

THE HONORABLE MICHAEL SCOTT
HEARING DATE: March 17, 2025
WITHOUT ORAL ARGUMENT

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

IN THE MATTER OF RECALL CHARGES
AGAINST

No. 25-2-07890-6 KNT

KENT SCHOOL DISTRICT NO. 415 BOARD
DIRECTORS MEGHIN MARGEL AND TIM
CLARK

**PETITIONERS' RESPONSE IN
OPPOSITION TO RESPONDENTS'
MOTION TO CONTINUE BRIEFING
SCHEDULE AND SUFFICIENCY
HEARING**

Petitioners Greta Nelson, Michele Bettinger, and Lori Waight ("Petitioners") oppose Respondents Meghin Margel's and Tim Clark's ("Respondents") Motion to Continue the Briefing Schedule and Sufficiency hearing (the "Motion").

I. STATEMENT OF FACTS & ARGUMENT

A. Statutory Deadline Enforces Expediency.

RCW 29A.56.140 and RCW 29A.56.150 mandate a hearing within 15 days of the petition's filing with the Superior Court, a timeline triggered once a properly formatted petition is accepted. Extending the schedule violates this clear statutory command. RCW 29A.56.150 limits pleadings to the petition and answer unless the Court orders otherwise, emphasizing efficiency and expediency.

B. Public Interest Demands Timely Recall.

The recall statutes prioritize rapid accountability, as seen in the 15-day hearing requirement and the Prosecuting Attorney's prompt rejection¹ of the flawed February 5, 2025, combined petition within a week. Delaying the schedule for Directors Margel and Clark—still in

¹ See Exhibit A (February 13, 2025 Letter from King County Prosecuting Attorney Lindsey Grieve).

1 office and subject to recall—undermines the Public’s constitutional right under Article I,
2 Sections 33 and 34, to address alleged malfeasance or misfeasance swiftly. *An extension, tied to*
3 *defense funding arrangements under RCW 28A.320.100 and RCW 4.96.041, prioritizes the*
4 *elected officials over the voters.*

5 **C. Petitioners Face Prejudice from Delay; No Exceptional Circumstances Exist.**

6 Time is of the essence and Board Directors should be removed from leadership positions
7 as representatives of the Public when they are not acting in the Public’s best interest. There is a
8 process for this “checks and balances” when fiduciary duty is not being met by elected
9 officials—a Public recall effort of the community and resulting special election of voters—a
10 process that is being followed by three individual and affected taxpayers and voters that reside
11 within the Kent School District’s boundaries.

12 Petitioners’ initial recall filing was on February 5, 2025. At some point between the day
13 of filing and February 13, Directors Margel and Clark (and former Director Farah) were
14 personally served by King County Elections with a combined recall petition that included
15 charges against all three Directors.

16 In a letter dated February 13, 2025, King County Prosecuting Attorney Lindsey Grieve
17 advised Petitioners that they needed to correct the petition’s defects (*e.g.*, removing former
18 Director Farah and individualizing the charges).²

19 Between February 13 and February 25, Petitioners did the work to create two separate
20 petitions and individualized the charges against Board Directors Margel and Clark, and re-filed
21 two properly formatted, individual petitions on February 25, 2025. Respondents Margel and
22 Clark have had a copy of Petitioners’ substantial arguments since February 11 or 12, 2025, and
23 were served with the individualized Petitions on March 2 (Margel) and March 3 (Clark).³

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26 ² See **Exhibit A** (February 13, 2025 Letter from King County Prosecuting Attorney Lindsey Grieve). See also
Petition to Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis dated March 11, 2025.

27 ³ See **Declaration of Janice Case** (attached as Exhibit C to the **Petition to Determine Sufficiency of Recall**
Charges and Adequacy of Ballot Synopsis dated March 11, 2025).

1 The substantive text of each Petition is approximately 200 pages, with 375 additional
2 pages of exhibits. The Petitions for Margel and Clark contain the same exhibits, and only one
3 new exhibit was added to the February 25 re-filing of the Petitions, so Respondents Margel and
4 Clark have had access to 34 of 35 exhibits and copies of the Petitioners' substantial arguments
5 since at least February 13, 2025 (via the initial Petition and attached exhibits having been served
6 on them just prior to that date) and were served with the individualized petitions on March 2 and
7 3, respectively.

8 Respondents appear to be arguing that securing the indemnification and legal defense
9 funding from the KSD Board necessitates more time for counsel for Respondents to answer the
10 Petitions. However, the recall statutes do not permit extensions for such routine preparations.

11 Petitioners can appreciate Respondents Margel's and Clark's busy schedules and the need
12 to be away from home for various reasons, but Respondents have had knowledge of this recall
13 petition effort since at least February 11 or 12, 2025. An absence of three or four days—with no
14 description of an emergency of any nature affecting Ms. Margel's ability to work on or respond
15 to the pending recall effort—is not an exceptional circumstance requiring an extension to the
16 briefing schedule or the date of the sufficiency hearing. Nothing has prevented Respondents
17 Margel and Clark from obtaining legal counsel prior to the KSD Board's vote regarding
18 indemnification and the approval of the payment of legal expenses for both directors with the use
19 of Public funds—and nothing has prevented Respondents Margel and Clark from working on
20 their respective legal defenses since being served with the Petition(s) on March 2 and 3, 2025,
21 respectively even without legal counsel.

22 Three attorneys have formally appeared in this matter on behalf of Respondents and have
23 law firm resources at their disposal to assist with their work. Petitioners are confident that
24 Respondents' counsel will be able to adequately prepare Respondents Margel and Clark for the
25 March 24 sufficiency hearing given its narrow scope.

26 Petitioners rely on the 15-day hearing window post-refiling to maintain momentum in
27 their recall effort against Board Directors Margel and Clark. An extension to the briefing

1 schedule and sufficiency hearing risks stalling the certification of ballot synopses, prejudicing
2 Petitioners while Respondents benefit from the use of district resources in order to prepare their
3 defenses against Recall Petitioners (who are not represented by legal counsel)—an imbalance the
4 statutes do not intend.

5 **D. Limited Hearing Scope Minimizes Preparation Time.**

6 RCW 29A.56.140 and .150 restrict the Court to assessing charge sufficiency and synopsis
7 adequacy, not their truth. *Respondents, with district-funded legal counsel* (per RCW
8 28A.320.100 and RCW 4.96.041), *face a narrow legal task in answering the recall petitions for*
9 *Directors Margel and Clark—addressing sufficiency only—negating any need for an*
10 *extension.*

11 **E. RCW 28A.320.100 and RCW 4.96.041 Does Not Trump Recall Deadlines.**

12 RCW 28A.320.100 and RCW 4.96.041 permit the school district to fund a defense for
13 Margel and Clark *if they acted in good faith and within their duties*, but this discretionary
14 support does not alter the recall process’s statutory deadlines. The Prosecuting Attorney’s letter
15 underscores strict compliance with RCW 29A.56.110, citing *In re Recall of Wasson* (149 Wn.2d
16 787), and the same rigor applies to timing under RCW 29A.56.140 and RCW 29A.56.150.
17 Defense funding logistics cannot override the recall’s expedited nature. That Respondents
18 Margel and Clark chose to wait in preparing their respective defenses to the recall charges filed
19 against each of them until district-funded counsel was approved and provided for by the KSD
20 Board is irrelevant to the recall timeline. Respondents have an obligation to timely prepare an
21 answer to the charges identified in the Petition(s) if they choose to do so.

22 **F. Board Director Tim Clark’s Election Year.**

23 2025 is Respondent Clark’s election year—Director Clark has until May of 2025 to
24 submit his candidacy for the November 2025 election for his Board position. And because it is
25 his election year, Petitioners have a very short window of time to gather signatures. Extending
26 the briefing schedule and hearing will prejudice the Petitioners—see RCW 29A.56.150.

1 Per RCW 29A.56.150(1) (re Filing supporting signatures—Time limitations): “The
2 sponsors of a recall demanded of any public officer shall stop circulation of and file all petitions
3 with the appropriate elections officer not less than six months before the next general election
4 in which the officer whose recall is demanded is subject to reelection.” This means that, after
5 the March 24 sufficiency hearing, Petitioners will only have the month of April 2025 to gather
6 and submit enough valid signatures in order to proceed in any recall effort against Board
7 Director Clark.

8 II. CONCLUSION

9 For the above reasons, Petitioners request that the Court deny Respondents’ Motion to
10 Continue Briefing Schedule and Sufficiency Hearing—keeping in place the currently scheduled
11 March 19, 2025 by 4:30 p.m. deadline for any answer or supplemental briefing of the parties, and
12 the March 24, 2025 at 3:00 p.m. sufficiency hearing to determine if the recall effort may proceed
13 to the next step in the process—which is to gather enough valid signatures from the eligible
14 voters in the community. The Public should be allowed the opportunity to decide, without delay
15 (1) if Board Directors Margel’s and Clark’s actions were in good faith or in bad faith, and (2) if
16 Directors Margel and Clark should remain in, or be recalled from, their elected positions.

17 DATED March 16, 2025.

18 *We certify that this Response in Opposition contains*
19 *1,405 words, in compliance with the Local Civil*
20 *Rules.*

21 RECALL PETITIONERS, *Pro Se*

22 By /s/ Greta Nelson
23 GRETA NELSON

24 By /s/ Michele Bettinger
25 MICHELE BETTINGER

26 By /s/ Lori Waight
27 LORI WRIGHT

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the document to which this
Certificate of Service is attached to be served in the manner as indicated below:

Duncan K. Fobes, WSBA No. 14964

Karen R. Griffith, WSBA No. 42681

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Attorneys for Respondents Meghin Margel

and Tim Clark

☐ Via Legal Messenger

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X Via Electronic Mail

X Via KCSC ECF

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☐ Via Legal Messenger

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Declared under penalty of perjury under the laws of the State of Washington.

DATED March 16, 2025 at Renton, Washington.

RECALL PETITIONERS, *Pro Se*

By /s/ Greta Nelson

GRETA NELSON
MICHELE BETTINGER
LORI WRIGHT

EXHIBIT A

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



LEESA MANION (she/her)
PROSECUTING ATTORNEY

JUSTICE
COMPASSION
PROFESSIONALISM
INTEGRITY
LEADERSHIP

February 13, 2025

Greta Nelson



SENT VIA USPS MAIL and E-MAIL:



Michele Bettinger



Lori Waight



Re: Petition for Recall of Elected Kent School District No. 415 Board Directors

Dear Greta Nelson, Michele Bettinger, and Lori Waight:

The petition for recall of elected officials that you filed with the King County Elections Department on February 5, 2025, was forwarded to the King County Prosecutor's Office on February 6, 2025. The petition seeks the recall of Kent School District No. 415 Board Directors Meghin Margel, Awale Farah, and Tim Clark. As more fully explained below, the petition for recall is being rejected by this office because the petition is not individualized for each elected official for which you are seeking to recall and because the petition includes charges against a former elected official who is no longer subject to recall.

RCW 29A.56.110 sets out the requirements for initiating recall proceedings. It states in part:

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be,

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Prosecuting Attorney
King County

Greta Nelson
Michele Bettinger
Lori Waight
February 13, 2025
Page 2

under the provisions of sections 33 and 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall.

The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

Emphasis added.

The charges you filed request the recall of three elected officers. RCW 29A.56.110 allows for the recall of an elected officer, not the recall of a group of elected officers. The officers are elected individually and would need to stand for recall individually. The Washington Supreme Court has interpreted the requirements of the statute strictly and has directed that a prosecutor should reject a petition where the statutory requirements are not met. In re Recall of Wasson, 149 Wn.2d 787, 792-93 (2003).

In the event that you decide to file a new recall petition, an original petition must be filed for each elected officer for whom you are requesting recall and should be limited to the act or acts complained of for each officer. Though based on your charges it appears that the ballot synopses would include some redundant information for different officers (if the petition met the requirements of state law), the charges against each officer must be particularized and would constitute three separate recall proceedings.

In addition to the insufficiency above, you requested the recall of an elected officer, Awale Farah, who is no longer in office. RCW 29A.56.110 limits recall proceedings to elective public officers. Thus, Mr. Farah is not by statute subject to recall. If you choose to file new recall petitions for the remaining two elected officers, please remove all acts complained of and their related descriptions that pertain to Mr. Farah.

As explained above, your petition does not meet the statutory requirements because the petition seeks the recall of a group of elected officials, one of whom is no longer in office. Your petition for recall of elected officers is rejected and no further action will be taken based on the petition.

Prosecuting Attorney
King County

Greta Nelson
Michele Bettinger
Lori Waight
February 13, 2025
Page 3

If you have any questions, please do not hesitate to contact me.

Sincerely,

FOR LEESA MANION
King County Prosecuting Attorney

A handwritten signature in blue ink, appearing to read "L. Grieve", is written over a faint, light blue rectangular stamp.

Lindsey Grieve
Senior Deputy Prosecuting Attorney

cc: Julie Wise, Elections Director, King County Elections Department
Meghin Margel, Kent School District Board Director (District 2)
Awale Farah, Former Kent School District Board Director (District 4)
Tim Clark, Kent School District Board Director (District 5)