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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR PACIFIC COUNTY

BEACON CHARTERS AND RV )  
PARK, LLC, FKA BEACON RV PARK )  
Plaintiff, )  
v. )  
LAWRENCE BERGQUIST, )  
and all other occupants, 332 Elizabeth Av SE )  
space 40, Ilwaco, WA 98624; )  
Defendants. )

Case No. 22-2-00135-25  
DECLARATION IN SUPPORT OF  
RESPONSE IN OPPOSITION TO  
DEFENDANT'S MOTION  
FOR PRELIMINARY INJUNCTION

I, Lelani Rabi, declare as follows:

1. I hold a position of the Chief Operating Officer at Deer Point Meadows Investments, LLC.

2. As such I am familiar with the matters related to the ownership and operation of the  
Beacon RV Park, since Deer Point manages Beacon RV Park.

3. I personally visited the Park on multiple occasions and personally observed the condition  
of the Park. During one of the visits I had my Great Dane dog with me, but the animal accompanied  
me to the Park only once.

4. In order to completely remodel the park and bring it in line with the expectations of the  
Port of Ilwaco, the park has to be vacant to permit the contractor to perform significant trenching and

1 removal of old and dilapidated utilities and roads.

2 5. An offer to pay relocation incentive in exchange for a vacation of the park was decided to  
3 be the best solution for an amicable resolution to the problem of having a vacant park.

4 6. Since the offer to vacate in exchange for payment of \$2,000.00 in relocation incentive  
5 went out on April 19, 2022, I have been actively engaged with the park residents on processing the  
6 acceptance notices and ensuring payment of the fund to those who vacated. The timing of the offer  
7 was extended several times to accommodate residents' requests for an extension.

8 7. To my knowledge, 30 residents were able to move out and find alternative housing  
9 options, including 18 residents who received the \$2,000.00 incentive.

10 8. The Park has provided numerous physical assistance to Beacon residents in making their  
11 RVs movable again.

12 9. Many residents who filed a complaint with MHDRP have actually accepted the move out  
13 incentive and vacated, for instance: Ms. Robinson, Ms. Cook, Mr. Heath, Ms. Gill and Mrs. Paradise  
14 and Dallas Busse.

15 11. Attached as Exhibit 1 is the spreadsheet indicating all efforts taken by the Park in  
16 facilitating an amicable departure of the residents.

17 12. I received notice from our onsite management that abandoned and park owned RV that  
18 were on site were being used by houseless persons without permission with the purpose of obtaining  
19 relocation incentive. On July 22, 2022 the park contracted provider began demolition of 6 company  
20 owned Rvs on site. Demolitions occurred in a proper format and no sewer collector tanks were  
21 ruptured on site. There was no feces and urine contamination from the demolitions. The RV s were  
22 tagged for towing prior to demolition to ensure there was no one inside. While demolition was in  
23 progress, there remained some debris on site, however, all remaining debris from the demolition was  
24 collected by the contractor.

25 13. The Park had provided a large container for all residents who were vacating to deposit  
26 their unwanted items in before they left.

1 14. Instead of using the provided dumpsters, the residents instead piled up trash next to the  
2 office building. The trash has been removed.

3 15. The park has 2 yard cans for garbage service presently.

4 16. The park has provided several port-o-potties for the use of the remaining residents as their  
5 primary bathrooms. Those units are serviced regularly by the service company.

6 17. After the lawsuits were filed against the remaining residents of the Park, I was notified  
7 that Mr. Busse and Mr. Berquist have intentionally switched spaces in the Park with a goal to avoid  
8 service of process in the action.

9 18. A copy of the news article dated July 28, 2022 is attached as exhibit 2.

10 19. Defendant pictures identified as Exhibit G are misrepresented. A copy of the full color  
11 exhibit G is attached herein and marked as Exhibit 3.

12 20. Pages 2-5 of Exhibit 3 shows a storage container that belongs to former owner Cassinelli.  
13 Cassinelli was instructed by my office to complete clear the debris and remove all items. He has been  
14 reminded to do so quickly.

15 21. Pages 6 and 8 of Exhibit 3 shows a bathroom facility which has been reopened and  
16 operational after it was fixed post a break-in.

17 22. Page 7 shows a sink at the fish cleaning station, this station is not operational now.

18 23. Pages 9 -12 show a storage attached to the office which keeps being broken in all the  
19 time, despite staff putting locks on it and replacing the broken in locks with new ones.

20 24. Pages 13-15 show an office, which is secured and not in use.

21 25. Page 16 shows covered garbage receptacles. Residents are instructed to place their  
22 garbage inside. The picture shows neither the date or time when it was taken, nor does the Motion  
23 or any declaration allege a responsible party to the debris around it.

24 26. Pages 17-18 appear to show some debris, however I cannot determine from it what type  
25 of debris it is

26 27. Page 19 appears to be lacking any context - the trailer appears to have an X on it, but it

1 was not done by Beacon.

2 28. Pages 20-21 appear to show a cable / TV box. There is no obvious sign of any cuts or  
3 defects.

4 29. Space 25 was vacant at the time of the demolition in July 2022. We do not have any  
5 record of any trailer which belonged to any residents being demolished. All trailers that were  
6 demolished were owned by Beacon after the purchase from Cassinelli.

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

Signed in Vancouver WA, on October 26, 2022



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Lelani Rabi.

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**CERTIFICATE OF SERVICE**

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I hereby certify that on October ~~26~~<sup>28</sup>, 2022, I served the foregoing Declaration on the party(s)

listed below by the method described below:

**Facsimile**

**U.S. Mail, postage prepaid**

Last known address:  
Sebastian Miller, WA AAG  
Washington State Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle WA 98104

Robina Rayamajhi  
Thurston County Volunteer Legal Services  
P.O. Box 405  
Olympia, WA 98507

**Hand delivered in Court:**

28

DATED: October ~~26~~<sup>28</sup>, 2022

*/s/ Robert S. Phed*

\_\_\_\_\_  
Mark G. Passannante, WSBA# 25680  
Robert S. Phed, WSBA# 42399  
Of Attorneys for Defendants


# EXHIBIT 1

Space #	Name	Written Acceptance Received		Signed Off/Got Check	Titles	Vacant	Refused
Tows-Roadcycle Taggud: #8, #16, #24, #38, #52, #3 in back row of park							
2	David Jones	Vacated	Vacant	Yes			
3	Linda Ritzman	4/28 Confirmed Vacated	Vacant	Yes			
4	Judith Cofrancesco	4/25/2022, 4/28 needs help	Occupied		Title		Titles/Part Owned: 7 occupied (+ 11B?) 3-on-wor-back-of-plot-1-next-to-office-building
6	Hedy Pincemille		Occupied				
7	Maudie Hirsztuka		Occupied				
8	Sandra-Barns	4/28 Confirmed Vacated	Vacant		Title		
9	Sten-Meyers	Vacated	Vacant	Yes			
10	Mark Shaw	4/28 Confirmed Vacant	Vacant				
11A	Bennie-Saet	4/28 Confirmed Vacant	Vacant				
11B	Jaince Beebe	4/28 Did not answer door	Occupied		?Title? Milie Does not remember		
13	Kevin Bradley	4/28 Confirmed Vacant	Vacant		VACANT-PRIOR TO OFFER LETTER		
14	Elizabeth-Schub-James	4/28 Confirmed Vacant	Vacant	Yes	Title		
15	Maria-Flores	4/28 Confirmed Vacant	Vacant	Yes (Maria Hernandez)			
17	John-Scheldt-MackAllree	4/28 Confirmed Vacant	Vacant	VACANT-PRIOR TO OFFER LETTER			
19/29	Dakota Kirby		Occupied				
20/29	Yvonne-Jones	She left, occupied by others nd	Occupied	Sold her "Prairie Shoonee" trailer. Its still occupy			
23/24	Patrick-Kelshar	4/28 Confirmed Vacant	Vacant	Yes			
23	Carlie-Helken	4/28 Confirmed Vacant	Vacant	VACANT-PRIOR TO OFFER LETTER			
24	Timothy Dolon		Occupied		Title		
25	Paul-Hise		Vacant		Milie-Calling Paul-trailer-is-owned-by-friend-of-Milie-Vernors		
26	Laura-Sanflie	Surrendered Trailer	Vacant	Yes	Title-Surrendered / Picked up check/signed off 5/2/22 at Wallcut		
28	Margaret Parker		Occupied		Title?		
29	Tina Nrennd	still there, moved around	Occupied	Yes			
34	Linda-Robinson	Considering/Needs-Help	Vacant				
35	Seth Nesseth		?	<- Person was not on original list			
36	Mary-Campbesse	Vacant	Vacant	Yes			
37	Tha-King	4/28 Confirmed Vacant	Vacant	vacated prior to offer letter			
38	Sandra-Shinell	Confirmed Vacant	Vacant	Yes - see below	Title?		
39	Gary-Kapus	Vacant	Vacant	Yes			
40	Lawrence Bergquist	4/28 Refused to talk/Billigent	Occupied				
41	Bruce Busse	4/28 Refused to talk/Billigent	Occupied	<- Bruce ? (spelling)	Title		
42	Michael-James	Vacant	Vacant	Yes			
43	Mary-Lethin	4/28 Confirmed Vacant	Vacant				
44	?	4/28 Occupied. No Answer	?	<- Person was not on original list			
45	Fred-Hofst		Vacant	VACANT-PRIOR TO OFFER LETTER			
46	Joy Harless	4/28 Refused to answer door	Occupied				
47	Sandra-Shinell		Vacant	Yes + title	Title - accepted title		
48	Maurice Hagon	4/28 Considering/Needs Help	?	<- Hagan/Hagen ? (spelling) Still occupied!			
50	Scott-Soule	Moving-4/20-24/28-Mat-Horne	Vacant	Yes			
51	Chric-Kinsaya	4/28 Confirmed Vacant	Vacant	VACANT-PRIOR TO OFFER LETTER			
53	Willy-Hornbaker	4/28 Considering/Needs-Help	Vacant	Yes			
54	Martene-King	4/28 Confirmed Vacant	Vacant	VACANT-PRIOR TO OFFER LETTER			
55	Brian-Gund	4/28 Considering/Needs-Help	Vacant	Yes			
56	Dallas/Lotte Jonson	4/28 Did not answer door	Occupied				
57	Ted-Heath	4/28 Considering/Needs-Help	Vacant	Yes			
59	Karen-Benjamin	4/28 Confirmed Vacant	Vacant	VACANT-PRIOR TO OFFER LETTER			
60	Susan Gill	Tow to Cougar Approved, need date	Occupied				
53	Elizabeth-Cook	4/28 Considering/Needs-Help- Meeting-05-03-2022	Vacant	Yes			

# EXHIBIT 2

# State orders Ilwaco RV park owners to stop unlawful actions

Posted by [Katie Frankowicz < https://kmun.org/author/katie/ >](https://kmun.org/author/katie/)

 **July 28, 2022** < <https://kmun.org/state-orders-ilwaco-rv-park-owners-to-stop-unlawful-actions/> >



Law enforcement, tenants of Beacon RV Park in Ilwaco and others stand near the remains of a trailer that was recently demolished. *Submitted photo*

PACIFIC COUNTY — The new owners of an RV park in Ilwaco, Wash., have violated multiple provisions of Washington’s landlord tenant laws, according to the state

In a cease and desist order and a notice of violation issued last week, the Attorney General’s Manufactured Housing Dispute Resolution Program found that Michael and Denise Werner used improper notices and intimidation to try to evict tenants of Beacon RV park; they retaliated after tenants filed complaints with the Attorney General’s office by decreasing park services; they failed to offer tenants written

rental agreements and have not given people a way to pay rent; and they violated local rules around maintaining the park — among other issues.

The state ordered the Werners to stop all actions that were against the law including attempts to evict tenants without a proper 12-month's notice. The Werners were also instructed to provide \$2,000 in relocation assistance or actual relocation costs (whichever was greater) to tenants who left the park after Feb. 25.

Now the state is investigating the demolition of several trailers at the park this week and last week as possible violations of the order and notice.

Violation or no violation, for the few remaining Beacon RV tenants, the destruction of the trailers feels like another attempt by the Werners to intimidate them into leaving or, failing that, to make the park unlivable.

Susan Gill, a longtime resident at Beacon RV, said the demolition crews severed or did not properly cap septic lines when they broke down several trailers, leaving behind an unsanitary mess.

Some of the trailers were no longer being used, but it isn't clear if this was true of all of the trailers.

Other tenants were afraid to leave for their jobs, worried their homes would be destroyed in their absence. Garbage has piled up and the state noted a rodent infestation.

To Gill, it feels like being under attack.

“You could describe it like living in Germany and having the Nazis coming and knock on your door,” she said.

The Werners and their representatives have said there are various electrical issues and other maintenance and safety concerns at the park and people need to leave. But the state says it has not received specifics from the Werners, despite being told this information would be provided.

### **Police presence**

The Werners, through their company Deer Point Meadows Investments LLC, bought the Beacon RV park business from current Ilwaco Mayor Mike Cassinelli earlier this year for \$1.5 million. The park is located on land leased from the Port of Ilwaco and many tenants have lived there for years.

The Werner's actions at the park since before they formally took ownership have been a source of community consternation and the Long Beach Police Department has become a semi-regular presence at Beacon RV.

Just after the sale was finalized, tenants called officers down when one of the Werner's representatives showed up openly carrying a gun and saying he was there to begin removing trailers. Chief Flint Wright told the man he couldn't take away any private property without a court order.

Long Beach police officers responded most recently last week and again on Monday when demolition crews arrived to tear down some of the trailers.

The police department deals in criminal law, but Police Chief Flint Wright said, "Civil violations can cross over to criminal violations pretty quick if you're not careful. My hope is they'll stay within the guidelines, but I don't know what's going to happen."

With the ongoing turmoil at the park and the recent orders from the state, the police department finds itself in a strange position.

Officers are now documenting everything going on at the park and — so long as it doesn't involve an immediate risk or threat to someone — referring any potential violations by the Werners and their representatives and contractors to the Attorney General's Office.

"This is an area I have never been in, in 30-plus years of being a cop," Wright said.

The Port of Ilwaco and the Werners have asserted that the RV park is essentially a campground meant for temporary stays, without the protections afforded to tenants of long-term facilities. But Wright disagrees.

"Our contention is we look at Beacon RV park as not a campground," he said.

"People have been living there permanently for a long time and that's how we're

approaching this. The only way that anybody is going to be removed from there is with a court order from a judge saying, ‘You shall vacate the premises.’”

### **Community backlash**

Concern about the fate of the park’s remaining tenants and questions about the role of local government has sparked stormy back-and-forth debates at port and city council meetings in Ilwaco.

The park has been home to as many as 100 people, according to local estimates. But “due to Beacon RV’s unlawful behavior, a majority of tenants were forced to leave the park,” the state noted in its order.

With few affordable rental options across Pacific County, steep costs, crowded RV parks elsewhere and little time to prepare for such a big change, many of Beacon’s tenants have been unsure about where they will go. Many live on minimal or fixed incomes; among them are people who are elderly, disabled or facing other health issues.

Cassinelli and Port of Ilwaco Commission Chair Butch Smith maintain there is little to nothing the city or the port can do to address the situation at the RV park — an answer that has not satisfied park tenants or others advocating on their behalf.

At a recent Ilwaco City Council meeting, Cassinelli was forced to recuse himself from future discussions of the park after a vote by the majority of the other city councilors.

### **Eviction lawsuits going forward**

After issuing several vacate notices to tenants earlier this year that were either rescinded or considered unlawful by the state, the Werners began formal eviction proceedings against 15 remaining tenants through the Pacific County Superior Court in June.

Robina Rayamajhi, an attorney with Thurston County Volunteer Legal Services, represents nine of the tenants, including Gill. She filed a response to the eviction lawsuits last week and cited a number of factual and legal issues with the lawsuits.

She can't say what will happen next as the matter winds its way through court. For now her goal is to help her clients achieve their individual wishes when it comes to their residency at the RV park.

"I know none of them really want to be there," she said. "It's not a great situation to be living in."

Meanwhile, the Werners have until Aug. 20 to request an administrative hearing regarding the Attorney General's cease and desist order or the order will become permanent.

KMUN reached out to the Werners for comment, but received no response.

## Safety & Emergency

Emergency Info < <https://kmun.org/footer/emergency-communications-in-the-coast-community-radio-service-area/>>

Disaster Preparedness < <https://kmun.org/footer/disaster-preparedness-tips-from-coast-community-radio/>>

Federal Legislators < <https://kmun.org/footer/contact-federal-legislators-to/>>

Government Links < <https://kmun.org/footer/government-in-the-coast-community-radio-coverage-area/>>

Power Outage < <https://kmun.org/footer/what-to-do-in-a-power-outage/>>

Stay Safe: Be Informed < <https://kmun.org/footer/stay-safe-at-the-coast-be-informed/>>

School Closures < <https://kmun.org/footer/columbia-pacific-school-closure-information/>>

Web Cams < <https://kmun.org/footer/web-cams-in-the-columbia-pacific-region/>>

## Newsire

NW News Network < <http://nwnewsnetwork.org/>>

National Public Radio < <http://www.npr.org/>>

The Current < <https://issuu.com/eomediacc/stacks/bc4812ea27234683861bdee1d54e378a>>

Newspapers < <https://kmun.org/footer/newspapers-in-coast-community-radio-coverage->

area/>

### FCC & CPB Compliance

FCC Applications < <https://kmun.org/fcc-applications/>>

KMUN-FM Public File < <https://publicfiles.fcc.gov/fm-profile/KMUN>>

KTCB-FM Public File < <https://publicfiles.fcc.gov/fm-profile/KTCB>>

KCPB-FM Public File < <https://publicfiles.fcc.gov/fm-profile/KCPB>>

Public File Disability Assistance < <https://kmun.org/about/public-file/>>

CPB Community Service Grant (CSG) Compliance < <https://kmun.org/about/cpb-community-service-grant-csg-compliance/>>

Community Advisory Board (CAB) < <https://kmun.org/about/coast-community-radio-community-advisory-board/>>

Most recent EEO report < <https://publicfiles.fcc.gov/api/manager/download/0992e6b6-f98d-6902-899e-c5b3d0950d77/7639c716-1a0f-40ed-8554-dbc91e878293.pdf>>

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Up ↑

# EXHIBIT 3

# EXHIBIT G





































