

**SPECIAL AND REGULAR MEETINGS  
OF THE  
RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING 9:30 AM**

**Wednesday, January 22, 2020**

**Commissioners' Meeting Room  
County Administration Building,  
215 S. 4<sup>th</sup> St, Hamilton, MT 59840.**

*Cast*  
*JB*  
*J*

**1. Roll Call**

Commissioner Chris Hoffman, Commissioner Greg Chilcott and Commissioner Jeff Burrows.

STAFF PRESENT:  
Chris Taggart, minutes

**2. Pledge of Allegiance**

**3. Public comment**

None.

**4. Interview A Richardson for Planning Board Corvallis School District Rep**

Attachment - Interview Questions

Present:  
Austin Richardson

**5. Interview A Richardson for Veterans Advisory Board**

Attachment - Interview Questions

Present:  
Austin Richardson

**6. 11:00 AM \*\*\* Continued from 1/16/20 Review with Possible decision: Porter Claim letter \*closed door may be invoked MCA 2-3-203**

Attachment - Porter

Present:  
Rory McCarty, Civil Counsel

Meeting to be re-scheduled at a later date (to be determined).

**7. Public comment on items not otherwise on the agenda**

None.

**8. Adjournment**

**Commissioner Burrows moved to adjourn the meeting. Seconded by Commissioner Chilcott. All voted "aye" (3-0).**

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Chris Taggart, Administrative Assistant

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**Commissioner Jeff Burrows  
Commissioner Greg Chilcott  
Commissioner Chris Hoffman**

**COMMENTS FROM THE PUBLIC**

Members of the audience will be provided an opportunity to address the Board concerning each item on the agenda, and will be afforded the opportunity to comment on items not on the agenda at the end of the meeting or as solicited by the Chairperson. (See protocol for addressing the Board or submitting written comments below.) If you have a petition or other information pertaining to your subject, please present it to the clerk. Please sign the sign-in sheet to document your attendance. Meetings of the Board of County Commissioners' are open to the public except when closed under §2-3-203, MCA. Minutes of public meetings will be made available for inspection by the public.

**AMERICANS WITH DISABILITIES ACT**

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Commissioners' Office (at 406-375-6500) at least 48 hours in advance so that appropriate arrangements can be made. (28 CFR 34.102.104 ADA TITLE II)

**NON-DISCRIMINATION POLICY**

The Board does not discriminate on the basis of race, color, sex, culture, social origin or condition, or political or religious ideas. Statements, gestures and behaviors that threaten the health, welfare or safety of others are prohibited. Violators of this policy may be removed from the meeting

**PLEASE TURN OFF CELL PHONES AND PAGERS WHILE MEETING IN PROGRESS.**

**PLEASE NOTE:** A recording is made of Board meetings. When addressing the Board, please speak into the microphone. State your name and address (spell your name if the spelling is unusual). If you have a petition or other information pertaining to your subject, please present it to the clerk.

To allow all an equal opportunity to participate and to preserve decorum, please:




1. Address the chairperson, not the members of the audience or others.

2. Limit your comments to the allotted time.
3. Confine your comments to the item on the agenda unless the Board is taking comment on items not on the agenda.

The purpose of allowing public comment is to afford all interested persons the opportunity to participate. Comments can be verbal or written. Verbal and written comments carry equal weight. Respect the time of others: please do not simply read a written comment. Instead, present written comments to the clerk. The Board will allow all those who wish to address the Board an equal time and thus may not be able to respond to questions. In order that all can hear and participate, members of the audience are asked to refrain from commenting out of turn or attempting to engage those addressing the Board or Board members unless recognized by the Board.

## **9:30 A.M. REGULAR BOARD OF COMMISSIONERS MEETING**

### **PRELIMINARY BUSINESS**

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Public comment**
4. **Interview A Richardson for Planning Board Corvallis School District Rep**  
Attachment - Interview Questions 
5. **Interview A Richardson for Veterans Advisory Board**  
Attachment - Interview Questions 
6. **11:00 AM \*\*\* Continued from 1/16/20 Review with Possible decision: Porter Claim letter \*closed door may be invoked MCA 2-3-203**  
Attachment - Porter 
7. **Public comment on items not otherwise on the agenda**
8. **Adjournment**

**Wednesday January 22, 2020**

**Ravalli County**  
**Interview Questions for Planning Board Candidates**  
Revised November 2, 2007

1. How do you feel about land use planning in Ravalli County?
  
2. Why would you like to serve on the Ravalli County Planning Board?
  
3. How would your professional, educational, and personal experience benefit the Board?
  
4. How would you handle a situation in which your personal values conflicted with the laws you are charged with upholding?
  
5. Would you feel comfortable making a decision that would be publicly unpopular?
  
6. Land use decisions can foster tense relationships between various interests. Please describe a situation in which you've reconciled conflicting points of view among dissenting parties.
  
7. Serving as a member of the Planning Board will require a significant commitment of your free time. You will be tasked with reviewing proposals, reading staff reports, conducting research, attending meetings, and other related duties. Have you considered the amount of time you would be willing and able to commit to these activities?
  
8. Do you have any questions for us?

**Ravalli County  
Interview Questions for Valley Veterans Advisory Board  
Candidates**

1. Why would you like to serve on the Ravalli County Valley Veterans Advisory Board?
2. How would your professional, educational, and personal experience benefit the Board?
3. What is your experience relative to working with veterans?
4. Are you familiar with veterans claims/benefits processing?
5. Do you understand the mission of the Ravalli County Veteran Service Center?
6. Do you have any questions for us?

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Kris A. McLean Law Firm, PLLC



Kris A. McLean  
Tyson A. McLean

September 27, 2019

Regina Plettenberg  
Clerk and Recorder for Ravalli County  
215 S. 4<sup>th</sup> Street  
Suite C  
Hamilton, MT 59840

VIA MAIL

Re: Violation of Constitutional Rights and Torts Related to [REDACTED]  
[REDACTED] Committed by Lieutenant Jon Moles and Deputy  
Mendoca.

To the Clerk for Ravalli County,

As disclosed in the attached fee agreement, our firm represents [REDACTED]  
[REDACTED] (hereinafter "Mr. [REDACTED]" and Mr. [REDACTED] 12-year-old son, [REDACTED]  
[REDACTED] (hereinafter [REDACTED] in connection with Darby Police misconduct  
stemming from blatant violations of the United States Constitution. Pursuant to  
Montana Code Annotated § 2-9-301(3), this claim is presented to you as the Clerk  
for the Town of Darby. If this claim is not granted within 120 days of its receipt,  
our firm will file a 42 U.S.C. § 1983 lawsuit in Federal District Court in Missoula,  
MT. The events that took place were captured on video camera by Deputy  
Marshall John Ringer (hereinafter "Ringer") and are incorporated here by

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reference. That video evidence should be readily available for your review. Accordingly, only a brief factual background is provided.

On or about December 14, 2018 Ringer responded to a noise complaint at 412 South Water Street Apt. # 11 in Darby, Montana. Ringer approached the door of Apt. # 11 to survey the situation and then took a phone call and walked away from the door. While on the phone, he stated "It's not real loud, but I'll knock on the door and see what's going on." Ringer returned to the door, knocked, and Mr. ██████ opened the door. The video clearly shows Mr. ██████ and Austin ██████ sitting calmly on the couch. Ringer then immediately stepped into Mr. ██████ home and admitted to doing so on video. Mr. ██████ rightfully told Ringer to not come in unless he had a warrant and to "please step back." Ringer did not have a warrant. Ringer did not leave the home. Mr. ██████ repeatedly asked Ringer to step out of his house stating that Mr. ██████ would speak with him outside. Ringer would not leave the home. Mr. ██████ attempted to walk outside of his home and politely asked Ringer to step outside with him. Ringer would not leave and would not allow Mr. ██████ to leave the home. Instead, Ringer stayed in the home and started to make commands. Ringer then shoved Mr. ██████ back into his home and entered further into Mr. ██████ home. Mr. ██████ again asked Ringer to leave the home, but Ringer responded he was there "on a valid reason" and would not leave.

Mr. ██████ once again asked Ringer to leave his home and attempted to politely escort him out to speak with Ringer outside. Ringer would not leave and stated he did not need to have a search warrant to be in Mr. ██████ home. Ringer said he did not care that he did not have a search warrant.

Eventually, Ringer called for backup and other officers responded to ██████ including Darby Chief of Police, Larry Rose (hereinafter "Chief Rose") and Ravalli County Sheriff's officers, Lieutenant Jon Moles and Deputy Mendoca.

The officers handcuffed Mr. [REDACTED] in front of [REDACTED]. One of the officers drew a taser on Mr. [REDACTED] as [REDACTED] watched. [REDACTED] was sobbing and distraught throughout the entire event.

Ringer, Chief Rose and the Ravalli County law enforcement officers arrested Austin [REDACTED] and escorted him out of Apt. # 11, leaving Mr. [REDACTED] handcuffed on his couch. Mr. [REDACTED] remained inside [REDACTED]. Mr. [REDACTED] remained handcuffed inside his home while every officer left the scene. Mr. [REDACTED] then recognized his predicament. There he was, sitting in his own home, handcuffed, not knowing when officers would return. Handcuffed while his [REDACTED] needed his comfort and parenting. Handcuffed in his own home after officers had blatantly violated his rights provided by the Fourth Amendment to the United States Constitution.

Law enforcement did not return to remove the handcuffs from Mr. [REDACTED] wrists for approximately 2 hours. By then, Mr. [REDACTED] had slipped his hands out of the handcuffs so he could attend to [REDACTED]. Mr. [REDACTED] became concerned that act would cause him further issues with law enforcement, so he put the handcuffs back on himself. After waiting handcuffed some additional period of time, Mr. [REDACTED] slipped his hands out of the handcuffs again and waited for law enforcement officers to return. Upon returning to Mr. [REDACTED] home hours after leaving Mr. [REDACTED] in handcuffs, law enforcement threatened him with resisting arrest for removing the handcuffs. Indeed, all of the misdemeanor charges, including resisting arrest, levelled against Mr. [REDACTED] as a result of this incident were ultimately dismissed due to the blatant violation of Mr. [REDACTED] civil rights by the Darby Police and Ravalli County Sheriff's Office.

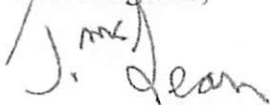
It is axiomatic that the "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *United States v. United States District Court*, 407 U.S. 297, 313, (1972). And a principal protection against unnecessary intrusions into private dwellings is the warrant requirement imposed by the Fourth Amendment on agents of the government who seek to enter the

home for purposes of search or arrest. *See Johnson v. United States*, 333 U.S. 10, 13-14, (1948). It is not surprising, therefore, that the Court has recognized, as "a 'basic principle of Fourth Amendment law[,] that searches and seizures inside a home without a warrant are presumptively unreasonable.'" *Payton v. New York*, 445 U.S. 573, (1980). *See Coolidge v. New Hampshire*, 403 U.S. 443, 474-475 (1971) ("a search or seizure carried out on a suspect's premises without a warrant is per se unreasonable, unless the police can show ... the presence of 'exigent circumstances'"). "Application of the exigent-circumstances exception in the context of a home entry should rarely be sanctioned when there is probable cause to believe that only a minor offense, *such as the kind at issue in this case*, has been committed." *Welsh v. Wisconsin*, 466 U.S. 740, 753 (1984) (emphasis added).

Disturbing the Peace under Darby city ordinance 4-1D-1 gives officers no legal reason to make a home entry. But, with only a noise complaint, Darby police and Ravalli County Deputies entered Mr. [REDACTED] home and then committed including but not limited to assault, battery, wrongful/false arrest, excessive force, false imprisonment, trespass, police misconduct, and intentional and negligent infliction of emotional distress.

Mr. [REDACTED] is an army veteran and became disabled with muscular dystrophy some time ago. [REDACTED] also has muscular dystrophy. Mr. [REDACTED] each demand a settlement for their claims of \$750,000.00 each for a total of \$1,500,000.00. This amount is within the parameters of Montana Code Annotated § 2-9-108(1).

Best Regards,



Tyson A. McLean

Attorney at Law

Kris A. McLean Law Firm, PLLC

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Enclosures: Fee Agreements