

Jeff K. Owen
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Benton City, WA 99320

October 16, 2017

Kathy Bowman
Guardianship and Elder Services
Administrative Office of the Courts
P.O. Box 41170
Olympia, WA 98504-1170

RE: Grievance No. 2017-066

Ms. Bowman,

This letter is in regard to grievance no. 2017-066, in response to Kristyan Calhoun's response to the complaint.

I am responding to each of her statements in her letter to you in the same order for clarity. Supporting documentation is attached to this email.

1. Failed to pay utility bills (phone and electricity). Bounced check to assisted living facility.

There were several instances where this arose, and I was resistant to take any action on the advice of my lawyer – taking action could upset Kathryn and certainly would pit Kristyan Calhoun against me. I didn't want my mother to know how bad things were getting with the finances as she had already indicated she was stressed about other things. However, with the disconnection of the cabin utilities and a notice that Kathryn was being sent to collections for failure to pay, I felt that her safety and future as well as mine were at risk. There had been too many instances of this happening with Kristyan. It also was clear that Kristyan was not operating in Kathryn's best interests.

Failure to pay utility bills (phone and electricity). Supporting documentation is in the file "Lapsedbillsinfo.pdf"

- On October 28, 2016 my sister Kristi advised me that she was POA and to immediately cease paying bills for my parents. I contacted a lawyer who advised me to abide by that request until we could meet.
- On November 11th, I emailed a spreadsheet (Exhibit A) with a list of bills that had recently been paid and bills upcoming to my lawyer Tyler Farmer. I included policy numbers, account numbers, and due dates for those bills. I was advised at that time that Kristyan was having Kristi Ernsberger pay the bills. Included on that spreadsheet you will see that there is a notation that there is an annual bill for the cabin electricity that had not been received, and a bill for the cabin insurance that had not been received (annual bills typically due in the spring).

- On November 28th, my wife and I met with Kristyan Calhoun at her office and handed the bills and spreadsheet to her. We went through each item line-by-line including the cabin bills. My wife also shared the spreadsheet with Kristyan's office electronically.
- In the December 2016 or January 2017 timeframe I learned that Kristyan had changed the address for Keith and Kathryn's mail to go to her office. I received little if any further mail for them after that point.
- In March of 2017, in the attached email, you will see that Kristi Ernsberger asks about a phone disconnect notice that Kathryn had received at Highgate for failure to pay. It is unclear why the bill was not paid, but does show a pattern.
- In early August of 2017, we were at the family cabin and the Benton REA came out to disconnect the power to the cabin. We asked why and the employee said it was for failure to pay. We called REA and asked about it. They stated that they had reached out numerous times to Kathryn and her guardian and had received no response.
- The utility bill to the REA did go to collections.

Bounced check to Highgate House. (supporting evidence in file "NSFCheckInfo.pdf")

- Kristyan states, "*I did not realize that the auto pay agreement would go into effect within that time frame.*" The auto pay was set up in January of 2017 (see email and printout) and was drafted around the same time each month for the prior 5 months (2/13/2017, 3/13/2017, 4/11/2017, 5/11/2017, 6/13/2017). Further, Kristyan or an associate was in the bank 2 days prior to withdraw funds (see statements) and, if competent or responsible, would have been able to notice that the bank account balance was well below the amount needed for the payment and take action to remediate. Kristyan states "*I did also contact the attorneys involved in the case, as well as told Mrs. Owen what had occurred.*" This is not true.

The overdraft occurred June 13th and we received a notice in the mail on Friday, June 16th. I immediately notified my attorney and sent him an email and picture of the overdraft notice that day.

I then followed up on Tuesday, June 20th – a full week after the overdraft occurred with this message to my attorney:

From: Jeff Owen [mailto:jeff.k.owen@gmail.com]
 Sent: Tuesday, June 20, 2017 1:24 PM
 To: Tyler Farmer <tyler@pbtaxlaw.com>; Crista Stai <crista@pbtaxlaw.com>
 Subject: Checking in

Hi there,
 just checking in. Has Kristyan been informed of the NSF? There hasn't been any activity in the bank account. Maybe she's looking for ways to hang it on Jeff now. #nothingsurprisesmenow

:)
 Thanks!

--
 ~ Jeff Owen

he asked if I would like him to contact her and I said yes

Below is what my attorney received back from Kristyan regarding this.

On Tue, Jun 20, 2017 at 1:38 PM, Tyler Farmer <tyler@pbtaxlaw.com> wrote:
 This is Kristyan's response:

Tyler,

I have been notified of the draft being returned. I am truly sorry that this happened. This was due to change over in our financial systems to the SEM fiduciary program. I will pay the \$30 bank fee. I am working with DA Davidson to have bills paid from that account until funds are deposited from the property sales.

Kristyan Calhoun
Director

Again, Kristyan's response could be best classified as a lie. There was no outreach from Kristyan nor any attempt to rectify the situation (the NSF fee has not been repaid to the account).

The result of this low balance in the bank account and Kristyan's bouncing the check is that when I went to deposit rent receipts for the rental and get a check for my mother, the bank informed me that funds would not be available for up to two weeks. Because of the mishandling of funds and suspicious activity, I chose to wait until the bank balance was increased to \$2000 to release the funds on the rent checks.

2. Allowed other family members to access the AIP's finances.

Kristyan states, *"I have no knowledge of any family members accessing Mrs. Kathryn Owen's finances."* Please see attached email between Tyler Farmer (my attorney) regarding Kristyan's knowledge and support of Kristi Ernsberger accessing Kathryn's finances. This has been an ongoing complaint as I do not want to be associated with anything with my sister's name on it due to her history of abuse and false accusations.

Our attorney states in an attached email from April 11, 2017:

On Apr 11, 2017 3:02 PM, "Tyler Farmer" <tyler@pbtaxlaw.com> wrote:
Hi Jeff and Teresa:

I took a look at the spreadsheet and happen to see Kristyan in Court this afternoon so I asked her about ordering checks and the \$100 per week. Kristyan indicated that she ordered the checks for Kathryn and that she is aware of the \$100 per week being taken out. Kristyan also said she believes Kristi may be facilitating Kathryn's trips to the bank to cash the checks, though Kristyan doesn't believe Kristi is taking the money or otherwise using it as a means of financial exploitation.

I expressed some frustration to Kristyan that Kristi would be involved in the finances in any way and reiterated our concern that even a seemingly innocuous amount of \$100 per week could easily become \$1,000 or \$10,000 per week if left unchecked. We are relying on Kristyan to ensure that the money being spent from the account is actually being used for Kathryn's benefit.

At this point Mr. Fry joined the discussion (he was also at Court) and he indicated that Kathryn may be willing to agree to a guardianship where Kristyan controls all of the money (and makes all financial and medical decisions) except that Kathryn would have a separate account with \$500-\$1,000 in it for Kathryn to use however she would like. That account would then be replenished in the Guardian's sole discretion. That would allow Kristyan to monitor Kathryn's spending and cut off the funds if she believes that Kathryn is being exploited. Although this would technically be a "limited" guardianship, it puts all of the issues beyond Kathryn/Kristi's control except the money in that separate account. Give that some thought and let's plan a follow-up discussion.

Further, Kristi was supposedly paying Kathryn's bills per this email from November of 2016:

On Dec 12, 2016 2:04 PM, "Tyler Farmer" <tyler@pbtaxlaw.com> wrote:
Can you send me a copy of the cancellation notice? I will then forward to Kristyan and Amy along with a reminder that Kristi (or Kristyan) need to be paying bills. I'm guessing Kristi didn't pay the insurance with the assumption that the station would be sold and then either forgot or decided not to renew for some reason.

These emails are included in this correspondence in the files "KristiMoneyAccessNov.pdf" and "KristiMoneyAccessApr.pdf"

3. Wrongful death of Keith Owen

This was a complaint that was brought against Kristyan by another family member. When the person came to me about it I asked them not to do it, fearing that Kristyan would retaliate, however I told them it was up to them. They later let me know that they went ahead with it. I received no further updates until after this grievance against Kristyan was filed. The main concern with the wrongful death

complaint is that the family repeatedly asked Kristyan and her staff to get Keith's various medical needs met – pain shots for his hip, eyeglasses, and flu and pneumonia shots. I am attaching our email about the pneumonia shots – we did not receive any information about whether he received the shot or not, and he passed of pneumonia. I will be in contact with that family member to find out the outcome of that complaint, as I have no knowledge. The emails pertaining to this issue are “Keithwrongfuldeath.pdf” and “Keithwrongfuldeath2.pdf”

It is unclear to me why the allegations against Kristi Ernsberger are in any way related to the wrongful death of Keith Owen, but Kristyan states *“I was told by both investigators that they would notify the complainant. Jeff Owen knew that outcome of those complaints before he made this complaint.”* This is false as the complaint against Kristi Ernsberger was made after this grievance against Kristyan. I received no follow-up from Tracey Williams regarding the complaint until late August. I was not the complainant on the wrongful death grievance and so received no update. This kind of accusation from Kristyan hopefully will not distract your attention from the matter at hand – Kathryn's care and Kristyan's misconduct. However, I hope that this does raise a red flag as to the integrity of Kristyan's character and lack of trustworthiness.

4. Harassment of Family Members

Kristyan has repeatedly put her hands on my mother and my sister (as well as other family members) in a very harsh and unwelcome way – grabbing my sister Shelley by the elbow and pushing her, forcing my mother down in a chair and telling her to stop getting up, and numerous other complaints I have received from family members whom I've advised to contact you.

I think that Kristyan's paranoia-fueled letter to you is a perfect example of the slanderous intentional miscommunication that she uses to harass and bully people. Each of her statements is followed by her conjecture about my motives and is demonstrably false. I have had to endure this constant barrage of petty retaliation quietly so as not to upset my mother. However, it is this unending stream of lies that has done the most damage to my mother's relationship with her family, as Kristyan has several whom she targets (myself, my daughter, my other sister).

The whole reason I initiated the guardianship is because my parents (specifically my mother) were being exploited by my sister Kristi and cut off from her family members. This has been a common dynamic which my parents asserted back when they made me the Power of Attorney for them and added me to their joint accounts in 2004. They both said that they trusted me to make good decisions and that if Kristi were PoA “she'd just fight about everything.”

I believed that the contention between the family would be alleviated by a professional 3rd party who had experience defusing family drama and could operate with objectivity. I had already seen previous flare-ups between my sister and mother. In fact, of the whole family, Kristi and Kathryn are the violent ones. I am attaching a letter from Kristi alleging that Kathryn abused my father Keith. I can also provide testimony of Kristi assaulting a family member by punching her and chasing her through Kathryn's house.

I believed that having a neutral 3rd party would be a protection for all of my family members. My wife and I performed a phone interview with Kristyan to ask her how she handled the types of issues we were facing. Kristyan assured us that she was no stranger to difficult family dynamics and she excelled

in bringing resolution through her communication skills. I falsely assumed that Kristyan was telling the truth at that time.

Instead, Kristyan has only driven the family into further turmoil through false accusations and incompetence.

False accusation regarding use of cabin and motives for grievance:

- Kristyan writes: *"I believe that one of the primary issues in this case for Mr. Jeff Owen is his desire to own the family cabin."* This is false. The primary issue is that Kathryn has been exploited by her daughter Kristi while Kathryn was on heavy doses of narcotics and going through radiation for cancer. Kathryn's health was put in danger by Kristi's neglect – Kristi would "forget" to get Kathryn her prescriptions before going on vacation and wouldn't tell anyone until well after she was gone. In fact, I was well aware that filing this grievance would likely end any chance I had of preserving my parents' legacy of the cabin, something my father worked his whole life to buy and maintain for his family, and which the family continues to enjoy. These issues are repeatedly highlighted in our original complaint as well as the GAL report.
- *"Mr. Jeff Owen has had sole access to the cabin for many years. He was paying the taxes, utilities, and insurance for the cabin from his parents' funds."* I am attaching emails and texts from other family members indicating their stays at the cabin, including family reunions. There were others using the cabin as well (including my parents), but this is the documentation I have on hand that proves that my "sole access" to the cabin is false. I also did not pay for the cabin utilities or expenses and request evidence from Kristyan to support her claim that I did. In 2015 I began assisting my mother with her bills because she had become blind and has dementia. At that time I did sign checks for my mother at her request. If it were true that cabin costs were an issue, why didn't Kathryn or Kristyan simply disconnect the utilities and have me put them in my name rather than put Kathryn at risk of going to collections if she didn't want to continue paying the utilities? Or have the utilities prorated across all users of the cabin to share the cost?

Supporting evidence is:

- KristiCabinText1.pdf
- KristiCabinText2.pdf
- KristiCabinText3.pdf
- KristiCabinText4.pdf
- KristiCabinText5.pdf
- KimCabinText1.pdf
- KimCabinText2.pdf
- TomCabinText1.pdf

False accusation and harassment over my father's death and funeral:

On June 11th my father Keith Owen passed away. The events prior to this were very stressful as we had repeatedly asked for him to receive pneumonia shots and it appeared he never did. We aren't sure because Kristyan and her office have only sporadically kept us informed of appointments and activities regarding my parents, frequently only hearing about them by accident after the fact or from the Doctor's offices because Kristyan repeatedly fails to update contact information.

My father died of pneumonia. While at the hospice my sister Shelley and I asked my mother where dad's funeral arrangements were, and that we'd drop by his death certificate and military discharge papers for her. We did so and spoke with Christopher Steward and informed him that our mother Kathryn would be planning the funeral arrangements. My sister and I then took the originals of those documents to my mother and left them in her room. She expressed her gratitude for us taking care of that.

The only communication I received from Kristyan regarding my father's death was this accusatory and confusing email. In her email she and her staff indicate that my mother needed time and that things were moving too fast for her to process. At the same time, Kristyan was scheduling an appointment with Christopher Steward at Keith and Keith funeral home for the next morning. She lied to me and my family and then proceeded to plan the funeral at a time she knew I would have difficulty attending. I had been in business with my father since I was a teenager, running our family service station and ultimately taking it over when he retired. It was extremely difficult to lose him, and her intentional cruelty clouded my pain with her betrayal and lies and my frustration. I wanted to grieve for my father, to find peace, to be with my family. Instead I had to scramble to attend the funeral (accepting a financial loss in my business due to closing) and then defend myself against her accusations. At this time I also received the NSF notice and was extremely concerned that my mother's care was not being addressed.

Also, because of the statement by Joanne Davis in her email that my mother was very stressed, I was concerned for my mother. I had expected Kristyan to at least attempt to alleviate my mother's stress, instead she only magnified the stress and created drama where none needed to exist.

My attorney Tyler Farmer repeatedly expressed his disappointment over Kristyan's treatment of me. My wife spoke with Caela Bianchi around the time of my father's passing and Caela apologized for ever recommending Kristyan, stating that Kristyan was similarly harassing another family of a ward that lived at Highgate. My wife suggested that Caela pass our contact information to them if they needed support.

False accusation that I failed to notify her of a bank account and that her "accidental discovery" of it prompted a grievance:

"I only found out about the CD by accident after the hearing, as a bank teller told me that there was an account listed in Keith's name only." Firstly, I have no idea what hearing this is referring to, and would like to know the date and time of the hearing.

In August of 2016, I had a cashier's check made out to Highgate house from this joint account (which has my mother, father, and self as joint owners on it) for \$6975. The purpose of this check was to tie up my mother and father's savings because the bank notified me that Kristi Ernsberger was attempting to access the accounts and was behaving suspiciously. As their POA and joint account holder with them at that time, I secured the funds in a cashier's check to Highgate so that if anything happened I could still pay their living expenses to Highgate and hopefully mitigate any disruption to my parents due to my sister's suspicious behavior. In November 2016, with the beginning of the guardianship case, I returned the check to the bank account. I notified my attorney, and went over this with Kristyan at our meeting on November 28th, 2016. This check (1234312) was included also in the spreadsheet sent to our lawyer on November 11, 2016 and given to Kristyan on November 28th, 2016, listed under "assets" along with a list of rent checks I'd received.

Furthermore, this account is listed in an email from Tom Ernsberger dated 11/12/2016 as “savings” and does highlight the check for \$6975 that I had taken for Highgate and had not yet returned nor given to Highgate at the time Tom composed the email.

Even with all of that information, Kristyan failed to recognize the account. It is irresponsible and lazy to NOT get a full accounting from the bank of all assets. A simple request with a social security number or a review of prior year’s income tax statements (1099-div, etc) would give a decent representation of Keith and Kathryn’s assets, wherever they may be held.

- *“I believe that he saw the charges for those CD statements and then made his complaint.”* While Kristyan may believe that, it has no bearing on the validity of this complaint. However, to clarify, I had already informed her of the account (as above) 9 months prior. Further, it is unclear to me why seeing charges for the CD statements would prompt anyone to file a grievance. Kristyan has had access to my parents’ assets for 9 months. I filed the complaint for exactly the reasons listed IN the complaint.
- Supporting evidence for my claim that Kristyan was notified of the account and had access to it for 9 months is in the files “KeithKathrynOwen.xls” and “SavingsAccountInfo.pdf”.

5. Failure to protect Kathryn from abusive family members

The only violent family members have been Kathryn and Kristi. Kristi has long held that Kathryn abused Keith and states in her letter to me dated 2015:

“Mom wants everyone else in the family to love her and think she is wonderful, so she is nice to the rest of the family but she is constantly angry with dd and yelling at him. Sometimes it is warranted but a lot of the time she is just irritated by everything he does. Her depression and anxiety over life make it difficult to cope and sometimes her emotions get out of control. Almost every day she shares how she feels isolated, frustrated, and confused about what to do.

The medical provider talked to mom a long time about spousal abuse and mom agreed that it was hard to control herself.

As you know, we never could figure out how dad’s rib got broken last summer when they were here.”

Kristi has long held that Kathryn is abusive, and Kristi also has a history of abusing family members, especially Kathryn. My wife and I have reported numerous times about the time Kristi continually swatted Kathryn during conversations, telling her to stop talking to us. Kristi also has assaulted my niece at a family gathering. Kristi repeatedly bullies my mother as is evidenced in the GAL report. Yet, even with that information at hand Kristyan continues to allow Kathryn to be in harm’s way with Kristi.

6. Isolation/Insistence that family members not speak to Kathryn about money.

Kristyan states that her email regarding family not speaking to Kathryn about her finances stems from my anger over a TV purchase. She states that a visit from me and my remarks about seeing a TV prompted the email dated 4/21/2017 in which she specifically admonishes family from speaking to Kathryn about her finances. (file Kristyan4_21financesreprimand.pdf)

However, my mother didn't have a new TV in her unit until sometime after the 25th of April as noted by my sister's text dated 4/25. Kristyan states, "*Jeff had come to visit and was quite upset that there was a new TV*". (file ShelleyTVText.pdf) I did not see a TV, nor comment on one there wasn't a new t.v. in my mother's unit at the time of Kristyan's email. I cannot look into a crystal ball, and have no reason to even care if my mother has a large or small TV. It is still unclear to me why Kristyan sent this email.

What is important though is that the email was sent for SOME reason, not pertaining to a television, and Kristyan remains unclear/unwilling to state what that reason was. No matter what, there was no TV for me to comment on, nor did I visit my mother and ever say any such thing to her, as Kristyan's email was sent before any TV ever materialized.

Furthermore, while a television is not typically a notable purchase, in light of the lapsed bills and reckless spending habits of Kristyan, it raised considerable suspicion that Kristyan was irresponsible and reckless with my parents' finances. What was Kristyan really trying to hide? I also found it very confusing that I was being admonished not to discuss finances with my mother, while simultaneously being accused of hiding things from my mother regarding her finances.

7. Failure to pay rental real estate insurance, lapse of insurance (11/2016).

- On October 28, 2016 my sister Kristi advised me that she was POA and to immediately cease paying bills for my parents. I contacted a lawyer who advised me to abide by that request until we could meet.
- On November 11th, I emailed a spreadsheet (file KeithKathrynOwen.xls) with a list of bills that had recently been paid and bills upcoming to my lawyer Tyler Farmer. I included policy numbers, account numbers, and due dates for those bills. I was advised at that time that Kristyan was having Kristi Ernsberger pay the bills. Included on that spreadsheet you will see that the insurance payment for the rental property was past due by 2 days. (Printout included in file "lapsedinsurance.pdf")
- On November 28th, I met with Kristyan Calhoun at her office and handed the bills and spreadsheet to her. We went through each item line-by-line.
- On December 12th I received notice that the insurance for the rental was cancelled for non-payment. I called to verify that it was not paid.
- On December 12th I notified my attorney of the lapsed insurance. I am attaching that correspondence along with his response that he would remind Kristyan and Kristi to pay the bills, as apparently they had not been doing so.

Kristyan states that "*The insurance was in Jeff and Keith Owen's names. The bill was mailed to Jeff's home. I received this in the mail after it was already due. Keith had passed away and Kathryn Owen is the executor of the estate. Kathryn's attorney asked that this be paid from the community estate. The bill was paid as soon as I was asked to do so.*"

I actually had to read that statement numerous times before it occurred to me that she was talking about ANOTHER instance of the insurance lapsing, which I didn't know about. I inquired and learned that this second lapse occurred in July, 2017, and my evidence of that lapse and the falsity of Kristyan's statement is below as well as in the file "lapsedinsurance.pdf":

Failure to pay rental real estate insurance, lapse of insurance (07/2017).

1. The bills were inventoried in a spreadsheet and sent via email AND later delivered in person, in November of 2016.
2. Kristyan was aware of and had been receiving insurance invoices since January of 2017. The address on the invoices is identical to the one on her letterhead she used to respond to your investigation.
3. Kristyan states, *"The insurance was in Jeff and Keith Owen's names. The bill was mailed to Jeff's home. I received this in the mail after it was already due."* This is a lie. I did not receive this bill, and in the evidence I provide you will see that it has her mailing address on it, identical to the mailing address in her letterhead.
4. The file I'm providing shows the mailing address had been changed on or before 1/23/2017 – 6 months prior to Keith's passing and 7 months prior to the insurance lapsing for failure to pay. I never received this in the mail.

Multiple times she was late or paid partial payments for the insurance, as is in the statements attached.

My concern about this is that the station is a solid revenue stream for my mother. A mishap without insurance will be a hardship on my mother, and is easily avoidable by simply paying the bills in a timely manner. She is a resident at Highgate House – a facility that does not take Medicaid. She has indicated that she's been happy with the care there and would be very upset to be moved from there.

8. Complained that she lacked the time/capacity to perform even basic duties such as replacing eyeglasses.

We repeatedly implored Kristyan and her staff to assist Keith with his pain management and medical needs. For some reason she nor her staff could quite get him the care he needed. Keith didn't need to attend a vision exam, I simply took the glasses in and had new ones made based off of those. I informed Kristyan's staff at Highgate in person that the glasses were ready to be picked up. The staff member asked, "what do you want us to do about it?" I replied, "pick them up and pay for them, and deliver them to Keith at Highgate."

It is dangerously narcissistic to believe that expecting Kristyan operate within the legal and moral bounds of her position is somehow vengeful. Kristyan's response is so demonstrably false as to be fraudulent.

Rather than focusing on what motive I have for filing a grievance and trying to come up with a victim statement, I'd like to see Ms. Calhoun direct her efforts toward effective resolution of the issues. I implore you to please review this evidence and her false statements and consider sanctioning her.

Thank you,

Jeff K. Owen

