-34.1	04/23/2020	<a href="#"><u>COVID-19: State Auditor's Office – Financial Reporting</u></a>	Active
20-27.1	04/23/2020	<a href="#"><u>COVID-19: Electronic Notary</u></a>	Active
20-33.1	04/23/2020	<a href="#"><u>COVID-19: Department of Children, Youth, and Families – Visitation and Remedial Services</u></a>	Active
20-26.1	04/23/2020	<a href="#"><u>COVID-19: Extension - Liquor and Cannabis Board</u></a>	Active
20-32.1	04/23/2020	<a href="#"><u>COVID-19: Department of Health- Health Care Workers</u></a>	Active
20-21.1	04/23/2020	<a href="#"><u>COVID-19: Unemployment Benefit – 1 Week Waiting Period Waiver</u></a>	Active
20-20.1	04/23/2020	<a href="#"><u>COVID-19: Department of Revenue - Relief from Penalties, Fees, Interest, Due Dates</u></a>	Active
20-31.1	04/23/2020	<a href="#"><u>COVID-19: Division of Child, Youth, and Families – Child Care and Background Checks</u></a>	Active
20-30.1	04/23/2020	<a href="#"><u>COVID-19: Unemployment Benefit – Job Search Requirement</u></a>	Active
20-15.1	04/23/2020	<a href="#"><u>COVID-19: Department of Licensing</u></a>	Active
20-29.1	04/23/2020	<a href="#"><u>COVID-19: Telemedicine</u></a>	Active
20-23.2	04/17/2020	<a href="#"><u>COVID-19: Ratepayer Assistance and Preservation of Essential Services</u></a>	Active
20-22.1	04/17/2020	<a href="#"><u>COVID-19: Extending Truck Driver Hours Relief</u></a>	Active
20-22.1	04/17/2020	<a href="#"><u>COVID-19: Ampliación de la Exención de las Horas del Conductor del Camión</u></a>	Active
20-23.2	04/17/2020	<a href="#"><u>COVID-19: Asistencia al Contribuyente y Conservación de los Servicios Esenciales</u></a>	Active
20-51	04/17/2020	<a href="#"><u>COVID-19: Community Associations Meetings and Late Fees</u></a>	Active
20-19.1	04/16/2020	<a href="#"><u>COVID-19: Moratorium on Evictions Extension</u></a>	Active
20-19.1	04/16/2020	<a href="#"><u>COVID-19: Extensión de la Moratoria sobre Desalojos</u></a>	Active
20-50	04/15/2020	<a href="#"><u>COVID-19: Reducción de la Población Carcelaria</u></a>	Active
20-50	04/15/2020	<a href="#"><u>COVID-19: Reducing Prison Population</u></a>	Active
20-49	04/14/2020	<a href="#"><u>COVID-19: Garnishments and Accrual of Interest</u></a>	Active
20-48	04/14/2020	<a href="#"><u>COVID-19: Department of Licensing – CDL Health Certificates and Other Requirements</u></a>	Active
20-47	04/14/2020	<a href="#"><u>COVID-19: Justicia Criminal - Prescripción de las Acciones</u></a>	Active
20-47	04/14/2020	<a href="#"><u>COVID-19: Criminal Justice – Limitation of Actions</u></a>	Active
20-48	04/14/2020	<a href="#"><u>COVID-19: Departamento de Licencias - Certificados de Salud para Licencia de Conducir Comercial (CDL, por sus siglas en inglés) y otros Requisitos</u></a>	Active
20-49	04/14/2020	<a href="#"><u>COVID-19: Embargos y Devengo de Intereses</u></a>	Active
20-46	04/13/2020	<a href="#"><u>COVID-19: Empleados de Alto Riesgo: Derechos de los Trabajadores</u></a>	Active
20-46	04/13/2020	<a href="#"><u>COVID-19: High-Risk Employees – Workers' Rights</u></a>	Active
20-45	04/10/2020	<a href="#"><u>COVID-19: Órdenes de Protección y Notificación en Persona</u></a>	Active
20-45	04/10/2020	<a href="#"><u>COVID-19: Protection Orders and Personal Service</u></a>	Active
20-44	04/10/2020	<a href="#"><u>COVID-19: Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes</u></a>	Active
20-43	04/10/2020	<a href="#"><u>COVID-19: OFM Annual Leave and Pay Procedures</u></a>	Active
20-43	04/10/2020	<a href="#"><u>COVID-19: Oficina de Gestión Financiera, División Estatal de Recursos Humanos, Procedimientos de Vacaciones Anuales y Salarios</u></a>	Active
20-09.1	04/06/2020	<a href="#"><u>COVID-19: School Closure Extension</u></a>	Active
20-09.1	04/06/2020	<a href="#"><u>COVID-19: Cierres de Escuelas Estatales desde Kindergarten hasta 12mo Grado</u></a>	Active

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Number	Issued	Title	Status
20-42	04/03/2020	<a href="#"><u>COVID-19: Departamento de Concesión de Licencias – Suspensión de la Licencia de Conducir</u></a>	Active
20-41	04/03/2020	<a href="#"><u>COVID-19: Departamento de Concesión de Licencias – Extensión en la Renovación de Licencias</u></a>	Active
20-41	04/03/2020	<a href="#"><u>COVID-19: DOL License Renewal Extension</u></a>	Active
20-42	04/03/2020	<a href="#"><u>COVID-19: DOL Driver License Suspension</u></a>	Active
20-25.1	04/02/2020	<a href="#"><u>COVID-19: Stay Home, Stay Healthy extension</u></a>	Active
20-40	04/02/2020	<a href="#"><u>COVID-19: Enmiendas al Código de Construcción del Estado</u></a>	Active
20-25.1	04/02/2020	<a href="#"><u>COVID-19: Prolongacion de "Quedate en Casa – Mantente Sano" Hasta el 4 de Mayo de 2020</u></a>	Active
20-40	04/02/2020	<a href="#"><u>COVID-19: Building Code Implementation Dates</u></a>	Active
20-39	03/31/2020	<a href="#"><u>COVID-19: DRS Post-Retirement Employment</u></a>	Active
20-38	03/30/2020	<a href="#"><u>COVID-19: DSHS Facilities</u></a>	Active
20-37	03/30/2020	<a href="#"><u>COVID-19: DSHS NAR Waiver</u></a>	Active
20-36	03/30/2020	<a href="#"><u>COVID-19: DOH Facilities and Hand Sanitizer</u></a>	Active
20-35	03/30/2020	<a href="#"><u>COVID-19: DOC Community Custody Violations</u></a>	Active
20-35	03/30/2020	<a href="#"><u>COVID-19: Departamento de Correccionales – Violación de la Libertad Condicional</u></a>	Active
20-33	03/26/2020	<a href="#"><u>COVID-19: Visitation and Remedial Services</u></a>	Active
20-31	03/26/2020	<a href="#"><u>COVID-19: Departamento de Niños, Jóvenes y Familias - Cuidado Infantil y Verificación de Antecedentes</u></a>	Active
20-32	03/26/2020	<a href="#"><u>COVID-19: Health care worker licensing</u></a>	Active
20-31	03/26/2020	<a href="#"><u>COVID-19: Childcare, background checks</u></a>	Active
20-34	03/26/2020	<a href="#"><u>COVID-19: SAO Waivers</u></a>	Active
20-33	03/26/2020	<a href="#"><u>COVID-19: Departamento de Niños, Jóvenes y Familias - Visitas a Niños y Servicios de Recuperación</u></a>	Active
20-29	03/25/2020	<a href="#"><u>COVID-19: Telemedicina</u></a>	Active
20-30	03/25/2020	<a href="#"><u>COVID-19: ESD Job Requirements</u></a>	Active
20-29	03/25/2020	<a href="#"><u>COVID-19: OIC</u></a>	Active
20-26	03/24/2020	<a href="#"><u>COVID-19: LCB Penalties</u></a>	Active
20-23.1	03/24/2020	<a href="#"><u>COVID-19: UTC Ratepayer Assistance</u></a>	Active
20-28	03/24/2020	<a href="#"><u>COVID-19: Ley de Reuniones Públicas Abiertas y Ley de Registros Públicos</u></a>	Active
20-27	03/24/2020	<a href="#"><u>COVID-19: Fecha de Entrada en Vigencia de la Notaría Electrónica</u></a>	Active
20-28	03/24/2020	<a href="#"><u>COVID-19: Open Public Meetings Act and Public Records Act</u></a>	Active
20-23.1	03/24/2020	<a href="#"><u>COVID-19: UTC - Asistencia al Contribuyente</u></a>	Active
20-27	03/24/2020	<a href="#"><u>COVID-19: Electronic Notary Effective Date</u></a>	Active
20-25	03/23/2020	<a href="#"><u>COVID-19: Quedate en Casa – Mantente Sano</u></a>	Active
20-25	03/23/2020	<a href="#"><u>COVID-19: Stay Home, Stay Healthy</u></a>	Active
20-24	03/19/2020	<a href="#"><u>COVID-19: Restrictions on Non-Urgent Medical Procedures</u></a>	Active
20-24	03/19/2020	<a href="#"><u>COVID-19: Restricciones en Procedimientos Médicos No Urgentes</u></a>	Active
20-22	03/18/2020	<a href="#"><u>COVID-19: Horas del Conductor de Camion</u></a>	Active
20-21	03/18/2020	<a href="#"><u>COVID-19: Unemployment Insurance Waiver</u></a>	Active
20-20	03/18/2020	<a href="#"><u>COVID-19: DOR Waivers</u></a>	Active
20-21	03/18/2020	<a href="#"><u>COVID-19: Beneficio por Desempleo</u></a>	Active
20-19	03/18/2020	<a href="#"><u>COVID-19: Desalojos</u></a>	Active
20-19	03/18/2020	<a href="#"><u>COVID-19: Moratorium on Evictions</u></a>	Active
20-18	03/18/2020	<a href="#"><u>COVID-19: DSHS Waivers</u></a>	Active
20-23	03/18/2020	<a href="#"><u>COVID-19: UTC Waivers</u></a>	Active
20-22	03/18/2020	<a href="#"><u>COVID-19: Truck Driver Hours</u></a>	Active
20-17	03/17/2020	<a href="#"><u>COVID-19: Prohibiting Visitors at LTCs</u></a>	Active
20-14	03/16/2020	<a href="#"><u>COVID-19: Reduction of Statewide Limits on Gatherings</u></a>	Active
20-13	03/16/2020	<a href="#"><u>COVID-19: Statewide Limits: Food and Beverage Services, Areas of Congregation</u></a>	Active
20-15	03/16/2020	<a href="#"><u>COVID-19: Departamento de Concesión de Licencias</u></a>	Active

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Number	Issued	Title	Status
20-14	03/16/2020	<a href="#"><u>COVID-19: Reducción de las Restricciones Estatales para Reuniones</u></a>	Active
20-13	03/16/2020	<a href="#"><u>COVID-19: Restricciones Estatales: Servicios de Alimentos y Bebidas, Áreas de Congregación</u></a>	Active
20-16	03/16/2020	<a href="#"><u>COVID-19: Statewide Limits on LTC - No Visitors</u></a>	Active
20-15	03/16/2020	<a href="#"><u>COVID-19: Department of Licensing</u></a>	Active
20-11	03/13/2020	<a href="#"><u>COVID-19: Restricciones Estatales para Reuniones</u></a>	Active
20-12	03/13/2020	<a href="#"><u>COVID-19: College Closures</u></a>	Active
20-11	03/13/2020	<a href="#"><u>COVID-19: Gatherings Amendment</u></a>	Active
20-10	03/13/2020	<a href="#"><u>COVID-19: Long-Term Care Workers</u></a>	Active
20-09	03/13/2020	<a href="#"><u>COVID-19: Statewide K-12 School Closures</u></a>	Active
20-12	03/13/2020	<a href="#"><u>COVID-19: Cierre Públicas y Privadas Universidades</u></a>	Active
20-08	03/12/2020	<a href="#"><u>COVID-19: Cierres de Escuelas Estatales desde Kindergarten hasta 12mo Grado</u></a>	Active
20-08	03/12/2020	<a href="#"><u>COVID-19 School Closures</u></a>	Active
20-07	03/11/2020	<a href="#"><u>COVID-19</u></a>	Active
20-07	03/11/2020	<a href="#"><u>COVID-19 (Spanish)</u></a>	Active
20-06	03/10/2020	<a href="#"><u>COVID-19</u></a>	Active
20-06	03/10/2020	<a href="#"><u>COVID-19 (Spanish)</u></a>	Active
20-05	02/29/2020	<a href="#"><u>COVID-19</u></a>	Active
20-05	02/29/2020	<a href="#"><u>COVID-19 (Spanish)</u></a>	Active
20-04	02/11/2020	<a href="#"><u>Winter Weather</u></a>	Active
20-03	02/06/2020	<a href="#"><u>Winter Weather</u></a>	Active
20-02	02/05/2020	<a href="#"><u>Winter Weather</u></a>	Active
20-01	01/17/2020	<a href="#"><u>Winter Weather</u></a>	Active
19-10	12/30/2019	<a href="#"><u>Interstate 82 bridge damage</u></a>	Active
19-10	12/30/2019	<a href="#"><u>Interstate 82 bridge damage</u></a>	Active
19-09	11/14/2019	<a href="#"><u>State of Emergency (Lewis County Bridge)</u></a>	Active
19-08	04/23/2019	<a href="#"><u>State of Emergency - European gypsy moth</u></a>	Active
19-07	02/20/2019	<a href="#"><u>State of Emergency (Winter Storm) - amended Feb. 20</u></a>	Active
19-06	02/15/2019	<a href="#"><u>State of Emergency (Dec. 2018 winter storm)</u></a>	Active
19-05	02/14/2019	<a href="#"><u>State of Emergency (Winter Storm) - amended Feb. 14</u></a>	Active
19-04	02/11/2019	<a href="#"><u>State of Emergency (Winter Weather) - amended Feb. 11</u></a>	Active
19-03	02/09/2019	<a href="#"><u>State of Emergency (Winter Storm) - amended</u></a>	Active
19-02	02/08/2019	<a href="#"><u>State of Emergency (Winter Storm)</u></a>	Active
19-01	01/25/2019	<a href="#"><u>State of Emergency</u></a>	Active
18-06	08/01/2018	<a href="#"><u>State of Emergency</u></a>	Active
18-05	07/31/2018	<a href="#"><u>State of Emergency</u></a>	Active
18-04	07/27/2018	<a href="#"><u>State of Emergency</u></a>	Inactive
18-03	05/11/2018	<a href="#"><u>State of Emergency</u></a>	Active
18-02	05/02/2018	<a href="#"><u>Terminating States of Emergency</u></a>	Active
18-01	04/27/2018	<a href="#"><u>State of Emergency</u></a>	Active
17-13	12/18/2017	<a href="#"><u>State of Emergency</u></a>	Inactive
17-12	09/02/2017	<a href="#"><u>State of Emergency</u></a>	Inactive
17-11	07/28/2017	<a href="#"><u>Terminating States of Emergency</u></a>	Active
17-10	06/21/2017	<a href="#"><u>Special Session</u></a>	Inactive
17-09	05/23/2017	<a href="#"><u>Special Session</u></a>	Inactive
17-08	05/18/2017	<a href="#"><u>State of Emergency</u></a>	Inactive
17-07	04/24/2017	<a href="#"><u>State of Emergency</u></a>	Inactive
17-06	04/24/2017	<a href="#"><u>Special Session</u></a>	Inactive
17-05	03/31/2017	<a href="#"><u>State of Emergency (Extending 17-04)</u></a>	Inactive

EX. A

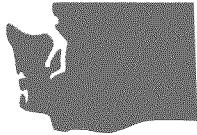
Number	Issued	Title	Status
17-04	03/17/2017	<a href="#"><u>State of Emergency</u></a>	Inactive
17-03	03/14/2017	<a href="#"><u>State of Emergency (February Storms)</u></a>	Inactive
17-02	01/19/2017	<a href="#"><u>State of Emergency (Winter Storm)</u></a>	Inactive
17-01	01/13/2017	<a href="#"><u>State of Emergency (Winter Storm)</u></a>	Inactive
16-07	10/26/2016	<a href="#"><u>Terminating States of Emergency</u></a>	Active
16-06	08/23/2016	<a href="#"><u>State of Emergency (Wildfires)</u></a>	Inactive
16-05	07/29/2016	<a href="#"><u>State of Emergency (Chamber Way Bridge - Lewis County)</u></a>	Inactive
16-04	04/15/2016	<a href="#"><u>State of Emergency (Gypsy Moths)</u></a>	Active
16-03	03/10/2016	<a href="#"><u>Special Session</u></a>	Inactive
16-02	03/03/2016	<a href="#"><u>State of Emergency (Storm Damage)</u></a>	Inactive
16-01	01/05/2016	<a href="#"><u>State of Emergency (Lewis County)</u></a>	Inactive
15-18	12/24/2015	<a href="#"><u>State of Emergency (Amending 15-16)</u></a>	Inactive
15-17	12/24/2015	<a href="#"><u>State of Emergency (Winter Storm)</u></a>	Inactive
15-16	12/09/2015	<a href="#"><u>State of Emergency (Windstorms &amp; Flooding)</u></a>	Inactive
15-15	11/18/2015	<a href="#"><u>State of Emergency (Windstorms &amp; Flooding)</u></a>	Inactive
15-14	09/21/2015	<a href="#"><u>State of Emergency (Wind Storms)</u></a>	Inactive
15-13	08/21/2015	<a href="#"><u>Extending Hours for Fuel Truck Drivers</u></a>	Inactive
15-12	06/27/2015	<a href="#"><u>Special Session</u></a>	Inactive
15-11	06/26/2015	<a href="#"><u>State of Emergency (Wildfire threat)</u></a>	Inactive
15-10	06/12/2015	<a href="#"><u>State of Emergency (Whatcom County)</u></a>	Inactive
15-09	05/28/2015	<a href="#"><u>Special Session</u></a>	Inactive
15-08	04/24/2015	<a href="#"><u>Special Session</u></a>	Inactive
15-06	04/21/2015	<a href="#"><u>State of Emergency (European gypsy moth)</u></a>	Active
15-05	04/16/2015	<a href="#"><u>State of Emergency (King and Pierce Counties)</u></a>	Inactive
15-07	04/15/2015	<a href="#"><u>State of Emergency (Kittitas County)</u></a>	Inactive
15-04	03/11/2015	<a href="#"><u>State of Emergency (Pierce County)</u></a>	Inactive
15-03	02/27/2015	<a href="#"><u>State of Emergency (Rain Storms)</u></a>	Inactive
15-02	01/30/2015	<a href="#"><u>State of Emergency (Rain Storms - Amended to add Cowlitz County)</u></a>	Inactive
15-01	01/07/2015	<a href="#"><u>State of Emergency (Rain Storms - Extended)</u></a>	Inactive
14-14	12/29/2014	<a href="#"><u>State of Emergency (Rain Storms - Extended)</u></a>	Inactive
14-13	12/10/2014	<a href="#"><u>State of Emergency (Rain Storms)</u></a>	Inactive
14-12	08/27/2014	<a href="#"><u>State of Emergency (Okanogan County mudslides)</u></a>	Inactive
14-11	08/22/2014	<a href="#"><u>State of Emergency (Eastern Washington - Burn Ban Extension)</u></a>	Inactive
14-10	08/15/2014	<a href="#"><u>State of Emergency (Eastern Washington - Burn Ban Extension)</u></a>	Inactive
14-09	08/08/2014	<a href="#"><u>State of Emergency (Eastern Washington - Burn Ban Extension)</u></a>	Inactive
14-07	08/01/2014	<a href="#"><u>State of Emergency (Eastern Washington - Re-extend Burn Ban)</u></a>	Inactive
14-08	08/01/2014	<a href="#"><u>Extending Hours for Fuel Truck Drivers</u></a>	Inactive
14-06	07/25/2014	<a href="#"><u>State of Emergency (Eastern Washington - Extend Burn Ban)</u></a>	Inactive
14-05	07/20/2014	<a href="#"><u>State of Emergency (Eastern Washington, Amended - Burn Ban)</u></a>	Inactive
14-04	07/15/2014	<a href="#"><u>State of Emergency (Eastern Washington)</u></a>	Inactive
14-03	04/03/2014	<a href="#"><u>State of Emergency - Grays Harbor, King, Lewis, Lincoln, and Pierce counties</u></a>	Inactive
14-02	03/22/2014	<a href="#"><u>Snohomish County Landslide</u></a>	Inactive
14-01	01/17/2014	<a href="#"><u>Yakama Nation Retrocession</u></a>	Active
13-09	11/05/2013	<a href="#"><u>Special Session</u></a>	Inactive
13-08	10/03/2013	<a href="#"><u>State of Emergency - US 12</u></a>	Inactive
13-07	08/19/2013	<a href="#"><u>Terminating States of Emergency</u></a>	Active
13-06	06/21/2013	<a href="#"><u>State of Emergency - European Gypsy Moth</u></a>	Active
13-05	06/11/2013	<a href="#"><u>Special Session</u></a>	Inactive

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Number	Issued	Title	Status
13-04	05/24/2013	<a href="#"><u>State of Emergency - Skagit River Bridge Collapse</u></a>	Inactive
13-03	04/28/2013	<a href="#"><u>Special Session</u></a>	Inactive
13-02	04/22/2013	<a href="#"><u>State of Emergency for Pierce County</u></a>	Inactive

EX. A

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR  
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**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 20-05**

**20-25**

**STAY HOME – STAY HEALTHY**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS**, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS**, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

**WHEREAS**, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

**WHEREAS**, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

**WHEREAS**, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**EX. B**

**WHEREAS**, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

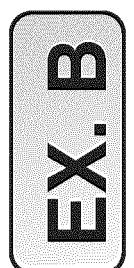
**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

**NOW, THEREFORE, I**, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**FURTHERMORE**, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout



Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
  - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
  - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
  - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
  - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the “Essential Critical Infrastructure Workers” list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

**EX. B**

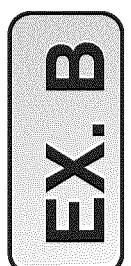
- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.



- d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23<sup>rd</sup> day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

/s/  
Secretary of State

EX. B

## Rebecca Baxter

---

**From:** Alison Bihm <Alison.Bihm@PETCO.com>  
**Sent:** Tuesday, March 31, 2020 10:00 AM  
**To:** Inquiry PH; Cnty Public Health General Delivery  
**Cc:** Alexandra Cuevas  
**Subject:** [Contains External Hyperlinks] Petco Grooming Salons - Clark County, WA

**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear A'ndrea and the Clark County, Washington COVID-19 Response Team:

I hope this email finds you well and healthy. I'm reaching out regarding Petco's Clark County, WA grooming operations, and in response to your below email.

We believe Governor Inslee's March 25<sup>th</sup> "Stay Home, Stay Healthy" Proclamation recognizes the essential nature of pet grooming services. The Proclamation authorizes (1) providing necessary supplies and services for pets, (2) engaging in **activities that are essential for the health and safety of pets**, and (3) transporting pets for essential health and safety activities and to obtain their necessary supplies and services.

Grooming operations are essential health services, because pets do not practice routine hygiene like humans (i.e. hand washing and regular bathing). Pet parents must provide, or seek professional services for, appropriate regular grooming, bathing and coat care to ensure proper pet hygiene is maintained. Petco's professional groomers have the skills and training to make sure all products and tools needed are being used correctly and minimize any risk of injury to the pet. In addition, professional groomers are equipped with the right tools to safely remove the dead, shedding coat of certain breeds. Bathing these breeds without removing their dead, loose coat can lead to skin irritation and infection. Bathing a pet with tangles and mats can lead to the tangles and mats tightening up which can cause the skin to pull and stretch, sometimes to the point of causing sores or open wounds. Without proper coat and nail care pets can be at risk for long fur that can rub on the eyes and cause injury, matting, knotting, buildup of loose fur, catching or breaking of nails, etc. Since bacteria and other organisms normally live on the coat and skin, without proper hygiene, pets can develop hot spots, skin infections and other medical conditions if the hygiene and care of the coat is left untended. As many pet parents may not have access to a safe, appropriate bathing area or necessary grooming tools, professional grooming services should remain available in these uncertain times.

In addition, I want to ensure you are aware that Petco has instituted appropriate social distancing and sanitizing measures in its grooming operations, including the following:

- Groomers and other staff have been instructed to maintain at least 6 feet of social distancing; to wash their hands or use hand sanitizer as frequently as possible; and not to come to work if they feel sick. Groomers are also washing their hands or using hand sanitizer after a pet checks in for their appointment.
- We have adjusted our scheduling so that groomers are spread out as much as possible, and whenever possible, we are limiting sessions to no more than 2 groomers at one time.
- We have adjusted our scheduling to space grooming appointments 15-20 minutes apart. This will prevent multiple pet parents from having the same appointment time, and helps ensure pet parents are appropriately socially distanced in our check-in area. It also allows cleaning and disinfecting between appointments.
- We are adding floor decals, floor tape, door signs, and/or counter signs to indicate that all guests should maintain 6 feet of social distancing while in our salon area. Our signage indicates that only 1 pet parent is allowed in the grooming salon area at a time.
- We have added enhanced cleaning procedures to all our facilities:
  - We are cleaning high-touch areas 3 times a day, or more as needed.

EX-C

- We are disinfecting door handles coming and going the grooming salon.
- We are disinfecting glass on grooming salon doors, and the counter in the grooming salon before and after each guest.
- We are using disinfectant wipes on all iPads, phones, grooming salon computers, pens, and clip boards.
- We are mopping and sweeping the salon and reception area floors daily, or more as needed.

According to the CDC and WHO, there is currently no evidence pets are at risk for getting sick with or that they can spread COVID-19. This includes exposure from the coat or playing with the pet. We feel it is vital that businesses that provide services for the care of pets are included among the critical infrastructure that is allowed to remain open throughout this crisis. Just as grocery stores and hospitals are needed to provide necessary sustenance and medical care to humans, groomers must remain operational to ensure the continued humane care of animals.

Could you please let me know if we can discuss or if you need further information from me on this? I'd welcome the opportunity to connect.

Thank you very much!

Kind regards,  
Alison Bihm

Alison M. Bihm  
Counsel  
M: (415) 515-4716  
[alison.bihm@petco.com](mailto:alison.bihm@petco.com)

 **petco**  **Healthier Pets. Happier People. Better World.**

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**From:** Inquiry PH <[Inquiry.PH@clark.wa.gov](mailto:Inquiry.PH@clark.wa.gov)>  
**Date:** March 26, 2020 at 1:46:21 PM PDT  
**To:** "[johncover@icloud.com](mailto:johncover@icloud.com)" <[johncover@icloud.com](mailto:johncover@icloud.com)>  
**Subject:** COVID-19 Concerns - Washington State Essential Business/Workers

Good afternoon John,

Thank you for taking the time to talk with me this afternoon. Here is that information that I was talking about. Please pass this information on to the store manager, Jeff Adams.

We have received concerns regarding your facility. We just want to follow up with you to ensure that you are following the appropriate procedures during this time. Under the proclamation signed by Governor Inslee, the grooming part of your business would not be considered "essential." Please see below for the links from Governor Inslee with the proclamation and the Washington Essential Critical Infrastructure Workers document.

- [Proclamation – Governor Inslee](#)
- [WA Essential Critical Infrastructure Workers](#)

## **Public Health recommendations**

Clark County Public Health issued recommendations for populations at higher risk of serious illness from COVID-19 on March 11. Public Health is recommending – but not requiring – that people at higher risk stay home and away from large groups of people as much as possible.

- We recommend that you be screening employees for symptoms and sending people home if ill.
- We recommend that you also be practicing social distancing as much as possible, including limiting people in close workplace environments.

People at higher risk of serious illness from COVID-19 include people:

- older than 60.
- who have serious chronic medical conditions, such as diabetes, heart disease and lung disease.
- who have weakened immune systems.

You can find more information on our website and review guidance from both the CDC and DOH.

- [Clark County Website](#)
- [CDC Guidance](#)
- [DOH Guidance](#)

Thank you for your efforts in protecting our county.

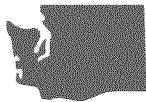
Sincerely,



**A'ndrea**  
COVID-19 Response Team  
PUBLIC HEALTH



JAY INSLEE  
Governor



**STATE OF WASHINGTON**  
Office of the Governor

**TO:** Interested Stakeholders

**FROM:** Governor Jay Inslee

**DATE:** May 18, 2020

**SUBJECT:** Resuming Pet Grooming – Proclamation 20-25

This memorandum serves as the criteria for resuming the pet grooming industry under Phase 2 and is effective May 18, 2020.

After consulting with stakeholders, we have developed the comprehensive Phase 2 – Pet Grooming Industry COVID-19 Requirements. These requirements apply as long as Gubernatorial Proclamation 20-25, or any extension thereof, is in effect or if adopted as rules by a federal, state or local regulatory agency.

For purposes of this memorandum, the “pet grooming industry” includes individuals, retail operations, veterinarian clinics, and other facilities that provide cleaning, trimming, and hygienic services for domestic animals.

This memorandum supersedes any conflicting provision in the Appendix to Proclamation 20-25, “Essential Critical Infrastructure Workers” and stands in the place of any other omission from the document.

**Pet grooming operations may resume immediately if:**

- a) They can meet and maintain all requirements, including providing materials, schedules and equipment needed to comply; and**
- b) They conduct only those activities that are allowed under their county’s phase status.**

- General questions about how to comply with safety practices** can be submitted to the state’s Business Response Center at  
<https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>.
- All other violations related to Proclamation 20-25** can be submitted at  
<https://bit.ly/covid-compliance>.

**EX-D**



# Vancouver Police Department

CASE NUMBER  
GO 23 2020-7752

GENERAL OFFENSE					
REPORTED DATE/TIME 05/16/2020 1100	_OCCURRED DATE/TIME 05/16/2020 1100	REPORTING OFFICER/DEPUTY NAME & # WILLIAMS, CHAD (231322)			
LOCATION OF INCIDENT 5620 NE GHER RD, Apt. STE 5, VANCOUVER					PLACE
COUNTY CLARK	DISTRICT VPD EA	BEAT 34	GRID		
SEVERITY No	FAMILY VIOLENCE	GANG INVOLVEMENT	SPECIAL STUDY		
RELATED INCIDENT NUMBERS					
TOTAL LOSS		TOTAL RECOVERED		DAMAGED TOTAL	DRUG TOTAL
INTERNAL STATUS REFERRED - CITY ATTNY OR PROSECUTING ATTNY		APPROVED BY OLSON, JEFF (231216)			APPROVED ON 05/21/2020
OFFENSES [2]					
OFFENSE ALL OTHER OFFENSES		STATUTE 43.06.220	PREMISE TYPE SPECIALTY STORE		
OFFENSE COVID-19 RELATED		STATUTE	PREMISE TYPE SPECIALTY STORE		
CRIMINAL ACTIVITY OPERATING/PROMOTING/ASSISTING		WEAPON/FORCE USED			
PERSON - SUSPECT #1					
NAME (LAST, FIRST MIDDLE) CARROLL, KELLY CATHERINE		SEX FEMALE	RACE WHITE	DOB 03/16/1959	AGE 61
HOME ADDRESS - STREET, CITY ZIP 1123 SE 6TH ST, BATTLE GROUND WA 98604			HEIGHT 5'04	WEIGHT 130	HAIR COLOR EYES GREEN
HOME PHONE	CELL PHONE (360) 702-7264	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE) WDL6Z53JG13B (WA)	SOCIAL SECURITY NUMBER	POB			
EMPLOYER SELF-EMPLOYED	WORK OR SCHOOL ADDRESS - STREET, CITY ZIP 5620 NE GHER RD, STE 5			OCCUPATION PET GROOMER	
ALL OTHER ID TYPES AND NUMBERS PPDS CRN: 2717372					
BUSINESS					
BUSINESS NAME PET-BIZ		BUSINESS ADDRESS - STREET, CITY, STATE ZIP 5620 NE GHER RD, STE 5, VANCOUVER WA			
LOCATION PHONE (360)	BUSINESS TYPE BUSINESS - OTHER		SECURITY No	ALARM COMPANY	
CONTACT(S)	NAME		AFFILIATION		CONTACT PHONE
	NAME		AFFILIATION		CONTACT PHONE
	NAME		AFFILIATION		CONTACT PHONE

EX. E

**NARRATIVE**

AUTHOR	DATE/TIME
WILLIAMS, CHAD (231322)	05/20/2020
SUBJECT	
NARRATIVE	

## Summary:

This report is to document a Vancouver business, The PetBiz, opening in violation of Governor Inslee's Stay Home-Stay Healthy Proclamation 20-05. This potential violation is covered under RCW 43.06.220.5.

## Narrative:

On May 14th, 2020, Investigations told me of an upcoming event in the geographical area I oversee as the District 3 Lieutenant. Sergeant Moore informed me that a local business, The PetBiz, located at 5620 NE Gher Road, Ste 5, was planning on opening for business in violation of Governor Inslee's Stay Home-Stay Healthy Proclamation #20-05. The owner of the business, Kelly Carroll, made several Facebook posts outlining her plan to open her business on May 16th. During these Facebook posts, Carroll acknowledged understanding of the Governor's Proclamation and voiced her intent to ignore the order. Additionally, she urged people to "Rally with me." She also said that she contacted the media and was doing this not for her but for the whole State of Washington.

Carroll said that if she was arrested or fined that she encouraged people to financially support her by making donations on her website.

On Saturday, May 16th, 2020, Carroll carried out her plan and had a re-opening rally / celebration at The PetBiz. Vancouver Police Department members witnessed the crowd and estimated that there were over 100 people present for the rally. Some of the people in attendance marched around the area carrying flags and signs but were observant of traffic / pedestrian laws.

On May 19th at approximately 1515 hours, Lieutenant Hatley and I went to The PetBiz to contact Carroll. I explained to her that I was going to forward the potential violation of Governor Inslee's Proclamation to the City Attorney's Office for review. Carroll would not provide me with her mailing address or her date of birth and told me that I could get it from her business license application. As Lt. Hatley and I were in the shop, a customer picked up her two dogs and paid for the service with a credit card, so there was no mistaking that Carroll was open for, and conducting, business at that location.

I explained to Carroll that VPD's response to these types of situations was education, but that it was obvious that she already had a meaningful understanding of the situation due to her Facebook posts and videos.

Carroll's argument as to why she opened was that she needed money for food and housing. She explained that she spent approximately \$27,000 getting her business up and running and was shut down due to the Proclamation a short time after she opened up. She further said that her exposure for her customers and the public was minimal as she receives a customer's dog at the front door and does not have a waiting room inside the business, so the customer leaves or waits outside for her to complete her work on the pet. She told me that she feels like pet grooming is an essential business because of the matting that can occur on a dog's coat if it is not properly trimmed.

EX. E

I was able to locate Carroll's date of birth, address and other identifying information through investigative resources. I confirmed her information by looking at her Department of Licensing photo.

I took screen recordings of Carroll's Facebook posts as well as a screenshot of her website, which showed that she was open for business, and logged these into TraQ.

Action Recommended:

Forward to City Attorney and Washington State Department of Labor and Industries.